# Seshan-Khairnar Phenomenon Highlights Rottenness Of Indian System

I

(1) Why have T.N. Seshan and G.R. Khairnar become the popular figures of our day? What is it that has earned for them the public praise?

(2) History shows that, whenever the institutions of a given system are unable to deal with their fundamental systemic problem, any person, who dares to take on that problem, becomes a glamour personality. This is what lies behind the emergence of Sheshan and Khairnar as cult figures.

(3) Emerging from among the Indian bureaucracy after long years of civil service and then hardly known to the masses, Seshan and Khairnar have suddenly come into prominence by courageously undertaking a crusade against corruption-cum-criminality in the face of heavy odds. The former has, despite opposition from the ruling party in particular and many opposition parties in general, sought to cleanse our electoral process dominated by money and muscle power, while the latter has, notwithstanding the mafia threats, tried to expose the shady dealings of the Maharashtra Chief Minister and his coterie with the underworld, suspected of having a hand in last year's bomb blasts in Bombay.

II

(4) The all-pervading nature of corruption is reflected by our entire social life. Serious allegations of corruption (such as Bofors, Securities Scam, Havala racket, etc.) are often levelled against our top politicians, including the Prime Minister and other high ups. But they shame-facedly continue to cling to their chairs. The black money continues to flourish at a breakneck speed. The licences, permits, quotas, civil contracts, defence deals, etc.

spread it far and wide. The bigger the deal, the higher the rate of corruption and bigger the accumulation of black money, needed to grease the corrupt political process. Smuggling, drug trafficking, manipulation of foreign trade, foreign exchange racketeering, transfer of black money to foreign banks annually robs the Indian people by billions of rupees. Tax evasion cheats the Indian exchequer with quite at ease. Forged currency notes, chit fund companies, bogus employment exchanges, passport and visa agencies fleece thousand of people. Black market in railway reservation, admission to colleges and schools and hospitals, getting water, electricity or telephone connections, obtaining a ration card or gas facility, hiring for a shop or a house, purchasing a cinema ticket, etc., flourishes all over the country. Food adulteration, drug taking, spurious drugging, short weight, illicit liquor, gambling, sub-standard goods exist as national pastimes. An immoral environment prevails everywhere.

(5) The peoples disliking for corruption is expressed by the fact that whosoever forcefully raises it becomes popular among the masses. Only five years ago, when V.P. Singh, despite his manipulative politics, managed to pose himself as a fighter against political corruption on the Bofors issue, the public made him as their hero which helped him to attain the highest office in the land. JP's model of total revolution was also to win mass support only when it included the issue of the removal of high power corruption as a major item of its agenda. Even those who did vociferously raise this issue in Parliament were welcomed by the masses. But the tragedy is that no one in India has ever raised this issue in a consistent manner, ensuring the public participation.

## III

(6) The systemic nature of corruption-cum-criminality is evident from five factors.

Firstly, our constitutional-legal framework, based on the centralisation of power at the top with no accountability to the people (except five-yearly elections), introduces a system of sharp contention in our polity and thus orientates the politicians towards power capturing by all means, fair or foul.

Secondly, oriented towards power capturing at all costs, the politicians of all parties follow an unscrupulous political style, based on money and muscle power and supplemented by manipulation and trickery. They start their legislative career by filing wrong returns of the expenses incurred in their elections, adopting

populist measures and appealing to the caste/religious sentiments of the masses, They have no qualms in making or breaking parties and in following the politics of *Aya Ram Gaya Ram*.

Thirdly, the three basic institutions of our system—the Executive, Legislature and Judiciary—are geared to perpetuate this unitary state and its chief operator, i.e., the Executive, with the other two playing the subsidiary role.

Fourthly, the Indian press, upholding the Unitary State, generally supports the ruling party, promotes the prevailing unscrupulous politics and bears no accountability to the people.

Fifthly, motivated by the unitary state and the unscrupulous political style of the parties, the masses, lacking general awareness, do not exert a significant check on systemic defects.

(7) Characterised by the above five features for over 45 years, our system has conditioned corrupt and criminal mindsets of many of our politicians. But even the honest ones, working in parties led by questionable leaders, are not averse to corruption-cum-criminality.

Besides, the system enables the corrupt and the criminal elements to do, whatever they like, with impunity. It does not help the genuine ones in discharging their duties. This is obvious from the efforts of various state organs, politicians, press, etc., to discipline the two individuals—Seshan and Khairnar. The disciplinarians went to the extent of amending the Constitution to control Seshan's 'eccentricity' by limiting his powers, but the endeavour failed due to their infighting. However, they did succeed in punishing Khairnar by invoking the service rules. Thus, political mafias dominate every walk of life.

(8) Obviously, no genuine freedom, justice or fairness exist in a society dominated by corruption and criminality,

## IV

(9) The phenomenon of Seshan-Khairnar has thrown up a number of questions. The principal one is whether civil servants, bound by their service rules, are entitled to formulate charges against their seniors and political masters.

(10) One who, with whatever status, engages in corrupt and criminal activities not only violates the Constitution and the law but also harms the national interests. Anyone who, may he be in a subordinate position, raises the voice against a corrupt or criminal, holding even a higher rank, in fact defends the Constitution and the law as well as the national cause. One must

have the democratic right to point out the weaknesses of his superiors, any institution or even the system itself.

If service rules have the effect of shielding the corrupt and the criminal and gag the honest and the law abiding, they must be changed at once. Rules should be based on the principle that public is the ultimate master and that the public servants, being paid and maintained by the public and finally accountable to the latter, should have the right to bring their case before the public if their superiors are indulging in activities, prejudicial to the national interests.

(11) There are a number of examples which show that some genuine officials who raised the issue of corruption related to their high-ups by adhering to service rules in letter and spirit suffered punitive transfers and other punishments. Seshan-Khairnar strategy of talking directly to the people saved them from the onslaught of their superiors, on the one hand, and motivated the people against corruption-cum-criminality, on the other.

## V

(12) The rise of the phenomenon of Seshan-Khairnar is a very positive development in our social life. It is not, and cannot be, a solution to our social ills. But it highlights the rottenness of our system and demands of us the taking of two basic initiatives—the short and the long-term—for our systemic reform as early as possible.

(13) The short-term initiative should aim at freeing our political process from money and muscle power as well as criminality by ensuring the broadest possible mass involvement. The reforming measures should include: (a) State funding of all types of elections, (b) Barring of election expenditure by all parties and candidates, (c) Granting of the right to recall, (d) Fixing of more than fifty percent of polled votes for a successful candidate, (e) Making of the parties accountable to the people by ensuring the former's free elections every two years, the authentic auditing of their accounts and delinking of their politics from religion, caste, race, etc., (f) Amending of the Service Rules, ensuring protection and encouragement to the honest and prescribing stringent punishment for the corrupt and the criminal, and (g) Abrogation of the three undemocratic laws—Official Secrets Act, Contempt of Court Act, and Provisions concerning special privileges to the Legislators—which shield corruption, criminality and inefficiency in the system.

(14) The long-term initiative should aim at updating our national model in the light of new realities, national and global.

The essential elements of our updated model may be: (a) Adoption of a rational humanist approach; (b) Establishment of a federal polity, granting of autonomy to all states, and special status to Punjab, decentralisation of power from top to bottom and resolution of all conflicts through peaceful means; (c) Building of a sustainable development structure, focussing on the qualitative improvement of environment and material and human resources and using a judicious mix-up of market mechanism and state planning; (d) Developing of new behavioural value system, stressing rational thinking and democratic functioning; (e) Pursuing of a peaceful foreign-cum-defence policy, standing for the resolution of all disputes with Pakistan through dialogue, settlement of Jammu-Kashmir problem through joint Indo-Pak control over the state, transforming of the SAARC into a common market and a regional security system, etc.

(15) The above two-sided initiative enables our country not only to get rid of corruption-cum-criminality, but also to build a modern society. 26-06-1994

# VP-Mulayam-Kanshi Parivar Caste Politics In Crisis

I

(1) It is not a coincidence that the split in the Janata Dal was occurring at a time when Bahujan Samaj Party (BSP) was facing desertions from within its UP leadership and tensions were growing within the SP-BSP alliance. All the three developments, though taking place within three separate formations, are closely interrelated, showing the troubled state of all those organisations which are committed to the politics of caste.

II

(2) Looking at the split in the Janata Dal, it now seems to be an accomplished fact. Though each of its two separating groups claims to be the real Janata Dal and calls the other as a splitter, yet no one makes it clear why it be accepted as genuine and the other fake. So far, neither of the two groups has specified its principled difference with the other.

(3) Earlier, the group led by George Fernandes had demanded the resignation of Bihar Chief Minister, Lalu Prasad Yadav, as the only condition for unity, while the other group led by Lalu, Ram Vilas Paswan and Sharad Yadav, calling itself the mother Janata Dal, has asked for the withdrawal of the memorandum submitted by the other group to the Lok Sabha Speaker as its terms for oneness of the two groups.

(4) In actual fact, the whole history of Janata Dal has been a process of political inconsistencies. Starting as Jan Morcha after V.P. Singh's exit from the Congress in 1987 on a single item programme, pledged to cleanse Indian society of high power corruption (such as Bofors scam), it transformed itself into a party, called the Janata Dal in 1989 by uniting with disparate caste groups (represented by persons such as Devi Lal, Ajit Singh, Mulayam Singh Yadav, Paswan, Sharad Yadav, etc.). Founded in the wake of a non-Congress wave, the Janata Dal

was then based only on an anti-Congress platform which was connected with the left parties, on the one hand, and with the pro-Hindu BJP, on the other. Forming the government with the support of this opportunistic alliance after the December 1989 general election, the Janata Dal government failed not only to fulfil its main election pledge, i.e., the unravelling of the Bofors truth before the nation, but also to carry out other promises concerning the burning mass problems.

(5) To cover up its non-performance, it tried to divert the mass attention by adopting Mandalism as its sole programme (over which about two hundred youngsters immolated themselves), but failed to prevent its own collapse (November 1990) due to its double-dealing policy (which, on the one hand, tried to make a secret deal with Hindu fundamentalism, and, on the other, to pose publicly as the protector of minority rights). From then on, the process of Janata Dal has been a story of one split after another.

(6) The first split occurred in November 1990 when Chandra Shekhar along with 54 Janata Dal MP's walked out of the party and formed the government with the support of the Congress. The second split took place in December 1991 when Ajit Singh left the party alongwith 19 MPs out of a total of 59 Lok Sabha members returned in the June 1991 mid-term elections (which was a highly reduced figure as compared with 151 Lok Sabha members who won in the December 1989 general election). The recent split is the third of its kind.

(7) What has been the reason for its incessant splits? The underlying reason has been its casteist orientation which has always kept divided its various factions on casteist lines. The immediate cause may have differed with each caste and individual.

(8) The recent split provides fresh evidence of the havoc played by the politics of caste in the Janata Dal. One, Janata Dal, having been a forum of different castes, could not finalise its programme or define its one point social justice principle because of the political-economic clash among its different caste groups.

Two, it also could not build its organisational structure due to rivalries among its various caste groups, each of which wanted to bring the organisation under its control. For instance, after V.P. Singh's refusal to accept the presidentship of Janata Dal, the Lalu-Paswan-Sharad group wanted to make a person belonging

to the *dalit* or the backward castes as the party chief, while the Fernandes group desired someone from other castes.

Three, it was mainly based on negativism which vehemently opposed the new economic reforms, GATT, etc., without putting forth any alternative.

Four, its Mandalisation slogan was hijacked by the Congress, while its electoral policy based on an alliance between backward castes, *dalits* and minorities was snatched by Mulayam Singh and Kanshi Ram.

Five, Lalu's pro-*Yadav* tilt has antagonised all caste groups in Bihar, particularly the *Kurmi* caste, now led by his rival Nitish Kumar.

**III**

(9) Coming to the question of desertions from the UP unit of the BSP, there is nothing astonishing about it. The BSP is characterised by three main features. Firstly, it is a one-man show. Secondly, it uses *dalit* politics to build its base among the *Dalits*. Thirdly, its policy of building an alliance between the *Dalits*, backward castes and minorities is only meant to broaden its electoral base.

(10) Following these features, anybody, who invokes the displeasure of Kanshi Ram or violates the rule of *Dalit* priority, cannot stay in the BSP.

(11) The charge against the BSP Minister Masood Ahmed, who had been expelled from the party and the UP ministry was that he had appointed an upper caste officer as the Director of Basic Education and that he was serving the interests of Muslim community, while the expelled minister and the thirty office-bearers of the BSP who resigned as a protest against Masood Ahmed's expulsion, accused Kanshi Ram for ignoring the interests of Muslims and some backward castes, like *Kumhar*, *Prajapati*, *Rajbhar*, etc.

**IV**

(12) Turning to the question of growing tensions within the SP-BSP alliance, the main cause lies in their two different caste agendas.

(13) Kanshi Ram's case is that Mulayam Singh upholds only the interests of his own caste, while ignoring those of the *Dalits* as suggested off and on by his deputy, Mayawati. Mulayam Singh argues that, in order to run the administration, it is not possible to

apply the caste norm on a wholesale basis and it is not proper for Mayawati to directly interfere in the official functioning.

(14) The immediate difference between the two is that Kanshi Ram wants the removal of the *Brahmin* Chief Secretary of UP and the transfer of the upper caste senior superintendent of Police, Lucknow, while Mulayam Singh is not yet inclined to act accordingly.

## V

(15) The question raised by the crises facing the above said three heavyweights of casteism is as to why, instead of becoming an instrument of the poor and the deprived, the champions of social justice have begun to flop.

(16) A perusal of their process of development makes it clear that the politics of caste is inherently divisible because, according to its logic, each caste is characterised by its individual leader and a particular priority which conflicts with the specific individual leaders and the given priorities of other castes. How can the listed 766 other backward classes (OBCs), 450 scheduled castes, and 461 scheduled tribes have one leader and one priority? On the basis of caste politics, they may temporarily unite for some time, but it cannot be a long term affair. They are bound to split sooner or later.

(17) For instance, the process of Mandalisation could not maintain the unity even of the Janata Dal what to say of the Indian society (which has been further casteised by the politics of caste). The Mulayam-Kanshi deal failed to bring even *Yadavs* and *Dalits* closer to each other what to say of forging the *Dalit*-backwards-minorities combine. Lalu could not succeed in keeping up friendly ties even between the *Yadavs* and *Kurmis* what to say of all backward castes.

(18) Employing all the means at their disposal, the Janata Dal, SP and BSP have tried to whip up casteism in all directions. But, the politics of caste, having become irrelevant as a tool of thinking, acting and organising in this age, is now recoiling on them.

(19) The way to the establishment of social justice in the world today lies neither in primordialism (i.e., communalism and casteism) nor in revengeful class struggle (i.e., communism) and nor in free marketism. It is embedded in a rational humanist-cum sustainable development model which, under a genuine rule of law, gives top priority to the promotion of human resources by

levelling off the political-economic-cultural differences between the advanced and the backward sections, on the one hand, and to the growth of material resources, on the other.

(20) The crisis in the 'social Justice' *parivar* is in no sense a setback to the democratic movement (casteism and communalism both are anti-democratic), though it is an immediate gain for the Congress whose pragmatism embraces all types of reaction, including casteism. But this gain, mainly pertaining to the legislative sector, will not change the grassroots reality in favour of the Congress in UP and Bihar, the two key states where, with the Congress being too feeble to make use of such opportunity, either the BJP or the regional forces may capture the Janata Dal constituency. How the things will proceed, will be visible in the coming days. 28-06-1994

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# Narsimha Rao's Three Years: High On Corruption, Low On Human Development

I

(1) From the viewpoint of Machiavellian politics or politics of money and muscle power (which takes into account the political interests of the individual or the party), Prime Minister P.V. Narasimha Rao's three years balance-sheet contains numerous credit entries, but, according to the newly emerging value based politics (which proceeds from the interests of a nation as part of the global community), the negative side overshadows the positive one.

II

(2) The first achievement that the Prime Minister can, according to the Machiavellian politics, claim is the conversion of the Congress Lok Sabha minority into a majority—thus providing a measure of governmental stability in comparison to his preceding two Prime Ministers, Chandra Shekhar and V.P. Singh. No doubt, the Rao government is no longer considered as a stop-gap arrangement and the Prime Minister is not now looked upon as a compromise choice or the first among equals. But, as is commonly known, the above miracle had been achieved by the force of money and muscle power which has since become the bane of our nation, threatening its very survival. Logically, whosoever indulges in such a game not only violates the Indian Constitution and law but also harms our long-term national interests.

(3) The other credit entry that he can claim is the warding off of any challenge to his authority from inside the Congress. The two main challengers—Arjun Singh and Sharad Pawar—had been sidelined and now seem to have settled for subsidiary status. Though the Party President, Rao, has emerged stronger,

the party, devoid of any agenda, has continued to weaken. It remains a one-man show.

At the central level, over 70% of the AICC members, who constitute the electoral college which elects the President, were nominated by Rao even before he filed his papers for the party's top slot. The states like Karnataka, Rajasthan, Gujarat, Punjab, Haryana and Orissa had authorised him to finalise the lists of AICC members from their states. Now, he has secured the Working Committee's permission to nominate Presidents for 13 states. So far, he has not formed the Central Parliamentary Board, Central Election Committee and even the important Cabinet Committee on Political Affairs.

In the states, the party organisation is sharply divided into rival factions who are engaged in intense factional squabbles and who can go to any length to destroy each other.

This disorderly picture of the chief mainstream party, resulting from an organisational policy of manipulation and trickery, can hardly be conducive for the development of a democratic system.

(4) Another notable victory that he can claim is the wresting of two states—Madhya Pradesh and Himachal Pradesh from the BJP and the achieving of a credible position in bye-elections elsewhere. But a close look at the facts show that the picture is not as much rosy as has been made out. In the 1993 Assembly elections, while losing Delhi to the BJP, the Congress lost security deposits in 60 seats in UP and polled only 12% votes in that state. In the 1994 Parliamentary and Assembly bye-elections in some states, the Congress lost security deposits in one Lok Sabha seat contested in Bihar and two Assembly seats contested in Tamil Nadu, while losing the only contested seat, formerly held by its UF partner, in Kerala, and performing poorly in an Andhra Lok Sabha seat and few Madhya Pradesh Assembly seats. Thus, it did suffer a serious setback in the two most populous states, UP and Bihar, and come below the mark in some other states.

(5) Further, another plus point that he can claim is the improvement of law and order situation in Punjab. But, the Punjab peace process, led by the army and the police, still remains in an uncertain condition. Though the militancy has been curbed and the government has gained the upper hand for the time being, the issues, generating Punjab crisis and giving rise to militancy, continue as ever, with no hope of their resolution in the near future.

(6) Furthermore, another accomplishment in his favour can be

the initiation of a process of economic reforms for the liberalisation and globalisation of the Indian economy. But the tempo and pace of reforms is tardy and slow.

While the government deserves credit for carrying out long desirable reforms in the fiscal, industrial, trade and financial sectors, it still has not moved to reform the agricultural sector, industrial relations law, public sector undertakings, company and income tax law, etc., and complete the pending financial sector reforms.

