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## More the merrier

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Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

So, India's multi-party parliamentary democracy is to be enriched with yet another political party, tilting at the windmills of power. Post-independence, the number of political parties has risen steadily, and to no one's surprise the parties born after independence have not succeeded in dislodging the party that won India's freedom from its honourable pedestal. The Indian National Congress still remains the most widespread, truly Pan-Indian and best organized cadre-based party, although it is now being challenged more intensely and determinedly than in the past. The Congress has had to yield its monopoly on power at New Delhi twice in the post-independence era. It is not at its prime strength and cohesion right now, and no eyebrows will be raised in surprise if it has to vacate the throne once again in 2014.

The principal opposition party, the Bharatiya Janata Party, has gained in political clout even though it began on a small scale and with limited ambition. The failures of the Congress on many fronts and in many states emboldened the BJP to challenge the Congress at the Centre in the seventies of the last century. At that time, the BJP claimed it was a "party with a difference" and hence entitled

to a chance to govern India (*sub ko parkha, ab hum ko parkho*). But the BJP differed from the Congress only in its ideological platform. The BJP is an out-and-out communal organisation, an offspring of the extreme right-wing RSS and has been functioning as the political wing of the RSS whose bark is communally venomous as its bite. In all other respects, it shares all the negative traits of the Congress. Consequently, the BJP is now not a party with a difference but only a different party and a party with internal differences springing, as in the Congress, from open and subrosa struggles for power and pelf.

Some regional parties have performed exceedingly well, sailing their ships adroitly between the stormy waters of the Congress and the BJP. Many of them have managed to capture power in the states through the ballot box. The extreme Left too has done well for itself. It once held sway over three states and even called the shots at the Centre by virtue of being a supporter of the ruling coalition. Its wings have been clipped in West Bengal, one of the three states it ruled for an inordinately long time, by yet another regional party, the Trinamool Congress led by the stormy petrel of

Indian politics Mamata Banerjee.

*Between the lines*

## A conversation with BJP chief

**Kuldip Nayar**

Into this maelstrom of the hotchpotch Indian politics, the erstwhile members of Team Anna and currently leading stalwarts of India Against Corruption plan to make a grandstand entry by floating, of all things, a new political party which is to receive an official name and habitation a few weeks later. "What, another party, as if there is not enough of tomfoolery going on already," the cynical among us may claim. "The more the merrier. Let us have some fun, yaar!," some others may say. It is premature, and also somewhat imprudent to speculate at this stage on how different a party Arvind Kejriwal's proposed formation will be. It may go the way of all flesh and end up as yet another letterhead party, or it may take wings and fly into the skies and beyond.

Kejriwal's proposed entity starts on a positive note in the sense that it wishes to represent the *aam aadmi* (personified in the Indian political lexicon as the "vast middle classes"), fight against corruption, throw out the status quo parties and defeat the VIP system that breeds and sustains corruption. So far, so good. A point in its favour is that its entry is being seen to be supported and hailed by the youth of the country who are expected to transfer their support to Anna Hazare to the new party. But the positives end here.

Kejriwal and his closest ally Prashant Bhushan (their former colleague Kiran Bedi has wisely kept out of Arvind's adventurism along with Anna himself) may find that running a political movement, or to be more accurate a campaign, is child's play compared to running a

A chance meeting with BJP chief Nitin Gadkari proved to be very productive. But it has left me confused. I found him saying more or less what the leftists uphold. I wondered whether their ideological differences had got rubbed on him and the BJP after their joint boycott of parliament and joint demonstrations over the past few months.

Gadkari too talked about overhauling the system, lifting the living standards of the lower half and criticising the successive governments since independence for not doing anything for the poor. At one stage, he said he was a leftist. Yet he made one thing clear lest he thought he had given me a wrong impression. He is a cent percent RSS pracharak and was proud to be so. "I wear kakhi knickers and I feel elated when I stand in a shaka," he said.

I felt confused on yet another point. He admitted to the infighting taking place in his party. "They are already staking their claim to the prime minister's gaddi. I have told them that I am not a candidate." Yet he had no doubt that his party would lead the next coalition government at the centre.

Gadkari assessed that the National Democratic Alliance (NDA) would get 200 seats in the 526-member Lok Sabha. At present the NDA's strength is 114. "Once we cross the figure of 150, you would see how the political parties rush to join the NDA." He was confident about

the Akali Dal's support and even expected Jayalalithaa's AIADMK to come to their side.

The BJP president had no hesitation in admitting that his party would need to get the Muslim vote if it wanted to make the majority. Turning towards me, he said: "You people have spread the impression that we are anti-Muslim. The Hindutva does not mean hostility towards Islam. Our priority is nationalism." I corrected him by saying the country should be the priority, instead of nationalism. He said: "Yes, the country," and elucidated that Hindutva meant a pluralistic society which took pride in the spirit of accommodation and the sense of tolerance.

And then he singled out the Congress party for all that had gone wrong with the country. "It is a party of manipulators and conspirators and it was the Congress which had divided the country into secular and non-secular parts." The Congress had done little for the Muslims either in the field of education, health or employment. It has used them only as a vote bank, he reiterated.

"And see what is happening? They pick up some boys from among the Muslim youth and dub them as terrorists. Certain crimes are framed against them so that a particular act of terrorism had ready-made perpetrators. What choice do the poor Muslims have?" The police has done the greatest harm to the

*(Continued on Page 3)*

community by filing false cases against them, added Gadkari.

He was, however, vocal about one thing. "If ever India had a Muslim majority, it would be converted into an Islamic state. Islam does not know secularism." More or less, a similar remark was made by the then Prime Minister Atal Behari Vajpayee when I was a member of the Rajya Sabha. "India is secular because it is a Hindu majority state. The day Muslims have a majority, they will convert it into an Islamic stage. See the world over where the Muslims are in a majority."

Only on Gujarat, did Gadkari make some observations off the record. But he claimed that the state chief minister Narendra Modi would sweep the assembly election once again. "The state is on the top of development in the country," said Gadkari, in support of his claim.

It was three years ago when I met Gadkari—the only time—when he and I were on the same dais to inaugurate a Marathi newspaper which has folded up since. He recognized me instantly in the waiting lounge of the airport and inquired about my wellbeing. This was in sharp contrast to most Congress leaders, whom I know intimately, just look through me even when I have wanted to talk to them. True, they are politically powerful and make no bones about it. They emit an air of arrogance and authority.

Gadkari was effusive and conversed for half an hour. I found him a down-to-earth person who was miles apart from me ideologically but was not defensive about his views. Even otherwise, I did not find him debating his pronouncements

by raising his voice which would have lessened the impact. A gleam in his eyes was at times more expressive than what he said in words. Those in the BJP should know this. I congratulated him for getting another term as the BJP chief. "I pleaded with none. Nor did I stand in the queue to ask for the position. It has come to me without asking for or canvassing," said Gadkari.

The BJP chief wanted best of relations with Pakistan. "I have told the Pakistanis that both of us should live peacefully as neighbours and jointly fight against poverty. They are wasting money on buying weapons and so on. Imagine the crop the two countries can reap if the money is diverted towards ploughs, tools and technology, instead of guns, tanks and ammunition," he said. Yet, he made it clear that the greatest enemy of the world was

Muslim fundamentalism and he was sorry to see Pakistan getting contaminated by it.

Gadkari does not like China. Even during his visit to the country, he said, he was unhappy because "they think no end of themselves." He has been hurt by some anti-India remarks he had heard. "We can become friends of Pakistan, but not China which has unlimited ambitions," said Gadkari. These were, more or less, the words which Lal Bahadur Shastri had used when he, as Home Minister, visited the forward areas after the India-China war in 1962. I was his press officer.

I had to end my roving conversation with the BJP chief because the plane had landed at Delhi. "Whenever you want I can come down to your house and resume our talk," said Gadkari in his earthy way.

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***(Continued from Page 2)***

political party. All parties start with the hope of changing the world. They end up frustrated at their inability even to change themselves! It is when they begin dealing with public money that the real challenge comes: How honest they let themselves be.

Kejriwal has announced a list of the elements in his vision agenda. No item is original or profound. All of them have been attempted in the past by others as well-meaning as the former Team Anna members. However in politics, performance does not always or necessarily is consistent with ideals, and intentions, however sincere, do not always get translated into deeds and policies and performance. Kejriwal and Co. have to prove that their party is/will be truly different, that

it is embarrassingly transparent and honest and that the *aam aadmi* will always be the intended beneficiary. If it is, it will live to see another day. If not, it will invite its own obituary.

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# The RTI and the Judiciary

**Bapu Heddurshetti**

The Supreme Court of India has delivered another path breaking judgement. Instead of breaking new path the judgement in the RTI case tends to break the existing path and lead the nation astray.

In a judgement rendered on a proverbial 'PIL', a bench consisting of Justices A.K.Patnaik and Swatanter Kumar has held that the Central and State Information Commissions are judicial bodies and should therefore be presided over by only a serving or a retired Chief Justice of a High Court or a judge of the Supreme Court and that since they carry out quasi-judicial functions, they should function in benches of two members with one of the two being a judicial member. The Court has even said that "we observe and hope that these provisions would be amended at the earliest by the legislature to avoid any ambiguity or impracticality and to make it in consonance with the constitutional mandates". It beats anybody's logic that the Court while upholding the constitutional validity of the Act, still says that the Act has to be brought in consonance with the Constitution instead of striking down the law as unconstitutional and thereby in effect allowing a law which according to the Court is not in consonance with the Constitution to hold the field.

However, it is interesting to note that in the year 1996, the first draft of the Act was formulated by a committee, headed by Justice P. B. Sawant, a former Judge of the Supreme Court who was then the

Chairman of the Press Council of India.

The Patnaik-Swatanter Kumar Judgement raises two important questions. The first concerns the validity of the view taken by the Court on the Act and its various provisions and the second concerns the encroachment by the Court on the turf of the executive and the legislature and thereby disturbing the delicate balance that exists between the three organs of the Government - the Executive, Legislature and the Judiciary - and thereby denting the doctrine of separation of powers.

Section 12(5) of the Act says that the "Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance". Terming the criteria as vague and by ruling that the Chief Information Commissioner shall be a serving or retired Chief Justice of a High Court or a Judge of the Supreme Court, the Court has in effect amended Section 12(5) of the Act by changing the criteria for appointment of the CIC laid down by the Act. This is certainly judiciary poaching on the legislative turf.

Though the Court has used the words 'observe and hope' while recommending the amendment to the RTI Act, we do not know when the Court will interpret the words 'observe and hope' to mean

'shall' and direct the Government to get the Act amended or direct the Parliament to amend the Act while holding the threat that if the Act is not amended it would be declared unconstitutional. Even this kind of 'observation and hope' impinge on the legislative domain which belongs to the Parliament alone under the Constitution. What if the Government moves the amendment and it does not pass in the parliament? Will the Supreme Court hold the Government and the Parliament in contempt of court and dismiss both or send both of them to prison? Obviously the advice given by no less a person than the then Chief Justice of India, Justice S. H. Kapadia who said that the judges should apply the 'test of enforceability' while writing their judgements so that they do not say something which cannot be enforced went unheeded with the bench of Patnaik and Swatanter Kumar.

The reasoning of the Court that the Information Commission performs judicial functions and hence should be headed by a Judge is also flawed. For that matter which functionary does not perform one or the other 'judicial' function? Even the executives perform 'judicial' functions. The Executive officers heading the talukas and districts called the Assistant Commissioners and Deputy Commissioners also perform 'judicial' functions and are in fact even called 'magistrates'. Now will the Court say that only judges should be appointed as Assistant and Deputy Commissioners?

The Court says “Without any peradventure and veritably we state that appointments of legally qualified, judicially trained and experienced persons would certainly manifest in more effective serving of the ends of justice as well as ensuring better administration of justice by the commission”. The Information Commission is conceived as a mechanism to provide ‘information’ and not ‘do justice’ to the people or administer justice.

The track record of the Judiciary vis a vis bureaucracy concerning RTI is not very praiseworthy. In this context, to start with, the acts of the then Chief Justice of India, Justice H. G. Balakrishnan who took the stand that being a constitutional authority he is not subject to the RTI, and that of a bureaucrat Wajahat Habibullah who as the Chief Information Commissioner ordered the provision of information by the Supreme Court, needs to be juxtaposed.

Aruna Roy and her colleagues have the following to say in the matter. “Within months of the passage of the RTI Act, the Supreme Court tried to insulate itself from the Right to Information Act. It reportedly first sought a blanket exemption from the Act. That did not succeed, but subsequently various High Courts and the Supreme Court, have drafted rules that not only violate the letter and spirit of the RTI Act, but threaten to defeat the fundamental purpose of the Act to ensure transparency and accountability in government functioning.

“Many High Courts for instance have fixed exorbitant application fees under the RTI. The Delhi High Court has refused to divulge information on appointments of class 3 and class 4 officers in its

offices, taking recourse to rules that prohibit disclosure of information on administrative and financial matters. Recently the Punjab and Haryana High Court rejected an RTI application seeking information on pendency of cases (including writs) in the High Court and the number of cases remanded by the Supreme Court for rehearing and/or expeditious disposal”

“If the judiciary is so persistent in exempting itself, is it not logical to fear that it may undermine the implementation of the RTI Act in the other wings of government? .. The Right to Information Act is a step forward towards opening a closed and secretive judicial system. The preamble of the Act specifically states that India is a democratic republic and in a democracy an “informed citizenry and transparency of information... are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable... The Chief Justice of India, as the high priest of the legal system, must uphold the RTI Act and realise that no institution can be considered credible and inspire public confidence unless it is open and transparent. The judiciary can only occupy the high moral ground it often claims, by setting an example, and leading from the frontlines of transparency; not by hiding behind the veil of secrecy”.

Obviously Aruna Roy and her colleagues are being very modest in their language. What will happen to the RTI machinery with the Patnaik-Swatanter Kumar judgement delivering the entire machinery to the mercy of the judiciary.

The tendency of the judiciary to view everything from judicial

perspective has done more harm than served people. The land reforms in Karnataka would have been bogged down in delays and defeated the very purpose if the power to confer ownership rights on ‘tenants’ had been conferred on judicial bodies. It was conferred on a ‘civil body’ with an executive officer as the presiding officer and hence the reform could be implemented in record time. Our experience with the ‘family courts’ being manned by ‘judges’ has been no good. Though the law mandates that the family disputes should be disposed off within 6 months, it is never done so since the judges preside over the ‘family courts’ and though advocates cannot appear before the ‘family courts’ as of right, they are always permitted to appear leading to inordinate delays due to unnecessary adjournments and technical fights.

The judgement also provides a post-retirement employment exchange for the judges. In their eagerness to provide for post-retirement benefits to their brother judges the bench even ignored Section 13 of the Act which states that the retirement age of the Chief and other Information Commissioners is 65. How can a judge of the Supreme Court who retires at the age of 65 become the Chief Information Commissioner who also has to retire at the age of 65? It is this attitude of the judges which Justice Ruma Pal counted as the 6<sup>th</sup> of the 7 sins of the Judiciary. She called it “Professional arrogance – whereby judges do not do their homework and arrive at decisions of grave importance ignoring precedent or judicial principle”.

And where does the Supreme Court propose to find so many judges to become the Chief Information

Commissioners or Information Commissioners? Karnataka has the unique experience of not being able to find a 'clean' judge to become the Lok Ayukta. While a retired judge of the Supreme Court who was appointed as Lok Ayukta had to resign as he had not only procured two sites one in his name and one in his wife's name, but had also violated the bye-laws of the housing society from which he had purchased his site. Thereafter, whenever the name of a judge was suggested, some public spirited citizens used the RTI, found out that the judge had violated some or the other law and hence unfit to become the Lok Ayukta and the fourth estate hounded them out. One retired judge of the Supreme Court publicly said that his name should not be considered for the appointment.

On the question of accepting offices after their retirement by the judges of the Supreme Court and the High Courts, Chief Justice Hidayatulla, had said that if the practice is encouraged the Judges, instead of being 'forward looking' will start 'looking forward'. Well, he himself became the Vice President of India. The judgement of the Patnaik-Swatanter Kumar has, according to the *Times of India* "boosted post-retirement opportunities for HC and SC judges", making them, according to Hidayatulla "to look forward". Does it not erode the 'independence' of the judiciary?

The second question is that the judgement violently violates the doctrine of separation of powers. In September this year delivering the valedictory address on the occasion of 150th year celebrations of the Madras High Court, President Pranab Mukherjee cautioned that 'Judicial Activism' could erode the

principle of 'Separation of Powers'. He said "Judicial pronouncements must respect the boundaries that separate the Legislature, Executive and Judiciary." While the exercise of powers of the Legislature and the Executive "are subject to judicial review, the only check on the Judiciary's exercise of powers is the self-imposed discipline and self-restraint," the President said.

In the same month a Constitution Bench, consisting of five judges of the very same Supreme Court headed by Chief Justice S. H. Kapadia had reiterated that courts cannot enter into the legislative domain. It had said "If the scope of the Indian Arbitration Act had to be widened, only Parliament could do it".


Delivering a lecture on 'Jurisprudence of Constitutional Structure', Chief Justice S. H. Kapadia said "judges should not govern the country or evolve policies. We need to go by strict principle. Whenever you lay down a law, it should not interfere with governance. We are not accountable to people. .. judges should go strictly by the Constitutional principles which clearly demarcate the separation of powers among the judiciary, the legislature and the executive". He mentioned the judgment of a Supreme Court bench on the recent police action against Baba Ramdev's supporters in Delhi, which made the 'right to sleep' a fundamental right under Article 21. While the Chief Justice wondered "where are we going", a wag was wondering whether the SC would hold the mosquitoes who do not allow people to sleep, in contempt and send them to prison?

Obviously the Patnaik-Swatanter Kumar bench was oblivious of the

judgement in the Arbitration Act case. Even the sane advice given by the Chief Justice of India has gone completely unheeded. In the same month again the Supreme Court passed another judgement in total contempt of the above two advices, trampling once again the doctrine of separation of powers and encroaching on the legislative territory. In the process it has also tried to gobble up more power for itself in sheer defiance of the law of the land and even the Constitution of India.

With the Supreme Court already taking the stand that the persons recommended by it should alone be appointed in the case of appointment of judges, what needs to be done now is to say that all appointments of the Chairpersons of institutions like the Press Council of India, The National Consumers' Forum, the Law Commission of India, etc., must be made by the Collegium of the Supreme Court. Is the judiciary becoming an 'ogre'?

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# A Ray of Hope in an Atmosphere of Despair

Sandeep Pandey

Saeeda Diep is a Lahore based activist who has been working consistently on issues of human rights, women rights, democracy, against patriarchy, feudalism and communalism and on peace and friendship with India. Quite obviously to work in an atmosphere of religious bigotry and everyday violence is not easy for a woman in Pakistan.

On 22nd September, she had organized a convention in Lahore on the occasion of collection of 85,000 signatures on a petition, collected over the last eight months in the cities of Lahore, Multan, Pakpattan, Faisalabad and Okara. This campaign, addressed to the Prime Ministers of the two countries, was for facilitating easier passage across the borders as well as for continuing dialogue until all the disputes were resolved. A seven-member Indian delegation also went to participate in this convention.

Saeeda Diep who is the director of an organization she has built up, Institute for Peace and Secular Studies, is of the opinion that only when citizens of the two countries are allowed to meet more often and in larger numbers the mistrust created over the years will melt away. She has been part of numerous such cross-border initiatives. Peace between India and Pakistan is the goal of her life now. Her dream is to create a home on the Pakistani side of Wagha border where visitors, crossing over from India will feel at home.

The petition says that Pakistan and India should live as friendly

neighbours and not as enemies. It further says that since the two countries have lived under shadow of war for long their potential has been undermined hampering initiatives for poverty alleviation and sustainable development. In a world where coexistence, engagement, cooperation and mutual dialogue are the norm, the petition says, the deficit in mutual trust can be minimized through greater confidence building measures. Finally it advocates easing of visa policy to pave the way for peace and harmony through trade, tourism, collaboration in education and healthcare sectors and renewed people to people contact.

There was a group of youth with Saeeda Diep - Sunil, Raza Khan, Elizabeth, Saima Williams, Salman, Amir, Awais Siddiqui, Naquib Hamid, Raheem ul Haque, Mariam Arif, Taimur Ahmed, Ayesha Arif, Fahim Sheikh and about 50 others - who through hard work, and at some risk, collected the signatures in public places like bus stands.

In September itself, earlier during the visit of India's foreign minister S.M. Krishna, there was an agreement signed with the Pakistani Government to relax the visa regime. For the first time giving group tourist and pilgrim visas is being considered. It will be smoother for businessmen to travel now across the border. Citizens above 65 years and children below 12 years of age and 'eminent' businessmen will be exempt from police reporting. Decision on visa will be taken within 45 days of application. Although such announcements have been made in the past also it remains quite

cumbersome to travel between the two countries. The convention on 22nd September had to be postponed once because the Indian visitors were not granted visa by the Pakistani High Commission in New Delhi.

If one has to travel to Pakistan the visa will not be granted until clearance has been given by the Pakistani Interior Ministry in Islamabad. This implies that unless there is somebody in Pakistan pushing for your case it is virtually impossible to go there. The visa is almost always granted only during the last few days before travel as the Interior Ministry takes lot of time to clear names. Visa when given is valid only for a few cities and one cannot go anywhere else. After obtaining the visa when one arrives at Wagha it is not possible to cross the border without permission of Indian External Affairs Ministry. Such kind of restriction is not there for travel to any other country. It is ironic that if one is travelling by train, bus or air then this particular permission from External Ministry is not required.

Now if one is able to cross all these hurdles and reach Pakistan then reporting to the police is must. If one fails to do this then one may not be allowed by Pakistani authorities to return. One has to be also careful that one has to choose the same way and method of returning as the one used to go into Pakistan. It cannot happen, for instance, that one decides to cross Wagha on foot and then to return by air. One wonders what could be the possible rationale

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# Fail I alone in Words and Deeds!

D. K. Giri

While thinking of the main Opposition party in India, namely the BJP, one is reminded of Robert Browning's famous lines in the poem *Last Ride Together*, "Fail I alone in words and deeds? Why all men strive, and who succeeds?" Whilst the large part of the civil society and majority of the Opposition parties are striving to put the Congress on the mat on a series of scams and on the issues like inflation, FDI in retail, hike in diesel price and limiting the use of cooking gas, Congress comes out unscathed and draws the country's attention to a minor political issue of so-called major reshuffle of the Cabinet. There could be two probable theories for the Opposition failing to bite. One, Congress is powerful enough to split the civil society (Anna and Kejriwal), create dissension in the BJP (planting Anjali Damania to discredit Nitin Gadkari), pushing Mamata out to boost reforms, warming up to the Communists to wreck the Third Front of Mulayam Singh Yadav (who was exploring its revival to boost himself) and so on.

The second is that the Opposition (BJP) is really faltering in putting the Congress on the defensive. I am inclined to believe that the latter is true. The BJP lacks a formidable strategy, imaginative leadership, and is losing the image of being "party with a difference". One could say that if Congress-in-government is accused of policy paralysis, the BJP can be charged with sleep-walking in its strategy. Let me substantiate the charge.

First, the last year, BJP stalled and wiped out the entire winter session of the Parliament, demanding a JPC probe into the 2G scam. Although Congress could have conceded it then and there without going on an ego trip for the whole winter session, BJP was not going to achieve anything more with JPC than it would have done with other investigating agencies, as well as the Supreme Court getting involved in it. Second, BJP took long enough to rein in Yeddyurappa in Karnataka who was facing corruption charges exactly at the same time as BJP was attacking UPA on the 2G scam. BJP's vaunted claim that it was a party with difference (and discipline) fell flat on their face, Yeddyurappa defied the central leadership. He is now thinking of forming a new party having accused, in a letter to the president, of the party of betrayal and released the letter to the press. Yeddyurappa is also reconfirming the typical Indian political culture that the leader is bigger than the party - and BJP is no exception.

Third, BJP fell in behind Anna and Ramdev who drew shot-lived public attention as they rallied people from across the country, those that have been crying for fresh and alternative leadership. BJP extended an olive branch to Anna and Ramdev, identified completely with them even when they were attacking the Parliamentary system itself. The upshot of this was belittlement of the BJP as the main national opposition party, which showed its lack of self-confidence, and gross miscalculation of the impact of Anna's movement.

It has now vertically split, as the closest comrade-in-arm of Anna, Arvind Kejriwal moved away to form a political party. The huge fund of goodwill generated by the movement now lies in tatters. Where does that leave BJP vis a vis Anna Hazare's movement.

Fourth, BJP stalled the last session of the Parliament again as it demanded the resignation of the Prime Minister. It was blatantly undemocratic showing BJP's desperation and lack of strategic thinking. They knew that they could not browbeat the PM to resign. Instead, by behaving as responsible parliamentarians, by debating the issue in the Parliament and outside it, by showing the double-standard of Congress, by drawing a parallel between the resignation of the telecom Minister, A.Raja and the Coal Minister, the PM, they could have exposed and embarrassed the Congress. Again in this episode, by using a wrong tactic, they seem to have lost the goodwill of a vast majority of people. BJP seems to have slipped up in its election strategy. No doubt, the move was aimed at forcing an early election, but whatever the goodwill the party had earned thus far seems to have been lost by this move. With the media reporting on the loss that the disruption would have caused to the taxpayers' money, the electorate is pointing to the BJP as the villain. While kicking off the election campaign in Gujarat, Sonia Gandhi, the UPA chairperson, made the disruption in the parliament as her main plank. She exhorted the



voters to ask the BJP “if they were democratic and if they believed in the constitution of the country”.

Sixth, by opposing FDI, along with the Communists and the Samajwadi Party which is supporting the government, the BJP lost its distinctiveness. By supporting the investment and growth policy, they would have attached conditions to FDI in retail, not outright opposing it. It is understandable that small retailers have formed the traditional support base of BJP; they would be hurt by foreign super markets. But many political analysts maintain that despite its recent rhetoric and government bashing, the BJP doesn't seem to be making much headway among voters. And the BJP risks alienating, as it seeks to appeal to small traders, other voters. Apart from the small traders, BJP's other strong vote base is the urban middle class. So it is most likely that this opposition to the FDI in retail may cost the BJP their traditional core vote base, which is the urban middle class. That section of society stands to benefit from the retail policy which offers the middle class more choice and maybe even lesser prices. Furthermore, the BJP has come out with the latest posture of “without a clear-cut thought” and just for the sake of opposing what the ruling government had brought in. It is presumed that the party is most likely to fall in line if it comes to power after 2014, where it will almost certainly be in a coalition.

Seventh, BJP is not taking a clear position on presenting Narendra Modi as the leader, their most successful Chief Minister. That shows strategic confusion. On the one hand, Narendra Modi has emerged as the star leader of the rank and file of the BJP, on the

other, the painful memories of 2002 communal violence, and the fear of a backlash by the Muslims across the country, keep the regional parties, the potential allies, away from BJP. Given the reception Modi gets from the party workers, BJP will find it hard to dump Modi. On the other hand, BJP cannot attract allies, and voters with Modi at the helm of affairs. Their strongest ally Nitish Kumar, the Chief Minister of Bihar, has been categorical that he would snap the ties if Modi was projected by the BJP as their Prime Ministerial candidate. BJP, indeed, is in a difficult position of “damned if you do, damned if you do not”. BJP must resolve this dilemma on Modi's position in the party.

Eighth, BJP seems to be playing down their Hindutva card in trying to reach out to non-Hindus. It is strange that the original Hindutva icon, L. K. Advani, should talk of secularism in a bid to build a broader anti-Congress platform. Is it electorally advisable for BJP? Supporters of Modi argue that a reassertion of Hindutva under Modi's leadership will polarise Hindu voters in their favour. His opponents contend that it may go the other way as the Muslims across the country would close ranks to defeat BJP. It is no wonder since most ideologies work this way - they could attract supporters, but they could also repel many. In any event, BJP's move away from Hindutva to secularism may sound incredible to voters who may attribute opportunism to BJP that it is diluting its core philosophy in order to get more votes. BJP needs to understand that they can retain the Hindu vote base while embracing non-Hindus if they talk and practice multi-culturalism, not Nehruvian secularism, which Advani calls pseudo-secularism. BJP's transition

to secularism which they have been opposing so far would reinforce the misgivings of opportunism. BJP needs, instead, to redefine Hindutva in terms of cosmopolitanism and multi-culturalism which some of its ideologues do. This is more acceptable and practicable than secularism which has been subjected to varied misinterpretations.

Finally, the uncertainty of its choice of leadership; Nitin Gadkari has been propped up by the RSS even though he has not demonstrated any remarkable leadership signs that befit a national leader. L. K. Advani remains their seniormost leader, but is pushed to the sideline except giving him the respect he deserves. In the second rank, no leader is clearly emerging the strongest which makes room for jockeying for the top post. It is true that, unlike other parties, BJP is a cadre based party and is free from family leadership. Yet, a strong, credible and accommodative leader is what BJP needs. All in all, BJP needs to do a lot of homework in its strategies to put Congress on the back foot.

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# Is it economics versus politics?

**K. S. Chalam**

As Hindus and Indians, we know how God appears at the end of a deep crisis and resolves it as per the requests of the disciples/pundits. It gives an impression as if God is under their control and operates as per their dictates

The political crisis in Delhi due to withdrawal of support to UPA by Didi has enticed commentators to make fascinating observations on economic policy and political affairs. But, the news in English press and media give an impression that the regulators in Delhi did not appear to be worried.

It is only the academic pundits in their disquiet to interpret too many things in one single event that have started attacking economists and policymakers. One may keep in mind that the job of an economist is much wider than the mere business concerns of some or simply growth rates.

There is also a subtle allusion that the whole issue is between the economic policies pursued by government, or maybe a section of the government, and those who oppose it on the basis of convictions.

Thus, the present disarray is basically a leapfrog between those who subscribe to some kind of a political ideology and others who stand for certain economic policies. Is there such a separation between economic policy and political ideology? Is there really an economic crisis or emergency now to force the policymakers in Delhi to embark upon the stream

of reforms at once or something else?

If we look at the policies pursued by different governments either at the Centre or in the States for the few decades, particularly after 1991, one can find that almost all governments followed analogous policies irrespective of the ideology of the party in power.

Otherwise, how could the massive economic outcomes like billions of rupees worth of wealth through mining or share market or IPL, some other superficial activities have been created?

Is it possible to create so much affluence in so few individuals overnight? How many of the so-called economists or bureaucrats are benefitted for part of the deals? How many of the real policymakers and beneficiaries of such policies are brought to book? Unless we address these questions, it is difficult to pose the present crisis as a machination of economists or politicians.

Some of them may be the smokescreen of bigger players who are behind these operations or crises and finally come out with simple solutions to resolve them with ease.

As Hindus and Indians, we know how God appears at the end of a deep crisis and resolves it as per the requests of the disciples/pundits. It gives an impression as if God is under their control and operates as per their dictates.

Though it appears to be simplistic to imagine like that, the cosmic

drama of Indian politics signifies as if a supreme being has made all of us play the worldly characters to satisfy our egos.

The moment we comprehend the non-duality of self and the Brahman (the Supreme Being) or simply realize it as 'maya', we would attain bliss. Therefore, do not try to physically identify him as He appears everywhere; simply follow your karma. This is the ultimate truth of universal and sublime worldview that one can reach being citizens of this country!

One becomes religious and otherworldly after seeing the continuous and unabated play of events without substantial gain to the common man/voter. Therefore, he becomes worldly-wise and tries to get/squeeze as much as possible from those who approach him/her at the time of seeking his/her vote. He is doing his karma and why do you blame him? Let us keep the Vedanta aside and get into the philosophy of survival politics in India.

It appears that all politicians have the same content even if we do not accept the crude adage that it is the last resort of scoundrels. We do not know much about the Bengal society from where Mamata Banerjee has emerged at the national politics and is the centre of present debate. The Bengal bhadrakalok are very intelligent guys and can put anyone in a quandary (there are exceptions) without directly providing answers to our immediate dilemmas.

I noticed a shift in their orientation about five years ago when an old friend known for his radical postures

explained to me that Mamata Didi represented Bharat Mata with her attire and gestures. That was his retort when I told him that I was impressed by her opposition to some policies of the government that affect aam aadmi.

What does it indicate? It may signify that some of the forces that were behind the previous dispensation have slowly shifted to the other side and started formulating agendas of governance. This has perhaps suited well everyone in Bengal as it did not matter much since the superstructure of Trinamool has remained the same without substantial participation of the real proletariat? It is here we may try to understand the sociology of present Bengal so as to comprehend the significance of the utterances of Didi.

Bengal and its indomitable character of a mixture of Dravidian, Mongoloid, Austro-Asiatic and other indigenous groups has never been represented by the national Bengal icons that we are familiar with. There are districts in Bengal where the majority of the population is from Muslim, Dalit and Adivasi groups like Kooch Bihar, Malda, and Jalpaiguri, etc.

In fact, more than half of the population of Bengal consists of scheduled castes (23 per cent), Scheduled tribes (5.5 per cent) and Muslims (25.2 per cent). A recent PhD study by Dipankar Mandal has broadly concluded that caste and tribal divisions still persist in Bengal. Some individual castes among these groups have been tactically encouraged by the previous party in power and are able to challenge the hegemony of the dominant in some pockets.

But, critiques say they are pieces of demonstration but never surfaced

to share power and resources. This may be a formulation that can be contested.

The drama in Bengal is that without giving leadership to the social proletariat, it is possible to come to power through emotional catchphrases to capture the imagination of poor and illiterate. Thus, Didi and her political party are conditioned by the sociology of Bengal which the scholars of

political sociology seem to have not addressed to understand Didi.

Neither the careerist economists nor policymakers do matter here, but the corporate business interests and the games they play would govern the drama in Delhi. Let us watch the moves and manipulations of the unseen spirits/deities that would ultimately decide the future of the country and not necessarily politics and economics.

*(Continued from Page 7)*

behind this rule but it is quite clear that such rules are strictly followed. All these rules apply to Pakistani citizens as well when they are trying to come to India.

If efforts of people like Saeeda Diep bear fruition then it will be a big relief for common travelers between the two countries.

Saeeda Diep has been associated with another movement which achieved a success recently. A group called Bhagat Singh Memorial

Committee of which she is part had been demanding renaming of Shadman Chowk after Bhagat Singh as this is the place where he was hanged. The Pakistani authorities, on the occasion of Bhagat Singh's birthday this year, 28th September, decided to grant this request. Since Pakistani text books don't mention anything about Bhagat Singh, people there don't know about this great revolutionary who was born and brought up on their land. People like Saeeda Diep are trying to keep his memory alive in Pakistan.

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# QUEST FOR SWARAJ

## From Subjecthood to Citizenship

### The promise of Swaraj beckons the future of India

It challenges us to recover the true spirit of Swaraj. It invites us to redeem an old pledge. Swaraj was never merely liberation from the colonial rule. Swaraj promised nothing short of self-rule: people's control over their destiny, power to decide on matters concerning their well-being, to direct the apparatus of power and hold rulers accountable. Swaraj is about rule by the people, not by netas or babus.

Sixty-five years after Independence, the promise of Swaraj is yet to be redeemed. Democracy has been reduced to a tiresome routine that involves electing the rulers once in five years, while being subject to indifference and indignity at the hands of politicians and bureaucrats in between. Political parties are not mechanisms for finding and airing people's voices; all of them have become election machines. These machines are designed to catch voters and use them as foddors to convert money into power and power back into more money. At best these parties hold out an illusory promise of "Good Governance", but that is no substitute for self-government. The very idea of Swaraj is receding from our collective consciousness.

India's future asks this question to all of us: shall we allow the idea of Swaraj to disappear, to disintegrate, to dissolve from our collective consciousness? Or, are we audacious enough to re-imagine, re-integrate and re-build the idea of Swaraj for our time?

### From Popular Protest to People's Power ...

This audacity marked the origin of popular protest in our country against massive corruption in high places. The Janlokp movement began as an expression of popular anger born out of the helplessness and frustration of ordinary citizens in the face of corrupt and unresponsive regimes. Soon the movement became a symbol of people's power against the political establishment.

A wide-spread anger with the visible corruption of politicians and the bureaucrats led to identification of the root cause of corruption. It was not long before corruption embedded in policies and the corruption inherent in the system was identified. It's victim, the ordinary citizen, is not free of the taint of corruption either. Gradually protest against corruption sought new tools; opposition was accompanied by a search for

alternatives. An agitation that began with remedying an institution has evolved into a movement that has taken up the challenge of reforming the entire system.

This moment offers an opportunity for this movement to look back at its own roots and also to look ahead to its future direction. The Janlokp movement draws its inspirations, ideas and icons from our freedom struggle. It belongs to the tradition of patriotism which saw the 'world as one family'. It has drawn its sustenance from people's struggles for popular control over natural resources in the post-colonial era. Thus it has to build upon traditions of popular struggle as well as constructive work. The quest for Swaraj for the last person defines the ideological horizon for this movement.

### ... and now on to transformative politics

This journey has brought us today to the doorsteps of mainstream politics, for politics is the centre stage of the present system, the stage where the system is made and unmade. Over the years, this stage has lost its sheen and has become the site for an unbridled pursuit of narrow self-interest. This puts off and scares the best elements in our society, who decide to stay away from politics. This sets off a vicious cycle: corruption drives good citizen out of politics; their absence in turn makes the political arena worse than before.

Someone has to break this vicious cycle and accept the challenge of stepping on to this stage. The experience of Janlokp movement has taught us that we cannot make any big or enduring change in the system if we turn our back to politics. If politics serves as a shield for all that is unholy in our public life, an attempt to cleanse the system must begin with politics. Someone must stand up to this unholy nexus and build politics of selfless service to the country.

We are not giving up the movement and the path of struggle in order to enter politics, narrowly construed as the game of winning elections and acquiring power. Rather, we enter politics as one more step in our struggle. We do not enter politics to acquire and exercise power; we do so to dismantle monopolies of power and return this power back to the people. It is our firm conviction that movements for social transformation must combine popular struggles and constructive work with electoral politics.

Politics is not an optional activity. If politics is about maintaining or changing the given balance of power, then it is not

confined to what the states and governments do; all the spheres of our life – administration, police, judiciary, economy, society and even family – are implicated in politics. We have only two options: either we determine the course of politics or allow politics to determine the course of our life. Those who wish to shape the course of history in the light of their ideals do not have an option except for politics.

### The idea of Swaraj: our worldview

The idea of swaraj is the cornerstone of our politics. We envision a world where every country, every province, every village and every locality enjoys freedom within its own sphere, where every individual and community can decide on matters concerning their well-being, where demos rules over the governmental apparatus, where community is its own government. We dream of a world without coercion or violence among state, community and individual, where different faiths and cultures live in harmony, where happiness of one is not secured at the cost of unhappiness of another, where each person and community can lay claim to only as much as may be available to everyone else and to future generations, where the relationships between and among nations and between humans and nature are marked by mutual respect and friendliness. We look forward to a state of affairs where each person and society gets to understand, introspect and redefine oneself.

Such a vision presupposes basic transformation in the prevailing system. It would entail:

- That people hold the reins to government and administration, that central government may control only minimum necessary powers and resources, that maximum possible decisions are taken at the level of village or neighbourhood, that people's voice must trump in-between elections too and that public opinion and popular legitimacy must have supreme respect;
- That economic and developmental policies

must suit our context and needs, that what people need must be determined by them, not by experts and officials, that our development must not imitate models from outside, that instead our path of development must be guided by pursuit of equality and the needs of our last person, that we must seek a sustainable balance of development with nature and environment, that we must prevent the growth of monopolies, that we must not allow the logic of capital, market mechanisms and profit motivation to be the sole drivers of our economy;

- That all social hierarchies based on accident of birth must go, that gender and caste inequalities must be attacked forthwith, that affirmative action is needed for those social groups who have suffered from discrimination and disadvantage, that all religions and sect enjoy equal respect and none may be allowed to dominate others, that the interests and rights of the minorities get special protection; and,
- That swaraj in ideas and cultures be pursued, that everyone should receive equal opportunities for quality and relevant education, that linguistic diversities be preserved, that unequal treatment of languages must come to an end, that indigenous and peoples knowledge be respected and preserved, so that we can stand on our feet while we learn from the world.

### Swaraj as peoples self governance: our policy vision

This vision needs to be translated into specific policies after extensive and informed discussion. Embracing politics entails taking a position on all the major questions of our time. At the same time politics also mandates a duty to listen to all sides and to set up a dialogue with everyone concerned. We accept this responsibility in all humility. We shall take up all the major contested issues in the country and provide a platform for informed and open-minded dialogue with the people and especially, with the younger generation. Here we have identified a few of these issues and indicated our initial position, subject to dialogue and debate.

1. There should be an independent, powerful and effective Janlokpal at the Centre and Janlokayuktas at the States to deal with corruption. There should be an effective mechanism for bringing back the black money deposited abroad.
2. There should be broad-ranging electoral reforms, including reforms to eliminate the role of money and muscle-power, to provide the right to reject and to institute the accountability of representatives through the right to recall.
3. The locus of decision-making should be shifted to, or proximate to the people. As far as possible, power and the resources required to execute that power, must be transferred to the village or ward level. Only those powers should be left for upper tiers that cannot possibly be exercised by local communities. People must be consulted directly on key national decisions. Citizens must be consulted on any decision that affects their life or livelihood.
4. Broad-ranging and fundamental administrative, police and judicial reforms need to be initiated so that the interface of the common citizen with public functionaries is not marked by bribes, delays and indignity. All public functionaries should be made accountable to the people.
5. The right of local communities to land, forests, water and all natural resources in their area must be recognized. The state must not acquire land barring exceptional circumstances. Private monopolies in natural resources must be not be permitted.

6. The state must provide free, equal and quality school education to all children. The powers and resources of executing this responsibility must be transferred to the gram sabha. Inequality in educational opportunities between the rich and poor, the urban and the rural or government and private schools, must be eliminated. No student must miss out on higher education for want of resources. Education for-profit must not be permitted. Education must impart knowledge, skills for employment, self-confidence and focus on creating a good human being.
7. The state must take the responsibility of universal health-care. Public hospitals must be equipped to provide complete and free treatment of every kind of disease. The local gram sabha or ward sabha must have the power and resources to run a local hospital. Alternative medical systems and local health traditions must get their due along with allopathy.
8. The future of the country continues to be tied with having a future for village India. Therefore, the distribution of national resources must be proportionate to the population between urban and rural India. Plans for rural development must be made by those who live in rural India and not in the capital cities. All public facilities and functionaries must be under the effective control of the gram sabhas.
9. India's future must have room for agriculture and farmers. This requires that farmers should be able to earn reasonable profit on agricultural yield. Employment opportunities apart from agriculture must also be available in the villages. These objectives mandate transfer of significant proportion of national resources to local communities for this purpose, so that they can make their own plans and remunerative prices do not lead to price rise in foodgrains.
10. The state must accept responsibility for full employment, and appropriate wages for all work. We believe society needs to take care of the elderly, destitute and disabled amongst us and the government to commit adequate powers and resources to the gram sabhas to execute this effectively. Safety-nets are also needed for the interests of unorganized labour.
11. There need to be effective mechanisms in place to stop female foeticide and violence against women. Girls in rural areas must be provided special opportunities to study. The prior approval of the women of the local community be taken before any liquor outlet is allowed to be set up anywhere. One-third of seats in Parliament and legislative assemblies must be reserved for women.
12. There must be effective mechanisms to stop caste-based violence and harassment. Educationally disadvantaged communities must get special opportunities. The system of reservations for Dalits, Adivasis and OBCs must be supplemented by affirmative action for the poor and other disadvantaged communities. In order to ensure that the real benefits of reservations flow to the deserving, those persons, families and communities within the reserved categories who have hitherto not benefitted from reservations must get priority over the well-off. There should be special provisions for the extremely disadvantaged Dalits ( Mahadalits), the most backward OBCs, particularly vulnerable adivasis and NT/DNT nomadic communities.
13. Effective mechanisms should be in place to protect the Muslim community from suspicion, indifference, backwardness and discrimination. It should be ensured that Muslims, especially backward Muslims (pasmanda) enjoy equal opportunity in education and employment. Management of waqfs should be handed over from the government to local communities.

### **Movement rather than a party: our organizational vision**

We need an organization to implement these dreams and policies – an organization that would look like a political party, but not behave like one, a party that belongs to the people and not its leaders. The image of the political party is at its worst today—most of them being victims of individual control, the tyranny of their high-command and specific families. It is virtually impossible for the common citizen, especially women to make their way into these hierarchies in a straightforward manner. The rank and file of the party usually has no role to play in formulating the policies of the party. While these parties accumulate wealth and muscle-power in the name of elections, often even their own workers, let alone ordinary citizens, have no clue of the income or expenditure of these huge sums. In order to distance ourselves from this routine image of the political party, we have a number of special provisions for members of our party.

1. Any citizen of this country should be able to bring a complaint of corruption or the violation of its code of conduct against any member of the party. This will be investigated by the Ombudsman, a Lokpal of the party, comprising retired judges, fully independent of the party leadership. The party will have to abide by its decision.
2. Candidates for elections will be chosen not by the party leadership, but by the party workers at the local level, in an open convention, with participation of local people. The candidate thus will be chosen by the people.
3. The organization will maintain complete transparency in its income and expenditure statements, making public unaudited statement of all sources of donations and expenditures.
4. There will be one-third reservation for women at all levels of party functionaries as well as candidates.

5. Students and young people are expected to play the principal role in the party and so, there would be no need for separate student and youth wings of the organization.
6. The party will be built bottom-up, with all 'top' party officials and committees being elected by those at the 'bottom' and will be accountable to them.
7. No person will serve more than two terms in one position.
8. All complaints about inner-party elections, as well as functioning, will be referred to a committee specially constituted to look into it. This committee will oversee the redressal of grievances as well as maintenance of inner-party discipline.
9. The party will maintain a special relationship with like-minded social movements and will respect their independent identity. All members of the latter will be considered to be Associate members of the party and will have voting rights in the process of selecting candidates for elections.
10. As a rule, the party will respect difference of opinion amongst its members, apart from a minimum ideological consistency. The associated movements and organizations will be free to adhere to their constitutions and carry on their policies and programmes independently as well.

### Politics as ethics: our code of conduct

Politics as we know it carries the risk of moral lapse, of the gulf between words and deeds, of long-term principles being compromised for the sake of short-term success. It is hard to guarantee otherwise. Yet, with a constant self-awareness on these questions and maintaining continuous and open discussion on these issues, the movement can perhaps keep its ethical profile different. We have devised a code of conduct for members of the party, by which they can be assessed and investigated by the ombudsman as indicated earlier. Any member of the public or a party worker is empowered to bring a complaint about any office-bearer or candidate on the following grounds:

1. An involvement in any kind of corruption (including the giving or receiving bribes and tax-evasion)
2. An organized use of violence in political work or having a criminal record or image.
3. Involvement in any action or organization that spreads untouchability, caste or communal hatred.
4. Any kind of exploitation or ill-treatment of women; a reputation of having a poor moral

character.

5. Drug or alcohol addiction leading to being a social nuisance.
6. Non-declaration or false declaration of assets and income.

There will be additional provisions for elected representatives (equivalent or upwards of Zila Parishad members, including MLAs and MPs). These will also be under the purview of the Lokpal of the party for purposes of investigation.

1. The representative will not use any of the usual trappings available to government functionaries—cars with red lights or sirens, unnecessary security etc.
2. The party will decide which part of the income and perks of the office would be availed to live an ordinary middle-class existence.
3. The representative shall not utilize any discretionary privilege (like MP's quotas) or use symbols of institutionalized corruption like the MPLAD Scheme.

### And finally, ours and yours

The quest for Swaraj demands action, it demands sacrifice. The resolve to preserve the idea of Swaraj demands integrity, industry and inner strength. What goes by the name of a party is for us an organization embodying these virtues.

Politics is not merely a duty of despair, but the determination of turning the ideal into the real. Politics is about discovering the light of hope in the heart of darkness. Politics is the bridge that connects knowledge to social reality. Politics is about shaping ideas, building public cultures and indeed, creating a people. Not for us though, a politics that begins with elections and ends with state power. For us, politics is as much about struggle and creativity. Not for us, a politics limited to the external world. For us, politics is as much about an encounter with the inner world-- our homes, our minds, indeed our inner selves.

Politics is our yugdharma, the imperative of our contemporary. We have stepped into politics to protect and promote the endangered dharma of politics. We have entered politics with a dream and a resolve for a better world, a better country, a better society and indeed a better self.

**'We' includes you as well. We, the People, shall fight. We shall win!**

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 This draft vision statement is being released for public discussion. The final version will be released on 26<sup>th</sup> November, 2012. Your comments, feedback and criticisms are welcome and may be sent to A119, Koshambi, Ghaziabad, UP—201010. Email: janlokpal.kranti@gmail.com



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## Prime Minister on test

S. Viswam

The stage seems past in the Kejriwal vs Robert Vadra controversy (over the latter's wrongdoings in his business dealings) for the issue to be either talked out or ignored. The Congress has reportedly distanced itself from the controversy and allowed Vadra to fend for himself. This is typical of this party. True to tradition, when the leader is in trouble, Congressmen go deaf, dumb, mute and blind in order to help in the blatant cover-up that follows. The supreme leader of the party, in this instance, is none but the mother-in-law of the impugned Robert Vadra and happens to be party president and chairman of the United Progressive Alliance to boot. So, how can loyal partymen allow mud to stick on her?

But, as the controversy set off by Arvind Kejriwal, member and leader of the India Against Corruption (IAC) takes its course, an official cover-up seems not only difficult if only because it would be so blatant but also unwise. When Arvind Kejriwal disclosed that the Vadra-DLF dealings raised numerous questions of business ethics and morality, public opinion was reluctant to be supportive of his charges against Vadra. There was a feeling that the charges were politically motivated and timed for the

launch of the new party by Kejriwal-Prashant Bhushan & Co. Indeed, even those sympathetic to the duo's anti-corruption campaign felt that the attack on Vadra was a "below the belt" kind of wild and irresponsible allegation meant to embarrass the Sonia Gandhi family more than Vadra himself. This was why it did not seem odd that ministers, including Finance Minister Chidamaram, rushed to point out a transaction between two private parties could not be subject to a probe on the basis of insinuations and allegations in the air. And, notably, no one was surprised that so many Union ministers thought it fit to rush to Vadra's defence. In the initial stages of the exchanges between Vadra and IAC, Vadra and Kejriwal, and DLF and IAC, it did seem appropriate that Kejriwal should be ticked off good and proper for mounting a patently vilifying kind of campaign against an individual member of India's so-called First Family, a description bestowed on the descendants of Jawaharlal Nehru and which has stuck on since for no better reason than that like many things the media is also a creature of habit.

But the situation has changed. After the release of the second instalment of charges against Vadra

*Between the lines*

## The jingle of coins

**Kuldip Nayar**

by Kejriwal, a strong element of doubt has entered the proceedings. What all the Congress supporters and Vadra supporters claimed as exaggerated and invented has proved to be laden with strong evidence tending to confirm the charges. Leave alone the DLF, the other private party in the deal, now the Government of Haryana (which is under Congress control) has been implicated in circumstances that do not show Chief Minister Hooda in a flattering light. What is more, a group of farmers have stated at a public meeting that their lands were fraudulently usurped by the Hooda government and handed over to the DLF. And the DLF, ladies and gentlemen, is the private party which is bestowing baskets of favours on Vadra for no apparent reason than that he is the first family's son-in-law. Business houses or businessmen are not in business for charity. Hence, it becomes vital to know what national interests were impinged when the players involved in this sordid affair spent their time conferring favours on one another. What is involved is a bit more than strictly business between one individual and one private company. A state government has entered the picture and its claims of probity have to be officially established to the satisfaction of the entire country.

Quid pro quo benefits have accrued to some party or parties. Out-of-turn favours have been done. No one questions Vadra's right to engage in the kind of business he is good at. No one grudges his money-making luck or instinct. But the matter steps across conventional limits and enters the wider arena of public probity if money has been made at the cost of the nation. Vadra or the DLF ought to have

*(Continued on Page 3)*

What the *New Yorker*, an American fortnightly, has told about the Jain brothers, Samir and Vineet, presiding over the *Times of India* group, has been known to most. The contribution by the *New Yorker* is that it has nailed the doubts and confirmed that the biggest media moguls of the country believe that there is nothing sacrosanct about news columns and can be sold for a price because a newspaper for them is a commodity, like talcum powder or tooth paste.

A reader may be shocked to know that the news he avidly reads is paid for. His frustration and helplessness is heightened because he does not realize which part of the story is news and which part is a fake. This violation of editorial standards does not bother the Jain brothers because they treat the profession as an industry to earn money. They feel proud that they have torn ethics into tatters and have still remained the No. 1 newspaper in India. Not only that, they make more money than probably any other newspaper in the world. The great Rupert Murdoch's empire is 20 times bigger than the *Times of India*. Yet he earns less profit.

In a nine-page article, the fortnightly narrates how the Jains treat journalism merely "as a necessary nuisance and celebrates the advertiser as the real customer." Not surprisingly, the *Times of India* does not carry the name of editor in print line because the paper does not have any.

Someone, not they, had said long ago that writing in a newspaper was writing on the back of advertisements. The Jain brothers practise this both in letter and spirit. "We knew we were in the business of aggregating a quality audience. Before that, we just sold advertising space." The *New Yorker* article carries no direct quotes of the Jain brothers. They probably refused to be interviewed.

However, their lackeys, thankfully none from the editorial side, have given a peep into their mind. One lackey says: "Editors tend to be pompous thundering from the pulpit, speaking in 80-word sentences." Vineet Jain himself is clear that to succeed in newspaper business, you must not think like editors. "If you are editorially minded, you will make all the wrong decisions."

True, the Jains have made newspapers into a 'news' paper business. But that is because they have perfected the art of packaging their newspaper, cheapening it and bringing it down to the level of yellow journalism. Yet they do not mind this because they have the distinction of converting the profession into an industry. Editors for them are cheaper by the dozen.

I recall Girilal Jain, the then editor of the *Times of India*, ringing me up one day to ask whether I could speak to Ashok Jain, the owner whom I knew well, to get his son Samir Jain off his back. Giri said that Ashok Jain, whatever his preferences

treated him well but Samir's attitude was humiliating. Ashok Jain said in reply that he could buy many Girilal Jains but he could not find one Samir who has increased his revenue eight times. Inder Malhotra once recounted to me how senior journalists were made by Samir to sit on the floor in his room to write out the names of invitees on cards sent by the organization.

What the Jain brothers have done in their venture to make money is to reduce newspapers to a title-tattle. Journalism is just a facilitator in their business. To ensure this, the newspaper, according to the *New Yorker*, tries to maintain "a robust degree of optimism even in the news space—despite murders and rapes and accidents and tsunamis—and prefers to talk to the inspirational young. Poverty stories are given a low billing."

Business or management departments have come to have more say over the years. I think the tame role of press during the emergency is one of the reasons why commercial interests have come to take precedence. When it was seen the pressmen had caved in without a fight, the management began to push them from the pre-eminent position they once occupied. They are at the beck and call of the business side. We used to throw the press note with BM (business must) into the dust bin.

Since the relationship between business and editorial has become blurred, free expression has got restricted and day-to-day interference has increased. It is an open secret that the management or the business side dictates a particular line dependent on their economic and political interests. That many

owners are sitting members of the Rajya Sabha is not as important as is the fact that they cultivate political parties for seeking favours.

And their indebtedness or proximity to the party or the benefactor is reflected in the columns of newspapers. This relationship is what has got translated itself into "paid news". Stories are sought to be written in a manner where a particular person or a point of view is projected in news columns. Readers seldom detect when information is laced with propaganda or when advertisement is woven into the text of news columns.

However, time has come when a media commission should be appointed to look into all aspects of newspapers, television and radio. When the last press commission was appointed in 1977, we did not have television because it did not exist in India at that time. The whole gamut of media needs to be looked into to determine, among other things, the relationship between owner and editor, journalist and owner, who has circumvented the Working Journalists Act to introduce a contract system, and linkage between TV and the print medium. Today, a newspaper can own a television channel or radio. There is no bar on cross-media ownership. This is leading to cartels which ultimately affect the freedom of the press.

For reasons best known to the ruling party, it does not want to appoint a media commission. Could it be because of the influence of the Jain brothers who have a lot to answer? The Jain brothers must understand that the right to freedom of expression was given to a scribe so that he or she could say anything

without fear or favour. If the piper is to call the tune it will only raise serious questions about the freedom of expression. In democracy, where free information stirs free response, the press cannot be at the whim of a few. A restricted press may well violate the constitutional guarantee for the freedom of expression.

*(Continued from Page 2)*

no objection to the Income Tax department checking their returns. Here, Kejriwal has a point when he says that if Chidambaram himself clears Vadra's name without an inquiry, how dare the department interfere.

Kejriwal and Prashant Bhushan are morally obliged to substantiate their allegations against the DLF and Robert Vadra. But they must be given a fair chance of doing so. This can be possible only if the Prime Minister himself orders a public inquiry into the charges. No one below the level of the prime minister will dare to order a probe unless the matter is taken to court. But litigation in India is a time-consuming affair and it may take years before probity or its breach is proved. However, since vital questions concerning business ethics and practices have been raised and need answers, and the principal impugned party is a highly placed and influential individual, and above all since the entire controversy has come too close to the centre of power, it is imperative for a probe of the kind demanded by the IAC is ordered. A high-level probe instituted by the Prime Minister himself will carry such weight that all suspicions of a cover-up created by senior ministers rushing to Vadra's defence will be dissipated. Dr. Manmohan Singh, as Prime Minister, must restore the people's faith and confidence in the system. He is on test.

# Floodgates opened for foreign capitalists

**Pannalal Surana**

After allowing foreign direct investment (FDI) in multi-brand retail and aviation, the Manmohan Singh Government has decided to allow FDI in insurance up to 49 percent and in pension as also to allow four foreign private banks to enter Indian market. It is reported that the cabinet has cleared amendments to the Company Law though the details are not given.

In their wisdom, the Congress party has further widened the field of activities for the foreign capitalists in India, so as accelerate the rate of growth. Would that expectation be realized?

Before discussing that point, it is necessary to have a look at the national economic scene as of today. Inflation graph has been rising continuously upwards for the last so many months hurting the people most. Secondly, the rate of employment generation has fallen down to 0.6 percent during the current fiscal year. Agriculture continues to be starved of public investment, so badly needed for picking up of the rate of its growth. Besides, other indices of human development like child and maternal mortality, rate of literacy and provision for public health schemes need urgent attention. Also, revenue deficit of the Central Government is likely to exceed 5 percent of GDP and deficit in foreign trade is increasing rapidly.

Is any one of these issues likely to be attended to favourably by the FDI for which floodgates are thrown open so wide?

Minister after minister is prattling about how much both farmers and consumers will benefit when FDI enters Retail in a big way. One wonders if any of these dignitaries have ever come across even one example in the economic history of any country under the sun in which private traders had paid remunerative or at least reasonable prices to the agriculturists. Even today, the governments of rich countries like the USA, Canada or France are paying substantial subsidies to their farmers. If the latter had received fair deal at the hands of the wholesale private traders, there would not have been any reason for such subsidies. In Independent India, farmers started getting some assured prices only in the eighth decade of twentieth century. And the growers of sugarcane and cotton started getting somewhat reasonable prices only after they formed cooperative processing factories or forced the government to step in the market to assure minimum support prices. If the rulers at the Centre have to dance to the tunes of the foreign capitalists, let them do so. But nobody from the farming community is going to believe them.

FDI is not likely to bring in new technology, except perhaps in packaging.

And, no more there will be employment avenues open to unskilled men and women in the country in the retail trade. The net result would be a heavy drain of profit from our country towards parent countries of those foreign traders.

Allowing FDI in financial sector is much more risky. In the first place it may aggravate inflationary situation. Secondly, it has been observed that the private finance behaves in most irresponsible manner vis-à-vis enterprisers and traders. In the last decade of the last century, they had wrought havoc in East Asian countries like Indonesia, the Philippines, Thailand, etc. It is officially admitted that the bursting of bubbles that caused widespread recession in the USA and consequently in many countries all over the world was due to. A number of level-headed bankers and economists have opined that strict regulation of financial institutions is urgently called for. And here is our world famous economist-Prime Minister, who is boastfully throwing insurance, banking, etc. wide open to the private foreign capital. It is common sense that the service sector by itself cannot invoke production of socially necessary goods. And that exactly is the need of India today. We have to accelerate production in agriculture, dairy, fishery, forestry, etc. plus manufacturing of cheap medicines, paper, and other things of daily use. All the brave attempts at effecting "Reforms" are not likely to trigger off the acceleration process in primary or secondary sectors.

Then why has the UPA-II launched such measures in quick succession? One explanation is that they want to divert attention of the people from various scams that have rocked the country during the last few

*(Continued on Page 6)*

# Let Minerals be Provident Fund of Adivasis!

**K. S. Chalam**

Adivasis or scheduled tribes of India are considered as one of the oldest communities of the world. They are indigenous people of the country and were pushed into the forests and jungles after the alien settlers from North, North East and other directions entered the country in prehistoric times. Those who remained on the plains were acculturated and assimilated into several castes mostly into the so-called scheduled castes as per studies of some scholars. Thus, the Adivasis are believed to be the native Indians apart from other social groups who claim similar status either based on sociological considerations or genetical bonds. Several scholars, Indian and foreign including the Indologists have established the origin of the adivasis in historical times and lamented that they had been socially marginalized and economically deprived.

It is a known fact that the concept of private property was originated as a colonial construct particularly in relation to land holdings with the advent of the Permanent Settlement in 1793. Land was commonly held by the communities and there were different types of land holdings in different regions of the country before the British had introduced the concept of eminent domain and the draconian Land Acquisition Act 1894. It is weird to notice that the tribals, dalits and other marginalized and powerless groups in the country were deposed out of their lands and habitations under the same Act in the name of development for the last 120 years. The government of

India has realized the drawbacks of the Act and brought out the Land Acquisition Bill 2011 with clauses to protect the common people mostly the Adivasis. The Bill is still pending before the Parliament and the Group of Ministers under MoRD were supposed to have met on 27<sup>th</sup> September to clear the objections raised by some members. The government has already passed the Forest Rights Act 2006 to protect the rights of the tribals on the minor forest produce and to confer titles over lands. In spite of all these protections and Constitutional guarantees under Art 16 (4A), 244, 342 and 5<sup>th</sup> and 6<sup>th</sup> schedules etc, it is reported that around two crores of people were displaced during the post-independence period. In no other country of the world so much of cruelty and displacement has been done to the natives as it is perceived to have been done in India.

There are 8.4 crore adivasis or tribals in India as per the 2011 census. They constitute 8.2 percent of the population and are spread among 635 tribal groups speaking hundreds of languages and dialects. As the most ancient inhabitants of the land, they are the legitimate inheritors of Harappa, Mahanjo daro and other unidentified and undeciphered primeval civilizations. It is attributed by the scholars of West and their followers in India that these civilizations are not historical and might be barbarian due to the fact that they did not have a written word to record their facts of history. They do not allow any questions as to why only written word is considered

if the objective is to record events in terms of alternative means of communication like cave paintings, tablets, cuneiforms and other non-verbal communication techniques as developed by the ancient people before the development of language. It might be a colonial design not to allow any ancient civilization to be the subjects as the colonial masters had hardly a history of two millenniums and would appear to be ridiculous to teach history and culture to the natives.

It has been established beyond doubt that the land and civilization of this country should have been inherited by the so-called tribals. We have adopted a tribal policy from the time of Jawaharlal Nehru and a tribal sub-plan strategy from 1973 as part of planned development. We know the progress achieved by adivasis during the last six decades of planned development. It is in this context, one should understand the agony and steadfast action initiated by Kishore Chandra Deo, the present Minister for Tribal Affairs who had passed orders cancelling mining rights alleged to have been illegitimately issued by the Government of Andhra Pradesh. Those who are familiar with the provisions of the Constitution and Schedule 5 and the detailed process of allotment of land in tribal areas know that it is illegal notwithstanding 1/1970 and Samata case relating to Andhra Pradesh. The act of the Minister is considered by commentators as very significant since no one prior to him sitting in the chair had the guts and knowledge to use the provisions

enshrined by the founding fathers of Republic of India. Deo is the senior most Parliamentarian with sufficient academic background and experience to deal with the issues of this nature and it seems he has given sufficient time and leverage to the government before passing orders, being a Member of Parliament from Andhra Pradesh.

The adivasis are the most deprived and malnourished group with 43.8 per cent living below the official poverty line. The literacy rate is as low as 2 percent at the Mandal level. There are some tribal groups like Savara (sabari) who are present in several states. For instance, the tribe is found in the Eastern ghats spreading across Andhra Pradesh and Koraput and other districts of Odisha. These ancient people are one of the groups going to be affected by mining in Visakhapatnam district. The group could also be seen in Sabarkantak in Gujarat. It is noteworthy that the names of the rivers Sabarmati and Godavari seem to be due to the presence of Sabari plus Goda there. The current issue of licenses for Mining in Eastern ghats that spread in tribal areas of Andhra Pradesh, is alleged to be one of the serious violations of constitutional position. Apart from the environmental, social and cultural degradations that it might cause in one of our most beautiful bio-diversity agencies of the country of which Telugu people are proud of, the economic dimensions have not been discussed so far.

We have forest coverage of 78.2 million Ha in the country, where 70 per cent of the tribals are living. Most of the mineral resources of the country are located in the tribal areas including Araku valley and Galikonda of Visakhapatnam where

the proposed mining was planned and is being cancelled now. Given the socio-economic status of the adivasis being remained the same, and the fragile environment that would affect not only the adivasi inhabitants but the people of the most backward districts of Vizianagaram and Visakhapatnam, the decision of the Ministry is justified. It is not only in the 5<sup>th</sup> and 6<sup>th</sup> schedules but even the lists of the Union and States contain provisions to consult the tribal councils and the Union government before passing any law or granting license for mining in Tribal areas. The Tribal Ministry must have cited in its order the above violations after the Governor, who is supposed to have played his role as per schedule 5 has evidenced little interest in the issue.

In fact, a proposal was mooted by me about two decades ago when Giridhar Gamango (my classmate) was Union Minister to treat the mineral resources of the country as the Provident Fund of adivasis. The concept would facilitate the government to make use of the mineral resources like the Provident Fund of the employees being used through planning process for the development of the country. The Government pays interest (now at 9 percent) for the use of PF accumulations. It is possible to estimate the value of mineral resources used to arrive at the amount of royalty or compensation to be paid to the adivasi inhabitants (keeping environmental concerns). It is estimated that there are about Rs 400 trillion worth of mineral reserves (excluding Coal and Oil) in our country with self-sufficiency in several minerals like iron ore, Magnetite, Copper, Zinc, etc. The annual value of exports is about Rs 226552 crores and is considered as

an important resource for our rapid rate of economic growth. The Mines and Minerals Bill 2011 reported to have made similar proposal of sharing the returns with adivasis has not yet been cleared. Thus, the Ministry of Tribal Affairs has not only prepared a rationale for its order but also provided reasonable grounds for future policy making to treat the minerals located in their area as Provident Fund to help provide succor to hapless Adivasis.

*(Continued from Page 4)*

months. As of today no one has been punished for any of the scams. On the contrary, Kalmadi and Raja have been politically rehabilitated. How have they become so shameless?

There is also reason to believe that these reforms are intended to help pull the American economy from the recessionary situation. The leaders of the ruling clique are doing their best to please their real masters.

The nation is passing through difficult days. Radical activists should close ranks and forge a strong united front of the people which can take on such anti-people rulers.

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## **B. Satyanarayana Reddy**

Veteran freedom fighter and Socialist leader B. Satyanarayan Reddy passed away in a private hospital in Hyderabad on 6<sup>th</sup> October 2012 after brief illness. He was 86. He was a staunch follower of Rammanohar Lohia and Jayaprakash Narayan. He was a bachelor, who dedicated his life for public service and served for long in the Janata Party, Lok Dal and Telegu Desam. B. Satyanarayana Reddy, popularly known as 'Bhaiji' was born on 21st August, 1927 in the village Annaram, Shad Nagar, district Mehboobnagar, Andhra Pradesh, in an agricultural family. He had his primary education in the village Edulabad (of Rangareddy district) in the then Nizam State and thereafter in Kayastha Pathshala and Keshav Memorial School, Hyderabad. After getting his High School education in Vivekvardhini High School, Hyderabad, he got college education at Nizam College. He received his Law Degree from the famous Osmania University of, Hyderabad.

Shri Reddy participated in the "Quit India" movement of 1942 at an early of 14 years, and was arrested when he took out a procession of students against Gandhiji's arrest. Later on he took an active part in the Socialist movement and participated in the Hyderabad Peoples' Movement in 1947. He took inspiration from Mahatma Gandhi, Acharya Narendra Deva and Jayaprakash Narayan and took part in the Socialist activities under the inspiring leadership of Dr. Lohia. He organised Satyagraha against the Nizam's Rule. At the time of merger of the State in the Indian union, he was arrested in 1947 by the Nizam's Government and imprisoned in Central Jail,

Chanchalguda, Hyderabad for six months.

While in prison he started and edited the Urdu Weekly "*Payam-e-Nav*" which he used to circulate among his prisoner colleagues. Before this while he was studying in Class VI, he used to publish a Hindi Fortnightly "*Mukul*".

During the Emergency era he was arrested on 1st August, 1975 and was detained under "MISA" for 18 months in Musheerabad jail during. He was arrested several times during the Congress rule. He had joined the Bhoodan Movement of Acharya Vinoba Bhave under the leadership of Jayaprakash Narayan.

Shri Reddy had wide experiences of Indian politics. He was the Chairman of the Action Committee of the Hyderabad Students' Union in the year 1947-48. He was the General Secretary of Bar Association, City Civil Court, Hyderabad. He was one of the founders of the Socialist Party, Socialist Youth Wing, National High School, Samajwadi Yuvajan Sabha and Janata Party.

He was also Chairman of the Telengana Praja Samiti during 1969-71. He was General Secretary of the Executive Committee of the Socialist Party, 1956-64 and was also the General Secretary of the Janata Party of Andhra Pradesh Unit 1977-79. Thereafter, he was General Secretary of Lok Dal (1979-82). He was Convenor of Jayaprakash Narayan Committee, Andhra Pradesh in 1975.

Shri Reddy had visited Malaysia, Singapore, Rome, Libya, Nairobi (Kenya). London, China, Hong Kong, West Germany, France,

Holland, Switzerland, Netherlands and Norway..

He was elected to Rajya Sabha in 1978 as the nominee of the Janata Party but joined Telegu Desham Party in 1983 and was re-elected to the Rajya Sabha as Telagu Desham nominee in 1984. He was Governor of Uttar Pradesh from 12-02-1990 to 25-05-1993 and later on Odisha. A Telangana state protagonist, Satyanarayana Reddy served as an inspiration for those in the Telangana ement.

Governor E.S.L. Narasimhan and Chief Minister N. Kiran Kumar Reddy expressed their condolences. Shri Narasimhan said that Satyanarayana Reddy was a great freedom fighter and one of the most able and influential public servants of his generation. Shri Reddy visited the residence of Satyanarayana Reddy and paid his tributes to the departed leader. TDP president N. Chandrababu Naidu recalled the services rendered by Satyanarayana Reddy as Rajya Sabha member and Governor. BJP leaders including M. Venkaiah Naidu, Bandaru Dattatreya and State BJP president G. Kishan Reddy described Satyanarayana Reddy as an ideal politician.

-Qurban Ali

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## Decision not to raise the height of SSP welcome

A tripartite conflict over the Sardar Sarovar continues even today but not without political expediency and resultant fraudulent claims. Amidst much controversy and arguments with counters over whether rehabilitation of all Sardar Sarovar project affected families is complete or not, the Resettlement and Rehabilitation Sub Group of the Narmada Control Authority, we learn authentically, has decided not to permit raising of the dam height beyond the present 122 mts to the final 138.68 mts. No construction towards erection of 17 mts gates was permitted since that too would increase further submergence, even when Gujarat, under Chief Minister Narendra Modi was pressing for raising it to 128 mts.

### Fraudulent Consent

Shockingly, the Government of Madhya Pradesh (GoMP), we have learnt, placed the contestable opinion of the 'former' Chairperson Grievance Redressal Authority (GRA), as a basis for raising the dam height, without actually considering the stand of the present GRA. It may be noted that GRA's consent is a pre-condition for any raise in the dam height, as per the Supreme Court's judgement of 2000. Madhya Pradesh, under Chief Minister Shivraj Singh Chauhan, has been denying the existence of 1.5 lakh people in the submergence area, a large number of them being unrehabilitated adivasis and small and marginal farmers, fish workers, landless, potters etc. The people, however, are fighting every inch of battle and the proceedings before the Jst (Retd.) Shraavan Shankar Jha Judicial Commission of Inquiry into Corruption in Rehabilitation,

appointed by the M.P. High Court in 2008 as well as the GRA, which has been handling various issues, clearly expose the false claims of 'rehabilitation'. The GoMP is, no doubt, playing a serious and reprehensible political game of supporting Gujarat with the same political party in power, at the cost of its own natural-resource based communities and its lifeline, Narmada.

Maharashtra, on the other hand, has categorically conveyed that without completing rehabilitation of the remaining, not less than 1,000 dam-affected adivasi families, raising the height of the dam cannot be permitted. The GRA of Maharashtra has also written a strong letter to the Government, conveying no consent for further raise in the dam height. The R&R Sub Group of NCA having taken a fair and legal position, must bring out the truth and take a firm legal stand i.e. no further dam construction without full and faithful compliance on all rehabilitation and environmental measures as per the Narmada Tribunal, statutory clearances, state Rehabilitation Policies and Judgements of the Supreme Court.

The ground level situation, open to verification by anyone, is that out of 51,000 families, not less than 40,000 are still residing in the submergence zone and the largest number of them are in Madhya Pradesh. A massive scam running to the tune of at least Rs. 1,000 crores in the rehabilitation process has been exposed by Narmada Bavhao Andolan (NBA) and the High Court appointed Judicial Commission has been investigating all the aspects

including about 3,000 fake land purchase registries, corruption and irregularities in the declaration of oustees, benefits extended to ineligible persons and compensation of ineligible properties, corruption and irregularities in the construction of civic structures at the resettlement sites, allotment of house plots and disbursement of livelihood grants. No criminal cases are filed as yet, but the Supreme Court has directed no further disbursement by cash or cheque, without the scrutiny of Justice Jha Commission of Inquiry. In Maharashtra too, about 3 crore rupees misappropriation in land purchase for rehabilitation was exposed by NBA and 5 officials have been suspended.

The adivasis from Satpuda and Vindhya mountain ranges in Madhya Pradesh, Maharashtra and those in Gujarat who have lost land since years but are yet to get alternative land are up in the hills, refusing to move without the right to land granted. While a few thousand farmers, including these adivasis, who have only been offered rocky and encroached land or have been given meagre cash compensation packages are asserting their right to cultivable and irrigable land as per the orders of the Supreme Court, thousands of landless, fish workers, potters etc. are awaiting livelihood-based rehabilitation promised by the Narmada Valley Development Authority (NVDA), in its Action Plan of 1993 submitted to the Apex Court. The people's struggle has led to attainment of land based R&R for 11,000 families in Maharashtra and Gujarat, while the challenge to obtain good land continues in M.P, although the state government has

had to establish 88 resettlement sites for the sake of thousands of PAFs.

In this background, there is absolutely no legal basis for filling of waters and flooding 248 villages in the three states, with 193 villages including a densely populated township in M.P. The GoMP has, however, given its sanction to Gujarat's proposal which itself is a legal fraud and gross contempt of the Apex Court's judgement – not once, but many times. The worst of its gimmicks is to confuse the authorities and push the dam ahead by fraudulent data and false reports of 'compliance'

On the environmental front, the Expert Committee appointed by the MoEF in 2008 after NBA raised numerous concerns has concluded that all the three governments, especially M.P., are severely lagging far behind in the implementation of various environmental measures, including catchment area treatment, compensatory afforestation, command area development, fisheries, downstream impacts, archeological impacts, seismicity, etc. These reports have proved that CAD works in the vast command area is yet to be undertaken. Gujarat has shown little progress on canal building, not beyond 25 percent and not less than 20 percent water has been used, while the water ponded by submerging lands of adivasis is being largely diverted to cities and industries, changing the original plan!

In the case of SSP, the Satyagraha of facing waters occurred since 1994 to 2002 and every time the government had to concede to implement the law and uphold the rights of the oustees. The oustees have now moved ahead and have been asserting their right to land, by

occupying and actually cultivating 50 acres of government farm land at Jobat for the past 10 months and are on the verge of reaping the second harvest, even as legal and political action on the ground continues. This very year, however, not less than 1500 acres of land and 300 houses have illegally submerged in M.P. and Maharashtra, twice in the months of August and September, due to release of water from the upstream dams, especially Omkareshwar. The struggle for compensation for the losses also continues.

It is, therefore, time now not to merely expose the political

–**Medha Patkar, Kailash Awasya, Devram Kanera, Surbhan Bhilala, Yogini Khanolkar, Siyaram Padvi**

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## Clinical Trials

In the writ petition filed by Swasthya Adhikar Manch came up for hearing on October 8 before bench of Supreme Court consisting of Justice R.M Lodha and Justice A.R Dave.

Swasthya Adhikar Manch had filed application for directions regarding investigations of clinical trials of New Chemical Entities (NCEs) without approval as drugs for human use anywhere in the world. Advocate Sanjay Parikh appearing for the petitioner, drew attention of the court to the illustrative list of all NCEs and 59th report of Parliament's standing committee dated 8th May 2012, which was submitted to the court. It was pointed out that the parliamentary committee had observed in its report that Indian citizens were being treated as guinea pigs by multinational pharmaceutical industries and the report questioned about role of central and state governments in this matter. During the debate on reply

nexus between M.P. and Gujarat, but also the serious violations of law and large scale social and environmental impacts of the SSP, with ten times increase in the overall costs and less than one-tenth of the promised benefits attained. It is also time for serious review of the entire Project from all angles, coupled with expeditious lawful rehabilitation, before any further work can be permitted. The Narmada Control Authority and the Planning Commission are legally bound to undertake this and we demand the same, as the nation and political leaders pay homage to Gandhiji.

filed by respondents it came to the notice that states do not have any laws and rules on the subject. Many of the trials are happening without knowledge of the state and without monitoring and regulatory systems. Union of India in its reply, informed the court that drafting of rules was under process which also clearly indicates that there were lacunae in the existing rules.

It has also been pointed out that, apart from Madhya Pradesh, there are other states i.e. Maharashtra, Andhra Pradesh, Gujarat and Union Territories where illegal and unethical trials are being conducted. It has also come to notice that the State don't have rules related to clinical trials.

The court has directed all the States and Union Territories to provide information related to status of clinical trials in their states. Court has also asked for independent investigation report if

any carried out by the state within eight weeks.

After hearing both sides, court has stated following points in its order and asked the Ministry of Health and family welfare and CDSCO to file the reply within four weeks.

- 1) The Ministry of health and Family welfare & CDSCO should provide status of number of New Chemical Entities that have been experimented between January, 2005 and 30<sup>th</sup> June 2012.
- 2) Besides this, number of deaths and serious adverse events happened due to these trials, the nature of death and severe adverse event should be provided.
- 3) Provide the list of persons to whom compensation was given, who suffered severe adverse events and family of clinical trial subjects who died.

The parliamentary standing committee has documented that CDSCO is according primacy to the interest of drug industry and compromising the consumer interest. The committee observed that giving permission to the drug company to conduct trials of untested newly patented monopoly drug is being given greater emphasis. Such approvals would have impact on public at large in India.

The petitioners have pointed out how clinical trials, in particular after 2005 Amendment in the Drugs & Cosmetic Rules 1945, have been conducted, using our country as a soft target and the citizens here in as guinea pigs. There is no record maintained by the State with regard to deaths which have taken place from January, 2005 to December, 2006. As per available information from 2007 to June 2012, 2374 deaths

*(Continued on Page 13)*

## Police and Communal Violence

**Asghar Ali Engineer**

It seems quite a stale topic as we know how police behaves during communal disturbances or even before and after that. Recently Prime Minister of the country also expressed serious concern about increasing incidents of communal violence in the country during his inaugural address to one-day conference of Directors General and Inspectors General in Delhi along with intelligence officers. The Prime Minister of the country expresses concern and draws their attention to a problem it could be nothing but very serious indeed.

For first four months almost no communal disturbances took place and I was feeling happy that after all this year may turn out to be my dream year i.e. riot-free year. However, my dream was shattered when series of riots began to take place in U.P. and elsewhere, especially after Mulayamsingh's S.P. was elected to power. It once again proved that riots are politically motivated and has nothing to do with religion. But for sure religious prejudices are spread for political purposes.

Police has to play very crucial role from intelligence gathering to arrest the culprits before they can do harm to quash the riots once they break out to take effective legal steps to punish them so that they do not dare do again. Apart from my experiences with handling of riots by the police in last several decades, the role of police in disturbances this year until now has been not a wee bit different.

What was surprising was that even U.P. police has not changed wee bit despite change of regime in U.P. One expected that under Mulayamsingh regime which came to power mainly because of Muslim support that he will make police behave. However, I was in for great disappointment. The police behaviour, if Mulayamsingh had done at all anything to change it, was quite defiant and it openly helped the rioters. It appeared as if it was a conspiracy to discredit Mulayamsingh immediately after his election to power.

I reached one more conclusion that whatever the regime the police behaves in the same manner. They have been too strongly indoctrinated to change their mind under comparatively more secular regime. But then one can point to Bihar and West Bengal as both the states under Lalu Prasad Yadav and Jyoti Basu and then Bhattacharjya managed to have only few minor riots in last 15 and 30 years respectively. Bihar and West Bengal are still continuing with the same tradition even now under Nitish Kumar and Mamta Banerjee respectively.

May be Mulayamsingh Yadav does not have strong and charismatic personality like chief ministers of Bihar and West Bengal. It requires very detailed study to reach any definite conclusion. What can be said tentatively is that the police submit to only strong Chief Minister who does not use them for his political purpose. And goes by certain principles and sends correct

message to them.

It is also important to understand that whether entire police force from top to bottom has been communalized or at the bottom and middle rung only? Once, during a discussion in the National Police Academy, Hyderabad, I expressed an opinion that those at the top rung are less communal and casteist than those at the middle and bottom rung. A top IPS officer who had come to the Academy, like me to deliver a lecture, strongly disagreed with me and maintained that top officers are anytime worse than those at the bottom or middle rung. I simply said you are an IPS officer so you know better.