In the sphere of infrastructure, the public investment has declined by one-third at the 1980-81 prices between 1989-90 and 1993-94.

Fiscal deficit, foreign and internal debt and inflation continue to mar the economic growth. The fiscal deficit (i.e., borrowings and other liabilities plus budgetary deficit) which was estimated at 4.7% of GDP in the 1993-94 budget would now be 7.3% of GDP, according to the revised estimates. Internal borrowings are estimated to reach Rs. 49,491 crore at the end of 1994-95 rising from Rs. 27,861 crore in 1992-93. Consequently, the interest payments on this debt which were nearly 40% of the revenue receipts in 1992-93 will swallow 53.4% in 1994-95. Foreign debt, which now stands close to $100 billion, devours 30% of our exports as interest. Inflation, which was confined to a single digit last year, has entered the double-digit this year.

No effort has yet been made to eliminate waste and inefficiency in our economy, particularly the public sector which today owns about 75% of all industrial assets in India (leaving the remaining 25% for the private sector).

The government has so far failed to boost economic growth and create more employment.

(7) Still, another positive thing that he can claim is the government's record in foreign affairs. Here, the positive side is that, despite different perceptions of the great powers, the government has taken a number of initiatives to develop friendly relations with the five big UN veto-holding powers alongwith the two economic giants, Japan and Germany, while the negative side is that, leaving Bhutan and Maldives, it has done nothing to improve its tense relations with almost all the countries in South Asia. With Pakistan and Bangladesh, the matters have become still worse. The real nature of a foreign policy is mainly judged by its dealings with next door neighbours, especially the weaker ones. A bullish stance and hegemonic image betrays only

political bankruptcy in this age. Indian foreign policy's practice of courting the big and frightening the small shows only its opportunistic style.

**III**

(8) Two major threats—Jammu-Kashmir and Ayodnya dispute—have remained inconvenient facts for Rao government.

(9) The challenge in Jammu-Kashmir has continued unabated. But the government has continuously lacked a realistic policy, further complicated by the Home Ministry's confused responses. Not even for once the various government perceptions of the ground reality in the valley have been found worthwhile. The oft-repeated official declarations about initiating the political process in the valley during the past three years only indicate the poverty of government's observation and assessment.

The experience of three Indo-Pak wars on Jammu-Kashmir and four years militancy in the valley has shown that military option is no solution to the Jammu-Kashmir problem. Only a tripartite dialogue between India, Pakistan and the Jammu-Kashmir people on this issue can lead towards its proper solution. The non-resolution of this highly sensitive flashpoint poses a grave threat to our national unity and future development, stability in South Asia and world peace.

(10) The Ayodhya dispute has continued as a lingering malaise in our national polity. The shameful happenings in Ayodhya on December 6, 1992, and their sinful neglect by the government has already perpetuated a communal divide in our country. If this dispute is not properly resolved in time, it may go on disturbing the fragile social peace in our country and causing destabilisation to the national polity.

**IV**

(11) The actual performance of the Rao government and its true character can be seen from the two highly important phenomena—the high power corruption and the human resources development—showing the quality of life in any society.

(12) The evil of high power corruption has received the biggest impetus during Rao's regime. Its Foreign Minister had to quit for his dubious role in getting the facts about Bofors suppressed. The JPC report on securities scandal (the biggest embezzlement case involving Rs. 10,000 crore), which had recommended proper action against six ministers and a number of high officials

and which was submitted to the government some seven months before, remains still unattended.

Blatant instances of corruption against the political highups—the Comptroller and Auditor General's finding against Kerala Chief Minister, Karunakaran, for his involvement in Rs. 6.5 crore import of Palmolein by the state government, the Bangalore land scandal concerning the Railway Minister, Jaffer Sharief, and his alleged involvement in the Asea Brown Boveri deal of Rs. 1,200 crore, the documentary proof of receiving excess amount (worth crores of rupees) by the Petroleum Minister, Satish Sharma, from his brother in US than shown by the latter's business account, Harshad Mehta's allegation of giving rupees one crore to the Prime Minister and allegations of financial misappropriations and wrong doings by the Prime Minister's relatives—have been slept over.

The use of money power and ministerial rewards for turning government minority into majority in the Lok Sabha through the politics of *Aya Ram Gaya Ram* has broken all past records during the three years of the present regime.

(13) The issue of the development of human resources (one of the two factors of the wealth of a nation, the other being material resources) has received the lowest priority under the present regime.

According to 1994 UN Development Report, India continues to rank among the world's least developed countries. It ranks India 136 among 173 countries studied by the UNDP—with the corresponding ranks for its South Asian neighbours being 90 for Sri Lanka, 130 for Myanmar, 132 for Pakistan, 146 for Bangladesh, 149 for Nepal and 162 for Bhutan. Canada is at the top along with Switzerland, Japan, Sweden and Norway.

The Report says a survey of India's social development indicators shows that India has 350 million people living in absolute poverty (roughly equivalent to West Europe's population), 270 million illiterate adults, 750 million people without access to adequate sanitation and nearly 70 million malnourished children below five.

The Report mentions India as the biggest arms buyer in the Third World, between 1988 and 1992. Arms imports amounted to $3,709 million in 1988 and $1,197 million in 1992, making it $12,235 million for the period.

According to the Report, the fast pace of economic growth in East Asia was built on a solid foundation of human development.

**V**

(14) In regard to government's style of functioning, the less said the better. From day one, the Prime Minister has gone on repeating to follow the style of national consensus on all important matters. But no prior consultation has ever been made on any crucial question, such as economic reforms, Dunkel proposals, Jammu-Kashmir, financial scams, foreign and defence policy, etc. Instead, it has issued ordinances, raised administered prices, withdrawn subsidies, levied duties, etc., on the eve of the Parliament session—thus treating the opposition in a non-chalant manner. But, whenever it has found itself in trouble on any issue, it has manipulated the opposition to cooperate.

**VI**

(15) A perusal of Rao government's three year balance-sheet demonstrates that it has the highest record in political corruption and the lowest in human resources development. This is, because it has a very poor social agenda which aims at clinging to power through money and muscle power, putting the burden of economic development on the poor and the deprived and managing things through manipulation. 30-06-1994

# Khalistani Militancy:
# Punjab Crisis, Minorities And Unity Of India

## I

(1) Next to Jammu-Kashmir, it is Punjab that poses a strategic (not immediate) threat to the Indian state. This is, because these two minority dominated states have been just like two political laboratories where the true nature of the Indian state is being, and can be, really tested.

(2) For the time being, New Delhi may feel satisfaction-cum-pride at its 'grand achievement' for silencing the Khalistani militancy by its military-cum-police led political process. P.V. Narasimha Rao's list of political 'wonders' may include one more 'success' story, i.e., restoring peace in Punjab, through his gun based Machiavellian politics. To a casual onlooker, the setback to the Khalistani militacy, improvement in the law and order situation and the fillip to the economic activity may give an impression of usual normalcy. But the basic facts of the situation in Punjab do not present a picture of order and stability.

(3) Nearly three-fourths of the total army, para-military and police personnel, as engaged in the heyday of the Khalistani militancy continue to man all the strategic centres and crucial points in Punjab. The police law of the jungle, operating during the militancy phase, still dominates this state. The police excesses, like illegal detentions, harassment of citizens, acts of cruelty, use of third degree methods, i.e., torture, rape and beating up, remain most common. Discontent against police atrocities is as pronounced as ever. Of the 52,268 TADA detainees, the largest number (i.e., over 14,000) comes from Punjab. While the decades old problems, such as sharing of river waters, Chandigarh, etc., still stay unresolved, the rampant corruption and the rising prices have further made living miserable. A new threat of separatism has been thrown by the

newly formed Akali Dal Amritsar in case New Dehi refuses to concede an autonomous status to Punjab in the near future.

(4) All these situational indicators show that the prevailing situation in Punjab is neither a normal nor a happy one and that the Beant Singh-K.P.S. Gill assumption of crippling the back of the Khalistani militancy and the complete normalcy in Punjab represents only a partial reality.

(5) It may be useful to recall that a similar situation had obtained after the signing of 1986 Rajlv-Longowal accord. But it could not sustain for long because of the non-involvement of all the concerned parties, including the militants. In the preparation of this accord and the latter's inadequacy to address all the Punjab problems.

(6) Why does the Punjab situation remain volatile and unstable, despite the suppression of the Khalistani militancy? This is, because no militancy (or anything else) can be wiped out completely until and unless the factors responsible for its emergence were removed. A 'peace' movement led by Gill can, at the most, restore only law and order but cannot eradicate the cause of disorder or bring social stability.

**II**

(7) The rise of Khalistani militancy in Punjab was due to various factors.

The principal one had been the unitary nature of the Indian state which (with its ethos of majoritarian secularism) did not, and cannot, accommodate the legitimate aspirations of the ethnic minorities, seeking guarantees for the protection of their specific identities. The four decade long practice of the ethos of majoritarian secularism resulted in frustration among the ethnic minorities (i.e., Muslim, Sikh, Christian, certain tribals who either resorted to arms or embraced Christianty, some Scheduled Castes who either accepted Buddhism or Islam, and even the Caste Hindu in Assam), ending their high expectations of the Indian state and estranging them from the national stream. Many of these ethnicities (e.g., Kashmiri, Khalistani, Naga, Assamese, Bodo, etc.) have since taken, up arms.

The second important factor for the rise of Khalistani militancy had been the unscrupulous brand of politics, practised by all the power driven traditional parties (including the Akali Dal), particularly the biggest one, the Congress. This opportunist politics first created a communal disharmony and then a Punjabi

Suba divide between the Sikh and the Hindu communities, the two biggest groups of the Punjabis. It further consolidated the Sikh-Hindu divide when used in the form of the 'Sikh card' by the Akali Dal, the 'Hindu card' by the BJP and both these 'cards' by the Congress cunningly.

The third factor was the 1984 Operation Blue Star which injured the sentiments of the Sikh community.

The fourth factor was the 1984 anti-Sikh rioting which, occurring in the wake of the assassination of Indira Gandhi and provoked by some top Congress leaders, further antagonised the Sikh community.

The fifth factor was New Delhi's neglect of the fair distribution of the river waters and its backing out of its promise to give Chandigarh to Punjab.

The sixth factor was the Akali way of conducting its political business in the name of religion which led to the communalising of the Akali supporters.

The seventh factor for the rise of Khalistani militancy was the failure of the government (both central and state) to resolve the state's political, economic and cultural problems.

**III**

(8) For over twelve years, the people of Punjab had to undergo immense sufferings and hardships, arising from the armed confrontation between the Khalistani militancy and the official counter-militancy in Punjab. Imposing a brutal regime, both the Khalistani militancy and the official counter-militancy disrupted the conduct of normal life, violated the human rights and undermined the feeble rule of law of our national model. All in all, the Punjabis had to pay a very high price—nearly 50,000 dead, thousands injured, numerous houses destroyed, property worth crores of rupees looted, etc. It was the second 'gift' of the 'communal divide', generated by the unitary Indian state's majoritarian secularism and the sectarian parties' communal ethnicism—the first being the ten fold high cost paid in human killings and material devastation by the Punjabis in the 1947 communal divide.

(9) In the long-drawn struggle, the Khalistani militancy suffered a setback, while the official counter-militancy was able to gain the upper hand. The former was down, but not yet out.

(10) The setback to Khalistani militancy can be traced back to eight main reasons.

The highly important one is the communalisation and criminalisation of the Khalistani militancy which, lacking any sense of right and wrong, blackened its own image.

The other reason is the failure of the Khalistani militancy to win the support of the Sikh community in Punjab.

The third reason is its opposition by the Punjabi Hindu community.

The fourth reason is the rejection of the slogan of Khalistan by the Sikhs living in other parts of India.

The fifth reason is its deficiency in invoking any sympathetic chord among any section of the Indian people.

The sixth reason is its lacking in winning any international sympathy for its cause.

The seventh reason is the humanist nature of the Sikh philosophy, according to which the Khalistani brutalism was inhuman.

The eighth reason for the setback to the Khalistani militancy is the deployment of a large number of military and para-military forces.

**IV**

(11) Now that the Khalistani militancy has been suppressed and an uneasy calm restored, the ground realities in Punjab call for certain concrete measures in order to remove the factors that have given rise to the Khalistani militancy and bring a lasting peace in Punjab.

First of all, it is necessary that New Delhi holds a dialogue with all the concerned parties, including the remnants of the Khalistani militancy, to resolve the ever-recurring demand of the Sikh ethnic identity. In this dialogue, New Delhi should declare to accord a special status, like the one enjoyed by Jammu-Kashmir in 1950, to Punjab within the framework of the Indian Union. This can be easily accomplished within the present Indian constitutional framework, but it will be better if India itself undergoes a federal transformation.

India did require a full-fledged federal structure from the day one. The delay has already caused a great harm to our people. The theory of unitary nationalism (based on majoritarian ethos) did cause minority alienation and sectarian ethnic resistance first in the pre-1947 and then in the post-1947 India.

Federal nationalism was the general demand of all ethnic minorities (including the Pakistan-oriented Muslim League) in the

pre-1947 India. It continues to be so even today. The Anandpur Sahib Resolution is also an expression of this demand.

Sooner or later, India will have to adopt a fully federal and decentralised system, giving meaningful autonomy to all the states and transforming the decision making power to the common people, if our country has to develop as a stable and prosperous unit of the newly emerging global society. However, Punjab needs a special position within the Indian Union in order to meet the historically lofty desire of the Sikh minority and further to bring the alienated sections of this community back into the national fold.

Secondly, it is necessary that New Delhi makes a declaration, ensuring due recognition and safeguarding of the Sikh religion as an independent and separate faith which, along with other religions in our country, constitutes a part of the Indian culture. To reinforce this assurance, New Delhi should express regret over its own act of Operation Blue Star—a step that will strengthen our national integration.

Thirdly, it is necessary that New Delhi appoints a Commission of Enquiry to find out how the innocent people had been killed and the law violated both by the government forces and the Khalistani militants in the post-1980 Punjab crisis. This fulfils the demand raised by certain quarters about the excesses committed by the two sides on different groups of Punjabis.

Fourthly, it is necessary that New Delhi immediately launches a process of prosecutions against those who have been found guilty by various Commissions and Committees in the killings of the Sikhs in Delhi and elsewhere during the November 1984 anti-Sikh riots.

Fifthly, it is necessary that New Delhi soon announces a general amnesty to all those (whether in government custody or underground), connected with the Khalistani militancy.

Sixthly, it is necessary that New Delhi announces the handing over of the question of the division of river waters to the Supreme Court for a decision within a specified time, as has been often demanded by all sorts of Akalis. While dealing with this problem a very important point to be kept in view is that, lacking in natural resources, like the iron ore, coal, uranium, etc., Punjab has water as its only asset on which its economy primarily depends.

Seventhly, it is necessary that New Delhi, after persuading Haryana by providing a generous compensation, declares to give Chandigarh to Punjab—thus fulfilling its promise made in the

early days of our Republic.

Eighthly, it is necessary that New Delhi refers all territorial disputes between Punjab and its adjoining states (i.e., Himachal Pradesh, Haryana and Rajasthan) to an independent and high power commission for decision.

Ninthly, it is necessary that New Delhi comes out at its earliest with its oft promised economic package (referred to by three Prime Ministers—Chandra Shekhar, V.P. Singh and P.V. Narasimha Rao).

**V**

(12) The experience of militancy in Punjab, together with that in Kashmir and other parts of our country, shows that unitary nationalism and the traditional national parties (including the communal or ethnic-sectarian ones), causing ethnic disharmony, cannot strengthen the unity of our nation.

(13) In the light of the above reality, Punjab today requires a new type of value based party that, on the one hand, stands for a special status to Punjab, based on the principle of Hindu-Sikh unity, within the Union of India, and, on the other, strives for strengthening the bonds of friendship and cooperation between India and Pakistan by sorting out all contentious Indo-Pak issues, including Jammu-Kashmir (which too can be properly resolved by establishing joint Indo-Pak control over the state, enjoying full autonomy)—thus ensuring peace, stability, development and progress to India (including Punjab) but also Pakistan as well as the South Asian region. 01-07-1994

*(The following paper had been written for presentation at the Delhi Discussions, organised by the Minorities Council of India in September, 1994)*

# Unitary Indian Nationalism: Basis Of Hindu-Muslim Discord

## I

(1) The question of Hindu-Muslim relations has been one of the most important problems of Indian nationhood. Throughout this century, persistent efforts have been made to sort it out in an amicable way. But, so far, it has defied all solutions. Therefore, it continues to be a very important item of our national agenda even today. In its broader sense, it also includes the problem of Indo-Pak and Indo-Bangladeshi relations as well as the relationship between the two indigenous communities in these two countries.

(2) The non-resolution of this problem has harmed our nation a lot. Only 47 years ago, it resulted in the division of India into two parts, Bharat and Pakistan, the massacre of nearly one million old, young and children in the Hindu-Muslim holocaust and the uprooting of over 147 lakh minority people, the Hindus fleeing from Pakistan and the Muslims hurrying away from India, leaving on the wayside their dead, defiled or mutilated kith and kin—thus constituting the biggest human tragedy in history. Even after that sad event, this problem has continued to bleed our country through traumatic communal and casteist clashes, including the 1984 anti-Sikh riots and the post-December 1992 Muslim blood-letting that followed the Babri Masjid demolition. Now, it has, by urging the militant groups—i.e., the Kashmiri, the Khalistani and the Naga, etc.—of the three main ethnic minorities for armed action, posed a new serious challenge before our nation. Externally, it has pushed us into three wars with Pakistan, soured our relations with Bangladesh (although India played no small

role in its formation) and adversely affected the Hindu minority in these two countries.

(3) All these negative indicators demonstrate that India's main ethnic minorities are disenchanted with our nation-building process, that the Indian nation is less integrated today than it had been in the early post-independence period and that the two neighbouring Islamic countries, instead of being partners in the South Asian regional development process, stand as our adversaries on the global stage.

(4) Why have our ethnic minorities, 47 years after the nation-building process, stepped out of the national mainstream? Why do they feel insecure and deprived part of the Indian nation? Why are our relations with Pakistan and Bangladesh marred by distrust and acrimony? Why has our nation come to this pass? Unless we fully come to terms with these questions, our nation-building process will go on facing one crisis after another.

## II

(5) There had been an enormous amount of writing on the theme of Indian ethnic minority-majority relations, particularly the problem of Hindu-Muslim discord. The issue had been studied from various national angles, such as (a) the Gandhian Hindu humanist nationalism, (b) the Patel or RSS majoritarian nationalism, (c) the Nehruvian unitary nationalism, (d) the Left or Communist totalitarian nationalism, (e) the Western Liberal nationalism (as projected by Rajagopalachari, Jaykar, Sapru, Minoo Masani, etc.), and (f) the Muslim League's separatist or loose federal nationalism.

(6) The main arguments, some similar and certain dissimilar, concerning the Hindu-Muslim discord, as presented by these theories, may be summarised as follows:

(i) The starting point of the first three most popular theories has been that ancient India represented the peak of human civilisation. The fourth and the fifth theories, while accepting the rich civilisational level of ancient India, do not subscribe to its extraordinariness.

(ii) Another argument holds that the medieval age had been a period of India's downswing (the first five theories), that the Hindu-Muslim discord arose from the aggressive nature of Muslims (the first two theories) or from their historical contention for supremacy (the fifth theory).

(iii) The third argument maintains that British colonialism was

chiefly responsible for the Hindu-Muslim discord in India (the third and the fourth theories).

(iv) The fourth argument regards that the predominant Hindu majority constitutes a danger to Muslim minority existence (the sixth theory).

(v) The fifth argument, adhered to by all the theories, considers that the partition had been the only viable solution of the problem.

(vi) The sixth argument, acknowledged by the first five theories, assumes that the unitary nationalism constitutes a proper basis for national unity. Before partition, the fifth theory favoured loose federalism.

(7) How far the aforementioned explanations conform to reality, can only be seen by testing each one on the basis of facts.

**III**

(8) The argument of India as the cradle of world civilisation sings the unsurpassed glories of India's past, during which rivers of milk and honey flowed through this sacred land. To prove this glamorous past, it goes to the extent of asserting the appearance of primeval Man on the Indian soil, thereby beginning the world human history. It lays claim to the highest development of the ancient Indian society, having the scientific knowledge of nuclear power, television, aircraft, railways, etc., the political knowledge of parliamentary democracy and the self-governing institutions, the economic knowledge of planning and finance, the cultural knowledge of civilising South-East Asia, and what not in that golden age—thus creating the best of everything that Man could or would do again.

(9) The Nehruvian self-glorification line fine tuned it in the way that, whatever the case in other countries of the world, India and its ancient culture—which stood for peace, toleration and abstinence from material comforts—were peculiar to themselves.

(10) This historical approach creates the myth that ancient India had an ideal Hindu society which was unique in the world.

(11) The historical experience demonstrates that, from the very beginning of human life, the development of Man and his movement for survival has more or less been similar in every part of the globe and that mankind has, on the whole, progressed with an even pace. Though the advance, marked by ups and downs, has not been a straight march, yet, at each turning point, it has been of the same kind in all essential points. Sometimes, a given ethnic group might have lagged behind, but soon it had

overtaken the advanced one and vice versa.

(12) There has been much give and take among the different ethnic communities in the world. Each of them, small or big, has contributed to the world civilisation and has, in turn, received equal share.

## IV

(13) The argument of India's downswing in the Middle Ages indirectly attributes the ills of India to the Muslim rule. It accuses the latter of naked barbarism which tried to destroy the ancient Indian culture and impose its own through the force of arms. It propagates that, while all the pre-Muslim immigrants—the Greeks, Sakas, Kushans, Huns, etc.—merged their identity into the mainstream of Indian life, i.e., the Hindu community, it were the Muslims who came here to dominate over the vast majority, refused to be absorbed in the Indian society, laid waste this holy land and wiped out its happy and contented life.

(14) This historical approach strengthens the communal orthodoxy in the interpretation of history.

(15) The historical facts, however, point out that the terms Hindu and Muslim were rarely used until the thirteenth century. The term Hindu is not found in pre-Islamic sources—i.e., Brahminical, Buddhist, Jainist, etc. It was not coined and developed by those who constituted the Hindus, but had a foreign origin. Later, it was taken up by the Hindu rulers to rally the natives against their foreign rivals. Similarly, the word Muslim had hardly been employed in Indian sources to describe the Turks, Afghans and Arabs as Muslims. The sources of this period use regional terminology instead of religious one. Thus, the Turks are mentioned as Turshkas and the Arabs as Yavanas (traditionally used for all persons, both friends and foes, coming from the West). Like the term Hindu, the word Muslim was mainly used by the Muslim rulers to gain the loyalty of the Muslim masses. From then on, the two terms became fixed religious expressions, each denoting a particular sectarian religious exclusiveness.

(16) There had been nothing new in the use of religion by the Muslim rulers. From the very early times, various shrewd rulers have persistently used group, cultural or religious ethnicity as a tool to meet their political or economic interests. In the Vedic and the post-Vedic phase, we come across Shaivite-Vaishnavite rivalries. Next, we find the use of Brahminism, Buddhism or Jainism by various rulers for their power struggle. Ashoka (300

BC) put into action the entire state machine to spread Buddhism and convert the people to his creed. The Guptas (500-600) went all-out to spread Brahminism by suppressing Buddhism and Jainism. The King Harsha of Kashmir (1089-1101), according to Kalhana, plundered temples within his own territory for securing money. The Paramara ruler, Subhatavarman (1193-1210), plundered and desecrated Jaina temples in Gujarat. The Buddhist and Jaina persecution, particularly the destruction of Buddhist monasteries at the hands of the Rajput rulers (900-1200) has now been admitted by all.

(17) The Turk-Afghan-Mughal rulers too did make use of religion to meet their political-economic ends, one of which had been to get money by temple looting. But they never made any attempt to create a permanent breach between the Hindus and the Muslims, as it would have tantamounted to undermining their own rule. This is evident from the behaviour of those Muslim rulers who are generally considered as the most diehard conservatives.

(18) For example, if Mahmud Ghazni was just a fanatic idol-breaker, then how is it that an entire division of his army consisted of Hindus, that his governor of Lahore, the gateway to Northern India, was a Hindu and that a number of *Brahmins* were among his courtiers. Actually, he was more a money-seeker (who, according to his *Shahnama*, obtained 1,320 *Manas* of gold from only one temple) than anything else. While Aurangzeb demolished some temples, he awarded grants and aid to hundreds among which was the Jagan Nath Temple at Ahmadabad. Sultan Tipu sent his forces to save the plunder of the Great Sringeri Hindu Monastry by the Hindu Peshwa Raghunath Rao Patwardhan during the last quarter of the 18th century. Tipu's prime minister (Purnayya), treasurer (Krishna Rao) and police minister (Shama Ayengar)—were all Hindus. When some temples were damaged during the course of Sind invasion (712 AD), the Caliph asked Qasim to pay due compensation.

(19) There was no wholly Muslim or wholly Hindu armies under the Muslim and the Hindu rulers respectively. Rajput chiefs held commanding positions—sometimes going up to the Commander-in-Chief—in the army during the Muslim rule, especially the Mughal one. Aurangzeb's harem was guarded by the Rajput army. Rajput princes were junior partners in the Mughal rule. Safdarjang was trying to form a Mughal-Maratha coalition when in 1761, Ahmad Shab Abdali sacked Delhi and

went back. While the polity was mainly in the Muslim hands, the economy remained to be managed by the Hindu experts. Muslim rulers generally had Hindu accountants. Except Ghazni, Nadir Shah and Abdali, no Muslim ruler drained wealth out of India. Even after six century Muslim rule, the 'Wealth of India' remained famous the world over.

The army of the Vijayanagara Hindu ruler contained as many as 80,000 Muslim personnel. Shivaji's guerrilla forces comprised both Hindus and Muslims. Even Rana Partap's army included many Muslims among whom was the Commander of his artillery (the most important military branch at that time). Thousands of Muslim peasants laid down their lives, fighting alongside the Sikh peasantry against the Mughal rule in the early 18th century, while the Hindu Rajas were fighting on the side of Aurangzeb.

(20) The cultural interaction between Hindus and Muslims produced common *Pirs* and *Gurus* (such as Sikh Gurus, Kabir, Farid, Ravidas, etc.), the political interaction brought forth wise politicians (like Akbar, Shivaji, Dara Shikoh, Guru Govind Singh, etc.) and the economic interaction created such agrarian experts (as Todar Mal). Matrimonial alliances between the communities at the top were common. At the, lower level, such relations existed in far off places—e.g., Rajouri, Ladakh, Baltistan, etc.

(21) The conversions to Islam had actually taken place in regions (i.e., Kashmir, Kerala, East Bengal, West Punjab, etc.) where the Delhi Durbar had never wielded a great authority. It is evident that the conversions took place independent of official pressure, mainly due to the preaching of Muslim Saints (Sufis). In Delhi, UP, Bihar, Madhya Pradesh, Rajasthan, Gujarat and Maharashtra, the Hindus always remained in the overwhelming majority.

(22) Political-economic history tells us that Muslim masses (most of whom are of indigenous origin and continue to follow some local cultural practices) were as poor and oppressed as the poor Hindu masses. Zia Barani, a court historian of the 14th century, advised the state not to impart any education to the low born Muslims, because it enables them to challenge the authority of the higher classes. He suggested that only persons of high birth be admitted into the nobility in order to preserve its pure complexion and composition. Living side by side with the Hindus in the village communities, the Muslims had pursued traditional trades and crafts as required by village agriculture whose product was used to meet the needs of all the village folk. The

indigenous Muslims never enjoyed any share in political power which was shared by the Muslim and the Hindu elite. It is significant to note that, during the six century Muslim rule, even at times when the Muslim and the Hindu rulers were interlocked with each other and when each of them tried to raise the bogey of 'religion in danger', there had been just one communal riot in 1673 in Ahmadabad.

## V

(23) The argument of British colonialism as the cause of Hindu-Muslim discord holds that the British Policy of 'Divide and Rule' inculcated communal consciousness among the masses in a planned and systematic way and that it was this communal orientation which generated communal riots and finally led to country's partition.

(24) In considering this question, it is necessary to ask and answer a counter question, i.e., why is it that, 47 years after the exit of British colonialism and Muslim League's separatism and a long application of the Congress vision of Gandhian *Ram Rajya* combined with Nehruvian socialism, communalism and casteism run riot in our country.

(25) The answer to this question is that if British colonialism had been the cause of communalism in India, the problem would have ceased to exist in the post-1947 period. The persistence of the problem dictates that its basis lay elsewhere.

(26) As regards the British policy of 'Divide and Rule', it had the same purpose, i.e., to secure political-economic gains, as was pursued by the past Hindu and Muslim rulers. But it never strove to create a lasting wedge between the two communities. Whatever communal steps—i.e., separate electorate, communal award, etc.—it adopted, were, in fact, the fundamentals of its solution to the communal problem in India. And the application of its solution became possible only because, while the minorities demanded the settlement of their claims before the finalisation of any scheme for India's independence, the Congress failed to work out a national solution to the country's communal problem.

(27) The popular view prevailing in India that partition was brought about by British colonialism in collaboration with Muslim League receives no support from the material which has only recently become available to the students of history. The recently published 12 Volumes of the *Transfer of Power, 1942-47*,

containing entire official record (with 7,422 documents) of that period, tell a new factual tale. A real account of happenings can now be given without injuring the feelings of the concerned.

(28) As shown by the *Transfer of Power* documents, the British role between 1942 and 1947, particularly its May 1946 Cabinet Mission Plan, refutes the allegation holding Britain responsible for Indian partition. The Cabinet Mission Plan presented the last chance to secure freedom for a United India. It rejected the Muslim League demand for Pakistan, upheld the Congress claim to a united and independent India, while providing safeguards to the Muslim minority. Thus, by bridging the gap between the Congress demand for a United India and the Muslim League demand for Pakistan, the Cabinet Mission Plan offered a viable solution or it tried to strike a balance between preserving the unity of India and removing the legitimate fears of the Muslims.

(29) This Plan put the entire responsibility for deciding the future destiny of India on the shoulders of the Congress and the Muslim League leaders, for they had to make the final choice between preserving an independent United India within a loose federation or accepting the partition of United India into Bharat and Pakistan. Initially, both the Congress and the Muslim League accepted the Plan. But later, first the Congress and then the Muslim League reversed their respective, earlier decisions—thus making the division of India inevitable. When Mountbatten announced the partition Plan, both Gandhi and Nehru cried that the Cabinet Mission Plan should be enforced as an award (*Transfer of Power*, Vol. X, PP 1013-14; Vol. XI, P-5, Footnotes, and Vol. VII, PP 466, 613). But then it was too late to retrieve.

**VI**

(30) The argument of pre-dominant Hindu majority being a danger to the Muslim minority maintains that the Muslim community constitutes a distinct nation.

(31) However, a close look at the present day world shows that the religion does not and cannot form the foundation of a nation and the latter cannot be constituted on the basis of the former exclusively. The Arab people, with the same religion, common language and similar culture continue to be divided into 21 nation-states. They have not so far been able to establish a Confederal type of unity what to say of integrating into a single national unit. The Sunni fundamentalist Saudi Arabia does not permit any Syrian Sunni Arab to adopt Saudi citizenship, nor does the Iranian

Shia fundamentalism allow any Pakistani Shia Muslim to become an Iranian national. Similar is the case with the Islamic State of Pakistan, Hindu State of Nepal and Christian State of Italy. The whole of Europe, characterised by the same Christian faith and a similar type of liberal culture, remains divided into different national states. Now, the 12 Western European states are joining together into a European Community not on the basis of a common religion but a common defence, common market and a common parliament. The overwhelmingly Buddhist populated states in the Far East and the South-East Asia remain separate entities. India and Nepal, despite being predominantly Hindu countries, could not unite into a single formation.

(32) In many recent cases, a common religion has proved ineffective to keep these countries intact. For example, the break up of the former Soviet Union was mainly caused by its Slav-Cum-Christian characterised three Republics, i.e., Russia, Ukraine and Byelorussia at their historic Minsk meeting in December 1991. Yugoslavia too split mainly due to the political conflict among its three predominantly Christian populated Republics—i.e., Serbia, Croatia and Slovenia. Pakistan could not maintain its national unit on the basis of a single religion. Sweden and Denmark broke up into two national states, despite having the same religion and the identical culture. A similar thing has happened between the Christian dominated Czech and Slovak Republics.

## VII

(33) The fifth argument of partition as the only viable solution maintains that, with no way out to independence for a United India, the partition was an inevitable course.

(34) But, from whatever angle, we may look at the problem, the partition was an avoidable proposition.

(35) From the long-term angle, India, being a multi-ethnic entity, required a genuine national solution that could sort out country's multi-ethnic problem by providing due share to the minorities in the power structure and the economic resources of the country. But, instead of working out a fair and just national programme, the Congress charted a revivalist path which injected religion into politics, refused to give a meaningful political and economic share to the minorities and placed party interests over the national cause.

(36) First of all, it was Gandhi, the Congress supremo from 1920-48, who made frequent use of Hindu idioms and thus

appealed to the religious sentiments of the majority community. He constantly stressed *Ram Rajya* as a goal of India's new social order and presented *Gita* as an ideal moral basis for human action. He selected *Vande Matram* as the national song which had its origin as a battlecry "in fighting off the Muslim invaders." He characterised "cow-worship as Hinduism's unique contribution to the evolution of humanitarianism" and the "discovery of caste system as a magnificent result of the ceaseless search for truth" (*Mahatma Gandhi* by Stanley Jones, P-5).

(37) Gandhi's statement in support of the *Khilafat* agitation, a fully religious movement, shows how he viewed the question of Hindu-Muslim unity as a religious question, instead of a political one. "I claim that, with us both the Khilafat is the central fact, with Maulana Muhammad Ali because it is his religion, with me because, in laying down my life for the Khilafat, I ensure the safety of the cow, that is my religion, from the Mussalman's Knife." (R.C. Majumdar: *History of the Freedom Movement in India*, Vol. III, P-64).

(38) It is ironic that Jinnah then warned Gandhi not to encourage Muslim religious fanaticism. Gandhi himself admitted this fact in his interview with Richard Casey, the then Governor of Bengal. "Jinnah had told him that he (i.e., Gandhi) had ruined politics in India by dragging up a lot of unwholesome elements in Indian life and giving them political prominence, that it was a crime to mix up politics and religion the way he had done." (*Transfer of Power*, Vol. VI, PP 616-617).

(39) When Muhammad Ali, the *Khilafat* leader, complained to Gandhi about the anti-Muslim attitude of Madan Mohan Malaviya after the collapse of the *Khilafat* agitation, Gandhi said that "my assessment of Malaviya was different." He further added that "there is no doubt in my mind that, in the majority of quarrels, the Hindus came out the second best. My own experience but confirms the opinion that the Mussalman as a rule is a bully, and the Hindu a coward. Where there are cowards, there will always be bullies." (Raj Mohan Gandhi: *A Study of the Hindu-Muslim Encounter*, pp 110-111). Can this belief create unity between the Hindus and the Muslims?

(40) Nehru's frequent references to Gandhi's linking of religion with politics are quite significant. "Gandhi, indeed, was continually laying stress on the religious and spiritual side of the movement. His religion was not dogmatic, but it did mean a definitely religious outlook of life, and the whole movement was strongly influenced by this, and took on a revivalist character so

far as the masses were concerned...I used to be troubled sometimes at the growth of this religious element in our politics, both on the Hindu and the Muslim side. I did not like it at all...Even Gandhiji's phrases sometimes jarred upon me—thus his frequent references to Ram Rajya as a golden age which was to return. But I was powerless to intervene, and I consoled myself with the thought that Gandhiji used the words because they were well-known and understood by the masses." (Nehru: *Autobiography*, 1941 Reprint, P-2).

(41) Secondly, it was Congress that, by denying meaningful power-cum-resources sharing to the minorities, especially the Muslim community, wasted all opportunities for bringing the Muslims into the national mainstream—thus pushing the latter into the lap of Muslim League.

(42) The first opportunity arose after the appearance of the 1925 Nehru Report which laid down the principles for the framing of India's future Constitution. Muslim League proposed certain amendments to that Report, i.e., the conferring of the residuary powers on the provinces and not the centre, the providing of weightage to Muslims in the legislatures and the separate electorate, etc. An All Party Conference, which was called to consider the Report, rejected the Muslim League's amendments. Had this Conference accepted the said amendments with the exception of separate electorate, a United India could have been retained.

(43) Another opportunity came in 1937 when, after the spectacular success of the Congress and the poor performance of the Muslim League in the Provincial Assembly Elections, Jinnah sent a personal message to Gandhi, suggesting Congress-Muslim League power sharing in UP and Bombay. Gandhi's written reply—"I wish I could do something, but I am helpless." (Rajmohan Gandhi: *A Study of the Hindu-Muslim Encounter*, P-145)—was just a rebuff to Jinnah. Nehru rejected the UP Muslim League's coalition proposal by haughtily saying that there were only two parties in India, the Congress and the British, and that none else except the Congress represented the Indian people. It was a highly unwise statement which even closed the option of a united front with various powerful regional Muslim parties, like the then ruling Krishak Praja Party led by Fazl-ul-Huq in Bengal and the Unionist Party led by Khizer Hyat Khan then holding power in Punjab. Several important Congress leaders (e.g., Maulana Azad, K.M. Munshi, Diwan Chaman Lal, Gandhi's Secretary, Pyarelal,

etc.), historians (like R.C. Majumdar, Michael Brecher, etc.) and writers (such as Frank Moraes, K.K. Aziz, etc.) had observed that this imperious Congress attitude did alienate the Muslim masses and thus lend support to the demand of Pakistan.