But my experience shows it is a mixed bag. There are very secular officers at the top as there are rank communal ones. The Gujarat is the best example for both. There were IPS officers who bended their knees before Chief Minister and carried out all his orders and also those who took a stand and defied him and remained defiant despite tremendous pressures. I have shared platform with the later ones in certain places.

It is not that they were Dalit officers, they were both from high caste (even Brahmins) and those from lower castes. Also, I know of two brothers, both from top castes and of the rank of Director-General of Police, have been, I would say, exemplary secular in their attitudes and have remained consistent throughout their career and showed exemplary courage in handling riot situations.

Well, one may argue they may be an exception and I have nothing to counter this argument. But I have

seen more officers of the kind. In one of the workshops at National Police Academy, Hyderabad wherein IPS trainees from all over India were taking part, three batches were required to present case study of riots and role of police. I and Prof. Ram Puniyani were on panel of judges. Their presentation was so excellent that I told Ram jokingly – let us now take retirement as these young officers are so secular already and don't need any further training.

This is true but unfortunately is not the whole truth. Anytime it would remain a partial truth. For every secular officer, there are several communal officers at all the levels of the force. Their casteist and communal prejudices become quite raw. I have seen and experienced these raw prejudices especially during Bombay riots of 1992-93 and also in Meerut (1987) Gujarat (1985, 2002) and Bombay-Bhivandi riots (1984).

This, I must confess, was at lower levels but it was not very different at the top also, again with some honourable exceptions. This was more due to the fact that most of the policemen (especially at lower levels) as they all read Marathi Samna everyday and spoke that very language about Muslims. Who could dare take action against Samna for writing such provocative language?

What was the stuff of the Chief Minister Mr. Naik? When a delegation of eminent citizens from Mumbai met him urging him to control riots he asked these citizens to meet Bal Thackray as he was provoking riots. In other words Mr. Naik had surrendered his functions to Shivsena Supremeo. How can such a weak Chief Minister ever control riots? And shamefully especially

in Maharashtra (elsewhere too) those police officers who failed to control riots and were subsequently reprimanded by Commissions of Inquiry, were promoted, rather than punished.

For example, the then SP Police during Bhivandi-Jalgaon riots of 1970 was reprimanded by Madon Commission for false arrests and let go the real culprits was promoted instead of punished and ended up as Director General of Police of Maharashtra. Another example that comes to mind is that of Joint Commissioner of Police Mumbai who shot dead 8 madrasa students saying they were rioters and was severely reprimanded by Srikrishna Commission was promoted as Commissioner of Mumbai during Shiv Sena regime. An arrest warrant was issued against him after his retirement but got admitted into hospital on pretext of having heart attack and managed to obtain bail from the Court. Thus he never went to jail even for a day.

Many more examples could be multiplied. And recently one got the opposite example of a CP, Mumbai punished for handling riot situation in an exemplary manner. Mr. Patnaik deserved kudos for handling a rally of 50,000 people in most peaceful manner. Instead of rewarding him, under pressure from Raj Thackray of MNS who also took out rally of 45,000 people to demand action against Patnaik and R.R. Patil, Home Minister of Maharashtra, removed him (Mr. Patnaik) and posted him as Director General of Road Transport, a post where one can do nothing. R.R. Patil, however, saved his neck.

Mr. Raj Thackray who, so far consolidated his position by keeping

*(Continued on Page 15)*

# Nuking Indian democracy

**B. K. Subbarao**

The Kudankulam nuclear power plant in Tamil Nadu has become the Oracle of Delphi to reveal the future of India. It has also become a touchstone to know the worth of Indian democracy.

The crude and cruel ways deployed by the Central and state governments to contain the people expressing in an entirely democratic way their opposition to the Kudankulam nuclear power reactors and also the ease with which false and frivolous criminal cases as well as serious sedition charges have been instituted against them would show that the people in power are too preoccupied with politics and pressing problems to grasp the perils of nuclear power plants in the long run.

If India continues to climb on the curve of nuclear power growth, it is bound to face the problems Japan is now facing after Fukushima Daiichi nuclear disaster in March 2011. Japan now finds it difficult to climb down on the nuclear power.

Japan finds it too expensive and, in a way, impossible to clean up the radiation contaminated soil, forests and water caused by the Fukushima nuclear disaster. The hardships to the displaced people will continue for years together. Even after a few decades, people cannot return to their homes located up to more than ten kilometre radius from the stricken Fukushima nuclear complex. Lives of people are severely disrupted. Food chain is affected, and underwater belt is contaminated. Groundwater with caesium at nine times the government's limit has been found in Fukushima. Scientists

detected radioactive caesium at 10 times above normal levels at 800 km away from Fukushima. The decommissioning of nuclear reactors would greatly increase the problem of long-term storage, which has not been resolved so far by any country, including Japan, which has to take care of 50 years of spent fuel.

A thing to be noted is, compared to the investment and commitment Japan made in nuclear power, India is at best at the starting point. Prior to Fukushima nuclear disaster in March 2011, Japan had about 30 percent of its electricity from nuclear fuels, while India generates even now only about 3 percent from nuclear fuels. Therefore, it is prudent for India to stop building any more nuclear power plants and concentrate on renewable energies as Germany and Japan are doing now. Fukushima opened the eyes of people worldwide. Kudankulam should open the eyes of Indian people and Indian planners of electrical power.

The truth is the global nuclear power corporate sector is as powerful as the global oil corporate sector, and more sophisticated in enticing the leaders of the developed countries like Japan and developing countries like India. The pressure the Japanese government is now facing from the powerful global nuclear power corporate sector to restart the shut-down nuclear reactors in Japan against the wishes of the Japanese people should be an eye-opener to the Indian government as to what it is going to face if India becomes a market place for nuclear power plants against the wishes of the Indian people. Ordinary people in

Kudankulam and Idinthakarai and other nearby villages are sacrificing their lives to help the Indian government to open its eyes.

Nuclear scientists in the department of atomic energy (DAE) should come forward for an open public debate. These scientists are doing a great disservice to the nation as well as to the cause of science in India with their bald statements that all is well with the nuclear installations and nuclear power plants in India. Many things are not revealed to the Indian public. Media, print and electronic, is yet to demonstrate its skills to unearth the mismanagement in DAE. The prime minister and the chief ministers of states craving for nuclear power plants are all ill-informed and insufficiently informed on the injury and loss in store for the nation in the long run from opting for nuclear power plants and neglecting renewable energy sources such as small and medium hydro power plants, solar, wind, biomass and biogas, geothermal and energy saving.

Global nuclear power corporate sector has become restless after Japan announced its new nuclear power policy. The determined and sustained opposition of Japanese people to nuclear power has compelled the present government of Japan, headed by prime minister Yoshihiko Noda, to declare a new energy policy 18 months after the earthquake and tsunami devastated Tokyo Electric Power Co's Fukushima Daiichi plant in March 2011, triggering meltdowns, spewing radiation and forcing some 160,000 people to flee.

Salient points of the new energy policy of Japan are: Limit the life of the nuclear reactors to 40 years, stop building new nuclear power plants, phase out nuclear power by 2030 and restart the shut-down nuclear reactors only if the nuclear regulator permits. Thus, Japan joins countries such as Germany and Switzerland in turning away from nuclear power. In abandoning nuclear power, Japan aims to triple the share of renewable power to 30 percent of its energy mix.

Whether it is a political statement or a real zero nuclear energy option by Japan, time alone will show. But there is an immediate reaction from the United States, France and Britain expressing concerns over the zero nuclear energy option of Japan because they all make money from Japan's nuclear industry. An added concern of France and Britain is that Japan may refuse to take back spent fuel that was sent from Japan to France and Britain for reprocessing. The dealings connected with reprocessing are quite tricky. Japan at present holds 70 tonnes of high grade plutonium.

Without their nuclear power reactors, Hokkaido Electric Power Co., Tohoku Electric Power Co., Tokyo Electric Power Co. and Japan Atomic Power Co. would all go bankrupt. Therefore, the "big business" has already termed the new energy policy of Japan as anti-industry. In the days to come, if the new energy policy is diluted, the agitating Japanese public will raise the slogan of 'anti-people' and if the new energy policy is strictly implemented the "big business" will air the slogan of 'anti-business'. The resulting public debate is bound to work on democratic Japan to gravitate much faster towards renewable energies and energy

saving methods. In all this there is a lesson for democratic India.

In its efforts to phase out nuclear power after last year's Fukushima disaster, Japan has by now approved more than 33,000 renewable energy projects that can receive subsidies under a new energy law that took effect on July 1, 2012. These projects include solar, wind, small hydro and geo-thermal.

Germany is one of the pioneers in the global switch to renewable energies. One-fourth of German electricity was furnished by renewable energies in the first six months of this year (2012). Based on calculations from the German Association of Energy and Water Industries, water, wind, biomass and photovoltaic power plants produced 67.9 billion kilowatt hours of electricity between January and June, 2012. That represents a 25.1 percent share of German electricity consumption.

This has shown the way to Japan, which plans to make up its 30 percent nuclear electricity deficit from out of renewable energies. Certainly, India can plan to have the present 3 or 4 percent of its nuclear electricity from out of renewable energies and become completely free from nuclear electricity. Systematic expansion of renewable energy will not only be good from an environmental point of view, but also in terms of innovation, growth and employment.

Three Japanese anti-nuclear activists who came to India to share their experiences and understanding of the Fukushima nuclear disaster in their country and also to express their solidarity with the people who are continuing their democratic opposition to Kudankulam nuclear plant were not allowed to step out

of the Chennai airport and were deported on September 25, 2012. This is yet another instance to show that Indian democracy is getting derailed on account of the desire to make India a market place for nuclear power plants.

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*(Continued from Page 10)*

have taken place in these clinical trials, some as young as in their 30s. Drug companies, investigators employed by drug companies and Ethics Committees have however claimed that only 37 died due to drug trials.

The learned counsel also pointed out that the New Chemical Entities (NCEs) of which the foreign pharmaceutical companies hold the patents do trials in different countries but the soft targets are developing countries such as India. The data on side effects and efficacy is generated by Multinational Companies (MNCs) in a country like India at very low cost and without fear of any liability/responsibility. Lured by easy money, free trips to foreign countries, free equipments, hefty payments to doctors and collusion of drug controlling authorities, are some of the apparent causes. Constitution of Ethical Committees as private bodies or within a private hospital or a clinic, is another factor which permits unethical risky clinical trials. Therefore, the drug companies (mostly multinational) purely for profits, use the people of our country in clinical trials which are of no benefit to our country or own people.

The court observed that once the parliamentary committee has made an observation and recorded a finding, action should be taken by the Government and they should also bring suitable amendments in law.

—Amulya Nidhi  
Chinmay Mishra

# Is 'Hindu' our identity and Nationalism?

Ram Puniyani

Religious identity has come to the bigger prominence in the social-political space during last few decades. The rise of communal and fundamentalist politics has vitiated the popular perceptions about 'who are we' and this in turn has deepened the divides in the society. Recently RSS supremo, Sarsanghchalak, Mohan Bhagwat stated (September 2012) that, "When we use the word 'Hindu', we refer to everyone in the Indian society—be it Hindus, Muslims or Christians—since it is a word that gives us our identity and nationalism." Will it be acceptable to all Indians? The statement operates at two levels, one religious and two political-national.

Are we all Indians, Hindus, as being stated by Bhagwat? It is true that the word Hindu itself came into use since around 8<sup>th</sup> century, when those coming from the west, Iraq, Iran to this side of the continent coined the word Hindu for those living on east of Sindhu. In their language H is used more often for S, so Sindhu becomes Hindu. This word initially began as a geographical category. Later various religious traditions, Brahmanism, Nath, Tantra, Siddh, and Bhakti, prevalent in this part of the continent started being called Hindu, and Hinduism became the broad umbrella for these different religious traditions. Today while in some parts of the world the word Hindu still has geographical meaning, here in India and broadly at most of the places this word is primarily used as a religious category.

Ambedkar, pained by the ignominies hurled on untouchables by Hindu caste system, expressed his sorrow by stating that, "I was born a Hindu; that was not in my hands but I will not die a Hindu." He embraced Buddhism and left the Hindu religion. As communal politics started coming up to oppose the emerging Indian nationalism, the feudal sections and kings came together to give a religious colour to their opposition to emerging nationalism. In contrast to Indian national movement, they, feudal-lords-kings, posited Muslim nationalism or Hindu nationalism. The parent organization which in due course gave rise to religious nationalist organizations, was United India Patriotic Association (UIPA) formed in 1888. In the formation of this organization Nawab of Dhaka and Raja of Kashi were the main people. Later some other middle class educated elements also joined in. This UIPA was the parent organization from which Muslim League and Hindu Mahasabha emerged.

While Islam, being a prophet-based religion, did not require any redefinition, Hinduism being an umbrella of various religious tendencies required to be defined for providing a base to Hindu religious nationalism. That's how Savarkar came up with the definition that "all those whose *Punyabhu* (Holy Land) and *Pitrabhu* (fatherland) is in this part of the world are Hindus". This was a political definition of Hinduism, as Savarkar was championing Hindu nationalism

and wanted to exclude Muslims and Christians from being a part of nationalism envisaged by him. This definition of Savarkar also included Jains, Buddhists and Sikhs into Hindu fold, calling them as mere sects of Hinduism, which is not unacceptable to the followers of those religions, as these religions are also full-fledged religions.

Now to say, as Bhagwat is doing, that all Buddhists, Jains, Indian Muslims and Indian Christians have a Hindu identity is far from true. It is in a way a political imposition of Hindu identity and thereby Hindu rituals on religious minorities. In the similar vein, nearly two decades ago Murli Manohar Joshi, another RSS Pracharak, the then BJP President, stated that "we are all Hindus, Muslims are *Ahmadiya* Hindus, and Christians are *Christi* Hindus" and so on and so forth.

During the freedom movement, two concepts of nationalism developed. One was the Indian nationalism, which was the hallmark of the founders of Indian National Congress. This was the defining principle of the world's largest ever mass movement, India's freedom struggle. Here nationalism was geographical and religion was personal. Majority of Indians supported this concept and joined the movement, which not only aimed to throw away the yoke of British colonialism but also laid the foundations of caste and gender transformation, and gave the defining principles of Liberty Equality and Fraternity, which came

to be enshrined in our Constitution. The other nationalism was religious nationalism, which began from the landed élites primarily and was later to divide in two parallel nationalisms, which had similar principles. These were Muslim Nationalism (Muslim League) and Hindu Nationalism (Hindu Mahasabha and RSS). These nationalisms not only kept aloof from the freedom movement, were opposed to the mass movement for freedom struggle but they also subtly protected the caste and gender hierarchy of feudal times in the name of 'our glorious traditions' or 'our religion' and so on. These religious national streams took back their nationalisms to ancient times. Muslim League claimed that 'We Muslims are a Muslim Nation since the time Mohammad bin Kasim, established his kingdom in Sindh'. While Hindu nationalists claimed that we are a 'Hindu nation since times immemorial'.

In this understanding, projection of nationalism to the earlier times is totally flawed. The very concept of nationalism begins from the last three centuries or so, while putting an end to kingdoms due to changes in industries and education. Even before kingdoms, there were other patterns of society, which can by no stretch of imagination be called as nations. These concepts of nations glorify the kings belonging to their religions, while they also demonize or look down upon kings of 'other' religions, forgetting that the very system of kingdoms is highly exploitative and hierarchical.

At the same time during the freedom movement, the 'religious nation' concepts gave a status to other religious minorities as the status of second class citizens. This has what has happened in

Pakistan with the logic of Muslim nationalism unfolding there and this is what is happening to Indian minorities with the ascendance of Hindutva nationalism. Hindutva word is again not synonymous with Hindu religion, it is parallel to 'political Islam', Hindutva is 'political Hinduism' so to say. Golwalkar, the major ideologue of RSS-Hindutva had formulated in his book 'We or Our Nationhood defined' that the Muslims and Christians must subordinate themselves to Hindus, else they will not deserve any citizenship rights. In India unfortunately his prophesy is getting actualized by and by, with the rise of communal violence and its aftermath.

To say that we are all Hindus is a political assertion to subjugate religious minorities on one hand and to uphold caste and gender hierarchy on the other. The later part related to hierarchical inequalities is the unspoken part of religious nationalism, political ideologies based on religion. To identify Hindu with our nationalism-identity is to oppose the very concept of Indian nationalism, values of freedom movement and values of Indian Constitution. Such political agenda of RSS as articulated by Bhagwat is to stifle the democratic space offered to us by our Constitution to all of us, including religious minorities, and is an attempt to bring back the Golwalkar's articulation in a more shrewd way. It will also be the beginning of telling the minorities that they will have to follow Hindu rituals, and Hindu holy books, Hindu deities amongst others. So, saying that we regard all as Hindus, is not an expression of magnanimity but is a way to impose Hindu identity on religious minorities. In sum a substance, Hindu is not the identity

of all Indians, its religious identity only of Hindus. And of course 'Hindu' is not nationalism in any sense of the word as our nationalism is Indian.

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quiet on Muslim question and even supporting them, has, in view of 2014 elections, have opted for Hindutva card and hence took out huge rally, investing a lot in it and has killed two birds with a stone – came closer to main Shiv Sena (may be with a view to form an alliance in 2014) and also increased his clout in Maharashtra politics (even if he goes with the Congress) But in this political game an exemplary officer like Patnaik who handles a very serious situation so well, has been sacrificed.

That is why I hear many police officers saying during my workshops that what can we do, we are a pawn on political chessboard. It is true in many cases, even in case of Gujarat where many good officers tried to resist pressure but did not succeed, but it is not always true. Police officers have inbuilt deeper prejudices. For that not only school syllabuses but also police training courses have to be drastically changed and policemen given high pressure secular indoctrination and much more.

Also, what is needed is the judgment of the type of Naroda Patiya in Ahmedabad wherein a cabinet rank minister was given 28 years in prison for provoking communal riots violating secular Indian Constitution. This will discourage these politicians from cheap way of getting elected by playing with raw communal passions of their constituents. We must salute the courage of Justice Jyotsna Yagnik.





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## **Further loss of credibility**

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Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

A Tamil adage has it that fate continues to wound the wounded man and delivers more cruel blows on the broken family. The saying seems applicable to the plight of the ruling UPA at the Centre. A fresh scandal surfaces every passing day, fresh mud is hurled at the government, and the Centre's already-diluted credibility suffers another blow. Never before in its career, now speedily drawing to an end, has the UPA pushed itself into a corner to the extent it has done in the two preceding weeks. The government's vulnerability has touched nadir. It is doubtful if the remedial measures Dr. Manmohan Singh is planning these days, like a cabinet reshuffle, for instance, can restore the establishment's faded élan. Viewing the crisis-ridden situation at the Centre, West Bengal Chief Minister and Trinamool Congress chief Mamata Banerjee observed last week that the government might not last even the next six months. She said that she was banking on her political knowledge and instinct to offer such a prediction. However, it does not need too deep a political acumen or insight to diagnose what ails the government now. Call it bad luck, call it nemesis, call it the wages of the past sins catching up with it, whatever. It seems all over for the

UPA bar an electoral defeat for it to pack up and go well ahead of its time.

A week ago, the government was just recovering from the shock of corruption charges aired against Sonia Gandhi's son-in-law Robert Vadra and demands rising to a crescendo for an independent official inquiry into the dealings between him and the real estate firm, the DFL. We had endorsed that demand and said it was a moment of test for the Prime Minister whose reputation and prestige were at stake. The government seems to have decided to ignore that demand and ride the situation through. This is a bad decision for which the Congress and the government led by it at the Centre and in Haryana may pay a heavy price. That mistake has been compounded by the Haryana government transferring a senior official for daring to act against Robert Vadra's interests and ordering an inquiry. The government says the transfer is innocuous since the high court ordered it, but the sequences in terms of time are questionable. The government's action is clearly motivated. Implied in the transfer, which is widely being seen as punishment for action against Vadra, is the warning that the Nehru-Gandhi family is beyond the pale of law. As the victimized official Ashok

*Between the lines*

## Clean JP versus corrupt dynasty

**Kuldip Nayar**

Khemka rightly comments, the rule of law is not enforced in India when powerful people are involved. Shri Khemka should know: he has been transferred 43 times in the last 19 years of his service for displeasing the government of the day. In the wake of the Vadra-DLF real estate scam, news broke of one of India's largest steel firms making payoffs to senior officials in key ministries and even the media. The name of the Himachal Pradesh Congress stalwart, Veerabhadra Singh, who held office as Union Steel Minister, during the scam period, hit the headlines in this connection. It was blush time for the Congress and the UPA. Blow after blow. The UPA's favourite minister, Salman Khurshid and his wife Louise, were to grab the headlines next as Arvind Kejriwal charged that the Zakir Hussain Memorial Trust run by that family misappropriated government funds issued to the Trust and that various kinds of fraud and financial irregularities had been committed. Central funds were sanctioned to the trust on the basis of forged signatures of UP government officials. As many as 34 officials in 17 districts claimed that their signatures were forged. The law minister and his wife were forced to defend themselves on a variety of allegations of wrong-doing and abetment, all amidst a thick curtain of suspicion and underhand collusion. The minister and his wife have asked for an inquiry even while they have hinted they would seek legal remedies. A state-level inquiry is already on, but the Action Against Corruption leaders have openly expressed doubts about its fairness. They have alleged that the Centre and the UP government were bound to collude in obfuscating the issues involved and would protect each other's interests. What is really called for is an independent probe.

*(Continued on Page 3)*

Revolutionaries have a short span of fame. They are forgotten sooner than their length of struggle and sacrifice has lasted. Mahatma Gandhi, who ousted the British rule, is mostly remembered because of the Indian currency notes which carry his photo. So is the case with the founders of Pakistan and Bangladesh—Quaid-e-Azam Mohammad Ali Jinnah and Sheikh Mujib-ur Rahman are beaming through the currency notes in their respective countries.

Poor Jayaprakash Narayan enjoys no such honour although he effected in 1977 a revolution to release India from the shackles of authoritarian Prime Minister Indira Gandhi. I sensed the neglect even in his home state, Bihar, when I visited Patna, where he was born. Coincidence had it that the day of my visit happened to be October 11, the birthday of Jayaprakash Narayan. No local newspaper had any mention of him, much less carry his photo.

The state government run by chief minister Nitish Kumar, one of JP's leading followers, had taken no notice of the day. There was not even a small official function to recall his services to the state, if not the country. The airport named after him still carries the wrong spelling of his first name, Jai, instead of Jaya.

At Kadam Kuan, where his forlorn residence stands in a congested area, was without any crowd. A few of us queued before his statute to garland him. What shocked me was that

some builders were trying to occupy part of the building which has been converted into a museum, retaining the study and the bedroom of JP as he used them.

Still he was the man who had single-handedly put democracy back on track after it had been derailed. He crushed the mighty Indira Gandhi, then the Prime Minister, in the 1977 elections. He showed how an ordinary person (aam admi) can retrieve his right to speak out, to write or to live freely if he determinedly stands against despots. JP revived the constitution which Indira Gandhi had suspended and gave back newspapers their freedom.

It is another matter that JP failed in his lifetime even after giving the second independence to the people. He fell ill and could not keep an eye on those who took the reins of the government at the centre. There was no difference between Smt. Gandhi's authoritarian rule and non-performing Janata government. I complained to the then Prime Minister, Morarji Desai, that JP was unhappy over his lack of contact with ministers. Desai curtly replied that he had not even gone to meet Gandhiji. "JP is not bigger than Gandhi," said Desai.

Back in Delhi, I saw the debasement of politics. The central government was busy defending Robert Vadra, Congress president Sonia Gandhi's son-in-law. It had been found that he had submitted to

the Registrar of Companies balance sheets which were at variance with the records of a real estate company from which he had purchased properties. He reportedly made some Rs. 700 crore.

But hats off to Ashok Khemka for cancelling the land allotment to Vadra as the Haryana-cadre officer found the allotment illegal. The poor officer has been transferred—40th transfer in his service of 20 years. When such examples come to light, they evoke hope in an otherwise gloomy atmosphere.

I have wondered why the Nehru-Gandhi dynasty has come to be entangled with corruption. No finger was pointed out at Jawaharlal Nehru although he stayed India's Prime Minister for 17 years. Even a charge of corruption against his ministers was rare. T.T. Krishnamachari, the then finance minister, was found involved in helping a company to dispose of its shares to a particular insurance company. Then a commission that probed the charges held him guilty and he had to resign. Never did anybody suspect Nehru. It was not that people like him belonged to an era where only sacrifices were remembered and not the scams which were rare. The fact was that their methods were clean and they never thought of any hanky-panky.

Everything went haywire when Indira Gandhi, Nehru's daughter, came to power. The phase of coterie, connivance at the illicit huge party funds and corrupt deals in public sector undertakings—all are the products of Smt. Gandhi's rule and after. The Congress governments in the states and at the centre became suspects in the eyes of the people. They blamed individual ministers or the party leaders but wondered

how far Smt. Gandhi was involved.

Her reputation got tattered during the emergency and her son, Sanjay Gandhi, gave her the name of a mother who protected her child. His venture, Maruti, to produce small cars with the assistance of a Japanese firm, Suzuki, came to be called Ma Ruti (mother crying). Robert Vadra's venture in building properties worth many crores of rupees reminds one as to how Sanjay Gandhi got the licence to manufacture the car, how he got the land near Gurgaon and how he got an unsecured loan.

Vadra is the first case of a son-in-law becoming a part of the dynasty. Feroze Gandhi, son-in-law of Nehru, was an exposurer of corruption. He was so upright that he did not even live at the Prime Minister's house but had a separate bungalow to which he was entitled as a member of parliament.

It is a pity that Feroze Gandhi's son, Rajiv Gandhi, got contaminated when, as Prime Minister, he finalized a deal to buy the Bofors guns. Bofors, a Swedish firm, gave money, kickbacks, to get the order, again through the pressure that Rajiv Gandhi used on the army selection team. Indeed, Bofors became synonymous for corruption. Rajiv Gandhi lost the 1989 election on that count.

Corruption of the dynasty has lessened in tone and tenor. None of its member is in the government. But Vadra has created the stench. The Congress party and some members of the Manmohan Singh cabinet are up in arms to defend him. Yet the damage to the dynasty's reputation has been done.

How all this is in sharp contrast to JP who tried to impart values to the movement he led! There was no wisp

of corruption. The agitation was to retrieve the values of the freedom movement. It is still a far cry but, if they are to be restored, the first step should be to re-establish propriety in public life. It should be applicable to ministers both at the centre and in the states. Today, the same challenge faces the nation which is seething with anger over injustice. corruption is only a part of it.

*(Continued from Page 2)*

Meanwhile, propriety demands that Salman Khurshid resigns as Union Minister.

However, it will be really surprising if the minister resigns. The tradition of cabinet ministers assuming responsibility for wrongdoings seems to have ended with Lal Bahadur Shastri. The Congress has made official corruption fashionable and acceptable. Indira Gandhi set the tone for this by justifying her party's corruption on the ground of it being a global phenomenon. Now her partymen maintain that high principle. Dismissing the charge of misappropriation of Rs. 71 lakhs leveled against Salman Khurshid, his cabinet colleague Beni Prasad Verma says the sum is insignificant as a bribe for Central Ministers. If the charge was the gobbling up of Rs. 71 crores it might probably be worth looking into!

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# The case of Multai Police Firing

Sunilam

Now it is well-known that on 12th January 1998, the then Chief Minister of the Congress government in Madhya Pradesh, Digvijay Singh had ordered police firing, in a conspiracy to assassinate me and crush the farmers' agitation for the compensation of the crop failure in Multai. 24 farmers were killed and 150 injured. The government did not take cognizance of the demand for action against the responsible officials - the District Magistrate and the Superintendent of Police - for firing, the state Government filed 66 fake cases against me and 250 farmers. We continue to face in the court the cases under the charges of murder, attempt to murder, arson and loot, etc. since 12th January 1998. The judgment was due on 10th October 2012, but it has been postponed to 18th October as the concerned Magistrate has gone on leave. Court will deliver the judgment based on the testimonies of witnesses, arguments and pleadings of lawyers, but it is pertinent to discuss the issues emerging out of the Multai police firing.

After the barbaric act against the farmers, government ritualistically suspended the DM and the SP responsible for firing and instituted a judicial inquiry.

After the completion of formalities, not only these officials were reinstated but were promoted too, as a reward for killing and injuring the farmers who were peacefully protesting for their rights, thus giving a clear message to the IAS and IPS officials that the

government will protect and promote them if they conduct massacre of anti-government protesters, more so if they are the farmers or agricultural laborers. The point is: why, instead of engaging the protesting farmers in dialogues, the government preferred to kill and seriously injure them? Constitutionally, the IAS and IPS officials are not appointed to indiscriminately kill the people who become inconvenient to the ruling party due to its anti-people policies. Ideally, both the officials should have been summarily dismissed and prosecuted to give the clear message that no administrative or police official would be allowed to take the law into his hands and would not be allowed to kill unarmed farmers and that no official indulging in the killing of innocents would be spared.

In thousands of police firings in the country, over 55 thousand unarmed innocent citizens have lost their lives. After every police firing the ritual of a judicial inquiry is observed. Same happened in Multai Police firing. The judicial inquiry commission was constituted under the District-session court's judge, P. C. Agrawal. The farmers did not cooperate with the commission, as they have been demanding the inquiry by the judges of the Supreme Court. They did not expect justice from government appointed commission under a judge who in the past had submitted a report that saved the government and implicated the protesters. The report was neither discussed in the state assembly nor was any case registered against the accused police personnel. On the

contrary, on the basis of the report the government opined that after any police firing the accused officials should not be suspended before the inquiry is completed. The farmers suspect that the concerned judge was elevated to the position of a judge in the high court after the submission of report. A perusal of the report makes it clear that it was prepared with the explicit purpose of implicating me and giving clean chit to the guilty officials. Under the RTI Act, I demanded the copy of the judicial inquiry report from the department of the general administration of the government two years ago, that has not been made available to me as yet. Informally the officials have told that the report has been lost. This is the government attitude towards such serious issues.

Seeing the cruelty of the state and the callousness of such commissions, it is high time some alternative devices are evolved for inquiries into such cases. The inquiry should be such that the guilty officials fear it and are not allowed to mislead. It must be ensured that the officer heading the inquiry must not be rewarded on the basis of its report. Many such cases have come to the public notice in which the officials conducting inquiries are removed in the middle of the process, as they were being impartial and were not prepared to act as the puppet in the hands of the government.

After the brutal police action on 12th January 1998, I was arrested and tortured to the extent that I lost my senses. When I would regain

consciousness, I would be again beaten by batons, boots and belts till I lost consciousness again. I was handcuffed and shackled and was kept without food and water. Fake encounter to eliminate me were attempted at. I wrote these details and sent them not only to the court but also wrote letters to the Prime minister, Chief Minister and the National Human Rights Commission from the jail. But as yet no agency has initiated any inquiry into the matter. On the 3rd day of the arrest myself and 250 farmers were produced before the magistrate and we were sent to jail and 66 fake cases under various Acts of IPC were leveled against us. No one objected to 66 cases in one incidence. And no cognizance was taken of our objections. According to a judgment of the full bench of the Andhra Pradesh High Court, in case of any death in police action, cases against the officials must be registered and they must be produced in a court of law. In this case 24 innocent farmers were killed but no case was registered against any guilty official. A student Rishi Sahu, was shot dead in the broad daylight while playing cricket in a ground while Rawat was dragged from the shop and killed. No cases were registered against the killers.

It is not only the matter of Multai farmers against whom the fake cases have been registered. Wherever there are peoples' movements, disregarding the demands of the agitation, number of fake cases are slammed on the leaders and activists and they are invariably sent to jails. Unless the legal provisions to punish the officials registering fake cases and fake witnesses are made this trend will continue with impunity.

The issue of the fake cases is directly related to the misuse of the

police for vested political interests. The political party in power uses the police as its political tool. The envisioned answerability of police to the constitutional provisions and the provisions of the Indian Penal code are set aside and the role of police is reduced to carrying on the orders of the ruling party leaders. The police is free neither to register the cases against the erring officials nor to impartially inquire into the cases. If 66 cases imposed on the agitators in Multai episode are probed impartially, it would become clear that all of them are baseless and fake. But the police was used to manage the fake witnesses. The whole inquiry was aimed at implicating me and my fellow agitators. Despite all this, police was unable to press all the charges in the court. How many charges were dismissed or withdrawn is not intimated to us. When the acts of fake charges were condemned in various quarters, the government began to withdraw some of the charges. It is interesting to note that the government was pretending to withdraw the cases in the public interest on the one hand, and the public prosecutor was indirectly opposing its own application in the court, on the other hand.

After 10 years of the Congress rule when, BIP government came to power, the then Chief minister, Uma Bharati told me in the assembly that severe wrongs have been done to me and that the justice would be done to the farmers. That day she announced the withdrawal of the fake cases against me and the farmers. However, in the past nine years the BJP government has withdrawn 75 thousand cases but withdrawal of any case against the Multai farmers did not go beyond the lip service.

The dual characters of the political parties are clearly manifested in this episode. After the firing the issue was debated in the Assembly for many hours. 10 BJP members who are ministers now, had then demanded swift action against the guilty officials, withdrawal of the fake cases against the farmers and timely compensation and insurance for their crops. They had also demanded construction of memorials of the martyred farmers. But even after nine years in power, none of these ministers have bothered about the plight of the farmers. No serious action has been taken by the BJP government on any of those demands, orchestrated by the BJP MLAs, when they were in opposition.

At the time of elections, the political parties raise the issues of the farmers' plight for electoral gains. BJP printed and pasted posters of the martyrs of Multai and forgot the plight of their kith and kin after coming to power. Not only this, the BJP government has not yet granted the permission for the construction of memorial pillars of the martyrs despite my offering Rs. 20 lakhs from my MLA fund. Rahul Gandhi, the Congress general secretary raised the issue of the suicide by the Vidarbha farmers in the Parliament to the roaring applause by the minions and zealots of the Congress, but the condition of the Vidarbha farmers remains the same. Recently, Sonia Gandhi in an election rally in Gujarat, expressed solidarity with the farmers and accused the BJP government of firing at the farmers agitating for their legitimate demands. But she does not utter a word about firing at farmers by the Congress governments.

The political parties have not been able to address the issues of

compensation to farmers for the crop failures and the insurance of the crops. Now the government is contemplating FDI in the insurance sector. If the insurance for the crops is not paid by Indian companies, the state of affairs under the dominance of foreign companies is anybody's guess. When the government policy of development is based on the destruction of the villages, the agriculture and the farmers, the justice to the farmers shall remain an illusion. With corporate dictated model of the development and the welfarism of the state becoming a farce, it seems imminent that the governments shall become more and more repressive against the farmers. The misery of the farmers is the consequence of the governments' neo-liberal policies with the dominance of the market and the consumerism.

Justice delayed is justice denied. In the name of justice the farmers of the Multai have been running around the courts for the last 14 years. Individual farmers have been warranted and arrested time and again in this period. The courts have been unable to summon the prosecution witnesses for over a decade. The sessions court trials were conducted like summary trials. Whenever a judge came close to comprehend the case, he/she was transferred. No political party, institution or organization came forward with the offer of any legal help to the farmers to help them in their routine legal battle, they have been trapped into. Advocate Aradhana Bhargav, for the last 15 years, has been, conscientiously and voluntarily representing them and fighting their court cases.

## Implications of Strong Rupee

**K. S. Chalam**

The economic managers in Delhi are alleged to have been forced to announce some long pending policies under international and internal pressures. As expected, the package has given immediate dividends to those who were participating in the decision making process. Economists are happy that the stigma of indecision appended to Man Mohan Singh is partially withdrawn by the corporate media and their interest groups. The rupee is declared strong. It has gained on a single day 33 paise and stood at Rs 51.41 against US dollar. The policy frame work of the government has instantly impacted the share market measured in terms of BSE sensx reaching around 19087. It is reported that about 10 lakh crores of rupees (one day 1.2 lakh crores) wealth was created. Is it not a miracle of monetary policy that without creating any tangible goods, it is possible to create so much wealth in less than a year?

Let us ponder over the monetary and fiscal policies that the economists are trying to put in force so as to speed up the rate of growth of the economy that was sluggish for quite some time. It is also necessary to make note of the expected list of hidden beneficiaries of the Rs 10 lakh- crore wealth. As the present civil society activists are not interested in small amounts like lakhs of crores of rupees or corporate frauds, we may expect someone would come out with the truth in future. Or it might finally get absolved by the system as this great country has the enormous capacity of forbearance for such scams during

the last few years. But, the common man is interested to know why and how all this is happening.

Rupee became strong according to some monetarists because of the policy package that triggered some positive signals in the international market. It means the exchange rate of rupee is turned favorable to India in terms of US dollar. In other words without any exchange of real goods in trade (current account), it is possible to gain this much through the political and psychological domains that helped to pour in money in to our capital market. Interestingly, our trade deficit has increased in September and would have adverse affect on value of rupee. Strangely the rupee is strengthened. This needs to be understood in terms of the determinants of exchange rate. One, it is known that the exchange rate in nominal terms is fixed based on currency markets. The movement of capital facilitated by the proposed policy package would help the FIIs to buy equity in Indian companies and billions of dollars flow in to strengthen the rupee. Two, the difference in interest rates would also be arranged in such a way that it would be beneficial to the investor to buy Indian shares. Three, Speculators and traders should be made to think that it would be profitable to hold shares or stocks in the futures or forward markets in the next few months in terms of the stability in the market. There are other factors like the possible trade surplus that would make the US to increase the demand for rupees favoring India in future. The share market seems to have over-reacted to

the package even without its actual execution. This appears to be finicky and have created doubts about the whole issue that is deflected in public sphere due to some civil society/ political drama in Delhi.

We may for a moment focus our attention to the recent past in our neighborhood- East Asian crisis in 1997. Though some of our advisers and policy makers are aware of the situation, they pretend that it is not relevant now. It is now well established that the East Asian crisis was basically due to the excess inflow of foreign capital and sudden withdrawal of their deposits. It was basically a capital account crisis. It was due to the construction boom artificially created by the agencies and their advisers who kept silent for sometime after 1997. It was believed in certain academic circles that they would shut their speculation and revise their theories after the 2008 crisis. But, the situation in India seems to be quite converse. Further, economic theories (Mundell and Fleming) have indicated that control of international supply of money and interest rates to manage domestic demand are ineffective in the given regime. On the contrary, we have problems of slow rate of growth of the economy, bottlenecks in infrastructure projects and locking up of huge investment (Rs 16 lakh crores of Bank capital plus) in real estate seem to have serious ramifications in the domestic sector.

The profound trust in international trade as a panacea for all our ills seem to be a flawed conjecture, given the recent developments both in the advanced and less developed countries. It may be due to the fact that almost all the countries are resorting to the same kind of

*(Continued on Page 10)*

## New Land Bill will Further Intensify Conflicts

Draft Land Acquisition, Resettlement and Rehabilitation Bill (retitled as Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation and Resettlement Bill, 2012) is touted by UPA government as a remedy for infusing animal spirit in economy, satisfying investor's sentiment and addressing the ongoing land conflicts. However, the current draft of the Bill which has been accepted by the Group of Minister's is a retrograde step and will only facilitate the transfer of precious natural resources to the private corporations and facilitate further corruption and fuel land conflicts.

65 years of developmental process in the country has thrown up enough experience - starting from a mixed economy to current crony capitalist model - even then the Bill has not taken in account any of those lessons. Failure of resettlement and rehabilitation in Bhakra dam and many other projects to withdrawal of World Bank from Sardar Sarovar citing environmental violations and complete lack of R&R or death of farmers in Nandigram, Kalinganagar and other places should have given enough reason for the government to give up the whole framework of acquisition of land using the 'eminent domain' principle. It is extremely unfortunate that putting aside every possible democratic precedent and institutions, progressive pronouncements of the Supreme Court, UPA government ruling in the name of aam aadmi is bringing a law to legitimise forcible acquisition by the government for private and PPP projects in the name of development and to placate the investors and their representatives in

the Ministry of Trade & Commerce, Finance, Urban Development, Planning Commission and other Ministries.

It is no wonder and seems to be only expected from a government which is being run on the life support given by the private corporations and on their money, especially after completely anti-people decisions in form of allowing FDI in retail and aviation, hike in diesel prices and electricity tariff, disinvestment of public sector units and other related measures.

The Bill will be placed before the Cabinet but we would like to express our opposition to such a legislation which is going to deprive the nature resource based communities of their livelihood and fails to accommodate key recommendations of the Parliamentary Standing Committee comprising of members from different political parties.

for the private and PPP projects, since they are nothing but a loot of natural resources. The unfolding corruption cases involving auction of coal blocks and spectrum, irrigation scam and others, all testify to greed and illegality in private and PPP projects. It is time for shunning the eminent domain framework of the state rather than expanding it to be a tool in service of private capital. It will be a move for the worse and fundamentally damage the socialist and egalitarian fabric of the constitution, as propounded in the directive principles of state policy or mandated in the Article 243.

NAPM along with many other movement groups under the banner



of Sangharsh have been demanding free prior informed consent of the Gram/Basti Sabha for deciding nature of public purpose, to approval of the project and their participation in R&R and various steps of project implementation. Unfortunately under the pressure from industry and their lobbyists even a 80 percent consent clause of the project affected people is now being reduced to the two third of the land losers alone. Similarly, small benefits like a house plot to those displaced are being taken away by increasing the time of residence from three years to five years prior to displacement. In spite of numerous deliberations with the Ministry, displacement in urban centres seems to be nowhere on radar, a separate legislation on the urban evictions and displacement is the only way out now.

The new formulation says that the Bill shall apply prospectively only, i.e., for new acquisitions only, and not retrospectively. Earlier the Bill was to apply retrospectively, i.e., to ongoing land acquisitions where Award had not been made or possession not taken.

This is nothing but further dilution, since we have been saying that nearly 10 crore people have been affected by various 'development' projects since independence with a very low rate of R&R, nearly 17-20 percent. A new legislation should move forward in addressing the historical injustice committed on the scheduled castes and scheduled tribes who constitute the majority of PFAs by setting up a National Resettlement and Rehabilitation Commission to address their claims of R&R rather than feeling proud in denying their share in development of the nation. It is shameful and nothing else !

A concerted effort is being made by the UPA to say that they are trying

to protect the interests of the farmers and communities dependent on the land but unfortunately none of the actions by the government seem to demonstrate that. No wonder if approval to such a Bill by the group of Ministers will only add to discrediting the government, since it seems to be ruling for the interests of the private and multinational corporations alone and not for the people who voted it to power.

The Bill if accepted in current form will not only increase the conflicts surrounding the land across the country as being witnessed around the various infrastructure projects but will prove fatal for it in the next general elections. UPA must heed to the voices of the people, real investors' and not to the investors holding fictitious wealth. People and communities are real investors, who hold control of land, water, forest, minerals and most important their labour.

Ministry of Rural Development recently signed an agreement with Ekta Parishad and talked about formulating a policy for ensuring homestead titles for landless, we wonder how serious they are, given the Bill which has just been agreed. The Bill in current form will take away the land rights or titles given to anyone either under the Forest Rights Act or by the proposed new legislation. Let the message be clear that no matter what the Cabinet decides but ultimately the Bill has to be passed through the Parliament where we hope the will of people will prevail and not of market. We will continue to struggle against such draconian laws and pose stiff resistance to the loot of precious natural resources and strive for land rights.

Finally, we would also urge that Ministry of Social Justice

and Empowerment, Tribal Affairs, Environment and Forests and Urban Housing who are mandated to look after the interests of the marginal communities must assert themselves and protect their rights or else what is the point of having such ministries, when their rights are being trampled in the interest of business and commerce?

–**Medha Patkar, Dr. Sunilam, Prafulla Samantara, Roma, Gautam Bandopadhyay, Vimal Bhai, Suniti S R, Bhupinder Singh Rawat, Dr. Rupesh Verma, Advocate Aradhana Bhargava, Rajendra Ravi, Madhuresh Kumar**

### Events in Haryana

As an observer, I feel an All-Party Conference, comprising progressive elements from all parties, should be set up to deal with recent events in Haryana. This should concern itself with measures to counter the increasing incidents of crimes against women, atrocities against dalits, the deteriorating labour relations in Haryana, the rampant corruption and the social arrogance of the khap panchayats. I notice that some of those who have led recent mobilisations in the country tend to neglect many retrograde developments in their own home states. Anna Hazare, for instance, has seemed to wink at many of the doings of Thackeray and his offshoots in Maharashtra and does not appear to have said anything significant about the attacks on non-Maharashtrians there. Solid progressive movements must be rooted in the sense of not overlooking reactionary tendencies in one's immediate surroundings.

–**Anil Nauriya**

# Reservation in Promotions

**Mastram Kapoor**

There seems to be a sinister design behind implementation of reservation scheme of the Constitution. Although provision for special opportunities (instead of equal opportunity) to the classes who suffered for centuries due to the caste system was based on natural justice, (the weaker progeny getting special care among human beings as well as animals), the upper castes never appreciated it. Even the great man like Pt. Jawaharlal Nehru always talked of merit against reservation or special opportunity without understanding that meritocracy ultimately leads to caste. Our Varna Vyavastha was nothing but a meritocracy. This was a division of labour according to merit (Guna Karma Vibhagshah) but as the occupations became fixed and hereditary, the division into castes and sub castes according to the division of occupations took place. This was (in Ambedkar's words) division of labour becoming division of labourers. It may appear strange but it is the truth that meritocracy leads to caste and reservation to abolition of caste.

When our Constitution was being framed, Dr. B.R. Ambedkar, Chairman of the drafting committee of the Constitution and law minister in cooperation with the Congress leaders like Jawaharlal Nehru, saw to it that the vast population of depressed classes or Other Backward Classes (OBCs) remained outside the fold of reservation. Dr. Ambedkar wanted to exclude them so that he could realize his dream of number one minority status for scheduled castes. Earlier, he

had advocated separate home for Muslims with this aim. Jawaharlal Nehru had tolerated reservation for SCs/STs thinking that 22 per cent reservation would not make much difference to the hegemony of upper castes, which he called hegemony of merit. But reservation for OBCs was a challenge not only to Nehru's dream of 'meritocracy' but also to Ambedkar's dream of special status to scheduled castes. Ambedkar was against scheduled tribes getting special rights as per his submissions to the Simon Commission and it was only due to leaders like Thakkar Bapa that the special benefits were given to them and both SCs and STs were grouped under the Poona Pact and later in the Constitution.

Ambedkar and Nehru, the main driving force of making of the Constitution, did not make any provision for OBCs until a representative from Bihar pointed out that OBCs had been left out. It was then as an afterthought, that Article 340 providing for Other Backward Classes Commission was introduced in the Constitution, But when the first Backward classes Commission (Kaka Kalelkar Commission ) presented its report , Nehru was so annoyed that he forced Kaka Kalelkar to write in the forwarding letter to the President, that he did not agree with the report (although he had signed it) and this should not be accepted

Dr. Ambedkar also kept mum. No doubt, Kalelkar report was consigned to the dustbin and later Mandal Report providing reservation for OBCs, was also given the same

treatment by Nehru's successors. However Mandal Report was accepted by VP Singh government and despite ugly and violent all India agitation against it by the Congress and BJP supporters, it became law after the 9-judge bench of the Supreme Court put its stamp on it in Indira Sahani Case (1992). Scheduled Castes and Tribes had so far remained indifferent to OBCs reservation and in fact opposed them when they joined hands with upper castes in toppling Karpooori Thakur Government in 1978 who had announced reservation to OBCs according to Kalelkar Report. But the agitation over Mandal Report brought them in support of reservation for OBCs as they feared that this agitation might endanger their own reservations. This is the bitter chapter of the history of the reservations.

The Supreme Court bench in Indira Sahani Case allowed the reservation for OBCs but with a rider of creamy layer concept (which is exterior to Constitution) and refusal of reservation in promotions. Although SCs and STs were not affected by this judgment they feared that this might apply to them. They put pressure on the Government to safeguard their reservation in promotions and the Government in order to please their vote-bank provided this safeguard by amending Constitution to this effect in 1995. The provision of this amendment were not extended to OBCs. It was decided in Indira Sahani case that the quota of posts which would remain unfilled, would not lapse but would be carried forward. This

allowed the Government to fulfill the empty quota posts with general category candidates after lapse of some period on the pretence of work suffering due to vacant posts. Again, the Constitution was amended to the effect that empty quota posts may be filled with only reserve category candidates. This created a situation in which accumulated quota posts could be filled only if new jobs were created.

While this tussle between the politicians and the bureaucrats was going on, another controversy arose about the accelerated seniority. Since the candidates of the reserve category was placed above general category candidates in seniority, they were promoted earlier than general category candidates which was considered as accelerated seniority or double promotion. This not only created bad blood between the reserve category officers and general category officers but also resulted in dominance of reserve category officers in higher posts. This accelerated seniority resulting in accelerated promotion was sanctioned by another constitutional amendment (85<sup>th</sup>). Side by side, the Parliament also amended article 335 permitting the lowering of standards for evaluation of SCs and STs. Now, there was no room for general category bureaucrats to maintain their supremacy in higher posts. These rules of recruitment and promotions were also pinching the judiciary setup. Ultimately, they found a way out. They took refuge under the Article 16(4) which provides that reservation will be subject to the condition of adequate representation. The court said that unless the Government proves that the group benefitting from promotion is inadequately represented reservation in the promotion

cannot be made. Now, the only way by which it can be ascertained whether or not a particular group (class of citizens) has got adequate representation, is caste-census for which no Government was willing. This means a ban on reservation in promotion.

The Government is once again trying to overcome this hurdle by constitutional amendment [may be by nullifying Article 16(4)] but it will not be easy task since the amendment will surely hit the basic structure of the Constitution. The OBCs-based Samajwadi Party has vehemently opposed reservation in promotion, since the OBCs have been totally left out from this promotional reservation facility. The demand for inclusion of OBCs in promotional reservation will not be accepted by the general category bureaucrats and may be by the courts too. What will be the final outcome of this controversy, cannot be predicted, but the best way to solve this tangle would be to adopt the formula of seniority-cum-merit in promotions, instead of merit-cum-seniority, which was once in vogue in Government services and which enables a person to get his promotion in normal course unless he earns a really bad report. The 'merit-cum seniority' formula is an instrument of mischief in the hands of upper caste bureaucrats to by-pass the reserved category candidates.

Some intellectuals belonging to high castes and having chronic grudge against reservations, are using this stalemate on reservation for condemning the whole scheme of reservations saying that any form of reservation runs the risks of bad faith (Pratap Bhanu Mehta in India Express on Aug 28<sup>th</sup>); they can simply be ignored.

*(Continued from Page 7)*

prescriptions of monetary policies to stimulate domestic demand that would effect a depreciation of exchange rate that in turn adversely affect prospects of other countries by reducing the demand for foreign goods and so on . In a globalised world, there are chain reactions in international trade particularly when the dominance of US dollar as a medium of international exchange is deliberately allowed to continue. Further, money is not printed now, it is electronically created enhancing the so called 'fictitious capital' without much growth in the real economy. It is believed that the mathematical modeling done by Management experts would solve some of the problems of huge set of equations and calculations with the help of computer soft ware, however has ended up in 2008 catastrophe. Therefore the crisis is imminent despite the 'quantitative easing' and other techniques used by Bernanke in USA and copied in India.

The problems of effective demand that the economists have been discussing for quite some time appear to be due to the high living standards that the West had adopted without much contributions to the physical production. They could sustain it through colonial (neo-colonial) plunder that seems to have been converted in to the illusion of service sector with the support of artificially created money. The moment the third world countries started imitating them, the system started crumbling. The sooner we realize the folly and resort to our original hard earned experiences with mixed economic models or social democracy, the better at least to avoid immediate distress.

## Release Innocent Muslims

Speaking at a press conference organized by the Socialist Party at the Lucknow Press Club on 'Innocent Muslims imprisoned in the name of Terrorism', ex-Justice Dr. Rajender Sachhar said that the RD Nimesh Investigation Commission report should be immediately released by the UP Government. The commission was set up to investigate questions raised on the arrest of two boys from Azamgarh and Jaunpur, Khalid Mujahid and Tariq Qasmi respectively, in the 2007 court blasts and the report of the commission is lying with the UP Government since 31st August 2012.

Justice Sacchar said that "not only are the lives of the two boys at stake but what is also at stake is the justice for those who died during those blasts. The public ought to know who the real culprits were." A list of 68 people framed in terror incidents was made public at the conference and investigation of charges demanded for each of them. Rajender Sacchar who has been the chief justice of the Delhi High Court and has also headed the Committee set up for enquiring the Status of Minorities across the country added "that at a time when Muslim youth are spending almost ten years in jail, before they are released without any charge, it is very important that the government set up a separate committee for investigating cases related to terrorism."

He said that because of such incidents Muslims were being forced to believe that the government was trying to frame them as part of its policy plan. "This is a dangerous signal towards collapse of democracy itself."

Raising doubts over the secular character of various political parties, Sacchar said, "even though the governments at the Centre and in the state of Delhi do not belong to Modi's party, but still Muslims are being falsely framed in terrorism related cases on a large scale. This reveals the communal character of parties other than the BJP."

Demanding investigation in the custodial death of Qateel Siddique in Pune's Yarwada Jail, Sacchar said that, "We would not let Nazism prevail in India". He also demanded that Faseeh Mahmood be brought back to India immediately. Faseeh is an engineer from Darbhanga who was working in Saudi Arabia and was abducted by the Indian Intelligence agencies in Saudi Arabia.

He demanded that the Sedition law, which has origins in the British period, be abolished, as it has no place in a democracy. "That the Congress government isn't abolishing such laws is shameful", he said, as it was Jawaharlal Nehru himself who found it anti-democratic. He informed that the PUCL is doing a country-wide signature campaign against Sedition laws which prevent people from exercising their democratic right to protest. A million signatures are being collected which will be submitted to the government.

On the issue of FDI, Sacchar said that just like the East India Company who came to trade but ruled the country for years, through the FDI a path is being paved for a new kind of slavery even worse than before. Coordinator of the 'Forum for the release of innocents imprisoned in the name of terrorism' Md Shoab said that on the one hand the state government was not making public the RD Nimesh report, and on the

other the two youth Tariq and Khalid were being harassed every night in Lucknow district Jail by the Jailer and Deputy Jailer who under the influence of alcohol abuse and beat up the two boys. He said that Tariq Quasmi had written a letter from Jail exposing the psychological pressure that the Muslim prisoners are undergoing. He revealed how prisoners tortured by authorities and intelligence agencies were even contemplating suicide. This exposes the reality behind the self-declared secular party headed by Mulayam Singh Yadav. In such torturous circumstances, if anything uncalled for takes place inside the jail, the SP government will be responsible for it.

Allahbad High Court advocate Ravi Kiran Jain raised questions about the role of Police and ministers during the riots at Asthan village of Pratapgarh that took place during the tenure of the SP. He also released the PUCL fact finding report of the riots. He said that in Asthan village, due to the fear and horror induced by rioters, people haven't returned home yet.

Omkar Singh, the National Secretary of the Socialist Party said that the SP government has betrayed the people of Uttar Pradesh on the issue of releasing innocents imprisoned in the name of terrorism. The SP had promised before the elections that if they come to power they will ensure release of innocent youth but contrary to that four more Muslim youth have been incarcerated. Also in the seven month period of their being in power, eight major riots have taken place augmenting the process of communal polarization.

- Sandeep Pandey

## Socialist Meet at Meerut

On The occasion of 111th birth anniversary of Loknayak Jayaprakash Narayan a "Socialist Samagam" (Socialist meet) was organized by Acharya Narendra Deva Memorial Samiti and Dr Rammanohar Lohia Sansthan, under the chairmanship of veteran socialist leader Sohanveer Singh Tomar former MLA and a close associate of late Chandra Shekhar at Chambers of Commerce Hall at Meerut.

Veteran socialist leader Capt. Abbas Ali, Samajwadi Party's General Secretary and Rajya Sabha member Mohan Singh, Janata Dal (United) Secretary-General K. C. Tyagi, former MP, Dr. Sunilam, former MLA(M.P.) and Kisan leadere, Saulat Ali, former MLA(U.P), Satish Aggarwal former SYS General Secretary and President of Allahabad Students Union 1966-67, Kripal Singh, Satya Prakash Tyagi, Prabhat Roy, Haridas, Mohammed Adil and many youth and student leaders from the western Uttar Pradesh participated in this Samagam.

The programme was inaugurated by Mohan Singh and he described the history of socialist movement at length and underlined the contribution of Jayaprakash Narayan and Dr. Rammanohar Lohia during the national movement. According to him JP and Lohia were leading lights of the decisive struggle for freedom during the August, 1942 call of 'Quit India – Do or die!'

Capt. Abbas Ali paid rich tributes to Jayaprakash Narayan and Dr Lohia and emphasised the socialist ideology. He called for the unification between Communists and Socialists to forge a Third Force in national polity and share a common platform. Referring to the erstwhile Congress Socialist Party in the 1930s, which had in its fold socialists like Jayaprakash Narayan and Lohia and veteran Communist leaders like E.M.S Namboodiripad, Sajjad Zahir, Z.A. Ahmad, AK Gopalan and P. Sundarayya, he said that after initially sharing the same platform, socialists and communists parted ways and time was now ripe for them to unite. "In today's

environment, it is important that a viable political alternative is available", he added.

K. C. Tyagi reminded the audience of the contribution of the socialist leaders especially of Jayaprakash Narayan in nation building and for the restoration of democracy in 1977.

The socialist Samagam was also addressed by Dr. Sunilam. Commenting on the current political situation he emphasized on the need of socialist ideology and of its propagation.

On this occasion a Meerut Declaration or "*Merath Ghosna*" underlying the need of concerted effort by left-socialist forces of the country against the invasion of economic imperialism of the multinational companies in the garb of new economic order was read out. The Samagam decided to hold similar socialist's interactions in future in different cities of Uttar Pradesh. The programme was conducted by Major Himanshu Singh, a young activist of Meerut.

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By  
**Ashok Mehta**

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## Death of Six Persons in Police Firing at Musoori Police Station

On September 14, 2012 (Friday) evening 6 youth died in police firing in Masoori. News of deaths was reported by news channels on 14th September and in the newspapers the next day. Six Muslim youth were by some accounts part of a rampaging mob of thousands outraged by rumours that copies of the Koran were defiled and thrown near the railway line which runs from Ghaziabad to Moradabad.

Killing of Muslim youth so close to the national capital? A group of conscientious citizens visited the area to ascertain the facts. The group became a fact finding team which consisted of journalist Saeed Naqvi, Dr. N. K. Bhattacharya, former Principal of Motilal Nehru College, Delhi University and convener of Jan Hastakshep, Sachin Singh, professional photographer and documentary film maker and Anil Dubey, journalist and a member of Jan Hastakshep. The team visited the area on September 18, 2012 to ascertain the facts. In their efforts they were assisted by veteran trade union leader Ram Naresh Tyagi of IFTU.

Masoori is a small kasba roughly about 15 km east of Ghaziabad on National Highway 24. The town and nearby villages have a sizeable population of Muslims. It is a commercial centre for the nearby villages and their agrarian economy. Proximity to Ghaziabad and capital Delhi also has an impact on the lives of people in terms of their economic and social life. Masoori is on the highway linking the capital of India and the capital of its most populous state, Lucknow. For reasons of

Masoori's central location, land is very precious here as in all areas close to the big cities, particularly Delhi. Town chairman is a long time SP leader and the SP candidate won from here for UP assembly in 2012 election. It falls in the parliamentary constituency represented by BJP leader Rajnath Singh. Mayawati's BSP has done well in neighbouring assembly sectors. Altogether, the usual complex mix.

The first stop of the team was the District Collectorate of Ghaziabad. The team could not meet District Magistrate as she was out to an area but we met an ADM, who insisted on talking off the record only. In other words, nothing he said can be reported. But the general impression one picked up was this: a few pages of the Koran with "pig" scribbled on one of them were mysteriously found at Adhyatmik Nagar railway station at noon on September 14, and forwarded to the nearby Rafiqabad mosque where its Muezzin, Abdul Qadir accepted the desecrated page to be taken to the Masoori police station. Adhyatmik Nagar railway station is the neighbouring station to Dasna and the two are adjacent. The torn page with 'pig' written on it also had a mobile number scribbled on it. The Imam had called the doubtful number. Choicest abuses were showered on him by the person who answered the phone. Soon, a group of about 150 people with some of the local village heads accompanied Abdul Qadir to file a report at the nearest police station at Masoori, situated by the roadside. At the Masoori police station many others, including a SDM and SP (Rural) Ghaziabad were called. They

arrived. Soon a number of outraged Muslims started blocking NH 24 and gathering at the police station. An FIR was lodged but the crowd demanded that the perpetrators be arrested immediately, particularly, the person whose mobile number was scribbled on the page, the one who had also abused the Imam. The crowd swelled to over 4000 and started pelting the police station with bricks and there are unverifiable allegations that some local fire arms were also used. The policemen, the government officials and some of the representatives of the Muslim community became fearful of the crowd's anger and soon the ADM was compelled to order to open fire in self defence. The ADM insists that the police first opened fire in the air and only later directly on the crowd. There were also versions that one of the two guns did not fire.

While coming out of the Collectorate the team saw a group of around a hundred people sitting on Dharna on the other side of the road. This dharna against deaths in police firing and inaction of SP Government was being organized by Dr. Ayub's Peace Party.

This version of events was also narrated almost fully by the policemen present at Masoori police station when this team visited it though none of them was present at the time of firing. Policemen who had seen action had all been transferred or suspended before the team could obtain their versions. The current DSP and SP (Rural) who were present at the police station also insisted that they could not explain the anger of the crowd. According

to them, the police were cooperating with the Imam in filing the FIR and were just as keen in arresting the culprits and also in tracing the mobile number written on the page. The DSP and SP were also unable to provide any concrete answers to any of the questions about how many policemen were present at that time, how did such a large number of people suddenly congregate at the police station without prior knowledge, how many PAC were called. The DSP at the desk ignored the team because his priorities were different: he was deeply engaged in sorting out a problem concerning his child's school.

The police station was adequately photographed by the team and bore signs of some minor damage to the sign, two lamp posts and several cars and motorcycles which had been lying in police custody were burnt. The burnt vehicles were lying in a heap. A diesel tanker which was inside the police station was lying untouched and so was a petrol pump which borders the police station: how did a "rampaging" mob miss out on the dramatical combustible targets? Several other vehicles were also left untouched. Two policemen of whom one was reportedly seriously injured, SP and SDM reportedly received some injuries from stone pelting, but there were no such signs that a "rampaging" mob had attacked the police station. On the other hand, it must be added that the wooden doors of the complaints room had been broken. By whom? In the same compound of the police station are also the residence quarters of the policemen, including the SO, which were all unguarded. Several cars and a police jeep and a truck were torched, but no woman or child of the policemen's families were even threatened. One room in the police

station was torched. Policemen showed some marks of pellets on the wall allegedly from firearms elements in the crowd were carrying.

The team asked if any procedures for crowd dispersal such as tear gas, lathi charge or water canon were used. The SDM (Revenue) replied in a very rough and dismissive manner that when people are seeing death staring at them then everything changes, it is people like us (the team) who have the temerity to insist on conducting post mortems. This, he said angrily, was ridiculous, it is absurd to ask for procedures to be followed when there is a mob threatening to kill everyone including the police. They are simply thankful for having saved their lives and it was correct to open fire as there was no choice. People interviewed by the team also corroborated lack of any warning by the police before the firing. This was also corroborated by the dismissive approach of police officials towards such niceties in such a dire situation.

On asking why did no additional force arrive, the pat answer was that since the highway was blocked, no additional force could arrive. While ADM and SP could reach the venue it is strange that additional police or the PAC could not. Apparently they are not used to walking. In any case this is incredible excuse, but the team could not ascertain why the arrival of PAC was delayed. There was also no answer to why no one received firearm injuries if the crowd was not only throwing stones and bricks but were also using country made pistols.

Thereafter the team interviewed a few citizens at Masoori village to gather more information. During this interaction, all the people we talked with, the common points raised by

them were: 1. No one had first hand information about the incident.

2. No one was sure about how many people have been injured because of the fear of being arrested by the police and being implicated as one of the 5000 rioters against whom a blanket FIR has been filed by the police. Therefore, many villagers had temporarily left their homes in fear of being arrested by the police. Several of the injured had refused to go to the government hospital for treatment and had also refused any compensation to avoid being arrested by the police.

It was clear that nobody was willing to give an account in first person narrative as everybody was fearful of being implicated by the police. The turn of events started with the dissemination that copies of the Koran were defiled and that the police was not agreeing to file an FIR. A large number of people were already present at Masoori because of the Friday Haat, local weekly market, which attracts people from as many as 33 neighbouring villages. At the time of the crowd gathering at the police station and the subsequent police firing there could have been 7000 to 8000 people who would have been visiting the weekly market. Not a single policeman or any one from the administration had mentioned this point to us. Either they were feigning ignorance or they were blind to this fact.

The local people were living in fear of police reprisals and this whole area had been turned into a virtual police station. There was a huge police presence which was also noted by the fact finding team. No MLA, MLC or MP had visited the area so far.

The team met Hajji Shokeen, the Pradhan from Masoori who

insisted that in the last 50 years there has not been a single incident of communal rioting in these villages. The Muslims, Hindus and Christians live without any rancour or fear and in the neighbouring village a temple and a mosque even share a common wall. Many villagers insisted that this was definitely a political attempt to create a communal divide between Hindus and Muslims.

According to the residents of Masoori and neighbouring villages whom the team managed to talk to, the events were as follows: Hearing about the defiled Koran at Dasna a group of concerned Muslims with the Chairman of the Municipality and the Imam went to the Masoori police station. According to those narrating the events it was the police's refusal to file the FIR which led to the crowd getting angry and since it was a Friday there was a huge crowd in the haat. They said that initially there were 100-150 people and the assembly swelled to nearly 4000 people. Some of them also said that the Masoori police asked for additional force and the PAC arrived and opened fire directly on the crowd. Only one room in the thana was burnt, many vehicles which were confiscated by the police lying there for many years were torched, a diesel tanker inside the compound was left untouched. According to some of the people the team met it is possible that the police had torched the vehicles. According to them two policemen were injured because they were forcibly driving away 10-12 people loaded in the jeep.

A person narrated to a member of the team how he had seen policemen fetching petrol from the nearby petrol pump. He however did not fail to mention that he had been to Lucknow and what he was narrating

is what he had been told by others.

Hajji Shokeen (belonging to the ruling party of the state) was present at the time of the incident, when the news of the defiled Koran was brought to his notice in the afternoon. Others had also got the same news. He insisted that they remained behind while he went to the Masoori police station to ascertain the issue. He met the Imam who told him about the defiled pages of the Koran. He saw the crowd swell and become restive. As it swelled in numbers, the crowd started pelting stones, which went on for an hour and a half, but differing with the police version, he neither saw nor heard any firing from the crowd.

According to Mr. Shokeen he heard the SP (Rural) asking for force repeatedly and sending repeated warnings that all their lives were in danger, yet no additional force arrived. Finally the SDM gave the order to open fire. Much later about 250 PAC did arrive, but they did not use any firepower. He recalls with horror how they all feared for their lives and locked themselves inside the strong room. When the firing dispersed the mob and they all came out he saw a child lying with his abdomen open. He asked him who was his father, the boy replied "Ashmat" after that he quickly pushed the intestines inside and immediately got the boy sent to the hospital. He also saw another young boy from Masoori who was lying injured who was also sent to the hospital and another youth who was lying on the road. He finally got back home at around 2:30 am and just as he was changing, he got a call from the DM and the SP to come to police station. Upon reaching there "I insisted upon them showing those whom he had sent to the hospital and

that a post mortem be conducted on those who had died".

We met Mumtaz Ali grandfather of deceased Mohammed Wahid of Piplara village near Masoori. Mohammed Wahid ran a mobile repairing shop at Ghaziabad and was returning home, but because of the NH 24 being blocked the bus stopped much before Masoori and he was forced to walk. While passing by the Masoori police station a bullet hit him on his head. He was rushed to the nearest hospital by motorcycle, but many of the roads were blocked and hospitals/nursing homes were shut. Wahid was brought dead to Saraswati hospital at Anwarpur village and subsequently a police case was registered and a post mortem conducted which states death by bullet injury in the head.

We also met Sajjid Hussain, the Chairman of the Municipality at Dasana. Mr. Hussain belongs to the Samajwadi Party for last 19 years and has been elected Chairman for the last 15 years. Mr. Hussain was informed by the Station Incharge Masoori that a crowd was coming towards Masoori from various directions which reached Masoori at about 1830. On reaching the Police station he met the Imam Abdul Qadir. This is the version of events narrated to him by the Imam till before the mob collected and the firing took place.

Sajjid Hussain, 6.4 feet, lanky, narrates the nightmare he lived through. He speaks almost in a daze. Holding his head in both his hands, he mutters: "Yes, I saw the desecrated page very briefly at the police station because I was distracted by the mob."

*(to be concluded)*





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## The unimportance of Modi

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Shehrbano Taseer

Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

The Bhartiya Janata Party (BJP) is testing the water. It too realizes that elections are many months away but wants to know whether Hindutva is acceptable to the voters. Spreading the name of anti-Muslim Gujarat chief minister Narendra Modi is meant to assess if his non-secular image would attract the ordinary Hindu voter. The party has not yet got over from the defeat of last parliament elections when it was all set to occupy the treasury benches only to find out that the communal tag attached to it had pulled the party down. Its Hindutva image brought the surprised Congress back to power.

The BJP is open to all options this time. The RSS is in the picture from the beginning. Its chief Mohan Bhagwat has not only welcomed Narendra Modi at the RSS headquarters in Nagpur but has also announced that Modi would get a higher position in the BJP after the Gujarat assembly election next month. This, indeed, reaffirms as to who controls the reins of the BJP. However, to lessen the party leaders' humiliation, Bhagwat has said that the selection of prime minister's candidate is the prerogative of the party. Yet, on the other hand, he has rubbed the salt on their wounds

by making it clear that Modi is the best candidate available in the party.

Modi does not go higher in the estimate of people just because Britain says that it wants to do business with him, though it does not endorse his actions. Taking the initiative of sending its envoy, James Bevan, to Modi after maintaining the touch-me-not stand for a decade conveys London's keenness. America or other countries may follow suit in due course of time.

Yet this does not make him acceptable to India which is the subject matter. Modi has bamboozled Gujarat in the name of identity as if its people have a different entity than the rest of Indians. Had Punjab chief minister Prakash Singh Badal done it, the entire nation would have pounced upon him for leading the Sikhs to separatism.

Modi is responsible for misleading the Gujaratis, who look like re-electing him. They have been daring the country for almost for 15 years that for them the state government is more important than the nation which is sworn to the principles enunciated in the constitution. For

the Gujaratis, equality before the law and separation between state and politics has stayed on paper because their chief minister Modi has been determined to flout the principles. This was visible in 2002 when some 2000 Muslims were butchered because they were not considered equal and because they were sacrificed at the altar of Modi's innovation of mixing religion with the state.

Had the guilty been punished in 1984 when the Sikhs were the victims at Delhi, the Gujarat Hindus would not have dared to indulge in ethnic cleansing. The burning of 46 Hindus in a compartment at Godhara was a provocation. But the pogrom in Gujarat would have taken place even without the Godhara incident as a few plucky journalists have brought out in their write-ups.

The guilty in Guajrat have not yet been brought to book. There are some pending cases in which Modi's name is mentioned. To project him as India's next prime minister tantamounts to dragging down the country to the dust of shame and oblivion. How can a political party think of Modi even if it shuts its eyes to the murders, rapes and lootings?

The BJP has been hurt by another unexpected quarter. Its chief Nitin Gadkari is allegedly possessing bogus firms which he has created to make money while he was the PWD minister in Maharashtra. The charges against him are so serious that even the RSS sources have reportedly said that the BJP's image has been severely dented. The Congress has been given a god-send opportunity and it has already ordered what it refers to as "soft inquiry." In any case, the BJP will not be in a position

*(Continued on Page 9)*

## Private property and territorial identity

K. S. Chalam

The issue of FDI has initiated a debate on several related concerns and movements, some to strengthen it and quite a few to divert attention from its adverse impact. It is said that the liberalization agenda is a package consisting of intellectual, civil society and political interest group activities to have control over properties of independent nations.

It is believed that FDI would enhance the productive capacity and wealth of those nations whose resources were either unutilized or underutilized. Several scholars and activists are now referring to the advantages of FDI, particularly with reference to Wal-Mart in China.

Yes, we can learn from the experiences of China, but one should know the history and the conditions under which the FDI operates there. Till 1982 there was no right to private property as the communists believed in Proudhon saying that "all property is theft". But Deng, in his reformation program brought the 1982 Constitution with a provision for private property facilitating communes to own land.

Again, China brought an Act on private property in 2007. Yet, all land in urban areas is owned by the State and the foreign investor is not allowed to buy land. FDIs go to regions/places that are identified by the State for their economic activities and not beyond. If it were in India, our experts would have created precedents (like SEZs) to make the courts/revenue officials

pass orders to transfer titles (in the name of mutation) even in Adivasi areas to non-tribals.

This is happening despite abolition of Article 31 (private property) with the alleged help of Art 300-A and invoking eminent domain. In fact, the whole issue of private property is a very interesting subject that needs our attention in the context not only of FDI but even issues of territorial and regional identities.

Land, as private property, is a post-colonial construct as far as India and some third world countries are concerned. Though, India and the third world countries do not belong to the so-called Robinson Crusoe type of economies, they had traditional institutions to take care of the needs of society and individuals in a limited way.

The right to private property has been built over a period of time. There are other concepts like wealth, capital along with property that is interchangeably used to convey similar meaning. But, they are not the same.

Wealth is abundance of value of material goods or assets held by a person or firm at a particular date. Capital, on the other hand, consists of any durable goods capable of producing a stream of benefits over a period of time, and includes wealth also. Private property is defined as something owned as a tangible and or intangible goods like a patent, copyright, etc, to use it to earn income, transfer or enforce its use

by others through legal means and can be bequeathed.

It is this feature of property that has allowed WTO to develop the concept of intellectual property and created a legal framework to get the efforts made in the capitalist countries to be owned and operated by them or by their cronies.

This has enabled a few corporations run by individuals or families to own properties in different countries and operate them from a metropolitan centre like New York, London, and New Delhi, etc.

The concept of private property is more relevant today than it ever before was due to the expansionist and over-jealous nature of some capitalists who are interested in destroying the boundaries of nations and even regions in their lust for accumulation.

It is here that the concept of property needs to be seriously understood as it has the capacity as a piece of paper (registered or as a convention) might confer rights to transfer the whole economic activity of a region or country or sub-region to a few individuals living elsewhere.

This is much easier in the regime of share market. Trillions of dollars do cross borders with just a click of the mouse now. Therefore, the rights would ensure that the properties could be physically located in a place or region or country, but the decision to transfer or enjoy the fruits of it lie elsewhere.

In other words, the national boundaries and even State boundaries become extraneous while gullible people living in the region could be kept under the illusion that

development is being carried out with their indulgence as they get a nominal wage.

This process would be painless if the whole monetary system went under the control of one agency or an ensemble of institutions like the World Bank and WTO.

These institutions appear to be global but their policies go in favor of the rich and advanced countries. It is in this context that one can look at the economic activities in metropolitan centres like New York, Mumbai, Delhi, Hyderabad, Vizag, etc. For instance, the income generated in the centre is taken as part of a State or region, but the owners of the property that generate income or the decision-makers of that income/property could live elsewhere.

The method of calculating the GDP/SDP or even district income is not bound by the ownership of the property, but is summative of the goods and services produced in a year in the defined boundaries of a country, State or district. This is a dichotomy as the income thus calculated is considered as the wealth of the State or region, but the people there do not have any recourse to the fruits of the wealth thus created, if the owners belong to

some other country or region.

This approach would enable us to understand the absurdity of starvation deaths in a region with plenty of production of food grains. This is an extension of what Amartya Sen has said about starvation deaths; for instance, in districts like KBK where there is surplus of production of food grains but due to lack of purchasing power people fail to pay for them and die of starvation.

This can be applied to countries and regions to understand the mechanism of exploitation of natural resources without much benefit to the inhabitants like the Adivasis. We can take the example of North Andhra or rural Visakhapatnam where most people are poor, but the aggregate income, including Vizag, seems to be higher than others. This dichotomy is due to the fact that the owners of the properties in the region (city) are not the locals.

Similarly, a region may remain poor while capitalists of the region might own huge properties elsewhere without any benefit to the locals. Thus, the territorial identity like a country, State or region is problematic, if the property or wealth is not owned (at least free access) by the local people.

Dear Socialist Comrades,

Two veteran Socialists and friends and colleagues of Dr Lohia namely Somayya Ravela and his son Manohar Ravela and Bhola Prasad Singh, former minister of Bihar have done tremendous and fantastic job by establishing Lohia websites <http://lohiatoday.com/> and <http://www.lohiavani.com/>

I would request you to visit these websites, contribute to it and propagate about it among the socialist fraternity. It will be a great service to the Socialist cause and in the promotion of socialist ideology.

–Qurban Ali

## Socialists need not be alarmists

**Bapu Heddurshetti**

About the economic situation in the country, Pannalal Surana has drawn a very bleak picture (*Janata*, October 14, 2012) quoting inflation, rate of employment generation, lack of public investment in agriculture and child and maternal mortality rates and literacy, etc. But the economic situation in India is not as bleak as he would have us believe. On the contrary, permit me to mention that. according to the IMF, India is projected to be the second-fastest-growing major economy (7 per cent) after China (8.2 per cent). The increase in share of India, in global GDP places her as the fourth largest economy in Purchasing Power Parity terms. Between 1980 and 2010 while the share of GDP of US was reduced from 24.6 percent to 19.5 percent in terms of PPP, that of EU was reduced from 31.4 percent to 20.4 percent but that of India increased from 2.5 percent to 5.5 percent. Between 1980 and 2010, India achieved a growth rate of 6.2 per cent, while the world as a whole registered a growth rate of 3.3 per cent.

Pannalalji speaks of starving of agriculture of public funding. Banks disbursed a credit of Rs. 4,46,779 crore to the agricultural sector as against a target of Rs. 3,75,000 crore in 2010-11, thereby exceeding the target by around 19 per cent. By the end of 2011, interest waiver and debt relief to farmers amounted to Rs. 29099.94 crores. Is this starving? The production of food grains during 2011-12 has been estimated at 250.42 million tonnes. The stock position of Rice and Wheat in the Central pool

(apart from State pools) in January 2012 was 55.2 million tonnes as against the minimum norm of 25 million tonnes, which is adequate for meeting the requirements under the public distribution system and welfare schemes. India ranks first in the world in milk production, which went up from 17 million tonnes in 1950-51 to 121.84 million tonnes in 2010-11. The per capita availability of milk has also increased from 112 grams per day in 1968-69 to 281 grams in 2010-11 when the world average per capita availability was 284 grams per day in 2009-10.

It is strange that on the one hand Pannalalji complains that India's trade deficit is growing and on the other he opposes tooth and nail the SEZs meant to increase our exports. The SEZs as a whole have provided employment to 8,15,308 persons apart from million man-days of employment created by the developer for infrastructure activities. Physical exports from the SEZs have increased from Rs 2,20,711.39 crore in 2009-10 to Rs 3,15,867.85 crore in 2010-11, registering a growth of 43.11 per cent. Today our foreign exchange reserves are 304.8 billion US Dollars which is 99.5 percent of the total foreign debt.

Even the social indicators are not as bad as he would have us believe. Between 1993 and 2005 poverty was reduced from 36 percent to 27.5 percent according to the Lakdawala methodology and from 45 percent to 37 percent according to the Tendulkar methodology.

The Infant and Maternal mortality rates have come down and the life expectancy and literacy levels have increased. About employment generation, do you remember when Gandhi visited the Manchester Cloth Mills and requested the workers there not to take away the jobs of Indian weavers? Today the American President Obama is coming to India and asking her not to snatch jobs from the Americans!

The poor unskilled people in the rural areas are getting employment under the MGNREGA. The reaction to this statement will be that the MGNREGA is not reaching the targeted persons and that there is corruption. If it is not reaching the targeted persons, how is it, that today farmers all over India are complaining that agricultural workers are not available to work on their farms, even for Rs. 400 a day in states like Kerala. Where have the agricultural workers, who constitute almost 25 percent of the total population, vanished? Or are they still in our villages but are refusing to work on the farms? If so why? If they are poor and hungry, why are they not ready to work on farms and earn Rs. 400 a day? Or have they decided to die of hunger rather than work on the farms? If this is not good news to socialists who should champion the cause of those who have nothing to lose but their chains, instead of championing the cause of those who have at least their lands to lose, then what is?

The argument that "The net result would be a heavy drain of profit from

our country towards parent countries of those foreign traders” is built on the premise of nation-states. In these days of globalization, where European nations that fought two world wars between themselves are now sitting together in the European Union, a single parliament, and are having a single currency, and when we as socialists dream of a world government, to think in terms of ‘nation-states’ is becoming obsolete and sooner we get rid of such notions the better it is.

Also, not all profit is taken away. The foreign companies have to pay 30 percent of the profits as income tax to the Indian Government in addition to paying other taxes to other authorities like the property tax to the local bodies. Out of the remaining profits that are taken away by the foreign companies to their parent countries, the entire money does not go into the pockets of one or two persons. There is also an underlying assumption in these criticisms that the foreign companies are owned by individual capitalists. The foreign companies, like any Indian company also, are not owned, though controlled, by individuals. Hundreds of thousands of people buy shares in the companies and are hence the owners of the company. The company also does not invest only the money borrowed from the capital market. It also borrows money from the Banks and other financial institutions. Hence, the profits earned by these companies are disbursed to the share holders as dividends and to the depositors of the Banks and other financial institutions as interest on their deposits. If only the sentiment attached to the ‘nation state’ is removed, the profit earned is distributed amongst thousands of people whether they are Indians or foreigners. Now if the money is

distributed among people whether they are Indians or foreigners should not matter for socialists but may be to the nationalist. There is no need to mix the two.

The Horticultural Co-operative Society in Karnataka is trying to reach horticultural produce directly from the producers to the consumers. Had not the socialists spoken about eliminating middlemen? I am sure there are similar co-operative societies in other states also. Are not Reliance and other ‘local’ retail shops doing the same? Are these outlets not giving a ‘better’ price to the growers than they were getting earlier and are they not selling the produce at a rate cheaper than the consumers were buying earlier? If private corporations are leasing land from farmers and growing farm products and making profits, why are the farmers themselves not able to do so? Instead of wondering if any dignitary has come across an example in history where private traders have paid better prices to the growers, I wish the critics would make a case study of a corporate outlet and draw conclusions. Subsidising farming has a different objective than paying remunerative prices to their produce. The two need not be mixed. Aren’t Indian farmers getting subsidy?

When computers were sought to be introduced in banking operations, the ‘alarmists’ raised a hue and cry that it would lead to unemployment? What has happened? How many persons employed in the banking industry before the introduction of computers have been thrown out of employment? Have not the banking services improved because of computerization?

It is most unfortunate that persons like Raja and Kalmadi are

being judged by ‘lay’ persons on the basis of news paper reports and TV channel shows. As soon as the news of a scam is flashed in the news papers or on TV channels, there is a tendency amongst common people to condemn the ‘accused’ as ‘guilty’. When one agrees that none of them have been punished, would it not be wrong to talk of shameless in rehabilitating them? One must remember that there is a principle in law that a person is presumed innocent until he is proved guilty. Either, we accept the principle and treat all accused as innocent till proved guilty, or condemn them as guilty before trial on the basis of news paper reports and news channel shows and say to hell with the judicial system. It is quite a different thing to say that a person in politics should quit his office if accused of a serious offence like corruption. But that is a question of propriety and not of law. What if, after a trial a person is proved innocent? Who is going to reinstate his lost position and prestige?

Finally one must be careful about the Seventh Day Adventists. When I was studying in college, and when the population of the country was about 45 crores, these Adventists warned of ‘population explosion’ and ‘food riots’. Today we are not only feeding 1.2 billion people but are also exporting food grains. And the economists are now talking of the advantage India has of a large population which they call ‘demographic dividend’. It is necessary that we should give up our alarmist attitude and take a rational view from a socialist point of view and think of ways of means of achieving equality in the changed context.

There is need for the socialists to learn from history. The Communists and the Anarchists had opposed the states and condemned them as executive committees for managing the affairs of the bourgeoisie and as fetters on freedom and wanted to destroy them. But then the democratic socialists used the very same state apparatus to bring about equality in many countries. Socialists should be more concerned about equality than about just opposing developments like globalization. It is necessary to dispassionately analyse the phenomenon and try to find out ways and means of achieving equality under the changed circumstances.

By opposing the Constituent Assembly on the ground that it was not elected on the basis of adult franchise and by not participating in its proceedings the socialists had lost an opportunity of giving a socialist orientation to our constitution. It was left to Dr. Ambedkar to orient the constitution towards socialism to the extent he could. If only democratic socialists like Acharya Narendra Deva, Jayaprakash Narayan and Asoka Mehta were in the Constituent Assembly, would not our constitution have been more socialist than it is now? I only hope that by opposing globalization the socialists will not lose another opportunity of working towards socialism.

Between 1977-78 and 2004-05 while the Per Capita Average Consumption Expenditure increased by 31 percent at 1977-78 prices, the same for the bottom 20 percent of the population increased by 54 percent. Is this not a good trend. According to the GINI coefficient, India has more favourable equality of incomes than even China. The need is to appreciate it and enhance it.

## Unaccounted Cash seizures must to tackle the menace of money in elections

Association for Democratic Reforms (ADR) and Gujarat Election Watch (GEW), a chapter of National Election Watch (NEW), which is a campaign of more than 1200 organizations across India, have been working in the area of the electoral and political reforms for more than a decade now. ADR and GEW have also been actively involved in election watch in the state of Gujarat for the upcoming elections.

ADR and GEW have given this reaction to a Public Interest Litigation (PIL) filed recently in the Gujarat High Court. The PIL has been filed by the business community in Gujarat, seeking "restraint and moderation" of the Election Commission's (EC) order that rules the seizure of cash beyond Rs. 2.5 lakh in transit unless the money has been appropriately accounted for. ADR reiterates that legitimate business transactions based on cash should not suffer, but supports the EC's measure to seize unaccounted for cash.

ADR and NEW unequivocally support the EC's order that directs citizens to not to travel with more than Rs 2.5 lakh in cash. We consider this as a critically important instrument in the EC's Election Expenditure Monitoring Mechanism that aims to tackle head-on the alarmingly increasing menace of money power in elections. Ever since the model code of conduct came into application, there are news reports that EC's Static Surveillance Team (SST) in Gujarat have already seized more than Rs 10 crore of unaccounted cash in three cases

alone viz Rs 9.30 crore in a van in Mehsana, Rs 5 lakh in Sabarkantha and Rs 70 lakh from Vijaypur taluka on Himmatnagar-Mehsana road. Earlier, in 12 cases SST intercepted cash of Rs 1.43 crore out of which Rs 1.41 crore was returned as it was accounted legal money.

The efficacy of the cash seizure methods has been proved in several elections in last two years, since the time EC has started implementing these expense monitoring measures in the elections. There have been record cases of cash seizures across almost all states during elections. The news reports of cash seizures by EC in Andhra by-polls earlier this year stands at more than Rs 41 crore. The corresponding figures for Tamil Nadu assembly elections in 2011 and UP assembly elections 2012 are Rs 60 crore and Rs 30 crore, respectively.

In 2009 Lok Sabha elections, more than Rs 100 crore were confiscated by EC. These are astronomical sums of money and by most estimates just the tip of the amount that actually is in circulation during elections major fraction of which is black money procured through illegal hawala transactions.

This huge amount of money spent in elections requires a very wide-spread web of monitoring mechanism and this EC's order of not allowing people to travel with more than Rs. 2.5 lakh is an extremely correct step in the right direction. Specifically with respect to the present Gujarat Assembly

*(Continued on Page 16)*

## Legal Help Committee for Dr. Sunilam, Shesh Rao Suryavanshi and Prahalad Aggarwal

### An Appeal

Dr. Sunilam has been a consistent fighter for the cause of farmers for the last several years. He and two of his colleagues, Shesh Rao Suryavanshi and Prahalad Aggarwal of Kisan Sangharsh Samiti, have been sentenced to life imprisonment by the Session Court of Multai, Dist. Betul, Madhya Pradesh, on 19 October 2012, in the 14 years old Multai Firing Case. There was an indiscriminate firing by the police on farmers gathered at Multai headquarters on 12 January 1998 under the banner of Kisan Sangharsh Samiti led by Dr. Sunilam. They were demanding compensation for their soya bean crop destroyed due to bad conditions. In the indiscriminate firing by the police 24 farmers were killed and more than 100 injured. A fire brigade driver Dhir Singh was also killed in the chaos.

The administration booked 250 farmers in 66 fake cases. Dr. Sunilam was accused of attempting to burn Inspector Sarnam Singh alive, of snatching a rifle from I.T. S.N. Katare in order to kill him and of killing the fire brigade driver Dhir Singh by assaulting him five times with a stone. The accusations are not true. The truth is that the police brutally repressed the farmers.

Dr. Sunilam, Shesh Rao Suryavanshi and Prahalad Aggarwal are now imprisoned in the Bhopal jail. Advocate Aradhna Bhardwaj and other activist friends in Madhya Pradesh are trying to get bail for them and preparing an appeal to file in the Jabalpur High Court.

We, the undersigned, appeal for financial contribution and co-operation in this legal battle. **The cheque/demand draft may be send to SBI, Multai, in the name of Kisan Sangharsh Samiti, A/C no. 32059516258, code no. 01206. In this connection friends can contact Jagdish Vodke, vill/post – Jaun Kheda, Tehsil – Multai, Dist. Betul – 460661 (MP), phone : 09179124860.**

–Rajindar Sachar, Bhai Vaidya, Vinod Prasad Singh, G. G. Parikh, Mohan Singh (MP),  
Sharad Yadav (MP), Ram Gopal Yadav (MP), Medha Patkar, Arvind Kapole, Lilatai Chitle,  
Mangal Das Arsekar, Vilas Bhongade, Baban D' Souza, Manhar Gunjan, Mehboob Mahimture,  
Abhjit Vaidya, A. K. Arun, Sandeep Pandey, Prem Singh and  
Subhash Vare (Convener, mobile : 09822020773).

SM Joshi Socialist Foundation, Ganjve Chowk, Navi Peth, Pune : 411030

## Arbitrary Arrest of Dr.Sunilam and Daya Mani Barla

We, the undersigned, are appalled and anguished by the continuing state repression on mass movements and social activists by a pro-business state which is giving up its democratic pretensions with each passing day to suppress all genuine protests by farmers, workers, adivasis and different marginalized social groups who are driven to the brink of starvation, dispossession, mass peasant suicides imposed on them by an increasingly

authoritarian state which goes out of its way to serve its imperial masters and the big business. Binayak Sen and Seema Azad were given life sentence by an equally complicit judiciary. The former were guilty of taking sides with the oppressed masses. Thousands of false criminal cases were imposed on the activists of POSCO and Koodankulam. The list is endless. The latest examples are Dr Sunilam and Dayamani Barla.

Imprisonment of Dr Sunilam, a socialist politician from Madhya Pradesh, has been received with a sense of deep concern and dismay as part of a trend to silence voices of public interest by misleading the judiciary to save vested interests. Dr Sunilam has been part of Indian People's Movement against WTO and anti-corruption movement in the country. Former legislator and President of Kisan Sangharsh Samiti, Dr Sunilam led Kisan Andolans. On



12 January, 1998 which was a black day for the farmers' movement of our country, the State Government under the leadership of Digvijay Singh brutally crushed the non-violent farmers' movement using the state police.

Taking note of Dr Sunilam's background, the appeal for supporting him merits endorsement of all the concerned citizens who love democracy and cherish citizen's liberty.

The case of Dayamani Barla who is a journalist turned anti-displacement, tribal, woman activist from Jharkhand is part of a similar trend to harass public interest persons. She was granted bail by a local court of Ranchi on October 18, 2012. But she was arrested again. When friends and colleagues of Dayamani reached jail to receive her, they were told that she has been arrested in the Nagadi case and can't be let off. She was sent to Jail on October 16, 2012 in fourteen days judicial custody, after she surrendered before the court in a matter of April 25, 2006. This is not the first time when she is intimidated or harassed but the government is leaving no chance to target her. The recent intimidation and arrest is due to her leading a restless, successful and mostly peaceful (except once when police opened fire on villagers) struggle against the acquisition of fertile land at Nagari, a village situated at few kilometers from the state capital and where government wants to build IIM, IIT and National Law School. The government is desperately trying to crush the movement, by hook or crook.

It is not a matter of Dr Sunilam and Dayamani Barla alone. Harassment of activists on fake pretexts and

*(Continued on Page 9)*

conviction in fabricated cases has become a trend that merits the response of the sane legal, social and political minds to defang the bite of the strategic lawsuit against public participation.

—Chitranjan Singh -PUCL, Anil Chowdhary-Peace Delhi, Vijay Pratap-Socialist Front, Will D'costa-Insaf Delhi, Kiran Shaheen-Water Right Campaign, Asit Das-Writer & Activist Delhi, Rajni Kant Mudgal-Socialist Front, Sanjay Kanojia-RJD, Gangadhar Patil-D.N.A. Mumbai, Rajiv Kuamr-Indian socialist.

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## Travesty of Justice in Multai Police Firing Case

*"We were expecting this. The sentences awarded to me and two of my colleagues Sheshrao Suryavanshi Parmandal and Prahlad Agarwal are an attempt at silencing the ongoing agitation against Adani Power Plant and Pench Power Project in Chindwara district and also Union Minister for Urban Development Kamal Nath's constituency. We will not be deterred by this and our struggle will continue under Kisan Sangharsh Samiti with the help of all the progressive movements across the country".*

—writes Dr. Sunilam from Multai jail.

Dr. Sunilam and two of his other colleagues have been sentenced for life on charges of murder, arson and others. This is nothing but a travesty of justice; since those who need to be punished are serving the police force, have been promoted since then and those who were struggling for rights of farmers have been sentenced after 14 years. The wrong sentence given to Dr. Sunilam and others is one thing but one is left to wonder when will the 24 farmers and their family get justice? Every year on January 14 Shahid diwas is being observed but till date the government has not given a memorial place in Multai town. Every year memorial plaque is brought to the ground and is then taken back, since government is refusing them permission to put it in Multai tehsil compound where farmers died in police firing.

Dr. Sunilam and KSS has been an enemy of not only Congress government but also of the current

We condemn this dastardly act of incarceration of Dr Sunilam and Dayamani Barla and urge the governments of MP and Jharkhand to withdraw all cases against them and release them unconditionally.

BJP government since they have been actively fighting anti farmer's policies and intervening wherever necessary. Most recently when police fired in Raisen killing Harisingh, former Sarpanch in May 2012 or when police lathi charged and arrested many farmers including Rakesh Tikait of Bhartiya Kisan Union in Anuppur who were fighting against Moser Baer power plant. Dr. Sunilam has been an active proponent of the farmers and workers rights and been organising and most recently constituted anti corruption units in 40 districts of Madhya Pradesh. An active socialist, he travelled across the country as part of the Dr Lohia Centenary programmes and been active as National Alliance of People's Movements Convener in various movements across the movement.

In May 2011, Dr. Sunilam, Advocate Aradhana Bharagava and other members of KSS were attacked

by the goons of Adani in Chindwara, where he sustained severe injuries and many of the villagers were later arrested without any charges on the attackers. It was eighth attack on his life, but he survived. In the past nine years nearly 1,75,000 cases against the BJP workers have been withdrawn by the BJP government but farmers and others challenging the government continue to languish in jail or are running from Court to Court. What a shame ! It is

nothing but a vindictive move on part of the corrupt nexus between bureaucracy, political forces and the administration whose political and economic interests are being hurt due to Kisan Sangharsh Samiti's (KSS) active opposition to the Adani Thermal Power Plant and Pench Water Diversion Project in Chindwara District and SKS and Maxo Power Plants in nearby districts.

The resistance in Chindwara is against the vested interests of the state government and elected representatives from the region, so every attempt is being made to implicate the KSS leadership in other cases and this seems to be the reason for implicating Dr. Sunilam in this case too. We will not be surprised if in other ongoing cases against him will lead to further conviction.

## Continued Incarceration of Dayamani Barla

Dayamani Barla, die hard crusader against the corporations in Jharkhand is being kept in custody by the Jharkhand Government under false cases. It is nothing but a brazen attempt at threatening her for the struggle she is leading on various

fronts most important being the anti land acquisition struggle in Nagadi for setting up of Indian Institute of Management near Ranchi.

NAPM along with other people's movements will challenge every

one of these wrong judgments in the Higher Court and will continue to struggle against the anti people policies of the Government and fight for justice. We will not be intimidated !

—Medha Patkar, Gabriele Dietrich, Prafulla Samantara, Sandeep Pandey, Roma, Arundhati Dhuru, Suniti S R, Anand Mazgaonkar, P Chennaiah, Ramakrishnan Raju, Gautam Bandopadhyay, Geetha Ramakrishnan, Bhupendra Singh Rawat, Vimal Bhai, Saraswati Kavula, Mukta Srivastava, Rajendra Ravi, Madhuresh Kumar

### *(Continued from Page 2)*

to roar in parliament as it did in the last session. Its image of cleanliness has got a serious beating.

The party will have to reckon with Gadkari's episode in the next election. Therefore, it does not have to confine its strategy of finding out whether the wind is blowing in favour of Hindutva by giving currency to Modi's name. There are other issues which the opposition will be exploiting. And corruption, so far tagged to Congress, will be a charge against the party to which it will have to reply. One's scams will be pitted against another's to the confusion of the electorate.

As for Hindutva, India, with all its faults and failings, is a country which prides itself in the spirit of accommodation and a sense of

tolerance. Unfortunately, communal riots still take place, not at the scale as they used to be in the fifties, sixties and even later. But the nation is sensitive enough not to return those who have only religion to sell.

In the last six decades, India has come to settle down as a democratic, pluralistic nation. Whatever else happens—it happens to the country's shame—democracy has got entrenched deep. Religious slogans cannot destabilize it. It may well be truism but the fact is that there can be no democracy without pluralism. It is a pity that the BJP has not yet understood this very basic thing. It should remember that when it came to power at the centre, it had to cut off its communal fangs and give an undertaking, among other things, on giving a special status to Kashmir and not build temple on the place

where the Babri masjid stood before destruction.

In fact, Modi himself should withdraw his claim for the post of prime minister because he reduces the stature of the position as well as the chances of the BJP. If he were to say sorry and undo the wrongs he has done to the Muslims, he would perhaps come to be known as a reformed Modi. Then there may be a chance for him and his party.

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By

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## Death of Six Persons in Police Firing at Musoori Police Station-II

Behind Sajid Hussain's office is the mosque of the adjacent village of Rafiqabad. Someone, who is mysteriously anonymous, brought the pages of the Quran to Abdul Qadir, "Muezzin" (one who calls the faithful to pray) of the mosque. Accompanied by a posse of devotees, Qadir turned up at the Masoori police station, shaking with rage. He announced he had come to file an official complaint. The crowd meanwhile was rapidly transforming itself into a mob. And the mob grew exponentially in size from "Asr" to "Maghreb", the two congregational prayers, one in late afternoon and the other at dusk.

Sajid Hussain stands up, stretching both his hands which nearly touch the ceiling. "Calls were being given at all the village mosques asking the congregations to rush to the Masoori police station." That is how the crowd swelled. He then screams into the air: "Who has given them so much power, these Imams of mosques?" And when the situation goes out of control "You expect the secular leadership to douse the flames?"

According to Mr. Sajid, earlier when the SHO asked Qadir to let him have the pages of the Quran so he can attach it or make a copy of it for the FIR, Qadir refused. The Quran would become "unclean" if the SHO handled it. Was not that particular page from the Quran already "desecrated"? After all, that specifically was Qadir's complaint. Moreover anyone can buy a copy of the Quran from bookshops. Qurans thus sold become unclean?

By 6.30 pm ADM, SDM, SP, every acronym in the administrative and police catalogue are crammed into one small complaints room from where they all crawl into the "khazana" or the Strong room to protect themselves.

Sajid Hussain continued: "Reinforcements please" shouts the SP into his mobile phone repeatedly "Or, we will be killed." The mob has held up traffic on NH24, blocking reinforcements, he is told. As the mob, by now in thousands, surges towards the room, setting fire to vehicles in the way, the ADM orders the constable with his finger on the trigger. "Fire in the air." The constable pulls the trigger. Nothing happens. He shouts "Bandook kharab hai", (the gun doesn't fire). Where is the armoury? There is no armoury, just one more .303 rifle, say the policemen. Encouraged by a virtually unarmed police station, the mob breaks the door.

ADM orders the police to fire from the solitary gun in its possession into the crowd. Youngsters, at least three including bystanders, are shot in the head. Three more die of excessive bleeding.

According to Sajid Hussain the local Imam told him that the Muezzin brought the defiled Koran to him. The Imam insisted that the Koran be buried and with it the potentially explosive issue. However apparently a group of people felt otherwise and insisted that the Imam take the Koran to the police station and a report should be filed and the police be asked to arrest the person whose phone number was

scribbled on the Koran. The Imam told him that he had personally called the number, only to be abused by someone at the other end. The Imam also showed him the defiled Koran which had a few pages missing and the word "pig" scribbled on it along with the mobile phone number. Meanwhile the crowd was swelling and becoming restive, Mr. Hussain remembers giving the Koran to someone called Shakeel who is the son of Vakil, after that he does not remember what happened to those pages. As the crowd swelled Mr. Hussain tried to talk to them and pacify the gathering, however, every time there would be cries of provocateurs "Allah O Akbar", Some taunted him, "Do you not know what is happening in Libya with the provocative film on Islam?" and once again the crowd would start getting angry and had already started burning a bus.

Sajid Hussain continued: By the time for the Maghreb namaz, around 19:30, the crowd had swelled to thousands and despite being dispersed would come back insisting that the man whose mobile number was written on the pages be arrested immediately. Soon the crowd started pelting the police station with stones and bricks and all of them inside were forced to take shelter inside the Khazana or Strong room. A SDM and an SP were injured and when there was no sight of any additional force despite repeated requests, the ADM ordered to open fire. There were only two rifles in the chowki and the first rifle did not fire, after that the ADM ordered firing again and it was with the second rifle

which worked that the crowd was dispersed and the six persons died.

The Chairman was concerned why was there a call from almost all the neighbouring mosques to gather at the police station. During the time when he was trying to pacify the crowd he was repeatedly being taunted for betraying the cause of the Muslims, now after the firing the Hindus are blaming him for getting the crowd there and targeting their buses. He said that there is a concerted effort to infiltrate the mosque committees with more fundamentalist Muslims and destroy the communal harmony. This area had never witnessed communal riots though there have been previous unsuccessful attempts. The team tried looking for Qadir but he remained elusive. Sajid Hussain sent for him twice but he did not appear.

The team also interacted with common people who as noted above were particularly apprehensive of admitting of their presence at the police station that day. However, they said that large gathering was due to the haat on that day. This is also corroborated by the fact that the number initially was small and started swelling later, as the news of not filing FIR and taking action spread.

Some people also said that though announcement in Masjids was made to go to Masoori police station, but the people who were coming from those villages did not reach the police station as on their way they learnt of the police firing and deaths. They returned from the way. So, we have two contradictory versions here. Common people also said that demonstrators and bystanders were fired at from close range. Some died on the spot and some may have died

as they could not be taken to any hospital.

Postmortem reports confirmed four out of six died having received bullets from close range. Other two died because of blunt injuries. The team was not told of post-mortem reports despite enquiring, but an account was published in the Indian Express on September 20, 2012. Mode of death as per post-mortem findings as given in the report are as under:

Mohammad Arif (18): Died of excessive bleeding after an entry and exit wound caused by a bullet in the thigh. Clothes had blackening, signifying a bullet fired from close by. Range possibly 6 to 7 feet. Hayat (35): Died due to bullet injury to the skull. Range possibly 8 to 10 feet. Wahid (20): Gunshot injury to the skull. Blackening present. Range possibly 4 feet. Lukman (14): Bullet injury to the right skull. Blackening present, indicating a range possibly of about 4 feet. Amir Khan (16): Abdominal wound caused by a blunt instrument, possibly a stick, or by falling down. Wasim (22): Injuries caused by a blunt object to the left side of the skull. Skull fractured.

Bullets from three deceased have been sent for forensic tests which will show whether they were fired from the same gun as claimed by the police and Admn. or different ones. Bullet from the fourth who had received bullet in thigh could not be found, according to police sources cited in the report.

On the way back the team saw heavy police presence in all areas. Every street and every corner was occupied by armed policemen. Such heavy police presence after the event shows the Admn.'s effort to show its

alertness. It could also be to prevent any open talk of the event and to terrorize people into submission and silence.

SP Government led by Akhilesh Yadav has been in power for the last six months and in these six months it was the 31st incident of communal violence or violence against Muslims. It was sixth major incident in this period. While in incidents in Pratapgarh, Bareilly and Mathura, local conflicts between communities provided the backdrop of the violence, in Allahabad, Lucknow and now in Masoori, police fired upon the Muslim protestors who were rallied behind religious slogans. In these incidents there was no violence between communities but police violence against Muslims.

SP Government's response has been to announce compensation to the deceased and seriously injured and to order administrative enquiries. But it has made no effort to expose the culprits and punish them.

SP had gained clear majority in the 2012 Assembly elections. In this, support from Muslims reportedly played a major role. However, since coming to power of Akhilesh Yadav led SP Government there have been many incidents of police firing on Muslims while there have also been attempts to mobilize Muslims on religious issues.

This area is part of Dholana assembly constituency wherefrom in 2012 elections SP candidate had defeated his nearest BSP rival by over 9000 votes. BJP had been third and Peace Party, a new entrant to electoral fray, was fourth bagging over 29000 votes. RLD candidate supported by the Congress was a distant fifth.

**Observations:**

1. The versions given by the Administration, police and ruling politicians have been identical i.e. Muslim mob enraged by desecration of Koran and mobilized through Masjids had vandalized the police station and police fired upon this mob only to save their lives. However this version in many essential parts is not corroborated by the versions of the common people. Moreover this version also does not stand test of scrutiny. The entire team of policemen posted on that day had been transferred or suspended. Hence the policemen present were only giving official version and would evade any question saying they were not present.
2. While it appears to be a fact that large number of people had gathered at the police station, in fact it all started with only 100-150 people which gradually swelled to nearly 4000 thanks largely to the haat on that day. But what does not appear to be a fact is that people had gathered with any violent intent. Such a large gathering confronting only about 15 policemen with one functioning rifle, scattering away even after six people were shot dead without causing any serious injury to anybody. The police-administration claim of crowd possessing firearm also does not stand to scrutiny as these were not used against police or any other person even while police had killed six of the crowd. Marks on the compound wall alone, pointed out by policemen, are not convincing evidence of violent intent of the crowd.
3. From all accounts even of the police and administration it is clear that the people had come to file an FIR and were enraged by the dilly-dallying of the local police as perceived by them. They probably believed that the present administration would be responsive to their demand and had therefore been further aggrieved by such an attitude. When the police and local politicians retreated inside along with some persons, people got restive and barged in to know what was being done on their complaint.
4. Violent incident of burning the vehicles inside the police station of vehicles seized by police while sparing many others and particularly a diesel tanker standing in full public view only shows that this incident whose authorship may be doubtful, at least does not show any violent intent.
5. It is also surprising that only one rifle was operational in the police station. ADM, SDM, SP (Rural) and other officials must have come with their security who must have possessed weapons. Also thana incharge must have had his personal weapon. Forensic tests would establish veracity of this claim of only one rifle being used.
6. The story of additional police force not reaching the site due to road block while officers could reach there also needs further examination and explanation. It has to be ascertained at what level this occurred and who in the official hierarchy was responsible for this.
7. While it is the line of police-administration-local ruling class politicians that announcement was being made from Masjid from noon of assembling at police station, the police was not aware of it and took no remedial action, mobilizing of force or trying to talk to their leaders, only waited in the police station for people to come and the crowd to swell.
8. No effort was made to calm the people nor any effort or announcement (on public address system or otherwise) made to warn them before firing, these being made out to be niceties not to be cared for at such times to save their lives.
9. From the incongruities in the police-administration version and from the facts cobbled together from people's narratives, it appears that the people had gathered without violent intent. Police firing was not only excessive but also uncalled for. Situation could have been handled sparing the lives of the people.
10. People are afraid of talking or admitting their presence as is generally the case after such incidents. Police generally files open-ended FIR in such cases and implicates anyone who speaks or claims to be injured to justify its own position. People are not willing to speak and even when they speak request not being quoted. This is also responsible for a large number of people having fled for fear of arrests or not seeking treatment in hospitals. The all pervading atmosphere of fear is all too palpable in this area and heavy police presence is adding to that.
11. It is clear that full facts of the incident can't be formally brought out unless people are assured of their safety and freedom from police prosecution.

12. This incident happening so close to the Capital shows police ineptitude and callous disregard of people's lives. Because of the protection they receive, police display utter disregard of legal procedures and show no reason for employing tact or restraint.

#### **Demands:**

To overcome atmosphere of fear and establish full facts of the incident, to apportion responsibility for this tragedy involving loss of six lives, to uncover the forces behind this incident and to prevent such occurrence in future, it is vitally important that a judicial probe into this incident should be conducted without delay. Such an enquiry should be conducted by a sitting Judge of the High Court. Administrative enquiry will only be a means to cover up.

All attempts to terrorize people, arbitrary arrests and falsely implicating people must be stopped immediately. People's democratic rights should be respected. Open-ended FIRs should not be allowed to be misused and stop the people from speaking the truth.

– **Sayed Naqwi**

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## **The Girl Who Changed Pakistan: Malala Yousafzai**

**Shehrbano Taseer**

The teenage girls chatted to each other and their teachers as the school bus rattled along the country road. Students from a girls' high school in Swat, they had just finished a term paper, and their joy was evident as they broke into another Pashto song. About a mile outside the city of Mingora, two men flagged down and boarded the bus, one of them pulling out a gun. "Which one of you is Malala Yousafzai?" he demanded. No one spoke—some out of loyalty, others out of fear. But, unconsciously, their eyes turned to Malala. "That's the one," the gunman said, looking the 15-year-old girl in the face and pulling the trigger twice, shooting her in the head and neck. He fired twice more, wounding two other girls, and then both men fled the scene.

Over the screams and tears of the girls, a teacher instructed the bus driver to drive to a local hospital a few miles away. She stared in horror at Malala's body, bleeding profusely and slumped unconscious in her friend's lap, then closed her eyes and started to pray.

As of this writing, Malala fights for her life at the Queen Elizabeth Hospital in Birmingham, England. Her would-be killers have not yet been caught. But it's clear who bears responsibility. And in the days since the October 9 assault on her, sadness, fury, and indignation have swept the world.

For months a team of Taliban sharpshooters studied the daily

route that Malala took to school, and, once the attack was done, the Tehrik-e-Taliban in Pakistan gleefully claimed responsibility, saying Malala was an American spy who idolized the "black devil Obama." She had spoken against the Taliban, they falsely said, and vowed to shoot her again, should she survive.

The power of ignorance is frightening. My father, Salmaan Taseer, was murdered last January after he stood up for Asia Noreen, a voiceless, forgotten Christian woman who had been sentenced to death for allegedly committing blasphemy. My father, the governor of Punjab province at the time, believed that our country's blasphemy laws had been misused; that far too frequently, they were taken advantage of to settle scores and personal vendettas.

In the days before my father's murder, fanatics had called for a fatwa against him and had burned him in effigy at large demonstrations. His confessed shooter, a 26-year-old man named Mumtaz Qadri, said he had been encouraged to kill my father after hearing a sermon by a cleric, who, frothing at the mouth, screeched to 150 swaying men to kill my father, the "blasphemer." Qadri, a police guard, had been assigned to protect my father. Instead, on the afternoon of Jan. 4, my brother Shehryar's 25th birthday, he killed my father, firing 27 bullets into his back as he walked home.

My father, one of the first members of the ruling Pakistan People's Party,

was frequently imprisoned and tortured for his unwavering belief in freedom and democracy under the harsh dictatorship of Gen. Zia ul Haq.

But in later life, as he spoke against the blasphemy laws, his views were distorted to suggest—wrongly—that he had spoken against Prophet Muhammad—just as Malala’s views were twisted by both her Taliban attackers and opportunistic politicians peddling poisonous falsehoods for their own gain.

One would think the nightmare and brutality of the Zia regime ended when the tyrant’s aircraft fell out of the skies in 1988 and he was killed. We were so wrong.

What the attack on Malala makes clear is that this is really a battle over education. A repressive mindset has been allowed to flourish in Pakistan because of the madrassa system set up by power-hungry clerics. It’s a deeply rooted indoctrination, and it sickens me to see ancient religious traditions undermined by a harsher form of religion barely a generation old. These madrassa, or religious schools headed by clerics, are the breeding ground of Islamic radicalism. The clerics don’t teach critical thinking. Instead, they disseminate hate. These clerics are raising merchants of hatred who believe in a very right-wing and radical Islam, to hail people like Osama bin Laden and Mumtaz Qadri as heroes. They train children how to use guns and bombs, and how not to live but to die.

Since my father’s murder, I have often wondered if Qadri would have killed him had he known my father’s actual views and not what they had

been twisted into by media anchors and clerics on a hysterical witch hunt. Maybe if he had listened to what my father really said, Pakistan would not have lost its bravest man and I my center of gravity.

After his bloody deed, Qadri was hailed as a hero by right-wingers and fanatics. In a loathsome display in front of the court where he was to be tried, hundreds of lawyers charged with upholding justice instead showered the murderer with rose petals in praise of him taking a sacred life.

But terrorism bears within it the seeds of its own destruction. What schools with a good syllabus can offer is the timeless and universal appeal of critical thinking.

This is what the Taliban are most afraid of. Critical thinking has the power to defuse terrorism; it is an internal liberation that jihadism simply cannot offer.

This time, with the attack on Malala, what is different—and encouraging—is the outpouring of support in Pakistan for this young girl. We cannot, and we will not, take any more madness.

Malala was only 11 when she started blogging entries from her diary for the Urdu-language website of the BBC. Her nom de plume was Gul Makai, meaning cornflower in Pashto and the name of the heroine of many local folk stories. A star student with olive skin, bushy eyebrows, and intense brown eyes, Malala wrote about life under Taliban rule: how she hid her schoolbooks under her shawl and how she kept reading even after the Taliban outlawed school for girls. In an entry from January 2009 she wrote: “Today our teacher

told us not to wear colorful dress that might make Taliban angry.” She wrote about walking past the headless bodies of those who had defied the radicals, and about a boy named Anis, who, brainwashed by the Taliban, blew himself up at a security checkpoint. He was 16 years old.

Encouraged by her father, Ziauddin, a schoolmaster, Malala quickly became known as she spoke out on the right to an education. Ziauddin had two sons also, but he told friends it was his daughter who had a unique spark. She wanted to study medicine, but he persuaded her that when the time came she should enter politics so she might help create a more progressive society—at the heart of which was education for all. In Pakistan, 25 million children are out of school, and the country has the lowest youth literacy rate in the world.

“I hope you won’t laugh at me,” Ziauddin wrote in an email to Adam Ellick, an American filmmaker, after Ellick had stayed with the family in Swat for several months. “Can I dream for her to be the youngest to clench a Nobel award for education?”

In the film that Ellick made for The New York Times in 2009, the bond between Ziauddin and his daughter is evident as is his pride in his young daughter’s accomplishment. “When I saw her for the first time, a very newborn child, and I looked into her eyes, I fell in love with her,” Ziauddin says at one point in the film, beaming. “Believe me, I love her.” (Her mother, a homemaker who speaks only Pashto, is also supportive of Malala’s work; she wasn’t depicted in Ellick’s film for cultural reasons.)

At the time, the Taliban had swept through Swat, banning girls' education and attacking hundreds of schools in the province. But Ziauddin—who, in addition to running a school, is also a poet, a social activist, and head of the National Peace Council in Swat—defied the Taliban by refusing to cancel classes, despite continued death threats. “They were so violently challenged,” says Ellick, who is still close to the family.

As Ziauddin explained his motivation at one point: “Islam teaches us that getting an education is compulsory for every girl and wife, for every woman and man. This is the teaching of the holy Prophet,” he said. “Education is a light and ignorance is a darkness, and we must go from darkness into light.”

Ziauddin “has given Malala a love, strength, and confidence that’s rare,” agrees Samar Minallah Khan, a Pakistani journalist and filmmaker who knows the family. “She has an incredible spirit and a mind of her own because of the confidence he has given her.”

In three short years, Malala became the chairperson of the District Child Assembly in Swat, was nominated for the International Children’s Peace Prize by Desmond Tutu, was the runner-up of the International Children’s Peace Prize, and won Pakistan’s first National Youth Peace Prize. More recently she started to organize the Malala Education Foundation, a fund to ensure poor girls from Swat could go to school.

Sharing her father’s eloquent and determined advocacy made Malala a powerful symbol of resistance to Taliban ideology.

Former British prime minister Gordon Brown said the attack had given rise to a children’s movement, with children proudly wearing “I am Malala” T-shirts and defiantly asserting their rights. “Young people are seeing through the hypocrisy of ... their leaders [who] deny millions of girls and boys the opportunity to rise,” Brown said in an email. “For one Malala shot and silenced, there are now thousands of younger Malalas who cannot be kept quiet.”

Ziauddin is reportedly shattered by the attack on his daughter and unable to speak, yet he plans on returning to Pakistan once her treatment is complete. He wants to return to their work on education with renewed commitment and strength. He told Ellick: “If all of us die fighting, we will still not leave this work.”

In order to operate, the Taliban need the acceptance—or submission—of the population. A Gallup poll conducted two years ago shows that only 4 percent of Pakistan’s 180-plus million population views the Taliban in a positive light. But the TTP, as they are known, have capitalized on the mounting anti-Americanism spurred by civilian casualties of U.S. drone strikes. Keen to cultivate favorable public opinion, Mullah Omar, the spiritual leader of the Taliban, issued a “new code of conduct” in 2010 that banned suicide bombings against civilians, burning down schools, and cutting off ears, lips, and tongues. On the Web, the TTP rallied against drone strikes, condemned attacks on shrines, hospitals, schools, and marketplaces. In practice, however, the code was spottily enforced and did not necessarily mean a gentler insurgency. Critics claim that any changes were cosmetic—a tactical

shift in preparation for a long-term fight.

The assault on Malala seemed a departure from Mullah Omar’s “charm offensive”—a desperate but well-known attempt to spread fear. Even among those who had supported the TTP’s ideological goals in the past, there was revulsion at the attack on the little girl. “The shooting could be an attempt to show that they are still active,” says author and analyst Zahid Hussain. “They want to send a message.”

Instead of being chastised by the popular outrage both in Pakistan and in the West, the Taliban has responded by threatening local journalists who have covered the attack on Malala. The TTP has even threatened cricketer-turned-politician Imran Khan, claiming he is a liberal and therefore an infidel. The threats surprised many since “Taliban Khan”—as many refer to him—is perceived as an apologist for the extremists. In fact, in the days after the attack on Malala, Khan was strongly criticized for not taking a more forceful stance on her shooting. (Khan said he could not speak too openly against the Taliban because that could imperil the lives of his supporters in the north.)

“Pakistan has arrived at its with-us-or-against-us moment,” Bilawal Bhutto Zardari, the son of the president, told Newsweek by email. The 24-year-old Bhutto Zardari succeeded his mother, Benazir Bhutto, as chairman of Pakistan’s ruling party after her assassination in 2007. (The family believes that the Taliban killed her, though an al Qaeda commander initially claimed responsibility.)

Even as Malala fights for her life, people continue to twist her



views and words to suit their own incendiary narrative. Samia Raheel Qazi, herself a mother and a senior figure in Pakistan's largest religious party, Jamaat-e-Islami, posted an image of Malala, her father, and the late U.S. envoy Richard Holbrooke on Twitter, adding a caption that falsely claimed that Malala had attended "a meeting with American military officers."

In Pakistan such character assassinations and conspiracy theories are unfortunately not uncommon—and they benefit the Taliban's odious campaign. "Liberals would like to believe this is a turning point for Pakistan," says journalist Najam Sethi. "That's what they thought when a Swati girl was publicly flogged by the Taliban in 2009." Pakistanis were at first outraged, but the anti-Taliban consensus soon evaporated, he recalls. Sethi believes that upcoming Pakistan elections will further politicize the attack. "The government will make the right noises but fall in line with exigencies of party politics. No general or civilian will risk precipitous action."

Pakistan's government is funding Malala's treatment and will present her with a national award for courage. It has also promised jobs to the family members of the other two girls who were shot. But many fear that—despite the arrest of almost 200 people—the investigation into the attack will conclude as most investigations do: with a failure to prosecute those responsible. Our antiterrorism courts have a shoddy record of convictions. The judiciary and law-enforcement agencies clearly lack both the will

and the means to bring perpetrators to justice. "If we do capture the terrorists who attacked Malala, I do hope they are brought to justice," says the government spokesman, Bhutto Zardari. But sounding less than convinced, he cautions in the same email: "This is a war zone. Just as NATO or the U.S. will not capture every terrorist in Afghanistan we cannot capture every terrorist in Pakistan."

Malala's English teacher, who is close to the family, clicks his

**(Continued from Page 6)**

Elections that are to be held in December, 2012, the elections fall in festive season and not much should be left to imagination if we consider how this atmosphere can be exploited by candidates if certain strategic and effective steps are not taken to monitor and check the election-expenses.

A case of similar nature also came up before Madras High Court during the Tamil Nadu assembly elections of 2011 when the court took the *suo motu* cognizance of various newspaper reports in which some political party leaders had complained about various similar restrictions imposed by EC. The court had declined to curb the powers of EC to prevent distribution of money to voters and also directed that the standard procedures for dealing with unaccounted cash and other valuables be followed.


Even the white paper of the UPA government has also recommended in para 6.13 that existing laws should be amended to regulate the possession and transportation of

tongue when asked if he believes the attackers will get caught and punished. "I don't think so at all," he says. "When have they ever?"

There is talk now in Pakistan of further military sweeps of militant strongholds. But it is clear that the solution cannot be purely military. The government must address the root causes of terrorism as Malala argued. "If the new generation is not given pens, they will be given guns by the terrorists," she said before she was shot. "We must raise our voice."

cash. The paper also prescribes putting a limitation on cash holding for private use and confiscation of cash held beyond prescribed limits. ADR and GEW also appeal to all political parties that they ask their candidates to keep their expenses in limit, so that the elections take place in a free and fair manner and the influence of money power is reduced in the elections.

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Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

## Is it the winning team?

**S. Viswam**

The composition of the UPA's new team that is set to measure up to the challenge of leading the coalition to victory in the 2014 Lok Sabha polls is now in position. As the Prime Minister has asserted, Sunday's exercise of reshuffle and expansion and reallocation of portfolios is the last he expects to undertake before the elections. The nation is only too well aware that the 2014 confrontation is a matter of "political" life and death for the two major coalitions, the one led by the Congress and the other by the Bharatiya Janta Party. Parties which are members of neither coalition also have a major stake in the 2014 outcome since it will shape up their future in the states. All in all, therefore, given the importance of the coming parliamentary poll, the contribution of the government that will be in office at the time of the hustings in moulding the image of the ruling dispensation will count a lot. The people will judge the UPA by the performance of the new team and juxtapose it by the overall performance of the Manmohan Singh regime during the last three years. Seen from that perspective, one has to say that the Prime

Minister has done a good job in finalizing the choices and identifying those who can deliver.

That said, it has to be added that the reaction to the reshuffle exercise would have been different had Rahul Gandhi agreed to be part of the new team. However, he is still reluctant to try his hand at administration, preferring instead to play a role in strengthening the Congress. He has no experience in administration. One cannot assess his potential as a minister, in either senior or junior capacities, although the Prime Minister seems to be confident of his competence. Even if we give him the benefit of the doubt, the remaining months before the polls are too short a period to test him in this respect. So, perhaps it is just as well that he has stayed out of the government. At the same time, his work till now in the organizational field has been unremarkable. Indeed, the Congress which fought the UP assembly elections under his leadership could not even ensure victories in his and his mother Sonia Gandhi's constituencies. He has not displayed any striking leadership qualities either, and his voice is not heard when the

party is in crisis or needs a guiding hand. Why is the nation being asked by the Congress to place high reliance on Rahul Gandhi's ability to deliver, especially in these times where formidable challenges have to be combated with over-riding confidence and competence, is intriguing, to say the least. The only explanation is that the Congress takes it for granted that this nation of a billion plus owes a moral obligation to the Nehru-Gandhi dynasty and keep rewarding the family for services rendered in the distant past.

Cabinet formation is the sole prerogative of the Prime Minister. This "perk" attached to his position as the First Servant of the Country cannot be questioned or challenged. In the case of Dr. Manmohan Singh, one must be gratified that he is allowed to exercise this prerogative without the Congress President and Chairman of the UPA snatching away this role also from him. Secondly, a reshuffle or expansion is a matter that is of major concern only to the ruling coalition and of no other party. Unmindful of this simple rule, which has now grown into an established convention in our parliamentary system, the BJP had no business whatsoever to question the Prime Minister on the shifting of Jaipal Reddy from Petroleum to Science and Technology. Challenging the Prime Minister on this issue would be bad enough, but the BJP has compounded its impudence with the charge that the Prime Minister had punished a minister for his honesty, or in other words, protected the interests of a leading business house which was kept at bay by the minister. The implication is that only corrupt ministers can be given

*(Continued from Page 7)*

## Public Property for Private Use

**K. S. Chalam**

The difference between public property and private property is that, the former offers benefits to the society as a whole while the latter profits the individual. Common property that is generally referred to as public property in popular jargon is different, as it is only a local resource like grass, woods, weeds, fish, etc that are being controlled and utilized by small communities, in our country by traditional castes. Common property resources are depleted throughout the world with the advent of colonial system of terms of trade based on market and are being studied by scholars of environment ( we don't know whether CoP touched it ) to provide sustainability not only to the resources but also to the communities that depend upon them. It is a different issue and we are concerned here with public property that is non-excludable and non-rivalry in character.

Public property is defined by the Prevention of Damage to Public Property Act 1984 in India. It is said that, "public property means any property either immovable or movable (including machinery) which is owned by or in the possession of or under the control of , Central government , any state government or any local authority or any corporation, or public company, or any institution undertaken by central government" and declared so through a Gazette notification. Though it is a legal definition, it conveys the meaning of public property as one that belongs to the people of the country and the beneficiaries or the inheritors are the public and not private individuals. It is said that the colonial system has

changed the characters of most of our public resources after the introduction of their methods of exploitation. Scholars like Madhav Gadgil and others have recorded how the common property resources in regions like the West coast ( Uttara kannada) have undergone radical transformation, might as per some, give us a clue as to how the public properties have moved into the hands of individuals. However, the anthropological approach to study common property would have certain limitations to understand the complexity of the transfer of public properties as private possessions. The analysis of the reassignment or alienation of land and other resources like mines, state owned machinery, etc. could be better understood through an approach called class analysis. One can either use a Marxian or a non-Marxian or Weberian class to understand the dynamics of how properties in countries like India change hands. Class in the Indian context both as an economic and social category, can be a useful tool to scrutinize the process of transformation (as of now) of flaccid resources under the control of the state becoming vibrant wealth creators in the hands of select few individuals. It does explain how the ruling classes use their political power in the democratic drama of decision making of getting public resources either for themselves or for their cronies. It is neither a new phenomenon nor limited to Andhra Pradesh. It has been a long drawn process ever present in our history, was once confined to few is being spread to many groups after liberalization.

There are several connected issues in the transformation of public property as private property within the legal structures of the country. It appears that people have misunderstood Jairam Ramesh when he raised the issue of public toilets rather in a discrete language. In this context, we can find that our Constitution has given scope for certain freedoms to establish institutions and own properties and are exempt from paying taxes under Article 27. Let us not question the efficacy of this Article and envision the expansive rationale of it. The constitution makers might have thought, given the plurality of the country that each group would work for the welfare of the larger interests of the public given this freedom. It was assumed perhaps, not to allow individuals or a cluster of them to form interest groups to amass properties mostly from the public and convert them as fiefdoms to benefit a few individuals or their companions. The litigants and legal luminaries might say something on this, but the crux of the problem is that huge public properties and wealth are accumulated in the hands of few individuals without much use for the groups for which they are intended or to the people of the country in general. We have come to know from the media reports that the controversial Swamy Nityananda had bribed another Swamy to acquire Rs 1500 crores worth of property. People talk of such incidents as if they are known public figures, but there are millions of such cases (all denominations) that elude public realm. We have in the country millions of registered public trusts or organizations not only to avoid taxes but even to conceal their ill-gotten money. People who talk of corruption do not touch this issue as some of them come under this category and most of their frauds do

ultimately turn up here.

It is in this perspective, the data furnished by the census 2011 on the places of worship, schools, toilets etc are really revealing. It is reported that the number of places of worship of all the religions were 2398650 in 2001 and are now bloated to 3013140 in 2011. The number is directly proportional to the increase in GDP. The more interesting aspect of it is that there are more places of worship in West Bengal than any other state except the (huge) Uttara Pradesh (see Nilotpal Basu, the Hans India). Andhra comes at sixth place (fifth in population size). Along with the places of worship, the number of schools, colleges and hospitals are also given in the same census table. It is reported that the number of schools, colleges and hospitals put together stand at 2789732 ie, about 3 lakhs less than the number of places of worship. Most

of the public institutions including schools, hospitals, places of worship etc are generally built with public resources. The net worth might be equivalent to the sum of GDP. Strangely, once they become institutionalized, the property thus obtained becomes the personal privilege of the few. There are cases where the priests are underpaid, discriminated, starved and humiliated in places where there is no public glare, while the rich establishments enjoy the luxuries of life. Unfortunately, because of our increasing intolerance about the issues of faith, the real predicaments of control, regulation, and order and above all the public cause has never surfaced in the public discourse. Is it not helpful for the public institutions that control trillions of rupees worth of public property to develop a code of ethics to contain fraud and prevent its becoming a private asset?



## राष्ट्र सेवा दल

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लाखों शहीदों की कुर्बानी से आजाद तथा एकजुट हुए भारतीय गणराज्य को हमें समता के आधार पर एक अच्छा चेतनामय राष्ट्र बनाना है।

जाति धर्मनिरपेक्ष राष्ट्रीयता एवं सामाजिक-आर्थिक समता—ये विचार इस महान् देश की आधारशिला बने ऐसा प्रयास करने से ही सुनहरा समतावादी भारत का सपना साकार होगा।

बालक-बालिका एवं युवा पीढ़ी को इन विचारों की सीख देना तथा कथनी-करनी एक समान हो ऐसा उनका चरित्र विकसित हो, वे अनुशासनबद्ध तरीके से निची एवं सार्वजनिक काम करते रहे—ऐसा संस्कार उन्हें देने का प्रयास राष्ट्र सेवा दल १९४१ से कर रहा है। २६ जनवरी, १०५० से अमल में आये हुए संविधान का सम्मान हर नागरिक करे ऐसा अभियान सेवा दल ने गत दो साल से चलाया है। उसकी अंतिम कड़ी के रूप में यह 'उत्तर भारत समता सम्मेलन' संपन्न हो रहा है।

आज सामाजिक-आर्थिक विषमता बढ़ रही है। हिंसाचार, सांप्रदायिक विद्वेष तथा भ्रष्टाचार—ये इस महान गणराज्य को कुरेदने लगे हैं। इन समस्याओं से निपटने के लिए शासन की तरफ से कड़े कदम उठाने की जरूरत है। लेकिन साधारण नागरिक की, खासकर नयी पीढ़ी की मानसिकता में परिवर्तन लाना यही स्थायी इलाज हो सकता है। वैसे परिवर्तन लाने के लिए हम सब इस सम्मेलन के सुअवसरपर संकल्पबद्ध हो जाएँ, ऐसा विनम्र आहवान है।

**इन्दिरा रमण उपाध्याय, पन्ना लाल सुराणा, सच्चिदानन्द सिंह, मिथिलेश प्रसाद,**

**नंदलाल मंडल, धर्मेन्द्र कुमार (राजगीर), ओमप्रकाश मेहता**

## A Day of two incidents

**Pannalal Surana**

A district level officer of Madhubani Bihar had lodged a complaint with the police that their daughter, Prithi Choudhary, a student of IX class was “missing” since September 3, 2012. The suspect named was Prakash Jha, a X class student aged 17 years. More than a month lapsed but the police could not trace Prithi.

On October 11, a headless body was found nearabout. After the postmortem, it was announced that the body was of a person of about 26 years. The mother of Prakash and a few of her kin demanded custody of the body claiming it to be that of Prakash. They also staged a dharna in front of the government office. On October 12, a demonstration was organized in front of a police station. The mob set on fire some of the buildings and vehicles. Police resorted to firing. One passer-by was killed. Some persons gave a bandh call on October 13. Incidence of arson and loot in Madhubani multiplied with some casualties either in stone pelting or firing. All the Left parties gave a call of Bihar Bandh. In the meanwhile, the police had handed over the body to Prashant’s mother and the kin who performed the religious funeral rites. The Bihar Bandh, was largely successful. Some observers felt that it was ignited more by the cumulative unrest and anger against both the Central and State governments.

The same afternoon, on October 13, Prashant and Prithi appeared in AIIMS, Delhi for check up.

Bewilderment was writ large on the Bandh-callers, authorities, media men, et al.

When would the mystery be unravelled? Prashant’s mother says that she felt it was his son’s body because the feet “appeared to be very much like his”. Poor soul. Well, some unknown person’s body received so much publicity and religious rites.

And what about Prithi’s parents? They are observing serene silence.

Who had provided shelter to the two adventurers without informing their parents? If they had stayed at a hotel how could they bear so much expense? It is likely that Prashant must have managed the money. Was that his pocket money? Then, are not his parents answerable to the community for their extravaganza? Both must be underage for marriage. What would they and their parent to do straighten out the matter?

\* \* \*

At Muzaffarpur, on October 13, Hindkesari Yadav, MLA and former minister, led a morcha of the villagers from his community who had lost fourteen of their brethren in an accident of consuming poisonous liquor. Women were in majority. When they approached the District Collector’s office, a number of lathi-wielders attacked them. Hindkesari himself rushed in one of the chambers, but the vandals pulled him out by collar and

thrashed him brutally. Later on, the police resorted to lathi-charge. A number of demonstrators were injured. Three women had to be rushed to hospital, where condition of one of them was said to be critical. Hindkesari himself had to be rushed to Patna medical college.

It is believed that the assaulters were hired by the wine-dealers. A few months back, a group of women had given vent to their anger and had broken window-panes of a wine-shop. It is learnt that those who have obtained permit to sell wine packs which are supplied by the manufacturers after paying excise duty to the State Government. However, there are a number of unauthorized wine-manufacturers who don’t pay excise duty. They have a problem as to how to sell their products, because selling also requires license. So, some of them supply their products to vendors who in turn supply the same to small shop-keepers in villages. This unauthorized sale channel is run by the licensed dealers. It is believed that some of the stuff supplied by them includes poisonous hooch. That is why women are angry. Hindkesari had conveyed their feelings to the concerned authorities including Chief Minister. Thereupon the wine-dealers felt that it was Hindkesari who was causing so much trouble to them. That is why they had planned the assault on October 13. The police were hand-in-glove with them. There seems to be close nexus between the district level administration and the wine-mafia.

## Violence in Assam has subsided...

**Harsh Mander**

Although Assam has disappeared from the front pages of national newspapers, large populations still live in makeshift, underserved camps, racked by memory, fear and uncertainty, with little prospect of an early return to their homelands. Legitimate anxieties of land and identity have acquired an urgent grammar of violence and hate, and irreconcilable divisions have grown further between estranged communities.

During my journey to relief camps in Dhubri, Chirang and Kokrajhar, housed in the classrooms and courtyards of schools, I found that government had ensured basic food rations and primary healthcare services. For the rest, people mainly had to fend for themselves. There was no bedding, no mosquito nets, toilets were scant and choked, and there was little water for drinking and bathing. People who had fled their burning villages or rampaging mobs had few clothes or utensils. Children were the worst hit. There were no child care services, or temporary schooling. Everywhere I found a longing to return home.

The stories we heard in both Bodo and Bengali Muslim camps were disturbingly similar, of neighbours turning into murderous mobs, of torched and ransacked homes, of looted livestock, and of fearful flight. Many escaped only in fear, even though their settlements were not attacked, and in these villages, men return to guard their homes and fields, leaving the women and children in camps.

There are legitimate anxieties and grievances on both sides of the dispute. Udayon Misra writes eloquently of the 'ever so heavy' burdens of history of indigenous Assamese peoples like the Bodos, of 'land, immigration, demographic change and identity'. He describes massive land alienation of the Bodo plains tribal people who were shifting cultivators with few land records, by industrious and aggressive Bengali Muslim immigrant cultivators.

Successive governments in both the state and the Centre have failed to effectively seal borders, and to identify and repatriate illegal immigrants. The Bodos worry also about being culturally swamped in their traditional homelands, not just by Bengali Muslims but also other communities such as the caste Hindu Assamese, Koch-rajbanshis, Santhals and Bengali Hindus.

The Bodo accord of 1993, which belatedly gave administrative autonomy to the Bodo people in their traditional homelands in which they already were reduced to a minority, unfortunately also created an incentive for driving out people of other communities and ethnicities. The first attacks by armed Bodo militants on Bengali Muslims occurred in 1993 itself, and these have recurred sporadically against also Santhal adivasis, who are descendants of tea garden workers who migrated centuries back. Clashes occurred in 1994, 1996, 1998 and 1999. Around one and a half lakh people displaced by these clashes - both

Bengali Muslim and Santhal - continue to live in camps up to the present day, an entire generation of forgotten internal refugees with no home. The government took no decisive steps to help these refugees return to their homelands.

This remains a festering wound on the psyche of the Bengali Muslim, as also the fact that not a single person has been persecuted for the gruesome slaughter mounted in Nellie in 1983. They complain that all Bengali Muslims are tainted as Bangladeshi illegal immigrants, whereas demographers confirm that only a small fraction of the immigrants are actually illegal settlers who slipped into the state after the agreed cut-off date of 1973. Many have learnt Assamese, and wish to be accepted as legitimate Assamese citizens.

This already fraught environment, of legitimate competing anxieties and grievances of diverse communities, has deteriorated sharply because of the implicit legitimisation of violence as a means to resolve these competing claims. People sympathetic to the concern of Bodos and other indigenous tribal communities suggest that the violence to which they have resorted in recent decades is unfortunate but understandable. This is rendered more dangerous because of the easy availability of sophisticated arms among the surrendered Bodo militants, who were never effectively disarmed.

On the other hand, apologists for

the Bengali Muslim violence justify it as being 'only retaliatory'. This is slippery ethical territory, because the same argument was used to justify the post-Godhra massacre, as well as the slaughter of Sikhs after Indira Gandhi's assassination. There is disturbing evidence of growing radicalisation of a small section of the Assamese Bengali Muslim, of a kind which was remarkably absent among the victims of the Gujarat violence. The latter have remained unshakably committed to the democratic, legal and non-violent resolution of their grievances, despite the brutal slaughter and systematic subversion of justice and reconciliation by the leadership thereafter.

There are wide demands today that only those Bengali Muslims in relief camps should be allowed to return home who can first prove their legal status. The acceptance of this demand would further incentivise the mass violence which resulted in their displacement in the first place. There is no doubt that the rights of indigenous communities to their land, forests and culture need to be defended, and illegal immigration effectively blocked.

But there should be no compromise, even by implication, with violence as a means to achieve these demands. People in both new and old camps must first be restored to their homelands unconditionally, and assisted in rebuilding their houses and livelihoods. Only then should a just and caring state intervene to ensure that the legitimate concerns of both indigenous people and settlers are met, by processes which are lawful, humane and non-violent.

## **Legal Help Committee for Dr. Sunilam, Shesh Rao Suryavanshi and Prahalad Aggarwal An Appeal**

Dr. Sunilam has been a consistent fighter for the cause of farmers for the last several years. He and two of his colleagues, Shesh Rao Suryavanshi and Prahalad Aggarwal of Kisan Sangharsh Samiti, have been sentenced to life imprisonment by the Session Court of Multai, Dist. Betul, Madhya Pradesh, on 19 October 2012, in the 14 years old Multai Firing Case. There was an indiscriminate firing by the police on farmers gathered at Multai headquarters on 12 January 1998 under the banner of Kisan Sangharsh Samiti led by Dr. Sunilam. They were demanding compensation for their soya bean crop destroyed due to bad conditions. In the indiscriminate firing by the police 24 farmers were killed and more than 100 injured. A fire brigade driver Dhir Singh was also killed in the chaos.

The administration booked 250 farmers in 66 fake cases. Dr. Sunilam was accused of attempting to burn Inspector Sarnam Singh alive, of snatching a rifle from I.T. S.N. Katare in order to kill him and of killing the fire brigade driver Dhir Singh by assaulting him five times with a stone. The accusations are not true. The truth is that the police brutally repressed the farmers.

Dr. Sunilam, Shesh Rao Suryavanshi and Prahalad Aggarwal are now imprisoned in the Bhopal jail. Advocate Aradhna Bhardwaj and other activist friends in Madhya Pradesh are trying to get bail for them and preparing an appeal to file in the Jabalpur High Court.

We, the undersigned, appeal for financial contribution and co-operation in this legal battle. **The cheque/demand draft may be send to SBI, Multai, in the name of Kisan Sangharsh Samiti, A/C no. 32059516258, code no. 01206. In this connection friends can contact Jagdish Vodke, vill/post – Jaun Kheda, Tehsil – Multai, Dist. Betul – 460661 (MP), phone : 09179124860.**

**–Rajindar Sachar, Bhai Vaidya, Vinod Prasad Singh, G. G. Parikh, Mohan Singh (MP), Sharad Yadav (MP), Ram Gopal Yadav (MP), Medha Patkar, Arvind Kapole, Lilatai Chitle, Mangal Das Arsekar, Vilas Bhongade, Baban D' Souza, Manhar Gunjan, Mehboob Mahimture, Abhjit Vaidya, A. K. Arun, Sandeep Pandey, Prem Singh and Subhash Vare (Convener, mobile : 09822020773).**

**SM Joshi Socialist Foundation, Ganjve Chowk, Navi Peth, Pune : 411030**

## The Island Controversy

A long time ago, I had moved the Delhi High Court challenging the Indian government's decision to give away the Kachchativu island to Sri Lanka.

When the transfer happened, in 1974, I was aghast.

I am not a Tamil, I do not live in Tamil Nadu either; but as an Indian I was shocked that India had chosen to surrender a chunk of its territory to another country.

That too land which a section of Indians (read Tamils) did not want to be given away.

I also knew that the government of Indira Gandhi had not got the decision ratified by parliament.

I moved a civil writ petition in the Delhi High Court that very year. The judges were T. Tatachari and M. Ansari. The case came to be known as "Brij Khandelwal vs Union Of India".

I prayed that the court issue a writ of prohibition and/or any other appropriate order preventing New Delhi from ceding Kachchativu to Colombo.

Another petition was filed by Shyama Charan Gupta praying that the Indian government be stopped from giving away Kachchativu and, if this had already been done, to take back the island.

He also wanted the court to declare that the government and parliament have no powers to cede any part of India.

It was in June 1974 that India

gave up the sovereignty over the 280 acres of the Kachchativu island in the Palk Strait, a narrow strip of sea dividing India and Sri Lanka.

Although the Island was uninhabited, fishermen from India used to go there to fish and to dry their nets. It was marine rich — and remains so today.

Many Indians also visited the island to pray at the church of St. Anthony.

Notices were issued to the central government asking why our petitions should not be admitted.

The government argued we had no right, constitutional or statutory or otherwise, to file the writ petition; no right of ours was threatened; and that we petitioners had no locus standi.

In any event, in view of the Emergency declared December 3, 1971 (in view of the India-Pakistan war), the agreement could not be challenged by invoking article 19 of the Constitution.

The government also said there was no question of cession of Indian territory as there had been a long standing row between India and Ceylon (later Sri Lanka) over Kachchativu.

The government insisted that Indian fishermen and pilgrims would continue to enjoy access to Kachchativu without obtaining travel documents or visas.

After Indira Gandhi was voted out in March 1977, I pursued the matter with the Indian foreign ministry.

My socialist friends, the late Surendra Mohan and then minister of state for external affairs, Samarendra Kundu, pressured me to give up the battle, saying this could affect India-Sri Lanka relations.

I argued that not resolving the issue would lead to complications at a later date.

This is exactly what has happened now, with Tamil Nadu Chief Minister J. Jayalalithaa deciding to press the issue in the Supreme Court.

With the Sri Lankan navy, more aggressive after the defeat of the Tamil Tigers, attacking and killing Tamil Nadu fishermen, and with Jayalalithaa demanding the return of Kachchativu, the dispute is bound to aggravate in the coming times.

—Brij Khandelwal

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*(Continued on Page 2)*

charge of petroleum portfolio since they will be needed to subject themselves to the dictates of the corporates. The implication also is that Veerappa Moily was chosen to succeed Jaipal Reddy because he is corrupt or can be corrupted! Yet another preposterous thought propagated by the BJP is that a shift to Science and Technology from Petroleum is a demotion for Jaipal Reddy. It is nothing of the kind. In today's India, every ministry in the government is equally important and calls for the same measure of responsibility, confidence and competence to administer. The BJP needs to learn to be more graceful in its political actions, interactions and attitudes.



# India's Rising Billionaires

Vivek Dehejia

The strength and direction of the Indian economy may be up for debate, but one remarkable fact is not: There has been massive growth in the number and wealth of billionaires in India since the economic liberalization measures in 1991.

The phenomenon has often been compared to the United States' experience in the latter part of the 19<sup>th</sup> century. This was a period evocatively described by Mark Twain and Charles Dudley Warner as America's "Gilded Age," a time characterized by industrialists so wealthy and powerful that they came to be pejoratively called "robber barons."

According to the 2012 list of the world's billionaires, compiled annually by Forbes, 48 of the 1,153 billionaires are from India, accounting for a little over 4 percent of the total. This compares to India's share of global output at 2.6 percent when compared using nominal exchange rates, or 5.7 percent when compared using "purchasing power parity" exchange rates. By this metric, India's share of billionaires in the global total seems comparable to its overall share of the global economy. But look more closely, and a different picture emerges.

A recent study by the economists Aditi Gandhi, formerly of the Center for Policy Research in New Delhi, and Michael Walton of the Kennedy School of Government at Harvard attempts to parse the sources of the wealth of India's billionaires as well

as placing the Indian experience in comparative perspective. The data reveals a staggering increase in billionaires' wealth as a percentage of national income in India, from a low point of less than 1 percent in 1996 to a whopping 22 percent in 2008.

That number has dropped off as a result of the global financial crisis and plummeting stock markets in India and elsewhere, but as of 2012 it stands at just under 10 percent.

How does this compare to other countries? India is now on par with the United States and Mexico, where billionaires' wealth in both countries is about 10 percent of national income. Among the large emerging economies known as the BRICs, (referring to Brazil, Russia, India and China) India is more unequal than China (where the comparable statistic is below 5 percent) and amazingly even with Brazil (a little above 5 percent), historically a country noted for wide disparities in wealth and income.

Among the BRIC countries, only Russia has a higher share of billionaires to national income (pushing 20 percent) – and that in a country famous for its oligarchs, latter-day robber barons who emerged during the heady days of former President Boris Yeltsin in the 1990s, when Russia held the dubious moniker of being the "Wild East."

The other important finding emerging from Ms. Gandhi and Mr. Walton's research is that 43 percent

of India's billionaires came from sectors that the researchers classify as "rent-thick," that is, those enjoying what economists would consider above-normal profits because the companies possess certain privileges. What is more, these billionaires account for a majority (about 60 percent) of the total wealth of India's billionaires.

The Forbes list of richest Indians, released last week, is full of businessmen and women from "rent-thick" sectors: real estate, construction, infrastructure, media, cement and mining. These are sectors in which the government continues to play a large role, in the form of licenses and other forms of control, and in which there's a presumption of a government-business nexus – or collusion, to use a less flattering term, according to Ms. Gandhi and Mr. Walton.

For example, they contend that "the real estate sector is well known for the large number of 'black' transactions, and the nexus between politicians and realtors has been documented in recent scams." An obvious inference, although one difficult to prove rigorously, is that the above-normal profits earned in industries like real estate or cement accrue because of the cozy relationship between business and government.

There is some heartening news, though, in the study by Ms. Gandhi and Mr. Walton. According to their analysis, the majority of Indian billionaires are "self-made," and

around 40 percent represent wealth that is “inherited and growing,” like the Ambani brothers, Mukesh and Anil, sons of the late Dhirubhai Ambani, founder of the family business empire.

Not surprisingly, the self-made billionaires are in fields like information technology, which are offspring of the 1991 economic reform measures, and not holdovers from the era of the “license raj.”

Why might this be important? According to research, there is a positive correlation between economic growth and the wealth of self-made billionaires, while there is a negative correlation between growth and inherited wealth. It’s impossible to establish a conclusive cause-and-effect relationship, but the finding is at least suggestive of the fact that economies populated by those whose wealth is self-made are more dynamic than those that rely on the perpetuation of existing economic elites and their descendants.

As Jayant Sinha, an investment adviser, and Ashutosh Varshney, a political science professor at Brown University, have argued in a column in *The Financial Times*, the current state of the Indian private sector, which they dub “curry capitalism,” requires sweeping reforms, intended to ensure that cronyism and corruption are curbed while India’s entrepreneurial ethos is given a much-needed boost.

What is more, even in the United States, there is an increasingly urgent debate on whether worsening income and wealth inequality, as captured by the importance of billionaires to the economy and other factors, is helpful or harmful for economic growth, the subject of a

recent *Times* “Room for Debate” feature.

In an era of flagging growth rates and a renewed reform impetus from the incumbent government, the

possibility that excessive inequality could be bad for the economy may be the most important lesson to come out of the *Forbes* billionaire list.

– *India Ink-New York Times*

## Appeal for contributions for Gujarat elections

Socialist Party intends to put up 5-7 candidates for the upcoming Gujarat elections. This is an appeal to you to make financial donations for supporting the campaign of these candidates.

Socialist Party stands for the rights of farmers whose land is being taken away in the name of development projects, against the skewed development which is widening the gap between the rich and the poor and against the communal politics practised by Narendra Modi government which has caused complete polarisation of Gujarati society on communal lines. We stand for the right of all sections of toiling masses, farmers and minorities.

The donations may be made in the name of ‘Socialist Party (India)’ and may be sent to:

**Jayanti Panchal,**  
Gujarat Mazdoor Panchayat  
Lohia Sadan, Ram Manohar Lohia Marg  
Odhav, Ahmedabad-382415

Contact number: 079 22874822 `begin_of_the_skype_highlighting`

FREE 079 22874822 `end_of_the_skype_highlighting`, 0984061294

or you may transfer money electronically to:

Current Account Number 50065914767

IFSC Num: ALLA 0212227

Allahabad Bank, Ahmedabad

If you send a donation please do inform Jayanti Bhai at the abovementioned contact numbers.

**Rajinder Sachar**

**Bhai Vaidya**

**Pannalal Surana,**

## Price Rise

Being in public life for more than 40 years, we always fought against the harmful influence peddling by the corporate sector in the Government set up for its own pecuniary benefit. This Government has shown its true colours in favouring selected private parties in the 2G scam and the Coalgate scam resulting in loss of lakhs of crores of rupees to the public exchequer. I am totally perturbed that during our life time we would see such period when the corporate house like Reliance becomes even more powerful than the Government. As we have learnt from the recent newspapers reports that the Government of India functions on the whims and fancies of the Corporate houses like Reliance to the extent that the Cabinet portfolios are being decided by them. An honest Minister like Jaipal Reddy has been punished for protecting national interest and saving lakhs of crores rupees for the Government. This move of the Government was only to appease Reliance to enable it to make huge illegal profit at the cost of public exchequer.

I would like to highlight two specific cases which have been resisted by Jaipal Reddy against Reliance.

### Fall In Production

Production expected as per original contract between Petroleum Ministry and Reliance : 80 units

Actual Production currently: 28 units

Fall in Production : 52 units

Loss for the country in terms of power lost : 11,500 MW. If we could substitute this with costly imported gas, the extra subsidy burden on fertiliser and power per year: Rs. 40,000 crore

Petroleum Ministry gave a penalty notice to Reliance for disallowing the cost recovery of Rs. 5500 crore due to shortfall in production in 2011-12 of the order of 27 units. This amount of cost recovery being disallowed will increase to Rs. 10,000 crore or even more since the production continues to decline steeply in the current year.

### Request for increase in price

RIL requested to increase price from \$4.2 per unit to \$14.2 per unit, an increase of around \$10 per unit. If agreed to, it would mean increase in profit of Reliance by Rs. 22,000 crore in two years,

resulting in the same increase in subsidy from the government, even at the low production level projected by Reliance (only 27 units this year and 18 units next year). This was resisted by the Ministry and an EGOM note recommending rejection of the proposal has been circulated. Had the production been at last year's production levels of 37 units, the estimated increase in profit of Reliance would have been Rs. 45,000 crore in the next two years. If the production would have been at the contracted level of 62 units in 2011-12 and 80 units in 2012-13, the profit of Reliance would have been RS. 65,000 crore in two years.

Had the Petroleum Minister Jaipal Reddy not resisted the corporate pressure from Reliance, the country would have lost lakhs of crores of rupees as detailed above.

–**Sharad Yadav**, *Member of Parliament*

In any event, as commeted upon by Sydney Merlin in the 'Quarterly Journal of Economics' the word 'privatisation' first entered academic literature to describe the Nazi party's policy at "facilitating the accumulation of private fortunes... by its members..." This has disturbing similarity with UPA-II policies; witness the proliferation: 2G, Commonwealth G, Coal G and so on. This amounts to stripping the assets of the state, not a healthy moving away of the state from superfluous and inefficient non-activity.

–**Jaswant Singh**, *Member of Parliament in The Hindu*

## Al-Qaeda's India focus

**Tufail Ahmad**

In recent years, India has been frequently mentioned in Al-Qaeda's literature, but a September 30 statement by a senior militant in Pakistan indicates that the terror group is evolving its strategy on the Myanmar-Assam region. In the statement, Ustad Ahmad Farooq, who was appointed as Al-Qaeda's head of preaching and media department for Pakistan in 2009, warned that the recent killings of Muslims in Myanmar and Assam "provide impetus for us to hasten our advance towards Delhi". He noted: "I warn the Indian government that after Kashmir, Gujarat... you may add Assam to the long list of your evil deeds."

Al-Qaeda's emerging thinking on the Myanmar-Assam region is consistent with its new jihadi framework on South Asia. From 2008 onwards, after Al-Qaeda militants were tortured in Pakistani prisons, it produced academic research, arguing that the Pakistan Army is an apostate force and eligible to be annihilated for supporting the United States war on terror. The Pakistan Army has been involved in killing Muslims — Al-Qaeda argued in videos and statements — through the past three centuries: notably as part of Indian units of the British colonial force in 1757 war, against Mughal rulers in 1857 and during British military expeditions to Baghdad and Jerusalem before the second world war; and after 1947, in the 1971 Bangladesh war, in toppling the Taliban regime in 2001 and in

the Pakistani tribal region and Balochistan recently. To advance its jihadi framework, Al-Qaeda relies on an Islamist interpretation that a Muslim 'assisting infidels even partly' has left Islam and is therefore liable to be killed.

Another factor injecting an element of India perspective into Al-Qaeda's strategic thinking is its recruitment of Pakistani militants to top operational and organisational positions, for example Ilyas Kashmir and Mansoor Badr, both of whom were killed in US drone strikes. Ustad Farooq, the first Pakistani national to be promoted to a leadership position in Al-Qaeda, has emerged as its sole spokesman on South Asia. Early this year, Farman Ali Shinwari, a key militant commander, was appointed as head of Al-Qaeda's Pakistani branch, replacing Mansoor Badr. According to Pakistani author Amir Mir, Shinwari's three brothers were involved in Kashmir jihad during the 1990s. Although Al-Qaeda has been led by Arab fighters, its recruitment of local militants means that the group has a ready historical-jihadi framework on India, where it sees a large presence of disaffected Muslims.

Following the killing of Osama bin Laden, the US has given an impression that Al-Qaeda has been largely defeated. However, ground realities are otherwise: hordes of Al-Qaeda terrorists can be seen roaming publicly in Somalia, Yemen, Syria, Libya, Iraq and Egypt. The Taliban and Al-

Qaeda videos emerging from Afghanistan and Pakistan on jihadi Internet forums reveal a similar pattern: in these videos, militants are not seen hiding in caves and mountains, but they appear in droves and pass through villages led by their commanders.

In recent months, Afghan soldiers defecting to the Taliban were garlanded at public ceremonies in remote villages where presence of children was visible. Some US analysts have sought to present Mullah Mohammad Omar as leader of the Taliban whose focus is limited to Afghanistan. In reality, all jihadist groups in the Middle East and the Caucasus have offered, like Osama bin Laden did, their bai'yah (oath of allegiance) to Mullah Omar, who is deemed as Emir-ul-Momineen, leader of the faithful, leading the global jihad.

In Pakistan, there is a worrying pattern in counter insurgency: while several Taliban and Al-Qaeda militants have been killed in US drone strikes, the Pakistani military operations have invariably avoided killing or capturing any top Taliban commander — except for two Taliban spokesmen, Maulvi Omar and Muslim Khan, who were detained. Pakistan does not need to kill thousands of militants to win this war and curb Islamic extremism: it merely needs to kill or arrest the top 25 commanders, including Hafiz Muhammad Saeed, Fazlur Rehman Khalil and Maulana Masood Azhar. However, this is

unlikely to occur, as the Pakistan Army, once a strong force, is too weak now to confront them.

Currently, the Taliban militants are recuperating and strengthening their fighters in the hope of the US troop withdrawal from Afghanistan by 2014 and for a new era of jihad to begin.

In his statement, Ustad Farooq mentioned the issue of Muslim minorities in Thailand, Burma, India and Sri Lanka, and in a bid to recruit Pakistani soldiers to Al-Qaeda's cause, argued that Muslims who had been supporting Pakistan migrated to Assam and Burma due to Pakistani Army's failure to win the 1971 Bangladesh war. The lower ranks of Pakistan Army remain influenced by the jihadi message. Over the past three decades, soldiers recruited into Pakistani Army were influenced by a jihadi culture and into the next three decades they will be moving into decision-making positions in the military.

Notwithstanding India's unilateral drive to better relations with Pakistan, it is unlikely that the Pakistani military's jihadi impulse will permit democratic forces to assert control in Islamabad. This complicates the scenario in South Asia, as Al-Qaeda's central leadership in Pakistan is known to have worked with and without the support of the jihadi forces in Pakistani military.

In addition to the India-specific threat, Ustad Farooq also warned Buddhists in Thailand, Myanmar and Sri Lanka. Urging Islamic scholars in Bangladesh "to step forward and help the oppressed Muslims living in their

neighbourhood", he also warned the Burmese government: "Don't think that the blood of Muslims will continue to flow like this."

The September 30 statement is also perhaps the most detailed policy document to emerge from Al-Qaeda's top leadership in Pakistan with regard to South Asia. On the 9/11 anniversary this year, Al-Qaeda leader Ayman Al-Zawahiri

vowed to liberate "occupied Muslim lands", including India. In short, Al-Qaeda is developing its look-east policy for South and Southeast Asia. Amid a series of Indian intelligence failures over the recent decades such as those leading to the Kargil War and the 26/11 Mumbai attacks, India is totally unprepared to prevent terrorism on its soil.

—New Indian Express

## Socialist Party

Socialist Party(India)-Cuddalore district branch celebrated Dr. Lohia Day on 24.10.2012 Vijaya Dasami day at Vaddalur. A. C. Natarajan presided over the function. S. Karuppaiah welcomed the delegates. Narana Natesan, State President of the party in his address insisted that to usher in a socialist society the party must work hard. "We must have band of party workers with clarity in principles, readiness for selfless hard work and fight through Gandhian non-violent methods." State secretary general of the party Mazhavai Singaravelan and many others spoke. Following District Office bearers were elected:

President : A.C. Natarajan, Pennadam,  
 Secretatry : K. Sundaram, Soudara Cholapuram,  
 Joont Secretatry : N. Govindarajan of Srimushnam,  
 Treasurer : G. Silambarasan, M.Sc.,Phd., Porto Nova.  
 Exective Committee Member :  
 R. Varadarajan, Kattumannarkoil;  
 S.Chinanappa, M.A.,B.Ed., Pennadam.

A resolution to agitate for total prohibition in the state was passed. At first, meeting the individual citizens to insist avoidance of alcoholic drinks, then fasting and slogan shouting in front of government offices-this agitation plan should be implemented step by step.

For the struggle, a committee has been appointed under the chairmanship of K. Ramakrishnan, State Vice President.

District Secretary K. Sundaram gave vote of thanks.

—N.G.

# State of Human Rights in the Prisons of Maharashtra

**Pamela Fernandes**

Maharashtra is India's third largest state in area and second largest in population, 9.4 per cent of India's total population. The State of Maharashtra covers an area of 3,07,784 sq. km. It comprises of 35 revenue/ districts, 353 Tehsil and 43,722 villages (inhabited and uninhabited). There are 378 towns in the state. Based on 2001 census, the population of Maharashtra in 2005 was 10,73,93,682 covering 5,925,838 males and 5,14,67,844 females. The urban population was 43.71 per cent and the rural population was 56.29 per cent. The percentage literacy was 76.9 per cent as per the 2001 census (State Crime Records Bureau, 2005). India's richest state, Maharashtra contributed 25 per cent of the country's industrial output and 23.2 per cent of its GDP in 2010-11.

Maharashtra state has a total of 38 prisons consisting of 8 Central prisons and 23 district prisons (Inspectorate General of Prisons, 2006). The state is divided into four prison regions. The Central prisons from the eastern region are at Nagpur and Amravati, in the western region are at Yerwada and Kolhapur, in the Southern region are at Mumbai and Thane and at the Central region are at Aurangabad and Nasik (Inspectorate General of Prisons, 2006).

**Maharashtra Prison Department** Maharashtra ranks the highest among all states of the country in terms of number of prisons, followed by Tamil Nadu and Andhra Pradesh. As of 2007,

Maharashtra had 153 prisons throughout the state, categorized as follows: Central prisons–8, District jails–23, Sub jails–115, Women jails–1, Borstal schools–1, Open jails–3, Special jails–1, Others–1, **Total–153**

As per figures supplied by the National Crime Records Bureau (henceforth NCRB) a total of 25,892 inmates including 9,203 convicts and 16,539 under trials were lodged in the prisons of Maharashtra during 2007. Prison Department is an independent Department that functions under the Home Department of Government of Maharashtra. For the purpose of Prison administration, the State prisons are divided into three geographical regions viz. Western Region, Central Region and Eastern region, each headed by a deputy Inspector General (Prisons) headquartered at Mumbai, Aurangabad and Nagpur, respectively. The Inspectorate General (Prisons) headquartered in Yerawada, Pune is the office responsible vide section 5 of the Prison Act., for the administration of prisons throughout the state. Similarly each prison in turn is administered by the Prison superintendent vide Section II of the Prison Act, and other prison staff such as senior jailors, jailors, prison guards, employees, medical officers, etc; as the case may be.

## Laws Governing Prisons

The Constitution of India lists prisons as a state subject.

Consequently, each of the 27 state governments is responsible for the administration of prisons in its territory.

Arunachal Pradesh is the only state which does not have any prisons of its own and its convicts and under-trial prisoners are housed in the prisons of Assam. The central government administers prisons in the union territories. Delhi and Puducherry are exceptions to this rule; their prisons are under the administrative control of their elected governments, and not the central government.

Indian prisons are largely governed by the colonial Prisons Act of 1894. States that have enacted their own prison acts have closely modelled these on the Prisons Act.

This law was introduced in India amidst a climate of fear, repression, security concern and terror, regulating the incapacitation of swathes of the indigenous population. It contained no provisions on prisoners' rights; for their rehabilitation or reformation, or for their reintroduction into society on completion of sentence.

The Prisons Act codified a colonial policy suspicious of the indigenous population, providing for restricted access and little oversight, and for the imposition of disciplinary punishments at the discretion of prison superintendents, including solitary confinement, beatings with

chains and whips and transportation in irons.