(44) The last chance to avert the partition was lost in July 1946 when, after the acceptance of the May 1946 Cabinet Mission Plan (which envisaged an independent United India consisting of three groupings to each of which certain given provinces were bound to join) by both the Congress and the Muslim League, Gandhi and Nehru, who were opposed to the compulsory groupings of the Provinces, tried to wriggle out of their earlier commitment. Gandhi propagated against the Plan at his daily prayer meetings (*Transfer of Power*, Vol. XI, P-106), but it went unreported. When Nehru made a press statement on July 10, 1946, that the Congress would enter the Constituent Assembly unfettered by agreements and free to meet all situations as they arise (which amounted to a virtual rejection of the Plan), the Muslim League, which considered compulsory groupings as a fundamental part of the Plan, promptly responded to it by withdrawing its agreement to the said plan.

(45) Thirdly, it was Congress that, by making the party interests supreme, injured the national goal. The then national goal was to attain the national independence for a United India. In this two-sided national goal, it was the country's unity or national unity that came in the first place, while the independence occupied the secondary position. This is because any danger to the country's unity was irreparable and constituted a loss for the whole of mankind, while no one, including British colonialism could hold independence back for long and it was bound to come sooner or later. The Nehru-Patel combine, in its lust for imminent power, made the aspect of country's unity subservient to national independence—thus turning the national question topsy turvey and paving the way for country's partition.

(46) As regards the role of other pre-1947 political forces, the Communist Party's mistake consisted in equating the communal slogan of Pakistan with the national right of self-determination. The RSS' and Hindu Mahasabha's stress on Hindu supremacy further communalised the environment and indirectly strengthened Muslim League's separatism. The Akali Dal's only short-coming was its uncritical support to the opportunist Congress stand.

(47) The Muslim League had little to show till 1945, with small mass support among the Muslims. In 1931, Jinnah himself retired

from politics, rejoining only in 1935. Despite the backwardness of regions, i.e., Sind, Baluchistan and North-West Frontier Province—where the Muslims constituted an overwhelming majority, the Muslim League enjoyed no support and there was no popular involvement with the demand for Pakistan. In the simple Muslim majority areas of Bengal and Punjab, the former remained under the control of the Krishak Praja Party and the latter under the Unionist Party until l946. The Muslim League enjoyed Muslim mass support only in UP and Bihar where the Muslims were in a microscopic minority. The basic reason for Muslim League's becoming a Muslim mass party in 1945-46 was the Congress revivalist approach to the national question and the short-term reason the hegemonic behaviour of Congress leaders, like Nehru and Patel.

(48) From the short-term angle, there were three alternatives to partition in 1947 when it had become a demand of the Muslim masses, namely, (a) the British Cabinet Mission Plan as accepted by the two sides, (b) the confederation of the two states with a joint defence, and (c) the continuation of the British rule for some more time in order to enable the disputants to arrive at a sensible compromise. All these options were scuttled by the power hungry politicians of the two sides, chiefly by the Congress hierarchy.

(49) Any one of the said three alternatives could have worked as can now be seen from the post-partition developments. According to the now available evidence, even Jinnah regretted the partition during his last days (1948) and is reported to have said: "I had committed the biggest blunder in creating Pakistan and would like to go to Delhi and tell Nehru to forget the follies of the past and become friends again." (*Frontier Post,* Peshawar, as quoted in *the Hindu*, 29-11-1987, P-1). Michael Edwards had recorded: "It is doubtful whether Jinnah really wanted Pakistan. All his actions were negative, directed at preventing the emergence of an undivided, Congress dominated India." (*The Last Years of British India*, London, Cassel, 1963). Ayesha Jalal, in her thesis on *The Sole Spokesman, Jinnah, the Muslim League and the Demand for Pakistan*, propounds that "It was the Congress that insisted on partition. It was Jinnah who was against partition." (P-262). "Pakistan", according to her, "was a mere bargaining counter." (P-213, footnote 18). The disarray in the Muslim League not long after the formation of Pakistan shows that if the Congress had accepted some constitutional form of keeping India united, a new alignment of forces would

have taken place inside the country, the Congress, the Muslim League and other political forces—opening new choices of social organisation and development before our people.

(50) Contrary to the Congress and the Muslim League claims of partition as the only viable option, the facts point out that it was the worst solution ever imposed on the country. It charged a horrible human and material price from the people on both sides. And after paying such a high price for a very poor bargain, they did only get the criminalisation and the corruptibility of politics; black money, poor quality, high cost and inefficiency oriented economy; violence and double-dealing directed culture, a five-star lifestyle for the chosen few, on the one hand, and the dance of hunger and starvation for the vast majority, on the other; and a continuously degrading natural environment. The situation would have been far better had the country remained as one unit.

(51) The Cabinet Mission Plan was quite workable, if the purpose of the top leaders had been the unity of the country and not the personal aggrandisement of power. With a genuine motive, its defects could have been rectified during the course of its application. Even those (Gandhi-Nehru) who had earlier decried it as worst than partition, only a month later began to demand its application in letter and spirit.

**VIII**

(52) The 6th argument of unitary nationalism as the proper basis for national unity regards that a strong centre would hold in check all the fissiparous tendencies existing in a multi-ethnic social formation—thus preserving the country's unity.

(53) However, the post-partition situation demanded that the pre-partition revivalist, hegemonic and divisive basics of our national model be substituted by the new democratic, equalitarian and unifying principles. Instead, the Congress constitutionalised all its old wares into a unitary national model.

(54) The recent historical experience reveals that a strong centre, instead of containing disruptive propensities, actually intensifies them to the farthest limit. This is because a strong centre, by foreclosing even the genuine expression of different aspirations of various ethnicities, in fact perpetuates them by first generating alienation and then provoking retaliation among the ethnic entities.

(55) A strong centre may suit a homogeneous country, like Britain, but does not, and cannot, quite fit in a multi-racial,

multi-religious, multi-lingual and multi-caste country, like the former Soviet Union and Yugoslavia and the present day India and Pakistan.

(56) No doubt, the strong British colonial centre in India did not face any stiff resistance from different ethnic groups. But this was due to certain given factors. First, the liberation struggle, then having been the primary task, relegated other social problems to the secondary position. Second, the people were conditioned to remain loyal to the ruler. And third, the British rule provided political stability and average economic growth in contrast to the political tyranny and economic degeneration, prevailing in the post-Mughal India.

(57) Under the post-1947 unitary state, the worsening state of nearly all social sectors—i.e., the criminalisation of politics, the communalisation and casteisation of different walks of life, the high public expectations born out of the politicians' false promises, the all-sided poor official performance, the all-round general corruption and social degeneration, the suppression of minority rights and the worsening conditions of the weaker sections—has unleashed all the new and the old divisive tendencies, now posing a serious threat to the unity and the integrity of the country.

(58) It took history over 40 years to pronounce that unitary nationalism, conceived by the Nehruvian elite, has failed as a vision to develop our nation-building process in an orderly way.

## IX

(59) From the afore-mentioned facts, it is obvious that there is a need for evolving a fair and just solution to the long-throttled problem of Hindu-Muslim relations in India, as also in Pakistan and Bangladesh. Such a solution cannot be evolved by adopting the old perspectives on nationalism—primordial (Mandalism), medieval (*Hindutva*, pan-Islamic), recent (Western Liberal, Communist, Third World, Cold War, etc.) all of which more or less proceed from the traditional theory of 'might being right', uphold an unequal world order and stand for majoritarian nationalism or majority dominated relations. It requires a new social perspective—the perspective of globalism which, having arisen from the newly emerged global nature of the human society—makes a clear distinction between social right and social wrong, discards the theory of 'might being right', upholds a just and equalitarian world order, rejects national prejudices and myths and

stands for full equality between the majority and the minorities.

(60) Guided by the social perspective of globalism and learning from the century long experience of the problem of Hindu-Muslim relations and the 47 year old experience of our nation-building process, it is necessary to work out a two-sided response—the short-term and the long-term—to the problem of Hindu-Muslim relations.

(61) The short-term response, concerning the specific Muslim problems, may include the following measures:

(a) Delinking of the religion from politics,

(b) Rewriting of the Indian history, truthfully emphasising both its positive and negative aspects,

(c) Countering of communalism, with focus on the majoritarian communalism, by ideological and political means, suppression of communal riots by all means, denouncing of the revengeful theory of correcting historical wrongs by putting one social group against another, stopping of official encouragement to fundamentalist leaders, etc.,

(d) Resolving of the Ayodhya problem through a legal or political process,

(e) Introduction of the system of proportional representation which, instead of communal reservation or communal electorate, can ensure the sharing of power by the minorities if they desire to poll on the ethnic lines,

(f) Acceptance of the recommendations of the Minorities Commission with regard to the security and economic betterment of the Muslims and other ethnic minorities,

(g) Reservation of jobs not on the caste or communal basis, but according to the economic criterion of poverty, thus guaranteeing the representation of under-privileged Muslims and other ethnic minorities in the administration.

(62) The long-term response, relating to the updating of old systemic concepts and the rectifying of systemic drawbacks, may comprise the following steps:

(a) Aim: To establish a just and fair social order in India and the world.

(b) General Approach: Scientific realism which bases itself on all-sided facts.

(c) Social Perspective: Globalism or rational humanism.

(d) Regional Security and Development: Based, in the first instance, on the resolving of all disputes with the neighbours, and then, step by step, transforming the SAARC into a free trade

common market area with a regional security system and a confederal political union; In sorting out its conflicts with the neighbours, it will try to seek a tripartite solution to the Jammu-Kashmr question, ensuring a joint Indo-Pak control over Jammu-Kashmr (responsible only for State's defence, foreign affairs and currency), and giving full autonomy to each ethnic area in that state; solving of Ganga Water probelm with Bangladesh either bilaterally or through agreed mediation; Removing of irritants with all the South Asian countries.

(e) India's one piece unity and democratic order: Based, in the first instance, on the resolving of all internal conflicts through fair agreements, and, then, the establishment of a fully federal and thoroughly decentralised structure with autonomy to all the states and a special status to Punjab within the Indian Union.

(f) India's Sustainable Development: Based on the improvement in the quality of environment (i.e., natural resources), on the one hand, and of human and material resources, on the other, by globalising the economy, operating through a judicious mix-up of market mechanism and state planning.

(g) India's Value-System: Based on rational humanist thinking and democratic behaviour.

(h) Foreign and Defence Matters: Based on international cooperation and friendship; regional security system linked with the global security system and signing of the NPT together with Pakistan.

X

(63) India (with 11% of the Muslim population), Bangladesh (with 12.1% of the Hindu population) and Pakistan (with 1.4% of the Hindu population)—to all of whom this problem confronts—should search remedies for building the bridge of friendship between Hindus and Muslims, because the Hindu-Muslim unity is as vital to the existence of the three divided parts of India as it was to the survival of undivided India. 25-08-1994

## Constitutional Aspect

# Demand For Special Status To Punjab

I

(1) A fully federal situation existed in pre-1947 India. Every ethnic community of our country (the principal multi-ethnic unit in the present day world) wanted to attain maximum autonomy for its overwhelmingly populated region. Even the Muslim League, the then protagonist of the two nation theory, wanted a loose federal system for India, as envisaged in the May 1946 Cabinet Mission Plan. That is to say, the Muslim League too then stood for a loose federal nation-state in India. But the Congress' unitary nationalism, based on the majoritarian approach, by rejecting an independent and a loosely federal united India, opted for a divided India with a strong, centralised independent state.

(2) It is obvious that the partition of the country was not inevitable. But it was made to be unavoidable by the logic of unitary nationalism which has, as always, been inconsistent with the nature of a multi-ethnic country. Since then, the terms federalism and autonomy have become an anathema for most of our top politicians.

(3) After partition, the then ruling Congress framed a basically unitary Constitution, with certain federal features. But the Indian Constitution refrained from using the word federal even once in its entire text.

II

(4) The concept of federalism as a social system or the question of granting autonomy to a state within a country involves the question of the division of internal sovereignty between the central government of that country and its federating states. The external sovereignty—i.e., the power to deal with foreign matters—as always, belongs to the country as

a whole. Thus, the sovereignty of a country—i.e., the supreme power to decide one's national affairs, both internal and external, without any outside interference—has two aspects, the internal and the external. Federalism or the question of autonomy is concerned with the internal aspect.

(5) The term special status implies the granting of a constitutional-legal position of maximum internal autonomy to a state within a country.

(6) Federalism as a system in any country arises when its given states voluntarily decide to constitute themselves into a federal union. That is to say, the given states bring into being their own central authority. In the present day world, US stands as the principal federal model. Australia and Canada are the other examples. A centrally imposed federalism is not considered as genuine.

(7) The chief characteristics of a federation are: (a) The supremacy of the Constitution, (b) the distribution of powers between the Centre and the States with the stipulation that this condition will not be altered on the notion of one of the parties, and (c) the vesting of the residuary powers in the States and not the Centre.

(8) Those who contend that India is quasi-unitary and quasi-federal forget that India does not fulfil the two (i.e., b and c) of the above said three characteristics. The Indian Constitution contains a whole lot of non-federal features. It, firstly, makes the union supreme, with the States as subordinate units by granting all subjects of high importance to the Union (as is evident from the Union and the concurrent lists) and matters of subordinate concern to the states (as can be seen from the state list). Secondly, it empowers the union to unilaterally alter any matter falling within the purview of the States in the name of national interests. Thirdly, it vests the residuary powers in the Centre and not the states. Fourthly, it empowers the union to alter the boundaries of the states without their agreement. And fifthly, the few federal points of the Indian constitution do not come from any state sponsored federalism but a centrally contrived scheme.

**III**

(9) However, like any other unitary state, the Indian Union enjoys full powers to give any right or concession to any state. Article 2 of the Indian Constitution empowers Parliament to confer any special status on or grant any privilege to any old or

newly created state. The Article reads: "The Parliament may by law admit into the Union or establish new states on such terms and conditions as it thinks fit."

(10) Though the above Article gives discretion to the Parliament to confer special status on any State, yet it is not an unqualified discretion. Because this discretion cannot be exercised without taking into account the unitary nature of the basic provisions of the Constitution.

(11) It was by virtue of this Article that special status was granted to Jammu-Kashmir in view of the then prevailing extraordinary circumstances in that state. The relationship of Jammu-Kashmir with India was established on a fully federal basis by making a clear division of sovereignty between the Union and that State. Jammu-Kashmir did not accept the Constitution of India as a whole and reserved the right to frame its own Constitution. Beyond the power transferred by Jammu-Kashmir to the Union, the former enjoyed complete residuary sovereignty.

(12) But, despite a constitutionally guaranteed special position the unitary nature of the Indian state has, under the pretext of national interests, ended the special status of Jammu-Kashmir for all practical purposes. And now the special status remains only in name as is evident from a comparative study of the original four constitutional documents (which indicate the level of the earliest special status of Jammu-Kashmir) and present constitutional position of that state.

(13) The original four constitutional documents (appended at the end of this Volume) provide us the following picture.

(a) The first document, i.e., The Instrument of Accession, signed by the Maharaja of Jammu-Kashmir on October 26, 1947, and accepted by the Governor-General of India on October 27, 1947, hands over only four subjects to the Union, namely, foreign affairs, defence, communications and ancillary matters.

(b) The second document, i.e., the Article 370 of the Indian Constitution, while primarily giving a constitutional shape to the Instrument of Accession, titles itself only as a temporary provision.

(c) The third document, i.e., The Constitution (Application to Jammu-Kashmir) Order, 1950, extends the Union's powers beyond what was originally given by the Instrument of Accession.

(d) The fourth document, i.e., Delhi Agreement 1952, while specifying Government of India's concurrence to the decisions as adopted by the Jammu-Kashmir Constituent Assembly,

further enhances the Union's area of authority.

The present constitutional position of the state, as obvious from "the Constitution (Application to Jammu-Kashmir) Order, 1954," and the subsequent constitutional amendments to the Indian and the Jammu-Kashmir Constitutions, is that its special status represents nothing but a mere formality.

**IV**

(14) From the foregoing account, it can be seen that, in order to accommodate and ensure the demand for a special status to Punjab, two constitutional options are available.

(15) The most appropriate option is that the Indian Constitution be made fully federal, granting autonomy to all states and according a special status to Punjab within the Union on the lines of the Constitution (Application to Jammu-Kashmir) Order, 1950.

(16) The second option is that special status be given to Punjab under Article 2 of the Indian Constitution on the model of 1950 Constitution Order as applicable to Jammu-Kashmir. And that necessary constitutional safeguard be provided against any future central encroachment upon that status. Such a constitutional safeguard must ensure that no change in the constitutional relationship between Punjab and the Union will be effected unless voted upon by the 2/3rd majority of total strength of both the Punjab Assembly and the Parliament. The fiasco of its integrationist line in Jammu-Kashmir and the changed national and international contexts have now further made it difficult for the centre to encroach on the special rights available to any state.

**V**

(17) A number of politicians, cutting across party lines, abhor the demand for granting autonomy to states or conferring special status on any state. Some of them maintain that it is the special status of Jammu-Kashmir (under Article 370) which has ignited the ongoing crisis in that state. Many of them believe that federalism, ensuring autonomy to all states, is a sure way to the disintegration of the country.

(18) The historical facts, however, tell a different tale.

(19) The Indian facts concerning the armed struggles in Assam, Nagaland, Punjab, etc. (where Article 370 is non-applicable), repudiate the argument of Article 370 as the genesis

of trouble in Jammu-Kashmir.

(20) The international facts demonstrate that, far from national disintegration and destabilisation, all the federal countries in the world represent highly concordant and orderly systems. Both in the federal US and federal Australia, the residuary powers vest in their states. And there is no disturbance in any of their respective federating units. Again, in the US, every state has its own Constitution, which cannot be superseded or disregarded by the centre under any pretext. The US citizens enjoy dual nationality—one for the Union and the other for the States. The dual official agencies for carrying out federal and state laws—such as federal courts and state courts and federal executives and state machinery—operate in each American state to carry out federal laws and state laws respectively. Hardly anyone will today contend the fact that the US federal system has so far proved quite harmonious and workable during its over 200 year span of life. 03-09-1994

## Jammu-Kashmir Problem

# Defuse Last Flashpoint Of Cold War

I

(1) The devastating Jammu-Kashmir crisis has now been passing through its fifth year. Imposing immense human and material suffering on the Kashmir is in particular and the Jammuites and the Ladakhis in general, the armed conflict between the Kashmiri militancy and the Indian security forces has taken a very heavy toll—thirty thousand killed, several more thousands injured, thousands of widows and orphans left with no one to depend upon, tens of thousands turned into refugees to take shelter outside the valley, tourism, trade, industry, etc., virtually disrupted and a serious damage caused to the Kashmiri psyche. Yet this agony knows no abating.

(2) The ongoing turmoil and trouble in Jammu-Kashmir has naturally resulted in intensifying the post-partition inherent confrontation between India and Pakistan who have, since 1947, been contending for the control of this state and waged three wars to achieve their respective ends. Today, the Indo-Pak relations are at their nadir since 1971. If such a situation drags on unhindered, it will not only worsen the misery of our people, but could also culminate in yet another Indo-Pak war which, with its new nuclear dimension, would be disastrous, especially for the Indo-Pak and generally for the world people.