It is scandalous that 60 year apathy for reform should see such an Act, drafted and adopted under a hostile administration, survive and govern the contemporary correctional system. The day-to-day administration of prisons is governed by rules framed under the Prisons Act by the state governments. These rules, interpreted and formulated into state jail manuals, are antiquated and demand revision.

This does not, however, imply that there have been no attempts to reform the prison system in independent India.

Apart from the various state governments, the Government of India has set up several committees to suggest ways to reform the correctional system. The most well known and comprehensive of these is the Report of the All India Committee on Jail Reforms, 1980-83, popularly known as the Mulla Committee Report (after retired Senior Judge of the Allahabad High Court, Anand Narain Mulla), which submitted 639 recommendations to the central government on all arenas of prison administration and prisoner rights.

Almost all of the recommendations of this and other committees, however, lie gathering dust without the political will to implement them.

The judiciary and the Supreme Court, in particular, have played a crucial role in changing the philosophy of the correctional system. In Sunil Batra's case, the Supreme Court observed that the "court has a distinctive duty to

reform prison practices and to inject constitutional consciousness into the system".

It further noted that it must adopt a proactive attitude with regard to problems of prison administration, because a convict is in prison under the order and direction of courts. Nevertheless, translating the writ of the courts into reality for the almost four lakhs of people in prisons across the country remains a challenge.

### **International Obligations and Guidelines**

The International Covenant on Civil and Political Rights (ICCPR) remains the core international treaty on the protection of the rights of prisoners. India ratified the Covenant in 1979 and is bound to incorporate its provisions into domestic law and state practice.

The International Covenant on Economic, Social and Cultural Rights (ICESR) states that prisoners have a right to the highest attainable standard of physical and mental health.

Apart from civil and political rights, the so called second generation economic and social human rights as set down in the ICESR also apply to the prisoners. The earlier United Nations Standard Minimum Rules for the Treatment of Prisoners, 1955 consists of five parts and ninety-five rules. Part one provides rules for general applications. It declares that there shall be no 'discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. At the same time there is a strong need for respecting the religious belief and

moral precepts of the group to which a prisoner belongs. The standard rules give due consideration to the separation of the different categories of prisoners. It indicates that men and women be detained in separate institutions. The under-trial prisoners are to be kept separate from convicted prisoners. Further, it advocates complete separation between the prisoners detained under civil law and criminal offences. The UN standard Minimum Rule also made it mandatory to provide separate residence for young and child prisoners from the adult prisoners. Subsequent UN directives have been the Basic Principles for the Treatment of Prisoners (United Nations 1990) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (United Nations 1988).

On the issue of prison offences and punishment, the standard minimum rules are very clear. The rules state that no prisoner shall be punished unless he or she has been informed of the offences alleged against him/her and given a proper opportunity of presenting his/her defence. It recommends that corporal punishment, by placing in a dark cell and all cruel, in-human or degrading punishments shall be completely prohibited as a mode of punishment and disciplinary action in the jails.

### **A. Accommodation**

Like prisons throughout the country the prisons in Maharashtra also face the chronic problem of overcrowding. While the 2007 figures released by NCRB states that the prisons in Maharashtra have an occupancy rate of 123.9 per cent such a figure is grossly incorrect and

does not represent the ground reality. The NCRB in such calculation has incorrectly included the capacity of non-functional prison buildings and barracks thus lowering the official figure. A more realistic occupancy rate would range between 200 per cent to 300 per cent .

This problem of overcrowding immediately effects a particular inmate with regards to his space in prison and overloads existing facilities of water, latrines, sanitation, ventilation etc. According to the prison manuals the minimum space per person in sleeping barracks shall be 3.71sq. meters and 15.83cu. meters and in hospital wards 5.58sq. meters and 23.75cu.meters ( Chapter V. Prison Building and Sanitary Arrangements, Rule 13) However in practise ,it is normal for three inmates to occupy the area specified by the prison manual. Prisoners sentenced to death, pending appeals and mercy petitions are also confined in similar circumstances. Except for those sentenced to death due to overcrowding 3 to 5 inmates share one single cell.

The construction of night latrines and water storage facilities in barracks causes foul odour to dominate the air in the barracks all day. Drinking water supply and water for use in latrines is highly inadequate. Such unhygienic conditions become fertile ground for air and water borne diseases.

### **B. Bedding, clothing and other equipment.**

One of the unreasonable and unjust features of the Jail Manual

in Maharashtra is regarding clothing for under trials. The Manual compulsorily lays down that under trials accused for murder are to wear prison uniforms. (Chapter XXIII, Bedding, Clothing and Equipment, Rule No. 6) This is in total violation of the general principle of jurisprudence, that all under trials are to be assumed innocent, until proven guilty and hence should be treated as such. The United Nations Standard Minimum Rules for the treatment of prisoners also allows the untried prisoner' to wear his own clothing if it is clean and suitable'

The Bombay High Court had also declared this rule as violative of Art.14 & 21 of the Constitution of India. However the state government has not complied with this judgement and has openly declared its intention to legally challenge it.

While the clothing and bedding provided is inadequate, during winter when temperatures reach extremely low in many prisons making blankets a necessity these have to be procured illegally through influence or favours. For prisoners engaged in manual labour the cotton clothing provided gets worn off before the sanctioned period of acquiring a new set namely 8 months (Chapter XXII, Rule no. 21) making prisoners degradingly use the torn clothes for months on end.

Similarly Rule No. 5 of Chapter XXII makes provision for every prisoner to be supplied with an aluminium mug, katora (bowl) and plate for eating purposes. Aluminium utensils are known to be medically unsuitable for food as they are suspected to cause

Alzheimer's disease and memory loss. Hence other equipment necessary for food consumption such as stainless steel plates, spoons and glasses if found in use by the inmates get confiscated by jail authorities.

The Jail Manual overtly categorises prisoners by prescribing arm bands of different colours to be stitched on the prisoners clothing. For example life sentence prisoners have yellow bands, those previously escaped or attempted to escape red bands etc. (Chapter XXIII Rule No. 17) As an extension of this logic the Eastern region prison authorities have enforced green arm bands for those under trials accused of naxal related crimes. This explicit categorisation has no lawful sanction and has been enforced on mere directions of the police. Such blatant interference of the police in Prison administration is unlawful, unreasonable, discriminatory and violative of under trials rights.

Overall the bedding clothing and equipment provided by Maharashtra Prison Administration needs reform as its present provisions are not in step with minimum living and human rights standards.

*(to be Concluded)*

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Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

## Countdown to 2014

**S. Viswam**

The 2014 Lok Sabha polls are still several months away, but the countdown can be said to have begun with the Congress party's massive rally on Sunday which was in the nature of an election meeting judging by the tone and temper of the speeches. Rahul Gandhi has been formally presented to the public as the party's new winning face, and the electorate has been warned that the Congress is now in a combative election-mode mood. The party managed to mobilise an impressively strong crowd drawn from states adjacent to the national capital under the party's control. The party leadership has chosen the medium of the public rally to announce that it is shedding its hitherto-apologetic face and replace it with a far more aggressive one that is determined to counter the opposition onslaught with no punches pulled.

The principal opposition party, the Bharatiya Janata Party is scheduled to hold a major get-together in the next weeks to fulfil the agenda of extending president Nitin Gadkaris' term by another year. That occasion will be treated as the party's inaugural for the 2014 election campaign. Indeed, the BJP has been using every

opportunity that sprung up in the last two years to drive the Congress into a corner regardless of the rights and wrongs of an anti-Congress campaign that was largely opportunistic and often unfair and below the belt. However, if it is any party that has been adhering to the principle that all is fair in love and war and politics, the BJP would be the winner.

For all its grandstanding, the BJP has little to commend itself right now as the alternative to the Congress. Fair to say, the Congress has suffered severe blows to its political image and clout in the UPA II regime. Nothing has gone right for the Congress. Indeed, the party was so badly demoralized that it was always on the defensive. The aggressive tone set at the rally by the Sonia Gandhi-Manmohan Singh-Rahul Gandhi trio is a message to the combined opposition that the worm has turned. However, the BJP's image is none too flattering either. Sonia Gandhi said that the BJP kept targeting the Congress on graft charges but the "BJP itself was immersed in the muck of corruption." Obviously, she was hinting at the sad predicament of the party president himself caught in a vast web of allegations of corruption

and false dealings. Undoubtedly, the charges exposed against Shri Gadkari have dealt a massive blow to the leader's image as well as to that of the BJP.

Doubts have already been expressed by political pundits about the possibility of both the Congress and the BJP being unable to deliver a good showing at the 2014 polls. Unless each of the two major coalition formations dramatically improve their image and organizational clout, they may fare worse than they did in 2009. This would mean that the prospects of the non-Congress non-BJP parties will commensurately improve. In other words, we must be prepared for the emergence of a new grouping of secular parties on the one side, and a new grouping of rightist parties on the other side, both making an attempt to set up a government at the Centre. The possibility of such groupings, you may or may not want to call them Third Fronts, becoming a force to reckon with should not be discounted.

The political complexion of several states has changed in the last two years. The new parties that have seized power in some states—UP, Tamil Nadu, West Bengal to mention a few—have their own interests to protect. Their strategy will be tailored to the protection of the larger interests of their own parties. They will join or spurn coalitions more on the basis of their parties' future rather than on considerations of ideology. Mamata Banerjee, Mulayam Singh Yadav, and both the DMKs can come up with surprising decisions which may or may not be palatable to the Congress and the BJP, the two major parties. Thus, politics in the coming months is all

*(Continued on Page 8)*

## Perfidious Characters in Communist Countries

**K. S. Chalam**

There are a series of episodes of corruption in the so-called communist countries while the American voters are preparing to elect the next President quietly. It gives an impression that the capitalist countries are unruffled by any of the scams or frauds and all the immoral activities are happening in the traditional societies in their yearning to catch the secular West. This is how some of the results of studies commissioned by the Western corporate bodies are being pushed in to the public domain and are being picked up by media for public consumption. Those who are familiar with the 'World Values survey' and studies on corruption discern such catchphrases for the last few decades after the fall of Berlin wall. Economists particularly, the Indian breed are the first to develop theories that public enterprises or states' role in economic activities promote rent seeking tendencies among the bureaucrats that lead to rampant corruption in most of the countries. The recommendation follows; better to privatize the economy that would increase efficiency and opulence. But, our recent experience is quite contrary to what they have been campaigning for decades. Nor the popular episodes of corruption, debauchery and all the filth of a debased society as in China do support the case for privatization.

A section of the intellectual community has established that bribery, cronyism, red tape, inefficiency and several other shortcomings of a politico-

economic system are only rampant in communist and even in mixed economies like India. It is very hard to find neither democratic values nor human rights in such countries as they are totalitarian systems that do not allow productive forces to enjoy freedom to grow. This has resulted in their stunted growth and increased misery. It is reported that about 540000 people are so far sent to jail and around 40000 corrupt officials involving 54 billion Yuan's are under trial in China. The recent events involving the Chinese Prime Minister Wen, Politburo Member Bo Xialai and military personnel in bribes and scandals of millions and billions of yuans speak about the magnitude of corruption in present day China. Since China is still carrying the red flag, CPC and People's Republic etc to describe a communist regime in power, the crimes naturally go into their account. In fact it is not only present day Market Socialist China but even the so-called socialist bloc unleashed by Gorbachev through his perestroika and friendship with Reagan administration have provided a different story of communist experiment. It is left to the connoisseur to ponder over. But, the amount of wealth accumulated and siphoned off to the West and other countries through mafias after the fall of the communist regimes do not substantiate the criticism that they were inefficient and impoverished. In fact, the amount of wealth created in these nations was alleged to be the main motive

for its enforced disintegration and capture. It appears that there is another side of the story that the communists have failed to explain and turned remorseful. Media provides very little information on Cuba, Venezuela ,etc.

Let me give my experience with a communist country, Poland. I was in Poland during early the 1980s undergoing training at the Central School of Planning and Statistics, Warsaw under the exchange programme of Government of India. (I had to abandon my admission to pursue Ph.D under Mark Blaug at London School of Economics as Margret Thatcher suspended Commonwealth scholarships.) I preferred Warsaw as Oskar R Lange, the great socialist economic theoretician who had a stint of teaching in the school gave reading material that was popular and not available outside at that time. The university had arranged our accommodation as paying guests with a local citizen. There were few Indians in other schools and we had opportunity to exchange our experiences occasionally. It was perhaps the hardest period in Poland as there was economic crisis (production) along with the political turmoil initiated by Solidarity movement at Gdansk. We had problems of getting food material in the central stores. But, friends used to take us to the so-called party functionaries to procure ration as it was abundantly available with them. The circuitous narration here is only to point out how the party bureaucracy was perfidious in accumulating scarce resources while common people suffered in the so-called communist country.

This is not to compare the present episodes of hidden riches


of communist party functionaries serialized in mainstream media. It is also not true that all communists are dishonest; on the contrary some of them are known for their supreme sacrifices. In fact, Rammanohar Lohia, a critique of the soviet system used to praise the communists that they were the only group in India known for their honesty and non-accumulation of private wealth. But, it is the occasion to point out how the seeds of devastation of the system were not identified and precautionary steps not initiated under the superciliousness of power, sometimes construed by them as ideological pre-eminence. Some of our colleagues from Iran, Bolivia and other third world countries used to argue with the professors about the weaknesses and some sane scholars used to say that the days of the system were numbered due to this weakness.

It is strange to find that the ideological debate became unipolar after the fall of Soviet Union and the third world countries had lost steam to argue for an autonomous and socially relevant path of development. They are forced to accept neo-colonial methods of development. It is unusual to find that the development debate and civil society activities are concentrated around corruption of public servants including political bosses who take decisions for a consideration and not the system that promotes it. It is also noticed that studies sponsored by international organizations have brought out results that support the argument; poor people in the third world in their drive to survive, indulge in corrupt practices. The instinct of survival, it is reported, is so strong that it remains faith-neutral irrespective of Catholic, Protestant, Muslim or Hindu religious dogmas.

It seems the scholars desired to promote the idea that except market nothing else can save the nations, where the disgraceful bunch of dishonest people are in office. Interestingly, they just do not care to recognize the corporate frauds or speculative maneuvers including incidents of insider trading as immoral. They are perhaps part of the game and collect whatever growth obtained through reforms. Therefore, we keep on getting the billionaires list each year by Forbes without the tag of ethical earnings. In other words, the ethical or philosophical accentuation that the corporate capitalism promotes development is perilous for human survival, as it is narrow and one sided.

We have a dilemma now, whether we should desire growth with honesty or growth with perfidious public servants operating market mechanism as in China?

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# Reclaiming the city for street vendors

**Harsh Mander**

The streets of every city in the country are not only home to tens of thousands of working poor and destitute men and women, they are also vibrant hubs of livelihood for impoverished people; and reliable sites for cheap and affordable retail. On city pavements, women and men energetically hawk an extraordinary variety of goods, including cooked food, fruit and vegetables, clothing, toys, books, household utilities and decorations.

An estimated ten million people live in India by street vending. To impoverished migrants, as also laid-off workers, street vending affords low-end but steady employment. It is the only sale outlet available to many small producers of garments or cottage products. It allows working people, and even middle class consumers, to purchase their needs at convenient sites and cheaper prices than in any store. Street markets are in many ways invaluable spokes in the wheels of the urban economy. They also enrich the distinct cultural life of every city.

Street vendors, however, typically lead a very hard life. A survey conducted by Sharit Bhowmik with the National Alliance of Street Vendors of India in seven cities, found their working conditions abysmal; their average working day stretches ten to 12 hours. There is no protection from the rigours of climate, no health services or social security. Their earnings typically fall well below statutory minimum wages; these ranged in 2002 from Rs 50 to Rs 100 for men and Rs 35 to Rs 40 for women. Credit for

working capital is available only from private moneylenders, who charge exorbitant interest.

But the greatest stress and insecurity of this vocation is created by a hostile state. Street vendors are condemned to fight daily undeclared – and unequal – battles against the police and municipal authorities. The seven-city study confirmed that in all the cities street vendors are forced to pay daily and weekly bribes to police and municipal authorities, as well as huge fines, but even this does not free them from the perennial dread of sudden, violent eviction. The study estimates that at least 20 per cent of their income is lost to rent-seeking by public officials. “Bribery is the only way most street vendors can survive in their trade”.

Official extortion and insecurity arise from an oppressive and opaque license regime, which effectively illegalises almost the entire profession of street vending. An arbitrary, ridiculously low ceiling is placed on the number of licenses in a city, and this is only a small fraction of the actual numbers who vend in the city. In Mumbai, for instance, an estimated 2 lakh hawkers operate, but the municipal corporation arbitrarily fixed a ceiling of only 14,000 licenses, and even these were not issued for many years. Therefore most vendors were illegal and there is huge rent-seeking in the grant of licenses. The situation was worse in Kolkata, in which all street vending was barred by law, and hawking was a cognisable and non-bailable offence.

Since the 1990s, the declared official policy was to free private business enterprise from the stranglehold of the license permit raj. Government efforts focused on deregulating and easing norms for setting up businesses in the organised sector, and in licensing, taxation, regulation and credit. Recently, norms have been eased for foreign direct investment in large multi-brand retail stores. Land acquisition laws are being amended, with a declared objective of facilitating access of private industry to land.

However, no such efforts have been made for easing up the livelihoods of poor producers and service-providers, such as street vendors and rickshaw pullers, which remain choked in unjust licensing systems. Far from being eased, these have only become more stringent and unforgiving in recent decades.

Vendors depend on an estimated two percent of urban land, but these sites are mostly legally barred to them. The seven-city study found that only Bhubaneswar and Imphal made provisions for street vendors in their city development plans, but these were absent in the plans for Delhi, Patna, Bangalore, Mumbai, Ahmedabad and Kolkata. The plans earmark spaces for hospitals, parks, offices, residential colonies, and bus and rail terminals, but neglect that around all of these, vendors naturally congregate, and these vendors provide essential services to people at low costs. The urban plans provide for malls and covered shopping arcades, but the imagination of town

planners and officials excludes all shops which are run by the poor, for the poor.

An important central law is currently before Parliament, which promises to correct these inequities. Laudably the law affirms that its purpose is not just to regulate street vending, but also to protect the livelihood rights of street vendors. But in practice, the major part of the Bill is devoted to registration and licensing, and the system that the Bill proposes is still opaque and confusing. It places the burden on persons who wish to vend to apply for registration. There are many dangers inherent in this. Municipalities may establish preconditions such as domicile, they may require documents which poor street vendors will be unable to produce, and they may declare high value current vending markets as 'non-vending' zones. It is not clear that all or most registered vendors will automatically be eligible for licenses.

The draft law demonstrates once again how difficult it is to free the livelihoods of poor people from the stranglehold of the bureaucracy. In effect, all the law does is to give the right to a vendor to vend if she or he has a certificate of registration; and this certificate depends on the scheme prepared by the local body, prescribing where vendors may run their businesses, and in what numbers. In material terms, how does this change the situation in which vendors find themselves today?

This can change only if the law mandates that most vendors are registered, and that vending zones and vending capacities are decided

*(Continued on Page 12)*

## Congress should be renamed 'Corporate Party'

The news of the Rs. 90-crore interest-free loan by the Congress to Associated Journals Pvt. Limited for the purpose of reviving the National Herald has created a furore. The news, launched by the Janata Party president Subramaniam Swamy, was quickly taken up by the BJP. According to Swamy, the Congress has violated the laws of Income Tax and the Election Commission of India by providing money to ASL. He has filed a complaint with the EC in this connection, demanding de-recognition of the Congress as a political party. BJP's senior leader Arun Jaitley has pointed out at the commercial interest of the Congress in this transaction because Young Indian, a company constituted under Section 25, has been taken over by the ASL board of directors which includes Congress president Sonia Gandhi, general secretary Rahul Gandhi, treasurer Moti Lal Vora and senior leader Oscar Fernandes. The BJP has demanded that the EC should take cognizance of Swamy's complaint.

The Socialist Party is of the firm view that political parties are not formed to practice money laundering in any fashion. If the Congress has an emotional attachment with the National Herald, it should have adopted some other possible way to revive the newspaper. The party, which has been promoting national and multinational corporate houses, could have otherwise revived an old newspaper easily. The newspaper could have been helped through the central government, taking other parties in confidence. This arbitrary act of the Congress once again proves that it believes that the Nehru family is the Congress. That is why it does not find any fault in promoting the newspaper by the Congress party.

The Socialist Party would like to reply to the argument presented by the Congress in their defense in this matter. The Congress has spoken from a high pedestal, posing a brave face that the party's act was aimed at propagating and strengthening the Gandhi-Nehru ideology and legacy. The argument is hollow. Politicians as well as intellectuals in India have established a wrong tradition by tagging Gandhi's name with Nehru. The spokesperson of the Congress has repeated the same old mistake. The Gandhi-Nehru legacy term is misleading. When the country became independent, Nehru had told Gandhi that his vision of India did not correspond to (Gandhi's) dreams. Gandhi too had rejected the vision of India as propounded by Nehru. The testaments of both the great personalities to this effect are available in writing.

The Socialist Party does not believe that the Congress of Sonia Gandhi and Man Mohan Singh are working to realize even Nehru's vision of India. Nehru, with a mixed economy and a welfare state, was trying to build a socialist India. At least he had stated this on so many occasions. He included the term socialism as a goal in the Congress party's document. Later the term was included in the Preamble of the Constitution by Smt. Indira Gandhi. Therefore, the claim of the today's Congress, which openly supports and serves the interest of corporate capitalism, cannot be an heir to the Nehruvian legacy. Thus, its claim is nothing but hollow. The Socialist Party suggests that the Congress should rename itself as 'Corporate Party'. This term illustrates its true character.

**—Dr. Prem Singh,  
General Secretary**

## YMC loses a stalwart

Ramesh Murdeshwar died on October 10, early in the morning. He was 76, and had cancer prostate. Though under treatment, the best that can be given, he developed severe urinary infection, was taken to hospital, developed cardiac arrest in the emergency room of the hospital itself, revived after hectic efforts, taken to ICU, perhaps with irreversible brain damage, kept on ventilator and affairs till the end. Even in the last days before he was taken to the hospital, he was doing some calculation for the Anjanvel hospital which the Yusuf Meherally Centre (YMC/Centre) is building. Honest to the core, he was publicity shy and a loner, but preferred Tara to Mumbai. He had his flat in Mumbai, which he rarely entered though his flat was in the same building as the office of the YMC and every week he came to Mumbai. His flat was used by the YMC and if some guests chose to give some money, it went to the Centre – directly. As a rare gesture, and perhaps to set an example, he decided not to take his gratuity and thus gifted a substantial sum to the Centre. And his relatives, whenever approached, donated generously.

He was a capable organizer as was proved conclusively often. One example: he meticulously organized the Maharashtra leg of the Manav Jyot Yatra in 1993. And one more: when once Chandrashekherji visited Tara it had rained heavily in Mumbai as well at Tara. Mumbaiers could hardly stir out because of the heavy rains, and at Tara, the ground where the Mandap was to be built was under water, he had to shift the venue of the Mandap twice in one night. And he and other workers, despite rain, handled more than a thousand guests who turned up and the function went off smoothly.

The Centre has lost a good worker. No wonder, the condolence meeting at Tara was well attended. And almost all the workers at Tara, in the aftermath, are working overtime to see that the Centre not only survives, but improves. That is their way of paying homage to him.

-GGP

**TARA** is the village (a little more than 60 kms from Mumbai on Bombay-Goa highway) where the Centre is building a model of rural development. There is a hospital which charges minimal fees. Obviously it has to depend on charity and the challenge is to ensure that local and nearby communities chip in and the city doctors, specially the specialists, give free time and services. This medical activity is going on since 1967.

There is a high school. No fees

are charged - in line with YMC's thinking that education up to SSC level should be free. Admissions are on first come first basis and no admission donations. Teachers, though taken as per state rules, do not have to pay anything to the Centre when recruited, a practice widespread in the state.

One problem the school is facing is to ensure that the villagers do not send their children to English medium schools. Many villagers want their children to be taught in

English medium schools and the state itself is encouraging this when it announces that the children of Adivasi parents will learn in English medium schools, exposing their total lack of understanding of what education means.

There is a hostel in the compound of the Tara high school, where a hundred Adivasi girls get free food and accommodation and education. The Centre spends ten lakhs annually on this. The big challenge is to raise year after year ten lakhs to ensure that these Adivasi girls better their lives.

And there is a campus – it is called Madhu-Pramila Dandvate Sankul - where there are gramodyogs, camping facilities, a dairy and a vermi-compost unit, an experimental organic farm - called Ten Guntha Farm - a bio-gas plant which uses cow-dung and bio-mass, (a BARC technology), a bio-diesel plant (an IIT technology) which can use used oils and acid waste and there is a replica of Bapu Kutu to remind people of the values popularized during the freedom movement and also to sensitize visiting citizens to the problems of global warming and discuss and debate as to what citizens can do at their level to mitigate the evil effects. The Centre gets 50,000 visitors annually.

The Bapu Kutu will have a library. A beginning has been made, thanks to Gandhian institutions and also the Mumbai Freedom Fighters' Sabha which gave a handsome amount. The Bapu Kutu has become possible because two large corporate houses, one close to Gandhiji and the other sympathetic to socialism gave generously. And a corpus is being built by taking not more than a thousand from any individual. The Centre wishes to approach a lakh of people.

(Continued on Page 12)

## Kisan Sangharsh Samiti Intensifies Agitation in Chindwada

The situation in Chindwada continues to remain tense with heavy police presence deployed to intimidate the farmers, labourers and adivasis protesting the illegal commencement of work on the Pench Water Diversion Project.

Medha Patkar, National Convener, NAPM who travelled from Indore to Chindwada and reached there in the wee hours of November 4, was stopped and checked at virtually every station by the police and also surrounded by 50 policemen at the Chindwada station, where the Tehsildar and other officials tried to restrain her from proceeding further, insisting that she must go to the Circuit House.

She was told that Sec 144 had been imposed in Chindwada and the entry of people in three tehsils of Chhindwada, Amarwada and Chourai had been prohibited from October 30th.. When asked for a copy of the order to that effect, she was denied that. However, on November 3, Sartaj Singh, the M.P. Forest Minister held a public programme of distributing tendu patta bonus and BJP Kisan Morcha also held a convention in Chourai. On the same day Deen Dayal Antyodaya Mela was organised as also adventure sports programme in Tamiya. "Is the Section 144 for only for the activists going to Bamanwara?" asked Medha Patkar.

A huge police force had gheraoed the house of Adv. Aradhana Bhargava, leader of Kisan Sangharsh Samiti, who was arrested on false charges under Sec 151 IPC on November 3rd itself and had been sent to judicial custody. The next day police also arrested Brajkishore Chaurasia, Yuva Kranti Dal and Dr. Rajkumar Sanodia of KSS.

The farmers and others were not allowed to meet Medha Patkar and other activists by the police. Protesting the high handedness of the district administration Medha Patkar along with Mukesh Bagoria, Rahul Yadav of Narmada Bachao Andolan, Advocate Sushma Prajapati, Akhil Bhartiya Gondwana Kisan Mahapanchayat, National Vice President; Devaki Marawi and Rajesh Tiwari of Bargi and Bheemgarh Bandh Visthapit Sangh; Jameel Khan of KSS and other representatives of the Pench Project and Adani Power Project affected families have sat in Dharna.

It needs to be noted that for the past few days police had been and terrorizing the people. Even then villagers have been protesting at Vamanwada, 3 kms away from Machagora and have been on a peaceful sit in. More than a thousand policemen are surrounding the dharna site.

The agitation will continue until the forceful and illegal eviction and acquisition of land is stopped. NAPM has decided to extend complete support to the struggle and in absence of Dr. Sunilam and Aradhana Bhargava, (both are NAPM Conveners) Medha Patkar and others will lead the struggle in Chindwara and Multai and fight for the rights of farmers and farm workers.

Support has been pouring in from different movements across the country. Hind Mazdoor Kisan Panchayat, State Advocate D K Prajapati, Madhya Pradesh Pensioners Association, State Secretary T M R Naidu, Samata Party State President Suresh Sharma, Akhil Bhartiya Gondwana Kisan

Mahapanchayat President Shri Chand Chauriya, Azadi Bachao Andolan, Chindwara J L Mishra, Ashok Choudhary and Roma from NFFPPFW, Anurag Modi of Jan Sangharsh Morcha, Madhya Pradesh and others have condemned the incidence and lent their support to the movement.

It needs to be noted that agitation against these two project Pench Water Diversion Project (PWDP) and Adani Pench Power Project (APPP), Chindwara has been ongoing in a peaceful manner since 2004. PWDP involves construction of a 51 meter dam on Pench river, submerging 5600 Hectares of land of 31 villages. The project planned in 1980s got a one page clearance from Department of Environment in 1984 (MoEF was not there then) for irrigation purposes. That clearance is no longer valid; the project requires a fresh clearance under Environment Protection Act 1986 and also under EIA notifications. Acquisition process was started back then, some farmers were given throw-away compensation but acquisition process was never completed since the work didn't start. Till today farmers continue to cultivate and grow 2-3 crops in a year from the fertile land there.

After the agitation, the compensation was increased to nearly a lakh rupee an acre but 90 percent of the farmers have refused to accept it and are not willing to part their land. In 2011 May Dr. Sunilam and Adv Aradhana Bhargava were attacked by the goons but the administration failed to take any action. Many of the farmers in fact along with Aradhana Bhargava spent more than a week in jail on the false charges of arson,



loot and obstructing public officials.

PWDP today is to be constructed for supplying water to the APPP, diverting water meant for the farmers. Last year KSS along with NAPM met Environment Minister, Jayanti Natarajan, who informed the delegation that no clearance had been granted to the PWDP and under the law they are supposed to have prior Environment Clearance. The PWDP is going to threaten the forests of Pench National Park and Tiger Project too. So, in all senses it makes no sense to be constructing this but even then MoEF has not taken any action. Kamal Nath, MP and Union Minister from Chindwara has been personally involved in ensuring that the project goes on and been supporting the APPP as well. Madhya Pradesh Government on the other hand has been in complete hand in glove with Kamal Nath. It is no wonder that Dr. Sunilam and other activists of KSS got life sentence in a case where 24 farmers were killed by police on January 12, 1998. None of the police officers have been punished till date, not a single FIR has been filed in that case. It is a clear case of conspiracy and collusion between BJP and Congress in the interest of Adani.

—NAPM

*(Continued from Page 2)*

set to take some interesting turns. In the immediate future, however, the Congress will make a serious effort to notch up achievements that will improve the party image. Which is why it has deliberately chose to go ahead with FDI in multi-brand retail, If the reform, succeeds, the Congress will gain at the hustings. If the FDI turns sour, the Congress fortunes will sink. It seems as simple as that right now.

## State of Human Rights in the Prisons of Maharashtra - II

Pamela Fernandes

### C. Prison Diet

The food sanctioned for prisoners in Maharashtra has undergone changes since the relevant provisions of the Prison Manual were enacted in 1970 (Chapter XXIV, Diet for Prisoners) The present diet as per the Government resolution passed in 2005 provides prison inmates a daily quota of:

**Breakfast** – tea, milk, poha, upma or sheera.

**Lunch** - Roti, rice, dal and vegetable

**Dinner**- Roti, rice, dal and vegetable

**Fruit** – a single banana

Although intended to constitute a balanced diet, the above list conspicuously lack any egg or meat items. Such items are common in many cultures and also form part of an individual's minimum standard of living besides being a rich source of protein. While prison administrations of several states have already included non vegetarian fare in their diet once a week Maharashtra has yet to make this change despite various legal representations.

While the administration rightly differentiates food quantities between under trials and laboring convicts, it incorrectly discriminates against women whilst providing wheat for the purpose of rotis. Male under trials are sanctioned 300 gms, whereas women under trials are sanctioned only half the amount. Similarly

male convicts are sanctioned 350 gms and women convicts 200 gms. Such a discrimination based on gender had no logic and is violates the fundamental right to equality under law.

Another serious problem is the timing of food distribution. According to the prison Manual [Chapter XIX, Prison Routine, rule no. 2] the evening meal is to be served and eaten between 4:45pm and 5:45pm i.e. before the barracks are locked i.e. 'bandi'. Thereafter the prisoner is not provided a meal for nearly fourteen hours until the next morning at 8am. Such a routine is not only medically damaging but also inhuman. If the prisoner chooses to eat his dinner a little later, he, then has to do with a cold meal. The situation is much more aggravated on Sundays, when the time for 'bandi' of the barracks is 2pm (unlike 6pm on weekdays). On such days the inmate has no other option, other than eating a cold dinner which is torturous especially during the winter.

In 2000, the Maharashtra Government amended Section 31 of the Indian Prison Act (Applicable to Maharashtra) so as to deny unconvicted criminal prisoners the facility to maintain, purchase or receive food from private sources including home.

### D. Communications with advocates, family and friends

Communication of prison inmates with their advocates, family and

**Percentage distribution of expenditure on various items on prison inmates (2005)**

	<b>Items of expenditure</b>	<b>Percentage</b>
1.	Food	62.1
2.	Welfare activities	1.6
3.	Vocational education	1.4
4.	Clothing	4.0
5.	Medical aid	8.8
6.	Others	22.0

Source: National Crime Record Bureau.

friends is a guaranteed fundamental right in the Constitution of India and the various International Human Rights Covenants and Declarations. In Maharashtra, communications with Advocates, Family and Friends are allowed by visitations and written correspondence. Although many other States (Madhya Pradesh, West Bengal, Karnataka, Delhi, etc.) have started telephone facilities in prison for the purpose of such communications; the Maharashtra Prison Administration has not initiated any efforts in this direction as yet.

The NHRC and a Parliamentary Standing Committee on modernization of Prison administration (2008) had also recommended the creation of telephone facilities for prisoners. For prisoners, who have their family and friends residing far away from the prisons where they are lodged, such a facility is not only economically viable but also convenient and time efficient. The need to immediately contact one's legal counsel when faced with problems in prison or during a trial is an essential provision of Article 22(1) of the Constitution of India and such telephone facilities for prisoners will enable its proper realization.

In the case of interviews, the Maharashtra Prisons allow a 30 minute interview for convicts per month and a 20 minute interview for under trials per week. Advocate interviews are granted at all times.

One of the main short comings of this system of interviews is that such interviewers are only allowed in rooms where glass or grills divide the family member from the inmate therefore such interviews without physical contact are inhuman and unreasonable.

Discussing legal matters and examining legal documents with ones advocate is also impossible in such grilled interviews. Interviews are only granted on week days and disallowed on Sundays or Public Holidays.

The provisions of the Jail Manual viz. rule 12, 'political matters not to be discharged at interviews-termination of interviews' and rule 13 'language of conversation at interviews' of the said chapter; allow the Jailor to terminate interviews if political matters are discussed or if the jailer cannot understand the language of conversation. Both rules are violative of a prisoners right to freedom of speech and expression. In the case of written communication, the prison administration is empowered to censor letters written and received by a prisoner.

#### **E. Lack of legal aid**

In India, legal aid to those who cannot afford to retain counsel is only available at the time of trial and not when the detainee is brought to the remand court. Since the majority of prisoners, those in lock up as well as those in prisons have not been

tried, absence of legal aid until the point of trial reduces greatly the value of the country's system of legal representation to the poor. Lawyers are not available at the point when many of them mostly need such assistance.

#### **F. Inequalities and distinctions**

Though prisons are supposed to be leveling institutions in which the variables that affect the conditions of confinement are the criminal records of their inmates and their behaviour in prison, other factors play an important part in many countries. (Neier et al 1991). This report by the Human Rights Watch, specifically cite countries like India and Pakistan, where a rigid class system exists in the prisons. It states that under this system, special privileges are accorded to the minority of prisoners who come from the upper and middle classes irrespective of the crimes they have committed or the way they compose themselves in prison.

#### **G. Women and Health Care in Prisons**

Although the population of women in prisons is relatively low, their adverse social positions and social disadvantage make them more liable to rejection from families and greater dejection when they are in prison. Low levels of education and poor legal awareness makes women more likely to serve longer sentences in prison. Some women are pregnant when they come into prison and this can be a particularly difficult time, physically and psychologically. Sometimes these women are incarcerated for several years and their children have to bear the brunt of life in prison from birth.

#### **H. Newspapers, books and library**

The Prison Manual has made it compulsory for the prison authorities

to supply 'a copy of the daily newspaper in English or in one of the regional languages.... free of charge.....for every 20 prisoners or less'. [Chapter XXXI, Facilities to Prisoners, rule No.29]. The prison administration does not provide such a facility on the grounds of shortage of funds. Prisoners are instead compelled to privately purchase such newspapers thus exonerating the administration of its responsibility. On the pretext of censoring news, the Prison authorities regularly cut news articles and reports from the daily newspapers. Invariably such editing deals with prison disturbances or disclosure of malpractices of the Prison management. As for the rights of prisoners to possess books, the Prison Manual, [Chapter XXXI. Rule no. 30] restricts the number of books to 'not more than 2 religious and 10 non-religious books'. Though the Prison Manual stipulates that every Prison (Central, District, Class I & Special Prisons) should have a library, this facility is horribly neglected in practice.

### **I. Sports, recreation and entertainment**

With no expenditure, the administration totally relies on donations of benefactors and Non-Governmental Organizations. Expenditure on TVs, Radio or video facilities and efforts for organizing cultural programmes is minimal and totally dependent on donors. The Recreational and Cultural needs of an individual are of primary importance especially given the mental agony a prisoner has to face during trial or sentence.

### **J. Production of under-trials before courts**

Many under trials are not produced before the courts. Police bandobast, visits of dignitaries to the city, far-flung courts, security

concerns, inadequate transporting vehicles, etc., are some of the excuses commonly cited for such an omission. The various High Courts throughout the country including the Bombay High Court have given much attention to this practice and time and again directed Police and Prison authorities to adequately staff and set up mechanisms for the transportation of prisoners to court.

### **K. Medical facilities**

Timely and adequate medical treatment of prisoners is an extremely important aspect of prison administration as prisoners do not enjoy access to medical expertise that free citizens have and secondly, because of conditions of incarceration, inmates are exposed to more health hazards than ordinary citizens are.

Indian Jails have very poor medical facilities, and Maharashtra is no exception. In nearly all the prisons of Maharashtra, the medical infrastructure is not in consonance with the prison grade or number of prisoners. Even in those currently having prison hospitals, such as Nagpur Central Prison, minimum diagnostic and investigative facilities are lacking. The medical Officer is authorized to refer the prisoner for treatment often does so in return for monetary favours from influential prisoners, in connivance with the prison staff. Thus, only a few get the benefit of this 'luxury' and the remaining unfortunate majority have to make do with 'prescribed pain-killers' until their condition worsens, to ultimately merit such action. Another problem plaguing the medical facilities in prisons is the supply and quality of substandard medication. On the whole, medical treatment in prison lacks quality, punctuality, innovation and therefore proves

ineffective in actual practice. As per provisions of the Prison Manual, the Medical Officer is duty bound to inspect water supply sanitation, diet of prisoners, conditions of accommodation, ventilation and cleanliness of barracks and cells, etc. and report his observations. [Chapter IV, Prison Hospital, Rule no.3]. However in practice, the medical officers behave indifferently regarding such matters which are often flagrantly below minimum Human standards and the prescribed provisions as per the Jail Manual.

### **L. Education in prisons**

Education is now a compulsory activity in all prisons. Additional posts of teachers required for organizing educational and cultural programs in prisons have been created under Five Year plans. Regular classes from the first to tenth standard are held for prisoners. Swadhyaya classes, consisting of small groups have also been organized for prisoners studying from the first to the Secondary School Certificate (S.S.C) Prisoners are encouraged to pursue college education. Likewise they are encouraged to appear for English, Sanskrit and Hindi Examination conducted by the various educational organizations.

Vocational training in various industries is also given. The classes are organized in various prisons in carpentry, textile, tailoring and other trades. Vocational training classes are conducted twice a week and they are closely related to institutional work program and the post of teachers required, therefore, have been created under Five Year Plan.

### **M. Discipline and the role of violence in prison administration**

Violence by authorities in the Jails of Maharashtra like the rest of

the Country are not isolated events, as often made out to be. They are conscious acts perpetrated daily to subdue the prisoner, establish unquestionable authority and are viewed by the Prison staff as essential to effective Prison management. Jailors who are able to subdue the prisoners by violent and aggressive means, derogatory and abusive language or frequent floggings are considered effective and are given an unspoken immunity for these actions by the entire Prison set-up. In prisons, violence is an institutionalized procedure upon which the edifice of Prison Discipline is built. It begins from the moment of entry into prison, during the strip search or other procedures of admission at the prison gates when the prisoner is faced with violence and aggression. If the Jail staff identifies a particular prisoner who frequently resists this culture of submission he is somehow taught a 'lesson' by violent methods under any unrelated pretext.

For prisoners, the most feared legal pretext for such violence is that of the general "Alarm" in case of 'news of serious outbreak or disturbance amongst prisoners'. On the sounding of the alarm, all hell breaks loose; the Prison staff goes on a violent rampage and indiscriminately thrash anyone coming in their way. The Prison authorities in Maharashtra are also known to have deliberately sounded the alarm in many instances and used it to physically attack those who do not submit to their brand of authoritarianism. In this culture of submission and violence, attempts to patiently persuade, counsel and reform prisoners in maintaining discipline are unpopular.

## N. Prison deaths

A retrospective study of prison

deaths in Western Maharashtra was carried out from year 2001 to 2008. A total 66 cases of prison deaths were examined excluding deaths in police custody. 64 inmates were male and 2 were females. The age ranged from 21 year to 80 years with mean age of death being 46.48 years. Natural cause of death predominates (n=63, 95.45 percent), tuberculosis related deaths (n=34, 51.51 percent) being maximum, followed by coronary artery disease (n=22, 33.33 percent), pneumonia (n=2, 3.03 percent), cancer (n=2, 3.03 percent), liver cirrhosis (n=2, 3.03), intracranial haemorrhage (n=1, 1.51 percent). Out of which 50 (75.75 percent) cases received treatment. Unnatural deaths (n=3, 4.55 percent) comprised exclusively of suicidal hanging, all were suffering from mental illness.

## Issues of Concern

- 80 percent prisoners are under trials
- Even though bail is granted, prisoners are not released.
- Lack or insufficient provision of medical aid to prisoners hence need to appropriate adequate medical facilities.
- Callous and insensitive attitude of jail authorities. Jail staff must be trained in human relations and upholding the rights of prisoners.
- Punishment carried out by jail authorities to maintain discipline.
- Harsh mental and physical torture
- Lack of proper legal aid.
- High amount of surety ordered by courts which indigent prisoners can't pay
- Rejection of surety bonds due to lack of money or verification of addresses, as indigent prisoners don't have houses.

- Corruption and malpractices in the system.

## Areas for Reforms

Transparency in Prison Administration

Hasten the cases of under trials

The free legal aid provided by government is deplorable as lawyers are not committed and do not follow up on cases.

Network with NGO's and community based organisations to find surety for prisoners with no homes/addresses and follow up with a rehab program.

No immunity for jailors for torture and violence of prisoners.

Ensure public awareness about working for prisoner's welfare.

Segregation of prisoners specially hardened criminals from other inmates.

Improve basic living conditions – ventilation, sanitation and general hygiene.

## Conclusion

Promotion, Protection of Human Rights and Prevention of its violations are essential components of Prison administration. In Prisons where an individuals' right to Life and Liberty is deprived by the State, all the rights of that individual be it economic, social, medical, educational or cultural rights become as indispensable as his Civil Rights. Any deprivation of the same would thus constitute an unreasonable, oppressive and unfair procedure and a violation of his constitutionally guaranteed Right to Life.

This modern approach that seeks

to reform and rehabilitate criminals back into society, directly conflicts with the practice of the police who go to any extent to violate the rights of prisoners. Hence, attempts to manage prisons by personnel from the Police or Indian Police Service (IPS) would fail in the full realization of such reformatory and correctional goals.

In addition, the existence of a common Home Ministry of the Government for both Police and Prison administration further harms the reformatory and correctional approach. In such a Ministry, it is but natural that the Prison department is treated as an adjunct to the Police and other Law and Order or security concerns. What follows from such a situation is a more security centric prison rather than a reformatory and correctional one. Priority is given to modernize and tighten prison security rather than upgrade facilities for prisoners. Enactments are passed for harsher and longer sentences rather than for protecting prisoner's rights. Funds are allocated for building more and more prisons, rather than improving the quality of existing ones. In short, the political will calls for increasing the number of prisoners rather than implementing Prison reform.

Due to pressure from Civil Society and various Human Rights Organizations to do away with the oppressive and archaic Prison Act, the centre finally drafted a 'Model Prison Manual (2003)', and urged the States to do the same. In accordance with this directive the government of Maharashtra, Home Department, constituted a commission to 'inquire into certain lapses and to suggest measures which are required to be taken by the Jail administration including

amendments in the Prison Manual and other Statutory provisions & rules and any other matter of general importance regarding Jail Administration', [Notification dated 22-6-2006].

Headed by Justice S. P. Kurdurkar, this 'Inquiry Commission for Maharashtra State Jail Administration & Jail Manual Reform', began inquiries and sought representations and suggestions from prisoners, jail staff and Non-Government Organizations. However, the State Government did not sanction a further extension and the Commission was forced to wind up, without presenting any report. The State Government has also paid no attention to recommendations of similar commissions on Jail Reform such as the Justice A.N. Mulla Commission (1980-83) or the recent 'Draft National Policy on Prison Reforms & Correctional Administration (2007)'. After the 26/11 attacks on Mumbai, the State Home Ministry has drawn up its priorities, and prison reform is clearly not a part of them. However, for those thousands currently incarcerated in the prisons of Maharashtra, Prison reform still remains a fondly cherished dream of betterment.

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### *(Continued from Page 5)*

through a transparent process, by a broad-based agency which includes representatives of vendors.

In the end, what this entails is an entirely new imagination of the city, which includes the masses of urban poor people as legitimate and legal partners. And, indeed, it entails a new imagination of economic growth, powered not just by the profits of large transnational companies, but the enterprise of millions of the working poor.

– Aman Biradafi

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### *(Continued from Page 6)*

It is a model of rural development in the making. It will become, definitely, replicable and it will also become the foundation of an alternative development model for the future.

The Centre is worth a visit, worth help in cash or kind. And for Gandhians and socialists and trade unions and activists, it should be a preferred venue for having their training camps and important meetings.

–Yusuf Meherally Centre,  
D/15, Ganesh Prasad, 1st Floor,  
10, Nausher Bharucha Marg,  
(Sleater Road),  
P.O, Grant Road (W),  
Mumbai - 400007

Website - [www.yusufmeherally.org](http://www.yusufmeherally.org)  
TeleFax - +91 22 23889738

## Sir Syed Day and Its Utility

Asghar Ali Engineer

Seventeen October happens to be Sir Syed's birth day and every year all those who have studied at Aligarh Muslim University celebrate it with great enthusiasm and arrange dinner on that occasion. This year too the Aligarh Muslim University Alumni Association of Maharashtra celebrated Sir Syed day on last 17<sup>th</sup> October and invited senior journalist Kuldip Nayar as Chief Guest and this writer as Guest of Honour along with Teesta Setalvad and Amin Patel, an MLA from Maharashtra Legislative Assembly.

I am not going here into who said what but take account of what Sir Syed did and what is its impact on Muslims of Indian sub-continent. I can understand the emotions of those who studied at Aligarh and are leading successful life today as a result of educational qualification they acquired there. It is not important that they celebrate Sir Syed Day once in a year and meet each other, have dinner and disperse.

Much more important is to assess what is the condition of Muslims today in the sub-continent and what impact Sir Syed's contribution has on Muslim society today. It is so unfortunate that just a few days before Sir Syed Day a 14 year old girl Malala from North West Frontier Province from Pakistan was murdered by Tehrik-e-Taliban-Pakistan led by Maulana Fazlullah, just because she was campaigning for education for girls.

It shows that even after 150 years there are Muslims who find modern secular education an anathema as they found it in 19<sup>th</sup> century. And

this resentment against modern education is not found only among Talibans but also among many other Muslims who are illiterate, backward and poor. Even today our Ulama bring tons of money from Arab countries for madrasas and build grand buildings but do nothing to promote modern education.

These Ulama had greatly opposed Sir Syed when he started modern college at Aligarh. They even obtained fatwas from Mecca for his being kafir, Christian or Jew. But Sir Syed did not give up and continued, deeply convinced as he was, his efforts to spread modern education. He even went to Oxford along with his son to study the plans for his institution. Simply celebrating Sir Syed day will not do. We have to emulate his spirit, his courage and his sense of mission.

Our Ulama do not oppose Sir Syed today or modern education for that matter. However, they do nothing to promote modern secular education among Muslims and instead go on multiplying madrasas with Arab money. If all these funds had been used for starting modern institutions it would have done great service to Muslim community in the sub-continent. One has to learn a lot from Christian missionaries in this regard. Their institutions are considered best even in Pakistan and people want to send their children to their schools. Our Ulama, it is a matter of great concern, are opposing even modernizing madrasas which could immensely benefit the students. They fear they would lose control over them if they accept government money for that purpose.

As Aligarh played great role for spreading education among Muslims in the Indian sub-continent today that role could be played by those who have obtained education in that university. But celebrating Sir Syed day has become a mere ritual. There is great need for these past students with successful careers to make it a mission like Sir Syed and work with great enthusiasm, like Sir Syed did, to spread modern education among Muslims. It is the only way to success as these students have themselves succeeded because of modern education.

Sir Syed Day should not be reduced as a mere ritual as we are wont to do. It should become a day for inspiration, for renewal of vows and for re-energizing these students to work for welfare of the community and for promoting communal harmony as Sir Syed did. It is very important to note that Sir Syed did a great deal to promote unity between Hindus and Muslims. It was part of his mission. Besides saying that Hindus and Muslims are like two eyes of a beautiful bride he also said that Muslims are also Hindus in geographical sense. In one of his speeches he, addressing a gathering of Hindus and Muslims he said "are you all not borne in this land? Are you not cremated or buried in this land? We all belong to this land."

It is great irony that some scholars try to prove that Sir Syed was a separatist and some even have tried to project as founder of the idea of Pakistan. These ignoramuses do not know that even Jinnah had not thought of Pakistan before late

thirties and had forced the supporters of Rahmat Ali to withdraw the resolution on creating of Pakistan in one the sessions of Muslims League as late as mid-thirties. Jinnah was using idea of Pakistan as bargaining counter right up to 1946 and Pakistan became reality not only because Jinnah demanded it but also because of some mistakes made by some Congress leaders as pointed out by Maulana Azad in his book *India Wins Freedom*.

However, this is beside the point. I would also like to point out here that Sir Syed had some limitations of his own and I said this in my speech in the function. Sir Syed belonged to Ashrafiyah i.e. the noble classes and his vision were limited by his social origin. He had seen total destruction of Muslim ruling classes and he wanted them to catch up with the times instead of weeping and breast beating. He, therefore, thought they must go for modern education so that they could occupy an important government position which was not possible without modern secular education. He, therefore, founded Anglo Mohamedan Oriental College which became Aligarh Muslim University in 1920 by an Act of Parliament.

But Sir Syed who gave so much importance to modern education for Ashrafiyah was not much enthusiastic about similar education for children of weavers. When weavers of Moradabad (Ansaris) invited him to inaugurate a school for their children Sir Syed advised them not to waste their time in sending them to school but train them in weaving so that they can earn and supplement family income and can become better weavers.

Sir Syed was right in his own way in that context. Many Muslim children do not go to schools even

today for similar reason and start earning and supplementing family income and to become better artisans. But times have changed now and modern education has become universal in character. Muslims have produced Sir Syed but now they need an Ambedkar to work for upliftment and education of poor, low caste Muslims. It is these Muslims who are in overwhelming numbers in India. The Sachar Committee estimates that the OBCs among Muslims are about 45 per cent. But that estimate also seems to be wrong. It is not less than 80 to 85 per cent. Most of the Ashrafiyas from North India migrated to Pakistan in 1947 leaving behind OBC Muslims and one has to work, as Ambedkar did for Dalits, for modern education. The clerics will never do that and therefore, the Aligarh students should come forward to do this task and fulfill Sir Syed's mission.

There is another part of Sir Syed's mission which remains unfulfilled until today. Sir Syed was great supporter of modernization and change. He also formed Scientific Society of India along with other colleagues and undertook translation of several scientific books in Urdu. He also began to write *tafsir* (modern commentary on Qur'an) but had to abandon that work as the theologians vehemently opposed it and forced him to put it aside. It has gone into oblivion as no one was interested in publishing it until Khuda Bakhsh Library, Patna under took that important task and published it in two volumes.

This commentary is of great importance though Sir Syed could not complete it due to opposition from conservative Ulama. No one even talks about it that Muslims need revisiting Qur'an in the light of modern developments in the field of knowledge and impact it has been

having on the outlook of people. Old commentaries were written in the light of knowledge then available. Someone has to show courage and complete this task and also revise what Sir Syed wrote as many more developments have taken place.

Sir Syed, in his commentary also had defended women's rights but again he had certain severe constraints and could not do what he would have liked to do in this field also. Instead he had to advise Maulavi Mumtaz Ali Khan, a great supporter of women's rights not to publish his book *Huququn Niswan* as it would add to his troubles. Not that Sir Syed would not like to give women their due but mainly because orthodox Ulama would add to his troubles. Sir Syed thought as education improves among Muslims they would re-think on all these positions and would revise their opinion.

But unfortunately for various reasons not to be discussed here it did not happen and there is need for launching a fresh movement for women's rights. We need a Maulavi Mumtaz Ali Khan besides a Sir Syed to get equality for women. Today modern education and gender equality both are most important issues, as important as during Sir Syed's time and Aligarh Muslim University's past students would be better advised to undertake these issues with renewed spirit. They would do real service to the community and also this would be the best tribute to the memory of this great man. Sir Syed as indeed a modern architect of Muslim society. We must stop paying mere lip service and gird up our loins to start working for completion of his mission.

Centre for Study of Society and Secularism

## Secular Humanist Philosopher

The sudden death of Dr. Paul Kurtz on 20<sup>th</sup> October in USA at the age of 86 is a great loss to the world humanist movement. He was a renowned philosopher and founder-editor of "Free Inquiry" magazine as also the founder of the publishing house "Prometheus Books" which was intended to propagate the values of humanism, secularism and free Inquiry. He was also the founder of Institute for Science and Humanism, Committee for Skeptical Inquiry, Council for Secular Humanism and Center for Inquiry. He had authored 40 books and was the co-editor of Humanist Manifesto, an updated

version the 1933 original.

I became his admirer after reading his articles in the "Radical Humanist" magazine. I met him in 1997 at Buffalo, NY state, USA along with two Indian friends and discussed about humanist and socialist movements. The interview was arranged by Dr. N. Innaiah.

Just as renowned social psychologist Dr. Erich Fromm introduced socialist component into the humanist movement, Dr. Paul Kurtz introduced secular component into the humanist movement. Dr.

Kurtz was not merely an academic philosopher but was also a great activist. He travelled all over the world propagating secular humanist values and attended a world humanist conference in Mumbai.

We should study the ideas and ideals of Dr. Erich Fromm and Dr. Paul Kurtz of the West and humanist thinker M.N. Roy as well as socialist thinker Dr. Rammanohar Lohia of the East, in order to build a New Human Civilization and for the development of a New Human Culture.

-Ravela Somayya



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Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

## Above the People

The UPA seems to be facing a dual crisis. They are under attack from Arvind Kejriwal who is exposing corruption of its leaders, which till the other day seemed to be living in ivory towers, and the fact that the national economy is in doldrums has made it look very vulnerable. The chief coalition partner, the Congress has after initial hesitation decided to deal on both fronts with some aggression. To bolster its own confidence the Congress organized a huge rally to convey to its distracters that its supporters continue to be with it even after all the blame it has got nationally and internationally.

Manmohan Singh's image and has taken a thorough beating. In his first term he seemed to be the man in command. He was implementing policies very confidently which he and Montek Singh Ahluwalia convinced everybody were the only way India could maintain a high growth rate. On the way they also implemented some pro-people measures like the NREGA and waiver of loans to farmers, which actually helped the Congress win the elections in 2009. The trouble began when the economy registered high inflation in the Prime Minister's second term. Suddenly the doctor confessed that he had no solution for it. He said he didn't have a magic wand to deal with inflation and price

rise. Moreover, the poverty didn't seem to go away. Again he had no prescription for poverty alleviation. He, while releasing a report saying that half the children in India are malnourished, commented that it was a matter of national shame. The relevant question to be asked is why was there no soothing effect of his policies on the situation of malnutrition? Quite clearly, the Manmohan-Montek policies of Privatisation, Liberalisation and Globalisation have no solution for inflation, price rise, poverty, malnutrition, farmer suicides, mother mortality rate and global warming.

One of the reasons given for implementation of neo-liberal policies was that the corruption and inefficiency of public sector undertakings would be a thing of the past once private companies take over. However, both corruption and inefficiency have increased manifold in the era of private companies. And the policy makers do not seem to mind it as they are hand in glove with the private corporations, which has been clearly brought out by CAG and Arvind Kejriwal.

The honest PM is seen to have supervised the plundering of wealth by his ministerial colleagues. Initially some action was taken. But after the matter of Robert Vadra, the son-

in-law of the Congress President, being exposed, where he made Rs. 300 crores from “investment” of Rs. 50 lakhs, the Congress party was baffled. They have now taken a decision to justify the corruption. The party is saying that there is nothing legally wrong in what Vadra did or for that matter in the party giving interest free loan to Associated Journals of Gandhis. It also felt emboldened to bring back the tainted lawyer Abhishek Manu Singhvi whose political career seemed, not long ago, to be over with the exposure of a sex scandal.

The Congress party seems to be saying that it does not mind the corruption and immorality of its leaders and things will probably continue in the same manner. There will be no action against the errant. It has confirmed the worst fears in the minds of people that there are two sets of laws in this country –

one for the rich and powerful and another for the common and poor.

An analogous decision has been taken on the front of economic policies. When it is clear that neo-liberal policies have spelt trouble for common people, Manmohan Singh has decided to pursue the same path, with a vengeance this time, as if to answer the western critical assessment of him as an underachiever. The decision to allow FDI in retail and insurance will mean more hardship for the poor of this country. Manmohan and Montek probably already know this but they have decided to at least please the investors, especially the overseas ones. In the US Walmart has taken away the employment of three people when it provided jobs to two. The ratio will be far worse in India given the wider gap between the rich and the poor. In the insurance sector we’ll essentially

allow foreign companies to make money on the domestic savings. This is similar to allowing Coca Cola and Pepsi to make money by selling our water to us by the brand names of Kinley and Aquifina.

The US has made it clear on several occasions that it will adopt protective policies keeping the interest of its population in mind. But Manmohan Singh chooses to ignore it and for some reason wants to remain in its good books. The country will have to pay a heavy price for the policies being adopted by him.

His government will not just be remembered for being the most corrupt one but also for being very anti-poor. The man who never faced a direct election imposed his decisions on the largest democracy of the world like an autocrat. He has betrayed his image of being honest and humble.

## Activists Questioning Corruption Land in the Jail

Since the movement against corruption has taken on the political class head on there seems to be certain resentment amongst the ruling elites against the grassroots activists. Two of these activists have recently landed in jail.

Dr. Sunilam has been convicted by sessions court for murder in a 14 years old case and given a life term. His Kisan Sangharsh Samiti had organized a protest, on 12<sup>th</sup> January, 1998, of farmers at Multai, District Betul in Madhya Pradesh to demand compensation for the crop damaged because of bad weather. 24 farmers died in police firing and many were injured. In the ensuing violence the driver of a fire brigade was killed. While there is no case yet filed for the killing of farmers, 66 cases were filed against Sunilam

and colleagues. Sunilam later got elected an independent MLA and later on joined the Samajwadi Party. He was elected for one more term to the M.P. Legislative Assembly. But his essential identity is that of an activist rather than a party politician. He would be part of all people’s movements for the basic rights of marginalised and was even arrested in international protests against the neo-liberal order. Most recently he was part of movement against corruption led by Anna Hazare.

Sunilam and two colleagues Shesh Rao Suryavanshi and Prahlad Agarwal were sentenced by the Multai Sessions Court on 18<sup>th</sup> October, 2012, and have been incarcerated in Bhopal jail since. It is noteworthy that Sunilam was also

leading the protests against a power plant project of Adani and a Pench project meant to divert water for the power project in Chhindwara, constituency of powerful central minister Kamalnath.

When Medha Patkar went to the house of Aradhana Bhargava, advocate and colleague of Sunilam, arrested a day earlier, she was also arrested on 4<sup>th</sup> November in the night from in Chhindwara and kept in jail, for no reason at all, for two days. Opposition to Adani is a key reason for these activists landing in jail as the government wants the land acquisition process to take place smoothly.

Dayamani Barla is a tribal activist fighting against land acquisition in Jharkhand. She was sent to jail on

16<sup>th</sup> October, 2012, in an old case. She has been involved in protests against attempted takeover of 227 acres of land in Gram Sabha Nagadi on the outskirts of Ranchi by government for building IIT, IIM and National Law School. It is the last which has probably become a matter of prestige for the High Court. The Court, therefore, has ordered acquisition of land even if paramilitary forces are required to do the job, giving a taste to the local population of the colonial hangover of our ruling elites. In the process all the rights tribals have been empowered with, in the Constitution as well as through various laws of the land has been thrown to the winds.

As Dayamani got bail in one case another case was imposed on her to continue her incarceration. Unlike Sunilam she was being kept in jail on minor charges of disturbing peace and obstructing the performance

of duty by government officials. Dayamani Barla had opposed the proposed project of steel giant Arcelor Mittal in Jharkhand earlier.

The commonality between Sunilam and Dayamani is their opposition to big projects in the name of development. With the exposure of large scale corruption in big projects now it is becoming clear that they are not just development projects. They involve transactions of huge sums where the benefactors are private corporations and members of the ruling class. The benefits from these so-called development projects also accrue to only the well off section of society with the poor always at the sacrificial end. For example, it is unlikely that many tribal students will even be able to make it to the institutions of higher learning created on their ancestral land. The students graduating from these institutions will engage in further

exploitation of resources of the tribals and poor in the kind of jobs that they will be prepared for. Hence the struggle is not just against the projects it is also against the skewed development or benefits flowing inequitably from these projects.

Activists such as Sunilam and Dayamani are not just questioning the corruption involving merely financial transactions they are also questioning the corruption in policy making where the ruling elites, including the judiciary, want to corner all the benefits for themselves at the cost of marginalised sections of society. Questioning such corruption is attacking at the roots of very existence of the ruling classes. They will not be able to enjoy the luxurious life styles if they would be required to equitably share the benefits of development. Hence they have adopted a policy to banish the activists and the protesting masses.

–Sandeep Pandey

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## Eminent Women Urge the Immediate Release of the three Women of Idinthakarai

Nearly a 100 prominent Indian women have written to the Tamil Nadu Chief Minister and the National Commission for Women urging them to facilitate the release of three Idinthakarai women -- Xavier Ammal, Selvi and Sundari. All three imprisoned women are fore-runners in the 15-month long struggle against the Koodankulam nuclear power plant.

The list of signatories includes notable senior writers, scientists, advocates, thinkers, artists and feminists including Mahasweta Devi, Aruna Roy, Romila Thapar, Vandana Shiva, Mallika Sarabhai, Lalita Ramdas, Medha Patkar, Pamela Philipose, Vrinda Grover, Devaki Jain, Kalpana Kannabiran and

Shabnam Hashmi. The letter was in reaction to what the signatory women termed as “the increasing hostility of the various agencies of the State to democratic dissent, and the particular viciousness with which non-violent protests are being addressed.”

The letter endorsed by the women stated that the women’s “alleged crime was an act that most women would commit intuitively, namely acting to protect their families, their communities and their future generations.”

The Idinthakarai trio is currently in the Trichy Women’s prison, facing several charges including of sedition and waging war against the state, in six cases. They have

already spent a month in jail, with the police bringing up fresh cases at each bail hearing. Most recently, three new cases based on earlier FIRs were registered and warrants served on the jailed women on 9 November, 2012. The letter noted the discrepancy between the FIRs’ claims that protestors were carrying aruvals (sickles), crowbars and other deadly weapons, and the TV footage from the police crackdown of 10 September which carries no substantiation of these allegations.

Women and other supporters from across the country have said they will visit the three women in jail, and work towards their speedy release.

–Geetha V

*Between the lines***Kuldip Nayar**

## Beyond the Pain

Some memories do not fade however old they become. It is really the pain which accumulates because of disappointment and helplessness in not finding justice. I realized this the other day when an old Sikh friend of mine called me from Faridkot in Punjab and cried on the phone. He asked me again and again why the government did not take action against the 1984 anti-Sikh rioters, some of whom he complained were still roaming free.

The simple answer which I gave him was that when protectors become predators, the punishment is negated. This is what happened in November 1984, when 3000 Sikhs were killed or burnt alive in broad daylight. The then Congress government was reportedly accused of being part of the pogrom. Hence whatever little action taken was perfunctory not meant to bring the culprits to book.

There was the Chief Justice Ranganath Mishra report and some other assessments. But they talked more about the assassination of Indira Gandhi than the killing of the Sikhs. The only worthwhile probe was that of Justice Nanavati. But he too did not go deep enough and did not apportion blame to anybody specifically. Even when, in an interview, I tried to pin him down to name person behind the carnage, he merely said: "You know who he was."

I think the naming of the guilty was important to punish them. Had the law taken its normal course, the

killing of Muslims in Gujarat in 2002 would not have taken place because the rulers and their associates would have learnt the lesson for complicity. Yet we must know why the Sikhs, as a community, were targeted and what was the motive behind doing so.

I still think that there is a necessity to appoint a Truth and Conciliation Commission like the one the South African government did when the blacks assumed power under Nelson Mandela. Several white men appeared before the commission and gave gory details of what they did by resorting to untoward and illegal methods to keep the blacks suppressed. The white admitted the abominable role they had played.

None was punished because the very nature of the commission required true confessions to avoid punishment. Similar confessions are required from the Congress leaders and the authorities of those days. Only then would we be able to reconstruct the tragedy, particularly the participation of the top leadership in the party and the government.

"This is happening because we are only two percent in the country," said a young Sikh at Jantar Mantar, adding that even the Muslims met the same fate in Gujarat although they were 17 per cent. His note of helplessness struck me more than his pessimism. His is a telling remark on a polity which takes pride in being democratic and adherent of secular constitution.

The 80 per cent Hindus can brush the criticism aside as most of them do. Yet the fact remains that the taste of democracy goes sour if the of the minorities feel that they are not getting their due. I must admit that the thoughts and conversations I have shared with the Muslims tell me that they find the millstone of partition still hanging around their neck even after 65 years of independence. However, some confidence is beginning to build.

In a speech, Jamia Millia vice-chancellor Najeeb Jung, said a few days ago: "...There is need to understand Muslim concerns and address them to give the community greater confidence, and ensure its greater involvement in the national mainstream. Two committees appointed by the government, both chaired by retired judges of the Supreme Court, have submitted reports underlining the weak economic and educational standards of Muslims, their inadequate representation in government jobs as compared to their population, and suggested means to address them. The Government of India is making the right noises and there is hope that some positive steps will be taken to improve the lot of the Muslims. The Muslims themselves have realised their political power. In almost one third of seats in the lower house of Parliament Muslim vote can make the difference between winning and losing. The Muslims have gradually understood the value of tactical voting, and their sheer numbers will also gradually force the government

to take them more seriously than the first 30-40 years of Independence.”

On the other hand, the Sikhs, who consider themselves close to Hindus, are beginning to feel that the relationship does not mean anything if the Hindu community gets worked up as it did in 1984. Maybe, there is a bigger lesson in the tragedies of Operation Blue Star and the killings. Only by delving into them would we understand the killing of General A.S. Vaidya or the attack on Lt. Gen. K.S. Brar who led the Operation Blue Star against the insurgents entrenched in the Golden Temple.

Whatever the reason, it does not lessen the sanctity of orders given by the elected government to the army commanders who are duty

bound to carry them out faithfully, whatever their predilections. It would be a sad day when the military would question the order of rulers backed by parliament.

However, the role of the army takes me to the theatrical posture of the retired General V.K. Singh. There is something called propriety which he has thrown to the wind and has come down to level of urchins asking for gheraoing parliament. I am shocked that Gandhian Anna Hazare, who shared the platform with him, has not realized the harm he has done to the movement he has initiated to bring back the value system.

See the comparison between the two. One is itching to join politics while the other, Brar, a Sikh, is

facing the fallout of political rulers' order. The real question is not political but human. The Sikhs are voicing their grievance against non-rehabilitation of the victims' families. "I have been living the horror everyday for the past 28 years. My entire family, including my husband and two sons, were mercilessly killed by the rioting mob. I recount my story every year to the media, but what difference has it made? Have I got justice?" says Surjeet Kaur, one of the victims.

True, one should move on. It is easier said than done. But punishment to the guilty will serve as a balm. The government has to initiate steps that would instill confidence in the Sikh community which should not feel helpless or abandoned.

## Pitiable Plight of Women

Even as Malala Yousafzai, a 14-year-old activist who advocated girls' education, recovers from the bullet shots by Taliban at Swat in Pakistan, there is no let up in the atrocities against women in the subcontinent. Haryana in India witnessed another rape of a dalit girl and yet another honour killing by parents of their daughter in the northern part of Pakistan. In Delhi, the national capital, a married girl committed suicide, with her daughter, because her in-laws had not stopped demanding dowry even after five years of marriage.

These incidents are distance-wise removed from one another and they even differ in gory details. Still they are similar in intent: A woman cannot claim any right, much less equality, in India, Pakistan or Bangladesh. I am sure that women in the West, too undergo indignities

but their advanced societies have sophisticated ways to humiliate the female.

In this part of the world, a girl is generally considered a curse or burden from birth. While a boy is regarded as a bread-winner, a girl is a damper on ambitions of a family. The economic factor only aggravates the social factor and it would be wrong to assume that the earning potential of a girl is the real reason.

But the real tragedy is that the women themselves, mothers or mothers-in-law, are the perpetrators of crimes. They are behind the dowry tragedy or honour killing. A feeble protest is seen in a few brutal cases but it is forgotten the following day. Then it is business as usual. I thought that the attack on Malala would unite Pakistan in pain and it would rise as one nation to intensify

operations in Waziristan and Swat to crush Taliban.

No doubt, anger is there but it cannot be channelized without any concerted effort or action. Religious fanatics appear to come in the way and they are the ones who call the shots. All statements emanating from the army suggest that it will give no quarter to the terrorists, meaning thereby Taliban, but the operation against them lacks determination. This may be, partly because Taliban are said to have penetrated the army ranks itself.

In India, the most developed nation in the region, the voice against the atrocities on women is probably the loudest. There are many political and social women leaders - the all-powerful Sonia Gandhi included. Even then they have not been able to do much. For example,

they have not been able to secure the 33 percent reservations for women. The bill, after having been in limbo for many years, has only made it to the Rajya Sabha. The prospects of its approval by this house of parliament are almost nil.

Male chauvinists, particularly among the dalits and backward classes, are vehemently opposed to reservations to women on the ground that the concessions would be cornered by the urbanite educated. This fear is without any basis because the election of women heads in half of the panchayats shows that at the ground level their confidence is immense. At least the representatives of dalits and Other Backward Classes have no face to talk about the elite among women getting the advantage of reservations because they themselves constitute a creamy layer which has not allowed the second or third rung to benefit.

Titled Men and Women 2012, an official report, indicates a marginal participation of women in governance and economy sections. Even the health, education, finance and crime indicators are causes for worry. Under the judiciary, there are two woman judges out of 26 judges in the Supreme Court and only 54 women judges out of 634 judges in high courts. This lopsided participation is reflected in other echelons too. Women only occupied 10 percent of the total central jobs in 2009. In institutions such as scheduled commercial banks, the scenario slightly bettered to 16.6 percent in 2010 from 15.9 percent in 2009.

Even if placement of women is ratified some day, they would still face many handicaps to come up the ladder. Religious traditions also come in the way of their claim to equality. Manu, a Hindu great

pundit, has advocated inferior status for women and has proposed inhuman punishments for them if they challenge men to give them an equal status. Even today the entry of women to a few temples remains barred and even the treatment meted out to them has come to have religious sanctions.

As for the Muslim women, the restrictions are even wider. That they cannot enter most religious places is common. The shrine at Nizamuddin at Delhi is closed to them. The custodians of Haji Ali dargah at Mumbai have issued a fiat a few days ago to disallow women from entering their premises. This was done for the first time since the shrine's foundation hundred of years ago. In contrast, Islam is progressive enough not to have any stigma against widow remarriage.

It is really man's insensitivity to the feelings of women that is behind the pitiable plight of women. He neither understands nor appreciates what his wanton attitude does to her individuality. Violence is only part of his assumption to be superior. The reason why women are the first target for rape in riots is not so much avarice as the humiliation sought to be heaped upon them.

Unfortunately, the government treats rape as just one of the crimes. In fact, it is a collective murder of a female. The punishment should be meted out not only to those who commit it but all those who silently watch the happening. They are as guilty just as the members of Khap, the panchayat in Haryana who sentence young girls for wearing clothes they like or wanting to marry the persons they like.

A movement is needed - in all the three countries of the subcontinent - to raise strong protests to make

the public aware of the atrocities committed against women. The purpose is how to give women their rightful place in the society and make them feel that they are inferior to none in any field - political, economy or social. The development in a country has no meaning if the society does little against discrimination and denial to women perpetuated for centuries.

**(Continued from Page 8)**

contributions for the survival of man, but also to address the present market for its sustenance?

It is found that common people are resorting to traditional methods of therapeutics when the corporate hospitals make their lives a liability once admitted for treatment. It is noted that the families that are above poverty line became poor after getting admitted either in a private or public hospital for serious ailments. It is time to act and provide legitimacy to the indigenous knowledge systems with necessary scientific safeguards so that they may bail out the poor.

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# Indigenous Knowledge as People's Technology

K. S. Chalam

The recent international conference on bio-diversity under the aegis of CoP in Hyderabad seems to have discussed several issues relating to environmental degradation and indigenous resources. Scientists and environmental activists, including the former vice-president of USA Al Gore, have adequately popularized the notion that there is bio-diversity only in the southern hemisphere of the globe. We all know that the Northern hemisphere where all the advanced countries are situated do not have the kind of resources that we in the third world countries of the South have. Yet, how all the Northern countries have achieved a great deal of development in just two hundred years is a mystery that the economists might one day expose. One of the important assets of the third world is the unexplored and hidden data in the traditions of the indigenous knowledge systems. We can draw from them as we progress on the road to self-sustained development. Some of the tricks that the advanced countries have been trying to play on us are through the route of GATS that protects intellectual property. They want to have patents on all our traditional knowledge and knowledge products like Ayurveda and Siddha, with the connivance of some prejudiced individuals. But, they seem to have not succeeded as India has been heroically fighting against this conspiracy at the international forums with the support of documentation. Sometimes government agencies do also good things, as seen in terms of the documentation of our indigenous knowledge systems project (DST).

Though the efforts are limited to the mainstream and Sanskrit based knowledge as of now, it is hoped that it would be extended to the real and historically sustained systems of the adivasis and other indigenous populations of the country in future. Now everyone looks at our indigenous and traditionally practiced unwritten structures of knowledge for insights so that they can be commoditized and marketed for an economic return.

It is said that animals are genetically endowed with use of their limbs as tools while human beings develop tools with their limbs and thinking skills. It is the accumulation of experiences of human beings as thinking animals that helped the mankind to develop civilizations and transformed them at different points of time. It was Gordon Childe who said that, "the simplest tool made out of a broken bough or a chipped stone is the fruit of long experience of trials and errors, impressions noticed, remembered and compared. The skill to make it has been acquired by observation, by recollection and by experiment. It may seem an exaggeration, but it is yet true to say that any tool is an embodiment of Science. For it is a practical application of remembered, compared and collected experiences of the same kind as are systematized and summarized in scientific formulae, descriptions and prescriptions". It is the application of some of the scientific principles to solve practical human problems that leads to the development of technology.

Thus science and technology have never remained constant. As society progressed from one stage to another, science and technology have also undergone change. However, science and technology became dominant players in human civilization after the renaissance movement in Europe that led to concretization of science. Therefore, Bertrand Russel has mentioned that science has two functions, to enable us to know things and to enable us to do things. The Greeks were interested in the former and the Arabs, Indians and Chinese in the latter. But science was given prominence when the measurement of various physical phenomena became easy. At one time, measurement itself became science. It has its advantages and shortcomings when it turns out to be demotic.

Though man has been making and using tools from Paleolithic age, the principles lying behind such tools became known only after man developed cognitive abilities and started recording them. Therefore, we will find in all human civilizations people accumulating wealth of knowledge about the physical world. In majority of the cases, some groups survived with that little knowledge even in modern times. It was the European who wanted to translate this knowledge into his own method and found that some of the knowledge and experiences of the people he conquered did not fit into his intellectual tradition. He called those societies as tribal and primitive. This is not true as historical records and experience have gone contrary



## Politics Stoking Caste Fire

to European formulations. The so-called indigenous people of the world including India have shown to the world how the remnants of their material culture involved science and technology. Some of it may have remained at the stage of proto-science due to the fact that the indigenous people are denied or did not have the opportunity to develop or translate their experiences into modern concepts of science. That does not mean that they do not have any tradition of science and technology. In fact, it has been proved beyond doubt that those people who constantly interact with nature and in that process use their physical labour to make a comfortable living, alone are capable of developing technology. In this context, we can find in our society several groups of people who have remained adivasis, artisans, service castes, etc, but have abundant fund of knowledge that can be codified, evaluated, systematized and finally provided the status of modern science and technology. In fact, the native Indian philosophical school, Sankhya is full of such concepts.

It is recognized today that the contribution of indigenous people to the world of medicine including Ayurveda even in the 21st century amounts to billions of dollars worth of wealth. The technology used by the indigenous people is simple and relevant to the social conditions and circumstances in which they live. Thus, this technology is people oriented as against the gigantic and sophisticated technology that is generally addressed to the market. Unfortunately nothing survives that does not address the market today. Therefore, is it not necessary to examine the indigenous technology not only to bring its significant  
*(Continued on Page 6)*

In a state that boasts of being progressive, caste divide is rearing its ugly head once again. The violence that rocked Natham in Dharmapuri district on Wednesday has reversed a recent positive trend in the northern districts of Tamil Nadu, once a hotbed of simmering caste tension between Vanniyars and dalits.

Activists point out that this is the first big caste violence in the last two decades in Dharmapuri. The last decade had seen leaders of the dominant communities in the region, the Vanniyars and the dalits, campaigning together for communal harmony.

“Tamil Nadu is a land of reformation. Usually, political and social leaders of the state advocate inter-caste marriages and successive state governments have encouraged progressive development. But in recent months, this positive trend has changed and a few caste leaders have been openly campaigning against inter-caste marriages,” said writer-politician D Ravikumar, state secretary of the Viduthalai Chiruthaigal Katchi, a dalit party with a presence in the north. “They have indirectly encouraged killings in the name of honour and even ignited violence. This should be stopped through progressive initiatives,” he said.

Caste leaders have gone one regressive step further to warn activists against encouraging the union between couples of different castes and even issuing diktats against love marriages. PMK MLA J Guru, who heads the Vanniyar Sangam, the first avatar of the PMK, shocked progressive groups when he issued an open threat at a community meeting, forbidding inter-caste unions. Similarly, the Kongu Vellala

Goundergal Peravai, which claims to represent the community, issued advertisements in newspapers calling a meeting of community members to oppose inter-caste marriages and launched a campaign against it.

Activists point out that the violence in Dhamrapuri had occurred in a hamlet which used to have a strong presence of the left movement. “The district was once the headquarters of the ‘naxalbari’ movement. Hence caste violence in such a place has come as a surprise,” said a police officer.

Well-known Tamil writer Manushaputhiran pointed out that political parties have been using caste as a tool to improve their prospects. “Caste feeling is not only a cultural issue now. Caste parties have been using it as a powerful political tool as well,” he said.

While there is a lack of cooperation between dalit and non-dalit leaders in southern Tamil Nadu to end the divide, PMK leader S Ramadoss and Dalit leader Thol Tirumavalavan made some efforts for communal amity in the northern belt. Ramadoss unveiled dalit leader Ambedkar’s statue in many places and the VCK in turn honoured him by awarding him the Ambedkar Award.

The caste tension between Vanniyars and dalits was seen to have ended in the early 2000 because of this truce between the two leaders, who came together under the umbrella of Tamil Protection Movement. But the bonhomie did not last and Ramadoss recently declared that his party would align only with caste parties for elections in the future.

—K A Shaji, V Senthil Kumaran & Karthick S, *Times of India*

# Report on Recent Violence in Bodo Autonomous Territorial Districts

## Nishikanta

Assam, the gateway of North-East India, notwithstanding its scenic beauty and bounty of natural resources, is in a state of simmering. Sentiments of deprivation, contesting tribal identities, religious radicalism, perceived economic threat and political opportunism have played havoc with its social fabric. Although the people of North-East get ravaged by natural calamities like flood and earthquakes, the present socio-political explosion is purely man made. The long standing tribal disputes over land, contesting identities for autonomy and self rule and the present communal radicalisation have the potential to divide and disintegrate not only Assam and other North Eastern states but also the whole of the country. Assam is a border state sharing boundaries with Bangladesh and Bhutan and any development here has international implication for India.

A team comprising of Guddi from Maharashtra, Krishnakanta from Gujarat, Nishikanta Mohapatra from Odisha, Chandan Sukla and Shakib from Bihar visited Assam for a period of ten days. We extensively toured the conflict area, talked to Bodo and non-Bodo leaders and organisations. We also met the Governor of Assam Janaki Ballav Patnaik. After interacting with the intelligentsia, common public, leaders of various organisations and visiting the camps of the violence-affected persons, we got convinced that the problem is not as simple as it looks. It needs approaches

from various angles and multilayer interventions to assuage the feelings of the public as well as to bring out a long term solution to the competing interests.

### The State

The valley of Assam is situated in the heart of the north-eastern zone of the Indian sub-continent. It is located between 24 degree 10m N to 27 degree 58m N latitude and 89 degree 49m E to 97 degree 26m longitude. The state borders Nagaland, Manipur and Myanmar in the east, West Bengal in the west, Bhutan and Arunachal Pradesh in the north and Mizoram, Tripura, Bangladesh and Meghalaya in the south. Spread over 78,438 sq.kms, the state has a population of 3,11,69,272 residing in 27 districts as per the census 2011. Literacy rate of Assam has increased from 54.28 in 2001 to 67.27 percent in 2011.