(3) Obviously, the state of Jammu-Kashmir today remains the last flashpoint of the cold war, with New Delhi and Islamabad taking bellicose and threatening cold war postures (as is evident from the 14th and the 15th August, 1994 speeches of Benazir Bhutto and P.V. Narasimha Rao respectively) in the post-cold war era.

II

(4) The present day world experience, both international and national, of all types of violent conflicts (political, economic, ethnic, religious, etc.) shows that the gun has ceased to be an

effective and lasting answer to any problem (as manifested by three Indo-Pak wars, five year armed conflict in the valley, insurgency and counter-insurgency in North-East India, as well as Arab-Israel conflict, South African apartheid). Hence, the politics of military solution will not only complicate the Jammu-Kashmir problem but also lead to destabilisation in South Asia and the hampering of the world development process. Thus, the way out lies in launching a peace process through a continuous dialogue and purposeful negotiations between the concerned parties.

**III**

(5) A peace process, in order to achieve its goal, needs, like any other phenomenon, to be developed on the basis of actual realities. These, in our case, may comprise the following.

(a) That the problem of Jammu-Kashmir, which originally started as an Indo-Pak dispute in the early post-partition phase, has, with the subsequent people oriented commitments of India, Pakistan, UN and other democratic forces and the armed struggle in the valley, now acquired a trilateral character, consisting of India, Pakistan and the Jammu-Kashmir people as its key elements.

(b) That the state of Jammu-Kashmir, including the part now under Pak control, consists of eight main ethnic-regional groups, i.e., the Kashmiri group in the valley and the parts of Doda District; the Dogra group in the Districts of Jammu, Kathua and Udhampur, with a fair sprinkling in Doda and Rajouri Districts, the Ladakhi in Ladakh, the Kargili (if it does not identify itself with the Balti group) in Kargil, the Pathwari in the Districts of Rajouri and Poonch and 'Azad Kashmir', the Gilgiti in Gilgit, the Balti in Baltistan and the Pahari (comprising Gujjars and Bakarwals) in the Districts of Rajouri and Poonch and the Kashmir valley.

All these ethnic-regional groups have different historical aspirations.

But still they can, under a jointly agreed settlement, stay together in one political unit which ensures full autonomy to each of them.

(c) That the issue of Jammu-Kashmir has remained the core item on the two national agendas of India and Pakistan in their post-1947 history. The Indian nation is determined to keep Jammu-Kashmir as part of the Indian Union, while the Pakistani nation is equally resolved to bring Jammu-Kashmir to its national fold. Both countries have put their respective national honour at

stake on this question and are ready to pay any price in defence of their national prestige.

(d) That an absolute majority of countries in the world, as can be seen from the proceedings of various international gatherings, regard the Jammu-Kashmir problem as a bilateral dispute, to be resolved by India and Pakistan with the involvement of the people of Jammu-Kashmir on both sides.

(e) That all past settlements—1948 Indo-Pak ceasefire, 1965 Tashkent and 1972 Simla agreements, 1948-49 UN Resolutions, 1952 New Delhi-Srinagar, 1975 Indira-Sheikh and 1986 Rajiv-Farooq accords—having been bilateral deals either between India and Pakistan or between New Delhi and Srinagar had proved non-workable. And a new trilateral beginning has to be made to open up the Jammu-Kashmir impasse.

**IV**

(6) Given the foregoing realities, it follows that a desirable and variable solution of the Jammu-Kashmir problem can only be evolved by a protracted dialogue process of give and take negotiations between the three concerned parties. And in a give and take process, any proposal which emphasises the choice of only one party—e.g., New Delhi's legal claim of a constitutionally valid accession of Jammu-Kashmir with India or Islamabad's political claim of getting Jammu-Kashmir on the basis of the Muslim majority in the state and the communal partition of India or the Kashmiris inherent claim of self-determination with a third alternative on the basis of Jammu-Kashmir's unsettled position or the Dogras and Ladakhis constitutional claim of permanent accession with India—is liable to become infructuous. A desirable proposition can only be the one that reconciles the interests of all the relevant parties and gives some satisfaction to each of them. None of the three can have a veto over the other two.

**V**

(7) In order to hammer out such a proposition, it is necessary that the dialogue process be initiated at two levels—one at the Indo-Pak level and the other at the level of various ethnic-regional groups of Jammu-Kashmir.

(a) At the Indo-Pak level, both India and Pakistan, proceeding from the vision of their destined common and shared future and learning from the bitter experience of their highly painful and

extremely costly post-1947 confrontationist past should try to iron out their differences by working out a formula that brings them closer to each other, upholds their respective national prestige, meets the national urges of the peoples of the two countries and also satisfies the aspirations of the various ethnic-regional groups of Jammu-Kashmir.

(b) At the state level, all the ethnic-regional groups, starting from the perspective of viewing their future in the Indo-Pak friendship, cooperation and joint activity, should strive to chalk out a recipe that not only will fulfil their respective aspirations within the framework of a single state of Jammu-Kashmir but also suit the national esteems and the public impulses of the two nations.

(8) For starting such a two level dialogue process, some bold initiatives are needed.

(a) The first initiative needs to come from the Prime Minister of India, proposing to the Pakistan Prime Minister a No-War Pact, a joint signing of the NPT, the ceasefire in Siachen, the working out of an amicable settlement of all Indo-Pak irritants (like the Wullar Barrage, border alignments, etc.) within a prescribed period and the sorting out of a solution to the Jammu-Kashmir problem (satisfying the interests of the three parties) with the involvement of the people of Jammu-Kashmir (as represented by the various shades of leaders of the different ethnic-regional groups) on both sides.

(b) The second initiative should be taken by all the peace-loving and democratic forces in Jammu-Kashmir who should try to come on a single platform (or form a united front) for motivating the Jammu-Kashmir people on the basis of a peaceful solution to the Jammu-Kashmir problem and for finding out a rational solution to the Jammu-Kashmir problem by carrying out a dialogue process with each ethnic-regional group in Jammu-Kashmir on both sides and also by interacting with the peace-loving and democratic forces, both in India and Pakistan.

(c) The third initiative should emerge from the peace-loving and democratic forces, both in India and Pakistan, each of whom should try to form a single national front in its own country with the specific purpose of mobilising the people for bringing India and Pakistan closer together by peacefully resolving the Jammu-Kashmir problem (meeting the interests of the concerned parties) and all other Indo-Pak conflicts and also by interacting with its counterpart in the other country as well as with that in Jammu-Kashmir.

**VI**

(9) No saner person can today overlook the fact that the only alternative to the peaceful resolution of the Jammu-Kashmir problem is a destructive nuclear Indo-Pak war. There is no third alternative.

**VII**

(10) Thus, the problem of Jammu-Kashmir poses the greatest existential challenge, both to India and Pakistan. They can, either by following human rationality, turn this challenge into an opportunity of peace and progress or, by surrendering to the logic of this confrontationist challenge, destroy each other and harm the human society. There is no other way out.

15-09-1994

# TADA
# State Terrorist (Perpetuation) Law

## I

(1) Almost everyone who counts in the Indian power hierarchy—the Union Home Minister and his deputy, Supreme Court, National Human Rights Commission (NHRC), Minorities Commission, many top politicians and legal luminaries, etc.—now admits that TADA has been grossly abused and misused. This tantamounts to gross violations of human rights.

(2) But none of these national fate-deciders had earlier said even a word against this ghastly law which had been in vogue for over nine years. The Home Minister and his deputy had forcefully defended this law while seeking its further extension from parliament in May 1993. Only five months before, when TADA's perverse performance had become quite apparent, the Supreme Court had upheld its constitutional validity, while stressing its judicial use. None of the members of the NHRC and the Minorities Commission or the top politicians and legal luminaries, who had been holding very important positions in the structure of authority during the past decade, had even spoken about its arbitrary application. What has made these high personages to suddenly join in a general chorus against this law? .

(3) The only new thing that has happened at home is the arousing of deep concern among the Indian people about the horrible misuse of this law. Abroad, it seems aimed at showing the UN and other human rights bodies that India is serious about ending human rights violations.

## II

(4) The depredations and outrages of TADA against the rule of law speak for themselves. Of a total of 67,509 detenus (as on

August 17, 1994), detained under TADA, all supposed to have been arrested for terrorist and disruptive activities, not a single conviction has, in the last decade, taken place under section 3 which deals with the accused person's intent of terrorising the people or indulging in violence to overthrow the government.

(5) The law had been used with impunity to harass and intimidate political rivals, trade union leaders, intellectuals and vocal members of the minorities. Even women and children have been brought under its purview.

(6) Gujarat, which is unaffected by militancy, tops the list with 19,263 detenus, followed by Punjab 15,175, Assam 11,684, Andhra Pradesh 8,692, etc.

Enacted as a temporary measure on May 20, 1985, TADA, with a life span of two years, was in the beginning confined only to Punjab, Chandigarh and Delhi. But now its jurisdiction, with a 9 year life story, extends to almost the entire country, i.e., to 22 states out of 25 and two union territories out of seven.

(7) The law is very wide-ranging in its scope and extremely harsh in regard to its provisions. The definition of terrorist and disruptive activities encompasses "any action whether by act or speech or through any other media or in any manner whatsoever". Unlike ordinary law, which rejects credence to any confession made under the police custody, TADA legitimises it as evidence when made before police officer not below the rank of a Superintendent—thus providing an incentive to police for torture. It puts the onus of proof on the accused. An accused can be produced before an executive along with his confession unlike the normal law which demands such a presence only before a judicial magistrate. The executive can remand the accused to police custody for 180 days, extendable to a year. Charge-sheets need not be filed for upto a year.

(8) The trial of TADA accused takes place in courts specially constituted for the purpose. The government can transfer TADA cases from one court to another, even in another state. Judges of TADA designated courts can continue in office even after retirement. The court can choose its own place of sitting and can also try non-TADA offences. The designated courts can conduct summary trials, sentencing the accused to imprisonment for up to two years. The Act provides conducting of the trial in camera and keeping the identity of the witness secret. Bail to the accused can be denied unless there is reasonable ground to believe in the innocence of the accused. The appeal against any

designated court can be made before not any High Court, but the Supreme Court only within 30 days.

(9) Despite its wider scope and harsh provisions, the efficacy of this law in achieving its objective is almost negative. This can be seen from the fact that less than 1% (i.e., 2,700 of the total detainees (i.e., 67,509) had been convicted so far. In Punjab only 111 out of 15,175 registered cases had resulted in conviction, showing an abysmal conviction rate of 0.05%. Nearly 90% of the total detainees have not even been charge-sheeted as yet. So far, only 7% of the cases have been decided over during a decade. Even Sukhdev Singh Sukha and Harjinder Singh Jinda were acquitted of charges under TADA but hanged in October 1992 under section 302 of the Indian Panel Code for assassinating General Vaidya. Obviously, the ordinary law has proved more effective.

**III**

(10) The foregoing nine year record of TADA shows that it did not serve the original purpose for which it was created. By denying every principle of natural justice and by routing every tenet of national legal system and international law and by itself becoming a weapon of terrorism in the hands of the state, the TADA has subverted the very fundamentals of our Constitution—rule of law, secularism, social justice, economic equality and national unity.

(11) The argument of national interests behind the constitutional validity of this Act is entirely irrational. Can our national interests be served by the misuse and abuse of power? Do they flourish by detaining 67,509 persons without any legal justification? Does our democracy develop by using this law for setting political scores and arresting political and trade union dissenters? Can our national unity become strong by the impinging of individual's fundamental rights? Do our standards of justice improve by the denial of protection under Articles 20 and 21 of the Constitution, which are universally applicable, to the TADA accused? Is not our system of criminal justice further undermined by the extensive use of TADA? Can our sovereignty and integrity gain strength by atrocities and brutalities on the accused custodial deaths, disappearances and fake encounters? The whole nation-building experience the world over proves that wrong doings—violent suppression of democratic rights, rejection of social justice and denial of fair

economic living—have always proved counter-productive.

**IV**

(12) What we today need to ask is why do such anti-democratic laws as Preventive Detention, National Security Act, Maintenance of Essential Supplies Act, Terrorist and Disruptive Activities (Prevention) Act, and their propounders have continued to dominate our national life during the post-1947 period, without any effective public protest and a strong rebuff from our democratic institutions, especially the judiciary.

(13) The reason for this lacking lies in our faulty concept of nationalism which equates the national interest with the government interest (or in other words, the ruling party interest). It is in the name of such misplaced nationalism that state terrorism, atrocities committed by police and the security forces, curbs on civil liberties, human rights violations, crimes, kickbacks and corruption by political mafias, bungling by bureaucrats and underhand dealings by the big businessmen are justified to serve our national interests,

(14) Again, It is under the impact of this defective nationalism that New Delhi's undermining of democracy in Jammu-Kashmir, with curbs on fundamental rights, destruction of democratic institutions, shutting of the people behind bars without trial and silencing of every dissent in the valley in the pre-militancy period, has been accepted as patriotic.

(15) Further, it is this improper nationalism that regards the publication of objective facts about Ayodhaya dispute or true happenings in North-East, Kashmir, Punjab, etc., as unpatriotic.

(16) The national interest, in brief, denotes the upholding of the national objective of establishing a humane, just and fair social order in India and the world and the movement towards this goal—with the perspective of rational humanism, national unity, rule of law, a federal and decentralised structure, sustainable development with improvement in the quality of economic, human and material resources, resolving of all disputes, including Jammu-Kashmir (by setting up a joint Indo-Pak control over the state) with the neighbours, particularly Pakistan, following a foreign and defence policy of international cooperation and friendship, regional security system linked with the global security system, and signing of NPT together With Pakistan.

(17) We must try to reach as broad a consensus as possible on our national goal and its strategy.

## V

(18) Militancy has always been a political problem. It arises from a given set of circumstances. That is, it often erupts from discrimination against the minority group by the majority one, in regard to giving the former due share in power and economic resources. It is an age old tradition and the experience world over also shows that any problem which baffles a political solution is often dealt with by force. The ruling group, as always, resorts to all types of foul means when it fails to deliver the goods. Force and foul means might have sometimes worked in traditional societies, but the times have changed. The cult of violence cannot now be contained by counter violence—this is the lesson of the post-cold war era in which the traditional jungle rule 'might being right' is step by step loosing its validity in the human society. The time, therefore, demands that all lawless laws—like the TADA—are immediately scrapped and the question of militancy is tackled on a humane and far-sighted political basis.

## Population Problem

# Needed A People-Oriented, Women-Centred, Rational Approach

I

(1) Hardly anyone denies the fact that the problem of population growth constitutes one of the two most serious challenges (the other being environmental degradation), the human society faces today. Therefore, these two issues have come to be the top twin agenda of the world community.

II

(2) The problem of population growth is an issue of recent origin which did not exist before 1950. That is why, mankind has, from his beginning to the first half of this century, desired and worked for increasing his numbers.

(3) For over a million years, the human population grew at snail's pace. It reached only a billion mark in 1800 AD. Next, it doubled itself in 130 years (i.e., 1930). The third billion was added in 30 years (i.e., 1960), the fourth in 15 years (i.e., 1975) and the fifth in 11 years (i.e., 1986). Today, the world population numbers about 5.6 billion (1.2 billion in developed and 4.4 billion in the developing countries). Over 90 million people are being added to it per year. The estimate is that the world population is growing by 179 people a minute (for every 100 additions, 97 are added to the population of developing countries). By this speed, it is expected to double itself (i.e., 12.5 billion) by the year 2050. The world's carrying capacity is believed to be eight billion people. If the present population growth rate continues, human being will get only a standing space on this globe after 600 years.

(4) The burgeoning population acts as an impediment to human and material development by perpetuating poverty and

unemployment. It forces man to encroach on natural resources, already under heavy strain due to their abuse and misuse by the unsustainable development process and the consuming and over-lavish living style of the developed countries. We are already in the midst of surpassing the enduring capacity of the global resources. The result is that the earth is losing 25 billion tonnes of its top soil and 17 million hectares of tropical forests every year. Nearly 70% of the world's forests has already been cleared. Due to the shrinking of the forest cover, many species of birds and animals have either become extinct or less in number. The world is moving headlong towards disaster. May be, we are reaching its brink.

(5) The reason for the low population growth rate for a very very long time rested with the then prevailing high death rate which was inevitable due to the subsistence living and a very poor technological level of managing diseases.

(6) The situation has undergone a basic change due to a qualitative jump in modern scientific and technological development which has not only helped raising living conditions but also reducing the death rate (with medical miracles).

**III**

(7) The post-1950 problem of population growth provides us five types of experience.

(8) The first experience, coming from the developed countries, shows that both the high birth rate and high death rate come down in an improved state of material and psychological (i.e., education, health, culture, etc.) development where man begins to feel certain degree of social security in regard to economic life and old age.

(9) The second experience, available in the former Soviet Union, Germany, Japan and some Scandinavian countries, indicates that, in conditions of full social security and better medical care, the population growth rate even dips to zero.

(10) The third experience obtainable from the South-East and East Asian countries, shows that the movement towards economic development combined with education, health-care and family control also brings down the population growth rate.

(11) The fourth experience, drawn from Bangladesh, Sri Lanka, Nepal, etc., shows that on effective programme of family planning too causes fall in the population growth rate.

(12) The fifth experience, arising from the more backward

countries, located in Africa and South Asia, shows that ineffective systems of birth control in low economic conditions keep the population growth rate at a higher level.

(13) From the above experiences, it is evident that a meaningful economic growth and an efficient family planning programme can each be useful in reducing the high population growth rate. This means that, by combining the long-term task of economic growth and the short-term measure of family planning programme, it is possible to achieve a balanced population growth rate. The experience further demonstrates that, under conditions of full social security, man does not much bother about producing his own children.

**IV**

(14) The world became conscious of the growing population menace in the late 1960s. Since then, three international Population Conferences—Bucharest 1974, Mexico 1984 and Cairo 1994—have taken place. The first conference made development as the focus for population control, relegating the social factor, i.e., the role of women, education, health-care, etc., to the secondary place. The second conference made 'eliminate mass hunger' in the interest of peace, security and environment as the central issue, again laying less stress on social factor.

(15) The recently held Cairo Conference stressed social factor as the basis of its strategy and left out the economic factor. It mainly emphasised the following points:

(a) Woman as the most important component of the population policy, aiming at the empowerment of women, gender equity or, equal family partnership (not confrontation), reproductive rights, reduction of infant and maternal mortality, higher marriage age, increasing birth spacing etc.

(b) Universal primary education, particularly for girls, in 20 years.

(c) Universal access to family planning, information and services.

(d) Concept of reducing fertility even in poverty conditions.

(e) Futility of some of the traditional family conceptions, held by the religious orthodoxy as revealed in the debate on abortion.

(f) Need for a dialogue between the North and the South on the sharing of world resources, now being overused and abused by the Western development model and living style.

(16) Three contentious issues—i.e., abortion, adolescent

sexuality and reproductive health—consumed much of the Conference time due to the stubborn opposition from the Christian and the Muslim hardliners. Finally, it was decided that abortion was not to be promoted as family planning measure and should be made safe in countries where it is legal. The passage concerning the other two issues was suitably amended to the satisfaction of all.

(17) On the question of funding, a broad based agreement was reached on the estimated $17 billion that the programme of action was going to cost. Many developed countries—US, Japan, Germany, European Community, etc.—have promised to increase the amount for population related activity.

**V**

(18) The population problem is the outcome of the imbalanced state of the existing human society which is characterised by numerous distortions, namely, environmental degradation; gap between the developed and the developing countries and between the rich and the poor in all countries, causing a wasteful and unsustainable lifestyle (which abuses and misuses the world resources) for the 20% at the top and a life full of hunger, misery and degradation for the 20% down-trodden at the bottom; unbridled defence expenditure as the chief priority of the overwhelming number of countries instead of social security, poverty alleviation, education, health, etc.; existence of a number of national authoritarian regimes whose suppressive and discriminatory policies towards minorities have given rise to many ethnic struggles; contention between different countries on the question of territory, water sharing, natural resources, trade, finance, etc.; contradiction between the newly emerged global division of labour demanding an international management centre and the continuation of 180 national centres of authority and so on.

(19) These distortions have not only given rise to the threat of population explosion, but have also brought forth many more challenges for mankind, i.e., environmental degradation, question of nuclear weapons, poverty, social and economic inequality, violations of human rights, discrimination against minorities, ethnic struggles, different types of mafias, etc. Unless these challenges are properly answered through an integrated international strategy, piecemeal recipes in different affected areas, while producing many positive results, will and can,

sustain only for a certain period, being unable to wipe out the challenges altogether.

**VI**

(20) Given the aforementioned world imbalances and their constraints on mankind, the task of population control, closely interrelated with other challenges, is highly daunting. But still it can, to a great extent, be accomplished step by step if we persist in pursuing a sustainable population policy, based on a people oriented, women centred, rational approach. It should comprise both the macro and the micro measures.

(A) The macro measures should include the following issues:

(i) Eradication of poverty as the key issue,

(ii) Doing away with unsustainable living style as maintained by the developed countries and the political-economic elite in the developing ones,

(iii) Fair use and distribution of resources between the developed and the developing countries and between the rich and the poor in the developing ones,

(iv) Ending of the patriarchal systems (a system where men hold all the power, social, economic, political, etc.) for terminating the women's dependent status, making them equal partner in the control of wealth and land (whose 10% and 1% respectively is at present controlled by women), legitimising their right, like men, to head the families, etc. Education alone does not help much if women's economic and social position remains subordinate to men,

(v) Prohibiting of child labour,

(vi) Transforming of all wasteful and polluting technologies into ones fostering sustainable development,

(vii) Changing the pattern of national priorities, particularly substituting the human resources development in place of defence.

(B) The micro measures should consist of the following steps:

(i) Establishing of women-run information centres for informing the women about their rights,

(ii) Linking of the Integrated Rural Development Programme and the Poverty Alleviation Schemes with the population control campaign,

(iii) Including of the population control programme in the school educational syllabus,

(iv) Involvement of the people and the feminine organisation in

the population control campaign,

(v) Free universal education to all, especially the girl, with particular emphasis on sustainable environment, development, population, gender equity, humanism, etc.,

(vi) Free health-care, with stress on infant and maternity welfare,

(vii) Entrusting of the responsibility of contraception (so far carried by women) to men because of women's bearing of pain and risk of pregnancy and the worse affects of female contraception than the male contracption techniques,

(viii) Termination of all disincentives or coercive methods for promoting population control.

**VII**

(21) The problem of population control is basically a question of a transforming the present unsustainable human social organisation into a sustainable one. Naturally, such a fundamental change demands an all-sided transformation in human approach, style and organisation.

## Purpose Of Education

# To Promote Search For Truth

**I**

(1) The concept of education in its literal sense denotes the strengthening of the powers of mind and body. As a social activity, it implies the system of teaching and learning by which a given society develops the mental and physical faculties and the social behaviour of its individual members. The educated person, in turn, contributes in the development of society. Thus society and individual help each other in social development.

(2) From the very early times, the education has been considered as a vital component of human development. But, in recent years, it has acquired an added importance by the new social realisation (emerging from the newly arisen science, technology and social facts) that sustainable development (the most appropriate way to sustain life on earth) can be accomplished by developing the environmental and the human resources in which the education plays the key role. No country can, today, get rid of poverty, disease and backwardness without providing proper education to its citizens.

**II**

(3) In our country, the education has since long occupied a prominent place. Continuing this historical tradition, our present Constitution (Article 45) had set 1960 as the target year by which all children upto the age of 14 would be imparted education. In the 1950s the Radha Krishnan Commission reiterated the crucial role of the University education in India's social and economic development. The third Five Year Plan (1961-65) declared that "the education is the most important single factor in achieving rapid economic development and technological progress and in creating a social order founded on the values of freedom, social justice and equal opportunity." In the 1960s the Kothari Commission went to the extent of calling for "an education revolution in the country."

## III

(4) In practice, however, the education has, in the entire post-1947 period, remained a neglected area. To this day, the target laid down in the Constitution has hardly been accomplished by 60 percent. The different New Delhi governments, no matter which political party was in power, had never made education a question of top priority in our national agenda. The Army and the armament building had remained the first preference for one and all. The result is that the education has continued to occupy a back seat and to suffer both in quality and quantity.

## IV

(5) Qualitatively, our educational system, devoid of any social vision and its attributes, does not develop in the student and the teacher the sense of distinguishing between right and wrong but only orientates them towards crude consumerism whose only life motto is "eat, drink and be merry." Thus, the primary motivation which it provides to the student is to obtain the degree for getting a lucrative job. Based on the traditional methodology of learning, which uses, the way of memorisation of natural and social facts, it does not inculcate in the student a scientific temper—a mindset to know the truth at all times and climes. It turns out only conformist individuals who subscribe to worn out dogmas, myths and enforced discipline, consumerism and conformism, having nothing to do with any lofty cause, only induces a person to revel in personal gain by hook or by crook.

(6) Neither the present self-seeking system of education is related to the social needs of the nation or the individual. Nor it serves the practical requirements of the poor who, along with the general education, also require the productive use of hands and head. This has been recognised even by various official committees. The dysfunctional educational system does not serve any meaningful purpose. That is why it has resulted in high degree of wastage and stagnation, produced degree holders with doubtful competence and led to a vast army of educated unemployed.

(7) Thus, our educational system has not become a medium of building a strong character (which never compromises with social evils and wrong doings), but only proved a means to produce docile persons who either themselves engage in corruption and immorality or support the corrupt and the immoral people. This has helped in building a thoroughly degenerate

society in our country, as can be seen from the following facts. One is that our political process has become characterised by corruption and criminalisation. The other is that our economic process has been dominated by inefficiency, low quality, black money and poverty. Still other is that our cultural process is distinguished by sycophancy and double-dealing. In whatever field, we may look at whether it is executive, legislature, judiciary, press or administration—a climate of devaluation prevails. This sorry plight of our country today is to a great extent due to our barren educational system.

(8) Quantitatively, nearly half of the country's population (47.89% precisely as per 1991 Census), after 47 years of literacy campaigns, remains illiterate and less than half the child population in the age group below 12 do not go to school. Of those who do less than a tenth complete 5 years in school. The result is that our country has the distinction of having the largest population of illiterates in the world.

## V

(9) Any attempt to restructure the educational system provokes a strong reaction from all those vested interests who are threatened by the change. During the past 45 years, several Committees and Commissions—like the Radha Krishnan Commission in the 1950s, the Mudaliar, and the Kothari Commissions in the 1960s, the Chattopadhyaya Commission in the 1980s, the 1986 National Policy on Education, the 1992 revised Policy On Education, the Yash Pal Committee in 1992—had made several useful recommendations to improve our educational system. But they had never been taken seriously. The results are obvious.

(10) Taking up the pre-school education, a survey by the National Council of Educational Research and Training (NCERT) in 1993 had observed that the children are given a heavy dose of over-education in the form of formal education or heart-warming.

(11) Coming to the primary education, a 1994 report by the NCERT and National Institute of Educational Planning and Administration (NIEPA), based on a survey of 50,000 primary school children in 46 districts spread over eight states, reveals a bleak scenario about the level of learning and school infrastructure. The findings of the Report show that the primary schools are the most neglected institutions in the country. Students in classes III and IV are not able to read and

spell correctly nor do simple sums of addition and subtraction. Drop out rate is phenomenal (53%), especially among females. The standard of teachers is no better. Many of them are under-qualified. In some of the schools, there are black boards but no chalks. In others the teachers are not given teaching kits by the school authorities. By this reckoning, the national target of total literacy by the year 2000 remains a distant and an illusive dream.

Primary education does not, as pointed out by a number of official Committees and Commissions, including the Yash Pal Committee, enthuse the students due to heavy school syllabus, difficult text books and boring and unpleasant methods of teaching. This is the main reason of drop-out. And this is why the children do not want to pursue studies.

(12). Turning to the secondary education, a depressing situation prevails both in the rural and the urban areas. Many of its problems lie in the syllabus which is un-imaginative, cumbersome and implemented through poor quality books. Other issues in this category comprise the lack of appropriate teachers, labs, libraries, furniture, facilities, playgrounds, etc.

(13) Looking at the higher education, most of the 190 Universities working in our country are facing a grim crisis. The government's vote bank approach towards the University education and its teachers and students and its bureaucratic handling of them has created a plethora of problems—e.g., resources crunch, inefficient use of funds, regulated autonomy, shortage of teachers who can effectively communicate their knowledge, poor library facilities, neglected research and development, etc. Today, nearly 30% of the 8,000 odd colleges in the country can be put in the sick category. These institutions, mostly in the private sector, lack even the basic facilities, such as buildings, libraries, labs and qualified staff.

True, the higher education should not be pampered at the cost of primary education. But it should not be neglected as it should also have a very important place in our national priorities.

## VI

(14) The foregoing facts demand that basic changes be made both in the quality and the management of our educational system. This agenda of educational restructuring needs a nationwide debate. The following points may serve some food for thought.

**Quality Of Educational System**

(15) As regards the quality of our educational system, five points need to be emphasised.

Firstly, it should provide a rational approach—which always tries to distinguish between true and false both to the teacher and the student and inculcate in them a scientific temper that at all times attempts to find out the reality and motivates the instructor as well as the learner to use the head for right thinking, use the heart to love and feel compassion for others and use the hands to work and help to do something for others and prepares them to fight against the social evils of violence, corruption, criminalisation double-dealing, communalism, casteism, chauvinism, etc. Its main purpose should be to promote the search for truth and develop the spirit of all sided investigation and study.

Secondly, it should include the vision of a sustainable society along with its attributes in its syllabus, i.e., (a) Peace and harmony, (b) Rule of Law, (c) Environment, (d) Population Control, (e) Sustainable Development (showing ills of consumerism and acquisitivism), (f) Justice and Equality, including gender one, (g) A correct view of World and Indian History, (h) Secularism, (i) Humanist Culture, Art and Literature, (j) People's Rights (including human rights and minority rights) and Responsibilities, (k) Democratic Behaviour or Right Conduct based on value based norms, and (l) Health and Sex Education.

Thirdly, it should be linked to the social as well as individual needs. This requires the starting of the vocational education and training at the secondary stage. Vocational Diploma may be given after the passing of the 10th class and the degree after the graduation. The age bar for obtaining a diploma/degree should be removed. These diploma/degree holders should be linked with self-employment schemes. The need oriented education will in turn, generate the demand for education.

Fourthly, it should give special attention to improve the quality of teachers—a vital element in improving the quality of education. The significant area of teacher education and training has largely remained neglected in our educational policy, including the isolated and scattered attempts by the NCERT and NIEPA. Broadly, the major learning and training sectors that may need to be emphasised could include orientation towards a rational approach and attitude, cultivating a democratic behaviour, learning and training in the content of teaching subjects, improving methods of communication, developing

sense of partnership with the students and accountability to the pupil as well as the people, gender equality, pedagogical skills, supervision and monitoring, self-evaluation and reflection, assessment, social skills and management styles, basic research skills and innovative methods of teaching.

Fifthly, it should bring about a reform in the present examination system which is based not on the learner's understanding of the lesson but his power of textual memorisation—a system based on cramming and chance and not ingenuity. But, a reform in the examination system cannot be accomplished without a reform in the teaching and learning methodologies. The first reform is needed in the teaching system which should generate learner's interest in the lesson, lay a stress on the learner's understanding of the text, develop a spirit of enquiry in the student and discourage him from learning by rote. The second reform is needed in the position of the teacher, who should be empowered to set the test, evaluate and return the evaluated scripts to his student—thus ending the negative practices of leakages, mass copying, expulsions or revaluations. Returning the scripts will enable the students to know their errors and it will make the system more open. The third reform is needed in regard to the final system of examination which should be phased out through periodic tests by the concerned teacher—a step leading towards internal assessment (both cognitive and non-cognitive), as demanded by every officially appointed Committee and Commission. Periodic tests keep the teacher and the student engaged in the learning process for the whole year.

Sixthly, it should prescribe a syllabus that is based on present realities at all educational levels.

Seventhly, workers in rural and urban unorganised sector (i.e., landless and agricultural workers, marginal farmers, fisheries labour, tribal labour, rural artisans, forest labour, and rural educated unemployed, together with urban unorganised labour, such as contract labour, road, kiln, mine or query workers, *riksha* pullers, weight lifters, etc., who constitute nearly one-third of the country's total population) should be imparted elementary education through specially trained educators who should teach them not only 3 Rs, but also make them aware about their entitlements, rights, protection and welfare provisions contained in various laws, i.e., the Minimum Wages Act, 1948, the Workers Compensation Act, 1923, the Bonded Labour System (Abolition)

Act, 1976, the Contract Labour (Regulation and Abolition) Act, 1976, the Maternity Benefit Act, 1976, the Trade Unions Act, 1926, the Mines Act, 1952, the Inter-State Migrant Act, 1979, the Payment of Wages Act, 1936, the Provident Fund Act, 1952, the Industrial Disputes Act 1947, the Employees State Insurance Act 1948, etc. The teaching time (e.g., night, evening, morning, etc.) in this educational category may be fixed in consultation with the concerned workers. Full needed facilities (including book, pencils, slates, copies, etc.) may be provided free of cost.

**Management Of Educational System**

(16) With regard to the management of the educational system, three ills—i.e., the vote bank based political interference, bureaucratic stranglehold and over centralisation—now besetting the educational system, need to be eliminated thus ending the old style supervision and control and providing the maximum possible autonomy to every educational institution. The following steps may be helpful in this respect:

(a) The University Heads and the Chiefs of the Directorate of Education in each state should not be headed by committed politicians or bureaucrats. Independent minded educationists brought from other parts of the country outside of the concerned state may well serve the purpose.

(b) Educational planning and school management should be decentralised. Every educational institution should have its own management committee consisting of the representatives of the teachers, students, and the latter's guardians. This committee should be accountable to all the concerned, including the general public.

(c) Peoples involvement should be sought in the implementation of all educational schemes, thus creating positive environment for the spread of education.

(d) The teaching methodology should be based on a close proximity between the teacher and the student, understanding of the lesson than its learning by rote, promotion of multi-disciplinary enquiry and practical appreciation of the problem, combination of lecture with its discussion and practical application, cooperative teaching in which two or more teachers jointly offer a course and interact with the students in the same class, joining together of library research with field investigations in project work, etc.

(e) The dignity of the teacher should he ensured. Better pay

scales for teachers be evolved. Teachers' transfers be made only under special circumstances. Women should be given particular consideration in the recruitment of the teaching staff.

(f) The corporal punishment should be stopped.

(g) The student up to the age of ten years should be taught in his mother tongue and thereafter according to the three language formula. English should be constitutionally accorded a national status just like the other national languages.

(h) The age for admission to class I should be six plus.

(i) Except for national and provincial (or restricted) holidays, the rest of the holidays should be left to the discretion of the managing committee of the concerned educational institution.

(j) The academic session should be started from early July in accordance with the seasonal condition of our country.

(k) Operating and functioning of private run nurseries, kindergartens, schools and colleges (including capitation based institutions) should be properly regulated.

(l) Non-functional universities, colleges, schools, kindergartens and nurseries should be closed.

(m) The wrong kind of trade unionism by teachers, employees and students should be brought on proper lines.

(n) The problems of education at different levels should be properly attended and resolved.

**Pre-School Education:** There is need, as recommended by the Yash Pal Committee Report, to lighten the too heavy burden of education on the children and adopt proper measures to regulate the opening and functioning of nurseries and kindergartens. The objective of the pre-school education should be the child's development in good physique, adequate muscular coordination, basic motor skills, good health habits, desirable social attitudes, control of emotions, along with stimulation of his intellectual curiosity and help him understand the world in which he lives by giving him opportunities to explain, investigate and experiment.

**Primary Education:** There is need to introduce the minimum levels of learning (MLL) strategy (which identifies 478 set of basic competencies for class IV in three subjects, viz., language with 75 competencies, mathematics with 207 competencies and environmental studies with 176 competencies) at the countrywide level. It has been accepted by educational planners and administrators as ensuring better quality standards. Two year experimentation in a number of states also shows that it has worked well both with the teachers and the learners—showing

the mastery level of learners going up from 40 to 60 percent. Handing Primary education over to the panchayats (though in many cases still dominated by undesirable elements) may be further helpful.

**Secondary Education:** There is need to provide a reasonable syllabus for formal as well as vocational learning and other required facilities for the normal attainment of education by the students. Those recommendations of the Chattopadhaya Commission, which are relevant even today, should be adopted.

**Higher Education:** There is need to strictly enforce the law of the autonomy of the Universities, make outstanding colleges autonomous, stop aid to all sick colleges, upgrade library apparatus and the research and development mechanism suitably, provide proper facilities to academicians in order to stop the brain drain, prevent the increasing ragging, develop the electoral method of conducting elections to various types of unions (e.g., teachers, students, employees, etc.) on the basis of value based norms, levy an additional cess on all official and non-official profit earning enterprises in lieu of their use of university talent in order to meet the acute shortage of funds for the Universities.

## VII

(17) Under the prevailing social conditions in which corrupt, criminalised and violence prone politics dominates in our country one half of our people subsist below the poverty line, fifty percent of our population lives under gender inequality, the minorities and the *dalits* feel threatened by communalism and casteism respectively, the general mass remains mired in traditionalism and superstition and the vested interests are firmly entrenched, the task of making 90 million people literate is indeed a daunting problem. Until and unless, the whole approach and style of the present educational system is replaced by a rational and practical approach and style, the goal of achieving the universal elementary education and of creating a conscious mass awakening appears to be a tall order. As long as rational and practical education does not form the top item on our national agenda, a wrong educational system will continue to haunt the country. Our nation will never become sustainable if it does not bring about necessary changes in the approach, attitude, values, style and skills of the people through an innovatory and creative educational system.