Assam has 72 communities, including a number of tribes such as Deoris, Rabhas, Bodos, Mishings, Karbis, Dimasas, Santhals. Major religions of the state are Hinduism, Buddhism, Jainism, Sikhism, Islam, Christianity and Batho. Assam has as many as 21 ethnic-centric constitutional, statutory and administrative autonomous councils signifying the assertiveness of the ethno-nationalists and the perceived fear of losing one's identity.

### The historical setting

During the British period farmers from East Bengal were encouraged to settle in Assam. The Assam-Bengal

train in 1901 further facilitated the Bengali migration into North-East. As per 1921 census the population growth in Assam was 41 percent whereas the all-India average was only 6-7 percent (Krushak Mukti Sangharsha Samiti). Again, after the Pakistan-Bangladesh war the Indira-Muzibur Raheman treaty ensured that the refugees from Bangladesh who came before March 24, 1971 were to be provided citizenship of the country and those who arrived after March 24, 1971 were to be detected, deleted and deported back to Bangladesh. As a result the migrant population grew in North-East, but the government failed in its effort to identify and deport the post-1971 migrants as per the requirement of the agreement. Again, the open boundary between India and Bangladesh is further facilitating migration as the cultural similarity and economic pull is very strong. There is a dispute over the extent of migration from Bangladesh. As the economic indicators of Bangladesh are better than India, experts argue that the migration theory is more perceived than a reality (Outlook, 3 September, 2012). Here lays the difficulty to have an effective solution to the problem of native versus migrant fight. While Assamese people are demanding the deportation of migrants as per 1985 agreement between the then Prime Minister Rajiv Gandhi and Assam Chhatra Sangha (All Assam Student Union) which accepted 1971 as the cut off date, the governments are finding it extremely difficult to detect and deport the migrants

for some practical and technical reasons. As a result, in 37 years only 1200 migrants have been detected out of the alleged 39 lakh migrant population (Hemaji, Gandhian).

The demands of the Assamese People: (as told by office bearers of AASU)

1. Update National Registrar for Citizenship (1951, 30<sup>th</sup> March) to identify migrants from Bangladesh;
2. Immediate sealing of Bharat-Bangladesh Border;
3. Land right to indigenous people only;
4. Constitutional safeguard for the Assamese people to save their culture, language and habitation;
5. No land and house should be owned by the immigrants;
6. The immigrants should be detected, deleted and deported as per the tripartite accord among All Assam Student Union (AASU), Assam Government and the Central Government signed in 1985.

The Assam violence of the period 1979-85 ensured that Prafulla Mahanta, the leader of the movement became chief minister for two terms. But, his government could not proceed on the agreement. The agreement of 1985 to detect, delete and deport could not be implemented as there is some inherent obstacles in the process.

The difficulties faced by the Government can be summed up as follows:

- It is not easy to identify the foreigners from the natives for the cultural similarity and social bond in the communities along both side of the international border;

- Already the immigrants have their children born in India and as per constitutional provisions anybody born in this country is a citizen of this country. So we have cases where the parents are Bangladeshis but the children are Indians.

- Another problem in Assam is equating the foreigners with Bangladeshi Muslims. The Bharatiya Janata Party (BJP) as per its political convenience considers that Hindus from Bangladesh are refugees but Muslims are immigrants to be deported. But, many Muslims are Bengalis but not from Bangladesh and have settled in Assam from a long time ago. So it is too simplistic to say that Bengali Muslims are from Bangladesh.

- It is quite difficult to identify and deport the so-called Muslim immigrants. Because, Assam has a long history of Muslims. There are Goria, Moria and Deshi Muslims whose antecedent stretches to Ahom rulers' period and these people are Assamese in culture, language and in upbringing. There are the native Muslims from West Bengal and Bangladesh who have migrated long before the emergence of Bangladesh and are settled for good. Even the Bangladeshis who came to India before 1971 are legal citizens of this country. So the identification of immigrants has been a long standing contentious issue between the government and public of Assam.

Vote bank politics of the Congress party has further complicated the issue of illegal migrants. Minority votes and political opportunism have compelled the Congress to pursue the issue, if at all, tardily. Now many of the immigrants have possessed

valid documents making it further difficult to identify them. There is every possibility that the genuine citizens will be harassed if the government decides to verify these documents of the minorities. As flood and earthquakes are common in the North-East, availability of documents can not be a prime basis for detection. Moreover, Indian government doesn't have any provision of citizenship document.

### **The present crisis:**

Bodos constitute 6 percent of the population of Assam but the movement for "Bodoland" encompassed 50 percent of the area of Assam. As is common in Assam, the fear of loss of identity, political power and economic interest propelled the violent movement and encouraged armed struggle for an independent state of Bodoland. A students' movement under the leadership of Bodofa; an armed terror group namely Bodo Liberation Tigers (BLT) demanding statehood and another heavily armed group National Democratic Front of Bodoland (NDFB) demanding sovereignty for Bodos ensured that the movement became the most violent one. Bodos attacked Adivasis (1996,1998), Muslims (1993,1994,2008,2012) and others at different times to enforce their demand for Bodoland. As a result in 2003 the Congress government in Assam and the BJP government at the centre got into an agreement with BLT for creation of "Bodoland Territorial Autonomous Districts (BTAD)" comprising four districts of Assam namely, Kokrajhar, Chirang, Udalguri and Baksa. BTAD ensured that its 20 percent Bodo population gets an upper hand over 80 percent non-Bodo population and 30 out of 46 seats are reserved for the Bodos. After the creation of Bodo Territorial

Council (BTC) in BTAD, now Bodo Peoples Forum (BPF) is in power and it is in alliance with the ruling Congress party in Assam.

The Bodoland movement and subsequent ethnic conflict with Muslims, Adivasis, Assamese and indigenous communities carries some basic convictions of being exploited and marginalised as follows (as stated by All Bodo Students Union):

1. Government gives priority to illegal migrants and not to Bodos;
2. Muslims are occupying river beds namely Kaziranga, Sankosh, Beki and Utimori; and later acquiring lands in the plain;
3. They occupied Barpeta village college ground for Namaz which is now a disputed ground;
4. Land grab by outsiders is a regular feature;
5. Claim of 50 percent growth of Muslim population in the last 30 years;
6. No respect for Assam Accord by the Governments;
7. Others want to occupy the political space at the cost of Bodos;
8. Muslims' Friday beef is against the Batho religion of Bodos;
9. A public pond in Nuagaon is encroached upon by the Muslims;
10. Threat to Bodo identity and culture.

It can be seen that the Bodos have not fought with the Muslims alone.

From time to time they have fought with all the other communities to achieve their goal of Bodoland. Even after creation of BTAD in 2003 the Bodo militants are yet to surrender their arms and ammunitions. In their grievance what they are not mentioning is the fact that they are in fear of losing their hegemony over land, economy and polity in the stiff competition from the non-Bodos who are industrious. Bodos possess large stretches of land and generally are landlords in areas dominated by them. Outsiders come and settle in Bodoland as service providers, but now the equation is changing. More than hard labour, the outsiders have now acquired financial power and are dominating the market. There is a clamour for "land reform" and a challenge to traditional Bodo domination. This has also added to the fear of political insecurity among the Bodos as their population is one fifth of the non-Bodo population even in the BTAD. Therefore, the present Bodo-Muslim conflict has to be seen in the larger context of economic and political perspective rather than with the simplistic notion of native and foreigner conflict (interviews with Pranjal Boddolai, Nurul Haq, Miaz Ahmed).

### **Muslim insecurity**

It is a fact that the demand for implementation Assam Accord and identification of foreigners has created a sense of insecurity among the Muslims of Assam (Prof. Seikh Hridayatullah). Even the legal Indian citizens are seen with suspicion and have to bear the brunt of Assamese resentment whenever there is a conflict of this type. The common language, religion and relationship stretching from pre-Independence time with Bangladesh have further confused the identities for the purpose of detection. Lack of valid

citizenship proofs and fear of being forcibly deported to a country where they are not welcome is also bringing the Muslims together to give a common fight. Although the native Muslims of Assam demand that the Bangladeshis be deported, they are unsure of the yard sticks to be used for this purpose. The present method of updating the citizen register and electoral enrolment will severely hamper the interest of Muslims who have come here before 1971 as most of them are not enrolled.

With this general apprehension, the Muslims in BTAD are faced with additional challenges. As there is a history of attacks from Bodos, they consider that the present violence is an effort at ethnic cleansing in the garb of fight against Bangladeshis. The post-violence camps have Desi Muslims who are convert Rajbanshis and Purba Banga Muslims who are very old residents. Even Abodos using Assamese language are driven away from their homes. So for the Muslim community, this is a fight between Bodos and Abodos and not between Bodos and Muslims.

### **Impact of violence**

In all 35 Bodo villages and 40 Muslim villages were burnt. In the process 56 muslims lost their lives against 17 Bodos. More than 3 lakh muslims are displaced from the Bodo areas and around 20,000 Bodos are displaced from Muslim dominated areas (this data is to be confirmed).

We visited the relief camps at Matiabug M.E. School (Matiabug village), Dalsingher Alga L.P. School (Gouripur), Bidyapada M.E. school (Tulsibadi) and Kathal toli M.E. school (Kathaltoli). Both the Bodo and Muslim relief camps had adequate ration and the local management committee were doing

reasonably well to look after the distressed public. The Muslim relief camps were overcrowded and lacked proper sanitation. The uncertain future and fear of further violence no doubt has cast a shadow of cloud on the people in the relief camps.

### **Role of political parties**

The ruling Congress party under the leadership of Tarun Gogoi is facing a tough time to quell the violence. At one end it has to satisfy the alliance partner Bodo Peoples Forum (BPF) who are ruling BTAD and also a party to the present violence, at another end it has to see that the Muslim resentment doesn't polarise at the all-India level and thereby shaking its national perspective. Realising the vulnerability of the mainstream political parties for Muslim votes, Badruddin Ajmal, the president of All India United Democratic Front (AIUDF) with 18 MLAs in the assembly is trying to make the Bodoland conflict a national issue. He addressed a press conference in Delhi to condemn the attack on Muslims and got the all India response in terms of Mumbai violence and Bangalore exodus of North-East population. Furthermore by demanding abolition of BTAD and by playing with the fear of the Muslims against deportation he is in the process of consolidating his vote base and is trying to emerging as the sole saviour of the Muslims. The recent violence in the rally of All Assam Muslim Students Union (AAMSU) has helped polarise the Muslims and strengthen AIUDF.

BPF in its bid to realise the political supremacy of the Bodo people is playing the native versus foreigner card. Accusing the Bengali Muslims as foreigners from Bangladesh it wants immediate deportation of the immigrants.

To broadbase its demand it has stopped attacking other non-Bodos and is inviting the Bharatiya Janata Party to safeguard the interests of the Hindu Bodos although Bodos subscribe to Hindu, Christian and Batho religions. Not surprisingly, while remaining a partner with Congress party it has helped All Bodo Students Union to organise a programme at Delhi with the BJP'S Gadkari as the chief guest to strengthen implementation of its demand for deportation of Bangladeshi Muslims. The issue has successfully got united all other student unions and North-Eastern states as the demand for implementation of Assam accord is a long standing grievance of the Assamese. All Assam Students Union knows that the Bodos have fought with other natives to achieve Bodoland but now the native – foreign debate is very convenient to all of them.

Bharatiya Janata Party in its endeavour to consolidate the Hindu vote bank has remained unsparing about the issue of immigrants. It has remained steadfast in its stand that the Bangladeshis - Muslims - should be sent back to their places and the government should examine all Muslims to know their nativity. Notwithstanding the difficulties in verification and the sense of alienation among the Muslims it has supported Bodos under the plea that their cultural, political and economic interests should be maintained. It has remained silent of the fact that 20 percent Bodo population is controlling the BTAD with a reservation of 75 percent in the council and the armed Bodo militia is taxing the Abodos in the Bodo areas.

Assam Gana Parishad is siding with Bodos and demanding the long

overdue implementation of Assam accord.

### **The way forward**

As the continuous violence has ripped the social fabric in the state, it is essential that some urgent steps are taken to restore normalcy and build up confidence among the communities. Firstly, the government should arrange for return of the affected persons from camps and must provide adequate security for their stay in the villages. Secondly, political parties must strive to keep the issue localised and desist from making it an all-India issue. Thirdly, the government must ensure dialogue with Bangladesh to facilitate deportation of the immigrants in a smooth manner. Fourthly, the native and legal Muslim citizens must be taken into confidence before any negotiation for implementation of the Assam accord for deportation. Fifthly, the Bodos and other ethnic communities must be sensitised that land distribution and sharing of political power are essential features of democracy and they must respect these democratic tenets. Sixthly, the people like Badrudin Ajmal and Raj Thackrey must be restrained from precipitating the conflict through their provocative speeches and actions. Seventhly, the civil society must play a big role to bring the communities together and to enhance the trust missing in the present climate of fear and suspicion. Eighthly, all radical organisations and armed groups must be identified and isolated in the conflict areas to restore amity and peace. Lastly rest of the Indo-Bangladesh Border (around 270 KM) must be sealed immediately to control the illegal traffic through the border.

# The GDP Illusion

John Smith

The “GDP Illusion” is a fault in perception caused by defects in the construction and interpretation of standard economic data. Its main symptom is a systematic underestimation of the real contribution of low-wage workers in the global South to global wealth, and a corresponding exaggerated measure of the domestic product of the United States and other imperialist countries. These defects and distorted perceptions spring from the neoclassical concepts of price, value, and value added which inform how GDP, trade, and productivity statistics are devised and comprehended. The result is that supposedly objective and untarnished raw data on GDP, productivity, and trade are anything but; and standard interpretations conceal at least as much as they reveal about the sources of value

and profit in the global economy.

Three archetypical examples of the “global commodity”—the iPhone, the T-shirt, and the cup of coffee—validate and illustrate this argument; their diversity serves to highlight what is universal to them and to all other products of globalized production processes. All data and experience, except for economic data, points to a significant contribution to the profits of Apple Inc. and other western firms by the workers who work long, hard, and for low wages to produce their commodities. Yet economic data show no sign of any such contribution; instead, the bulk of the value realized in the sale of these commodities, and all of the profits reaped by Apple and Starbucks from them, appear to originate in the country

where they are consumed. These three global commodities are in turn representative of broader transformations in capitalist production.

Economic statistics and their standard interpretation also obscure the relation of exploitation in the relations between northern firms and southern producers. This relation of exploitation does not disappear entirely but remains partially visible in the paradoxes and anomalies which infest standard accounts of global political economy. These paradoxes and anomalies are like blemishes in a distorting lens that alert observers to its existence, making it necessary to identify and characterize this distortion so that the world can be seen as it is. This distortion is the misrepresentation of value captured as value added.

Part One :

## What Contribution Do Foxconn Workers Make to Apple’s and Dell’s Profits?

What contribution do the 300,000 workers employed by Foxconn International in Shenzhen, China who assemble Dell’s laptops and Apple’s iPhones—and the tens of millions of other workers in low-wage countries around the world who produce cheap intermediate inputs and consumer goods for western markets—make to the profits of Dell, Apple, and other leading western firms? Or to the income and profits of the service companies that provide their premises and retail their goods? According to GDP, trade and financial flow statistics,

and mainstream economic theory, none whatsoever. Apple does not own the Chinese, Malaysian, and other production facilities that manufacture and assemble its products. In contrast to the in-house, foreign direct-investment relationship that used to typify transnational corporations, no annual flow of repatriated profits is generated by Apple’s “arm’s length” suppliers. Standard interpretation of economic statistics, all of which record the results of transactions in the market place, assumes that the slice of the iPhone’s final selling

price captured by each U.S. or Chinese firm is identical to the value added each supposedly contributed. They reveal no sign of any cross-border profit flows or value transfers affecting the distribution of profits to Apple and its various suppliers. The only part of Apple’s profits that appear to originate in China are those resulting from the sale of its products in that country. According to the standard interpretation of economic data, as Marx said, the value of commodities “seem not just to be realised only in circulation but actually to arise from it.” And so the

flow of wealth from Chinese and other low-wage workers sustaining the profits and prosperity of northern firms and nations is rendered invisible in economic data and in the brains of the economists.

Apple's products, and those of Dell, Motorola, and other U.S., European, South Korean, and Japanese companies, are assembled by Foxconn, the major subsidiary of Taiwan-based Hon Hai Precision Industries. Foxconn's one million employees assemble "an estimated 40 percent of the world's consumer electronics," according to the *New York Times*. Its complex of fourteen factories at Shenzhen in southern China has become world famous both for its sheer size and for a spate of suicides amongst its workers in 2010. Foxconn's Shenzhen workforce peaked that year at around 430,000 workers and is currently being scaled back in favor of plants elsewhere in China. In January 2012 Hon Hai chairman Terry Gou provoked a firestorm with his remark, during a visit to the Taipei Zoo, that "as human beings are also animals, to manage one million animals gives me a headache," followed by a request to the zookeeper for advice on how to manage his "animals." *Want China Times* commented, "Gou's words could have been chosen more carefully...working and living conditions [in Foxconn's huge Chinese plants] are such that many of its Chinese employees might well agree that they are treated like animals."

### **iPods and iPhones**

The Apple iPhone and related products are prototypical "global commodities," the result of the choreography of an immense diversity of concrete labors of

workers on every continent. Contained within each handheld device are the social relations of contemporary global capitalism. Examination of who makes these products and who profits from them reveals many things. The most striking and significant of these is the huge scale of the shift of production processes to low-wage nations, and, corresponding to this, the greatly increased dependence of firms and governments in North America, Europe, and Japan on super-profits obtained from the living labor of these countries.

Research on the Apple iPod, published in 2007 by Greg Linden, Jason Dedrick, and Kenneth Kraemer, is particularly valuable because it reveals two things absent from many more recent iPhone studies: (1) their study quantifies the living labor directly involved in the iPod's design, production, transportation, and sale; and it also reports (2) the vastly different wages received by these diverse groups of workers.

In 2006, the 30Gb Apple iPod retailed at \$299, while the total cost of production, performed entirely overseas, was \$144.40, giving a gross profit margin of 52 percent. What Linden, Dedrick, and Kraemer call "gross profits," the other \$154.60, is divided between Apple, its retailers and distributors, and—through taxes on sales, profits, and wages—the government. All of this, 52 percent of the final sale price, is counted as supposed value added generated within the United States and contributes towards U.S. GDP. They also found that "the iPod and its components accounted for about 41,000 jobs worldwide in 2006, of which about 27,000 were outside the United States and 14,000 in the

United States. The offshore jobs are mostly in low-wage manufacturing, while the jobs in the United States are more evenly divided between high wage engineers and managers and lower wage retail and non-professional workers."

Just thirty of the 13,920 U.S. workers were production workers (receiving on average \$47,640 per annum); 7,789 were "retail and other non-professional" workers (whose average wages are \$25,580 per annum); and 6,101 were "professional" workers, i.e., managers and engineers involved in research and development. This latter category captured more than two-thirds of the total U.S. wage bill, receiving on average \$85,000 per annum. Meanwhile, 12,250 Chinese production workers received \$1,540 per annum, or \$30 per week—just 6 percent of the average wages of U.S. workers in retail, 3.2 percent of the wages of U.S. production workers, and 1.8 percent of the salaries of U.S. professional workers. The number of workers employed in iPod-related activities was similar in the United States and China, yet the total U.S. wage bill was \$719 million and the total Chinese wage bill was \$19 million.

A study published by the Asian Development Bank (ADB) in 2010 reported on Apple's latest product, revealing an even more spectacular mark up. "iPhones were introduced to the U.S. market in 2007 to large fanfare, selling an estimated 3 million units in the United States in 2007, 5.3 million in 2008, and 11.3 million in 2009." The total manufacturing cost of each iPhone was \$178.96 and sold for \$500, yielding a gross profit of 64 percent to be shared between entities such as Apple, its distributors, and the U.S.

government, all of which appears as “value added” generated within the United States. The main focus of this report was the effect of iPhone production on the United States-China trade deficit, finding that “most of the export value and the deficit due to the iPhone are attributed to imported parts and components from third countries.” However, Chinese workers “contribute only us\$6.50 to each iPhone, about 3.6% of the total manufacturing cost.” Thus more than 96 percent of the export value of the iPhone is composed of re-exported components manufactured in third countries, all counting as Chinese exports to the United States, while none of it towards China’s GDP. The authors do not investigate in detail how these gross profits are shared between Apple, suppliers of services, and the U.S. government, but they can hardly avoid commenting on their spectacular size, noting that if “the market were fiercely competitive, the expected profit margin would be much lower.... Surging sales and the high profit margin suggest that...Apple maintains a relative monopoly position.... It is the profit maximization behavior of Apple rather than competition that pushes Apple to have all iPhones assembled in the PRC.”

This leads the ADB researchers to imagine a scenario in which Apple moved iPhones assembly to the United States. They assume U.S. wages to be ten times higher than in China and that these hypothetical U.S. assembly workers would work as intensely as the real ones do at Foxconn, calculate that “if iPhones were assembled in the United States the total assembly cost would rise to us\$65 [from \$6.50 in China, and] would still leave a 50% profit margin for Apple,” and finish by appealing

to Apple to show some “corporate social responsibility” by giving up “a small portion of profits and sharing them with low skilled US workers.” They might just as well suggest Apple give a much-needed boost to demand in the Chinese economy by sharing its \$110 billion cash pile among Foxconn’s workers.

Apple’s iPhone exhibits general trends and fundamental relationships, but in an exaggerated and extreme form. Hon Hai made \$2.4 billion in profits in 2010, or \$2,400 per employee, compared to \$263,000 in profits reaped by Apple for each of its 63,000 employees (43,000 of whom are in the United States); this figure is expected to rise to \$405,000 in 2012. On March 11, 2011, Hon Hai’s share price valued the company at \$36.9 billion; meanwhile Apple, with not a factory to its name, was valued at \$324.3 billion. Apple’s share price has soared in the year since, its market capitalization almost doubling to around \$600 billion, overtaking Exxon to become the world’s most valuable company. Further boosting its share price, it has accumulated a huge \$110 billion cash stockpile that it has no productive use for.

Meanwhile, in what one study called a “paradox of assembler misery and brand wealth,” Hon Hai’s profits and share price have been caught in the pincers of rising Chinese wages, conceded in the face of mounting worker militancy, and increasingly onerous contractual requirements, as the growing sophistication of Apple’s (and other firms’) products increase the time required for assembly. While Apple’s share price has risen more than tenfold since 2005, between October 2006 and January 2011 Hon Hai’s share price slumped by

nearly 80 percent. The Financial Times reported in August 2011 that “costs per employee [are] up by exactly one-third, year-on-year, to just under us\$2,900. The total staff bill was \$272m: almost double gross profit...rising wages on the mainland helped to drive the consolidated operating margin of the world’s largest contract manufacturer of electronic devices...from 4–5% 10 years ago to a 1–2% range now.”

Seeking cheaper labor and to reduce dependence on the increasingly restive Shenzhen workforce, Financial Times columnist Robin Kwong reports that Hon Hai “has invested heavily in shifting production from China’s coastal areas to further inland and is in the process of increasing automation at its factories. As a result, Hon Hai last year saw its already thin margins shrink even further.” The combination of sharply rising wages, heavy capital spending, and relentless cost-cutting by companies like Apple is bad enough, but worst of all is the chronic sickness which Hon Hai’s and China’s principal export markets have fallen into. Kwong concludes, “it is not hard to see why the last thing Gou needs now, after building all those inland factories, is a slowdown in demand.”

*(To be concluded)*

*—The Monthly Review - Red Star*

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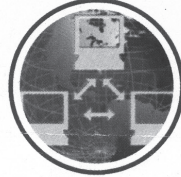
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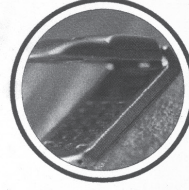
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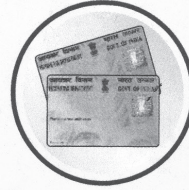
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Harsh Mander

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Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

## Freedom in peril

S. Viswam

The Mumbai police severely assaulted one of the primary freedoms guaranteed to you and me by the Constitution of India when they arrested on Sunday two young women for recording a personal comment on a social networking site. One of the arrested women was the author and the second, her friend, who expressed a liking for the comment. The two were charged with hurting religious sentiments of people, abusing the Information Technology Act and so on. They were detained in the police lock-up till the early hours of Sunday and later released on bail by a court. What was the comment that invited official wrath? The author protested against the entire city being shut down for a day for the funeral of a leader who had died a natural death. Also, that the city shut down out of fear (of violence) and not out of respect for the leader whom she did not name. The police also ignored the fact that she also apologized later for expressing such an opinion.

The Mumbai police were clearly guilty of violating Article 19(1) that ensures freedom of speech and thought. The offence was not so serious to warrant such hasty police action. After all, the author of the comment was expressing a personal

point of view and in as inoffensive manner as possible. We dare say that there are large sections of people in India who share the view that, and on the basis of evidence, that the Shiv Sena and its leaders spread the cult of violence, that they were sectarian in their views and tended to use force unilaterally regardless of considerations of law and order. Indeed, Justice Markandaya Katju, the highly respected retired judge of the Supreme Court and newly appointed chairman of the Press Council of India, wrote an article in a national English daily to explain why he was not and could not be among those who paid tributes to the departed leader. This was because, he argued, the late Mr. Thackeray was pursuing an anti-national ‘sons of the soil’ policy, that he spread the cult of violence, his strategy was violent and his tactics disruptive. His view was that the Shiv Sena leader advocated separatist views and his politics could lead to the Balkanisation of India. Many others have said that Balasaheb supported Fascist methods and was an open admirer of Hitler.

Now, is the Mumbai police going to arrest and detain everyone who is critical of the Shiv Sena and its leader? After all, the Shiv Sena is a registered

political body and contests elections. The Shiv Sainiks may not agree with the view that Muslims of this country enjoy equal rights with other communities, that all communities have the right to choose their place of residence and domicile, that India belongs to all its citizens and that one of the cherished ideals of the people is secularism, that India is a democracy. But that does not mean that those who do not subscribe to the Sena's politics of communal hatred and separatism are vulnerable to violence unleashed by Sena cadres?

The Maharashtra Government, acting on a letter of protest against the two arrests from Justice Katju, has instituted a probe. Without waiting for the conclusion of the probe, the government must drop all the charges against the two women. As if to prove the correctness of the author's view that the Sena indulged in violence which in turn evoked fear in people, Sena groups took the law into their hands and attacked the residence and hospital of a Palghar doctor who happens to be the uncle of the girl who wrote the comment. Does that attack and threat not vindicate the view that the people fear rather than respect the Sena and its cadres?

### *Between the lines*

## Sooner the polls, the better it is

**Kuldip Nayar**

The Government of India has a strange habit of mixing issues, some time economics with politics and some times economics for its survival. The two issues which are before parliament are a motion for vote of no-confidence against the Manmohan Singh government and the other, Foreign Direct Investment (FDI) in multi-brand retail. The two are different in purpose and intent.

The motion for vote of no-confidence, sponsored by West Bengal chief minister Mamata Banerjee, is meant to defeat the government on the floor of the house to force early elections. The motion is essentially a question of numbers. With the BJP and the CPI(M) coming out openly against the motion, the government looks like winning hands down.

There is a remote possibility of the BJP changing its stance if it sees that the government can be defeated. However, the ruling Congress is not sitting idle. It has already got smaller parties on its side, along with the UP leader Mulayam Singh Yadav whose son runs the state government. Then there is Bahujan Samajwaji Party's Mayawati, who also looks like supporting the government. But even if the BJP and the CPI(M) were to support the vote of no-confidence, the Congress would still scrape through with two votes.

In fact, the motion can be counter-productive. Its defeat will give the Congress an opportunity to go to

town saying the government has won because it has done good work for the people. All the scams and scandals will be sought to be whitewashed. Mercurial Mamata Banerjee is a one-track person. She took the decision without consulting any other party because she was annoyed with the government at the Centre, without caring about the fate of the motion. She expected the CPI(M) to oppose her but not the BJP.

The question of FDI in retail is not related to numbers in parliament. It concerns the entire country. Fearing a defeat on this question, the government has already begun saying that it is an executive decision which does not require the support of parliament. The measure has already been gazetted through a notification. New Delhi is emphasising that the FDI does not apply to states which will have to decide individually whether they want it or not.

Maybe, opening the retail in trade to foreigners will help people to confront the capricious shopkeepers, especially those dealing in food products, raising the price as and when the demand increases. True, all the 500 million retailers, their estimated number, do not behave the same way. Many are conscious of their responsibility. Still the FDI is not in the interest of the country.

Against this backdrop, the government is conscious that parliament's rejection would be a

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slap on its face, a rejection which the opposition would exploit. Therefore, it is possible that the government would try to evade voting. After all, it is for the Speaker to decide whether the debate on FDI in retail should be followed by a vote. On the motion of no-confidence, the government cannot avoid voting but in the case of FDI it can.

After the debate in parliament, the bigger question on the government's viability till the general elections in May 2014 will become tougher. The government can, at the most, postpone another vote of no-confidence by six months. That is a long period for working out the permutations and combinations. And what happens until then to the governance which is already stricken with sloth and corruption?

There is no go from mid-term polls if the ruling combination wants the country to move forward. The economy is not dependent on reforms but on the people's shoulder to the wheel of development. At present, there is no such mood in the country. The growth rate which has come down to 5.8 per cent may go down still further because the people's and investors' lack of trust in the rulers.

What one can see is that the ventures dependent on individual initiative have fared well. The entrepreneurs have, on their own, propelled the economy upwards despite the government meddling. In fact, most cases of failure carry the stamp of government's bungling. The Manmohan Singh rule did not take remedial measures when the faltering economy required correction. However loud the denial the policy paralysis and slow

*(Continued on Page 6)*

## Kokrajhar: A Grim Reminder

Nitish Chakravarty

A middle-aged man displaced by the rioting that rocked many towns and villages within the jurisdiction of Assam's Bodoland Territorial Council in July-August was killed soon after he returned recently to his charred home after staying for several months in a shanty in gruelling conditions. More such attacks have taken place in the last couple of weeks. The killers were apparently those who do not want the Muslims living for many years in Bodoland territory ever to come back to the homes they had to quit in fear.

The news is a grim reminder that the eerie silence prevailing for some time in the riot-hit villages and towns is no assurance that life has returned to normal. The ground reality is that the surface calm restored in the riot torn areas is no substitute for durable peace, far less for amity and harmony.

There are reports, by no means concocted, that influential people in elevated positions are stoking the fire. They have a vested interest in driving out not only Muslim immigrants but even other non-Bodo residents from the area where the BTC's fiat runs. The BTC controls land and farm related matters, education, health care, public works, etc. Even though the BTC has no official say in law and order issues, police authorities can hardly afford not to pay court to BTC bigwigs because of the clout they enjoy by virtue of the positions they occupy.

Clashes between the indigenous people and immigrant Muslims

have occurred intermittently over the past decades. More people were slaughtered in the course of a few hours in a cluster of villages around Nellie in Assam's Nagaon district on February 18, 1983, than the Sikhs killed in the wake of Indira Gandhi's assassination in 1984. The intensity of violence has escalated with the emergence of groups relentlessly pursuing an agenda to carve out an exclusive Bodo homeland simultaneously with a sharp rise in the immigrant population in Bodo territory as well as elsewhere in the state.

Scattered across the plains on the north bank of the Brahmaputra river, the Bodos, after many years of struggle, have attained a measure of recognition as well as power to shape their destiny. Even as Bodoland remains nominally a part of Assam, the State Government and the BTC are at loggerheads not infrequently, and Guwahati's writ hardly runs in the BTC's jurisdiction.

But any attempt to treat the issues at stake in Bodoland in isolation is unlikely to yield a tangible result. The issues need to be dealt within the context of the overall demographic complexity of Assam. Even though in the 1960s and 1970s vast swathes of territory were hived off from Assam to create a string of new states – Nagaland followed by Meghalaya and Mizoram – and NEFA [later named Arunachal Pradesh] was delinked, Assam's complex ethnic diversity remains baffling.

Assam is home to more groups of people with distinct ethnic identities than any other state in India; in fact Assam alone is home to nearly 25 per cent of India's diverse ethnic communities. The individual identity of these communities was subsumed in the larger Assamese identity for centuries. During my school and college days at Dibrugarh and Guwahati I knew very little about the ethnicity of these numerically small communities, some of whom lived next door. They were all identified as part of the larger Assamese-speaking family, for their languages – some are still called dialects – were in those far behind times seldom spoken even in their homes and were not taught at any school.

The spread of education gave a leg-up to the movement for asserting the ethnic identity of the numerous tribal communities who have lived in Assam in peace and harmony for millennia. The dynamic socio-cultural harmony and tolerance that have for long characterised Assamese society are facing multiple challenges from within. In addition, the relentless flow of immigrants from across the international border after independence has stirred up a fear that the indigenous Assamese people may before long turn into a minority in their homeland.

After the outbreak of violence in the Bodoland area a lively debate ensued in the electronic as well as the print media where I came across fresh ideas to deal with an old problem. Apart from organising relief and succour, many people, including highly qualified Assamese men and women living abroad, came out with bold but non-parochial ideas about a lasting solution to the endemic communal violence that maims the social fabric and

cripples the economy. The tenor of the debate reflected a shared urge to rise above the blame game and hammer out a solution that would ensure enduring peace and harmony.

Some of them bemoaned the loss of “the tolerant Assam where not a single soul was lost when partition plunged India into deep religious violence”. They also recalled the “peaceful protest against illegal

immigration” by students across the religious, tribal, caste or language divide. “What happened to that Assam of peace?” they asked. “Give us courage so that we can find a way back to light”, cried out one of Assam's sons living overseas. “And to peace ... we owe it to ourselves and to our children”, he cried out. This is the voice that is becoming increasingly strident in the strife-torn state.

*(Continued on Page 6)*

### **A tune of about 500 crores pending against 59 Companies' Water Bills,**

State Government has failed to collect pending dues of water bills from different companies/factories for years together in the state. This piece of information was obtained through RTI from the office of Engineer-in-Chief, Water Resources, Government of Odisha on 14.11.2012. The PIO has provided the information that a total number of 59 companies have not paid dues of water bills amounting to around Rs. 500 crores. The major companies which have not paid water bills are as follows:

<b>Sl.No</b>	<b>Name of Companies</b>	<b>Amount (Rs. in lakhs)</b>
1	Sterlight Energy Limited	8841.681
2	Vedanta Aluminium Limited	339.31
3	Action Ispat Power Limited , Jharsuguda	120.18
4	M/s ESPL limited	324.552
5	Orient Paper Mill, Brajaraj Nagar	3702.831
6	MC.L., Brajaraj Nagar	3355.255
7	M/s Shyam DRI Pvt. Ltd.	1779.095
8	B.I.T.S, Bandhabahal	759.515
9	Rathi Steel and Power Limited , Sikiridi	1294.91
10	Jain Steel, Duriaga	393.74
11	Jayashree Chemical	345.309
12	Vedanta Aluminium Limited , Lanjigarh	831.106
13	NALCO Refinery, Damanjori	3422.407
14	Sewa Paper Mill, Jeypore	10715.96
15	M/s Bhusan Ltd.	4764.807
16	Tata Refractories Ltd., Belpahad	1121.131
17	Viraj Steel and Energy Limited	542.307
18	S.P.S. Sponge Iron Limited	209.16
19	L.N.Metaliks, Shreepura	61.34
20	M.C.L. Jagruti Vihar, Burla	231.082

This is partial information. Water bill are still pending against number of other companies which has not been disclosed by the department. Roughly, the pending water bills against all the companies in Odisha will amount to more than Rs. 2000 crores.

**Pradip Pradhan**

# “Beware the Ides of March”

- *Shakespeare*

**Rajinder Sachar**

I was reminded of the ancient maxim “Those whom the gods wish to destroy they first make them mad (with power), the very moment the Government announced policies approving majority FDI in retail (read Wal-Mart stores, USA) because this very step united the disparate opposition in one strong fist cuff.

How deep is political weight of Wal-Mart in the Indian government is evident by a cable sent by US Secretary of State Hillary Clinton to her Embassy in New Delhi in September 2009, (as per Hindu-Wikileaks India cable series: March 18, 2011), enquiring “How does (Commerce Minister) Sharma view India’s current Foreign Direct Investment guidelines? Which sectors does he plan to open further? Why is he reluctant to open multi-brand retail?”

Wal-Mart International Division chief John Menzer prided himself by claiming that “We’ve energized the FDI lobby and pre-empted the anti-FDI lobby in India.” (June 6, 2005).

The apparent tempting sop held out by the Minister of Commerce that Wal-Mart will have to procure 30 percent of its value from the local market is a non-starter in the light of actual practices followed by Wal-Mart and others – it is universally known that over 90 percent of the products in Wal-Mart are sourced from China, which in view of already cheap Chinese imported goods, will ruin the local Indian

industry. Moreover, Article III of GATT explicitly forbids regulations like specific sourcing requirement from domestic industries.

This touching faith in the all-pervading positive result of Wal-Mart incursion in India is ironically not shared in its home country. Thus on September 14, 2012 New York City shut Wal-Mart out, mass marches in Los Angeles city (known for Hollywood Billionaires) protested with “we do not want you in Los Angeles”. That closing down of small shops at 35 percent–60 percent immediately flows from the entry of Wal-Mart is the finding of a study made by Economic Development Quarterly.

That Indian farmers will benefit by Wal-Mart building refrigerated warehouses is a lie. In the USA out of the 1578 refrigerated warehouses, 839 are in the public sector and 739 are in the private or semi-private. The public warehouses are much larger, accounting for 76 percent of the general storage capacity, with private and semi-private accounting for only 24 percent - as against, to Indian government’s shame, over 95 percent of India’s cold storage capacity is in the private sector whereas only 0.44 percent is in the public sector. Does the government need Wal-Mart’s permission to increase the number?

The touching faith of the governments in the talisman of globalization is repudiated by Joseph Stiglitz, the noble laureate

economist, thus “Globalization is neither socially benign nor has it been instrumental in reducing poverty; it has been detrimental to the poor and other weaker sections of society. In fact, globalization has been associated with a growing divide between the richest countries and the poorest, and growing inequalities within most countries around the world”.

To the plea by the corporate sector that businessmen need incentive to invest, let them listen to the jibe of biggest votary of capitalism, Warren Buffet of USA who felt compelled to publicly confess, “My friends and I have been coddled long enough by a billionaire-friendly Congress. It’s time for our Government to get serious about shared sacrifice.” Is I wish the votaries of reform when talking of increasing the growth rate were to pay a little attention to the paradox of gross poverty which shows that while Delhi is supposed to have the highest per capita income in the country, in terms of actuals, according to data presented in the 65th Round of the National Statistical Survey Report (2010), embarrassingly shows that 70 percent of households in Delhi have a monthly per capita expenditure of less than Rs. 1500, which even the self-opinionated Planning Commission has been forced to accept as the poverty level.

Heaps of statistics are thrown at us by the Union Government to show that we have no internal

resources and therefore must invite foreign investment. How deliberately misleading - 500 listed Indian companies have enough cash on their books to double India's power generation capacity of 2.00,000 mw or build over 40,000 km of six-lane highways every year (compared with the current 800 km), (Economic Times Dated, 20/08/2012) At the end of fiscal year March 31, 2012, these companies were sitting on cash and cash equivalent – the legend investments that can easily be converted to cash – of over 9.3 lakh crores or 160 billion dollars.

How false is the government's pretended claim of shortage of dollars for investments in India is shown by the fact that in the year 2011 there was record level of Rs. 9.8 lakh crores. The further concentration of wealth is shown by the fact that top five companies in BSE 500 held about Rs. 2.07 lakh crores or 22.3 percent of total cash of these companies. And yet with the collusion of the central government these companies are permitted to take Indian money out of the country to invest in countries like England, Australia and Belgium. The result is that coal, the strategic metal for increase in our economic growth is not being mined in India but is being imported from Australia and other countries. Is the Central Government working for the people of India or for their erstwhile colonial lords.

The Government cannot silence the discontent in the country arising out of extreme poverty by putting a claim, which is false, that prosperity so generated will move down and improve the condition of the poor. This is a false claim as per the warning by Noble Laureate Joseph Stiglitz — “The theory of trickle-down economics is a lie”.

The Governments should realize that such ugly poverty and disparity in our country is contrary to the mandate given in the Article 39(c) of our Constitution, namely to see that the operation of the economic system does not result in concentration of wealth and means of production to the common detriment. In this connection it may be instructive to remind the Central Government of the warning given by Justice Brennan of Supreme Court of U. S. A. who put it succinctly: “Nothing rankles more in the human heart than a brooding sense of injustice, illness we can put up with. But injustice makes us want to pull things down”

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*(Continued from Page 2)*

decision-making are palpable.

Political parties, including the Congress allies, are not enthusiastic about what the government's future plans would be. Even the Congress sometimes looks like going over the exercise. The harm to the country is beyond calculations. The only explanation which I heard in favour of continuing with the present Lok Sabha, the lower house, is that most of its members will not either get their party tickets or will not get returned. This argument may be saleable to political parties but not to the people who want a change (*parivartan*).

Probably, there is something in the point that both the main parties, the Congress and the BJP, feel that they will not be able to retain the number of seats they have in the present Lok Sabha. The general impression is that both parties together may not cross the figure of 250 in the 545-member house. But what the two do not realise is that their stock is going down rapidly as

the days go by. The Congress may be a bigger loser, but the BJP will not be a gainer. Regional parties may benefit.

Both the Congress and the BJP will find themselves dented further when Gandhian Anna Hazare tours the country from early next year. He had once caught the imagination of the intelligentsia. There is no reason why he would not do so again. He may not be in politics but what he says or does will have a great impact on the next parliamentary elections.

This is all the more reason why both the parties should opt for an early election. They may retrieve some ground when the wind for change has not turned into a storm. But then the past experience is that the political parties have preferred the status quo to new challenges. This is the tragedy of political parties and that of the country, too, because it gets the worst of both worlds.

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*(Continued from Page 4)*

Even as incontrovertible data show the presence of hundreds of thousands of Bangladeshi infiltrators in Assam as well as in West Bengal, the powers that be continue to turn a blind eye. Political parties, especially the ruling party, in Assam, no less than in West Bengal, count their electoral gains by using the infiltrators as a captive vote bank and expect to solve the problem by denying its existence.

Is it possible to douse a fire by turning one's back to it? Barring a few, all concerned people recognise that the seemingly incessant influx of Bangladeshis has to stop - and stop here and now. The time has come to grasp the nettle rather than consign the future generations to perpetual confrontation and antagonism. Else Assam will continue to burn.

# A Cornered Sena

**Suhas Palshikar**

Where does the Shiv Sena go from here? In the party's life of almost half a century, this question is not new - though the context today is different. The same question was asked when the Sena was isolated during the late seventies; it was asked again when it rejuvenated itself on the Hindutva platform; it surfaced when the Shiv Sena became the ruling party in Maharashtra and again when a bitter leadership battle resulted in a split between the two leaders who were supposed to jointly inherit the mantle of the founder.

It is natural that the question would be asked in most earnest after the death of Bal Thackeray. Thackeray senior founded the Shiv Sena, transformed it into a statewide party around 1990 and then led it to power in 1995 at the state level. He enjoyed huge mass appeal based on his personal image. So his death makes the question not only legitimate but also urgent for the party, which is not believed to have been in very good health of late.

But we must remember that for the last few years, Bal Thackeray was mostly out of action; he did not campaign much during the 2009 elections; for some time now, his son Uddhav, has been designated as "executive" president of the party, and most party functionaries and candidates have been handpicked by the executive president himself. These details suggest that the transition of power within the party, which many think is about to start now, has already happened. In fact, that was the main bone of contention between Raj Thackeray and Uddhav,

leading to Raj leaving the Shiv Sena and forming the Maharashtra Navnirman Sena (MNS). Thus, the change of guard in the Shiv Sena had happened much before the actual passing away of the key leader. So the challenges Uddhav now faces are those he has inherited along with the stewardship of the Shiv Sena. Some of these challenges are worth noting.

Two of them involve the survival of the Shiv Sena. One is about the coalition with the BJP and the other is about the MNS. When the next elections take place, the alliance between the Shiv Sena and the BJP would have completed 25 years. Currently, it is under severe strain. The Shiv Sena was the more powerful partner in the coalition until 2009. That has now changed. The BJP is now impatient with the Shiv Sena. Sensing that Uddhav does not have the popular image his father enjoyed, the BJP would be looking for excuses to wriggle out of the coalition. The Raj Thackeray factor would be crucial here. Sections of the BJP have already discovered the virtues of Raj Thackeray and have been arguing that the Shiv Sena allow the MNS to enter the coalition. Should the BJP dump the Shiv Sena in favour of the MNS, it could add tremendously to the Sena's problems.

One related issue is to do with the strategy the Sena adopts on its ties with the MNS. It is hotly debated whether the two cousins will make up, a scenario that sounds more suited to a Bollywood film. A more realistic line of inquiry is, who will attract the workers of the other party.

Without the towering image of Bal Thackeray, the Shiv Sena runs the risk of losing its more vociferous following in Mumbai to the MNS. This will be the true test of Uddhav Thackeray's leadership and patience. Will he unveil a programme of collective action — that was the hallmark of an earlier Shiv Sena — in order to retain the faithful or will he have the skill to divert their energies to more routine party work? He may take the calculated risk of losing some diehard vigilantes in order to keep the party on the road that he has charted for some time now.

But the bigger challenge for the Shiv Sena would be in handling the inheritance Bal Thackeray has left behind. This inheritance consists of a pro-Marathi agenda (in cultural terms as well as in terms of employment demands) and the politics of demagoguery. At the moment, the MNS appears to be more adept at both. To be sure, the Shiv Sena had experimented with the mix of regional pride and Hindu nationalism long before Narendra Modi. But brand Shiv Sena has always been identified with regional pride. The party will now have to redefine that identity, partly because the MNS has practically taken over that agenda and partly because it now realises the need for a broader agenda to retain its hold beyond Mumbai and Thane. But can there be a Shiv Sena without demagoguery? The Sena's rise in the nineties owed a great deal to Bal Thackeray's ability to reshape Maharashtra's political culture and public reason. This feat appears beyond the ability of the



Shiv Sena now. But a party nourished on sumptuous doses of demagoguery could find it very tiresome to settle down to “politics as usual”— all the more so when the rival MNS thrives on that very demagoguery. So, ironically, two of Bal Thackeray’s most crucial inheritances can prove to be stumbling blocks for the new Shiv Sena after him.

But the real challenge lies in the party’s self-image. For too long, the Shiv Sena has operated in the space between a party and a vigilante movement. It has always been infatuated with its image as an organisation that can turn on adversaries. Such organisations find it very difficult to change their image, because hidden in that change is the possibility of losing face. Will the Shiv Sena revert to that self-image and rely on street action or will it make the transition to a regular political party? One thing is certain: it will be difficult for the Shiv Sena to continue to be both a vigilante movement and a political party. Yet it seems the current leadership wants to ride a vigilante psyche while running a routine party. That is where the Shiv Sena will face its greatest challenge.

—The Indian Express

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## Principles of social and economic justice alone can provide ‘alternatives’ to the current growth paradigm

During the 9th National Biennial Convention of National Alliance of People’s Movements, community leaders and women demanded community land rights and an end to the violence-ridden current paradigm of development. The convention affirmed that for an alternative democratic political system to evolve, dalits, adivasis, minority religious communities, women, landless and workers must rise to leadership and decision-making positions themselves.

“What right does this state have in ruling us? It has only taken away our resources, our land, water and forests along with our mineral and aquatic wealth. The Prime Minister has been boasting about our ‘growth’ rates, while our landless peasants, dalits and adivasis are either hunted down by the state and corporations or are ending their lives due to the economic burden and debt, caused by inflation and growing cost of life,” said P Chennaiah of Agricultural Workers’ Union (APVUU), Andhra Pradesh. The UPA government as well as the NDA-led opposition has lost all credibility and right to govern this country, said Chennaiah. He stressed that the ruling nexus between corporations and ruling elites is restricting all possibilities of any alternatives to the destructive model of growth and development. “Land rights and agricultural reforms, not land grab and alienation, hold the key to successful future alternatives”, he affirmed while stating the need to immediately end absentee-landlordism.

“Today so many of our activists, who should have been with us in this convention are in different jails across the country, due to the various false cases filed against them by the police and administration”, said Medha Patkar of Narmada Bachao Andolan. Referring to the arrest of Dr. Sunilam (Madhya Pradesh) and Dayamani Barla (Jharkhand), Smt. Patkar said that increasing state repression is evidence that people’s struggles against the ruling development paradigm and land acquisition have become effective.

“Contrary to the belief that globalisation has reduced caste-based discrimination, atrocities against dalits especially the women and students have increased massively. Legislations and policies that have existed for decades have not allowed for the benefits to reach the people. Only three percent of dalits have benefited from reservations and the conviction rate of people who have committed violence on dalits is pitiable. Students from Dalit and Adivasi communities, despite securing places in prestigious institutions of education are the worst discriminated. The struggle for Dalit rights and end of violence and discrimination is not the struggle of Dalits alone, said Arun Khote, Dalit Rights activist from Uttar Pradesh.

“The multiplicity of issues faced by the oppressed communities in liberalism and globalization are connected to control over resources, culture, politics, governance and law. The destruction of natural resources affects lives and livelihoods of

women, especially the Dalit women, and is connected to the skewed sex ratio, violence against women and patriarchy. This complexity has led to a new form of violence against women today. Women are worst affected in today's violence", said Gabriele Dietrich, activist from Tamil Nadu.

Land acquisition is still the norm of development and land grab, under the garb of growth is further dividing our society and leading to violence between state and its citizens. The people are pushed against the wall and by demonising peaceful and democratic resistances like Kudankulam, the Indian state has further alienated its people and lost all credibility in the eyes of the voters, the 'aam admi'.

The Convention affirmed the fight against genetically modified (GM) crops and strengthened the resolve to abandon the use of chemical fertilisers and pesticides that have destroyed the agricultural sector and the lives of agro-dependent families. Ecological and agricultural sustainability hold the key to a sustainable future of the country and the globe, especially in times when climate change has hit the globe so badly, said the resolution from the session on Farmers, Workers and Agrarian Crisis. The community leaders from different agricultural sector unions and organisations present at the convention also raised objection to the multi-brand FDI being promoted under the garb of giving better prices to producers. Bringing the consumers and producers need to be done by the people and not by corporate market forces, affirmed the Convention.

*(Continued on Page 10)*

## India's great shame

**Harsh Mander**

One of modern India's great shames is the official failure to eradicate 'manual scavenging', the most degrading surviving practice of untouchability in the country. Merely because of their birth in particular castes, the practice condemns mostly women and girls, but also men and boys, to clean human excreta in dry latrines with their hands, and carry it to disposal dumps or lakes or rivers. Many men also clean sewers, septic tanks, open drains into which excreta flows, and railway lines.

People trapped by their birth in this vocation are shunned and despised. The anonymity of cities otherwise may free people of the disadvantaged destinies brought on by their caste identity, because their caste is not written on their foreheads. But manual scavengers are branded irrefutably by the loathed work which they perform.

Forty-three years after its prohibition in the Constitution, in 1993, a law was passed which outlawed the practice. But it was a feeble and toothless law, weakly and reluctantly applied. It was rescued only by extraordinary and sustained non-violent resistance by organisations of manual scavengers themselves. I have in these columns celebrated their collective actions to demolish dry latrines and proudly burn the baskets in which they carried human excreta. They also moved the Supreme Court of India to compel central and state governments to enforce the law.

One demand of some organisations and activists was for a new and improved central law to strengthen its accountability mechanisms, widen the definition of manual scavenging, and above all to shift the focus to human dignity from merely sanitation issues. Their struggles persuaded the central government to introduce a new legislation, which unlike the 1993 law, would be automatically binding on all state governments.

Particularly welcome is the acknowledgment in the preamble of the new bill, that "it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity." This stops short of the national apology which people who have suffered untold humiliation over centuries wanted to see in the law. But a clear acknowledgement of the historical injustice suffered by them would be a salve to their wounds.

The 1993 law defined a manual scavenger as "a person engaged in or employed for manually carrying human excreta". The 2012 bill definition is fittingly more elaborate and inclusive, and includes "a person engaged or employed... for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an unsanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrine is disposed of, or on a railway track..."

But the advantages of the expanded definition are completely

undone by the proviso that a person who cleans “excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a “manual scavenger””. No such proviso was there even in the 1993 law. It deliberately introduces a huge escape route: employers may merely issue gloves and protective clothing, which the Central Government notifies as sufficient, and this would be sufficient to allow the demeaning practice to persist.

The 2012 Bill explicitly prohibits construction of dry latrines, and employment of manual scavengers, as also the hazardous cleaning of a sewer or a septic tank. But cleaning railway tracks has not been included, and “hazardous cleaning” is defined not by employers requiring workers to manually clean sewers or septic tanks, but requiring them to do so without protective gear. Our objection to manual cleaning of sewers and septic tanks is not just of compromising worker safety – which is no doubt important – but of human indignity, which would continue even if such manual cleaning is done with protective gear. And it is unconscionable to let the railways off the hook.

For sewer workers and railway workers, liberation will come by introducing technological changes which will render the occupation humane, dignified and safe, and also ensure that human beings do not have to make any direct contact with excreta. Technologies are available globally which both the Indian Railways and municipalities could invest in, which would obliterate the requirement for human beings to manually handle excreta. The fact is that central, state and local

governments do not make these public investments, because human beings are available to perform this work cheaply, propelled by their birth in most disadvantaged castes and lack of other livelihood options.

The 2012 bill places a duty of survey on all local authorities, but the past experience is that State Governments are mostly in denial. They usually reject community findings, even when backed by strong evidence. This can be prevented only if there is a continuous system of joint surveillance, beginning with a joint survey by designated teams of government officials and community members.

The 2012 bill fittingly mentions rehabilitation in the title itself. But it does not take us much beyond earlier rehabilitation programmes which were introduced from 1993. The law should explicitly guarantee fully government funded school education for every child of school going age, with scholarships for higher education, and vocational and computer training.

Given the past experience of corruption and harassment in loans, and the fact that most manual scavengers are women, many of whom are older and with poor literacy, the scheme should be entirely grant-based. Women should have the option of receiving a monthly pension of Rs 2000, or an enterprise grant of up to Rs 1 lakh, supported by training and counselling facilities. Highly subsidised housing should be ensured in mixed colonies.

Public officials have frequently failed in their duties to identify, report and end manual scavenging, demolish dry latrines, and rehabilitate manual scavengers,

and on their shoulders rests major culpability for the continuance of the unlawful and unjust social practice. The bill must introduce the offence of dereliction of duty by public officials under this statute, and prescribe deterrent consequences for these failures.

This new central law presents the people of this country one more chance to remedy an enormous historical wrong, of enslaving our people to painful lifetimes of humiliation and hopelessness. We should not allow another deliberately weak law to postpone once again our collective obligation to end one of modern India’s greatest shames.

—Aman Biradari

*(Continued from Page 9)*

Representatives of Building Mazdoor Union; Upjau Bhoomi Bachao; JJSS; Kosinavnirmani Manch; Plachimada Samrakshana Samiti; Kerala Sthreevedi; Irinjalakuda Development Committee; , Moollolampally Coordination Committee; Dynamic Action; AFHR, Tamil Nadu; PMANE Koodankulam, Tamil Nadu, Sterlite Virodhi Manch; Mangilal Rungta Kshyati Grastha Praja Sangram Samiti; GMR; Suraksha Samiti; Prastahita Sahare Power Plant; Zindabad Sangthan, Orissa; Niyamgiri Suraksha Parishad, Pariyavaran Parirakshana Sangham; Sompeta, Tata Dharangrath Sangharsh Samiti; Mosekhore Bachao Andolan, SSS Karnatakari; Karnataka Domestic Workers Union; Kranthii Kattada Karmaikara Sangha; Preethi Mahilodaya; Signa, Bhumi Bachao Andolan, Narmada Bachao Andolan and National Hawkers Federation

— C R Neelakandan

## The GDP Illusion-II

John Smith

### The T-Shirt

The iPhone's dazzling sophistication and iconic brand status can too easily blind the observer to the exploitative and imperialist character of the social and economic relations it embodies. Nevertheless, the same fundamental relationships can be seen across the entire range of consumer goods. Take, for example, the humble T-shirt. Tony Norfield, in "What the 'China Price' Really Means," tells the story of a T-shirt made in Bangladesh and sold in Germany for €4.95 by the Swedish retailer Hennes & Mauritz (H&M). H&M pays the Bangladeshi manufacturer €1.35 for each T-shirt, 28 percent of the final sale price, forty euro cents of which covers the cost of 400 grams of cotton raw material imported from the United States; shipping to Hamburg adds another six cents per shirt. The remaining €3.54 counts towards the GDP of Germany, the country where the T-shirt is consumed, and is broken down as follows: €2.05 provides for the costs and profits of German transporters, wholesalers, retailers, and advertisers (some of which will revert to the state through various taxes); H&M makes sixty cents profit per shirt; the German state captures seventy-nine cents of the sale price through VAT at 19 percent; and sixteen cents covers "other items."

Thus, in Norfield's words, "a large chunk of the revenue from the selling price goes to the state in taxes and to a wide range of workers, executives, landlords and businesses in Germany. The cheap T-shirts, and a wide range of other imported goods, are both affordable for consumers and an important

source of income for the state and for all the people in the richer countries."

The Bangladeshi factory makes 125,000 shirts per day, of which half are sold to H&M, and the rest to other western retailers. Workers at the factory, 85 percent of whom are women, earn just €1.36 per day for a 10–12 hour shift. The machine each worker runs produces 250 T-shirts per hour, or eighteen T-shirts for each euro cent of the workers' wages. The factory is one of 4,500 garment factories in Bangladesh employing more than 3.5 million people. Their low wages partly explain, according to Norfield:

Why the richer countries can have lots of shop assistants, delivery drivers, managers and administrators, accountants, advertising executives, a wide range of welfare payments and much else besides. The wage rates in Bangladesh are particularly low, but even the multiples of these seen in other poor countries point to the same conclusion: oppression of workers in the poorer countries is a direct economic benefit for the mass of people in the richer countries.

### The Cup of Coffee

Our picture is completed by the addition of a third iconic global commodity—the cup of coffee. Perhaps you have one clasped in one hand as you read this—don't spill any on your T-shirt or smart phone! Coffee is remarkable in that, alone of major internationally traded agricultural commodities, none of it, apart from small quantities grown in Hawaii, is grown in imperialist countries, and for this reason it has not been subject to trade-distorting agricultural subsidies such as those

affecting cotton and sugar. Yet the world's coffee farmers have fared as bad, if not worse, than other primary commodity producers. Most of the world's coffee is grown on small family farms, providing employment worldwide to 25 million coffee-farmers and their families, while two U.S. and two European firms (Sara Lee, Kraft, Nestlé, and Procter & Gamble) dominate the global coffee trade. Those who cultivate and harvest the coffee receive less than 2 percent of its final retail price. In 2009, according to the International Coffee Organization, the roasting, marketing, and sale of coffee added \$31 billion to the GDP of the nine most important coffee-importing nations—more than twice the total export earnings that year of all coffee-producing nations.

In common with other global commodities, the portion of the price of a cup of coffee that is counted as value added within the coffee-drinking countries has steadily risen over time—in the United Kingdom, to take the most spectacular example, between 1975 and 1989 coffee's import price averaged 43 percent of the retail price; between 2000 and 2009 the average was just 14 percent.

Just as, according to the economists and accountants, not one cent of Apple's profits come from Chinese workers, and just as H&M's bottom line owes nothing to superexploited Bangladeshi workers, so do all of Starbuck's and Caffè Nero's profits appear to arise from their own marketing, branding, and retailing genius, and not a penny can be traced to the impoverished coffee farmers who handpick the "fresh cherries." In all of our three archetypical global commodities, gross profits, i.e., the difference between their cost of

production and their retail price, are far in excess of 50 percent, flattering not only northern firms' profits but also their nations' GDPs.

### **Not Just China**

We complete this section by briefly looking at the wider transformations which smartphones, T-shirts, and cups of coffee epitomize. China's astonishing rise as a major manufacturing exporter is renowned, but manufactured exports provided 50 percent or more of export growth between 1990 and 2004 for another forty "emerging nations" that have a combined population twice the size of China's. Of these nations, twenty-three of them—home to 76 percent of the entire population of the global South, and including eight of the ten most populous southern nations—received more than half of their export earnings from manufactured goods in 2004.<sup>21</sup> In addition, many other smaller nations have made a brave effort to reorient their economies to the export of manufactures, playing host to manufacturing enclaves that exert a powerful and distorting influence on their national economies. While industrial development in the global South may be very unevenly distributed, it is nevertheless very widespread, as is indicated by the proliferation of export processing zones (EPZs). In 2006, the latest year for which there are statistics, more than 63 million workers, most of them women—almost triple the EPZ workforce of a decade earlier—were employed in 2,700 EPZs in more than 130 countries,<sup>22</sup> producing goods mainly for final consumption in Triad markets.

By "liberating" hundreds of millions of workers and farmers from their ties to the land or their jobs in protected national industries, neoliberal globalization has stimulated the expansion in southern nations of a vast pool of superexploitable labor. U.S.,

European, and Japanese firms have vigorously responded by shifting production on a massive scale to low-wage countries, either through foreign direct investment (FDI) or through arm's length contractual relations with independent suppliers. The resulting outsourcing phenomenon has transformed the imperialist economies, accelerating the declining weight of industrial production in their GDPs. Most significantly it has transformed the global working class: in just three decades, the South's industrial workforce has moved from numerical parity with the "industrialized countries" to now constituting 80 percent of the global total. According to Gary Gereffi, a "striking feature of contemporary globalization is that a very large and growing proportion of the workforce in many global value chains is now located in developing economies. In a phrase, the centre of gravity of much of the world's industrial production has shifted from the North to the South of the global economy."

As the editors of *Monthly Review* stated in 2004, "Multinational capital is thus able to take advantage of global asymmetries to create more vicious forms of competition between pools of labor that are geographically immobile and thus unable to coalesce." Central to these "global asymmetries" is the suppression of the free movement of labor across borders, something that is accomplished by the permanent mobilization of a massive political and military force which is in turn part of a wider infrastructure of racism and national oppression. These impede labor's coalescence as an international movement and they interact with a hugely increased supply of labor in southern nations to produce a dramatic widening of international wage differentials, vastly exceeding price differences in all other global markets.

The resulting steep wage gradient between northern and southern economies provides two different ways for northern capitalists to increase profits: (1) by expanding exploitation of low-paid labor throughout the relocation of production processes to low-wage countries; or (2) by the superexploitation of low-wage migrant workers "at home." The IMF's *World Economic Outlook 2007* makes this connection quite precisely, noting that the "global pool of labor can be accessed by advanced economies through imports and immigration," and observing that trade "is the more important and faster-expanding channel, in large part because immigration remains very restricted in many countries." Stephen Roach, a senior economist at Morgan Stanley, brought this driving force of neoliberal globalization into unusually sharp focus: "in an era of excess supply, companies lack pricing leverage as never before. As such, businesses must be unrelenting in their search for new efficiencies... offshore outsourcing that extracts product from relatively low-wage workers in the developing world has become an increasingly urgent survival tactic for companies in the developed economies."

### **Not Just Wages**

Despite decades of wage stagnation in the United States and of wage increases in China, the ratio between the two, adjusted for purchasing power parity, remain extremely large. One study, based on data from China's National Bureau of Statistics, estimated the difference in 2009 to be around 16-to-1, rising to 37-to-1 if prevailing exchange rates are used to make the comparison—and it is these that matter to U.S., European, and Japanese firms weighing whether to outsource their production. Wages vary widely between different parts of China, between migrant and domiciled workers, and between

state-owned and private firms. These and other distortions make comparison difficult, and the ratios given here are indicative.

But ultra-low wages are not the only factor attracting profit-hungry western firms. They are also attracted by the flexibility of the workers and the intensity with which they can be worked. Charles Duhigg and Keith Bradsher, in a widely quoted New York Times study, provide a vivid illustration:

One former executive described how [Apple Inc.] relied upon a Chinese factory to revamp iPhone manufacturing just weeks before the

device was due on shelves. Apple had redesigned the iPhone's screen at the last minute, forcing an assembly line overhaul. New screens began arriving at the plant near midnight. A foreman immediately roused 8,000 workers inside the company's dormitories, according to the executive. Each employee was given a biscuit and a cup of tea, guided to a workstation and within half an hour started a 12-hour shift fitting glass screens into beveled frames. Within 96 hours, the plant was producing over 10,000 iPhones a day.

High rates of flexibility and intensity of labor in the global South

## Part Two

It is well known that the standard Mercator projection of the three-dimensional surface of planet Earth into the two-dimensional frame of a map stretches the northern hemisphere and shrinks the tropics. Standard data on GDP and trade flows produce a similar effect, diminishing the global South's contribution to global wealth and exaggerating that of the imperialist countries. To see how this is done it must be remembered that, despite its claim to be a measure of "product," GDP and trade data measure the results of transactions in the marketplace. Yet nothing is produced in markets, the world of the exchange of money and titles of ownership; production takes place elsewhere, behind high walls, on private property, in production processes. Values are created in production processes and captured in markets and have a prior and separate existence from the prices finally realized when they are sold. Yet these values "seem not just to be realised only in circulation but actually to arise from it," an illusion that gives rise to the central fallacy underlying standard interpretations of economic data: the conflation of value with price.<sup>30</sup> This matter will be returned to shortly; here it is only necessary to note that it is impossible to analyse

cast serious doubt on the notion that low southern wages reflect low southern productivity. When we consider wage differentials along with factors such as the conditions, duration, and intensity of labor, as well as the paucity of the "social wage," it is irrefutable that higher rates of exploitation pertain in countries such as China, Bangladesh, and Mexico than in the United States, Spain, or Germany. To put this another way, Chinese, Bangladeshi, and Mexican workers receive in their wages a smaller portion of the wealth they have generated than do workers in the imperialist countries.

the global economy without using data on GDP and trade, yet every time we uncritically cite this data we open the door to the core fallacies of neoclassical economics which these data project. To analyse the global economy we must decontaminate this data, or rather the concepts we use to interpret them.

## GDP—Some Paradoxes and Peculiarities

Before we lay out the theoretical basis for overturning standard interpretations of GDP and trade data, we must first consider some of the paradoxes and anomalies that make this radical break necessary. As we have seen from our three global commodities, when a consumer buys a gadget, an item of clothing, or imported foodstuffs only a small fraction of its final selling price will appear in the GDP of the country where it was produced, while the greater part of it appears in the GDP of the country where it is consumed. Only an economist could think there is nothing wrong with this! Another even more startling example of the paradoxes produced by GDP statistics is that in 2007 the nation with the highest per capita GDP—that is, whose citizens are supposedly the most productive on

## The GDP Illusion

In each of the three global commodities examined above, the gadget-maker (Apple), the giant retailer (H&M), and the café chain (Starbuck's) have outsourced all or most of the production to independent suppliers, with whom they maintain an "arm's length," contractual relationship. Their connection with the workers and farmers who produce their goods is therefore indirect, in contrast to the case of FDI. In this form of the globalized capital/labor relationship, the profit flows—from transnational corporations' subsidiaries to parent firms—are at least partially visible, showing up in the data as repatriated profits. By contrast, there are no visible flows of profits from arm's-length suppliers to their northern customers. Therefore, according to economic data and mainstream economic theory, the workers employed by Foxconn and the myriad of other "arm's length" firms in other low-wage countries, producing cheap intermediate inputs and consumer goods for western markets, make no contribution whatsoever to the profits of Dell and Apple, nor of the related service industries that provide their premises and retail their goods.

earth—was Bermuda. This island tax haven leapt above Luxembourg to become the world's number one when hedge funds needed a new home following the destruction of the World Trade Center in September 2001. Bermuda was given a further boost by Hurricane Katrina, which sparked a global rise in insurance premiums and a flight of hot money into the world's reinsurance industry—of which Bermuda is one of the most important centres. Despite ranking as, size-for-size, the world's most productive nation, virtually the only productive activity taking place in Bermuda is the production of cocktails in beach bars and the provision of other high-end tourist services. Meanwhile, 1,600 kilometers south-by-southwest of Bermuda lies another island nation, the Dominican Republic, where 154,000 workers toil for a pittance in fifty-seven export processing zones, producing shoes and clothing mainly for the North American market. Its GDP, on a per capita basis, is just 8 percent of Bermuda's when measured in PPP (purchasing power parity) dollars, or 3 percent at market exchange rates; in 2007 it languished ninety-seven places below Bermuda in the CIA World Factbook's global league table of per capita GDP. Yet which country, Bermuda or the Dominican Republic, makes a greater contribution to global wealth?

The comparison between Bermuda and the Dominican Republic is a special case, challenging us to recognize that the “financial services” that Bermuda “exports” are nonproduction activities that consist of teeming and lading wealth produced in countries like the Dominican Republic. If “GDP per capita” was a true measure of the actual contribution of hedge fund traders and workers in Caribbean shoe factories to social wealth, then their relative position would surely be reversed. We can get closer still to

seeing through the GDP Illusion by considering an interesting paradox: What happens when intensifying competition with China and other footwear and hosiery producers for access to the shelves of stores like Wal-Mart and Top Shop forces the Dominican Republic's employers to reduce wages? Assuming that this increased competition results from China's lower wages rather than from more advanced production techniques (in other words, assuming that the socially necessary labor time required to produce these commodities is unaltered), lower real wages signify an increased rate of exploitation and a higher rate of surplus value. The fall in the price of shoes signifies that only a portion of the surplus value resulting from the increased exploitation of shoe workers appears in the profits of their employers. The remainder is a contribution to total surplus value (shared between capitals and supporting profit of all kinds), and to consumers, supporting their consumption levels.

A reduction in the real wage in the Dominican Republic therefore means that its living labor becomes more important as a source of surplus value and profits. GDP and trade data, however, lead us to the very opposite conclusion: falling real wages in the Dominican Republic allow the prices of its export products to also fall, and with them the apparent contribution of the Dominican Republic to global wealth and profits. And the same goes for measures of the Dominican T-shirt makers' productivity, too. Falling prices received for outputs directly translate into what is counted as falling value added per worker, the standard measure of productivity. These workers make the same amount of shoes before and for less money, making them more “productive of capital” than before, yet value-added data report a decline in their productivity. Statistics on “labor productivity” are, therefore,

as contaminated as those on GDP and trade.

Indeed, the key to understanding global capitalism lies in what we mean by “the productivity of labor” and how we measure it. Economists and statisticians achieve their numerical measurements by computing value added per worker, but Marxist political economy has a very different starting point: while the mainstream concept of productivity rests on the conflation of price and value, thereby abolishing the complex relation between the two, for Marxist political economy “productivity” is a contradictory unity, embodying what Marx counted among the greatest of his discoveries, “the two-fold character of labour, according to whether it is expressed in use value or exchange value.”

### “Valued Added”—or Value Captured?

The paradoxes discussed here, and the global commodities dissected earlier, suggest that uncritical acceptance of trade and GDP data leads to a distorted picture of the relative contributions of the imperialist countries and the global South to global wealth. To see why this is so we must look more closely at GDP; it is, essentially, the sum of the “value added” generated by each firm within a nation. The key concept within GDP is therefore value added. Value added is defined as the difference between the prices paid for all inputs and the prices received for all outputs. According to this core neoclassical concept, the amount by which the price of outputs exceeds the price of inputs is automatically and exactly equal to the value that it has generated in its own production process, and cannot leak to other firms or be captured from them. Seen through the neoclassical lens, production is not only a black box, where all we know is the price paid for the inputs and the price received for the outputs; it is also hermetically

sealed from all other black boxes, in that no value can be transferred or redistributed between them as a result of the competition for profits. Marxist political economy rejects this absurdity and advances a radically different conception: value added is really value captured. It measures the share of total economy-wide value added that is captured by a firm, and does not in any way correspond to the value created by the living labor employed within that individual firm. Indeed, Marxist value theory maintains that many firms supposedly generating value added are engaged in nonproduction activities like finance and administration that produce no value at all.

GDP is frequently criticized for what it leaves out of its calculation of “domestic product”—so-called “externalities,” e.g., pollution, the depletion of non-renewable resources, and the destruction of traditional societies; as well as for where it draws the “production boundary,” excluding all those productive activities that take place outside of the commodity economy, especially household labor. Yet GDP as a concept has never been systematically criticized for what it claims to measure, not even by Marxist and other heterodox critics of the mainstream. Part of the answer lies in the fact that marginalist and Marxist value theory coincides at one point: while Marxist value theory reveals that the individual prices received for the sale of commodities systematically diverge from the values created in their production, at the aggregate level all these individual divergences cancel out. In the aggregate, total value is equal to total price.

If, within a national economy, value produced by one firm (i.e., one production process) can condense in the prices paid for commodities produced in other firms, then it is irrefutable that, especially in the era of globalized production,

this also occurs between firms in different countries and continents. In other words, as David Harvey once surmised, “the geographical production of surplus value [may] diverge from its geographical distribution.” To the extent that it does, GDP departs ever further from being an objective, more-or-less accurate approximation of a nation’s product (indeed, it never was), and is instead a veil that conceals the increasingly parasitic and exploitative relation between northern capitals and southern living labor—in other words the imperialist character of the global capitalist economy.

### Conclusion

Commenting on the ADB report cited earlier, Financial Times columnist Gillian Tett said the “challenge for economists is... profound. In the old days, they typically measured the output of an economy by watching where goods were ‘made’; but which country should claim the ‘value’ for an iPhone (or an Italian suit or an American Girl doll)? Where does the real ‘output’ come, in a world where companies can shift profits around?” The real question, however, is not just where the “real output” comes from but also where it goes to, who generates this wealth, and who appropriates it.

The GDP Illusion at least partly explains why dominant paradigms see the global South as peripheral and its contribution to global wealth of minor importance, despite the ubiquity of the products issuing from its mines, plantations, and sweat shops; and despite the fact that southern living labor are the creators of much or most of our clothes and electronic gadgets, of the flowers on our table, of the food in our fridge, and even of the fridge itself.

Labor’s share of GDP within a country is not directly and simply

related to the prevailing rate of exploitation in that country, since a large component of “GDP” in the imperialist nations represents the proceeds of exploited southern labor. As our three global commodities reveal in microcosm, the globalization of production is at the same time the globalization of the capital/labor relation. The main driver of this great transformation is capital’s insatiable quest for low wages and high rates of exploitation. Its main result is the heightened dependence of capitalists and capitalism in the imperialist countries on the proceeds of exploitation of nature and living labor in the global South. The imperialist division of the world that was a precondition for capitalism is now internal to it.” Neoliberal globalization therefore signifies the emergence of the fully evolved imperialist form of capitalism.

Finally, the critique of concepts and statistics outlined here has major implications for our understanding of the global crisis. This global crisis is “financial” only in form and appearance. It marks the reappearance of a systemic crisis which the outsourcing phenomenon itself was a response to: replacing higher-paid domestic labor with low-paid southern workers helped support profits, consumption levels, and reduced inflation in the United States, Europe, and Japan. Along with the expansion of debt, outsourcing was crucial to the imperialist economies’ escape from the crises of the 1970s. Furthermore, outsourcing is deeply implicated in many ways in the return of systemic crisis. Giving a central place to the sphere of production in the analysis of the global crisis, a task preoccupying many Marxist economists, requires accounting for the enormous transformations that have occurred within this sphere in the past three decades of neoliberal globalization. And this requires that we dispel the GDP Illusion.

*(Concluded)*





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## Birth of a party

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Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

Commenting in these columns a few weeks ago on Arvind Kejriwal's announcement of his intention to float a political party and field that party in the next general elections, we had welcomed the move and said the more the number of parties, the merrier would democracy be. Well, Kejriwal has named his new party after India's Aam Admi and is projecting it as a national alternative to the Congress and the Bharatiya Janata Party. Admittedly, the new party takes birth at an interesting phase in the country's political history.

It is now a given that neither of these parties can muster enough political support in numbers to sustain a government of its own. The days of single party majority seems long gone and the coalition era has set in. Right now, the political atmosphere could not have been more favourable for any new party that dares to set itself up as the national alternative. The Congress cannot even pretend any longer that it speaks for the common man. It controls only a few states, a humiliating come down for a party that once was, and claimed to be, the true representative of the poor, oppressed and downtrodden.

Its present condition is truly pathetic.

The BJP even at the height of its political glory was only marginally concerned with the common people. It sought its salvation in the communal ideology enforced through separatist strategies. The Left, unfortunately, has been effectively decimated, is in control of only one State, and is searching for a formula and slogan to revive itself. Other centrist forces find their political clout restricted to the state level and unable to seize power at the Centre. Under such circumstances a new party mouthing slogans that touch the lives of the common people is bound to attract both attention and support.

The Aam Aadmi Party (AAP) thus starts its career on an encouraging note. The political environment offers the right platform, as well as the medium, for it to promote the virtues it claims it possesses to first, throw out the present dispensation at the Centre and second, seize power. These virtues are its choice of corruption, inflation and clean and effective governance as primary issues of national concern which it will address. Moreover, it seeks to transfer the national focus from



*Between the lines*

## A consensus eluding India

**Kuldip Nayar**

the corporate-ruled elitist market forces to the lower levels of daily life and endeavour dominated by the middle classes. Interestingly, it is the exclusive support of the middle classes affected directly by corruption and high cost of living that made Anna Hazare's campaign such a roaring success. No wonder that Kejriwal is now banking on the middle classes for the electoral success of his new formation. However, while Kejriwal can be forgiven for his rhetoric and sloganising, the new party can make a mark only through a workable agenda of action and programme. The emphasis is on the word workable. While proposals like sending corrupt ministers to jail in six months after seizing power, the setting up of internal Lokpal, and passing the Jan Lok Pal Bill in 15 days after coming to power can act as a morale booster for the public, which is weary of encountering official-level graft in their daily lives, they will fall by the wayside when reality takes over ambition and aspiration. The sloganising that Kejriwal is indulging in now after forming the party can be assessed objectively as his playing on and manipulating the credulity of the aam aadmi. Most of the items on Kejriwal's "action plan" are utopian in nature. Promises are easily made but seldom translated into action. Poor Viswanath Pratap Singh, who was an experienced politician compared to young Kejriwal promised to solve the Bofors problem within 15 days of assuming power. The Bofors problem continues to stare us in the face even now!

One of the areas of vulnerability for all political parties, young or old, is funding. The Anna Hazare

*(Continued on Page 7)*

Indian political scene is deteriorating day by day. Institutions are losing their credibility and political parties are straining the system to the fullest extent for making space. The effect is visible in parliament which has been reduced to an arena of overbearing government and impatient opposition. People feel exasperated as well as insecure as non-governance tells upon the law and order situation, economic progress and the social conditions in the country.

Had there been early elections, there would have been a new beginning and a fresh tenure of five years for another Lok Sabha. This would have meant almost beginning from a clean slate. But it looks as if the parties are conscious that the voters are out to have their revenge. Which party or which member will be returned is anybody's guess. Yet the sitting members know that only a few among them would come back. Therefore, even though the opposition feels irritated and helpless, it does not seem to want to risk the leftover tenure of one year and four months.

That is the reason why for the vote of no-confidence motion against the Manmohan Singh government by West Bengal chief minister Mamata Banerjee's Trinamool Congress did not muster even 50 members for admission. She may be right in her chiding that the opposition parties are only shouting against the government and do not want to bring

it down. But the party knew before moving the motion that none was willing to support it. They are too calculative to be provoked.

They know they cannot collect 273 members to defeat the government in the 545-member house. They would have unnecessarily given a sense of victory to the Congress party. The issue of FDI (foreign direct investment) in multi-brand retail got lengthened because both the Congress and the BJP, the two main political parties, cannot stand each other. The BJP has gone to the extent of challenging almost every executive order of the government which is also unmindful of the other's sensitivities.

The problem with the Manmohan Singh government is that instead of accommodating a different point of view, it is all the time manoeuvring to have a majority in the Lok Sabha. The support of the assorted groups comes at a price. It means the compromises at the expense of national interest. This has been the situation facing the Manmohan Singh government from its inception. Any political party which does not win a majority at the polls would face the same problem. The BJP, while confronted with the same predicament, saw to it that its supporters would stay placated so that it would stay in power.

I have never understood why a ruling party is reluctant to talk to other parties to have a consensus

on matters which are important for the country and which cannot be resolved without one another's help. Whether it is FDI or the installation of nuclear plants, there has to be a general agreement to overcome the sharp divergence of opinion on the two subjects. In a democratic polity, an elected government cannot afford to ignore the popular opinion. At times, the government has rejected the offer to effect a consensus. The BJP has told the government that it was willing to support some of the bills pending in parliament. But the government has not been enthusiastic (within the Congress itself there is resistance to the bills) about it.

In fact, as I look back, I find that India's first Prime Minister, Jawaharlal Nehru, tried for the consensus, although with not much success. For example, when the Babri masjid-Ramjanam Bhoomi dispute erupted in the nineteen-fifties, he wrote to the then chief minister Govind Ballabh Pant of Uttar Pradesh not to disturb the status quo. The Muslims were then offering prayers at the masjid even though some fanatic Hindu elements were communalizing the atmosphere. Nehru didn't succeed and the masjid was locked so that it was not available to both the communities.

After Nehru, a consensus was seldom attempted. Indira Gandhi was not the person who would talk about the middle path. For her, it was black or white, nothing grey. The governments which followed her were the coalitions of convenience. Most were for making quick money and they had no patience for a compromise like the consensus. Chandra Shekhar is

*(Continued on Page 4)*

## Menace of Corruption in India

**Rajindar Sachar**

Corruption is not merely a moral question. It eats into the vitals of the economy and leads to the loss of faith in the principles of equality and honest administration.

In its 2008 study, Transparency International reports that about 40 percent of Indians had first-hand experience of paying bribes or using a contact to get a job done in public office.

In 2011 India was ranked 95th out of 178 countries in Transparency International's Corruption Perceptions Index. Aid programs in India are beset by corruption, bad administration and under-payments. As an example, a report cites that only 40 percent of grain handed out for the poor reaches its intended target.

Despite its best intentions, MGNREGA is beset with controversy about corrupt officials pocketing money on behalf of fake rural employees.