# Riots And Law Enforcement

I

(1) The above topic itself reveals that the Indian society, on the one hand, is confronted with riots which express violent conflict and strife between particular groups of people and, on the other, faced with the problem of law enforcement which reflects the malady of its legal system.

(2) The aspect of riots is evident from the fact that, apart from the gang disturbances, about 20,000 cases of communal riots and over 10,00,000 (one million) officially registered incidents of harassment of the Scheduled Castes and Scheduled Tribes had occurred in the post-1947 India—thus beating India's 190 year record under the British rule in this regard. In these communal riots, the minority communities had suffered considerable human and material losses. The more serious point of concern is that all the mainstream parties, are still deeply involved in their continuously flourishing business of communal and casteist polarisation.

(3) The aspect of law enforcement can be seen from the fact that, in the post-1947 period hardly any rioter or riot provoker had been awarded any apt judicial punishment in our country.

(4) The ever increasing communal and casteist riots and the disregard of law enforcement go on causing disenchantment with our nation-building process among the minorities and the *dalits*.

II

(5) Why have communal riots gone on increasing despite New Delhi's constitutional commitment to secularism and the mainstream parties repeated homilies to *Sarva Dharma Sama Bhava*? How have the communal forces become so emboldened as to defy the law? And what lies behind the violation of the process of law enforcement?

III

(6) A lot of varying analyses have tried to identify the root of

our communal malaise. Some have located it in the failure of the political leadership. Others have explained it as a consequence of the widespread influence of different brands of religious fundamentalism. Still others have pointed out its intensity due to the disregard of law enforcement. Though true to a great extent, these factors are not the cause but the effects of all that is wrong with our country.

**IV**

(7) The type of situation—where the canker of communalism penetrates deeper and deeper into a social fabric and the disregard of law enforcement becomes a routine affair—obtains only when a social system is characterised by an inappropriate basis and mismanaged by its operators.

(8) Systemically, our social structure is marked by a three-sided fault.

(a) Its political aspect, as laid down by our Constitution, is distinguished by an authoritarian centre, with its different units occupying only a nominal status. An authoritarian political centre does not conform to the multi-ethnic, multi-religious and multi-linguistic nature of our country which demands a fully federal structure, vesting the residuary powers in the units, and a decentralised polity, empowering the people at lower levels.

(b) Its economic characteristic, as contained in our Constitution and, further elaborated by our National Planning Commission, lies in the fact of centralising the entire economic power at the top, depriving the states of any effective share in economic resources. The centralisation of economic resources is not conducive to removing the economic regional variations along with mass poverty in our country.

(c) Its cultural peculiarity, as reflected by our constitutional symbols (i.e., national song, emblem, recognition of Sanskrit as a national language, national bird, concept of *Bharat*, etc.) and state ceremonial customs (i.e., performing of *Puja* and *Arti*, blowing of conches, carrying out of *Havans*, etc., at all important government functions) consists of majoritarian religious ethos, which lacking any appeal to minorities and weaker sections, cannot become common values of our national unity and whose impact is bound to generate communal reactions among other religious communities.

(9) Managerially, our social system is peculiarised by two main shortcomings.

Firstly, its operational basis, as represented by the mainstream parties—i.e., the Congress, BJP, JD and the Left Parties—uses communal, casteist and retrogressive cards combined with money and muscle power to motivate the people. This orientates the people towards primordialism, medievalism and consumerism.

Secondly, its legal basis, despite many positive changes, remains weighted in favour of political and administrative establishment, providing them loopholes to misuse power.

(10) All these factors in unison have helped in perpetuating the traditional social environment in our country in which communalism and casteism have continued to rule the roost, and the law enforcement has operated in accordance with the exigencies of the dominating forces. This has created serious fractures in our nation-building process.

## V

(11) From the foregoing facts, it follows that, in order to remedy the phenomena of riots and law enforcement, it is necessary to adopt a new national agenda. This agenda may, in the light of our national experience in particular and the international one in general, comprise the following five essential elements.

### Historical Perspective

(12) There is need to revaluate our history. While cherishing our past glorious civilisation which was, like the Egyptian, Greek, Chinese, etc., at its zenith some 5,000-4,000 years ago, we should not boast about our unsurpassed past glories and also see the dark side of that picture i.e., casteism, untouchability, *sati*, denial of equal rights of women, infanticide, bonded labour, etc. We should concentrate more on our dismal present and an uncertain future.

Instead of imagining ourselves as the only torch holders of the world civilization, we should also not lose sight of the past great civilisations of Egypt, Greek, China, etc.

Emphasising now and then the brightness of our Vedic past, we should also stress the enrichment of our civilisation made during the pre-Vedic, Dravidian, post-Vedic, Buddhist and Jainist and medieval Islamic and Sikh periods. Thus unity in diversity is the lesson of our history. Emphasising the traditions of tolerance, compassion and fraternity, integral to all religions, our history

demands the adoption of a rational humanist approach for solving all social problems.

**Systemic Perspective**

(13) Homogenisation of all types does not conform to our multi-ethnic, multi-religious and multi-lingual social structure. Experience clearly shows that our authoritarian system has not worked to contain the fissiparous tendencies. There has been a disastrous decline in the inter-community and inter-caste relations. Our social system is on the verge of collapse. It is time to restructure our Constitution. Being a plural entity, our social structure needs five main changes.

Firstly, India should become a fully federal country. Leaving Foreign Affairs, Defence, Communications and Currency with the centre, the rest of the matters, including the residuary issues, should rest with the states. Jammu-Kashmir, with each of its ethnic-regional identity enjoying full autonomy, should be a state under the joint Indo-Pak control which should be only responsible for the state's defence, foreign affairs and currency. Punjab should be accorded a special status within the Indian Union.

Secondly, all power should be decentralised from top to bottom, peoples participation ensured at all levels and the smooth functioning of the democratic institutions fully secured. The whole gamut of provisos and qualifiers (bestowing special powers on the state to modify the constitutional laws in a given set of circumstances), which have only provided easy routes to the wielders of power for the abuse and misuse of power should be deleted.

Thirdly, the rule of law in which nothing (not even the matters of faith) is above law should be made fully effective by plugging all the constitutional loopholes which provide outlets for violation of law.

Fourthly, genuine secularism, which delinks religion from the state, is our fundamental necessity, arising out of our social pluralism or social unity in diversity. Our current official secularism, which integrates all types of religion with the state, proceeds from the erroneous premise that stands for inter-religious unity instead of a secular unity based on a secular programme with its political, economic and cultural aspects. The Gandhian premise—that the people are an aggregation of religious communities and must remain so—ignores the basis of socio-economic unity of the people, thus perpetuating

communal divisiveness and at times causing even communal partition, like the 1947 division of India.

Fifthly, the establishment of social justice and equality is one of the key elements to levelling up disparities in our social life.

**Political Perspective**

(14) Confrontation on fundamental questions is highly detrimental to our national integration. There is need to build a consensual approach on all key questions (federalism, decentralisation, rule of law, secularism and social justice and equality) and on the resolving of all social conflicts (including armed movements in Jammu-Kashmir, Assam, North-East, etc.) through dialogue, shunning politics of violence and intolerance.

(15) Further, there is a need to take concrete measures for eliminating communal riots and proper law enforcement.

First, it would require faster spread of social education, with a correct historical perspective.

Second, it would demand increasing avenues for gainful employment which makes it difficult for well-settled persons to turn to gangsterism.

Third, it would require a conscious and scrupulous administration at the local level which, especially the police have generally been found unresponsive at critical communal times.

Fourth, it would demand a sustained campaign for secular awareness among the people, including the employees, and the opening of inter-community channels of communication.

Fifth, it would require the strict observation of the law by the law enforcing agencies, despite the political interference from the top, like the 1992 signal by the BJP's UP government at the time of Babri Masjid demolition and the l984 pointer by the central Congress government at the time of anti-Sikh riots. The maintenance of peace and order is the responsibility of the security forces and they must strictly perform their duty by upholding the law.

Sixth, it would demand the raising of all the genuine minority problems by the secular force. The involvement of the minority people in the movement for the realisation of their socio-economic problems helps in negating the influence of religious fundamentalism which thrives on the mechanism of religious 'safeguards' that not only binds the minorities to a backward lifestyle, but also enables the government to falsely project itself as the defender of minorities of accepting their traditional

religious demands while shunning their current real issues—thus providing the handle of 'minorityism' to the majoritarian fundamentalism (i.e., the forces of *Hindutva*).

Seventh, it would require the rational acceptance of the heritage of Indian as part of their identity by the Indian minorities. In this context, the experience of certain countries is very instructive. In Japan, the pre-Buddhist heritage of Shintoism; in China, the pre-Buddhist heritage of Confucianism; in Indonesia, the pre-Islamic heritage of Ramayana; in Turkey, the pre-Islamic Hittite and Assyrian part; in Egypt, the Pharoahs civilisation; in Iraq and Syria, the Babylonian period are regarded as constituents of their respective national personalities, contrary to the opinion of a few fundamentalists who uphold only religious identity. Even in Pakistan, the majority of people think that Harappa and Mohenjdaro constitute the rich ancient heritage of the Pakistani nation, with 1947 independence as the most significant event of their recent history. Being a part of the Indian nation (with its unity in diversity of cultures), it is essential for the Indian minorities to hormonise their ethnic and religious identities and develop a sense of oneness with their countrymen on fundamental national issues (as discussed above). Not to do so helps the cause of majoritarian fundamentalism and harms the interests of minorities as well as the nation.

**Economic Perspective**

(16) The old concept of human development at the cost of nature and by putting more burden on the poor has proved totally unsustainable. There is need to adopt a new approach on development (as also acknowledged by the 1992 Rio and the 1994 Cairo Conferences), requiring corresponding changes in human attitudes and lifestyles.

**Legal Perspective**

(17) Law is a body of principles of justice (denoting a just conduct, fairness and exercise of authority in accordance with the law), enunciated and applied by a given state for the resolution of conflicts and disputes through authoritative fora. The hallmark of law is its strict enforcement by the law enforcing agencies, i.e., the Police, Security Forces, Jail Staff, etc. In a good society, the law enforcing agencies are organised and trained to impartially enforce the law and protect the peoples rights.

(18) In the present day world, a humane, just and fair order in

any country can only be built by a relentless pursuit of justice through the proper instruments of laying down a rational law and its strict adherence.

(19) But, in the continuing communal and casteist environment in our country, especially in the administrative services (as reflected by the celebration of the demolition of the Babri Mosque by the IAS probationers of the 58th batch on the night of December 6, 1992, according to the *Times of India*, July 27, 1994, P-11), the law has mainly served the interests of the corrupt and unscrupulous politicians, bureaucrats and black-marketers. This can be seen from the fact that, in the entire post-1947 period, not a single minister, MP or legislator had been tried and convicted of corruption, not a single official had been sentenced in human rights violations (including custodial deaths and rape cases and not a single black-marketer had been given punishment for his misdoings.

(20) Bending the law to its own convenience, our ruling establishment has been using the law enforcing agencies as tools to serve its own policies. In the process, there has come about a politician-police-criminal nexus against the common people. Acting as the main prop of this nexus, the law enforcing agencies have become a law unto themselves.

(21) Today, the ordinary citizen finds it increasingly difficult to get justice from the law enforcing agencies. The minorities are particular victims of their prejudicial approach, born out of their majoritarian communal and casteist background, upbringing and orientation—an approach which makes the law enforcing agencies partial to their co-religionists and co-casteists and biased against minorities (as is evident from the use of the TADA and earlier those of the Preventive Detention and the NSA laws against the minorities, the detention of a large number of minority people during the three Indo-Pak and one Sino-Indian wars, the behaviour of the security forces during the communal riots, etc.).

The violation of law makes people lose faith in the legal system and turn to violence.

(22) Given the above facts, a basic change in the law and the behaviour pattern of the law enforcing agencies is needed. This may in the main comprise the following points.

(a) Proper changes in the electoral system (law, rules, codes, etc.) in order to eliminate the undue influence of money and muscle power which have resulted in the criminalisation, corruptibility, communalisation and casteisation of the Indian polity.

(b) Suitable modification in the criminal justice system (which is in the grip of crisis in its enforcement, interpretation and punishment) as suggested by various law commissions.

(c) Desirable amendments in the Police Act (in vogue since it was adopted by the British India Government in 1861) on the basis of the recommendations of the Dharama Vira Commission, and other Police Commissions, along with particular emphasis on the reorientation of Police towards impartial law enforcement.

(d) Appropriate alterations in the Police and other Security Forces' training programme which should give first preference to the education in secularism, human rights, constitutional and legal responsibilities and mob control (chiefly through pacification and, in case of the need for the use of force, by means of non-lethal weapons).

(e) Conscious and planned efforts to enlist peoples, including NGO's, voluntary support in preventing and controlling communal violence.

(f) Gearing up the administration to take expeditious measures to dispel rumours which may cause communal tension and to take action against the guilty.

(g) Fixing the responsibility of the local police station to control the riot alongside providing due protection to the minorities, in its jurisdiction within a reasonable time.

(h) Expeditious prosecution of all guilty persons through specially designated courts.

(i) Prompt grant of adequate compensation, including restoration of right of land, property and tenancy held before the riot to all victims.

(j) Special consideration to women, minorities and *dalits* in the recruitment of police personnel through specially composed committees.

(k) Immediate undertaking of the Jail Reforms as recommended by the 1983 Mulla Committee.

(l) Prescribing the time limit for the submission of the report by an Enquiry Commission (appointed under the Commissions of Enquiry Act) which now takes years (average 3 to 5) to complete its report on riots (e.g., Commissions on anti-Sikh riots 1984, Bhiwandi riots mid 1980s, Bhagalpur riots 1989, Bombay riots 1992-93, etc.) and proves a handle to the government to cover up its inefficiency and the misdeeds of its law enforcing agencies—thus going against the interests of the victims.

(23) Crime can only be properly combated and law can only be

appropriately enforced if we prepare an alert public opinion, make the Constitution and the law (and not the politicians) as our reference point and organise the law enforcing agencies on honest lines.

(24) In devising a new model of our criminal justice system, we can, apart from our own legal expertise, take highly valuable help from the UN Covenants and Conventions, such as UN Charter (1945), Universal Declaration of Human Rights (1948), International Covenants on Civil and Political Rights and on Economic and Cultural Rights (1966), UN Code of Conduct for Law Enforcement Officials (1979), Convention against Torture (1984) and UN Declaration on Minorities (1992), and other international documents, like guidelines of the International Commission of Justice, Centre for the Independence of Judges, etc.

(25) A basic change in our criminal justice system will definitely be a step forward. But it will be excellent if we soon undertake to restructure our entire social system within the parameters of sustainability, humanism, international peace, friendship and cooperation, rule of law, material development, social justice and equality, equal rights to minorities, solution of all conflicts through dialogue. The remodelling and updating of our social system will enable us not only to sort out the issue of riots and law enforcement but also many other intractable problems.

# India's Chronic Price Rise

## I

(1) The phenomenon of price rise is a question that concerns both the ruled as well as the rulers. Among the ruled, it imposes an additional burden on the common people or poor consumers by curtailing their already limited purchasing capacity or money power, while benefiting the speculators, stockholders, smugglers and big capitalists. Since the time of independence (1947), prices have been climbing up uninterruptedly. In the first 43 years, they rose between 5 to 7% per annum. Since 1990, they have been rising above 10%. This has helped the perpetuation of poverty, on the one hand, and the manifold multiplication of wealth in the hands of the rich, on the other, in our country.

(2) Among the rulers, the issue of price rise hurts the ruling party in political terms, while benefiting the opposition groups. Any government which generates price rise or ignores to reduce it within a short time has to pay a heavy price. In 1977, a moderate price rise was used, by the newly emerged Janata Party as a poll issue against Indira Gandhi regime. Next, Indira Gandhi used it as her major campaign slogan to come back to power in 1980. Again, in 1989, the price rise in edible oils was used by the opposition JD-BJP-Left alliance as a propaganda item to remove Rajiv Gandhi government. It is, therefore, not surprising that the smallest changes, in prices are closely examined by the present day governments and their critics.

## II

(3) The concept of price rise denotes the payment of more money (symbolising one's purchasing power), than the normal one for the purchase of any commodity needed to satisfy one's specific want. The price rise, in essential articles (forming the main needs of poor and other weaker sections) produces more serious effects, than the goods needed for elitist consumption.

## III

(4) The question of price rise is basically related to the mechanism of demand and supply. In any economy, the sum of all the individual wants and needs constitutes the total demand, while the totality of all the produced individual goods or commodities and services forms the total supply. Where the total demand and total supply stand in correspondence, there the prices operate at equilibrium level. But when the demand of any commodity exceeds supply, then its price goes up. In case of the supply overtaking its demand, there occurs a fall in its price. For instance, air and water are two of our basic needs without which we cannot live. But air has no price because of its immense supply. Water has a nominal price in the cities and towns, while it too is available free of cost in the rural areas due to its plentiful availability. In contrast to this the gold, having very very little utility in our survival, remains highly expensive because of its scarce supply. The simple conclusion is that the mechanism of demand and supply is basic law of the regulation of prices and hence of economics in a market economy.

(5) The operation of the demand and supply mechanism shows that the price behaviour can neither be explained only by utility or need nor by scarcity or cost alone. Both these factors are involved in the price process. For example, in cutting a piece of cloth both the parts of the scissors play a part in this process, with sometimes the one and sometimes the other part operating in the upper or the initiative taking position corresponding to the disposition of the scissors as held by the cutter. So, it is with demand and supply, one of which, in given conditions, acts as the leading factor with the other in the supplementary role.

(6) The economic rule of demand and supply, being a law of human society, operates in a rough order, rather than with a pinpoint precision, like the natural law of gravity. A number of extra human actions intervene in the market economy, disturbing the process of demand and supply. For instance, smuggling and hoarding activities generate black market prices and the prices of commodities produced by the public sector are generally fixed above the equilibrium prices by the administration.

(7) The demand and supply curves are not permanently fixed. There is elasticity in their respective positions according to given conditions. When underlying conditions change, the willingness of buyers to buy or of sellers to sell is altered. A new demand or supply schedule replaces the old. The changes in demand and

supply affect the market price and the quantity sold.

(8) A market economy operates through many interrelated markets and commodities—each of which, in turn, affects the law of demand and supply and thus the general price mechanism. For example, if goats die due to a certain disease, it will lead to a rise even in the price of non-goat meat. A decline in the demand of automobiles results in the lowering of the prices of steel and tyres and also in the reduction of employment in the automobile industry. If the demand for rice rises, it induces other farmers to grow rice—bringing more area under rice cultivation and leaving less for wheat and other crops. This ultimately leads to the rise in the prices of non-rice crops and corresponding fall in the rice prices.

(9) When a project yields below average profit, the capital employed in it runs to other sectors and vice versa. Shrinkage in the engineering industry profits make capital to move to non-engineering industry. The transfer of capital occurs due to the rise and fall in demand. Where the capital goes, there takes place an expansion in that industry. Where it does not go, there occurs no growth in the concerned industry. Cold war leads to the flourishing of the armaments industry; while the prevailing of peace and normalcy brings about decline in the military goods.