A November 2010 report from the Washington-based Global Financial Integrity estimates that over a 60-year period, India lost US\$213 billion in illicit financial flows beginning in 1948; adjusted for inflation, this is estimated to be 462 billion dollars in 2010 or about \$8 billion per year. The report also estimated the size of India's underground economy at approximately US\$ 640 billion at the end of 2008 or roughly 50 percent of the nation's GDP.

If corruption levels in India were reduced to levels in the developed

economies such as the United States, India's GDP growth rate could increase by an additional 4 to 5 percent, to 12 to 13 per cent each year. C. K. Prahalad, the Management Guru, estimates that the lost opportunity cost caused by corruption, in terms of investment, growth and jobs for India is over US\$ 50 billion a year.

Though loud proclamations are made by the Central Government to fight the menace of corruption, in fact the disease has increased and corruption index has reached the summit with the involvement of politicians and high government officials – this was to be expected when the Central Government un-embarrassingly adopted globalization as the first Mantra from the Prime Minister downwards, and equating the prosperity of the country with (by taking pride in pointing out that) Indian billionaires being included in the Forbes Fortune, while shamefully omitting to mention that even in Delhi which is supposed to have the highest per capita income in the country, the ugly reality is that 70 percent of its population are able to spend only Rs. 50 per day, which is now accepted as the poverty level, by the Government itself. Such horrible inequality in the country is only possible by the ill-gotten wealth, made possible by corrupt polices by the political parties in power.

Thus we have the corruption scandals of India Coal Mining to the extent of Rs. 186,000 crore and Rs. 176,000 crore of 2G spectrum

scam. Not to be left out the other major party has scam of Rs. 200,000 crore, from Karnataka illegal mining scams.

It is a truism that maximum corruption is done by close friends and relatives like son, son-in-law, of politicians because of their closeness to the powers that be. But then instead of finding honest answers, the Congress leader Digvijaya Singh has unabashedly propounded self-serving formula – namely that political parties should not even refer to the acts of corruption purportedly indulged in by relations of opposite political leaders much less to their own on the patently allacious plea that parents or parents-in-law cannot be held responsible

for the corruption done by their relations. How very convenient for political parties. But this unashamed, unacceptable plea by politicians was rejected as far back as 1964 by S.R. Das (Chief Justice of India) Enquire Commission which held against the conduct of S. Pratap Singh Kairon, the then Chief Minister of Punjab. I appeared as a lawyer for the memorialists before the Commission. The Commission in its report trashed Kairon defense and observed; “The main charges related to the sons of Kairon in enriching themselves by misusing the State Machinery – the complicity of Kairon being established by his remaining silent and not taking any steps to prevent it”. (On Digvijaya Singh philosophy Kairon would have been blameless). But the Commission exploded the self-serving excuse put forth by Kairon that it would be unfair and unjust not to permit a person to do business simply because he happens to be son or son-in-law of a person in authority; To this Das Commission

caustically ruled thus, “Kairon’s case was that the alleged misconduct and misdeeds of his sons had not been brought to his notice, else he would have warned them. This was a patent absurdity. The Commission is free to concede that a father can not legally or morally prevent his sons from carrying on business, but the exploitation of the influence of the father who happens to be the Chief Minister of the State cannot be permitted to be made a business of. Such exploitation cannot possibly be a legitimate business and the father’s influence and powers cannot be permitted to be traded in. Even assuming he personally had not lent a helping hand in relation to them, the least he could do was to give a stern warning, in private and if necessary publicly, to his sons, relatives, colleagues and subordinate officers against their alleged conduct

*(Continued from Page 3)*

the worst example. In 40 days of his government, ministers made more money than those who had enjoyed the power even for 40 years.

Prime Minister V. P. Singh did not even try for a consensus on the Mandal Commission’s recommendations to give reservations to Other Backward Classes (OBC) as had been done for the dalits. Smt. Gandhi could foresee that there would be no compromise on reservations for OBC. She pigeonholed the Mandal Commission’s recommendations. But V.P. Singh could see the political advantage and implemented them, knowing well that his government would get divided. It was a political battle which he thought he had to fight because his rival, deputy prime minister Devi Lal, had thrown down the gauntlet which he had to pick up.

The present scene is too dismal to be conducive for a consensus,

even if such conduct had not been proved to be true. But, as his own affidavit shows, he made no inquiry, gave no warning to anybody and took no step whatever to prevent its recurrence but let things drift in the way they had been going, assuming he had no hand in it. The allegations stared him in the face; he paid no heed to them. He cannot now plead ignorance of facts. In view of his inaction in the fact of the circumstances hereinbefore alluded to, he must be held to have connived at the doings of his sons and relatives, his colleagues and the Government officers”. In face of this findings Kairon had to resign.

Do political parties need any other precedent for action if they are genuine in eradicating corruption from public life?

although Prime Minister Manmohan Singh has gone to the extent of saying that the country’s development is linked with the political consensus within the country. The BJP is spoiling for a fight all the time. It is so anti-Congress that it even resorts to such tactics which are against the country’s interest. The party stalled the entire session of Parliament last time to focus attention on corruption. Protest or exposure should not hold the nation to ransom as the BJP did. A debate would have brought all points of view before the nation.

With the eyes fixed on political gains, the parties cannot afford to give up opposition. Yet the fact remains that the country badly needs a meeting point on certain issues which transcend political contours. India may not be in the midst of a war. Still the challenge before the country is equally demanding—how to extract itself from the poverty in which it is hopelessly stuck.

# Gujarat: whose state is it anyway?

**K .S. Chalam**

The state of Gujarat is going to polls during the second week of December 2012. Everyone is curious to know about the state beyond Narendra Modi. Formerly, parts of the state were constituents of Bombay presidency till 1960, the year in which Gujarat was formed. It had an incredible history as part of ancient Indus valley civilization. It is said that the state is named after the so-called clan of Gujjars (Huns). The Somanth temple, the spirit of vibrant Hinduism was demolished six times and rebuilt again six times, unlike in other places of worship, is located in this state. Nonetheless, the state has large presence of minorities, Adivasis, Dalits and also the dominant industrial houses of the country. Gujarat is known for its outward looking trade and it built the first dry-dock in human history at Lothal indicating its long experience with trade and business. It is recorded by scholars that the business caravans of Gujarat had entered important trade routes of Africa even during the mediaeval period. The Gujarati businessmen including Hindu and Muslim traders are spread in different parts of North America, Africa and other countries. It is a known fact that Gujaratis do carry their traditional identity and practices wherever they are and would like to visit their ancestral homeland at least once. Thus, the rich culture and customs of Gujaratis are distinctly different from other regions of the country.

Gujarat came into prominence when the two 'nations' in the subcontinent, India and Pakistan,

got their father figures in Mahatma Gandhi and Quaid-I Azad Mohammed Ali Jinnah from this state. We all know how L.K. Advani was humbled in expressing his admiration for his compatriot from Gujarat on his visit to the tomb of Jinnah in Pakistan. Though Gujarat gave to the nation leaders like Gandhiji, Sardar Patel, Morarji Desai and few others, the state is known mainly for its acumen in business. It is reported that the top business houses such as Ambanis, Tatas, Kotak Mahindra, Dilip Sighania, Azim Premji, Tulasi Tanti, Godrej, Ness Wadia and several billionaires hail from Gujarat. Gujarat is not only known for its business community throughout the world, but is recognized in modern history for the benevolent and reform oriented king Sayajirao Maharaj of Baroda (Vadodra). Baroda as an independent princely state during the British rule was responsible for a reform agenda and employed C. R. Reddy as Principal of Baroda College, sponsored B.R Ambedkar to study abroad and so on. The traditions of liberal democracy, secularism and all modern trends of a civilized society were inherited by the people of Gujarat when Baroda became a part of the state.

Narendra Modi came to limelight for a dubious reason and would have remained only as a great organizer of business and economic activities in the state had he not sported his ambition for a national leadership. The Gujarat economy had been under the growth trajectory ever since liberalization was introduced

in India. In fact, an expert while working with an institute in Delhi has produced a study eulogizing Modi government who sometime ago was strained to leave, to popularize the corporate agenda. The huge expansion that has taken place in Gujarat is due to the liberalization agenda of P. V. Narasimha Rao and Manmohan Singh. Though Modi has coined the "Gujarat Khamir" (resilience) to create a brand image for the state, the development was not entirely due to his or the earlier successive governments of the state. There is no evidence to show that the state has introduced innovative programmes of its own except the ones given by the centre. There is no doubt that Modi has sincerely implemented schemes like SEZs in 60 areas and seems to have introduced a scheme known as Special Investment Regions (SIRs). It is an extension of the concept of SEZ with huge enclosures covering 100 KMs radius in 13 places given to each Industrial Zamindar. The state is blessed with the largest coast of 1600 Kms with around 35 river systems to provide sufficient water and has abundant soda ash, bauxite, lignite and other minerals. It is a low density state with 234 persons per sq KM compared to 325 all India figure(2001) and a large number of NRIs are ever willing to invest in the state.

The tale of development of Gujarat has been written by several scholars and found that the highest rate was observed during the tenure of Madhav Singh Solanki and it was around 25.32 per cent in 1981-82,

12.6 in 190-91 and is around 9-10 percent during the Modi years. Thus, the rapid growth in Gujarat as noted by some scholars is not due to any single politician but, is due to the favorable economic conditions that prevailed in the state. Nevertheless, there are states like Tamil Nadu, Haryana and Kerala whose development is considered to be much faster and inclusive than Gujarat (Planning Commission). An important fact of social structure of Gujarat is not publicly discussed. It is the only state in the fifth schedule where the largest percent of Adivasis inhabit in three fourth of the districts. There are seven districts where the Adivasi population is more than 30 percent and in the district of Dangs, the population is 93.76 per cent. The grave issue is that in districts like Baruch, Valsad, Dahej where SEZs and SIRS are located are in Adivasi areas without much protection to the locals. Though, the Modi government claims that they have devoted around Rs. 4000 crores for tribal sub-plan during the current year, it is not reflected in the fall of poverty levels or atrocities on Adivasis. On the contrary, NGOs claim that 96 percent of the accused in the cases are acquitted. Further, the irrigation water through mega projects like Sardar Sarovar seems to have not been used for agriculture in terms of its contribution to SDP being only 10 percent. The huge investments in infrastructure like roads, subsidized water, and power (one of the surplus states) are only benefitting the industrial houses as anticipated by scholars long ago.

The impact of the rapid growth in sectors like petrochemicals (26.26 percent), pharmaceuticals and chemicals (21.33 percent), ship breaking are contributing more  
*(Continued on Page 7)*

## No talisman anymore

**Harsh Mander**

The soil of Gujarat once nurtured the inclusive, ethical, non-violent politics of Mahatma Gandhi. Today it is in the grip of another entirely different kind of politics, aptly described by commentator Tridip Suhrud as ‘hyper-masculine’: divisive, pugnacious, authoritarian and surgically efficient.

The fate of this brand of politics will determine not just the destiny of its practitioner, Narendra Modi, but its success also can alter the destinies of the people of India. There are some who believe that Modi is India’s most capable leader; his influential cheerleaders include several captains of India Inc, senior serving civil servants, professionals and traders. There are others who are equally convinced that his continuing ascendancy is profoundly dangerous for democracy, pluralism and social and economic equity.

It is extraordinary that the same administration is evaluated in such irreconcilably divergent ways. These oppositional assessments reflect two diametrically opposite ideas of good government. One view is that primarily governments must effectively facilitate market-led economic growth. The contrary view is that the performance of governments should be evaluated by what they deliver for most disadvantaged citizens. For people who adhere to the former imagination of government, Modi is the most successful administrator in the country; whereas for the latter, he is the most failed of our leaders.

A recent report of a research wing of the US Congress portrays Gujarat as “perhaps India’s best example of effective governance and impressive development ... where controversial chief minister Narendra Modi has streamlined economic processes, removing red-tape and curtailing corruption in ways that have made the state a key driver of national economic growth”. Mukesh Ambani describes Modi’s leadership as “visionary, effective and passionate”. His brother Anil sees in him a “role model” for other states to emulate, and hyperbolically claims he is the best leader Gujarat has had after Gandhi. Ratan Tata regards him to be an “exemplary” leader who efficiently delivers what he promises. Sunil Mittal is convinced that Modi is prime ministerial material.

If the yardstick of good governance is of success in creating an investment-friendly environment, Modi’s government seems, at least on the surface, to have performed creditably. Gujarat has achieved double-digit growth at rates higher than most other states. With just 5 percent of India’s population, it contributed 21 percent to India’s exports and 13 percent to its industrial production in 2009. Yet, as Surendra in Frontline observes, even more than 21 years before Modi’s dispensation, in 1980, Gujarat was among the three fastest-growing states. Since then it has more or less occupied that position.

Its investment-friendly reputation was further minted because of the

ease with which it delivered land for the Tata small car project in 2008, contrasting with the chaos and paralysis of two years of bitter public protest in Singur in West Bengal. But much of this land was already controlled by the Gujarat Industrial Development Corporation while a small chunk owned by farmers was bought at above-market rates with little opposition. The government gifted unprecedented tax concessions to the Tatas and other big industries, an inverse subsidising of big industry by ordinary people. Leading economist Indira Hirway observes that “government is spending more on incentives than on development”, which she regards to be a kind of “crony capitalism”, in which industries set up bases in Gujarat because of the concessions given to them. Besides, under the hype, only a quarter of the promised investments have actually been realised.

By the alternative yardstick of assessing a government’s worth by its success in battling poverty, discrimination and want, the Gujarat administration dramatically slips from leading the country, to a surprising laggard. Between 2005 and 2010, poverty in Gujarat fell by 8.6 per cent; well behind states like Orissa (19.2 percent), Maharashtra (13.7 percent) and Tamil Nadu (13. percent). The International Food Policy Research Institute (IFPRI) found the Hunger Index of Gujarat ‘alarming’, the lowest among all high-income states, and below even Orissa and UP. Nearly 45 percent children below five are malnourished. Infant mortality among girls at 51 per 1,000 is higher than the national average of 49. The sex ratio fell from 920 to 918 females for 1,000 males between 2001 and 2011, well below the

national average of 940. Hirway concludes that ‘the growth story of Gujarat is not inclusive, sustainable, equitable or environment-friendly,’ and “there is a disconnect between economic growth and developmental growth”.

From the benchmark of social equity, the gravest culpability of the Modi government is its openly hostile relationship with its minorities. The slaughter of Muslims in 2002 with unrepentant state complicity, the refusal to set up relief camps, the reluctant and meagre compensation, the extensive subversion of legal justice, the proved engagement of senior members of the Modi government in the massacre, extrajudicial killings by senior police officials, are all relatively better known. What is less noticed is the administration’s refusal to extend development services to the minorities. Muslim ghettos are conspicuously under-serviced with roads, sanitation, drinking water and electricity, compared to their glittering neighbours. Gujarat is the only state in the country which refused to contribute its share to a centrally sponsored scheme of scholarships for minority children, thereby denying minority children scholarships, although 36 percent Muslim children are out of school.

Gandhi, nearly forgotten in Gujarat, was guided by a talisman in moments of confusion. He would remember the weakest person he knew. In Gujarat today, she would almost certainly be female: maybe a girl without food, a riot victim, a displaced tribal, or a saltpan worker. Would her expectation from government be of a muscular, business friendly, authoritarian administration, violently suppressive of minorities? Or would she seek a

government which cares, which affirms her dignity, which partners her efforts to find for herself and her loved ones food, work, healthcare and education?

Her choice, if she can make it, could determine our collective destinies.

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*(Continued from Page 2)*

campaign, in which Kejriwal played a dominant role for a while, was also embroiled in some controversy on the issue of maintaining an account of the public donations. All the major parties have found some ways to counter charges of sustaining on ill-gotten funds. Kejriwal’s party obviously is already well-funded. He or his colleagues do not speak at all of their need for funds. And as if to confirm that funds are not an issue with the new party, one of its well-wishers, Shanti Bhushan, has rushed in with a personal donation of Rs. one crore. Thus, the AAP truly has much going for it. It only has to establish its credibility as a formation that focuses on public service rather than on political opportunism.

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*(Continued from Page 6)*

than half of the income but has resulted in the increasing incidence of Silicosis, respiratory diseases, etc in the state. It is reported by Hirway (Ahmadabad) that the share of wages as percent of net value added declined by 3.5 percent per year from 11.8 in 1998-2000 to 8.5 percent in 2008. “Another important development under the reform in Gujarat has been the increase in rising of subsidies, incentives and favors to the corporate sector, with the result that not much revenue is left to redistribute for the purpose of including the excluded”. Is it not clear now whose Gujarat is pitched for elections next month?

# Maharashtra Irrigation Scam

## Extracts from an Open Letter to the Prime Minister of India, The Chief Minister of Maharashtra and other Concerned Authorities (October 4, 2012) for Urgent Probe by an Independent Credible Agency

The Water Resources Department (WRD) in Maharashtra is facing very serious crisis, the charges of scam substantiated by official documents, the civil society, media and also top officials within the WRD. This issue has ramifications beyond the specific schemes, specific department, and specific state and also involves large number of central government agencies. We are writing this letter to you seeking your urgent intervention. We are a group of civil society organisations and individuals who have been involved in policy issues, social and environmental impact of large dams in Maharashtra and India, some of us have also been involved in exposing the current scam.

The issues involved includes massive irregularities and corruption, which have a serious bearing on the governance of the sector, as well as wellbeing and safety of millions of people residing downstream of dams and farmers who have been waiting for benefit from the projects, despite society paying huge social, environmental and economic price for the projects. We are urgently writing to you to look into these issues in detail, appoint an independent scrutiny of all major and medium projects in Maharashtra since the last 17 years (the scam has origins going back at least to 1995 as shown below) and immediately stop work on and use of

projects whose safety is questioned by the official persons/agencies.

Chief Engineer exposes huge Safety issues, Engineer-Politician-Contractor Nexus

We would specifically like to draw your attention to letters written by Shri Vijay Pandhare, Chief Engineer (Design, Training, Research and Quality Control), Maharashtra Engineering Training Academy (META), Nashik. META is a nodal organisation that includes Dam Safety Organisation, Quality Control Organisation and Central Design Organisation under its purview. He has been a Member of State Technical Advisory Committee to look at estimates prepared by the WRD on Dam projects.

Following unearthing of the huge Scam, Shri Pandhare wrote a detailed letter on May 5, 2012 to Chief Minister, Governor, Secretary and Principal Secretary Water Resource Department about the severe problems plaguing all aspects of dams in Maharashtra. On 21st September, 2012, Shri Pandhare addressed a letter to the Engineers Mahasangh, elucidating these points

### **Scrutiny of estimates and Quality Control for projects exposes:**

Many serious mistakes, unviable projects made viable, projects which should not have been taken up in the first place, unnecessary projects, etc., sanctioned by officials of WRD

through pressure by politicians. All the officials of WRD work under tremendous pressure from politicians as well as contractors. The officials who protest against this are transferred in no time.”

At every administrative clearance, new aspects get internalised in the estimate, any projects drag on for 20-25 years and are never completed, while cost keeps on escalating. Farmers get no benefit out of this.”

Common irregularities seen are: Useless gigantic lift irrigation schemes, unrealistic estimates, managing tenders, changing layout, designs, sections, heights, irrigated area, etc. to keep the project going.”

Quality control of WRD dams has become a big issue. 23 kms of Gosikhurd canal (A National Project) has developed cracks in the first year itself.” Parts of that canal had to be demolished even before being tested.

In 2012, when he was the Executive Engineer Quality Control Dept in Dhule, he had sent a 600 page report on how the construction of the Lower Tapi Dam was of poor quality. “But government constituted a committee of corrupt officials on this and killed the issue.”

It will be better not to imagine what would be the scale of the calamity if this dam breaks, there

are 3 large dams downstream of this one. 25-30 villages will be washed away. Who will be responsible for the deaths of thousands of people? Secretary of WRD himself has been protecting these works.”

Tarali Dam in Satara is a 74 mts high dam. When he went to check it in his official capacity, the register containing the materials used for the dam, when asked for, was not shown to him by the contractor. “As per the tender, the compressive strength of cores should be 117 kg/cm. But in reality, the cores have strength at around 40 kg/sq cm. Construction has been of extremely poor quality. All the 66 cores have strength of 58% and not 100% as required by the tender. In dam works, even a difference of 4-6 % is taken very seriously. This construction with quality a huge 42% lower than required is poorest of the poor. CBI enquiry should be undertaken against this as our 'bogus' committee members are well known to submit 'bogus' “ok” reports to the govt. Even imagining the destruction that will happen if Tarali breaks makes me uneasy. Only god can save this department. Same is the case with Hathnur project in Jalgaon”. (Hathnur dam and Lower Tapi, both on Tapi River, are just upstream of the massive Ukai Dam in Gujarat, upstream of the Surat city).

Playing with public money may be still a smaller offence, but the WRD should not play with people's lives. This address by the Chief Engineer, at his own peril itself underlines the urgent need of enquiry in Maharashtra's Water Resources Sector, even if one may not agree with everything that he has said. Instead of taking serious note

of these letters an attempt has been on to describe him insane.

Maharashtra's poor track record of Major and Medium Projects Maharashtra has the highest number of large dams in the country (1821 as per the latest issue of Register of Large Dams from the Central Water Commission). In fact the second ranked state in the country in terms of number of dams does not have even half the number of large dams that Maharashtra has. This shows the domination of big dam agenda in Maharashtra.

However, the performance of these dams is very poor even as per official documents. For Example, the Economic Survey of the state for the year 2011-12 said, “The ratio of gross irrigated area to gross cropped area for 2008-09 in the State was 17.7 per cent, which was much below the National level ratio of 45.3 per cent.” This was in a year (2011 monsoon) when rainfall was above average. The survey goes on to say that 65.1% of the net irrigation in Maharashtra is based on groundwater.

It may be noted here that these figures from agriculture department are closest to the ground realities among all the figures about irrigation that are available. The figures from the water resources department about irrigation potential created and utilised are no more than claims that have little reflection of the ground realities. sources (this category includes major, medium, minor (state and local level as classified in Maharashtra)) and also total net and gross irrigated area in the state. It is clear from the flat graphs for all the four sets of figures and for

whole of the decade and particularly the bottom graph which include irrigation by Major and Medium irrigation projects for which an expenditure of Rs 72 000 crores have been incurred in this period, that there has indeed been hardly 0.1% increase in irrigated area for the state as even the Maharashtra government has said.

In just five out of this ten year period (i.e. 2005-06 to 2010-11), the same economic survey says, subsidies have been doled out to provide drip irrigation in 1.95 lakh ha and for sprinkler irrigation in 4.17 lakh ha, thus covering a total area of 6.12 lakh ha in these five years at an expense of Rs 1134.82 crores.

Compare this with the figure of 11.62 lakh ha that was irrigated by all other sources (including Major and Medium Irrigation Projects) in 2009-10, so area equal to more than half the area irrigated by all other sources also got subsidy for drip or sprinkler irrigation in just last five years. But even the huge expense involved in this water saving technique has not lead to commensurate increase in irrigation in Maharashtra.

It is not that the lack of progress in irrigation is due to lack of funds. On the contrary, as the Hon. Governor of Maharashtra in his address in March 2012 said, “The WRD has communicated that the unspent balance with the Corporations was Rs. 2438 crore at the end of the 2009-10 and Rs. 3496 crore at the end of 2010-11. These balances are of the tune of 35% and 45% of the total plan size of the respective years.” The Governor expressed



concern that “the balance cost of ongoing projects being executed by the Irrigation Corporations in the State as on 1.4.2011 is Rs. 75,366 crore”.

This makes it clear that Maharashtra has not faced paucity of funds for water resources development, has spent a huge amount and yet, the actual picture on ground is dismal. More than 747 irrigation projects are incomplete. One of these projects, Gosi Khurd is national project (which means 90% of the money would come from the centre), but has been described as white elephant. Maharashtra has also been getting large sums under Accelerated Irrigation Benefits Scheme from the centre. All this highlights the need for an independent scrutiny of the entire sector.

### **Petitions in High**

Court A petition has been filed in the Nagpur Bench of the Mumbai High Court by Jan Manch, which raises a number of issues including the fact that 30 major irrigation projects were granted hurried approval in just four days: June 24, 2009 (10 projects); July 7, 2009 (5 projects); Aug 14, 2009 (11 projects) and Aug 18, 2009 (4 projects)

As per another report not contradicted by anyone, during his stint as water resources minister, Mr Ajit Pawar 'hurriedly' granted project approvals totalling Rs 20,000 crore during an eight-month period in 2009 (32 of them worth Rs 17 700 crores in three months during in June-Aug 2009), without the mandatory clearance of the governing council of Vidarbha Irrigation Development Corporation

A Petition on Kalu Dam in the Mumbai High Court has led to the court asking for stoppage of work and also asking why the officials responsible for sanctioning release of contracts and money to contractors should not be prosecuted.

A Petition on Kondhane dam in the Mumbai High Court is ongoing in which the Govt has submitted that the contracts and permissions for the projects have been cancelled, but already large sums of money were already spent. The cancellation happened because of the Governor asking the govt report on the dam following petitions from RTI activists.

This aspect may need a separate investigation as this massive subsidy has benefited one particular corporation and to check how credible are these figures of coverage.

Blatant illegalities and Irregularities in on-going projects The Projects coming up in Vidarbha and also around Mumbai are shrouded with illegalities and a clear contractor-politician-bureaucrat nexus.

### **Examples:**

Balganga Dam, coming up near Pen and is 90% complete. However, its proposal for forest clearance has still not reached the MoEF, when the dam is about to submerge 260 hectares of forests in Western Ghats, a World Heritage Site. Nor is the Rehabilitation and Resettlement Plan ready. Cost of this dam has been hiked 150% post tendering.

Kondhane Dam, coming up near Karjat saw post tender cost

escalation from Rs 56 crores to Rs 328 crores and height increase from 39 meters to 71 meters within one month of tender approval. The entire tender clearance was done in a single day and technical clearance was also given in a single day. The contract for this dam has been cancelled following a PIL in Bombay High Court and Governor's explicit orders. No action was taken by the WRD, despite huge outcry by civil society organisations and media till the HC and Governor orders.

According to tender conditions laid by Government of Maharashtra, one contractor can work on maximum three projects in a circle. However, bypassing this, the same contractor is working on 7 on-going projects in Konkan, for example. This has been made possible by floating another company just for the namesake (FA Construction and FA Enterprises in this case), with same registered office, same board members and even using the same projects to show their proven capacity). Everyone including media can see through this ploy, it is clear that this is going on hand in glove with the government including ministers, bureaucrats and engineers.

In Vidarbha, similar irregularity is being practiced by a company belonging to BJP Member of Parliament, known to the close to the President of that party. In this case, Shakti Kumar M Sancheti Ltd ceased to exist in Nov 2005 when it was renamed as SMS infrastructure. But this defunct name of the firm was used later on to get several contracts amounting to Rs 1350 crores

In some of these projects, shockingly, the design finalization was done after the issue of tender documents, violating basic norms of irrigation projects.

This also shows the involvement of politicians across the parties.

Non-existent Environmental Governance In the entire discussion and recent political controversy surrounding large dams in Maharashtra, the very crucial angle of huge social and ecological impacts of these projects is being sidelined. Environment Governance seems to be non-existent in Maharashtra today and the MoEF is taking no steps to correct this as statutorily required as per the Environment and forest clearance conditions and Environmental Management Plans of projects. Projects are sanctioned, work orders are given and work proceeds before getting any mandatory clearances from MoEF or State Forest Department and the MoEF has taken no action. Projects requiring clearances from the National Wildlife Board are going ahead without the same and the MoEF is happy to watch.

### **Some Examples:**

In the case of Kalu Dam coming up near Murbad in Thane district, work on the dam started without Forest Clearance either applied or granted. Even as the Chief Secretary and

Newer aspects of illegalities seem to be surfacing almost everyday, here is a story about how advances were illegally given to contractors, with allegations of kickbacks: <http://www.ndtv.com/article/india/the-70-000-crore-scam-in-advances->

to-contractors-somesee-kickbacks-275047 Mumbai Metropolitan Region development Authority (MMRDA) made clear statements that funds should not be released to this project without Forest Clearance, MMRDA released the funds to the tune of at least Rs 400 Crores. However, the project was denied Forest Clearance by the Forest Advisory Committee in its meeting on 2nd April, 2012. The work on this dam has been stayed by the Bombay High Court in response to a PIL filed by Shramik Mukti Sangathana. Assessment and settlement of individual and community forest rights according to the FRA (2006) has not been completed.

In case of Kondhane Dam, work started before applying for Forest Clearance, which is completely illegal. Assessment and settlement of individual and community forest rights according to the FRA (2006) has not been completed.

In case of Barvi Dam, height has been increased three times without seeking any environment Clearance, the 4th height increase is now on going, again without any Clearance. Assessment and settlement of individual and community forest rights according to the FRA (2006) has not been completed. Even in cases where Forest Clearances have been considered, the MoEF does not display the project proposal documents, the clearance letters or compliance reports, in violation of the orders of the Central Information Commission.

As stated above, work on Balganga dam is nearly complete without even the proposal for

Forest Clearance reaching the MoEF. Assessment and settlement of individual and community forest rights according to the FRA (2006) has not been completed.

### **Huge Social and Ecological Impacts of illegal projects:**

Planned, Ongoing and proposed dams around Mumbai alone are set to submerge more than 6000 hectares of Forests in Western Ghats, a UNESCO World Heritage Site. No Environmental Impact Assessment, Social Impact Assessment, Environment Management Plan, Public Hearings are mandatory for these dams as they are for Drinking and Industrial water supply. The assumption that such dams are environmentally and socially benign is seriously flawed, shows bankruptcy of thinking on the part of MoEF. In all, these dams will displace more than 25000 tribals. Many of these dams are shrouded in illegalities and corruption charges.

Chief Engineer Thane, has himself given a written undertaking that after Shai Dam, no other dams will be needed for Mumbai for at least a decade. So it is clear that many of these are unnecessary dams, having serious negative impact on each sector: from governance to social and environmental wellbeing as also unnecessary expenses.

Delay in bringing out White Paper While a White Paper on Irrigation sector in the state by itself will not solve almost any of these serious problems, but even to bring out a white paper, there has been huge delay, possibly because some people are not happy to see that real facts come out. The Chief Minister announced on

May 5, 2012, following meeting with a delegation of civil society organisations the previous day, that a white paper on “irrigation projects in the past ten years” will be made public soon,

No White paper arrived for the next ten days. Eleven days later, in a statement on May 16, 2012, “soon” changed to “within 15 days” since “the public needed to be informed about the status of irrigation”, said the Chief Minister. The Chief Minister, significantly, was talking to the media after a cabinet meeting where this was discussed, see: <http://www.businessstandard.com/generalnews/news/white-paperirrigation-in-15-days-chavan/9542/> and [http://www.dnaindia.com/mumbai/report\\_white-paper-on-irrigation-in-15-days-prithvirajchavan\\_1689726](http://www.dnaindia.com/mumbai/report_white-paper-on-irrigation-in-15-days-prithvirajchavan_1689726).

Again no white paper came for not only next fifteen days, but for two whole months. Almost two months later, on July 14, 2012, the then deputy Chief Minister Ajit Pawar said in Legislative Council meeting that, “a white paper on irrigation projects will be tabled before the commencement of the winter session of the council in Nagpur”. This means that what was supposed to soon and than in fifteen days, would not come for six months as the winter session happens only in December, see: [http://articles.timesofindia.indiatimes.com/2012-07-14/mumbai/32673963\\_1\\_irrigation-projects-white-paper-deputy-cm-ajit-pawar](http://articles.timesofindia.indiatimes.com/2012-07-14/mumbai/32673963_1_irrigation-projects-white-paper-deputy-cm-ajit-pawar). Even at this stage, the deputy CM did not find it fit to resign.

Scam origin dates back to 1995 The scam, it seems, started with the

formation of Maharashtra Krishna Valley Development Corporation (MKVDC) in 1995, involving manipulation of tenders, costs and project parameters. In 2007, Maharashtra’s former inspector general of police SM Mushrif had told media that while he was posted as the Superintendent of Police, Anti-Corruption Bureau in 1998, he had sought permission to probe into a bid by irrigation contractor P. Venku Reddy from Andhra Pradesh and Avinash Bhosale for a Rs 100 crore Dhom Balakwadi project in Satara, where a renowned contractor R.M. Mohite was disqualified only to favour Pradhana Constructions of P. Venku Reddy, of which Avinash Bhosale was also a partner.

Mushrif's report, which was sent to the then additional DGP, ACB, in Mumbai sought permission from the state government "for an open inquiry into the affairs of the MKVDC so that many more irregularities can be exposed and offence registered against the defaulting officers and officer-bearers." That permission was denied by the Maharashtra government, said Mushrif. In 2002, Ajit Pawar, as irrigation minister for MKVDC had taken the decision of approving a 30-year lease agreement between the MKVDC and the Lake City Corporation (the previous avatar of Lavasa Corporation) for constructing mini-dams in the backwaters of the Varasgaon dam in Pune, the deal had future ramifications as it came to light in 2005-06.

Urgent Minimum Next Steps What all this means is that there is significant resistance to even a white paper, which at the most

will only be a statement of facts. What is required is much more, including a credible independent commission of enquiry and fixing responsibility for those who are responsible for any wrong doing. What is narrated above is only a part of the story. The extent of the actual problem is huge and all these irregularities have been going on for over a decade and a half at least. In view of these serious issues relating to irregularities, corruption, dam safety, governance, social and ecological impacts, we urgently request you to:

1. Order an Independent scrutiny of Water Resource Development Projects in Maharashtra for at least the last seventeen years, including Major, Medium and Lift Irrigation projects, Hydropower, Drinking water and Industrial water supply projects. The scrutiny should look at the design of the project, the current status, the projected and actual costs, the quality of work, dam safety requirements, the intended and actual benefits, the intended and actual environmental impacts, the intended and actual environmental management plan and its progress, rehabilitation and resettlement plan and its current status. The scrutiny should also look into the alternative proposals given by people’s organizations (wherever applicable) to make these schemes more equitable, sustainable and democratic and how to make the decision making responsive to such alternative proposals from people’s organisations.
2. Immediately stop filling of Lower Tapi, Hathnur and Tarali

Dams and conduct a CBI enquiry as suggested by Chief Engr. Pandhare on the material used for these dams.

3. Conduct immediate enquiry into the safety of Lower Tapi, Hathnur and Tarali Dams by credible independent team. Here it should be noted that Central Water Commission, which is supposed to ensure safety of the dams along with the state WRD, has failed this respect and hence it is a responsible agency.

Issue no further Technical, Financial, Forest, Environment or Wildlife clearances to dams in Maharashtra unless the above mentioned scrutiny of existing and ongoing projects is completed and made available in public domain, and necessary

action taken.

5. Allow no further finances and cost escalations to upcoming projects in Maharashtra until the above mentioned scrutiny is complete, and more necessary action, including more participatory, transparent and accountable system of governance of this sector is in place.
6. Amend the EIA notification to ensure that (i). all large dams, irrespective of purpose, are included for Environment Clearance, EIA and Public hearings. (ii). If a project requires forest land, than an environment clearance should be mandatory.
7. All major irrigation projects need clearances from Union Ministry of Environment and Forests,

Central Water Commission, Planning Commission, among others. All these agencies are supposed to ensure proper environment impact assessment and governance, dam safety, proper cost and benefit appraisal, among other aspects. That all these aspects are under question in this scam underlines the need to include all these agencies under the scrutiny since all these agencies have clearly failed to perform their role both before and after the clearances.

In the interest of safety of livelihood, food and water security of millions, safety of downstream population, irrigation benefits to farmers, drinking water supply to villages and urban areas and clean governance, the above mentioned points are minimum requirements.

Signatories :

1. **Dr Suhas Kolhekar**, National Alliance of People's Movements (Mah), Pune, kolhekar.suhas@gmail.com
2. **Anjali Damania**, India Against Corruption, Mumbai, anjalidamania@rediffmail.com
3. **Suhas Paranjpe**, Society for Promoting Participative Ecosystem Management (SOPPECOM), Mumbai, suhas.paranjape@gmail.com
4. **K J Joy**, SOPPECOM and Forum for Policy Dialogue on Water Conflicts in India, Pune, joykjoy2@gmail.com
5. **Seema Kulkarni**, SOPPECOM, Pune seemakulkarni2@gmail.com
6. **Vijay Diwan**, Nisarg Mitra Mandal, Aurangabad, vijdiw@gmail.com
7. **Pradeep Purandare**, former Prof, Water and Land Management Institute, Aurangabad, pradeppurandare
8. **Sujit Patwardhan**, Trustee, Parisar, Pune patwardhan.sujit@gmail.com
9. **Shripad Dharmadhikary**, Manthan Adhyayan Kendra, Pune, manthan.shripad@gmail.com
10. **Debi Goenka**, Conservation Action Trust, Mumbai, debigoenka.cat@gmail.com
11. **Samir Mehta**, River Basin Friends, Mumbai, samir.meht@gmail.com
12. **Eshwer Kale**, Ph D Scholar, Tata Institute of Social Sciences, Mumbai, eshwerkale@gmail.com
13. **Ramaswamy R Iyer**, Former Secretary, Govt of India, Delhi ramaswamy.iyer@gmail.com
14. **Shramik Adivasi Sangathan**, Betul, Madhya Pradesh, sasbetul@yahoo.com
15. **Samajwadi Jan Parishad**, Pune, Maharashtra
16. **Jan Sangharsh Morcha**, Lucknow, Uttar Pradesh
17. **Jairkrishna Ranganathan**, Greenpeace India, Bangalore, jr@greenpeace.org
18. **Manoj Mishra**, Convener, Yamuna Jiye Abhiyan, Delhi, manojmishra@peaceinst.org
19. **Dr Brij Gopal**, Jaipur brij44@gmail.com
20. **Dr Bharat Jhunjhunwala**, former professor, IIM Bangalore, Dist Tehri, Uttarakhand bharatjj@gmail.com
21. **Latha Anantha**, River Research Centre, Kerala latha.anantha9@gmail.com
22. **Suniti S R**, NAPM, Pune, andolan.sunitivinay@gmail.com
23. **Indavi Tulpule**, Shramik Mukti Sangathana, Thane, indavi.t@gmail.com
24. **Dr. Anupam Saraph**, Jalbiradari, Pune (anupamsaraph@gmail.com)
25. **Dr. Bhalchandra Kango**, Member, Communist Party (bkkango@gmail.com)
26. **Himanshu Thakkar**, South Asia Network on Dams, Rivers & People (www.sandrp.in), 86-D, AD block, Shalimar Bagh, Delhi 110088, ht.sandrp@gmail.com, 0996824279827.
- Parineeta Dandekar**, SANDRP, Pune, parineeta.dandekar@gmail.com

# Partnership with Private for Public Loot

**Sandeep Pandey**

Under the economic policies of globalisation, privatisation and liberalisation the government has projected the Public Private Partnership (PPP) as a great model for development. It has been made to appear as if the government by attracting investors is able to get things done for the benefit of people without itself having to bear the cost. But it turns out that this was a mirage. The companies outsmarted the government and had a gala time in making profits over resources which belonged to the public. The companies agreed to this model only after ensuring guaranteed profits for themselves. In the end people paid the price.

An example of PPP where the company is out to hoodwink the government as well as the people is that of an under construction thermal power plant in Banka District of Bihar.

The plant being built by Jas Infrastructure Capital Private Limited, a Abhijeet Group company headed by Manoj Jayaswal which was recently in news because of its involvement in corrupt coal block allocations, is facing opposition from local farmers on two counts.

The company proposes to use water from the 132 feet high Chandan Dam which has been a source of water for irrigation for the farmers of the area. It is claimed by the locals that 16,000 hectares and ten lakh farmers of eight to ten Blocks of Banka and Bhagalpur districts, depending on the rains,

benefit from this irrigation scheme. The company is constructing an intake well in the reservoir of this dam to ensure year round supply of water for its power plant. Presently the reservoir goes dry for four months of a year. The act of constructing the intake well by causing explosion in the bed of the reservoir is a threat to the 40 years old dam structure.

The company is also using unscrupulous ways of acquiring land from the farmers. It is threatening and deceiving the farmers forcing them to sell their lands at a price much below the government rate. The present central government thinking is to offer many times more than the market value to farmers as part of the amendments being considered in the Land Acquisition Act. However in Banka in some cases the farmers are being cheated of their land without receiving any money at all. 23 farmers of the marginalised Laiya community have made such a complaint. In one case the company forcibly tried to build a road on a farmer's land from Bandhuakura village to the plant site. A brave woman had to stand in front of the machine ready to bury herself under the earth. It was only when other women came out in protest that the company withdrew its machine.

Hence the company is snatching the water and land of people, who initially bought the idea of development and the promise of company to provide job to each member of the family giving up

their land. They have now realised that the company is taking them for a ride.

The company is worth Rs. 450 crores but the 2640 MW power plant it wishes to set up in the Siriya village will require an investment of Rs. 11,000 crores. The company has borrowed this money from bank. Once it invests the money and the plant doesn't take off the government may have to waive the loan. Hence the bank may also be left high and dry.

This is a model of public private partnership and as all such projects have shown it involves loot of natural and public resources by a private company and complete abdication of its duties by the government which conveniently chooses to look the other way. To allow a private company to become the owner of an irrigation project on which lives and livelihood of lakhs of people depend and to let the company use illegal means to usurp land and to continue supporting the company is criminal negligence by the government and administration. The anti-people nature of the project is perceptible in the anger felt by people towards the company and in the former MP of the area and presently MLA from the neighbouring constituency Giridhari Yadav has been forced to join the movement against the wishes of his Chief Minister. A number of former people's representatives are also supporting the movement of farmers. Nitish Kumar is obviously an unhappy man who has allowed the company to sell only 25 percent

of the electricity to the state when it will be produced as against 50 percent requirement for NTPC plants. Quite clearly electricity doesn't seem to be his priority.

The farmers of the area have decided to launch an indefinite agitation in January, 2013, until the

company decides to pack up and leave. It is quite clear that people don't agree with government's idea of development. The government must rethink its strategy. If it really wanted electricity it would have built the plant in public sector without cheating the people in the manner in which Abhijeet group is doing.

Moreover, with increasing awareness about global warming, a thinking Chief Minister also needs to explore the renewable energy option, like the European Union and Japan are doing, to meet the energy needs of his state. Nitish Kumar has to decide what is his priority – politics or power?

## Uttar Bharat Samata Sammelaan

More than 4500 boys and girls (7<sup>th</sup> to 12<sup>th</sup> standard classes) from Bihar, U.P., M.P., Jharkhand, Odisha and Maharashtra had assembled, under the auspices of Rashtra Seva Dal, in Samata Sammelaan at Rajgir(Nalanda) in Bihar on 7-8 November, 2012. They participated in mass demonstrations of Physical Training, Aerobics, Jhanj and four tournaments of Lezim, Dandia, Chorus singing and Street plays.

The participants also listened to the lectures : Sudha Verghese, social worker, and Dr. Razi Ahmed of Patna on the topic of "How to become a good citizen"; Sudha Varde on "Annihilation of caste" and Pannalal Surana on "Navnirman in agriculture". Bhai Vaidya presided over the lecture series.

Biajaa Choudhary, the Irrigation Minister of Bihar, who inaugurated the Sammelaan (as Nitish Kumar, the Chief Minister, was ill), said that the founders of Rashtra Seva Dal must be congratulated for their foresight in placing secular nationalism and social as well as economic equality as the objectives because "those ideological principles are much more relevant today. Character building of the teen-agers is also a laudable objective for which the RSD has been carrying on various activities all over India." He assured that political activists like him


would extend full cooperation for expanding and strengthening the RSD in Bihar. Earlier, he released the Souvenir, *Sunahara Samatawadi Bharat*, edited by veteran socialist Prof. Vinodanand Prasad Singh, while Koushalendra Kumar, M.P., had released a book, *Shodha Yatra* by Raja Shirguppe. Among those present on the dais were Ram Sudar Das, former Chief Minister of Bihar, Shrivankumar, MLA as well as Prof. Aravind Kapole, president, other trustees and office bearers of the RSD; Rajesh Shukla co-editor of the souvenir, Indira Raman Upadhyaya,

president of Bihar branch of the RSD.

Next day, Dwarakoji Sudarani of Samanvaya Ashram, Bodhgaya distributed prizes to the best performer teams in the tournaments. Many socialist activists from various states had participated in the Sammelaan. A number of activists like Dharmendra of Rajgir, Sachidanand Singh, Mithilesh Prasad, Nand Lal, Madhav Karande, Raja Awasak, Prof. Girish Walimbe, Chandulal Savaj had put in great efforts to make the Sammelaan a success.

- P.S.

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## Liberate sports from politics

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**Strengthening the  
Market Forces**  
Prem Sinh

Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

What was anticipated in certain sports circles has come to pass. India today stands completely isolated from international sports. Indeed, the crisis that has overtaken the Indian Olympic Association may well push Indian sportspersons to participate in the next Olympics under the patronage and banner not of the Indian Olympic Association (IOA) but under that of the International Olympic Committee (IOC). The suspension of IOA by the IOC is an unfortunate but serious development that may impact directly and adversely on the careers of thousands of our sportspersons and athletes. No more funds for our national sports bodies. Indian officials cannot attend Olympic meetings and events. India could even be barred from the Olympics. How did this happen? The short answer is that the root cause of the current crisis is the continued dominance of our national sports by politics and politicians. The solution? To begin with liberate sports from politics and politicians. Then, ensure that national sports management vests in the hands of sportspersons keen to promote Indian sports and not themselves.

What was IOC's immediate provocation for such a drastic step against the Indian organization? Although the IOC has not officially said so, it would appear that the suspension of the IOA was by way of punishing it for holding its organizational elections under the Indian Government's Sports Code and not the Olympic Charter. The IOC has been warning the IOA not to follow the Sports Code but stick to the Charter. A warning, that IOA ignored. This was interpreted by the IOC as the Indian Government's interference in international sports.

The reaction among Indian sportspersons has been predictable. On the one side, the development has shocked and stunned them as well as the entire nation. On the other side, it has also been welcomed by sections of sports activists and enthusiasts as a "wake-up" call to the government to take sports administration more seriously. "Everyone needed a shake-up," was a typical comment. However, the suspension has meant little to the IOA which is determined to proceed ahead with the elections, scheduled for December 5, to elect its office-bearers.



*Between the lines*

## No compromise on injustice

**Kuldip Nayar**

The IOA is not the only national sports body that is controlled by politicians. One can actually count on finger tips the organizations that are not controlled by politics. It is not that the control of sports bodies is under politicians for a brief time or because the politician concerned is more of a sportsman than a politician. The contrary is true. Sports bodies become the politician's fiefdom for life. Suresh Kalmadi, for instance, has headed the IOA for 16 years. Other politicians have headed other institutions for even longer periods. And the politics-sports nexus exists and has continued to thrive because of and not in spite of government support.

The government ought to have been more alert. If it had its pulse on the IOA's affairs, the current national humiliation might have been avoided. The IOC's ethical commission asked the IOA to suspend IOA president Suresh Kalmadi, the CGOC secretary general Lalit Bhanot and former Badminton Association of India president V. K. Verma. Shri Kalmadi faces charges for alleged irregularities during the Commonwealth Games, Shri Bhanot and Shri Verma also do not have flattering records. The IOA has become a haven of power-hungry self-seekers, which probably is why it never incorporated the Sports Code into its constitution. Of course, if it had done so, all those making a name and fame from their links with the IOA would have been shown the door. The IOA and the government failed to assess the IOC reaction, and took the international body for granted. The IOC seems a body with good clout and strong teeth. Its bite is as good as its bark, even sharper.

*(Continued on Page 3)*

What message do Muslims get when neither the civil society nor the Election Commission does anything to stop Amit Shah, a former Gujarat minister, from contesting the state assembly seat this December? He is accused of being an instigator of fake encounters against Shourabbudin Sheikh and Tulsiram Prajapat during the anti-Muslim riots in Gujarat in 2002.

That the BJP has fielded Shah as a candidate only confirms the allegation that chief minister Narendra Modi and his ministers were part of the plan to effect ethnic cleansing. Maybe the party is not shy of playing the Hindu card and it is testing the waters in Gujarat. The BJP's image has already been damaged by the open rebellion of top leaders like Ram Jethmalani, Yashwant Sinha and Shatrughan Sinha against party president Nitin Gadkari alleged to be mixed up with dubious business companies.

Shah's nomination could have favoured the Congress but the party is apt in scoring a self-goal. It has adopted Shweta Bhatt as its candidate in the Gujarat polls. She is the wife of Sanjiv Bhatt, the police officer who spilled the beans on the riots by admitting in public that he and other officers were instructed by the chief minister not to take action against those who were murdering Muslims and looting and burning their houses and shops. The stock defence of the BJP, more so of Modi supporters, has been that Bhatt is the

Congress stooge and his statements against Modi are at the party's instance. At least some leaders in the Congress should have realised that the candidature of Bhatt's wife would give Modi an ammunition which he would use.

Smt. Bhatt probably tells the truth when she says that she was waiting for the election so that she would have a platform to expose the dictatorial rule that prevails in Gujarat. Many would corroborate her charge because they have gone through harassment and have even been roughed up because of their criticism of Modi. I feel that she would have been on a stronger wicket if she had not accepted the Congress ticket. She would have also carried greater credibility as an independent candidate.

On top of it her husband, Sanjiv Bhatt, a serving police officer although suspended, accompanies her to the returning officer to file her nomination. An independent officer with an outstanding service record, seen on television screens, sitting next to her wife when she files her nomination papers is bound to cost him his unsoiled reputation.

The reason why the Congress offered Sheweta Bhatt the party ticket is not difficult to understand. The party wants to bring the anti-Muslim riots in the state to the fore. For some reasons, the Congress itself had pushed the carnage to the background. The party should never

have allowed the killings to go out of focus.

Whether the party ultimately gets more voters or not is difficult to predict, but it would be doing some justice to thousands of Muslims who live in Gujarat in fear and have little scope for their development. A re-run of the killings and other excesses committed with the blessings of the Modi government may arouse the conscience of the Gujaratis who gave Mahatma Gandhi to the nation. Their support to the people whose hands are tainted with blood is pathetic.

Modi and a large retinue of the BJP leaders would try to polarise the state—their only agenda—but it is for the Gujaratis to reject them. The nation remains secular but how odd it is that their ideological stance has been quite the opposite. They should know that the constitution enjoins upon us not to differentiate between the Indians on the basis of religion or caste. Were the Gujaratis to return to the mainstream they would give confidence not only to Muslims but the entire nation which has put the question mark against them.

Not only in Gujarat but all over the country, the Muslim community feels insecure and helpless. It has been seen that young Muslims have been picked up by the police on mere suspicion. Some have been set free and some still await justice. The law courts are responsible for their detention and the years they have spent in jail. Worse is that none has been held accountable. Mohammad Amir Khan, after being in jail for 14 years, was found not guilty by the Delhi High Court. He should at least be given some financial assistance as a rehabilitation gesture.

Even otherwise, Muslims have never been so demoralised as they are today after partition. There is despondency and lack of hope. The Sachar committee report on improving their lot remains mostly unimplemented. Still what evokes hope and confidence is that there is overall communal harmony. It means that pluralism is asserting itself. The fact that there was no repercussion in the rest of India, after the Mumbai attacks in 2008, shows that both Hindus and Muslims have learnt to live in harmony.

I am optimistic that the day is not far when Muslims would be able to rent a house in posh localities in big cities. No doubt, some Muslims have been desperate and adopted terrorism for their expression. But the answer to this problem is not counter-terrorism as some fanatic Hindu organisations are doing. Both communities should understand that killing begets killing.

Despite all this, the opposition leader in the Lok Sabha, Sushma Swaraj, wants to anoint Modi as the next prime minister of India. Her loyalty to the BJP is understandable. But how can she inflict on the nation a person who was a party to the killing of more than 2,000 Muslims? If the Supreme Court had not transferred the cases of “encounter” and other crimes to courts outside Gujarat, Modi and his team would have got away with their cover-up job.

The call by British envoy Sir James Bewan on Modi at Ahmedabad amounted to mocking at the critics of the chief minister. Bewan’s explanation was that the UK wants to have more trade with Gujarat. He is the envoy at New Delhi, not Ahmedabad. As the

Ahmedabad-based Jesuit said in his letter to the British envoy, “Morality can never be compromised by any other consideration. This was something which Mahatma Gandhi resolutely fought for and ultimately sacrificed his life for.” Renewed opposition in America to Modi’s visa is understandable because it does not want to give the impression that Washington will follow London’s example. This message should go to all countries in the world.

*(Continued from Page 2)*

Where do we go from here? Well, India is not the only country to have been targeted by the IOC in the past. But the ban against the countries have been lifted after the victims pleaded their cause and made amends. The government must now take the issue in its hands, free itself first from the influence and pressure of the likes of Kalmadi and Randir Singh (who wants to seize power in the IOA) and others who are deeply entrenched and then project the cause of Indian sports. Let not IOA politics, and politics in other sports bodies, hold Indian sports to ransom. The careers and lives of thousands of young men and women are involved. The nation appeals to the government to protect their interests.

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# Inequality widened through trade

**K. S. Chalam**

The striking feature of the UNCTAD report on Trade and Development for 2012 is that it is dedicated to “policies for inclusive and balanced growth” and a separate chapter devoted to how international trade has widened inequalities, in general, and in developing countries, in particular. Those who are familiar with the promotion of liberalization policies in India around 1990s do remember how vigorously free trade was championed by some. Interestingly, neither the supporters nor the admirers have ever looked at the experiences in our neighboring South-East and Far East. In fact, we had better historical and traditional contacts with these countries than with the colonial Anglo-Saxons. But, for reasons better known to the elites of the political and bureaucratic executive, we have continued to follow the prescriptions of the West since the 1980s.

An impression has been given that globalization means contacts with a dozen countries, mostly English-speaking, and the cultural goods packaged and popularized through the media. Unfortunately, we know very little about Japan, Korea and other countries whose manufacturing goods are used by us every day.

Strangely, the younger generation are not aware of the development models used in Germany and being broadly pursued in Japan, are different from those of the Anglo-Saxons ( though Saxons are from ancient German descent, Germany as a nation is not put in

that league). This was emphasized by Rammanohar Lohia about half a decade ago.

Frederick List, the German economist, had underscored the infant industry argument for protection without contradicting Ricardo’s comparative cost advantage with his emphasis on long-term market failure. It is a technical subject that was adopted by the Latin American scholars to elucidate the import substitution theory for developing countries.

The point is that Germany has never followed the Anglo-Saxon approaches of development; they did not boast of any colonies to rely upon for their domestic development. They used nationalism and developed science and technology of their own and contributed 2.5 times more scientific discoveries than England. Similarly, Japan, another giant in industrial development, has used State support for expansion of education and infrastructure with little rent seeking activities by the bureaucrats.

Of course, both nations were isolated during the Second World War (due to parochialism) and have reemerged as the most advanced countries with independent models of development. Scholars like Yujiro Hayami say that corruption in Japan has entered only the political executive, as demonstrated by the Tanaka episode of Lockheed aircraft bribery, and it seems such persons shun public appearance due to the value system of “Public Shame”,

unlike the public elation of our corrupt.

Against this background, the 2102 report has implications for India. It is reported that the merchandise trade of the world has declined from 5.5 percent in 2011 to 3.5 percent in 2012. The growth rate has declined sharply from 4.1 percent in 2010 to 2.7 per cent in 2012, mostly due to the growth rates of developing countries and China (developed countries confined to less than 2.5 percent). Financial scams and weak demand in developed countries have lowered exports from developing countries, including India. Except gold, all mineral exports have declined during the period.

The report has analyzed the so-called Kuznets curve indicating that in the beginning inequalities increase and after some time, with increase in productivity, disparities decline - it seems to have failed. On the contrary, Dani Rodrik and Alesina have proved that inequalities in primary income would hamper growth. It is supported by historical data that the share of wages in the national income of the UK, the USA and Japan was around 60 percent for a long period to sustain growth.

This went against the rhetoric that liberalization of labor laws to reduce wage rigidities in the Third World would impact development. After a review of the theories and the empirical data, the report has concluded that “these alternative views, by challenging the conventional wisdom that rising

inequality is the normal result of development within market economies, may contribute to a new understanding of the functioning of a market economy, and can lead to a paradigm shift towards a pattern of economic development that is both more equitable and more efficient”.

The report has noted that the trade between advanced and the developing countries has caused inequalities in the latter. The estimates of proportion of top quintile share of income to the bottom quintile show that inequalities are higher in developing countries than in developed countries like the UK. It is supported by the Gini ratios (measure of inequality) ranging from 35 percent in the USA to 50 percent in Malaysia and India coming in between with 32.5 percent.

The report notes that inequality of personal income distribution is generally more pronounced in developing countries than in developed or transition economies. As in developed countries, the income gap narrowed during the first three decades after the Second World War, but between 1980 and 2000 there was a general increase in inequality in all developing regions. The observations of the report on FDI are mixed.

The prescriptions proposed by UNCTAD are radical and go against the fundamentalist ideas of the neoliberals: “Since the turn of the millennium, trends in income distribution have diverged among developing regions. Greater taxation of wealth and inheritance is a potential source of public revenue that can be tapped in many developed and developing countries to reduce inequality of both income

*(Continued on Page 6)*

## Privatization of Water - A Failed Venture

**Rajindar Sachar**

India is governed by a written constitution and any policy decision and programme by the Central or the State government must be within the parameters of the constitution.

The State, under our constitution, is mandated to protect human rights. Any Government policy which seeks to shift this responsibility from the State to the private sector would be unconstitutional and hence impermissible.

The United Nations, since its inception, has accepted that water is a ‘human right’. In 2010, the General Assembly adopted a resolution declaring the Right to Water and Sanitation a human right.

The Supreme Court has held that Article 21 of the constitution includes the human right of citizen to water and sanitation. In that view of the matter per se any proposal to privatize water would be unconstitutional. Is it not therefore a matter of concern that Indian State should be working towards privatising the water supply, which really amounts to abdicating its duty to enforce human rights. Ever since the National Water Policy 2002 was formulated, there have been attempts in India to privatize and commoditize water.

Water problem and its peculiarities in distributions are misdirected against the supply to the poor. I am however highlighting the position in Delhi, which is enforcing privatization of water supply policy which is meant to cater

to the affluent at the cost of poor, namely 70 percent of households of Delhi with a monthly per capita expenditure of less than Rs. 1500, the poverty line accepted by the Planning Commission.

The whole exercise by the Delhi government is to give exploitative profits to the private party. According to public information it costs Delhi Jal Board Rs. 15 per litre to obtain water – but it has agreed to supply the water to the private company at about Rs. 1.50 per litre. There is then further benefit to the Company by permitting an automatic annual increase by 10 percent in water billing by the private company. In the new tariff apart from water charges a sewage charge of 60 percent is also imposed, notwithstanding that the replacement, if any of pipes will be by Delhi Jal Board. But most astounding is the introduction of service charges in addition to billing for water consumption. This service charge is a shamefaced attempt to give extra money because the consumer is paying separately for consumption anyway. For an example, on a consumption charge of, say Rs. 170 per month there will be added a service charge of Rs. 320 per month. There is no explanation of what and how service charge can be imposed apart from consumption charges.

Another unabashed provision to favor private company is to divide colonies into District Metered Areas (DMAs), on the pretext that water would be provided to the DMAs by private companies at all times/days

(24x7). But there is an ill-conceived catch so as to benefit private companies, as the performance of the water company will be assessed not on the basis of whether water was received 24x7 in every house or not, but on the basis of whether the water company provided 24x7 water at the input of each DMA or not. The water company can also divert water from one area to another within the same DMA. This would neither affect the performance of the company nor be treated as a violation of any of the license conditions. The water company will try to maximize revenues by diverting water to big hotels, industries, etc, who would purchase water in bulk at higher revenues.

The Delhi Jal Board should be looking into more worthwhile function. It supplies 850 million gallons of drinking water per day more than its installed capacity. Its treatment facility provides for only 5.4 million gallons a day – the rest of the untreated water is one of major sources of the pollution of Yamuna.

The Delhi government is inspired by the World Bank-supported 24x7 water supply pilot projects as, for example, in Hubli-Dharwad. But the Report of the Working Group on Urban Water Supply and Sanitation for the 12<sup>th</sup> Plan has pointed out that the initial project period was 2004-08 and was then extended to 2011. Reaching 10 per cent of the twin cities' existing connections took seven years.

Water privatization and other similar schemes to benefit Big Corporations are the brain child of World Bank. Though initially the countries succumbed to its pressure, the anger of the masses at the deprivation of life giving water to

them and instead to benefit the Big Corporation has unleashed a world movement of re-municipalisation of the water supply in several cities, most notably Paris (which re-commenced with public water management in January 2010) due to cost-saving potential. The re-municipalisation got off to a promising start – water tariffs were reduced by 8 percent in 2011. Two countries are making water privatization illegal: Uruguay, and the Netherlands. In both cases, the new laws prohibit not only the sale of water systems but also the delegating of the operation of water supply to private companies.

As recently as October, 2012 many civil society organizations have protested to the President of European Commission to stop imposing the policy of privatization of Water.

The newly formed municipal corporations in Delhi have also demanded that water supply be handed over to them. It should be impermissible for Delhi Government to ignore the global trend towards re-municipalisation and to invite private companies to play a larger role in so essential a public utility as the supply and distribution of water. The so-called PPPs are a hardly concealed cover for public-private sharing of risk and profit such that there would be predominantly public risk and predominantly private profit.

A previous attempt to privatize water was made in 2005. At that time, in August, 2005 when World Bank President Paul Wolfowitz visited Delhi, he was confronted with vociferous protests against 'the Bank's policies and conditionalities of water privatization through the

back door' – a clear message of 'Hands Off Water.' Why is it being revived now – is the forthcoming election in Delhi and the urgent need for getting big donations the real secret? Any continuance of water privatization policy will remain suspect.

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*(Continued from Page 5)*

and wealth distribution and enlarge the government's fiscal space.

“For example, taxes on real estate, large landholdings, luxury durable goods and financial assets are normally easier to collect than taxes on personal income, and can represent an important source of revenue in countries that have high inequality of income and wealth distribution. In resource-rich developing countries, incomes from exploitation of natural resources and gains resulting from rising international commodity prices are another important source of public revenue. By appropriating their fair share of commodity rents, especially in the oil and mining sectors, governments in such developing countries can ensure that their natural resources wealth benefits the entire population and not just a few domestic and foreign actors”. Indian governments of the future should take this advice in right earnest.

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## Strengthening the Market Forces

The UPA government has come out with the direct cash transfer scheme with a great fanfare. As per this scheme the money will be transferred directly into the bank accounts of the beneficiaries i.e. poor of the country. Food grains, kerosene, LPG subsidies, pension payments, scholarship and employment guarantee scheme payments as well as benefits under other welfare programs will be made directly to the intended people. The cash provided under this scheme can then be used to buy goods/services directly from the market. For example, in case the government abolishes the subsidy on LPG or kerosene and still wants to give some subsidy to the poor, the subsidised amount will be transferred as cash into the bank account of the beneficiaries.

The Socialist party terms this scheme of the UPA government as 'go to market' scheme. By the logic of 'market socialism', the rich keep rushing to the market, so should the poor!! The government, under the neoliberal reforms has put a lot of thought, effort and money to envisage this scheme. Naturally, plenty of money will also be spent in its implementation. But the 'reform-loving' Government is not ready to reform and re-strengthen the existing PDS scheme which would be in the best interest of the needy. There is reason behind this choice. For the last two decades or more, the government of India has been blindly imposing the neo-liberal reforms without caring about its disastrous impact on the vulnerable sections of society. The Indian state has abandoned its

welfare character while obeying the dictates of the World Bank (WB), International Monetary Fund (IMF), World Trade Organisation (WTO) and various foreign and India multinational companies and corporate houses. The government is not at all motivated by the Directive Principles of the Constitution, nor by the socialist goal enshrined in the Constitution that would benefit Gandhi's last man.

Thus, the erstwhile welfare schemes such as PDS are being replaced by market friendly/oriented schemes such as the direct cash transfer scheme. The present day government is inspired by the philosophy – of the corporate, by the corporate and for the corporate.

The Prime Minister has stated time and again that inflation and price rise are inevitable to achieve a higher growth rate. According to this theory how is it possible that a certain fixed amount of cash would help the beneficiary in purchasing goods like grains, Kerosene, LPG etc. in inflation conditions and ever rising prices? Again, there is no certainty that the beneficiary would buy the same goods for which money is given. They may purchase liquor or sub standard consumerist items at the cost of hunger and malnutrition of family members, particularly children and women. In other words, it would enhance consumerism, thus strengthening the market forces.

The argument that this scheme will stop leakage is also not tenable. Even in the existing governmental

schemes aimed in this direction, the would-be beneficiaries are forced to bribe officials to get a part of the amount. Also, only Adhar card holder will get cash transfer. As of now, only 21 crore of the 120 crore people have Adhar cards. Most BPL families don't have bank accounts and a large number of villages don't have bank branches. The argument that the scheme will spread financial literacy among rural folks and equip them with management skills is a far fetched dream. The scheme is designed to deny the dues of the hard working masses so that the rich-oriented growth could flourish without any protest and challenge.

The government's decision seems to be impelled by two goals, one, winning over the poor voters and two, to put an end to subsidy. The first goal is detrimental to the spirit of democracy and second is in tune with the dictates of the WB. In other words, the scheme is a 'land mark step' but in the direction of market forces. It could prove to be a 'game-changer' but for the UPA II in the next general elections to be held in 2014 or earlier.

The parties opposed to this scheme should also realise the threats presented by the neo-liberal regime of which this scheme is a by-product. The Socialist Party is opposed to this scheme because it is opposed to the ideology/system of neo-liberalism and supports socialism.

–Dr. Prem Sing  
General Secretary  
Socialist Party (India)

## Some stray thoughts on ‘Liberty under Socialism’

**Bapu Heddurshetti**

Liberty, equality and fraternity are the universally accepted normative or core values of social democracy or democratic socialism. Though *prima facie* they appear to be a harmonious triad, a deeper investigation would reveal subtle contradictions between them. Democratic socialists will have to resolve the contradictions not only at the philosophical level but also at the mundane level to achieve the kind of society they would like to build.

The triad appeared during the French revolution. These core values have assumed subtly different connotations during different periods. Since the human society has undergone changes there is need to redefine them in the modern context and if contradictions persist, they will have to be harmoniously blended.

What is the meaning of liberty in the modern context? Though there are subtle shades of difference between the concept of liberty and freedom, I would like to use the two terms as interchangeable.

To understand its modern connotation it may be useful to briefly recapitulate its historical evolution. The word has assumed different connotations at different ages. The Greeks had their own connotation. Aristotle says in his ‘Politics’ that liberty means the ability to live as one likes. Not to be able to live as one likes was a sign of slavery. Thus the Greek as also the Roman concepts of liberty were dialectically posited against the

concept of slavery, i.e., the absence of liberty as restrictions were placed by his master on the slave on living as he liked.

Though Magna Carta of 1215 can be said to be the precursor of the movement towards liberty, it was restricted to the liberty of the barons as against King John of England. The concept of liberty as something applicable to even common people manifested during the French revolution and particularly in the ‘conspiracy of the equals’ by Babeuf (1760-1797). Babeuf begins his ‘Manifesto of the Equals’ by saying ‘For fifteen centuries you lived as a slave..’. This reference to slavery was not to slavery *per se* but to the extent of absence of liberty of the commoners. Thus the slogan of liberty during the French revolution meant liberty or freedom from serfdom and feudal oppression. The concept of liberty acquired the connotation of freedom from exploitation after the industrial revolution and the advent of Marxism.

Is liberty a negative concept, because all these connotations had a negative meaning of absence of restrictions, coercion duress etc.? Some political philosophers have tried to give a positive content to the concept of liberty as distinct from ‘absence of coercion’. They have attempted to attribute and equate liberty with the various socio-economic and political rights like the right to free speech and association and religion. It was John Stuart Mill who in his ‘On Liberty’ made the

distinction between, the positive connotation of liberty as the freedom to live or act as one likes and the negative connotation of absence of restrictions or coercion. Simply put, liberty is either ‘liberty from’ or/and ‘liberty to’.

However, it can still be argued that ‘rights’ have to be defined and definitions are by definition ‘restrictions’ on the meaning on the words defined, i.e., confining a concept within certain limits. This is in addition to the restrictions placed even on the ‘freedom to’ like that the freedom of speech cannot extend to slander. However it is possible to investigate the modern implications of liberty without going into these philosophical intricacies.

In modern times does liberty have both negative and positive connotations? Do we have to answer both the questions ‘freedom from whom or from what’ and ‘freedom to do or to be what’?

First let us investigate liberty as ‘freedom from’. Here one will have to negotiate anarchism, as anarchism is also considered as ‘libertarian socialism’ posited against ‘communism’ considered as ‘authoritarian socialism’. Asoka Mehta considers that the “philosophic anarchy is the ultimate objective of all socialists, utopian as well as scientific”. Any organisation is a limitation on ‘liberty’. Bakunin, the Anarchist, believed that the belief in God and belief in the State are the two great obstacles to human liberty.

Aristotle tried to derive democracy as an expression of liberty. He says “This is the second characteristic of democracy, whence has arisen the claim of men to be ruled by none, if possible, or, if this is impossible, to rule and be ruled in turns.” But even a democratic form of government, in spite of Aristotelian interpretation, is a limitation on liberty. Hence the Anarchists’ concept of liberty goes to the extent of terming even democracy as the ‘tyranny of the majority’ which appears to be more an appropriate description of the ‘dictatorship of the proletariat’ of Marxist variety than democracy.

While considering the philosophical implications of ‘justice’ John Rawls in his ‘A theory of Justice’ has developed the ‘enlightenment – contractarian theory’ and Amartya Sen, in his ‘The Idea of Justice’ has developed the ‘comparative theory’. Once again it may be useful to consider the application of both the theories in understanding of the modern concept of liberty.

Rawlsian twin principles on ‘justice’ concern, and can be applied to, liberty also. Rawls says, “Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all” and “Social and economic inequalities are to satisfy two conditions: First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; Second, they must be to the greatest benefit of the least advantaged members of society”. So it is a tacit social contract that prompts individuals to ‘limit’ or ‘extend’ their liberties in order to satisfy the two Rawlsian principles. Even comparative theory

which states that it is enough if a theory guides us to either enhance justice or reduce injustice could also be employed in understanding the modern implications of the concept of liberty. Enhancing the field occupied by liberty and reducing the field occupied by ‘organisation’ or ‘lack of liberty’ should suffice in gradually shaping a society that is permeated by an ever higher level of liberty. What is applicable to the political organisation of society applies equally to socio-economic and cultural organisation of society.

As Bertrand Russel puts it, Anarchism as understood in modern terms, ‘recognizes that all actually existing political and authoritarian States, reducing themselves more and more to the mere administrative functions of the public services in their respective countries, must disappear in the universal union of free associations, both agricultural and industrial’. Though he calls it an enchanting dream, Asoka Mehta still says “As a matter of fact, *all* socialists aspire to achieve *stateless society*. State, as an instrument of compulsion, must ‘wither away’. All socialists, from the days of Saint-Simon to those of our times, have believed in, and worked for, the time when the governance of men will yield place to administration of things: where there will be no police, no bureaucracy, no judiciary, no army, where by spontaneous co-operation, by the flow of human goodwill the social life will be kept free from friction”. So do we need to reduce the role of the organisation in order to enhance liberty, the Senian way, or can we evolve an organisation that will enhance liberty, the Rawlsian way, though it may appear to be a contradiction in terms. These are the questions that will confront the new generation of

democratic socialists.

‘Freedom from arbitrary arrest’, ‘right to trial’ etc., were the ‘freedoms from’ in the context of feudal society. These freedoms in effect were the restrictions placed on the powers of the king – ‘the organisation personified’. ‘Freedom of speech’, ‘freedom of association’, ‘freedom of religion’, etc. were the ‘freedoms to’ in the context of the emergence of nation states. Even these in effect were the restrictions placed on the powers of the nation states. Even the fundamental rights enshrined in our constitution are in the form of injunctions against the state. Liberty was thus sought to be advanced by placing restrictions on the organisation since ‘organisation’ was a restriction on liberty.

For investigating the liberty as ‘freedom to’ we will have to deal with the new challenges thrown up by the globalisation regime. The nation states are slowly withering away giving way to the huge corporations. We are slowly transiting from an ‘industrial society’ to an ‘information society’. We are witnessing an ‘information and knowledge’ revolution. The Socialist International, the international organisation of more than 170 socialist parties all over the world has the following to say: “Humankind is witnessing a new change of era marked by the phenomenon of globalization. The transformation of an industrial society into one dominated by information and knowledge is taking place at a pace and extent hitherto unknown in history. .. So far, however, the more visible results have been extreme increases in inequality, within nations and throughout the different regions of the world. .. **it is our resolve to reverse the trend**



**and thus put globalization to work in the service of human progress.** (emphasis added).. The effects of the revolution of technology, economic and financial globalization and the disappearance of opposing power blocs are transforming the role of Nation State, as the focus of democracy and sovereignty. .. The very structure of Nation State is changing. .. it can no longer fully represent the public interests. It has lost its capacity to respond to the transnational phenomena resulting from the process of globalization. The year 2000 symbolises for us the start of a renewed commitment to give a social dimension to the current process of globalization and to place it at the service of humanity. .. We recognize and respect the creative and productive function of the market. Democracy has always developed in free market societies. .. We propose Global Progress to face the challenges of globalization.”

The diagnosis of the Socialist International even if not ‘a nail on the head’ is not far off the mark. Democratic Socialists had taken a similar view of the ‘state’ that it could be made to work in the service of human progress when Marxists and Anarchists had attacked it with a view to destroy it. Today the results are before anyone to see. But how do we “put globalization to work in the service of human progress”? One way is by enhancing the liberty in the changed context and the other is by enhancing equality. The main interests of the corporations are bound to be commercial and financial in spite of the CSR – Corporate Social Responsibility. Will the ‘freedoms to’ of the feudal and ‘nation states’ era still be relevant in the ‘information age’ and if yes to

*(Continued on Page 14)*

## Nazi impulse in Indian politics

**Praveen Swami**

“Fascism”, wrote the great Marxist intellectual Antonio Gramsci, in a treatise Balasaheb Keshav Thackeray likely never read but demonstrated a robust grasp of through his lifetime, “has presented itself as the anti-party; has opened its gates to all applicants; has with its promise of impunity enabled a formless multitude to cover over the savage outpourings of passions, hatreds and desires with a varnish of vague and nebulous political ideals. Fascism has thus become a question of social mores: it has become identified with the barbaric and anti-social psychology of certain strata of the Italian people which have not yet been modified by a new tradition, by education, by living together in a well-ordered and well-administered state”.

Ever since Thackeray’s passing, many of India’s most influential voices have joined in the kind of lamentation normally reserved for saints and movie stars. Ajay Devgn described him as “a man of vision”; Ram Gopal Varma as “the true epitome of power”. Amitabh Bachchan “admired his grit”; Lata Mangeshkar felt “orphaned”. Even President Pranab Mukherjee felt compelled to describe Thackeray’s death as an “irreparable loss”. The harshest word grovelling television reporters seemed able to summon was “divisive”.

It is tempting to attribute this nauseous chorus to fear or obsequiousness. Yet, there is a deeper pathology at work.

In 1967, Thackeray told the newspaper *Navakal*: “It is a Hitler that is needed in India today”. This is the legacy India’s reliably anti-republican elite has joined in mourning.

Thackeray will be remembered for many things, including the savage communal violence of 1992-1993. He was not, however, the inventor of such mass killing, nor its most able practitioner. Instead, Thackeray’s genius was giving shape to an authentically Indian Fascism.

His fascism was a utopian enterprise — but not in the commonly-understood sense. The Left, a powerful force in the world where Thackeray’s project was born, held out the prospect of a new, egalitarian world. The Congress held the keys to a more mundane, but perhaps more real, earthly paradise: the small-time municipal racket; even the greater ones that led to apartments on Marine Drive. Thackeray’s Shiv Sena wore many veneers: in its time, it was anti-south Indian, anti-north Indian, anti-Muslim. It offered no kind of paradise, though. It seduced mainly by promising the opportunity to kick someone’s head in.

Nostalgic accounts of Mumbai in the 1960s and 1970s represent it as a cultural melting pot; a place of opportunity. It was also a living hell. Half of Mumbai’s population, S. Geetha and Madhura Swaminathan recorded in 1995, is packed into

slums that occupy only 6 per cent of its land-area. Three-quarters of girls, and more than two-thirds of boys, are undernourished. Three-quarters of the city's formal housing stock, Mike Davies has noted, consisted of one-room tenements where households of six people or more were crammed "in 15 square meters; the latrine is usually shared with six other families".

From the 1970s, Girangaon — Mumbai's "village of factories" — entered a state of terminal decline, further aiding the Sena project. In 1982, when trade union leader Datta Samant led the great textile strike, over 240,000 people worked in Girangaon. Inside of a decade, few of them had jobs. The land on which the mills stood had become fabulously expensive, and owners simply allowed their enterprises to turn terminally ill until the government allowed them to sell.

Thackeray mined gold in these sewers — building a politics that gave voice to the rage of educated young men without prospects, and offering violence as liberation. It mattered little to the rank and file Shiv Sena cadre precisely who the targets of their rage were: south Indian and Gujarati small-business owners; Left-wing trade union activists; Muslims; north Indian economic migrants.

The intimate relationship between Mr. Bachchan and Thackeray is thus no surprise. In the 1975 Yash Chopra-directed hit *Deewar*, Mr. Bachchan rejects his trade-union heritage, and rebels by turning to crime. He is killed, in the end, by his good-cop brother. The Shiv Sena was a product of precisely this

zeitgeist; its recruits cheered, like so many other young Indians, for the Bad Mr. Bachchan.

Like the mafia of Dawood Ibrahim Kaskar — which, it ought to be remembered, flourished in the same Mumbai — the Sena offered patronage, profit and power. Its core business, though, was the provision of masculinity. There are no great Sena-run schools, hospitals or charities; good works were not part of its language.

Fascism, Gramsci understood, was the excrement of a dysfunctional polity: its consequence, not its cause. Liberal India's great failure has been its effort to seek accommodation with fascism: neither Thackeray's movie-industry fans, nor Mr. Mukherjee are, after all, ideological reactionaries. The Congress, the epicentre of liberal Indian political culture, has consistently compromised with communalism; indeed, it is no coincidence that it benignly presided over Thackeray's rise, all the way to carnage in 1992-1993 and after.

This historic failure has been mitigated by the country's enormous diversity. The fascisms of Thackeray, of Kashmiri Islamists, of Khalistanis, of Bihar's Ranvir Sena: all these remained provincial, or municipal. Even the great rise of Hindutva fascism in 1992-1993 eventually crashed in the face of Indian electoral diversity.

Yet, we cannot take this success for granted. Fascism is a politics of the young: it is no coincidence that Thackeray, until almost the end, dyed his hair and wore make-up to conceal his wrinkles. From now until 2026, youth populations will continue to

rise in some of India's most fragile polities — among them, Bihar, Uttar Pradesh, Haryana, Maharashtra, and Jammu & Kashmir.

In a path-breaking 1968 essay, Herbert Moller noted how the emergence of children born between 1900 and 1914 on the job market — "a cohort", he noted, "more numerous than any earlier ones" — helped propel the Nazi rise in Germany. Historian Paul Madden, in a 1983 study of the early membership of the Nazi party, found that it "was a young, overwhelmingly masculine movement which drew a disproportionately large percentage of its membership from the lower middle class and from the Mittelstand [small businesses]".

For years now, as economic change has made it ever-harder for masses of people to build lives of dignity and civic participation, we have seen the inexorable rise of an as-yet inchoate youth reaction. From the gangs of violent predators who have raped women in Haryana, to the young Hindu and Muslim bigots who have spearheaded the recent waves of communal violence, street politics is ever more driven by a dysfunctional masculinity. Thackeray's successes in tapping this generation's rage will, without doubt, be drawn on in years to come by other purveyors of violence.

India desperately needs a political project that makes possible another, progressive masculinity, built around new visions for everything from culture, the family and economic justice. No vanguard for such a project, though, is yet in sight.

**Book review**

# The Meadow

**Iftikhar Gilani**

A few years ago, Wajahat Habibullah, a senior IAS officer and the current chairman of the National Commission for Minorities made a chilling disclosure about the assassination of senior cardiologist and Jammu and Kashmir Liberation Front (JKLF) ideologue Dr Abdul Ahad Guru. Habibullah was the divisional commissioner of the Kashmir Valley in 1993, the year in which Guru was killed, and in his book *My Kashmir Conflict And The Prospects Of Enduring Peace*, Habibullah has claimed that Guru's assassination was orchestrated by the Jammu and Kashmir Police, who were in league with a detained Hizbul Mujahideen militant.

"The Police made an arrangement with Zulqarnain, then in custody, who agreed to kill Guru in exchange for his release. But to ensure that this collusion remained a secret, Zulqarnain was killed shortly thereafter," Habibullah wrote in his book. As peace returns to Kashmir, the locked lips of sleuths, officers and informers are opening up, revealing chilling accounts of cases that have dogged media and diplomats. One such case is the kidnapping of six western tourists by the militant group al Faran from the South Kashmir Mountains.

The award winning British journalists Adrian Levy and Cathy Scott-Clark have already earned fame by investigating United States' secret assistance to Pakistan's nuclear programme, exposing scientist AQ Khan's nuclear network and routes of proliferation in their earlier

book *Deception*. Their latest book under review, *The Meadow*, has surpassed the confines of journalistic investigations. It not only explicates the nuances of the al Faran case, but it also reveals how Indian security forces and their agents had scripted a ceasefire with a dreaded Pakistani outfit Harkat-ul-Ansar to jointly wipe out Hizbul Mujahideen from the region.

The al Faran episode is an apt prism that helps one see India's handling of Kashmir, and the West's response to the conflict. It is also clear that after the kidnapping, the West took a different view of Kashmir, seeing it no longer as a struggle for self-determination, but as a theatre for terrorism with potential global consequences. The militants are said to have carried out their atrocities to secure the release of some of their more hardcore counterparts, but for the Narasimha Rao government, this incident was an opportunity to maximise an infliction of pain on Pakistan, fulfilling a key plank of the Rao doctrine: to frame Pakistan as a state sponsor of terror. Finally the end of the western backpackers came not in a terrorist hole, but with government forces, claims the book. Though it pays lip service to 'finding a political solution', in practice the counter-insurgency doctrine in India has been to "get them by the balls, and the hearts and minds will follow".

Though voluminous and detailed, the 500-page book is a gripping real-life thriller, unveiling the games sleuths and security agencies played

in Kashmir. The authors also disclose rivalries between the Indian army, intelligence and police outfits. They reveal the reluctance of New Delhi to allow either the Jammu and Kashmir Police or Scotland Yard or FBI to pursue investigations that could have ended the hostage crisis. Levy and Scott-Clark write, "Anywhere else in the world, the fraternity of police would have shared intelligence and war stories. Here (in Kashmir) everything was infused by politics, shrouded in secrecy and predicated by control." The brutal kidnapping of the Western hostages is clearly the tip of an iceberg. The region waits for more storytellers like Levy and Scott-Clark.

It is also in the interest of justice and New Delhi's democratic credentials that it should institute impartial inquiries into such incidents. The trust of the Kashmiri people needs to be restored and getting them by their balls will never translate into peace. Over the past four centuries, Kashmir has been ruled through a lethal combination of force and fear. The outpouring of resentment in 2008 and 2010 has conveyed that the fear may have dissipated, but force still remains. We need to build a combination of democracy, compassion and understanding to settle the issue of Kashmir. We need to take into account people and not territory.

*(The Meadow by Adrian Levy and Cathy Scott-Clark; Publisher: Penguin)*

## A Secret and Shameful Execution

**Yug Mohit Chaudhry**

The Ministry of Home Affairs and the office of the President have hitherto informed the public on a real-time basis about decisions taken on pending mercy petitions, especially of rejections. When the President rejected the mercy petitions of Mahendra Nath Das (8.5.2011), Devender Pal Singh Bhullar (25.5.2011) and Murugan, Santhan and Perarivalan (3.8.2011), and then thereafter when each of these prisoners was informed about their scheduled dates of executions, this information was communicated to the public, and widely covered in the media. This is as it should be. We live in a democracy governed by the rule of law where transparency and accountability in decision making require the free flow of information to the public. Section 4 (c) of the Right to Information Act also requires all public authorities to keep the public informed of all important decisions. However, in Kasab's case, the government deemed it fit to keep this information secret. The mercy petitions of Kasab and others who wrote on his behalf were rejected on 5th November 2012 by the President, but the public was only informed about this on 21st November 2012, after he was executed. The reasons for, and implications of this delayed disclosure need to be examined closely.

Once a mercy petition is rejected, the prisoner and those who petitioned the President for mercy on behalf of the prisoner have to be informed about the rejection. If a single petition sent on behalf of the prisoner is signed

by many people, the Government of India's rules require that at least the first signatory be informed of the rejection. Similarly, the Maharashtra Prison Manual stipulates that once the State Government has fixed the date of execution, the date must be communicated to the prisoner and his relatives. There is no provision allowing the prisoner to meet his relatives after the scheduling of the execution, so the purpose behind informing the prisoner's family of the scheduled date is to enable them to act quickly in availing of judicial remedies if they wish to. It is well settled in law that the President's decision is subject to judicial review, and therefore the prisoner and those who petitioned on his behalf have a right to challenge the rejection of the mercy petition. Apart from this, a prisoner may also have various other grounds to challenge the government's decision to execute the prisoner. For rights to be meaningful, they have to be accompanied by facilities that make those rights accessible. Unless the prisoner, his family and others who petitioned the President for mercy are informed about the rejection of the mercy petition, and the scheduled date of execution, they cannot avail of judicial remedies and challenge either the rejection of the petition or the proposed execution of the prisoner. These challenges do not in any way question the correctness of the judicial verdict, but are based on subsequent events. For example, in the cases of Das and Bhullar, the judicial challenge to the execution was posited mainly on the delay in deciding the mercy plea. Murugan et

al have taken the additional ground of discrimination, namely that the mercy plea of Nalini who was accused of having played an equal role was allowed whilst theirs was rejected. Each of these prisoners have established a prima facie violation of their rights, and the Supreme Court stayed their executions. Dhananjay Chatterjee succeeded in having the rejection of his mercy petition set aside on the grounds of fettering of discretion and non-application of mind, and the Supreme Court directed the President to reconsider the petition. Other possible grounds available to prisoners at this stage are non-availability of legal aid in the preparation of the mercy petition in violation of vested rights, error apparent on the face of the record, ignoring of relevant material and/or considering irrelevant material in decision making, etc. Moreover, reasonable time must be given to the prisoner and others to avail of judicial remedies open to them once the mercy petitions are rejected and the execution is scheduled. Therefore, a reasonable time gap is necessary between the communication of the rejection to the prisoner, his family and those who petitioned the President for mercy, and the scheduled date of execution. In the records compiled by Bikramjeet Batra of all known cases of execution in India – which run into hundreds – the shortest gap hitherto was 11 days (Dhananjay Chatterjee) and thereafter 15 days (Suresh Bahari).

The mere fact that a particular procedure has been stipulated in

the rules is not enough to justify it: that procedure has to pass the further test of being fair, just and reasonable. In the present case, even the procedure set out in the government's own rules and established through its own practice was ignored. Though Kasab's mercy petition was rejected on 5th November, and the Maharashtra government was informed about this on 8th November, the prisoner himself was only informed about this on 20th November, i.e. the day before his execution. Was this fair? The government's responsibility to inform the prisoner's family was purportedly discharged by sending a fax to the Pakistan embassy on 20th November, even though Kasab's full village address was available with the police and jail authorities. Was this just? Those who petitioned the President for mercy to Kasab learnt about the rejection of their petitions through the media only after Kasab had been executed. Was this reasonable? The violation of established procedure, and such haste and secrecy in executing a human being at its mercy are hardly befitting a democratic government, and do not do us credit. Unless, of course, the government had good reasons for such conduct.

The government has indeed given its reasons. Confident of popular support, it chose to brazen it out. In separate interviews to the NDTV on 21st November 2012, the Home Minister of India, Sushilkumar Shinde, and the Chief Minister of Maharashtra, Prithviraj Chavan, have stated that the rejection of the mercy petition and the date of execution were kept secret because they did not want human rights activists to move the courts and obtain injunctory relief. Here, we have a lawfully elected government

admitting that it deliberately violated the rule of law and executed a person in a manner contrary to established procedure because it wanted to prevent recourse to lawful remedies. Plainly speaking, since they had no faith in the law, the judiciary and their own citizenry, they slunk under the cover of darkness and secrecy to do the dirty deed. Is this how we want our government to behave when it executes a human being? Such deliberate defiance of the rule of law, such blatant exclusion of the judicial power to enforce due process, and the shamelessly flouted disrespect for human rights by a government confident of mass support in its execution of Kasab has enough of a tinge of authoritarianism to make us all uncomfortable. To deny a condemned death-row prisoner - a foreigner in this land abandoned by everybody, including his own

*(Continued from Page 10)*

what extent and if no what will be the 'freedoms to' in the 'new age'? In these circumstances, what may be the forms the impingement by these corporations on the liberties of their citizens, i.e., the share holders may take? Will the CSR nudge the corporations into becoming 'Welfare Corporations' a la 'Welfare States'? What restrictions may have to be placed on the corporations - the organisations - to enhance the liberty of their share holders? Will the Memorandums of Association replace the Political Constitutions? If democracy is an expression of liberty then how to 'democratise' or 'liberate' the corporations? If power in a corporation has centripetal tendencies, then how to reverse them into centrifugal tendencies? Or is decentralisation a necessary concomitant of democracy? Will the laws of economics evolve totally different shackles to reign in the

countrymen and embassy - the right to challenge a decision which off has been challenged successfully in the past, portrays a callousness that is deeply disturbing. Even if the judicial reprieve was forthcoming, many would say, it would only be short lived, and merely delay the inevitable, but at least it would have upheld the rule of law. This action of the state cannot be accepted in a democratic society which supposedly holds the rule of law in high esteem, demands transparency in government, and enacts laws such as the Right to Information Act.

It would have been the ultimate gesture of magnanimity to grant mercy to Ajmal Kasab, the perpetrator of an unpardonable act who showed no mercy to others. If not mercy, then at least due process was to be expected.

centralised economic power? These are some of the questions the new generation of democratic socialists will have to grapple with in future and find solutions.

Acharya Javadekar  
A Satyagrahi Socialist



G. P. Pradhan

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## **Gujarat Election Watch has analyzed affidavits of 482 candidates out of 846 candidates who are contesting in the 1st phase of Gujarat 2012 Assembly Elections.**

- Out of these 482 candidates analyzed for the 1st phase of Gujarat Assembly Elections, 104 candidates or 22 % declared criminal cases against them. In 2007 assembly elections for the whole of Gujarat, 23% candidates had declared criminal cases against themselves.

- Amongst major parties, every party has given tickets to candidates who have declared criminal cases. INC has 27 out of 83 (33 %), BJP has 22 out of 87 (25%), BSP has 7 out of 78 (9 %), JD(U) has 7 out of 29 (24 %), SP has 5 out of 19 (26%), NCP has 2 out of 3 (67%) and GPP has 21 out of 83 (25 %) candidates with declared criminal cases.

- Candidates with Serious Criminal Cases: Out of these 104 candidates with declared criminal cases, 46 have declared serious criminal cases like murder, attempt to murder, kidnapping, robbery, extortion etc. GPP has 11, INC has 8, BJP has 9, JD (U) has 6, NCP has 2 and BSP has 1 such candidates.

- Candidates against whom charges have been framed: Out of these 104 candidates with declared criminal cases, charges have been framed against 73 candidates with cases of kidnapping, Murder, dacoity etc.

- Candidates with Heinous & Violent Crime Cases: The following candidates have declared serious criminal cases of murder, kidnapping and theft against them: (1) Vasava Chhotubhai Amarsinh (of JD(U) from Jhagadia(ST) constituency) has declared three charges of murder and 1 charge related to attempt to murder. (2) Maheshbhai chhotubhai Vasava (of JD(U) from Dediapada (ST) constituency) has declared two charges related to

murder and 1 charge related to attempt to murder (3) Patel Altaf Gafurbhai (of JD(U) contesting from Vagra constituency) has declared 1 charges related to murder (4) Somani Jitendrabhai Kantilal (BJP) from Wankaner constituency has declared two charges relating to attempt to murder (5) Arjunbhai Laljibhai Gamit (JD(U)) contesting from Nizar (ST) constituency too has declared two charges relating to attempt to murder amongst other charges.

Candidates with cases under Prevention of Corruption Act: 1 Candidate have declared that they have cases registered against them under the "Prevention of Corruption Act", namely Barad Jashabhai Bhanabhai (INC) from Somnath constituency.

### **Highlights of Analysis of Financial Background :**

- Gujarat Election Watch (GEW) has analyzed affidavits of 482 candidates out of 846 candidates who are contesting in the first phase of the Gujarat 2012 Assembly Elections.

- A total of 147 candidates out of 482 analyzed i.e. 30% are crorepatis. In 2007, there were 21% crorepati candidates.

- The top three candidates who have declared the highest assets are Rajguru Indranil Sanjaybhai of INC from Rajkot East constituency who has declared assets worth Rs. 122 crores, followed by Chavada Javaharbhai Pethalajibhai, of INC from Manavadar constituency with Rs. 82 crores worth of assets and Parmar Rajabhai Parbatbhai of BSP from Somnath constituency with assets worth Rs. 40 crores

- A total of 39 candidates out of 482 analyzed have declared assets less than Rs. 1 Lakh.

- The three candidates with lowest assets are Mineshbhai Maganbhai Patel of GPP from Valsad constituency who has declared that he has zero assets, followed by Bismilla Abdulkhan Pathan (IND) from Rajkot South constituency with assets worth Rs. 1000 only.

- A total of 47 candidates out of 482 analyzed have declared liabilities of Rs. 50 lakhs or above.

- The top three candidates with highest liabilities are Rajguru Indranil Sanjaybhai, an INC candidate from Rajkot East who has declared the highest liabilities worth Rs. 27.14 Crores followed by Jitendrabhai Kantilal Somani of BJP from Wankaner constituency with liabilities of Rs. 17.69 Crores and Kamabhai Gagjibhai Rathod a BJP candidate from Sanand constituency with liabilities of Rs. 12.45 Crores.

- Among major parties, the average asset per candidate for INC is Rs 6.40 Crores, for BJP is 4.48 Crores, for GPP is 1.07 Crores, for BSP is 75.39 Lakhs, for JD(U) is 22.61 Lakhs, for SP is 19.54 Lakhs, and for NCP is Rs 10.43 Crores.

- 103 out of 482 (21%) candidates analyzed in the first phase of the Gujarat 2012 Assembly Elections have not declared their PAN details.

- 6 Crorepati Candidates have not declared their PAN details.

- 32 out of 78 candidates of BSP have not declared their PAN, 15 out of 83 candidates of GPP have not declared their PAN and 10 out of 19 of SP have not declared PAN details.



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Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

## FDI Imponderables

S. Viswam

The Congress party and its alliance partners may pat themselves on the back for managing to snatch a victory from the jaws of defeat in getting Parliament's approval for FDI in multi-brand retail. However, strictly speaking it was not a victory, and even if for the record it was one, it was only a pyrrhic one. In both the Houses, the government was "rescued" by other parties who helped it survive for their own interests and not for saving the Congress dispensation.

In the Lok Sabha, both the SP and the BSP helped the UPA, ostensibly to ensure that communalism did not get the upper hand through a BJP triumph in the House. By the time the motion went up for vote in the Rajya Sabha, the SP had changed its mind and refused to bail out government, but Mayawati was there to oblige, and she did so as her party's display of good faith in return for the UPA deciding to push through the constitutional amendments that would validate certain new provisions in the bill on ST and SC promotions. What happens to her hopes, and what would be the BSP up to if the UPA lets her down? This is an imponderable, but we are sure the UPA stalwarts are cooking some recipes to please Mayawati.

Since both the SP and the BSP have their own axes to grind, their actions on the floor of Parliament have to be assessed on that basis. Getting Parliament's approval for the FDI was not an issue that would bring about the government's downfall. If its life is threatened, the government would not have been foolishly adventurous and stake everything on the reform measure. In spite of its own inclinations in the matter, which were definitely influenced by the availability or otherwise of numbers, the government's hands were forced. It faced a challenge against its legitimacy, authority and credibility when Mamata Banerjee pulled the Trinamool out of the coalition. In any other circumstances, the government would have sailed merrily on without demonstrating its political clout, but with the Opposition in a belligerent mood, certain risks became inevitable. The UPA had to establish its credentials all over again by proving that the alliance had a functional majority. It had also to prove that Mamata's gesture in jettisoning the Congress had had no real impact on the survival of the government. The SP and the BSP, each in its own way, helped the UPA to establish these two points,



thus enabling the UPA to claim that it is in no danger of losing the throne before the 2014 elections.

*Between the lines*

## Lok Sabha needs to be dissolved

**Kuldip Nayar**

The government feels that it is now in a stronger position to bring forward for Parliament's clearance a further set of reforms. However, this is a fallacy. The SP and the BSP are not all that reliable supporters of the government even if each of them may feel that the BJP should not be allowed to wrest any political benefits out of the UPA's embarrassments. The BJP may want the UPA to go, but then the party is by no means ready to face the electorate. Things have not been going well for the party at the States' level. The fate of the BJP in Karnataka hangs by the balance, and the party has had the jitters from the antics of its former strongman, Yeddyurappa who is now a force to reckon with. The danger for the UPA stems not from the strength or weakness of the main opposition (the BJP) but from the capricious and unpredictable behaviour of its "external supporters", the SP and the BSP. The FDI has certainly not united the two parties with the UPA. On the contrary, the UPA is set to dread the Damocles' Swords of the two parties. The UPA should not be surprised if the two parties drive hard bargains over any issue on which the Congress is seeking favours. How this UPA versus SP plus BSP triangle is going to work out is yet another imponderable.

Well, the FDI is in, or will be in due course after some formalities are out of the way, and foreign supermarkets and retailers and mall owners rush in with applications for licences. The foreigners have had a bad omen already, the WalMart bribery scandal is a minus point for

*(Continued on Page 11)*

I wonder whether the Lok Sabha, the lower house, can last its full tenure till May, 2014. The government has been in a minority since the Trinamool Congress of West Bengal withdrew its support a few months ago. The debate on the government decision to allow 51 per cent direct Foreign Direct Investment (FDI) in multi-brand retail showed how close was Prime Minister Manmohan Singh's victory—253 against 217 in the house attended by 471 members.

In fact, it is a pyrrhic victory because both the Samajwadi Party and Bahujan Samajwadi Party walked out with their members before the voting. Both the parties have between them 41 votes. Had even Mulayam Singh Yadav of the Samajwadi Party voted in favour of the motion, the government would not have been defeated as opposition leader Sushma Swaraj claimed in her emotional and well-argued speech in the house. She was right when she said that some of those who spoke in favour of her motion were on the other side when it came to voting.

What made the two parties to walk out to enable the government win is already in the public domain. The government-controlled Central Bureau of Investigation (CBI) has registered cases of corruption against the two leaders. They could not afford to annoy the rulers. Mulayam Singh and Mayawati realise that the sword of Damocles is hanging over their heads as long as this Lok Sabha lasts. Maybe, it has dawned upon

them after the opposition's defeat on FDI that it was in their interests to have the house dissolved as soon as possible and have fresh elections, particularly after their resounding victories in UP elections (Mayawati in the Lok Sabha polls and Mulayam Singh in the assembly election) are fresh in the voters' mind.

True, most of the sitting members are opposed to the dissolution because they are not sure whether they would get their party's tickets and even if they did, whether they would win. This may be in their interests but not that of Mulayam Singh Yadav and Mayawati who are bound to gain from early elections. People in the country are sick of present parliament which does not function. A new Lok Sabha may be a different ballgame.

Both the Congress and the BJP, the two main political parties, are so hostile to each other that the transaction of business after the FDI debate has become all the more difficult. The country needs growth so that there are more jobs and more money in the people's hands. As for the Manmohan Singh government is concerned there is a policy paralysis which would get worse when the opposition jointly challenges every decision in parliament and on the streets.

Largely, the situation has reached dangerous proportions because of corruption by the ruling party and the ineptness of ministers and

bureaucrats who cannot handle ticklish problems. A simple question is handling the distribution of food grains. How do you explain that one-fourth of the population goes to bed without food while some 60,000 tons of food grains are rotting in Punjab in the open, some of it as old as 15 years? There is no accountability. The Centre has even ignored the Supreme Court's order that food grains should be distributed among the poor instead of allowing them to rot.

FDI in retail is not going to improve the situation. Farmers will be hit and small shopkeepers may join the larger force of the unemployed. Mulayam Singh Yadav may rue the day when he helped the government because his image as a socialist is in the mud. Even though he said he walked out keeping in mind the interests of farmers and small shopkeepers, he could have defended their case by supporting Sushma Swaraj's motion.

Probably, he and Mayawati have their eyes fixed on the next Lok Sabha elections. UP has 80 seats in the 545-member house. Have the two entered into a secret arrangement with the Congress for participation in government after the elections? Just as they supported the Congress to save its skin at the present juncture, they may do so after the results of the Lok Sabha polls. Then the Congress would be desperately looking for allies to form the government because the party looks like lessening its current tally of 207.

I am against FDI not because of ideological reasons but because it will adversely affect my country. Why do the advanced countries want

*(Continued on Page 11)*

## Recasting Politics

D. K. Giri

Among different sectors people engage in, like development, social, cultural and commercial, politics is decidedly the "king of policies". It affects the rest of the arenas of life, more so in a democracy, where, people through their representatives, who are full-time politicians, are supposed to decode for themselves. One may not be active in politics, but cannot escape it. It is said "you may not think of politics, but politics always thinks of you, from cradle to the grave".

On the other hand, there is wide spread disdain for politics. Look at some of the sayings about politics and politicians: "politics is the last resort of scoundrels" by George Bernard Shaw, or "politicians are the same all over, they promise to build a bridge even when there are no rivers" by Nikita Khrushchev, or "politics is a strife of self-interests masquerading as contest of principles". The irony is even if one detests politicians and disdains politics, one will have to live with them as the predominant influence on life. So why not redefine or recast politics and politicians?

It is assumed that politics divides people whereas development unites them. It is time that we change the language and nature of politics. The former President, APJ Abdul Kalam had once called on the young parliamentarians to reverse the trend of engaging in politics which is usually for the sake of power, one-upmanship, but, instead, go for development politics. He referred to the re-election of the present Bihar Chief Minister and said "there is an indication in our

country that citizens prefer to re-elect multiple times the leaders or Chief Ministers, who, according to them bring in 'development'. Yes, arguably, the people's expectation and responses are changing; they seem to be moving away from caste, religious and regional sentiments to developmental aspirations. One is aware that a few Ministers in the present UPA government are using development as a tool for their political gains in addition to the humanitarian and philosophical approach to their work. But, this trend is not irreversible. It is not difficult to whip up mob frenzy on caste and religious issues in order to mobilize votes unless development politics is defined, formulated thoughtfully and strategically which benefit both the politicians and the people.

A working definition could be, "the politics is that which promotes development of the people and their environment." But, it is not as simple; while politics makes developmental interventions; different development schemes have their own political dynamics and implications at local, national, and global levels. There are several theoretical and practical concerns in contemporary politics of inequality, poverty, deprivation and so on. Then there is politics of 'growth' through production, manufacturing and marketing, service providing, etc., which is needed to deliver development. However, in the context of developing countries, there are two aspects of politics of development that need to be understood: one is that the electoral politics ought to be conducted on

development issues, not on social composition of voters, and the leaders spend as much time on development as on electoral work. The former requires a different approach to, and definition of, politics, a vision, a mission with measurable targets, feedback, mid-course corrections. In times to come, development will give greater dividends to politicians than the conventional politics. The second aspect is devising policies that tackle poverty, backwardness and inequality.

### Some Lessons

Other countries at similar level of political development like Brazil, China and South Africa have made efforts at tackling poverty and inequality which have paid them considerable political dividends. This endorses our point that 'politics of development' could be electorally popular, and be feasible politically, economically and administratively. And that effort to tackle poverty and inequality enhances the political and economic sustainability of regimes, growth and development strategies.

The political dynamics behind developmental programmes, or the interface between politics and development has been largely ignored by many researchers and commentators who see politics as invariably destructive and seek ways of insulating policy from politics. My contention is that such approaches and analyses are inadequate and misguided on two counts. One, such insulation is impossible as politics is ubiquitous and secondly, politics often times plays a constructive role. One study, a rare exception, which focused comparatively on the centrality of politics, was produced by (UNRISD 2010). Politics and development can go together.

Initiatives to tackle poverty and inequality can have four different drivers: (i) economic growth which lifts people out of poverty; (ii) enhancing the productive capacity of poor people; (iii) redistributing income through taxes and transfers as it is happening now in India; and (iv) empowering poor people and boosting their 'political capacity' (their political awareness, confidence, skills and connections). There are of course different types of initiatives: rights based, demand driven and participatory such as land reforms, enhanced delivery of basic services and infrastructure mainly of use to the poor, employment guarantee schemes (public works), targeted benefits, subsidies, minimum wages, social insurance, etc. Growth strategies are important. But they have been analysed minutely and key actors have increasingly seen that growth does not lift enough people out of poverty and that it tends to increase inequality. So we need to study the other three, less well researched drivers above (which interact). Driver (ii) entails efforts to improve nutrition plus education and health services and efforts to give poor people access to wages, information and infrastructure – electricity, water, housing, roads, transport, banking services, telecommunications, IT, etc. Driver (iv) entails the creation of rights-and demand-based, participatory programmes to give poor people greater political opportunities/leverage.

The process of course needs to be analysed through the political and policy processes through which the full range of government initiatives emerged in each country, and their outcomes and implications. Since senior politicians make most key decisions in these processes, One should

study (i) their political perceptions, calculations, machinations, and 'presentations' of themselves and their policies; (ii) their ideological commitments (if any); and their assessments of (iii) potential programmes' political, financial and administrative feasibility, and of (iv) what is politically necessary and/or advantageous. Political agency and entrepreneurship loom large in all four countries.

One must study the ideas and actions of bureaucrats/technocrats (including intra-bureaucratic contestation) and the often potent influence of ideas, actors and interests from outside the executive branch, or outside government. Judicial interventions may drive executive action, as may international debates on economic and social rights. Except in China, social policy is a product of frequent interactions between government decision-makers and social actors, sometimes including poor people themselves. So, one must study both *proactive* initiatives by governments, and their *reactions* to social actors. Even Chinese leaders, with their apparently serene, 'rigorous' approach to policy experimentation, may have reacted to the recent upsurge in collective protests as much as they have operated proactively.

### NGOs vs Politics

There are people who hold the view that the State and/or politics cannot address developmental issues, cannot build skills and generate employment. So it is necessary to build and use alternative forums to do so. Hence the NGOs across the country have mushroomed, although there are other motivators for growth of NGOs. A veteran Social Democrat, who is par excellence in building institutions, said to me that he no longer has any faith in

the governmental framework. But, this is a self-defeating approach as the NGOs can support the government, cannot supplant it. I am not undermining the role of other agencies like CSOs or business organisations, and have been arguing for a tri-sector approach where government, civil society and the business sector work in synergy. Any idea to replace government is unfeasible. Also, the thrust of my argument in this essay is to suggest that politics can thrive in developmental role too. If we take Bihar, for example, Laloo Yadav lost out for neglecting it whereas Nitish Kumar got re-elected and continues to retain the confidence of the masses purely due to better governance driven by development.

It is high time leaders across the country heed this message. It is time that they encourage innovative ideas from any quarter and promote developmental works. One such initiative from the Ministry of Statistics and Programme Implementation of Government of India is noteworthy. The Ministry has started compiling data for development. It has also devised an interesting mechanism for generating innovative and replicable ideas from rural areas. It is called, “one MP-one idea” competition. Throughout the country, in all parliamentary constituencies there will be a contest for creative ideas for development. The strategy is to encourage people to think of their own development as well as to provide them with a local platform to express those thoughts in the name of a competition. There are such isolated cases of development politics but this approach needs to be clearly formulated and widely pursued in order to bring in a radical change in the way politics is used and viewed today.

## Reading the future in Mexico’s malls

**Arun Kumar**

The driver of the taxi that took me from the airport to the hotel in Mexico city was a computer systems analyst. He was a cheerful English speaking man who talked about himself and his family’s woes in the hour it took to cover the 30 km. He wanted to know about the global economic crisis so that he could figure out why things were bad in Mexico for people like him. He complained about unemployment and his inability to get the right job without connections — a fate his children also face. He blamed the U.S. and its policies and corruption in society. This was a recurrent theme during my week-long stay in Mexico recently.

### **No small shops**

The taxi passed through many commercial and residential areas but I saw no small shops. There were big malls, automobile dealers, petrol stations, restaurants, pharmacy stores and car repair shops. I wondered if the small stores were in the residential colonies. A friend who had been posted in the Indian Embassy in the mid-1980s had mentioned that there were fruit stores everywhere and one could make a meal of fruits in the evening but such shops were nowhere to be seen. I wondered if this was the future that awaited the Indian metropolises.

The absence of small stores was perplexing but more intriguing was the serious unemployment, given that Mexico has been a part of NAFTA since 1994 and which brought in much foreign investment.

Many factories have relocated from the U.S. to Northern Mexico to supply the U.S. and Canadian markets and so on. The city was bustling with cars. It is prosperous compared to India with a per capita income 10 times ours. There are layers of flyovers — one on top of the other — but there are traffic jams. During day time, it takes two to three hours to cover a distance that takes 25 minutes early in the morning. The public transport system consists of rail, buses and trams but people are stuck in traffic for a good part of their day. The city has to spread horizontally since it is built on landfill and there is a lot of water below the surface, and multi-storeyed buildings require expensive deep foundations. So, most buildings are one or two stories high, forcing the city of 25 million to spread out.

Old timers remember that Mexico city had small stores until the mid-1980s. Only the organised sector stores survive now, like the Sanborn chain belonging to Carlos Slim, the richest man in the world. Sanborn has a unique model of a restaurant on the first floor and a gift shop, pharmacy and other such conveniences on the ground floor. The young I talked to did not remember seeing corner stores in residential colonies.

From my hotel window, perched eight floors up, I could see malls but no small stores. Sears, Walmart, McDonalds — they were there like anywhere in the U.S. In residential colonies, I did see a few small stores but most of them were American Seven Elevens. And there are

pavement stalls and markets where the poor purchase their necessities. It was ironical to see workers in ties from malls cross the street to eat at pavement stalls — perhaps they could not afford to eat in the mall.

On a visit to the charming town centre, it was refreshing to see streets lined with small stores. My escort told me that many people came here to shop because it was cheaper. I went outside Mexico City to Teotihuacan to see the Pyramids. The huge pyramid of the Sun god is apparently a few times larger than the biggest Egyptian pyramids. It was part of an ancient city 2,000 years ago, which was over three miles long and had more than 1.5 lakh people. All this was awe-inspiring but it was tiring because it involved hours of walking and climbing up and down. At the end of it, we went to the neighbouring town to eat. At its entrance was a beautiful arch which said Teotihuacan Pueblo con Encanto. The streets were lined with small stores.

### **Revolutionary village**

The next day, I visited the village Tlalnepantla in Morelos. I counted dozens of small shops for a population of a few thousand. This is a revolutionary village. Alvaro, our host, is an economics graduate who settled down here 40 years ago. He cultivates Nopal, or cactus, with the rest of the villagers. His small garden has trees bearing guava, avacados, lime and lukat. He has successfully experimented with creating a village republic. It was amazing to see the hilly village surrounded by 4,000 hectares of Nopal cultivation. Even more breathtaking was the clear view of the distant volcano from which a plume of smoke emanated.

The village had rejected the corrupt political parties. Villagers selected their own leader and did not recognise the president of the municipality, a party man. The government sent in troops declaring Alvaro and others terrorists and they had to go underground. There were protests all over Mexico, especially in the universities. The government was forced to drop the charges and come to an agreement. The land here belongs to the community and cannot be sold to outsiders. Hearing that an Indian professor was visiting the village, its leaders came with lunch and cactus products — cooked as vegetable, turned into pickle and marmalade, very delicious. Alvaro asked me about Gandhiji, his philosophy of non-violence and how it could be applied to a modern society. Gandhiji seems to have a special place in Mexico. A chain of book stores is called ‘Gandhi.’ There are parks and roads named after Gandhiji.

The farmers are upset with the U.S. and NAFTA. They complained that the free market had enabled subsidised food to come from the U.S. and destroyed their agriculture which now contributes only four per cent of GDP. Thus, the two big employers, agriculture and retail trade, have suffered in the last two decades, which is why unemployment is high (5.2 per cent), and underemployment is at 25 per cent. I met a professor who said his son got a job only because of his connections and another said his son doing a Ph.D. was worried about the future. Why is this happening with so much foreign investment? Unemployment has driven down wages. An Assistant Professor at the university complained that he could barely make ends meet with his salary, which is determined by

the number of lectures he gives in a month. He thought the taxi-driver was better off than him.

### **Crisis in agriculture**

In Northern Mexico where investments from the U.S. have poured in, the mafia has taken over and there is lawlessness. The state there seems to be withering away. Unemployed youth join the mafia. There is drug trafficking and illegal migration of youth into the U.S. It is this migration that has kept unemployment from getting worse. The migrants send money back home. Remittances along with income from petroleum exports and tourism keep the Mexican economy afloat and prevent the crisis from deepening.

Instead of solving Mexico’s problems, its proximity to the U.S., free trade with it and investments from there have led to deepening unemployment, the decline of traditional agriculture and the end of small retailers in metro cities. I wondered whether what I was seeing in Mexico was India fast forwarded 20 years, when there will be lots of cars and traffic jams in the metros, lots of malls too, but few small retail shops, high unemployment and a crisis in agriculture. Small stores are likely to survive only in small towns and villages.

Our crisis is likely to be worse than Mexico’s since we do not border the largest economy in the world where our youth could illegally migrate. Nor are we likely to get investment in per capita terms matching Mexico. We do not have petroleum or tourism income to prop us either. So, does Mexico mirror a part of our future, if we continue with our current policies?

# Industrial Chaos

**Kashinath A. Divecha**

It was under compelling circumstances way back in 1991 that Late Prime Minister P. V. Narasimha Rao had to take the inevitable decision of restructuring the Indian economy. As it was full 180 degrees turn from the four decades old policies followed under socialistic regime, it was also venturing into unknown realm.

Yet, for the industries and the services sectors, it was liberation from the governmental controls that was the prime cause of joy. The liberalization that ensued was only an offshoot. It can be said without any fear of contradiction that Indian industries have mingled and merged with the world economic activities with ease. This change of direction, however, was not accepted with open arms by all sections of the society.

It was strongly resisted by affected workers and their unions, except where there were established unions, which were an integral part of the industries in which they were functioning. These pragmatic unions understood the inevitability of the impact of liberalization of the economy on their industries, and therefore, they extended the hand of co-operation to the employers without hesitation so as to secure mutually beneficial economic adjustments for their members.

In other words, these unions were aware that the first priority for all concerned was the survival of their own industry, establishment or the work unit itself to be able to survive against the fierce competition with the outside world.

Along with survival, there was of course expectation of consequential progress and prosperity also.

We have to look at the present situation against this background of total transformation in scenario in India in respect of economy and industrial activity brought about two decades ago.

## **Turmoil in Industries**

Apart from the stories that constantly emanate from the political field these days in the media, the other nagging news that is consistently flashed is the chaos in the industrial and service sectors. Let us look at just three instances involving high level industries. Earlier it was an unimaginative man-management, which provoked uncontrolled mob violence at Maruti, Manesar. The tragic result, which must be condemned in no uncertain terms, was the murder of an HR executive. Second instance involves once prestigious Air India. It was nothing but total mismanagement in dealing with its employees, who can never be unaware of or averse to, technology and/or technological improvement. Unfortunately, it was the regular bureaucratic diktats emanating from the Civil Aviation Ministry of the central government that grounded the Air India planes. Curiously, in different context, one of our Chief Ministers had stressed, "Government has no business to be in business".

Similarly, the Kingfisher Airlines has been earning daily headlines for so obvious, and yet not so clearly understandable, reasons. For, instead of flying passengers from destination

to destination, it is compelling not only its employees but their families as well to run helter-skelter from ministry to courts, seeking their intervention to secure payment of their earned and long overdue salaries. In one particular tragic instance, the employee must have had to visit hospital as also to go police station, and then to crematorium. No wonder, Kingfisher employees have lost faith in their employer.

It is obvious that the industries are suffering because they are not able to carry out their functions as they should. But then, the labour too is suffering as a consequence. It is high time that we accept the truism that labour is an integral part of industry, or one can say, industry cannot function without labour. That is, both need each other. For this simple reason, it is wrong to refer to industrial chaos as 'Labour Trouble', or pontificate, saying 'labour is holding the society and country to ransom', without looking into the contribution of the managements and employers in exacerbating the chaos.

## **Seeking Harsh Remedies**

In the midst of all this, the government in Maharashtra in the month of August this year, ventured to bring in stringent measures within the Maharashtra.

Essential Services Maintenance Act, providing not only for arrest of striking workers but also banning the strikes. The immediate provocation for this strong measure was the protest actions launched by workers in the service sectors such as health, education and particularly, transport,

and again mainly taxis and rickshaws in the city of Mumbai. Owing to strong opposition voiced by union leaders against the envisaged change, no further development has taken place in this regard, at least so far.

Let us, for a moment, shift our attention from exclusive industrial field to another recent scenario involving not only the workers but also the general public, the so-called *aam aadmi* - not “mango people” as one highly placed arrogant individual had the temerity to coin the term. It was the sudden waking up of the central government from deep slumber to pick up the threads once again to follow up with impatiently awaited economic reforms in a sort of hurry.

Unfortunately, the very first “reform” to be announced was an increase in the price of household LPG as also the cost of diesel with immediate effect. May be this increase was necessary, but it threatened to impact the household budgets of those very sections of the society which struggle to make both ends meet every month. Further, the restriction of supply of gas cylinder per household at subsidized price ignited fire, so to say, all over India. The impact was immediate, on the dot and without any gestation period!

### **Nationwide Uproar**

While one cannot deny the need for this unpalatable hike, it could still be said that the same need not have been the very first step of reform to be announced and should have been imposed at a later stage after taking the trouble of explaining the reasons for the steps required to be taken - something which was done later through coloured advertisements in newspapers - so as to mentally prepare them to accept it reluctantly

and inevitably. In any case, the whole episode has exposed the total inability of the present government to read the pulse of the people, may be because it lacks down-to-earth leadership.

The inevitable consequence was *Bharat Bandh*, call for which came from the political arena. It needs no expertise to know which section of our society, or any society for that matter, is always depended upon by the sponsors of such nationwide protests on the one hand, and on the other, is also capable of lodging protest openly, fully knowing the consequences, and yet willing to suffer. Whatever the cause or purpose to be upheld or opposed, the success or otherwise of any protest action depends on the response of the working population only. No other section of the society has the capacity to do so.

One must, however, make distinction between the general protests launched by the political parties for their own ends and the industrial protests of workers for improvement in their working and service conditions. In other words, without the support of workers no political party would be in a position to launch its agitation ever. That is, it is the workers, who always spearhead the protest everywhere and anywhere.

Yes, anywhere. Even in China. In spite of being a closed and regimented society, the news has been leaking out that the workers there have been raising their voice for improvement in their conditions, mainly wages. Similarly, recall the uprising against the entrenched Communist regime in Poland years ago, which was led by a dock worker, Lech Walesa. It is a different matter that he graduated to rise to be the President of the country.

Fortunately, as an open and free society, we have the right of freedom of association and the freedom of speech and expression guaranteed under our constitution. The right to protest being concomitant, the authorities – the government and the judiciary - have never denied our workers and their unions as also the sponsors of *bandhs* their right to protest.

### **Protest Organizations**

Broadly speaking, the legitimate activity of the unions is to protect the rights, promote the welfare and safeguard the interests of their members. The unions basically have to deal with the employers, either individuals or corporate entities or authorities in order to attend to issues, problems and grievances of their members. Apart from dealing with individual grievances, which form the bulk of the trade union work at the grass root levels, and which is the perennial process, there are also collective issues, which impact the entire establishment, factory, office, industrial plant or service industry. The unions have to perforce take up these issues forcefully because petition-mongering is ignored as a rule not only by the managements and employers but also by the government. For this reason, the unions have to be, and are, protest organizations, the protest being in their DNA, so to say.

The industrial process or collective activities at any workplace by nature are conflict generating activities simply because there are chains of work processes at every stage and every level, which are continuous and time-bound. That is, any slowing down or stoppage at one level affects the work process down the line. Therefore, there are continuous conflicts of interest at each of the said stage and every work level. In order to accomplish

the jobs and tasks at hand, one set of employees is required to work as instructed and the other set is called upon to get the work done. To use appropriate management term, the work is required to extract by the management by issuing proper instructions, and providing constant guidance, supervision and leadership to attain desired production levels and ensuring better productivity. And this is normal.

### **A Last Resort**

Considering the overall picture, in overwhelming majority of factories, establishments, offices, industrial plants or service industries, the employers have maintained relations with established unions and have dealt with them over the years with both sides practicing sound and stable, industrial relations, along with confrontations also being part of the relations, including work-stoppages, that is, strikes. For employers as an entity understand and concede the inevitability of protests of their employees and workers through their union organizations.

It would be interesting to note that unions while undertaking their main activity of securing better terms and conditions, including wages for their members, use the strike weapon only as a last resort, and definitely not for the purpose or with the intention of closing down the factory or establishment permanently. In fact, workers do not go on strike with any pleasure. They are fully aware of two most compelling consequences when they resort to strike action. One, they have to go without wages for the period they are on strike. Two, if the establishment closes down, they could lose their employment itself. This is the selfish reason of workers, or the best example for their enlightened self-interest, whichever way one would want to look at it, while going on

strike as an inevitable and desperate action. In this context, it must be emphasized here that since the strike is a weapon and that too an important weapon, it is nothing but deplorable that its frequent, casual and reckless use over the years has blunted its edge and sharpness and resultantly, its effectiveness.

### **Good Faith Necessary**

The workers go on strike with the objective of bringing the unwilling employer to the bargaining table. Gone are the days when workers were subject to the exhortation that an employer is an enemy. Frankly, on account of their working in an open and free society, even the hardcore Marxists in the trade union field at least, seem to have learnt their lessons and given up that ideology. The collective bargaining process if taken recourse to in good faith ensures culmination of

conflict and confrontation to the mutual satisfaction of both sides. In turn and with experience, the relations processed, maintained and established in this manner, bring about stability in the factory, establishment, industrial plant or whatever the work unit.

In any factory, office, establishment, industrial plant or any workplace for that matter if there is lack of industrial relations skills on both sides, the situation goes out of control. Precisely for this purpose and reason, the unions need to have faith and dedication in the collective bargaining process on the one hand, and on the other, the managements and employers also must display their willingness to nurture industrial relations. It seems that is exactly what is not happening in the industrial sector at present.

*(To be concluded)*

## **Labour Laws Non-Enforcement Leads to Violence**

New Delhi - September 28:- The Centre has blamed corporates for recent incidents of workers' agitation across the country, including the violent flare up at Maruti Suzuki's Plant in Haryana, claiming that failure to enforce labour laws has led to such situations.

"Enforcement of labour laws has to be followed strictly. Failure in this area has led to the recent flaring up of incidents like Maruti Suzuki in Haryana, Regency Ceramics, Yanam, Puducherry and Neyveli Lignite Limited in Tamil Nadu," Union labour and employment minister Mallikarjun Kharge said at the state labour minister's conference held in the capital.

The minister said that employers should not turn a blind eye towards labour statutes and at the same time workers, too, should refrain from taking law in their own hands. "Employers and workers should conduct themselves in such a way that they earn the respect of the whole world," Kharge said.

Respect for industrial democracy and aiming towards high industrial growth have to go hand in hand. "Our trade union movement has a proud legacy and en-trepreneurs of our country are respected the world over. The need is to ensure a healthy social dialogue," the minister added.



# Buddhism and Economic Transformation

K. S. Chalam

The noted historian Romila Thapar in her concluding chapter on 'Early India' observed that "the major success of Buddhism, apart from periods when they received royal patronage, were in areas of existing agrarian societies that were also developing into centers of exchange or in areas where commerce was the primary activity. The thrust of trade carried it to distant places that in turn made it attractive to those who wished to profit by this trade". The role played by Buddhism in breaking the otherworldliness of the existing traditions of India, is considered as one of the greatest events in Indian history. Buddhism's economic contributions to India in terms of making it as one of the richest countries of the world (with around 50 percent of wealth) by the 11th century AD are well known to economic historians. The world is once again paying attention to Buddhism after the revival of the East Asian economies within a short period of time. In fact all the East Asian and Far East including China had Buddhist traditions that seem to have promoted a different model of development - different from the so-called neo-classical model.

Though economists have studied the contributions of religion to economic transformation or development, the attention paid to eastern religions like Buddhism seems to be lukewarm. It was Vikas Mishra who studied Hinduism and found that it was not conducive for rapid economic development due to several rigidities and perhaps

prepared Rajkrishna later to coin, what is called, a Hindu rate of growth. In the case of western or Mediterranean religions like Christianity, Islam and others, social scientists like Weber, Tawny and several others have analyzed their role in the development of capitalism. Calvinism promoted values like diligence, authority, thrift, punctuality, fulfillment of promises that led to the accumulation of capital (Weber). The disregard to Buddhism by scholars seemed to be due to monks' inability to master the English language that has limited the spread of their studies. It is in the recent times both in Japan and in East Asian economies particularly in Thailand some efforts are forthcoming that might change the situation in future.

Buddhism according to Lakshmi Narasu, one of the greatest Buddhist scholars from the Telugu country who had a profound influence on B. R. Ambedkar has said that "the spirit of Buddhism is essentially socialistic, that is to say it teaches concerted action (*samanartha*) for social ends". The individual bhikshu is poor, but the *sangha*, the community of aspirants for *bodhi* all over the world may be rich. He whose thought is only one step above the man who labour and plans solely for himself, such a man, though often an angel to his family, may prove a demon to all the rest of the world. Thus, Buddhism has imparted the principles of eightfold path as a middle course. Lakshmi Narasu adds that, "he who has merely understood the

dharma but has not shaped his life and thought in accordance with its spirit is like one who having read a book on cookery imagines that he has eaten the sweets described in the book". The Buddhist precepts and practice among the monks and the laity led societies in East Asia, Japan, China and other parts of the world where it had a deep influence on the people to experience rapid development. I. M. D. Little, the welfare economist critiqued that Buddhism did not contain the principles of distributive justice. But, the Buddhist scholars like Pryor F.C have given a rejoinder saying that Buddhism stands for virtues of compassion and generosity, alms giving to the poor etc, are to be interpreted as the principles of justice as enunciated in Angutta Nikaya. It is further elucidated by scholars that '*Agganna sutta*' talks about the functions of the king to take care of the lowly and poor is a social contract. The *kutadana sutta* speaks about the seed corn to be given to the farmers free of cost is an indicator how the role of a ruler is secured towards the poor. Above all, the unique welfare programmes of public works, infrastructure, alms, etc not only for human beings but even for animals during Asoka is the greatest example one could think of about justice as fairness. Then what is its impact on the economy as some invidious critiques term Buddhism that made India a country of beggars. Is there truth in it?

Historical data from India proved the above as blasphemous. The history of China, Japan, Korea,

Myanmar (Burma), Thailand, Bhutan where Buddhism had developed different streams of philosophical thought like Mahayana, Hinayana, Zen, Shinto and several other sects by the first decade of last century was expanded in to eighteen out of four *Nikayas* (Lakshmi Narasu). The Meiji restoration in Japan is the turning point to achieve economic self-sufficiency and development based on Buddhist principles of “excellent work culture, industrial and management methods, culture of loyalty, whole life employment, consensus decision making, brain storming, quality control circles (QCC), Total Quality management (TQM), meditation and constant self-examination and self-improvement influenced by Zen Buddhism”. Similarly China had accumulated capital in the form of gifts to monks and temples that were used for lending loans, creation of infrastructure, etc to advance the economy and welfare of people. In Burma, U Nu supported land nationalization to avoid illusion of private property. Thailand is now practicing Samti Asoke Buddhist reform movement based on spiritual emphasis on social and environmental ethics and recovered from financial shock quickly by using the state power. Above all Bhutan, the Himalayan Buddhist nation has shown to the world what development is about and its ultimate purpose through the concept of Gross National Happiness (GNH) consisting of nine domains and 124 indicators.

Buddhism as a way of life had a deep influence on the lives of people of Asia where major chunk of human population survive devoid of models of development as of Anglo-Saxons. The West is a small fraction of the world but would devour the resources of others due

to the market based models. This has facilitated the formulation of a new paradigm of development based on impressions of Schumacher and club of Rome. They are close to Buddhist principles. The paradigm of globalization did not like it, due to the idea of ‘economic man’ based on self-interest as distinguished from Buddhist theory of conditionality and dependent origination (*pratitca samuppada*). The self in Buddhism is connected to other entities rather than being isolated on its own is a rational process that goes beyond individual, society and nature. It is hoped that it would guide the future of economic transformation in India and other developing countries that follow western models.

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*(Continued from Page 2)*

the FDI lobby. The US decision to have WalMart and other American companies follow American rules in developing their Indian investments is another setback. In a political and commercial environment like the one obtaining in India, bribery and corruption are the passports for influencing officialdom. The foreigners have already been halted in their path by the American decision. How will they extricate themselves? Another imponderable.

Down the line nationally, opinion is sharply divided on whether the FDI is good or bad for the country. There are as many supporters, perhaps more, than there are opponents. So, which States are likely to go for the FDI and which States be content with status quo? As of now, no one knows. More imponderables on the way, as the FDI entry gets tested on the ground.

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*(Continued from Page 3)*

only the markets of ours and not the large number of work force we have?

In fact, the West has imposed strict visa restrictions and even students’ entry is difficult.

It has become fashionable for the West to downgrade India because it is a free society, not like China where the forced labour can produce things cheaper. Even the United Nations Development Programme (UNDP), supposed to be independent, has lectured us not to try to effect “inclusive” growth because we would come a cropper. The growth which is not inclusive is neither just, nor fair. The FDI has been imposed on us, we didn’t want it.

Nonetheless, I want the debate on FDI in multi-brand retail to end. The entire country has done nothing in the last one year except to weigh its pros and cons. True, the government has won. But it has to be vigilant about the way in which the advanced countries utilise our markets. Flag follows the trade has been India’s experience, starting with the East India Company and ending with the 150 years of British rule. This time the rule may not be direct, but they may be tempted to pull the wires from behind.

I can understand the exigencies of politics which the ruling Congress had to cope with to win in the Lok Sabha. The deals with Mulayam Singh Yadav and Mayawati are bad enough. But what is worse is the “concessions” promised to foreign investors. There may be offers which the governments do not easily concede. The behind-the-scenes things are always at the expense of the country’s trade or business. I hope I am wrong. If I am not, it would be a sellout by the Congress to stay in power. The voters will not take this lightly when they go to polling booths in 2014 or earlier.

# We need more play grounds, not monuments

Uday Dandavate

The current controversy over building a monument at the site of Shiv Sena leader Balasaheb Thackeray's cremation at Shivaji Park, a public park in Mumbai reminds me of another historical event.

The predicament of the Chief Minister of Maharashtra in this case is similar to the predicament of the then Prime Minister Narasimha Rao when a Rama idol was installed at the Babri Masjid site in Ayodhya after hysterical mobs demolished the archeological monument in 1992.

In 1992 it was Narasimha Rao as the Prime Minister of India who failed to prevail over the BJP Chief Minister of UP, Kalyan Singh to control the mobs that led to the installation of a temporary Rama temple at the Babri Masjid site and emergence of a delicate situation where religious sentiments of majority population were allowed to be fomented by political interests for electoral gains.

Kuldeep Nayyar and Madhu Limaye have commented on Narasimha Rao's tacit connivance in letting the RSS and Bajaran Dal cadres use a site that essentially was recognized as an archeological site as a symbol of their religious politics.

Balasaheb Thackeray's funeral evoked mass reactions. His life was dedicated to championing the Marathi pride and Hindu chauvinism. It is therefore no surprise that two million people turned up for the

funeral. The Chief Minister of Maharashtra did not act in a timely and diplomatic manner when Shiv Sena-controlled Mumbai Municipal Corporation allowed cremation to take place in a public place that serves as a play ground for a city gasping for clean air and a place for its children to play. The importance of Shivaji Park as a play ground can be better appreciated if one considers the fact that Indian cricket team has many of its captains and players who spent their childhood playing cricket at Shivaji Park. Now that a temporary monument of Balasaheb Thackeray is installed at Shivaji Park, the situation begins to resemble the installation of Rama idol at the Babri Masjid site. It would become a challenge for the administration to fight the sensitivities of Marathi and Hindu population of Mumbai who are very likely to feel offended by an administrative action in clearing the grounds.

Does the Chief Minister of Maharashtra have the political conviction to lead the clearing the grounds? Does the administration have the forces to fight against the religious sensitivities of its citizens? The Late Shiv Sena chief has become an idol for Shiv Sainiks and it would be a challenge to face the anger of the rank and file of the party at this stage. In this case I wonder if Prithviraj Chavan, the Chief Minister of Maharashtra is a tacit conniver or a failed administrator.

As a child I have already seen a part of the Shivaji Park being encroached upon by Udyan Ganesh.

Installing temples and monuments of great leaders in public spaces has become a business in India. In Delhi the bank of river Jamuna hosts memorials to host of departed prime ministers, political leaders and Nehru Gandhi family members. Precious land is being gifted away to keep people bound to history rather than to inspire them to think about the future. Great leaders and political institutions will survive in public memory if their ideas are progressive. There is no place for regressive symbols in an evolving democracy. Supporters of political leaders should focus on championing their ideas and competing with rival groups through public debates rather than manipulating religious sentiments of people. We need to make place in the crowded cities for our children to play.

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## More Muslims in Maharashtra and Bengal prisons than Gujarat

Aman Sharma

The percentage of Muslims lodged in Gujarat's jails matches the national average, according to a data from the National Crime Records Bureau. There were 2,472 Muslim under-trials and convicts in Gujarat jails, against a total of 11,200 prisoners in state's prisons.

This makes it 22 percent Muslim prisoners, almost the national average for Muslims in jails, as per the NCRB report 'Prisons Statistics - 2011' on the state of the country's prisons.

However, the national Muslim population is 14 percent, whereas in Gujarat it is only 10 percent. Out of 6,696 under-trials in various Gujarat jails, 1,501 were Muslims. A similar ratio is reflected in the number of Muslim convicts - 971 out of 4504, as per the NCRB.

But Congress-ruled Maharashtra and West Bengal have a higher proportion of Muslims behind bars as under-trials than any other state in the country. In Maharashtra, though Muslims make up only 10 percent of population, every third person in jail and facing a trial is a Muslim. Every second such under-trial in a West Bengal jail is a Muslim, the NCRB report shows, though the Muslim population there is only 25 percent.

The NCRB report also indicates where the problem lies: "56.7 percent of convicts belonging to Muslim community were lodged in jails in Madhya Pradesh, Maharashtra, Uttar Pradesh and West Bengal," says the report. 5,600 out of the 16,084 under-trials in Maharashtra and 6,174 out of the 13,567 under-trials

in West Bengal jails are Muslims as on December 31, 2011. This is a high proportion of Muslims in jail facing trial compared to a Muslim population of their state - around 10 percent in Maharashtra and 20 percent in West Bengal as per the 2001 census. The story is exactly the same when it comes to the proportion of Muslim convicts in jails of these two states - there are 2,513 Muslim convicts in Maharashtra and 2,595 in West Bengal out of a total of 7,952 and 5,660 convicts in jails of the two states, respectively.

The number of Muslims behind bars in Maharashtra has been steadily rising - from 5,147 under trials in 2010 to 5,600 Muslim under-trials as on December 31, 2011, as per

the latest NCRB report. In West Bengal as well, the number of Muslim under-trials have increased from 5,722 in 2010 to 6,174 as per the latest count. Uttar Pradesh, with its high Muslim population, has the maximum number of Muslim prisoners behind bars with 20,655 convicts and under-trials. Every fourth prisoner in UP is a Muslim.

Another interesting statistic emerging from the report is that growing number of prisoners on death row in the country. The present report puts the number at 477, including a dozen women, which is significantly higher than the number of 402 prisoners facing capital punishment as in 2010.

— *Economic Times*

### Balasaheb Thackeray

I renewed my acquaintance with Balasaheb several years after that dinner. Or rather, he did. Uddhav called me, in January 2007, to say that Balasaheb was turning 80, and would like to give me a freewheeling interview, but wouldn't walk. Balasaheb took personal care to get the setting right. The tiger in the back, two glasses of white wine and a bottle too, all the props were there. As Uddhav had promised, he ducked no question, including on his (then) recently estranged nephew Raj. "What was the difference between him and Uddhav", he asked resignedly. "He used to play in my lap, peeing and wetting me all the time. But if I have to choose one, then one is son and the other nephew." It was the only time he had shown some emotion.

He was back to normal when we spoke of "painter" Hitler, "lazy poet" Vajpayee, Muslims, Pakistanis and so on. And corruption? I asked why he had Suresh Prabhu fired when he was so competent and honest. "You say he was honest?" he asked. And then went on to recount a conversation with Pramod Mahajan on Prabhu refusing to make any "contribution", claiming he was making no money as power or environment minister. "Pramod told me", he said, "that if anybody in the cabinet (NDA's) claims he is not able to make any money, he was either a liar or a moron". So why, he said, "should I have a thief or a moron as a Central minister". This, by the way, was entirely on the record. Now don't ask me why I call cynicism the hallmark of his politics.

— *Shekhar Gupta in the Indian Express*

# Why is Bapu so scared?

Pannalal Surana

In his article "Socialists need not be alarmists" (October 28, 2012) Bapu Heddurshetti has stated that I have drawn a bleak picture of Indian economy by quoting, inter alia, lack of public investment in agriculture. In the next paragraph, he has given figures of loans advanced by banks to the agriculturists. How that can be treated as public investment? Farmers have to repay loans with interest at compound rate

Individual farmers cannot undertake large development schemes like irrigation and roads. The state should shoulder that responsibility in adequate proportion. About 66 percent of our working population is toiling in agriculture. If not 66 percent, at least 50 percent of development expenditure should be allotted to it. In actual practice, it has

been less than 22 percent. I adduce below relevant figures from the Government of India publication, *Economic Survey 2011-12*. (page A-46).

Agriculture is an important sector of our economy which produces food grains and other raw materials for industry. Both equity and balanced approach of growth demands much higher outlay than what has been allocated, particularly after the policy of globalisation is being pursued.

Bapu has stated that exports from SEZs have been growing; so why persons like us oppose SEZ? It is common knowledge that opposition to SEZs stems from the worry about the farmers being looted of their means of livelihood.

### Outlay on development heads in percentage:

		2007-08	2008-09	2009-10	2010-11
1.	Agriculture & allied	5.4	5.7	5.6	5.8
2.	Rural development.	9.3	12.4	11.1	10.4
3.	Irrigation & flood control	10.3	8.6	8.1	7.0

Regarding our foreign trade we have been expressing concern about widening gap between imports and exports and ensuing deficit balance of payments. Half of our imports consist of oil and gold. Are those commodities indispensable for eco-friendly and balanced growth of our country? Since there are limitations to increasing exports we have been urging to curtail import of oil and gold. Would not Bapu agree to it?

He has decried holding Raja and Kalmadi to be corrupt on the spacious ground that no person should be treated as guilty unless so proved in the court of law. Due to procedural and social-political constraints, it is extremely difficult to prove corruption there. News about Walmart bribing political and administrative high-ups is being discussed, so hotly in Parliament. A few years back, it was officially declared by the functionaries of Enron that they had spent huge amount on 'political education' of Indians. Should we not be concerned about such corrupt practices?.

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## India doesn't need FDI in Retail to grow

One of the few economists who predicted the financial crisis of 2008, Nobel Laureate **Joseph Stiglitz** is also credited with starting the "1% versus 99%" debate. The Columbia University professor talks to Shobhan Saxena of *Times of India* about his latest book, "The Price of Inequality", in which he argues that economic inequality leads to instability.

**In your book you argue that an equal society is more efficient and productive. How does inequality destroy productivity and create instability?**

The title of the book reflects a view that counters the right-wing argument that inequality may be a bad thing but to do anything about inequality is to kill the goose that lays golden eggs. Inequality is

bad for economy, democracy and society. Much of the inequality in the US arises out of rent-seeking-monopoly, exploitive practices by banks and corporate exploitation of public resources. In the Indian context, you will call it corruption but we call it corruption American-style, where you give away natural resources below market prices. India is doing it now but America has a long history of doing this.

There is a clear association between inequality and instability. People at the top don't spend too much, they save a lot but people at the bottom spend everything. So you redistribute income from the bottom to the top and demand goes down. That makes an economy weak. That is what happened in the US. We would have had a weaker economy, but the Feds stepped in by creating a bubble that created more demand to offset the demand that was going down. Of course, creating a bubble was creating instability.

**The financial crisis that started in 2008 is still continuing but it seems nothing is being done to check inequality...**

Both the IMF and the UN commission that I chaired came to the conclusion that inequality was one of the major causes for the crisis. It is not the direct, precipitating cause that bad lending was, but bad lending was a result of deregulation and the interest rates that were itself a result of inequality. If we don't improve inequality and don't do something else, it is going to be hard to get back to robust growth and prosperity. We are likely to have another housing bubble.

**In the US, there is a lot of anger against Wall Street but in the Presidential debates none of the candidates have mentioned the word 'inequality'.**

American politics is money-intensive and money-driven. Each of the candidates is expected to spend a billion dollars. When you spend so much, you have to go where the money is, and money in America is at the top. Therefore it is not a surprise that in the campaign you don't hear a lot of discussion about inequality and the 1%. You don't bite the hand that is feeding you in the middle of an election.

**Will the debate over '1% versus 99%' last or is it just a phase?**

It will be a part of America unless we address inequality. It is just not that the top 1% get three to four times more that what they got in the 1980s, but the middle class today is worse off. When you have this degree of stagnation in the middle, there will be an expression through the political process.

**You say that GDP is not the right way to measure a country's real strength. In India, we talk too much about our growing GDP. Is that a mistake?**

I haven't looked at India exactly, but it has strong implication for every country. In the case of China, if you take into account the environmental degradation and resource depletion, growth is much less than what it seems. You need that debate in India. Your GDP is going up, you have per capita highest number of billionaires but at the same time you have many people in poverty. So the GDP per capita doesn't capture what is happening. In India, the progress in the middle and at the bottom has been less than what GDP in itself would like you to believe.

**What impact will FDI in retail have on the Indian economy?**

The advocates of FDI have probably put too much emphasis on it. India is in a different position than a small, developing country. You have a large pool of entrepreneurs. They are globally savvy, have access to global technology and they have a lot of wealth. So, if there were large returns to large-scale supermarkets, the domestic industry would have supplied it. Not having access to FDI is not an impediment in India. Wal-Mart is able to procure many goods at lower prices than others because of the huge buying power

they have and will use that power to bring Chinese goods to India to displace Indian production. So the worry is not so much about the displacement of the small retail store but displacement further down the supply chain.

**But big chains may create More Jobs.**

Some of the profits of companies like Wal-Mart come from free riding on our society. They don't provide healthcare benefits and assume that the spouses of the workers get healthcare benefits from their other employees or through some other mechanism. They might not be a good employer.

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## Shocked and stunned

**S. Viswam**

**Gain one, lose one**  
Kuldip Nayar

**Destruction of Postal system**  
Niranjan Haldar

**Growing Bahun Intolerance**  
K. S. Chalam

**Industrial Chaos – II**  
Kashinath A. Divecha

**Dharmapuri Riots**

**Problems of Adolscnt Girls**

Editor :  
**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

This is not the first time that a helpless woman has been gangraped. Rape incidents occur with periodic regularity all over the country. Each time a woman is attacked, the authorities concerned vow that rape incidents would not be tolerated and that the guilty would be punished. The episode is conveniently forgotten till the next incident when once again platitudes are voiced and deterrent action against the criminals-rapists is promised. Delhi has acquired the notoriety of being the nation's rape capital, since a rape occurs more frequently in Delhi than in other metropolises. Inexplicably, Delhi has also the distinction of being witness to rape cases in moving buses, not less than three such incidents having taken place in as many years. Last week-end, a 29-year-old paramedical student was gangraped and beaten mercilessly by a six-member gang in a moving bus in the night in a busy locality in the heart of South Delhi. The victim was fighting for her life in the Safdarjung Hospital and getting treated for injuries suffered at the hands of the gang who used an iron rod to attack her. Mid-week, her condition had deteriorated, and the worst was feared. It would be no exaggeration to say that no incident

in the last few years has shocked and stunned the entire nation in such disbelief and disgust as this latest episode. The reaction has been universal and one of wonder that a nation such as ours that cherishes virtues like tolerance and deep respect for women should periodically have to hang its head in shame at the depredations of a handful of barbarians calling themselves Indians and gentlemen. A rape is the most extreme form of violence towards a woman. Gangrape is an unforgivable crime for which death is the ultimate punishment. Parliament for once put aside the narrow differences that are regularly aired and loudly articulated on the floor of the two Houses to condemn the incident and submit a slew of suggestions for the government to act upon in order to prevent the recurrence of such shameful episodes. Incidentally, Derek O'Brien, Trinamool Congress MP spoke for all citizens of the country when he told the Rajya Sabha that he felt "nervous and scared as the father of a 17-year-old daughter" as Delhi was becoming the rape capital of India. Fathers of young daughters, and indeed, every father and husband, has good cause to be worried over the continued



*Between the lines*

## Gain one, lose one

**Kuldip Nayar**

occurrence of such heinous crime. In a sense, Parliament was the appropriate forum for a discussion of the follow-up measures in such cases. Law and order in the national capital is directly controlled by the Union Home Ministry which implements policy in Delhi through the state government. Law and order is a state subject, and if Parliament offers some guidelines to deal with incidents of rape, gangrape and serious crime against women, states would be only too ready to incorporate those into the existing laws each state already has. For a change, the government seemed to have been sensitive to the national sentiment of outrage. Home Minister Sushilkumar Shinde announced that a special task force at the level of the Home Secretary would be constituted to look into the safety issues for women in Delhi. Our suggestion is that similar task forces be set up at state levels too in order to tighten the anti-rapist measures. He also said that the government would ensure that the cases against those arrested would be tried by a fast-track court holding daily hearings. Shinde said that the Criminal Law Amendment Bill 2012, had already been introduced on December 4 in the Lok Sabha for improving the conviction rate in rape cases. The government may take another look at the measure to see if suggestions by MPs could be incorporated in it. The demand for the application of the death penalty to convicted rapists was forcefully voiced. The death penalty obtains on the statute book as of now, but there are sections of opinion in the country that favour the abolition of the provision. However, right now, with the shock of the rape of the 23-year-old medical students till gripping the nation, there will be overwhelming support for hanging rapists by the neck till they are dead.

Gujarat going the way of the Bharatiya Janata Party (BJP) and Himachal Pradesh to the Congress was expected even before the first vote was cast in the two states. Although Gujarat chief minister Narendra Modi has crossed old tally of 117, he must be disappointed that he did not get 145, the figure which the exit polls had projected and he had begun to cherish.

That the Congress has gained four or five seats is not a plus point because the incumbency factor and the revolt by Keshubai Patel, till recently a top BJP leader, should have cut into Modi's strength. That he still has two-thirds of a majority in the 182-member house does not speak well of the Congress which had its top leaders campaigning in the state and enticing the Muslims and tribals.

Indeed, the corruption factor has worked against the BJP in Himachal. Chief minister Prem Kumar Dhumal had charges against him, even though his governance had wide acclamation. It seems that Himachal is following the pattern of Tamil Nadu where the DMK and the AIADMK are elected alternately.

I fail to comprehend what message does Gujarat convey to the rest of India by re-electing Modi? This is his victory and that of his views which are out of tune with the 21st century thinking. Democracy also means pluralism. All people are equal before the law, whatever their

religion or caste. Modi cares little about such ideas or values.

True, the middle class, which constitutes a majority in Gujarat, wants a polity which enables it to earn more, enjoy more comforts and give it normalcy even though on surface. It seldom questions the rulers and virtually never challenges the wisdom of their deeds. Yet, the middle class does not realise—or care—that Modi is authoritarian, like the late Prime Minister Indira Gandhi, and his anti-Muslim bias is so strong that he did not field even a single Muslim candidate.

I do not grudge Modi and his party, the BJP, the sweep in the state. But is it the kind of India we want to build, a society sans secularism? Mahatma Gandhi who led the freedom struggle and who was himself a Gujarati said that Hindus and Muslims were his two eyes. He would take out *prbahat pheris* selling khadi in the morning on Ahmedabad's streets which had killers and looters walking in 2002. The British lathi-charged peaceful processions, but in Modi's regime the police connived at what the fanatics did.

The same Gujarat saw ethnic cleansing, planned and executed by the Hindutva exponents under Modi's guidance. How some 17 crore Muslims in the country would have felt when Modi's electoral fight was parochial? Gandhiji had a different approach and sacrificed his life at the

hand of a Hindu fanatic. Granted that Modi's campaigns never mentioned the Muslim community by name, yet he used mian before the name of Ahmed Patel, Congress president Sonia Gandhi's political adviser. Modi played the anti-Pakistan card by introducing the Sir Creek dispute two days before polling.

He wrote a letter to Prime Minister Manmohan Singh not to hand over the Sir Creek, a narrow bay, to Pakistan and alleged that the visit of its Interior Minister, Rehman Malik, to Delhi during the Gujarat polls was in that connection. The Prime Minister himself made it clear that there was no such move. Finance Minister P. Chidambaram characterized Modi's assertion ridiculous and a fig of imagination. But the harm had been done. The fence sitters went to the Modi's side to "save" Sir Creek. In fact, the Election Commission should look into his tactics to win.

The Gujarat chief minister claims that he won because of developments he effected in the state. What kind of development is it when the Muslims have become poorer and even the riot victims have not been rehabilitated? There is no drinking water, no roads, no municipal facilities in their areas. Also, the adivasis have remained marginalised and tribals have not benefited in any way.

It is the middle class, both in cities and countryside, which has been the gainer and, therefore, it is not surprising that it has voted en bloc for Modi. In contrast, Dhumal has been jettisoned by the growing middle class in Himachal. It is healthy sign that the middle class is asserting itself. But it is unfortunate that it has not yet risen from its

*(Continued on Page 6)*

## Destruction of Indian Postal system

**Niranjan Haldar**

A major contribution of Pranab Mukherjee as India's Finance Minister was to destroy the Indian postal system, created by the British. After independence it was improved by the then Communications Minister, late Rafi Ahmed Kidwai. In his time a letter posted in Calcutta. Bombay or Madras could reach Delhi the next day. Now it has become history, remembered only by very old people. At present there are an insufficient number of postmen to deliver letters, no sorter in the post office to sort the mail or to put stamps on them. There is no permanent staff to collect letters from roadside letterboxes. In Kalimpong town in Darjeeling district, no letter is collected from roadside letterboxes, nor is any letter delivered by the postal system. I am a subscriber of the weekly *Janata* published from Mumbai. Very often two or three issues are delivered at a time by Kolkata 700107 post office. On August 2012, I received five issues of *Janata* at the same time, along with other journals after a month. There is no staff either in Kolkata or in the Mumbai post office to put a post office seal on the stamp pasted on the journal.

The Government of India inaugurated the speed post with the smiling faces of Sonia Gandhi and PM Dr. Manmohan Singh in a full-page coloured advertisement in major dailies with the promise that speed post would be delivered within 24 hours. Speed Post can be accepted in selected post offices.

But very soon, the speed post lost its speed. It could not be accepted even in selected post offices, as there was no staff to operate the computer or else the computer had become dysfunctional. Those post offices have no staff to deliver the speed post. If the speed post is not delivered, one has to go to another post office to enquire into the reason of the non-delivery of his letter. How strange!

The stamp-sellers in the post office are not regular staff. They get a commission from the postage they sell. Very often stamps, envelope and post cards are not there. Instead of one PMG in West Bengal Circle, now we have one chief PMG and other three PMGs. Still, the service is deteriorating. As no postage stamps were available in Contai town in East Medinipur district (WB), the home of the just resigned Union Rural Development Minister Sishir Adhikary, in 2009, weekly and fortnightly journals could not be posted from Contai for one and a half months; ultimately they had to purchase stamps from Kolkata.

One does not know how many weeks would be taken to deliver a newsletter posted in Kolkata to Ahmedabad, Ghaziabad or Thane, Pune and Aurangabad in Maharashtra. An IRHA Newsletter sent from Kolkata to Ghazipur and Fatepur in U.P. did not reach the addressees. None of the six issues of the newsletter from January onwards reached our donor

in Jhargram (721507) in West Medinipur district – now the area is known as Junglemhal. Even the Newsletter sent from Kolkata proper to our writer in Mahamayatala (Kolkata-700084) did not reach his address. One mysterious incident took place in Mizoram. Newsletter is sent from Kolkata to an addressee in Aizawl - four issues of it were delivered together at a time. Is it because, Aizawl post office lacks sufficient number of postmen or the Intelligence Department scrutinized the contents of IRHA Newsletters?

In Kolkata, the situation is pretty serious. The GPO remains closed on Sundays, unusual in any other country. No letter can be posted there. Journals cannot be posted in the GPO because of the insufficient number of sorters in the GPO. The department is shifted to a post office in Central Avenue which receives book-posts.

Why Pranab Mukherjee is responsible for the breakdown of Indian postal system. Shri Mukherjee became Finance Minister in 1980, when Indira Gandhi became Prime Minister for the second time. He took a heavy loan from the IMF and the conditions of the loan remained secret. *Frontline* of Madras published documentary evidence of the approval of the Indian Budget for 1981-82 from the IMF, before Pranab Mukherjee placed the budget before Parliament. Since then, once a postal staff was retired, the post was abolished and no new person was recruited for the post. This has been going on for years and all over India. Unless new posts are created in place of the abolished posts in the union budget with necessary allocations

for so-called new posts, no new persons can be appointed in the already surrendered posts. There is a suspicion that Pranab Mukherjee agreed to save money for the government by reducing the number of regular service men in the postal department. In place of permanent staff, the postal department has to appoint casual staff with a minimum daily wage to run the service. Those who joined the postal service as casual labour are retiring as casual labour. In many cases, the tenure of service of postal staff was increased to 65 years provided they agreed to forgo pension, provident fund and gratuity. This is a horrible situation in the country. While the postal department cannot recruit new hands, they can spend money to buy generators for the post offices to be used during load shedding. Kirloskar company's middle-sized generator (Environment Friendly Genset) was purchased at a cost of Rs 10 to 15 lakhs for Kolkata's Kasba Post Office (700042) five years back. But nobody knows how to operate the generator. This year another generator, of Honda, was purchased by West Bengal Circles' PMG's office before 31 March, 2012 and was sent to Bosepukur sub post office under Kasba post office (700042) and now it is kept in a corner of the post office. Possibly, similar things are happening in other post offices. As the PMG's office is involved in these purchases, Finance Minister remained indifferent to the misuse of money by the postal department. The money could be used to appoint temporary hands in the post offices. As the MPs are elected without meeting their electors, they remain indifferent to the destruction of Indian Postal System.

Private courier services are trying to replace the postal system among the well-to-do sections in cities. Finance Minister Shri Mukherjee encouraged the increasing role of courier services in the communication system by abolishing permanent posts in the postal department because the Ministry can earn more money by imposing service tax on courier services and can increase the rate of tax on the items handled by the private courier services year after year. The Finance Ministry has changed its policy from November, 2012 – it has imposed service tax on speed post. The Government of India encourages the use of mobile phones because it can earn more money in the form of service tax, though mobile towers destroy animal life, plants and trees.

Lack of adequate staff in post offices and local head offices hinders the small saving scheme and the MIS also.

The postal system is our life-line in our economic and democratic system. We have to restore the glory of the postal system in our economic, political and social life. E-mail, MS, Facebook may become more important in our communication system, but they cannot replace the Indian postal system, which serves the common people. A new people's movement is necessary to restore the abolished posts in the postal system again. For this, we have to put pressure on our MPs to attend parliament and become active to serve the interests of the common people, for which they receive fantastic amounts, even after their retirement.

# Growing Bahujan Intolerance

K. S. Chalam

The media has reported that caste Hindus have burnt 268 houses in dalit colonies of Dharmapuri district of Tamil Nadu on the evening of 7th November. Again within a month there are stories of conflict between Mayavati of Bahujan Samaj Party and Mulayam Singh Yadav of Samajvadi Party from the heartland of Aryavarta on the issue of reservation in promotions. Interestingly, both of them have supported the ruling coalition on FDI symbolizing the enormous tolerance of both the groups towards non-Bahujan government (as per their perception). There is lot of confusion in the public discourse relating to the notions of Dalit and Bahujan, particularly after the BSP-SP squabble. Some academics and the civil society organizations under the influence of the received Anglo-Saxon theoretical persuasion have been using the terms Dalit and Bahujan simultaneously for quite some time. Bahujan, therefore, is used as an alternative to backward classes here. It appears that the term Dalit is used as an expression to represent the sociological reality of untouchables and similarly placed socially deprived groups and Bahujan as a political potpourri (of BCs, SCs, minorities). The notion of Bahujan was picked up by Mahatma Jotirao Phuley from the Buddhist 'bahujan hitaya' axiom that was later adopted by Kanshiram to form a political outfit. But, both the terms seem to have lost their original rigor now, leaving some of the academics in a quandary. Adivasis are neither here nor there.

The non-Brahmin self-respect movement, during the British India in the South, have projected the social inequality experienced by some castes as a basic premise to wage a war against the existing social order. Periyar EVR, B. R. Ambedkar, Rammanohar Lohia, Karpoori Thakur and several others have worked tirelessly to bring change in the outlook of government and brought constitutional safeguards both for the socially and economically backward and socially and educationally weak (Iyothi Das and Phuley were their precursors). The constitutional protection helped some of the groups to politically mobilize their numbers first in the South and later in some parts of North to replace the traditional dvija rule. By the time the non-dvija rule started yielding returns mostly to those who were in power, two incidents shook the country. The Kilvanmani incident in which 42 scheduled castes (dalits) were burnt alive in 1969 when DMK was in power. A few years later nine scheduled caste persons were brutally murdered by bhumihars in Belchi in Bihar during Karpoori Thakur (?) government. In both the incidents, dalits were the victims while the so-called backward castes were in power. One may say that they are fortuitous incidents as neither of the leaders Karunanidhi or Karpoori Thakur was responsible for the ghastly incidents; the feudal forces were the culprits. But, this gives a message that empty rhetoric of social solidarity disappears in testing times if the cadre and the social proletariat are not ideologically and

practically prepared. It is alleged that the unenlightened leadership from these parties have proved that dalits did not get protection under their rule. This is also true in the case of Andhra Pradesh where the emergence of shudra rule has created two incidents in Karamchedu and Chundur, of course throwing up the leadership of Padmarao, Tharakam, Krishna, Vinay and several others. It seems they are all fragmented by the time Lakshmipeta incident took place.

An academic analysis of the events particularly after the recent episode in Parliament on reservations without any discussion on Dharmapuri or such violent incidents elsewhere with the so-called alleged quid -pro -quo of possible passing of a constitutional amendment that is legitimate, and granting of disputed Indu Mills land costing about Rs 4000 crores to Ambedkar memorial in Mumbai and a better package in Andhra Pradesh through SC/ST sub plan are to be scrutinized to find out what is in store or emerging for the dalits.

The use or abuse of the concepts of Dalit and Bahujan as distinct categories from the very beginning either consciously or unconsciously has revealed a fact that the vision of the social reformers of the 20<sup>th</sup> century has not been realized. Dalits are not bahujans and sarvajan experiment remained rhetoric. It appears that one group wanted only social reforms so as to achieve political power and authority, while the other group really wished the abolition of the inequitable

system through the annihilation of castes. This dichotomy in the social movement has not been understood properly and resolved by the leaders and its persistence might create problems in the future. In other words, the social and economic agenda of emancipation project for the dalits and OBCs as bahujans has surfaced as a split philosophy that needs to be revisited by scholars who are in social science research.

The recent incidents involving the so-called backward castes like Vanniyars in Tamilnadu and Yadavs of UP may not necessarily be representatives of the aspirations of majority of the groups that they represent. But, it is as dangerous of an anti-reservation movement launched by Youth for Equality against the whole caste-based reservations during Mandal, as all non-dalits unite call given by PMK, and an anti- SC reservation in promotion game plan of SP. In both the cases, they seem to have been remotely controlled and are trying to please someone whose ideology is to divide and rule.

There seems to be some kind of an emerging situation where the dalits can bargain with the ruling classes as in the past with the dead bodies on their laps and the backwards can establish their might by arm twisting the dalits as muscle power of the mainstream social norm. This seems to be structurally designed in our social hierarchy where some castes are given economic concessions but not social status and the natives are denied both to prolong the hegemony of caste order. The recent incidents involving dalit and OBCs as contending groups is an evidence that the OBCs in power have utilized it to amass wealth for their cronies and exhibited dvija like attributes

through persecution of dalits. The intolerance of the OBCs who are supposed to be part of bahujans (in theory) look for easy prey in dalits to demonstrate their authority. This would not alter the traditional situation as long as these two groups are made to fight while the wealth of nation is amassed by few. Unless both the groups who had common ancestors in history and in their culture sit together keeping all kinds of false pretensions aside, to arrive at a common minimum social and economic programme, it is difficult to engage a formation that is emerging as a raucous system with international support.

*(Continued from Page 3)*

parochial moorings. In Himachal, the distance between the Punjabi and the indigenous population seems to have counted a lot.

While the defeat of Dhumal will only be registered by the BJP high command, the victory by Modi is going to create problems for the party. Already the posters appearing in Gujarat suggest that the "state's sher (lion) will become India's sher." This means that Modi is prepared for a national role which may not be liked by some of the top leaders of the party. Not long ago, its president Nitin Gadkari told me that there were too many aspirants in his party for the prime minister's post. It is an open secret that Gadkari and Modi do not see eye to eye. Since the RSS, the BJP's mentor, is backing Modi he would be a formidable candidate.

Where Modi may be stumped is the dislike for his way of politics and the categorical anti-Muslim view that scares away many in the BJP-led National Democratic Alliance (NDA). One of its leaders and chief minister of Bihar, Nitish

Kumar, has conceded that the BJP, the NDA's senior party, has the right to choose the leader but he has to be a consensus candidate. Modi may not make the choice because apart from the NDA allies, the country on the whole will feel horrified even at the mere mention of his name.

Both Gujarat and Himachal are straws in the wind. It cannot be taken for granted that the states ruled by the BJP would return its party candidates to parliament in the next election in 2014. It is a pity that the nation has to choose between the Congress and the BJP in the absence of an alternative. People's movements throughout the country should get together and rescue the nation from mis-governance and corruption which has been the hallmark of rule by the two parties.

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## Industrial Chaos – II

### No Desire to Nurture Relations

**Kashinath A. Divecha**

The adversarial and confrontational position adopted by both, employers and workers has resulted in turmoil and chaos in our industrial sector. In this regard, we have to point the finger at our outmoded laws. Specifically, two laws, namely, the Industrial Disputes Act, 1947 and the Contract Labour (Regulation & Abolition) Act, 1970 could be cited and faulted. Both these laws deal with relationship between the employers and their workers. They were framed when the socialistic fervour was the creed. With the advent of liberalization, however, these laws are constricting the possibility of much needed introduction of technological improvement in our industrial operations. Nonetheless, the enterprises have to perforce bring in technological improvement because they are required to face global competition in respect of quality of products, price levels, efficiency in delivery, and so on.

#### **Technological Impact**

While the introduction of technology is inevitable, it is equally true that it Replaces, or reduces, dependence on human power. It is for this reason that the trade unions find it difficult to adjust with the changed and unknown scheme of things. It should be noted nonetheless that established and integrated unions accept the reality and carry on with their activities.

However, it is unfortunate that with the advent of highbrow concept of human ‘resource’ for workers

and employees, the atmosphere has gone haywire at the industrial and work levels on account of no clear understanding of the said concept. The employers and managements should realize that with the engagement of HR professionals these days, the so-called human resource within the factory, establishment, office or the work unit is “managed”, if not mismanaged, but there is no endeavour to establish or maintain relations with workers and employees.

Similarly, the enactment, “The Minimum wages Act, 1948, brought on statute book to lay down the bottom limit below which wages cannot be paid to workers is scrupulously followed, the only problem being its implementation is as “The Maximum wages Act”. Even by profit making and prosperous establishments!

#### **Labour Not a Commodity**

In fact, with majority of workforce in most of the factories, plants and workplaces being engaged through contractors and on contract, there is no felt need to maintain, let alone nurture, relations with the constantly changing set of workers, who can be discharged the day their term of contract is over as if workers are replaceable like spare parts.

This is the norm at present times in respect of engagement, or rather disengagement, of workers and employees. This is not to object or to deny the need for strict enforcement of discipline at the shop floor, or

even severance after due process of law, arising out of recalcitrant behaviour of an individual worker. But ironically what is happening is that this ‘human resource’, is calmly and as a matter of routine got rid of as early and as cheaply as possible in a casual manner, giving perverted meaning to the word “resource” itself!

To put the whole scenario differently, it is probably the modern trend that when divorce is easy and quick; no efforts need be wasted to go through the rigmarole of reconciliation. Such nonchalant and disdainful treatment of our workers is reprehensible as it clearly amounts to violation of one of the fundamental principles espoused and adopted by the International Labour Organization (ILO), namely, “Labour is not a commodity”.

#### **Pathetic Situation**

However, where the employers and managements have ensured fair play, it is to the credit of the unions that they have responded positively. But for these established unions, integrated with the industries they are involved in, the situation would be chaotic with widespread eruptions of conflicts everywhere, creating problems for both, employers and workers. Here it is necessary to state that the reference made to “established” unions repeatedly is deliberate. A simple glance at the accompanying table would be enlightening. It will be observed that the figures in the table are more than a decade old. May be the latest

### Registered Trade Unions in India - 1927-28 to 2000

Year	Number of Registered Trade Unions	Number of Registered Trade Unions Submitting Annual Returns (Percentage)
1927-28	29	28 = 96.5
1940-41	727	483 = 66.4
1950-51	3766	2002 = 53.1
1960-61	11312	6813 = 60.2
1970	20879	8337 = 39.9
1980	35750	4426 = 12.4
1990	52016	8828 = 16.9
2000	65286	7224 = 11.06

(Source: Trade Union Movement in India - A Brief History, Vasant Gupte, 2004)

figures could turn out to be mind-boggling. That apart, these figures show the unions - not the workers - in absolutely poor light. With only 7,224 unions out of 65,286 unions registered, that is, mere 11 per cent unions submitting the Annual Returns, the state of affairs of our trade union movement is pathetic, to say the least.

Further, after independence the number of unions being registered is going up continuously, but overwhelming majority of them obviously seem to be pocket organizations of petty satraps and the like, registered probably to acquire legal status, and may be for purposes other than organizing and serving workers as such. Importantly, these outfits have damaged the creditability of unions and the Trade Union Movement.

Without meaning any disrespect and with due apologies to all the senior leaders of the Indian Trade Union Movement, who have devoted their lifetime in the service of trade unions and for betterment of workers, it needs to be emphasized that as the figures indicate the Trade Union

Movement was vibrant and thriving only till 1960s. But thereafter with the mushroom growth of trade unions, only 11 per cent of them truly represent the Indian Trade Union Movement, the rest being parasites of some variety or the other.

Unfortunately, the story of political parties is no different inasmuch as majority of these parties seem to be respectable masks for hiding all sorts of dubious networking, if this term could be used. One probable reason could be that in order to cater to one's own inflated ego each so-called "leader" desires to set up personal fiefdom and floats the union or the political party. The problem of mushroom growth of such parasitical institutions demands strong and equitable laws for institutions. But then, it also raises the question of sincerity of our so-called lawmakers, who refuse to bring in provisions for legal action against delinquency of parasitic institutions.

### Twin Identities of Government

While the laws do not provide remedies to deal with misbehaviour of such delinquent institutions, with

government also having displayed its helplessness to take action over such institutions, it was outrageous to witness Maharashtra

Government assuming to bring in strong measure of arresting striking workers and banning their strikes. That is, where workers resort to legitimate protest openly, the government is bold enough to crush it, but where the parasitic institutions ignore their legal responsibilities, it has no remedy.

In regard to banning of strikes, let us revisit our own history to find out how we have been dealing with our workers and employees and their unions, only one example should suffice. It would be interesting to recall and go as far back as 1960 when the central government employees resorted to countrywide-strike action. Though it cannot be said that they achieved their objective, they had succeeded in displaying their collective might for the first time. Unfortunately, the then government could not distinguish between its own twin identities – one, of course, as the government, and the other as an employer.

In fact, during the discussion in parliament in August 1960, on the issue of Government employees' strike, the then Prime Minister Jawaharlal Nehru had argued in favour of restricting the right to protest of government employees on

the plea that the authority of the government could not be questioned. But, it was late Minoo Masani, who maintained that in respect of civil servant, that is, government employee one cannot deny a man the right to deny his labour unless he is given the right to judicial process. In respect of industrial workers,

however, he stressed that he did not want the banning of strikes.

In other words, the government/civil servants and industrial workers being distinct categories, the right of government employees to strike maybe restricted by allowing them recourse to judicial process to deal with their problems. So far as industrial workers are concerned, their right to strike should not be and cannot be taken away inasmuch as their right to protest is guaranteed. And, therefore, the attempt of the Maharashtra government to ban strikes is nothing but a futile and feeble attempt to display authority.

### Labour Movement

Owing to mushroom growth of trade unions and its impact in the industrial activity, generally and on workers, specifically, our trade union movement is indeed in pitiable condition because as low as only 11 per cent of unions submit

the Annual Returns. It is in this context that we must look for guidance to late S. R. Mohan Das, an acknowledged authority on industrial relations in India. He had observed in his article "Trade Unions & Economic Restructuring" in the Souvenir published on the occasion of Centenary Celebrations of National Union of Seafarers of India in 1996 as follows -

"All the above factors reveal that we do not have a Trade Union Movement but only a generalized 'labour movement'. What a performing society needs is not just a 'movement' but well-established and self-reliant organizations which are financially strong, possess capable manpower and have long-term business goals. All these are absent in the labour movement in India which is very weak and has to rely

on the umbrellas or bailing out provided by political parties or the government."

In regard to established and integrated unions, he added "Wherever unions have been pragmatic and have understood the inevitability of the technological advance and improvement, the ramifications of liberalization of the economy and the economy imperatives of working the industry, they have worked out very good economic packages of severance, tighter manning, etc. for their members, providing them adequate cushioning when out of job as well as options for independent occupations."

In this context, it would be interesting to know his views on the capabilities of managements also: "The only consolation the labour movement can have is the fact that managements are even weaker than the unions, which at least have an asset of solidarity and dynamism, both qualities which a collective performance system called industrial organization needs. Both these qualities are absent in most managements, and by and large, the unions are able to thrive not through their excellence but because of the weakness and confusion in managements of organizational systems."

### Conclusion

Having thus gone through the entire gamut of relationships involving workers, their unions, employers of all hues as also government not only as an employer but also as authority, it will be realized that the turbulent episodes in Maruti, Air India and Kingfisher Airlines are mere symbols of the actual problems in our industrial

scenario at present, which cannot be resolved by blaming only the workers and employees, and their unions, inasmuch as the fault lies also with the managements and employers for their failure to deal equitably with their own workers and employees.

Both employers and unions must have desire and ability to sit across the table and take pains to strive and arrive at mutually satisfactory solutions to the problems that crop up day in and day out regularly at the workplace, wherein lies the very reason for their coming together. Ultimately, it is the task of industrial relations skills on both sides that is the problem, which cannot be surmounted by condemning the managements and employers or by arresting workers or their leaders, and banning the strikes. The nation will progress and prosper only if the industries and service sectors function on the one hand, and on the other workers and employees are enabled to earn their livelihood in an equitable manner.

It would be appropriate to conclude if we can grasp the deep meaning of wise words of U.S. President Abraham Lincoln –  
**"Labour created Capital".**

*(Concluded)*

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## Dharmapuri Riots

Three colonies of Dalits (of the Adidradar Community) near Naickenkottai in Dharmapuri district of western Tamil Nadu remained benumbed on Thursday 8<sup>th</sup> November 2012 by the fury unleashed on them by a rampaging mob of 1800 caste Hindus on Wednesday.

As many as 268 dwelling huts, tiled roof and one or two concrete houses were torched by the mob after a caste Hindu man, Nagarajan, committed suicide over his daughter marrying a Dalit boy from one of the colonies. Police said there was no casualty as occupants of the houses had escaped and took shelter in another village. Ninety five persons from the mob were arrested and cases were registered against another 500 unidentified persons.

The Prime target of the attack was Natham colony whose resident Havrasan (23) had married N. Divyla [20] a Vanniya girl. But the mob's fury was also directed at the adjoining Annanagar colony and Kondampatti old and new colonies.

It is said that Havarasan and Divya had got married in a temple a month ago. Fearing attack by the caste Hindus the couple had approached the deputy inspector general of police, Salem Range, Sanjay Kumar only a week ago for protection.

A kangaroo court had directed Havarasan family to return the girl to her family. The girl refused to go with her father who later hanged himself at his house in Sellankottai, just half a kilometer from the Dalit colonies. And then, the mob went on rampage.

According to the police one group of incensed members of his community protested on the Dharmapuri-Thiruppathur road, blocking traffic with trees they had felled as well as with boulders and sign boards. At the same time, another group entered the Dalit colonies and set ablaze the dwellings. The Dalits alleged that their houses were looted and the valuables taken away. Some vehicles of the Dalits too were torched. Most of the families lost their documents including educational certificates, Ration cards, and land documents in the fire. The attack started around 4.45 PM and went on till 7.00PM. This spot is only five kilometers away from Dharmapuri town. When the mob started looting the houses before setting the alight, many women fled with their children to nearby agricultural fields and relative's houses that were farther away.

Poda Planiswamy, a former Naxalite, alleged that in spite of prior information to the police that majority communities had planned the attack, only handful of police personnel were initially deployed in the vicinity. If the intelligence input had been acted upon properly, the attack could have been averted, he lamented.

An advocate S. Sengodi filed a public interest litigation petition in the Madras High Court seeking direction to the authorities for providing relief under the Scheduled caste and Scheduled tribes, (prevention of atrocities) Act in Natham. Annanagar and Kondampatti old and new colonies in Dharmapuri District. He also stated that senior officers known for their integrity, independence and

commitment to the cause of weaker sections should monitor the relief and rehabilitation measures. The first bench of the high court ordered the authorities to submit a status report and the counter affidavit on the next hearings. In the meanwhile, the Chief Minister of Tamil Nadu has expressed her anguish at the caste violence in Dharmapuri and warned that stringent action would be initiated against those responsible for the incidents, besides sanctioning Rs.50,000/- each to the victims from the Chief Minister relief fund.

Naickenkottai village in Dharmapuri district was once a Naxal heartland. On the other side of the Dharmapuri-Tirupathur highway and right opposite Annanagar Dalit Colony in the village stands an imposing and brightly white washed memorial of sickle and hammer, erected on June 24, 1984 for the slain Naxal leaders Appu and Balan in the police encounters in 1970 and 1980. State committee member of CPI [ML] Chandra Mohan wonders how a village such as Naikkankottai where communist ideology was well entrenched would support such a caste attack.

A team of communist party of India [Marxist] MLA's led by Coimbatore MP P.R. Natarajan visited the colonies and consoled the affected people told the press reporters that the attack could not be prevented because of the total failure of the intelligence. They alleged that an inflammatory speech by PMK leader J. Guru, a month ago at a public meeting in Naickenkottai, encouraged caste Hindus to indulge in violence against the Dalits.

P. L. Punia, Chairman of the National Commission for the

Scheduled Castes visited the three colonies in Naickenkottai. After thorough enquiry he said that the mob attack was not over a single incident, the suicide. It was a well organized and planned attack, he told.

Former IAS officer, Founder President of Tamilnadu Samooaha Samathuva Padai Smt. Sivakami visited the affected colonies, enquired in detail and consoled the people. She too said that it was a well planned, organized attack due to

previous enmity. Atrocities on Dalits prevailed everywhere across the district. The state government and district administrations have failed to control these. Each household in the affected colonies should be given rupees twenty five lakhs and five acres of lands. Tamilnadu government has violated the supreme court order to give due protection for the Inter-caste married couples. Propaganda against inter-caste marriages by Kongu Vellar Sangam and Vanniya Kula Sangam should be banned, she insisted. She pleaded

—Narana Natesan, *TN State President, Socialist Party (India)*

proper education in this regard among backward class people.

Some political parties in the state are fanning bitterness between conflicting castes to exploit them for electioneering purposes. Backward community people like Vanniyars, Maravaras should be taught that the caste system in India is only 1800 years old. It is not Tamil culture. Tamil people considered “*Yadhum Oorae, Yavarum Kelir*” (all are my habitations and all people of the world are my relatives)

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## PM should dare to remove ‘Socialism’ from the Preamble

The Prime Minister is full of a fresh zeal for reforms after winning the battle on FDI in the parliament. He has targeted opponents by saying that they are either ignorant of global realities or are constrained by out-dated ideology like socialism. The word ‘socialism’ is mentioned in the Preamble of the Indian Constitution. Further, the ‘Directive Principles of the State’ in Part Four of the Constitution can be viewed as guiding manifesto for political parties and governments to establish social and economic equality at the earliest. In his attack on opponents, the PM has therefore attacked the very fundamentals of the Constitution. The PM, who has imposed the dictatorship of neo-liberalism on the country by obeying the dictates of the world bodies like WB, IMF, WTO and MNCs, should dare to propose a bill in the parliament to remove the word socialism and the Directive Principles from the Constitution. The Socialist Party also poses this challenge to the political parties who have supported the FDI in the parliament.

The Socialist Party would like to tell the PM that he himself is ignorant of global realities. For him the world is confined to the US, an epitome of capitalist neo-imperialism and developed capitalist countries of the Europe. The profit hungry MNCs of these countries have played havoc in the poor countries. The result is enormous violence, insecurity, fear and hunger. In India, lakhs of farmers have committed suicide; several crore people are suffering from hunger and malnutrition; several crores have been displaced as the result of neo-liberal reforms. Not only will the 4 crore retailers and around 25 crores of their family members face its disastrous effects but farmers will also be badly affected by the entry of multinational retail chain giants like Wal-Mart, Carrefour, Tesco, etc.

The PM has no concern for this world of the poor and hardworking. For him the only reality is the world of the rich. His new push to reforms, in fact, is a push to make the rich richer. However, he paved the way for the poor and hard

working masses to commit suicide or die in conditions of hunger and malnutrition.

The Socialist Party has been fighting against the anti-poor and anti-Constitution decision of FDI in retail from the beginning. The party will now strengthen its fight by spreading awareness among retailers and farmers.

**Dr. Prem Singh, General Secretary, Socialist Party (India)**

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## Problems of Adolescent Girls

Vibhuti Patel

"Rights of Adolescent Girls in India: A critical Look at Laws and Policies" is a timely publication about the most neglected segment of our society namely adolescent girls. Perceived as burden by their parents, neglected by policy makers, subordinated by patriarchal system, crushed before they bloom due to omnipresent misogyny; adolescent girls in India have to tread tight rope walk.

The author rightly avers that in India experiences of adolescence for girls are greatly different from that for boys. For boys, adolescence is marked by greater autonomy in decision making about career, financial independence, enhanced status and expanded participation in family, community and public life.

While for girls it is always differential treatment as compared to their male counterparts. Dr. Amartya Sen has highlighted seven types of inequalities that women and girls have to face throughout their life cycle-from womb to tomb. He states, "Burden of hardship falls disproportionately on women" due to seven types of inequality- mortality (due to gender bias in health care and nutrition), natality (sex selective abortion and female infanticide)), basic facility (education and skill development), special opportunity (higher education and professional training), employment (promotion) and ownership (home, land and property) and household (division of labour).

Chapter 1 defines the analytical perspective informed by 'theory

of social exclusion' of the book that discusses six crucial issues pertaining to adolescent girls' rights: health, education, right to and rights in work, age of marriage and agency in marriage, violence against girls and juvenile justice.

In Chapter 2, while providing situational analysis on the subject, the author highlights major indicators for Status of Girls in India. She focuses on the most mind-boggling problems faced by adolescent girls such as decision-making in the day-to-day life, self-dependence and career. Dictatorial atmosphere in the family, educational institutions and in the community life, make adolescents feel left out of the decision-making processes affecting their lives. Both, in private and in the public spheres, we need to give more space for development to the adolescent girls.

The author has given detailed profile of health status of adolescent girls. For large majority of Indian girls, the cumulative effect of poverty, under nourishment and neglect is reflected by their poor body size/ growth and narrow pelvis as they grow into adolescence, making child bearing a risk. Though child marriages are reducing, still nearly one fourth of girls are married before they complete 18 years. Ramifications of Early Marriage for the Girl are devastating. During last decade, increasing number of girls have been protesting against this evil custom by running away from home, approaching government officers and local police, teachers,

writing essays and poems. One such poem expresses grim reality faced by thousands of adolescent girls in India.

Chapter 3 on Law & Policy Framework shows the apathy of government towards adolescent girls. Even in the Youth Reports churned out by the Ministry of Youth Affairs hardly any serious consideration is given to rights of girls as citizens. Most of the schemes and programmes for girls are guided by stereotypical understanding of girls' role as future wives and home-makers. The author has meticulously described existing provision for girls in the law and critically examined Minimum Legal Age as Defined by National Legislation in India Education (including right to free and compulsory education for ages 6-14, special provisions for girls), Employment (such as labour laws regulating conditions at work, abolition of bonded labour, prohibition/ regulation of child labour, maternity benefits, equal pay for equal work, minimum wages), Health, food, nutrition, water & sanitation (health laws including on mental health, disability, medical termination of pregnancy, prohibition of sex-selective abortions, food security etc.), Marriage (including religion-based matrimonial laws addressing issues of age of marriage, rights during marriage and upon its termination, law prohibiting child marriage), Violence (criminal laws, law related to juvenile justice, specific laws on SC/ST atrocities, trafficking, witch hunting, child sexual violence etc.),

Land, housing, property rights, environment (such as laws related to right to residence in matrimonial home, rent, tenancy, ownership of land, forest rights). This chapter reflects an encyclopaedic legal knowledge of the author on rights of adolescent girls.

Adolescent girls struggle for formal and vocational education is discussed in Chapter 4 titled "Education as a Tool for Empowerment". The most challenging issue is drop out of adolescent girls from school due to inability to pass in mathematics, science and English. There is an urgent need for bridge courses, remedial education, distance and IT enabled courses, vocational training to be made available to girls from marginalized sections. Industrial Training Institutes run by GoI have strong gender-bias and give training to girls only for beautician, secretarial practice, stenography, COPA and tailoring, while boys get training for hundreds of courses.

Chapter 5 : Girls at Work focuses on both paid and unpaid work of adolescent girls. In the intra-household distribution of labour, girls shoulder the major burden of economic, procreative and family responsibilities. NSSO, 1991 revealed that nearly 10 percent of girls were never enrolled in schools due to paid and unpaid work they had to do in homes, fields, factories, plantations and in the informal sector. Sexual abuse at the work place is a hidden burden that a girl worker endures. The child labour policies, however, do not spell out anything specific to girl child workers. There is no implementation of prohibition of girls working in hazardous occupations as per Child Labour (Prohibition and Regulation) Act, 1986. About 6 percent of the boys and girls in rural areas and about 3 percent males and 2 percent girls in

age group 5-14 in urban areas were found to be working during 1993-94.

Transnational Corporations and Multinational Corporations have long realised that the best way to reduce the wage bill and to enhance profits is to move parts of the production process to informal/unorganised sector of poorer countries like India, Sri Lanka, Bangladesh, Indonesia, the Philippines, Thailand, etc. The cheap labour of Asian adolescent girls and young women is regarded as the most lucrative way to enhance profits. Women in developing countries are a 'flexible' labour force. Their cheaper labour forms the basis for the induction of women into export industries such as electronics, garments, sports goods, food processing, toys, agro-industries, etc. They are forced to work uncomplainingly at any allotted task, however dull, laborious, physically harmful or badly paid it may be. A large number of poor adolescent girls looking for work within the narrow confines of a socially imposed, inequitable demand for labour have become ideal workers in the international division of labour. Globalisation is riding on the back of millions of poor girls and women and child workers in the margins of the economy.

The shift from a stable/organised labour force to a flexible workforce has meant hiring women part-time, and the substitution of better-paid male labour by cheap female labour. The new economic policies provide State support to corporate houses that are closing down their big city units and using ancillaries that employ women and girls on a piece-rate basis. Home-based work by women and girls gets legitimised in the context of increasing insecurity in the community due to a growth in crime, riots, displacement and relocation. Sub-contracting, home-based production, the family labour

system, all have become the norm. This is being called an increase in 'efficiency' and 'productivity'. The casual employment of urban working class girls and women in the manufacturing industry has forced thousands of women to eke out subsistence through parallel petty trading activities (known as 'informal' sector occupations). Adolescent working class girls are multi-tasking.

Chapter 6 provides the health profile of adolescent girls. The chapter examines factors that contribute to a healthy life. Health challenges concerning a girl child cover mortality, morbidity, nutritional status and reproductive health and linked to these are environmental degradations, violence and occupational hazards, all of which have implications for her health status. It is intricately related to the socio-economic status of the households to which she belongs. Due to the competing demands on their time and energy as well as their socialization, girls tend to neglect their health. The lesser access to food coupled with neglect invariably leads to a poor nutritional status and a state of ill health for most of the girls. Changing determinants in the survival struggles of girls have created an alarming situation that prevents India to meet the Millennium Development Goals.

Chapter 7 on Age of Marriage and Agency in Marriage is historiographically illuminating. It delineates volatile journey of Indian Women from late 19th century when Age of Consent debate had polarized public opinion between liberal humanists and cultural revivalists in the context of death of 11 year old Phulmani on the first night of her marriage due to forced intercourse in 1890 in Calcutta Presidency and Rakmabai case in Bombay Presidency.

In 21st century also many girl already in poor health, marry between the ages of 14-16. They bear children while still young and malnourished themselves. An upswing of female deaths in the age group 15-19 years indicates the high mortality rate of teenage mothers. Nearly 45 percent of Indian girls are married off before they attain majority. Child marriages and teenage pregnancy with and outside marriage are the major problems faced by girls in the developing world.

Chapter 8 on violence against girls in their private and public lives shows that adolescent girls account for more than their share of abortion related complications and deaths. Unwed pregnant girls (victims of rape, incest or seduction), turn to abortion, whether or not it is legal. Faced with unintended pregnancy, they take desperate measure resulting into health risks of unsafe abortions such as sepsis caused by unsanitary instruments or incomplete abortion, haemorrhage, injuries to genital organs such as cervical laceration and uterine perforation and toxic reactions to chemicals or drugs used to induce abortion. Domestic violence in parental and matrimonial home, battering, physical tears, death due to bleeding, rape, sexual harassment at home, workplace and public places, eve teasing, kidnapping and abduction, prostitution, sexual assault, molestation, rape, child sexual abuse, nuisance calls cause psychological disturbances among girls and women and throw major health burden on girls. The trauma of sexual violence sparks off tension and anxiety at a dangerous level. Women counselors working with girls have conveyed that their mental health problems are manifested in anxiety, fear, avoidance, guilt, loss of efficiency, lack of coordination, depression, sexual dysfunction, substance abuse, relieving the

traumatic incidents through memory, suicidal attempts, eating disorders, disturbed sleep patterns, fear of encountering such situation once again. It is found that girls who undergo extreme sexual violence experience a loss of self and self-esteem following the shock inflicted on them.

Incidents of child rape and abandonment have increased. Major problem in cases of crimes against girls is that of underreporting. Over and above crimes against girl child punishable under the Indian Penal Code (IPC), there are also special and local laws to prevent child labour, child marriage and immoral traffic prevention. Pre-Natal Diagnostic Technique (PNDT) Act 1994 has not been able to reduce sex-selective abortion of female foetuses.

Chapter 9 Engaging With The Juvenile Justice System brings out operation of The Juvenile Justice (Care and Protection of Children) Act 2000 that covers functioning of 5 types of institutions dealing with adolescents: Observation homes, Children's Homes, Special Homes, Shelter Homes and After care organizations. Bureaucratic lethargy, political vested interests, sexual exploitation of girls, embezzlement of funds earmarked for food, education, vocational training, and lack of transparency have eroded credibility of the Act. NGOs and social work institutions are the only conscience keepers.

Chapter 10 on State responsibility locates framework of state responsibility under international human rights law. National Commission for Children has a special mandate for girls. The very first sentence in the chapter aptly projects needs and aspirations of adolescent girls, 'Adolescent girls are not merely "claimants"

or "beneficiaries" of pre-defined rights; they play an important role in defining the contents of rights.'

Chapter 11 on "Claiming Ownership of the Future: Some Adolescent Girls' Visions" brings out voices of girls through survey research based on a representative sample of 112 adolescent girls from underprivileged communities in Mumbai conducted by Vacha team led by Nischint Hora, Medhavini Namjoshi, Yagna Parma and Amrita De. The study was conducted in September-October 2012. The main highlights of the study speak volumes about agency of adolescent girls who are convinced about the importance of education for empowerment; perceive child/early marriages as a major impediment to their growth; aspire to be economically independent in their future life; are extremely concerned about personal safety and security; deplore honour crimes and assert the right of girls to choose their life partners; are conscious of societal discrimination and injustice against girls, and wish to see it eradicated; do not give adequate importance to aspects of health, food and nutrition; feel positive about government schemes, but also emphasize the need for increased focus on education and personal safety of girls; reiterate the need for proper implementation of laws; cherish spending time with friends, going out, playing and studying; wish to focus on personality development and improving life skills, such as acquiring self-confidence and skills in independent decision-making; and believe that self-assertion of rights is a key to their empowerment.

Rapid changes in the socio-economic and cultural reality, parental expectations, values and norms, rising levels of competition and pressure during examination time and a breakdown of traditional

family structures are factors that accelerate this alarming trend. Examination related anxiety results into sharp rise in girls hurting themselves deliberately, leaving homes or killing themselves. Fear of failure is a root cause of all qualms. Parents who want their children to develop high self-esteem should make a point of treating them with respect and dignity. Concept of fiscal hygiene is important for girls to understand the value of clean money earned through hard work. Today's adolescent girls are at the crossroads. But every crossroad leads to new roads. Information revolution has made adolescent girls more aware and precocious. They have to enhance their knowledge base. Broadening one's personal horizons is a sure way of tackling the crisis within oneself. Today's girls find the values instilled in them since their childhood, hollow in real life. Romance is found utilitarian and consumerist. The economic security is bleak, emotional security is becoming a victim of uncertain times. Globalisation has led to the emergence of apparently homogeneous life-styles, necessities and comforts through media-images, whereas the reality of life is pathetically at variance with resources required to maintain such a life. This has further deepened the crisis of the adolescent girls.

**Let the Girls Bloom**

Adolescent girls are surpassing earlier milestones in the area of education, vocation, sports and cultural activities by displaying tremendous grit and hard work. They are setting new benchmarks in their success stories in spite of socio-economic and cultural hurdles. Now the state and civil society need to remove the institutional and cultural constraints so that the adolescent girls can realise their dreams. Providing good and healthy role models for adolescent girls is very important.

This book is a valuable contribution in terms of its analytical rigour, right based perspective and crucial strategic thinking for empowerment of adolescent girls. This book is a must-read for educationists, thinking youth, policy makers and practitioners dealing with problems and challenges of girls and youth in general.

**Rights of Adolescent Girls in India: A critical Look at Laws and Policies**, by Adv. Saumya Uma,

**Vacha Publications**, Mumbai, 2012), **Price:Rs.300/-**

1. Amartya Sen: "Many Faces of Gender Inequality", an inauguration Lecture for New Radcliff Institute at Harvard University, 24-4-2001.
- 2 National Sample Survey Organization, Table 21-2, Delhi, 1991; s70-s119.
- 3 Jawa, R Girl Child Labour, N. Delhi: Manak Publications, 2002: 157



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**Fast at Rajghat**

Editor :

**G. G. Parikh**

Managing Editor : Guddi

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

Email : [janataweekly@gmail.com](mailto:janataweekly@gmail.com)

The Congress has lost Gujarat once again, and as if to compensate for this, it has won, much to its own surprise, Himachal Pradesh. In any other circumstance, one gain could make up for one loss, thus leaving the status quo intact. But Gujarat’s loss cannot be made up by Himachal victory. Narendra Modi’s triumph this time, his third in a row, takes the Congress to a new low. Which means that the party that ruled Gujarat from the year it was bifurcated from composite Bombay may never again come to power by unseating the now-deeply entrenched BJP. Unless the BJP commits a series of blunders in the coming years and negates all the credit that Narendra Modi has amassed for it in the last two decades, the BJP can hope to stick to power till the Congress puts its disarrayed house in order. That may not happen for another two assembly terms, after which the law of diminishing returns would begin applying to the BJP.

The BJP seems to have lost Himachal largely because of the anti-incumbency phenomenon working against it. The BJP lost not because the Congress overnight turned to be a superior party or chalked up new roads to the voters’ affection. The BJP

lost because BJP failed to measure and assess the popular resentment against the infighting in the BJP ranks both within and outside the state. We cannot, however, begrudge the Congress win. Virbhadra Singh returned to the state after falling from grace in New Delhi. But being a leader with grass-root support, he managed to re-establish rapport with his supporters and ensure a clear victory. He deserved to be sworn in for the sixth time as chief minister. Which is a record matched only by a handful of leaders from any party. Virbhadra is not a Jyoti Basu, but his credentials as a top representative of Himachal cannot be questioned or ignored either. Virbhadra Singh would however have to deliver good governance to retain the regained asset. Fortunately, a day before he was sworn in, a local trial court has acquitted him and his wife of some corruption charges in a case filed some years ago. Some people have all the luck!

Though held in the last month of the fading year, the assembly polls in Gujarat and Himachal have in fact initiated the run-up to the “election season” of 2013 which will culminate in the 2014 Lok Sabha



poll. At least six states (Karnataka, Andhra Pradesh, Madhya Pradesh, Rajasthan, Chhattisgarh, Delhi) will elect new assemblies in the year. The fate of the Congress and the BJP in 2014 will in effect be decided in the assembly polls even though the state verdicts do not always change electors' opinion for the parliamentary contests. But the verdicts will certainly be a pointer.

By virtue of its performance, the Congress, as the dominant partner of the UPA coalition, has no reason to expect a great showing in 2014. Indeed, as one looks at the map, the Congress' position has very little to commend itself in any state you look at. Added to the local shortcomings, the loss of image at the Centre is a compounding factor. One of the biggest shortcomings the party suffers from at the local levels is the absence of a credible local leader. The Gujarat Congress was in fact leaderless when it fought the polls against an acknowledged local leader. Thanks to the consistent policy first of Indira Gandhi and now of her daughter-in-law Sonia Gandhi all power is vested in the hands of the "unquestioned and supreme leader" and state level leaders are not encouraged to wag their tails. If any state leader shows the gumption to stand up and be counted, he is mercilessly pushed to the corner and politically ostracized to the extent of conferring an exile on him by way of punishment. Under the banyan tree of Sonia Gandhi's presidency, the shade is so dark that local leaders become invisible and are seen only when a narrow beacon of light is focused on them by Sonia Gandhi. And, sad to say, the heir-apparent has shown no inclination or promise of being different. Sonia Gandhi has lost more states than any

*(Continued on Page 2)*

## Hangings of Kasab – some issues

**Rajindar Sachar**

The hanging of Kasab, the lone survivor of 26th November, 2008 terrorist gang has raised a number of questions. The foremost being the refusal of India to abolish death penalty, notwithstanding that Gandhiji, Jayaprakash Naryan and Dr. Ambedkar were opposed to it. I respectfully follow them. The secret hanging also seems unexplainable in view of sudden realization by the Home Minister Shinde of the urgency and public advocacy of rethink on capital punishment.

That Kasab was involved in terror attack was an open and shut case. He had a fair trial with one of senior Advocates of Supreme Court being provided free by state, and it would be a slander to suggest to the contrary. But there are other aspects which show a disturbing trend. I am not referring to the unusual speed with which his mercy petitions has been disposed of, but to the manner in which the home ministry acted. The press reports quote two officials who claim to have been present giving contrary views, one saying that he was remembering Allah and expressed his desire to see his mother and the other official saying that Kasab was sort of dazed and did not say anything. All this could have been avoided if lawyers of Kasab in the trial court and High Court had been allowed to be present. I would even say that a couple of Indian Press people should have been allowed which could have scotched any rumour mongering. Above all, genuine effort by should have been made by our government to bring over Kasab's mother to

meet him in his last moment – a really human gesture. It would also have complied with requirement of law and shown humanitarian considerations.

It is a settled practice that before hanging, the family members are given an opportunity to meet the accused. The government claims that it told the Pakistan government the evening before the execution date about Kasab's request to meet his mother, but the Pak Government refused to receive the information. I find no justification why Indian government itself did not pass this information to Pakistan Press - it needs to be remembered that in the first instance it was Pakistan Press which traced the parents and the residence of Kasab in Pakistan. Even Pak Government does not dispute that Kasab and his co-terrorists (who were all killed in the encounter) were from Pakistan, it only wants to absolve itself from the charge of I.S.I. involvement – in fact that is the crucial reason why Kasab should not have been hung and kept as a continuous illustration of Pak involvement (whether official or non official). A living Kasab, realizing that Pakistan was repudiating him, might have disclosed more inside information. As it is, the trial that is being held in Pakistan against Hafiz Sayeed and others for their involvement is held up because of the objection by the Pak Government wanting to cross examine those witnesses in Indian trial, a right which according to press reports India is inclined to accept. Why then this gory urgency

to hang Kasab who was a live face of terror originating from Pakistan?

Why this tearing hurry? Was it, as some people suggest, that Home Minister being from Mumbai wanted to score a personal victory by being able to boast before the public on 26th November, 2012 (the anniversary of this tragic event) that he had avenged the barbaric act? If so, one would be sorry if in such important public delicate matters, small personal considerations prevail.

Another boast by the Home Minister that even Sonia Gandhi or the Prime Minister did not know beforehand of hanging – not telling Sonia Gandhi is understandable, because she is not in the government (though I would have thought that it would have been wiser to seek her advice, considering that she had shown admirable humanism and lack of revenge sentiment, when even in opposition she had recommended clemency, to Nalini one of the accused in Rajiv Gandhi murder case.) - but to have kept this information away from the Prime Minister is certainly indefensible under our Constitution. The Prime Minister is the executive head and to keep him ignorant of the position where India-Pakistan relations are concerned cannot be considered a correct step.

I feel that this tearing hurry and encouragement even by the press to show that people were celebrating ill befits our civilized culture and I am shocked that even responsible persons like Anna Hazare and the well known director of films regretting as to why Kasab had not been hung publically or even been allowed to be publically lynched. One would have expected from

such personages a more mature, civilized reaction. As against this the reaction of father of one of the deceased that hanging is not a cause of celebration makes me salute his humanism.

Kasab had stubbornly kept silent till now. But now knowing that all legal remedies are finished, he might have become less resistant to revealing all the details. After all the voice samples have got to be matched. That is why I think that the government has acted foolishly in hurrying through with hanging. The government has missed the opportunity to embarrass Pakistan. As it is responsible opinion and Press, in Pakistan like “Dawn” soundly criticized Pakistan government when it wrote “the authorities in Islamabad acted to establish facts that distanced the state from the work of a few fanatic killers. But that doesn’t serve to hide the shortcomings in the working of Pakistan’s anti-terrorism apparatus and its inability to keep tabs on organizations.”

“Express – Tribune” of Pakistan echoed the same sentiment thus “we must show the world that as a country, we are genuinely committed to fighting terrorism. For this reason, the process of trying the accused in our country must be expedited..... at the top of the list of those accused by the Indian government in the Mumbai attacks is leader of the Jamaat-ud-Dawa, Hafiz Muhammad Saeed....New Delhi has provided evidence to our government of involvement of Pakistani individuals in the 2008 attacks but Islamabad denies substantive proof. Such misconceptions need to be determinedly resolved if militancy is to be brought down in the country.”

Now that Kasab has been hanged will the Home Minister give concrete shape to his publically expressed view by bringing a law abolishing death penalty, because as he himself admits that death penalty is a violation of human rights?

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*(Continued from Page 2)*

of her predecessors and all pointers suggest that she is unlikely to win any in 2014. Rahul has already been a failed vote-getter in this respect. Luckily for it, the BJP is as vulnerable these days as its main adversary. Its stock is rock bottom. With a party president involved in corruption charges, with leaders at both national and state levels at loggerheads with each other, with its performance as the main opposition party in parliament none too flattering, it will be a wonder if it leads the NDA to power in 2014. Its loss will be the Congress’ gain. The stage for the 2014 battle royal is being slowly set.

Acharya Javadekar  
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## ‘I want to live’

**Kuldip Nayar**

Like an individual, the nation too has a limit of tolerance. For Delhi and some other cities, the gang rape at the national capital was the proverbial last straw. Students filled the streets to demonstrate and even had one or two pitched battles with the police. One policeman has died and many students have been injured. Such incidents are bound to happen when anger is sought to be fought with water canons and lathi-charge.

No doubt, the demonstration at Delhi was ignited by deep anger over the rape. But it was an outburst of piled-up resentment against the system which neither delivers justice nor gives jobs. It is a sad commentary on non-governance and ineptness of administrations which have been run by rulers of all shades since independence, particularly after the early 1970s.

Prime Minister Indira Gandhi tried to suppress grievances and disappointments by authoritarian methods although she had swept the polls on the promise of eliminating poverty. Nobody can accuse meek Prime Minister Manmohan Singh of authoritarianism but almost nine years of his rule shows that he is too much of a bureaucrat who knows rules but not how to take drastic steps. Even his belated address to the nation was bald and lacked punch. At least he could have stopped the spectacle of ugly controversy among the Delhi chief minister, union home minister and the police commissioner.

The students were angry and there was disconnect between them and the government. They expected some heads to roll. But mere statements could not allay their mistrust. The general feeling was that none would be punished and soon it would be business as usual. The government should have transferred Police Commissioner Neeraj Kumar straightaway. His explanation was a poor defence of his failure. If nobody in his force was to blame, then who blundered? To maintain law and order in Delhi requires imagination and novel ideas, not the outmoded ways to which the police are used. What was also lacking was human touch or personal contact.

Delhi's Lt. Governor was on a vacation and according to state chief minister Sheila Dikshit, he was not contactable. Why should such a person remain at his post? Even his tenure of second term has ended. His drama, after return, of suspending a few lower functionaries lacked script.

The appointment of a judicial commission has not evoked response because commissions have ceased to have credibility. The one headed by B. N. Srikrishna to probe the 1993 communal riots in Mumbai and the other by M. S. Liberhan on Babri masjid demolition remain on paper. The accused in both the reports are people who are politically powerful. What would the commission on the Delhi gang rape prove when there is no faith left in such attempts to silence articulate voices?

The mother of the raped girl has complained that the police put pressure on her, says a letter of the magistrate who went to record the statement of the girl. Sheila Dikshit has rightly taken up the matter with the home ministry which has ordered an inquiry to find out how far the mother was intimidated by the police, which denied the allegation.

In fact, the entire judicial process has no respect in the eyes of the people. It takes too long to get the guilty punished. At present, there are 400 rape cases pending for years to be adjudged. Even if the Delhi gang rape is listed for fast tracking, there are so many loopholes in the law and there are courts of appeal which will take their own time. Laws have to be changed. More importantly, the legal system requires overhauling. Capital punishment does not deter rapists. Chemical castration is a must. There is a public demand for it.

Parliament members were up on their legs to ventilate their importance. Two political parties demanded immediate and drastic measures to deal with the guilty. Strange, none asked at least the resignation of MPs sitting among them with charges of rape. One explanation given is that the Election Commission should take action. Why not parliament itself? (One third of Gujarat MLAs face criminal cases, including rape).

All political parties should realize that the youth in the country does

not find the existing institutions giving answers to their questions: Why so much poverty? Why an increasing gap between the rich and the poor? Why the stranglehold of caste and creed? Why the failure of government to appreciate their aspirations? The Congress leaders did talk to some students in batches but found no leader who could pacify or represent them. The leaderless mob is the worst that can happen in a country. Some lumpen elements were able to introduce violence. This means that the youth is a combustible material which can be set on fire by some demagogues.

Many years ago, alienated students at Osborne in France almost brought about a revolution. But the movement failed because of ideological differences among the students. More recently, the Arab spring in some Muslim countries changed the rulers. Mobs came onto the streets and found a common cause: authoritarian rulers drenched in corruption. In China, the students had gathered at the Tiananmen Square to protest against the dictatorial regime. But then Beijing, with no democracy, crushed hundreds of them to kill dissent.

The present rulers have nearly got away with all their excesses. This is because India is an open flabby society. People can express their views freely despite the pressure and price. But it lives under a delusion that the status quo can be maintained. What has happened at Delhi is a warning. The system requires overhauling. Even the election of members has to be looked into because money and musclemen have reduced the polling to a farce. The police in many states have become the private army of chief ministers.

*(Continued on Page 6)*

## India's moment of truth

Uday Dandavate

On June 12<sup>th</sup>, 1975, the Congress government lost Gujarat assembly elections to the Janata Morcha. On the same day Allahabad High Court declared Prime Minister Indira Gandhi's election to the Parliament invalid in response to an election petition filed by socialist leader Late Raj Narain. Indira Gandhi was defiant. She imposed a State of Emergency and put all the opposition leaders in prison for the next two years and suspended civil liberties of citizens in the country. The underground movement against the emergency provided the impetus to the non-Congress opposition parties to unite for the first time against the monolithic Congress party rule and to eventually displace it from power in 1977. Due to lack of ideological cohesion and conflict of personal ambitions of the top leaders the Janata Party, a by-product of India's fight against corruption, splintered and India's electorate brought Indira Gandhi back to power within a short period of 18 months. Upon the disintegration of the Janata Party, Jayaprakash Narayan, the architect of the "anti-corruption movement" of 1974-75 and the author of the "Total Revolution"- a dream that drove youth to the movement against corruption - lamented, "A garden (a metaphor for the dream of total revolution) has been destroyed".

The situation today in many ways is similar to the year 1975, yet the differences need to be understood. Congress party finds itself in a similar situation - it is today presiding over the most corrupt edifice and stands discredited in the eyes of India's citizens. Anna Hazare, who often

credits Jayaprakash Narayan and Mahatma Gandhi as his inspiration, has stirred the conscience of the nation and appealed to the youth of India to pursue a new vision for a corruption-free India. Unlike Jayaprakash Narayan, Anna Hazare is today wary of approaching the next parliamentary election with a half-baked political alternative and has therefore decided to part ways with some of his key lieutenants in the anti-corruption movement, who are more eager to fight the system in the electoral arena in 2014. Anna Hazare and his team have expressed greater interest in building a long term grass root level cadre of committed youth for transforming India. Aam Adami Party, led by Arvind Kejriwal is in the meanwhile gearing up to fight the next parliamentary election against both the established parties, the Bharatiya Janata Party and the Congress party, terming them both as part of the corrupt system. The enthusiasm generated by the movement for Lok Pal Bill in the country resembled the movement against corruption in 1974-75, yet the scenario before the 2014 elections to India's parliament is radically different from the pre-election scenario of 1977.

In 1977, compulsions of fight for civil liberties brought the Congress (O), Jan Sangh (now BJP), Socialist Party and Swatantra Party under the umbrella of the Janata Party. Jagjivan Ram who had only recently separated from Indira Gandhi to form his own Congress for Democracy merged it into the Janata Party as soon as the Lok Sabha campaign began. The constituents of the Janata

Party could never arrive at a shared ideological platform for building a sustained political alternative.

The Janata Party was torn between the Congress (O) - rejects of the Congress culture, Socialists - who had championed an egalitarian society since separating from the Congress of pre-independence era, and the Jan Sangh - who had relentlessly pursued the dream of Hindu Rashtra.

After the collapse of the Janata Party, Bharatiya Janata Party, formerly Jan Sangh, decided to go back to its original agenda of harnessing the religious sentiments of the Hindu majority as the central plank of its political agenda. L.K. Advani led the rise of BJP by embarking on a pilgrimage to Ayodhya in a "chariot". He led a frenzied crowd of a million people towards the Babri Masjid, which led to the destruction of the historical monument and installation of a temporary idol of Ram at the site. The Ram Janmabhoomi movement brought dividends to the Bharatiya Janata Party in the next elections. Atal Bihari Vajpayee became the Prime Minister of India. Many of the progressive and socialist leaders from the former Janata Party/Janata Dal, joined the bandwagon and became a part of the National Democratic Alliance (NDA) which became an alternative to the Congress-led United Progressive Alliance (UPA).

While Atal Bihari became the conciliatory face of the ND, which allowed the parties with secular beliefs an excuse to overlook the communal agenda of the BJP, L.K. Advani was sidelined due to his overt association with a hardline religious stance. L.K. Advani had to make way for Atal Bihari as a Prime

Minister due to compulsions of accommodating the secular leaders into NDA. NDA became a new version of the ideologically disparate coalition of parties from 1977 era.

In the meanwhile, Narendra Modi emerged on the scene as the voice of the hardliners in the BJP. Narendra Modi tapped into the popular anger against Pakistan-sponsored terrorism and global sentiment against activities of Al Qaida to establish a new political platform that promised a new brand of politics that combined promise of development with a chauvinistic passion. He ruthlessly capitalized on the anger against Muslim minority and presided over the most heinous genocide of Muslims in Gujarat in 2002. The liberal mask of the Bharatiya Janata Party, Prime Minister Atal Bihari Vajpayee, advised Modi to assume responsibility for the riots by demonstrating his "Raj Dharma". Vajpayee's advice was ignored. The opportunity for cashing on the popular combative passions helped BJP gain a foothold in the minds of Hindu majority. Gujarat became a laboratory for Narendra Modi to start a new "revolution" of fanatical nationalism.

Today Gujarat has turned another page in the history of India's political evolution. Narendra Modi has emerged victorious for the third time in the assembly election and has twitted- "its time to move FORWARD"- clearly indicating his wider design of taking his approach to the national level. Modi's pilot project in Gujarat is ready for a national roll out. The people of Gujarat and many supporters and admirers of Narendra Modi are excited at the prospect of seeing him as the next prime minister of

India. Many of them are excited at the prospect of linking the politics of religious identity and development and of making deep inroads into the religious sensitivities of India for long term political gains. In Narendra Modi's leadership they see an opportunity to reverse the "pandering of Muslim minority" (a common belief amongst the conservative majority population of India) and getting rid of "Pseudo Secularism" from the political discourse.

Narendra Modi's ascendance to the political center stage is a moment of truth for India and for the coalition partners of the National Democratic Alliance. It is a time to choose between the true beliefs in democratic system of governance, in India's belief in secular principles, in the need to maintain religious harmony and in tapping into the cultural diversity as a source of innovation and development. In the coming months the youth of India will be faced with a difficult task of choosing between ascendance to a fanatical and autocratic development model or gradual evolution of a democracy that allows for its diversity to be nurtured.

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Overall, the country is peaceful, not because the people are contented but because they still have confidence of changing the complexion of parliament and state assemblies through votes. But this confidence is lessening election after election. More than that, the poor cannot live out in the cold, hungry and without future, for another 64 years, the span since independence. They want to live. In another context, the raped girl, fighting against death, says: I want to live. The nation has to decide how?

# Fraternalsing Democratic Socialists

D. K. Giri

A group of forty men and women from seven states of India met in Hyderabad for five days in November this year for an Ideological Retreat. It was organised by Association for Democratic Socialism, New Delhi (ADS) and Centre for Socialist Studies, Bangalore. The Retreat was the follow-up of a national camp held in Bangalore early this year on “Clarity of Progressive Thoughts, especially, Democratic Socialism”. It was realised in the camp that Democratic Socialists needed to reflect on their principles and practices in order to have greater clarity and unity of thoughts and actions. The Hyderabad Retreat was to deepen the understanding of and commitment to fundamental values of Democratic Socialism. The next Retreat in Kerala in March 2013 would reflect on policies and practices of Democratic Socialism in India and elsewhere.

The core values of Democratic Socialism - liberty, equality, fraternity, and justice - were discussed thoroughly in all their dimensions and ramifications. There were long debates on each of the values in a spirit of collective learning, for instance, positive and negative liberty, equality of conditions and equality of outcomes, differentiated levels of recognition of justice and so on. It was agreed that all the values were interdependent inasmuch as they could not be practiced or secured in isolation of each other. The value which generated interest and a need for further inquiry is “fraternity”. This was because ‘fraternity’ is the

least defined among the values of the Left, whereas a huge literature exists on ‘liberty’ and ‘equality’. Even in Indian Constitution, in its preamble, there is the mention of ‘fraternity’. It reads, “To promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation”. But, unlike ‘liberty’ and ‘equality’, there are no provisions in the Constitution to actualise the value of ‘fraternity’. Let us examine if this value then is simply a moral assertion, or like other values, a practical necessity to realise Democratic Socialism.

## Defining Fraternity

What is Fraternity? Before we define it, and study its application in various contexts, we should note that ‘fraternity’ is considered akin to ‘solidarity’, the value in vogue in Marxist vocabulary, and now used by Democratic Socialists as well. Some political thinkers would argue that ‘solidarity’ is an extension of ‘fraternity’. We, however, use it here as a synonym for ‘solidarity’. The meaning of ‘fraternity’ as implied in French Revolution is, “Fraternity is a word associated with the idea of community, which is a body of people that share a common interest or purpose, such as a guild. It is also associated with brother/sisterhood and having/working/fitting/producing something together as a group. Also, a fraternity can be recognised as a group viewed as a forming a distinct segment of society”. But Democratic Socialists interpret it as a product of practising the other core values - freedom, equality

and justice - as well as a facilitator to realise those values. Professor T. K. Oommen, the renowned sociologist and the president of ADS suggests that ‘fraternity’ (solidarity) recognises group dimension and community orientation in social life. While individual rights and liberties are to be valued and recognised, their realisation is possible only if a conducive social milieu exists. He argues that even in a free, equitable and just society individuals differ in motivations, aspirations and abilities. Societies consist of both weak and strong. While capitalist democracy tends to endorse social Darwinism, betting for the strong, Democratic Socialism entails practising fraternity wherein the strong extends a helping hand to the weak. It endorses the notion of Aristotle, “man is a social animal” and in a political context, Aristotle has said: “From these things it is evident, that the city belongs among the things that exist by nature, and that man is by nature a political animal” (1253a1-3).

## Ingredients of Fraternity

What are the elements of ‘fraternity’? There are several. First, ‘fraternity’ is associated with activity, doing things. It is not just an attitude of mind, an abstract love for humanity. So it does not mean anything when one says s/he likes him or her, unless one works with either or both in a common task or stays with them in harmony, like brothers or sisters in a family with their differences or independence as well as bonds of circumstances and affection. Second, ‘fraternity’

recognises differences and diversities in societies. It implies individuality not sameness. But, in the collective approach, central to the philosophy of Democratic Socialism, individuals have to work together for the realisation of the common tasks and for a just society. The formula is, “from each according to his abilities, to each according to his needs”. Third, Fraternity is not incompatible with inequality as particular groups practice it when they are in conflict with other groups. Fraternity of “struggle and passion” is merely temporary unless the pressure is artificially kept up, like when Trotsky advocated, “permanent revolution” to ensure the monopoly of power of the Communist Party (in the right hands), or Chairman Mao argued that every generation must experience the intense comradeship of the revolutionary renewal. Von Rauschnig, in his once-famous book, “The Revolution of Nihilism”, argued the paradox that people did not first march along with Nazis because they shared their values, they marched because they wanted to gain a feeling of brotherhood and wanted to agree with them. Thus, camping, drilling, marching, demonstrating, rioting, and beating of Jews and Communists together gave them the experience of fraternity they desired so much. Democratic Socialists shun such tendencies and practice of fraternity which cause conflicts among groups of human beings differentiated on the bases of class, race, sex, nationality, religion, ideology and so forth. Fourth, liberty and fraternity must go together. Human experience shows that fraternity without liberty is a nightmare; and liberty without fraternity is competitive cruelty, (Bernard Crick, *Socialist Values and Time*, Fabian Society, No,

495). Therefore, the ideal situation is when liberty and fraternity go together. The worry is if fraternity is hard to find in liberal conditions, some people may seek fraternity in violent actions. Fifth, fraternity is better practiced in smaller groups, on small scale, but it needs to be extended to large scale, beyond groups and nations. If it is not extended to all humanity, it may lead to deadly rivalries, between East and West, North and South, Developing and Developed, etc. But, we have to balance the large and small, lest the large should obliterate the small scale. One simple example could be when we aim for a multicultural society, we should foster various cultural groups as well. Fifth, fraternity is based on sociability, a value which is somewhat a marriage between Marxist ‘class identity’ and Rosseaunistic ‘personality’ or libertarian ‘individualism’. Sociability limits individualism as well as it goes beyond class identity. Personality is good to challenge established conventions or undesirable traditions, but it is not good enough for creating new conventions of social justice and fraternity. Likewise, class in a class-based society is an important identity, but it is not sufficient account of individual identity. Sixth, Democratic Socialists should realise that economic planning alone cannot create a fraternal society. Social conditions can help or hurt fraternity, but cannot create fraternity. No doubt, fraternity goes with friendliness, kindness, helpfulness, mutual understanding and respect, no intellectual or ideological complex or ego, belief in essential oneness of humanity and above all, willingness to work together for a common task and in collective causes.

### **Fraternalising Indian Socialists**

Have we not faulted as Indian Democratic Socialists in our neglect of practicing fraternity amongst us? One of the core values of our political philosophy remained less understood and unpractised, which surely caused disunity and even splits amongst us in the past and does so even now. In commendably rich contributions made by Indian socialists to the philosophy of democratic socialism, there is not much mention of this value. It is not surprising as Indian society is made up of communities, and there is quite a bit of intra-community fraternity. But, there is not much evidence of fraternity practiced at inter-community levels or in other occupational or professional groups. Such groups tend to be either hierarchical or competitive. Indian socialists suffered this social and cultural trend, and did not consciously do much to mitigate it. The clash of personalities, intellectual and ideological egos between Indian socialists hurts us all and hinders the movement. Shall we not go deeper into this very important facilitative value of ‘fraternity’, in our understanding, internalise it, in order to revive and foster unity amongst us. Shall we not practice, what we should preach?

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## Let us not lose focus

**Bapu Heddurshetti**

Kindly permit me to respond to Pannalal Surana's response in Janata of 16, December 2012. It is a strange logic and a stranger economic argument, that since 'farmers' constitute 66 percent of the population so much of development expenditure should be allotted to 'agriculture'. By that logic, since teachers and doctors constitute only 1 percent or even less of the population only 1 percent of the development expenditure should be allotted to 'education' and 'health care'.

If loans advanced by Banks to the farmers are to be considered 'private' investment by the farmers, by the same logic can we treat the loans advanced by the Banks to the 'industrialists' as 'private' investment by the industrialists? Again farmers are not only advanced loans at very low rates of interest, but periodically the interests and loans are 'waived' off. In Karnataka farmers get 'free' electricity for their pump sets. Fertilisers are subsidised and the minimum support prices increase between Rs. 80 and Rs. 700 for agricultural produce almost every year.

When there is surplus production of any commodity does 'equity and balanced approach to growth' demand reduction of outlay or increase? Agriculturists should feel lucky that though their contribution to the national GDP has been decreasing over the years the outlay has remained constant.

Shri Surana worries that farmers are being 'looted' of their means of

livelihood because of the SEZs. But there is no compulsion on farmers to part with their lands in forming SEZs. Government does not acquire the land compulsorily from farmers but the developer has to either purchase the land or lease it in both of which cases the farmers part with their land voluntarily. Is purchasing or leasing the land 'looting' the farmers? I think we should steer clear of emotional arguments.

Even presuming that all the notified 583 SEZs are operational and are multi-sector the land use comes to 583000 hectares which presuming to be all cultivated land comes to .3 percent of the Net Area Sown in 2007-08. Even presuming that lands of only marginal farmers have been taken for SEZs, since the average land holding is .4 hectares, 14.5 lakh holdings have been taken over. Since 380 SEZs have provided employment for 8,15,308 persons, 583 SEZs can be safely presumed to provide employment for 12.5 lakh persons. This is apart from the man-days employment created for the infrastructure development. Is not this kind of shift in employment from agriculture to industries welcome since agriculture in India is over-populated?

At the end of the day, the arguments are not 'socialist' but 'agriculturist'. For example, irrigation is not a 'socialist' program as it does not 'reduce' inequalities but perpetuates them as a farmer with 20 hectares of land will benefit 20 times more than a farmer with one hectare of land in the irrigated area thereby

perpetuating inequalities. Not that irrigation should not be done, but that it should be the concern of the 'agricultural scientist' rather than a socialist. A socialist should be more concerned with reducing inequalities existing in the pattern of land holdings and integrating the farmer and agricultural worker classes into a homogeneous agricultural class thereby enhancing equality in society leaving the qualitative and quantitative improvements in agriculture to the agricultural scientists. Socialists should not lose their 'focus'.

That a person accused of an offence should be presumed innocent till he is proved guilty is not 'my' 'spacious' 'argument' but a well settled principle of law. Since "Due to procedural and social-political constraints, it is extremely difficult

to prove corruption there" are we going to decide that people are guilty because they are accused of being guilty and condemn them? This is preposterous jurisprudence. Of course one is free to either follow the 'rule of law' or rule of the jungle' And being concerned about 'corruption' is one thing and condemning and socially or politically punishing a person accused of being corrupt is another.

And pray, where does Shri Surana locate my 'scare' in my response to his article?

We should not reduce socialism into an emotional doctrine, it is a rational doctrine.



# Indefinite fast in support of demands of farmers-labourers

Dr Sandeep Pandey, Magsaysay Awardee and Vice President of Socialist Party and Anil Mishra, social activist are on an indefinite fast along with demonstration in support of demands of farmers-labourers organized by Socialist Party jointly with National Alliance of People's Movements (NAPM), Lok Rajniti Manch, Hind Mazdoor Sabha, Rihai Manch, Special Teachers and Guardians Association since December 23, 2012.

The gap between the rich and the poor has widened even more, with salary scales of service sector increasing manifold and rising prices over the past years. We believe in the standard recommended by Dr Ram Manohar Lohia that the gap between the income of the rich and the poor should not be more than ten times. Also in a democracy everyone should be getting the same income. We demand that Wage Board should amend the minimum wage of labourers of unorganized sector to Rs 440 so that these labourers don't receive wage less than the minimum income given by the government. As we know trade union is demanding a minimum income of Rs 11,000 per month for contract workers.

Even the election manifesto of Samajwadi Party had a promise that Farmers' Commission will be formed to decide the minimum support price for farmers that should be no less than 1.5 times their investment. But the biggest question related to minimum support price is that how will it be implemented? Who will put a clamp on middlemen? The government should demonstrate political will and ban middlemen in matters related to farmers and extortion from the poor people.

This indefinite fast will continue till the time government doesn't

respond regarding the demands raised by this movement. Although we have informed Rajendra Chaudhari, spokesperson of Samajwadi Party, about our demands and this indefinite fast and demonstration, so far there is no proposal from the government to hold a dialogue.

## **Demands**

1. Unorganized sector should get minimum wage of Rs 11,000 per month or Rs 440 per day. Minimum wages should be linked to Consumer Price Index.
2. It is a matter of grave concern that during the last wheat purchase very few farmers could get the minimum support price of Rs 1285 per quintal because of dominance of middlemen. The same situation is now occurring in the paddy purchase. We demand a CBI probe in this Wheat-Paddy purchase scam.
3. Under the Right of Children to Free and Compulsory Education (RTE) Act, 2009, the clause

of 25 percent reservation for underprivileged children in all schools should be strictly implemented without delay.

4. Illegal extortion and bribes taken for appointments should be stopped.
5. Anti-farmer Maitreya Project in Kushinagar should be cancelled.
6. Innocent Muslim youth who are jailed in the name of terrorism should be released. We demand to make RD Nimesh Investigation Report' public.
7. Special teachers should be appointed for differently-abled children (handicapped children).
8. Doctors including dental surgeons should be appointed in all primary and community health centres.
9. There should be a complete ban on tobacco and alcohol.

Apart from these, effective measures should be taken to curb and control inflation and corruption.

—NAPM

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## **Fast at Rajghat**

Members of the Socialist Party and Socialist Yuvjan Sabha observed one-day fast at Rajghat on December 21, 2012 in solidarity of the victim of the gang-rape in a moving bus in Delhi; and to condemn the callous attitude of the State Chief Minister Sheila Dixit, the UPA Chairperson Sonia Gandhi and the Prime Minister Manmohan Singh towards the gruesome crime. Renu Gambhir, president, Socialist Party, Delhi, led the fast.

Speaking on this occasion Justice Rajindar Sachar said that it gives me some solace that Socialist Party workers hold this fast at Babu's Samadhi to show solidarity with

the victim and aguish against the government. He said that it is a matter of shame on the part of Delhi Chief Minister who allowed water canon and lathi charge on women protesters at her residence. She must resign and an effective inquiry and speedy judicial process should be initiated to punish the culprits, he added. He expressed heartfelt concern for the victim and her family and condemned the dismissive and insensitive attitude of the Congress.

National General Secretary Dr. Prem Singh expressed deep concern for the plight of the victim wished her a speedy recovery and healthy future. He said that the members

of the Socialist Party understand that the parents/family members of the victim are passing through a nightmare beyond imagination. We pray that they may face this crisis with patience and courage. He informed that on the request of the Socialist Party Justice Rajindar Sachar has promised to look into the judicial process of the case personally. He further said that Sonia Gandhi has rubbed salt on the wound of the victim and the thousands of insecure women in the capital by merely reaching the hospital. If she were really concerned, she should have asked for the resignation of the Delhi C.M. Sheila Dixit in the first place. The gruesome crime is the result of absolute incompetence and insensitivity of the Delhi C.M. Delhi has become a city of rapes, murders and loot under her leadership, not to speak of the several allegations of corruption against her. But Sonia Gandhi always protects and promotes her as she is a member of her coterie. The regret expressed by the P.M. on this heartrending incident is a farce. The security of the citizens is not his worry, even remotely. His first and last concern is to implement the neo-imperialist capitalist agenda. By implementing this agenda he has thrown the Indian society in the gorge of a sub-culture in which women, children and old people are most vulnerable victims. He also demanded immediate resignation of the Delhi C.M..

Dr. Raj Kumar Jain, Shiv Mangal Sidhantkar, Shyam Gambhir, Manju Mohan, Dr. A.K. Arun, Ram Gopal Sisodia, Rakhi Gupta, Dr. Harish Khanna, Comrade Narendra Singh, Indradev, Abhai Sinha, Anil Nauriya and other activists visited the venue to lend their support.

At the end, a memorandum was submitted to the President.

—Niraj Singh

## Constitution (117th Amendment) Bill

Sharad Yadav

As you are aware that the Constitution (117th Amendment) Bill, 2012 to provide reservation for the SCs and STs in Government job promotions, could not be discussed and passed in the Lok Sabha due to disruptions by some party members. Reservation has been available to SCs and STs in promotions since long. The Supreme Court in its judgment dated 16.11.1992 in the case of Indra Sawhney had held reservation in promotion as unconstitutional but allowed its continuation for five years from the date of judgment as a special case. After expiry of five years, the 77th amendment to the Constitution was made in 1995 which enabled the Government to continue reservation for SCs and STs in promotion and Article 16(4A) was added in the Constitution. On 10.10.1995 the Supreme Court in the matter of Virpal Singh Chauhan held that if an SC/ST candidate is promoted earlier than his senior general candidate, by virtue of rule of reservation roster, and the senior general candidate is promoted later to the said higher grade, the general candidate shall regain his seniority over such earlier promoted SC/ST candidate. Further, 85th amendment to the Constitution was made by amending clause 4A so as to give benefit and retain the seniority to SC/ST candidate. Reservation in promotions were challenged in many States. All these cases were clubbed and heard by Supreme Court in M Nagaraj case. The Supreme Court while ruling that the above 77th and 85th

amendments were constitutionally valid, the concerned State will have to show in each case the existence of the compelling reasons namely backwardness and inadequacy of representation and overall administrative efficiency before making provision for reservation. Since the impugned provision was an enabling provision, the State was not bound to make reservation for SC/ST in the matter of promotions.

However, if they wish to exercise their discretion and make such provision, the State has to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment in addition to compliance of Article of 335. As such, the Central Government has not made any change consequent upon Nagaraj case in its policy regarding reservation in promotion along with consequential seniority to SC/ST which was continuing since 2002. Finally, the Supreme Court in its judgment on 27.04.2012 in the matter of UP Power Corporation V/s Rajesh Kumar, upheld its directions issued in the case of Nagaraj, and hence the 117th Constitutional Amendment as mentioned above was necessitated in the interest of SCs/STs.

If I may say so, the representation of reserved classes of the Society in our Courts is negligible and therefore to understand the agony and misery of SC/STs and backward class people is not possible for the

## Caste, religion and Untouchability

**Vidya Bhushan Rawat**

Courts. It is a fact that from centuries the SC/STs are the depressed people of the society as they have not been given an environment which other classes of the society have been enjoying. Being in public life, I am of the firm opinion that this section of the society has been neglected and their every new generation keeps on suffering in our country. It is unfortunate that even after 65 years of our independence we the politicians could not uplift their standard of living due to many obvious reasons. A large number of people in our society belong to this class and they are socially disadvantaged and generation after generation and century after century their living conditions have not been improved.

Since neither the Government has centralized data reflecting adequacy/inadequacy of representation of SCs/STs in promotion quota, nor it has centralized data on cadre and grade wise representation of this class, I am of the view that the SCs/STs should be notified in the schedule under Article 341 and 342 of the Constitution. When SCs/STs are notified under Article 341 and 342, then automatically there will not be any need to collect quantifiable data showing their backwardness of the class and inadequacy of representation of that class in public employment. I have been visiting backward areas of various States in the country and I know their plight very closely. Therefore, I am sure that unless we take immediate measures to safeguard the interests of SCs/STs like the above 117th Constitutional Amendment, the society in the country will be divided and we will be left with no other remedial measures.

Ashaq Ali Wattal hails from a community which has the sole 'right' to clean the toilets in Jammu and Kashmir. Hailing from Doda, Wattal moans at the continuous negligence by the state government and its authorities towards the community of manual scavengers in Jammu and Kashmir. His father was a manual scavenger working with municipality but now has left the work and does bamboo work. Ashaq has passed 10th standard and does electric work in his town. He was in Delhi to speak about his people and the discrimination they face in their daily life. According to Wattal, nobody wants to keep relations "with us though there is no discrimination in the mosque during the Namaz". Despite, living in a Muslim dominated Kashmir it is strange that those who talk about nondiscrimination in Islam never ever thought that this issue needs immediate attention. Why has there been no movement among the Muslims to fight for the rights of the Muslim Dalits. A continuous denial will not work in this regard.

Wattal says that his father used to work part time in the municipality and could not get more than Rs 1,000/- a month when he retired from his job. He says his maternal aunt Misha Begum worked with a government hospital for over 40 years and her daily routine is from early morning till afternoon yet at the moment she gets just Rs 700/- per month. The problem with most of the Wattals is that they are forced to this work as there is no other opportunity available for them. The payments

are below the norm at the maximum for part time work as sweeper you still get Rs 200/- per month in the government as well as about Rs 300-Rs 500/- per month in private.

It is strange that the Jammu and Kashmir government has no policy for these people. After much persuasion they are placed among the Scheduled Caste category and in the sixth place yet when the question of reservation comes, they never get any opportunity in the government. And therefore despite a huge population of about several lakhs, it would be a rare site to see Wattal community person outside their traditional occupation.

Ashaq has three sons and he is determined to educate them. In fact two of them are in a university. The fight for social justice and dignity continues. Shahid Hussain had difficult time. He used to work as sweeper but never accepted his defeat. He passed his 10th standard and got a job in a nationalized bank. With his determination he completed his graduation and is now working as an office assistant in the bank. For him, it was difficult but he was able to get it. "There is no reservation for us" he says, the pain reflects in his eyes as he narrates the story of struggle of his family.

According to a report submitted to the Supreme Court by Safai Karmchari Andolan, there are 7.94 lakh open latrines in the country and apart from Uttar Pradesh and Tamil Nadu, Jammu & Kashmir is one of the biggest violators in this

regard where 1,78,330 households need manual scavenging but the latest figures from J&K government suggest that out of total 1,60,804 households in the rural areas over 1,49,492 depend on manual scavenging which shows the status of 'development' in Kashmir. Out of total 5,17,168 urban households, 17,768 houses are dependent on manual scavenging.

According to reports, Shopian, Kupwara, Bandipur, Srinagar, Kulgaum, Anantnag, Ganderbal and Pulwama have very large number of dry latrines which need manual scavengers to clean them. And as Ashaq Wattal says, all of them who are engaged in the manual scavenging task are Muslims. This exposes the hypocrisy of those so-called Jihadis who talk so much about fighting against others and place an 'Islamic state' but never really bothered about the conditions of the Muslim Dalits. Why has such a large population not got any legal right from the Government of India?

It is sad that the elimination of manual scavenging practices bill has not yet come up in the parliament. The political parties can get consensus on everything which they want to get through but when the question of dignity of the manual scavenging communities comes, they remain suspect as they never cared for that. Today, if the bill is passed and makes the rehabilitation part of the process including alternative job reservation for them, how are the Muslim manual scavengers going to be benefitted from that? Secondly, whether the act would be implemented in Kashmir or not as it is always a problem that all central acts have to be separately developed in Kashmir. What will the J&K government

propose to do to eliminate this crime against humanity? Will it rehabilitate the people and provide them alternative employment? Most importantly, what do the 'thekedars' of Islam say on this issue? All those who suggest we have a better alternative in religion must answer these questions.

Dalits remained Dalits in most of the religions though unlike brahmanical system, the other religions opened a little window for them in terms of their worshipping pattern. They can go to mosque without being discriminated but the same is not true about Christian Dalits who face discrimination from the upper caste Christians even in the churches. If the Centre is making a law against elimination of manual scavenging practices or even if a law is enacted for reservation in promotion, the Muslim and Christian dalits would not be able to get any benefit of the reservation. It violates the basic principle of equality without any religious prejudices; therefore it is important that benefits of reservation or rehabilitation must incorporate all the Dalits in diverse communities. The issue of Dalit identity and their discrimination became the tool for religious propagandists too who wish to fight it on the basis of their 'religious' beliefs and provide 'liberation' theology for it.

The fact is the brahmanical practices of discrimination have penetrated deeply into the other religions and beliefs also and made them more ruthless in their attitude towards the Dalits. The conditions of Dalit in the Muslim dominated areas remain a matter of great shame and concern today as the movements for their 'azadi' has not reached inside the closed quarters

where the Islamic zealots are ready to fight for everything in the name of their identity but have found little time to wage a war against untouchability and caste system inside their four walls even when arguments were pushed forward by many people who felt that religious conversion is the best bet to escape caste discrimination.

The manual scavenging communities must be rehabilitated without being discriminated on the basis of their religious identities as they do not merely exist in Jammu and Kashmir but elsewhere also including Uttar Pradesh, Bihar, Bengal, Andhra Pradesh, Karnataka, Punjab, Haryana and Tami Nadu too. It is also important that the fight for the Pasmanda Muslims and their rights must begin at home too. It is easier to suggest that there is liberation of Dalits in religion but at the end if we investigate their socio-cultural conditions, it is open secret that caste virus continues there too and the discrimination level remain the same. Just being proud because your religion allowed them in Mosque and Churches will not suffice for their survival and dignity. War against untouchability transcends nation, state, caste and religious boundaries. It is time we all join hands against this crime against humanity to eliminate it completely from the planet. Jammu and Kashmir government must come clean on it and take the issue of untouchability and manual scavenging on a wider scale so that all of them are rehabilitated. It is important that to eliminate manual scavenging the government must provide the eligible youths employment in the non-sanitary work and rehabilitate them completely. Why have the

*(Continued on Page 15)*

# The rusted steel frame

**Harsh Mander**

In the early, relatively idealistic decades after freedom, there was significant public faith in the uprightness and political neutrality of the higher civil services. It was elite in social character, but considered sympathetic to minorities and the poor.

There was less engagement in development initiatives, but generally greater fairness in situations of communal violence, and some implementation of redistributive justice laws such as land reforms.

The image of the higher civil services plunged in the seventies, especially because of its supine submission to the injustices of the Emergency, but also because of the continuous erosion of its reputation for probity. The eighties saw its social base broadening, but also its far greater — and open — complicity in large communal and caste pogroms, and plummeting integrity. Since the 1990s, the expectation that loosening bureaucratic controls over industry and trade would curtail corruption is completely belied. Instead, the new commitment to globalised private markets has spawned an era of undisguised crony capitalism, and the ethic of public welfare has been abandoned as outdated and anachronistic.

In an important recent monograph by National Social Watch, scholar administrator NC Saxena, a public intellectual of great integrity and social conscience, diagnoses the maladies of India's higher civil

services and suggests an imaginative range of possible prescriptions. Saxena worked for decades in the trenches of public service as a civil servant, and applies to this experience the surgical insights of a razor-sharp mind.

Saxena is scathing in his assessment of the Indian bureaucracy today. It is “a troubled institution” riddled with “a lack of professionalism, the creation of redundant posts, unsatisfactory structures of reward and punishment, and an inability to deliver services adequately”. Postings are often “dictated by vested interest of mafia gangs, organised criminals, builders’ lobby, contractors”. He observes that “over the years, whatever little virtues the civil services possessed — integrity, political neutrality, courage and high morale — are showing signs of decay”. Newer values emphasise “political loyalty, flexibility”, and several senior officials “have become a link between politicians and the business class”.

Today many civil servants in the course of their career “lose much of their dynamism and innovativeness, and end up as mere pen-pushers and cynics, with “stagnation in their intellectual capabilities”, “decline in self-esteem”, “disillusionment, pliability and corruption”. They have become agents of exploitation in a state structure which now (is)... authoritarian, brutal, directionless, and callous to the needs of the poor”. The Indian State is “being treated as a private property of those who are at the top, and this culture of using

executive power for private gains has become the norm since then. So the Housing Minister thinks that all government houses and shops are her private property, and she can allot them to any one she liked, often for a price. The Petroleum Minister thinks that he can distribute any number of petrol and kerosene depots at his discretion. An impression exists that the State of India is an open treasury that can be looted at will.”

Strong words, but Saxena is not alone in his withering assessment. Even the official Second Administrative Reforms Commission (2008) is no less caustic: “the state apparatus is ... tardy, inefficient and unresponsive” with “most functionaries serving no useful purpose.... Corruption is all-pervasive, eating into the vitals of our system, undermining economic growth, distorting competition and disproportionately hurting the poor and marginalised citizens. Criminalisation of politics continues unchecked, with money and muscle power playing a large role in elections. ... Abuse of authority at all levels in all organs of state has become the bane of our democracy.”

Another official paper in 2009 brought out by the Department of Administrative Reforms in 2009 agrees, again with remarkable candour, that “the state and its apparatus, including the bureaucracy are treated not so much as a means of generating public goods but as a means of generating benefits for the particular group that controls the state”.

Saxena lays blame also on the people, who “have unfortunately accepted the position as fait accompli and resigned themselves to their fate. They too tend to seek short cuts and exploit the system by breaking rules or approaching mafia gangs and politicians for favours”. But solutions also lie potentially with the people: a “free press, judicial activism, and civil society action has emerged as a big corrective factor on the arbitrary use of executive power”. In a later column, I will

review some of Saxena’s suggestions for reforming the civil service.

But how fair is his comprehensive indictment of the civil services today? My work on hunger, homelessness and mass communal violence takes me to distant corners of the country, where I have encountered many idealistic young officers, braving great odds in impoverished regions, often racked by conflict, trying to make a difference. There are among them unknown unsung heroes,

sometimes courageously standing up for justice against their own governments who are complicit in communal massacres, corruption or forceful dispossession of poor communities. But still there is justice in Saxena’s overall despair about the corrosion of India’s steel frame, and its betrayal of its duties to the people of India and the Constitution. If it does not reclaim its mantle of defending the public good with courage, impartiality and integrity, its decline may be terminal.

The Hindu

*(Continued from Page 13)*

Jehadis of Islam kept quiet on these issues even when it is a routine to see the Wattals in Kashmir work? They are always worried about Islam in danger; let them raise a Jihad against untouchability and manual scavenging in Kashmir. We will be with them in their fight for dignity of Manual scavengers in Jammu and Kashmir. We cannot leave our Kashmiri friends isolated and hence will definitely join their struggle for dignity and self-respect.



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## Electoral Reforms for Political Transformation

For the past few days thousands of young people have been on the streets protesting against the growing violence against women, demanding tougher action against culprits and making public spaces safe for women. However, in Delhi where thousands converged near the North Block were greeted with lathis, barricades and tear gas shells; two days earlier the same happened at the Chief Minister's house too. Why is no one from the political leadership coming out to talk to them to address their concerns? It seems our political representatives are more comfortable in meeting business tycoons but not their own peacefully protesting citizens. Governments today, mostly coalitions, can manage media, buy its way through minority vote in the Parliament or Legislative Assemblies but fail to resolve demands of social movements protesting peacefully. This is more clear than ever before! Another growing trend has been the complete control of corporations over the governments, who can now have Ministers changed as per their convenience or run their business smoothly no matter which political party comes to power. Politicians in opposition, with due exceptions, who are crying hoarse over inaction of the government are equally guilty themselves since 74 of the sitting MPs have serious criminal charges against them. Criminalisation of the polity is a concern shared by everyone but even then the same is not reflected when it comes to giving tickets to them.

These issues came for a discussion during a day-long national consultation organised by National Alliance of People's Movements (NAPM) on electoral reforms at Sundarayya Vigyan Kendaram,

Hyderabad on December 22.

Introducing the context of the consultation Medha Patkar, said, "electoral reforms is an important part of the larger agenda of the complete political transformation, leading to decentralisation of power and power to the people. This is the goal of all the struggling people's groups, who are fighting for power to the lowest units of governance for control over resource use, conservation and planning in their villages, Bastis or wards. The current structure doesn't support that, which has made our political representatives completely unaccountable to their constituency and many a times they don't even represent the whole constituency, since winning percentage of their votes is much less than the majority vote. Election Commission of India is powered with holding fair and peaceful elections in country but is that enough?" She suggested, there is more to be done by ECI, which can check growing influence of money and criminal presence, funding of elections and functioning of party democracy, disqualification of candidates for bribing within the given provisions of Representation of People's Act, 1951. ECI is one of the proactive institutions, but they need courage to take action against the defaulters within the existing provisions of the RPA, 1951 and other provisions.

M C Raj of Campaign for Electoral Reforms in India, said, "the difference between the winning party and the opposition in UP elections was 3 percent and in Gujarat 8 percent but a huge difference in the number of seats. Time has come when India need to make a transition from 'first past the post system' to 'proportionate representation

system' of elections. This is necessary for a diverse country like India with numerous parties existing on linguistic, caste, ethnicity and religious lines. PR system has been advocated by Jayaprakash Narayan-appointed Justice V M Tarkunde Commission and also by National Law Commission of 1999. The current FPTP has served its purpose and many of the ills of current electoral systems can be addressed by the PR system." echoed his support the PR system and said even though it may Former Chief Secretary, K Madhav Rao not solve all problems it could be the most suitable system for a country like India.

Trilochan Shastry, Association of Democratic Reforms, said, "if we really want to fix the electoral system then one key issue which needs to be fixed is growing influence of money over the elections and political parties. In Uttar Pradesh elections an estimated 10,000 crore black money was spent, as said by former CEC S Y Querishi, and if we take an average then a conservative estimate would give us a figure of 200,000 crore black money spent in general, state, municipal elections all together, way beyond stipulated limits. This needs a systemic constitutional change, but it is very difficult, since those sitting in Parliament are not going to make it happen, as they did with Lokpal Bill. We have to work to get people on the street and use effective legal interventions to get these changes, as ADR did in 1999-2002, when Supreme Court ordered compulsory disclosure of criminal charges and financial assets."

Padmanabh Reddy of Forum for Good Governance said, "the current system is inadequate to

check the ills like growing money and muscle power“. Narrating their efforts in Andhra Pradesh elections, he said action is not taken by the concerned departments, even when full information about money seized during elections is available. Income tax departments refused to share action taken on these matters, even through RTI. In one case nearly 280 instances of violation of election code were recorded, but zero conviction.

Prof Sridhar, NALSAR, spoke about the whole process of registration, regulation, accountability and democracy within the political parties. He said, “there is a process for registration of parties with ECI but there is no control over their functioning beyond the elections time. The complete lack of opacity in candidate selections, nominations to legislative councils, Rajya Sabha or continued presence of certain families over the top remains a serious cause for concern.” He further added that there is a need for a regulatory institution to regulate political parties and their funding, determine fixed terms for presidents of political parties, ensure democratic decision making, and develop statutory norms which may lead to suspension of their registration on violation. Even there the ECI can play a more proactive role.

Prof. K C Suri and Former Rajya Sabha MP Ramchandra Reddy spoke for the need of fixing accountability of the political parties to what they say in their election manifestos. How can a voter, hold them accountable after the elections, who they vote based on the promises made during the elections? There has to be some mechanism evolved, right to recall, as an option sounds attractive, but can that be a real solution remains doubtful. There is need

for election watch and people’s forums to be evolved to evaluate their performance and assess their actions against the promises in their manifestos.

The meeting agreed that as an immediate step, there is a need for concerted campaign to change certain things, which are possible within the current ambit of the Representation of the People’s Act and other electoral provisions and can be done by Election Commission of India with support from others. Detailed strategies would be finalised in the next meeting in Bangalore soon and a presentation made to the Election Commission of India.

The meeting felt the electoral process is only one part of the

problem and the larger challenge remains of turning the tide in favour of people, making people’s issues a political agenda. The current economic policies are perpetuating the distorted distribution of power and the effort has to be at organising the people to bring systemic change, to change the whole framework of rajneeti itself, even though in shorter term we may be able to mobilise and bring significant changes within the current governance paradigm. NAPM has decided to hold broader consultations with other people’s groups, social movements, academic institutions and then plan a series of actions to bring about these immediate changes and work towards larger goal of power to the people.

B Ramakrishna Raju, Sarasvathy Kavula, Madhuresh Kumar