(10) The projects, characterised by high cost production and low quality goods (due to defects in production or mismanagement) yield below average profits.

(11) The law of demand and supply also affects workers incomes and job opportunities.

(12) Price mechanism acts as a regulator in relation to six questions: (a) What shall be produced, (b) How should the products be made, (c) Who shall work at what jobs, (d) How much of everything shall each household get, (e) At what rate shall capital be expanded, and (f) What innovations shall be tried out.

(13) Market economy, with competition as its driving force, is a system of obtaining highest efficiency and optimising production. Price flexibility when combined with effective competition and freedom to produce for sale in any market, forces business to allocate resources in accordance with consumers' choices. This is economic equivalent of voters' political sovereignty.

(14) But market price system is also marked by certain shortcomings and limitations. It results in the concentration of capital in a few hands which does not help in the abolishing of

poverty. Sometimes, it gives rise to monopolisation which weakens the consumer's sovereignty principle. Anti-social and undeserving elements—speculators, stock holders, smugglers, etc., often use market mechanism to reap rich dividends by causing trouble for honest and genuine people.

**IV**

(15) Mishandling of an economy by any government also creates an imbalance in demand and supply position, thus creating price distortions.

(16) New Delhi's persistent mismanagement of the Indian finances—wastage of money on unproductive schemes, like extra job creation in the administration or the government run enterprises; giving of top priority to arms imports and productions; raising of the military expenditure; increasing of the administrative prices of sensitive commodities; adoption of cheap popular measures, like the loan melas, loan waiving, non-poor subsidies, etc., to strengthen its vote bank; inefficient managing of the public sector, etc.—has inevitably led it to resort to deficit financing and internal as well as external borrowings. Increasing deficit financing and inflating borrowings have necessarily resulted in continuously rising inflation or additional currency supply which, by swelling demand without a matching increase in supplies (or production), has lowered the exchange value of the money—thus raising the prices of commodities. This has been going on perpetually for the last 47 years—involving our country in chronic price rise and making our living highly costly.

(17) The present government had come to power in 1991 on the promise of rolling back the prices to the 1989 level. But, the continuation of the same old economic trend of supply lagging behind demand or vice versa has only this year pushed up the prices of five essential commodities—i.e., foodgrains, sugar, electricity rates, raw cotton and petroleum products by as high as 5 percent. With fiscal deficit at 7%, revenue deficit at 4%, foreign exchange reserves at 20 billion and industry having no appreciable growth rate, the inflationary pressures are bound to go up further—making the position of price rise more grim.

(18) The government seems to think that it would be able to stem the further price rise by importing essential commodities by using its accumulated foreign reserves and releasing foodgrains out of its reserve stocks. This might have worked had the

inflationary trend been the effect of increased demand. But it is not the shortage of commodities that is fuelling the spurt in prices. On the contrary, it is the higher level of prices that is above the purchasing power of the common people. The government is highly mistaken if it considers that, without stopping its financial profligacy and cutting its unproductive expenditure, the increasing inflow of foreign capital and extra spending on populist schemes will help it get the votes in the coming Assembly elections. But the rise in prices may produce the opposite effect.

(19) Seeing the 47 year record of the various New Delhi regimes, it can be safely said that there is no hope of prices coming down in the near future.

(20) The way out for our country lies in properly restructuring its whole economy. This requires the significant slowdown in inflation by considerably lowering the three deficits (especially the revenue one), meaningful output growth and vigorous expansion in exports.

(21) So long as the Indian people will continue to vote corrupt, inefficient and opportunist politicians, they will have to pay the price in terms of price rise, unemployment and poverty. These three demons have, since 1947, continued to hit the poor, pose serious equity problems and weaken India's international competitiveness.

# Poverty Alleviation Demands Change in Anti-Poor, Anti-Ecology Model

I

(1) A proper diet is the daily need of everyone on this earth. But it had baffled many from time immemorial.

(2) For the early man, hunger was his constant companion. In the food-gathering phase, daily availability of food was a chance factor. Hunting did improve the situation, but uncertainty still continued, for man would never know whether he would kill the predator or vice versa. With the acquiring of the techniques of cattle rearing and soil cultivation, the food uncertainty became only an occasional phenomenon, occurring mainly in times of natural calamities.

(3) But today when man has made amazing strides in his understanding of nature through his scientific and technological knowledge, the dimensions of hunger are far more higher than earlier times.

II

(4) Hunger today is a key element of poverty. And poverty has been defined in varying ways. Some consider it purely as an economic problem. The others look at it only as a question of development model. Still others view it as a combination of political, economic and social factors. On our part, we regard it primarily as an economic and secondly as a political, cultural and psychological issue. According to us, poverty denotes a state of being poor where one lacks the (financial) means to meet one's basic requirements, both material (i.e., food, clothing and shelter) and psychological (entertainment, pursuit of literary, artistic, scientific and political activities, etc.). This state prevents a person to use his full potential for some creative social activity—thus harming not only the individual but also the society of which he is a member.

## III

(5) As with all facets of human society, it is highly difficult to pinpoint poverty in exact terms. The magnitude of the problem has been assessed in different ways, such as (a) a hunger criterion, (b) a food sharing criterion, and (c) the calorie consumption criterion. India has adopted the calorie norm. A poverty line dividing the poor from the non-poor is drawn by putting price on the minimum required consumption levels of food, clothing, shelter, fuel and health care.

(6) However, various estimates made by different experts differ according to their respective statistical arte-facts. The official experts try to show that more and more people are being raised above the 'poverty line', while non-official specialists have argued in opposite terms. The unreliability of statistics on poverty and quality of life complicate empirical analysis.

## IV

(7) A rough estimate of the poverty on the basis of data released by various expert agencies—World Bank, FAO, UNDP, ESCAP, etc. shows that out of 5.2 billion total world population, more than one billion (1.1 billion to be precise) live in abject poverty and pauperisation, while the world, according to FAO, has enough to feed more than three times the present global population. According to a UN estimate, only a small part of the current global cereal production could wipe out the scourge of hunger and yet as many as 30 million, including 13 million children, continue to die of starvation every year.

(8) Of the world's total absolute poor, about 830 million, according to the UN's Economic and Social Commission for Asia Pacific (ESCAP), live in the developing countries. More than half of the world poor resides in Asia. A substantial proportion of them are to be found in Latin America. The share of Africa is very high when considered as a proportion of its total population and was expected to rise further by the end of this decade.

(9) The phenomenon of poverty is not un-common even in the developed countries which happen to be food surplus and leading food exporters. In the US, about 14.5% of its population or thirty million Americans are officially living below the poverty line. In the EEC countries, 44 million of a total of 160 million get less than half the average income of their countries. In the OECD's 27 countries, acute unemployment, with 11% annual growth rate and 37 million unemployed, is running havoc. The

average expenditure on food consumption has, in recent years, increased in Japan by 30%, followed by Italy 29, UK 29, Germany 27 and the US 19%. This is a clear case of the human paradox of scarcity amongst plenty.

(10) In the former USSR and other socialist countries, over 200 million people were then reported to be living below poverty line.

(11) The Food and Agricultural Organisation (FAO), has, at its Manila Regional Conference in November, 1994, stated that, despite having world's fastest growing economies, the Asia Pacific countries still have 528 million undernourished people, more than African continent in absolute terms. The seven SAARC members—India, Pakistan, Bangladesh, Sri Lanka, Maldives, Nepal and Bhutan—with a total population of 1,100 million contain over 40% people living below the poverty line.

(12) In India, 30% of its population, according to official figures and 40% as per unofficial estimates, live below the poverty line. The proportion of poor in India, according to a study, is higher than even sub-Saharan countries. Its Southern provinces—Tamil Nadu, Karnataka and Andhra Pradesh—are among the larger states which, as stated in the Rajya Sabha on 02-05-1994, account for 90% of the rural poor in 81% of their rural population.

(13) The FAO has, in its June 1994 meeting, identified 78 countries around the globe which are not only unable to produce their food but their people are too poor to purchase on commercial terms their requirements. While 45 such countries are in Africa, 20 of these countries, including India, are in Asia and the Pacific. Ten of the Latin American and the Caribbean and three in the Near East are also in this category. At least, 26 countries have been identified by the FAO as the one experiencing exceptional food emergencies—15 of them in Africa where famine is threatening and estimated 34 million people, mostly in East Africa. While world agricultural production outstripped population growth by 4% in the last 10 years, in Africa per capita food output fell by 5% during the same period.

**V**

(14) An idea of the extent of the poor peoples plight can be had from various assessments made by different expert agencies. According to UN Human Development Report (1991), about 1.5 billion people out of over 4 billion living in the developing countries, having still no access to safe drinking water, lack basic healthcare. Over 2 billion are deprived of

sanitation facilities, one-fifth of the total population still goes hungry everyday. Over one billion adults are still illiterate and 300 million children do not go to school. More than one billion people still live in absolute poverty. About 183 million children under five suffer from serious malnutrition. Half of the rural women over 15 are illiterate.

(15) Starvation, as per FAO estimates, snuffs the life out of 45,000 persons everyday and malnutrition daily renders 50,000 children blind and mentally retarded.

(16) According to the 1992 world food survey by the FAO, 13 million under 5 die every year as a direct or indirect result of hunger and malnutrition. In South Asia, 2 out of 3 children are estimated to be under-weight—making a total of over 100 million. Only in sub-Saharan Africa, the number of under-weight children has increased with about one in three affected.

(17) As per FAO's latest estimates on malnutrition in the world, vitamin and mineral deficiencies, including vitamin A, iodine and iron, affect more than 2,000 million people. These micro-nutrient deficiencies can cause retarded growth and brain under development, impaired vision, goitre, miscarriage during pregnancy, stilted births and infant deaths.

(18) The SAARC Poverty Commission Report, l992 has stated that, in South Asia, 21% of the world population reside in 3% of the globe's total area. Of this, 74% live in the rural areas. The region as a whole, having a high population density of 250 persons per square kilometre and a high demographic growth rate of 2% per annum, is marked by a very low per capita income of $356 (Rs. 10,680) as compared to the world per capita income of $4,200 (Rs. 1,26,000). A large majority of the poor (over 82%) live in the rural areas. Mortality rates remain unacceptably high except in Sri Lanka. Large number continues to suffer from malnutrition. Over 316 million people do not have access to safe drinking water. At least 125 million children have not been to school. Of the adults, 375 million are illiterate. The average mean year of schooling of people over 25 years is estimated to be only 3.5 years which indicates that the large majority has had only few years of elementary education.

(19) India, despite its tall claims to food self-sufficiency with an annual output of 180 million tonnes of foodgrains, tops the list of worst affected nations with 69 million malnourished children (out of a world total of 190 million) under the age of five. More than 10,000 children die everyday due to hunger and malnutrition

related diseases. Its infant mortality rate stands around 90 per thousand as against Sri Lanka's 32. As per official figures, there are nearly 9 million blind persons in India. In other words, more than one out of every hundred persons is blind. In addition, about 45 million persons are reported as visually impaired in other ways. About 30,000 children have been turning blind every year because of vitamin A deficiency. There are nearly three million leprosy patients in the country. Twenty percent of them are infectious and another 20% suffer from various deformities. The number of persons suffering from tuberculosis (TB) is also very high. About 2% of the total population (nearly 20 lakhs) in the country is estimated to suffer from radiologically active lesion of which 25% are sputum positive and infectious cases. Millions of people suffer from some form of mental illness. Still deadly epidemics—like the plague and the malaria—which remained suppressed for decades together, have again started to raise their ugly heads. The diseases are bound to attack and the epidemics are certain to re-emerge when 60% of our urban and 96% of rural population do not have access to proper sanitation and 21% of our urban and 27% of rural population lack the facility to the safe drinking water.

**VI**

(20) A very striking feature of the present day poverty is that there is a big gap between the poor and the rich on the world scale as well as within each country.

(21) On the world scale, about 20% of the world population in the developed countries, according to the UN Human Development Report (HDR), control 83% of the world's economic resources and hence nearly 5 times the income of the 80% of the peoples' in the developing countries. This global economic disparity has doubled during the past three decades—the richest 20% of the world people now receive more than 150 times the income of the poorest 20%.

A 1992 UNCTAD Paper shows that the price index of principal non-fuel commodities exported by developing countries fell by 50% in real terms between 1979-81 and 1988-90. Due to the worsening terms of trade for several years, the developing countries, according to a number of studies, may be losing between $150 to $200 billion a year.

The foreign debt of many developing countries has increased very rapidly—from $100 billion in 1970 to over $1,500 billion at

present. During this period, these countries had to pay back $900 billion as principal and $800 billion as interest. Thus, despite paying back $1,700 billion, they were left with an outstanding debt of $1,500 billion in 1993.

According to the HDR 1992, poor nations are being denied $500 billion worth of market opportunities annually—about 10 times the annual flow of foreign assistance they receive.

(22) As for the inequalities within the developed countries, the top 20% of the population receive almost seven times as much income as the poorest 20%.

(23) As for the inequalities within the developing countries, the top 20% control 60% of the national income, while 80% get only 40%—perhaps a difference of 1:150 between the rich and the poor.

**VII**

(24) Turning to the cause of poverty, quite a number of reasons are cited. Some hold that it is a product of the capitalist system, with MNCs dominating every walk of life. Others maintain that it is caused by economic inequality, existing both in the world and within all nations. Still others regard that it is a product of a wrong development process. All these arguments, no doubt, point out some aspect of truth, except the basic one.

(25) For example, the reasoning of capitalist system, being the creator of poverty, ignores the fact that capital has been in existence from the very beginning of the human society, including each stage of its development process, in varying forms—cowrie shells, slave, animal, land, metal, coins, paper currency, plastic cards, etc.—as a medium of wealth as well as exchange. The capital, acting as a medium, has in our times developed only to a new state, with a specific form and organisational structure. Thus, to designate any social system as capitalist does not carry a clear meaning. Capital is not, and has never been, the cause of any human trouble. That is why every body—even Castro, Jyoti Basu, Adhikari, etc.—is hankering after capital, the US, Japanese, West European, to ameliorate the human lot.

(26) Similarly, the premise of economic inequality as the generator of poverty overlooks the fact that inequality itself is not a determinate factor but an uncertain variable which itself arises from a given arrangement.

(27) Again, the contention of a wrong development process as the basis of poverty does not specify the fact why it makes some

rich and others poor, why it creates this distinction and why not it produces all the poor or vice versa.

(28) The facts, however, indicate that the question of poverty is a problem both of the system (or structure) as well as the policy. Structurally, the basic cause of contemporary poverty in any country lies in the control of the rich (divided into various political-economic factions who furiously compete among themselves) over all the state institutions (political, economic and cultural) and all the private bigger economic enterprises, while, as a principle of action, this cause rests with the pro-rich income distribution policy which operates through market competition (in which only the moneyed people dominate) or totalitarian economic mechanism (which concentrates both the political and the economic power in its operators).

(29) This system, its institutions and policies work by putting more and more burden on the poor, on the one hand, and by ruthlessly exploiting the nature, on the other—thus creating the distortion of poverty in the human society and the imbalance of pollution in the nature.

(30) As a whole, they promote an approach of acquisitiveness and a lifestyle of consumerism, profligacy and addiction among the rich in particular and the masses in general. This approach and style explains everything in the name of consumerism, gives preference to technology over human beings, invests more on machines than on labour, and puts too much emphasis on the maximising of production than fair distribution of the product.

(31) Naturally, while benefiting the rich, it harms both the nature and the human resources. That is why it is day by day losing its relevance.

## VIII

(32) From these facts, it logically follows that the removal of poverty demands a new agenda. Neither the Indian trademark of caste quotas (which puts one caste against another) nor *Swadeshi* brand of *Hindutva* (which generates inter-religious confrontation) can be relevant in this regard. Because the ancient remedies cannot handle the modern problems. The agenda of crude consumerism itself has been the generator of contemporary poverty. Being anti-poor and anti-ecology, it has already outlived its utility. Corresponding to the global nature of our era, it is time to fashion a new concept of society which focuses on pro-nature and pro-people face of development and

deals with the problem of poverty, both at the global and the national levels.

**At The Global Level**

(a) Formation of a high powered world sustainable development council by the UN to act as a global authority for the improvement of natural and human resources. It would enact fundamental international reforms in regard to environment, population, poverty, economic equality, code for MNC's currency trading, etc., and monitor their implementation.

(b) Democratisation of all global financial institutions, such as IMF, WB, etc.

(c) Implementation of ILO's entire conventions by the member states.

(d) Convening of a North-South Conference on the issue of economic gap between the developed and the developing countries and between the rich and the poor in each country, a proper resolution of the conflict between the North's over-consumption and the South's under-consumption patterns and lifestyles, adequate capital flows and technology transfers on concessional terms from the North to the South, debt relief, market facilities, fair commodity prices, etc., for the South.

(e) Reduction of military budget by each member state under the supervision of the Security Council and the savings diverted towards environmental and human development.

**At The National Level**

(a) Recognition of the basic needs of the poor as a fundamental right.

(b) Decentralisation of power at all levels.

(c) Pursing the concept of security through development and not militarisation by reducing the defence budget (consuming worldwide a total of $1,000 billion annually, equal to the combined income of nearly half the world population). Human security lies in development, not in arms.

(d) Providing 20% of budget for the development of human resources.

(e) Reorientation of priorities in expenditure in favour of providing free education (especially to women), healthcare, safe drinking water, sanitation, housing facilities, essential family planning services, etc., to the poor.

(f) Institutional support for woman, minorities and other

socially and economically disadvantaged section of society.

(g) Introduction of social security (implying minimum economic assistance and medical support) to aged persons above sixty.

(h) Carrying out of effective land reforms.

(i) Undertaking of rural development with its main thrust to develop community resources, like roads, minor irrigation projects, sheds and storage facilities for foodgrains, thus creating employment opportunities for the rural poor.

(j) Rapid technical progress in agriculture and improving the labour skills of the poor.

**IX**

(33) The key to poverty alleviation lies in making the people judge their governments and politicians on the basis of their performance concerning the above poverty alleviation points.

(34) Poor are a very vital part of the human resources. And the human resources are as important as the material ones. The experience world over shows that no social progress is possible without the development of the human factor. 07-11-1994

# Sustainable Development
# A Pro-Nature Pro-People Process

I

(1) The term sustainable development, in its literal meaning, denotes a process of growth and progress that can be maintained and kept going. Two main forces—i.e., Nature and Man—are involved in this process. Hence the term actually implies a process that takes proper care of Nature (or environment), on the one hand, and develops the human Resources, on the other. That is, it is a process that is pro-Nature and pro-People.

(2) The old concept of social development at the cost of Nature and by putting more burden on the poor has proved totally unsustainable.

II

(3) Given the premise that the concept Sustainable Development deals with two factors—Nature and Man—any explanation that ignores them or stresses only one or the other factor does not provide a proper perspective.

(4) Thus, environmentalism, viewing sustainable development only in terms of ecological degradation, conceives it as a process of going back to Nature, rejecting the practicability of using present human knowledge to rectify the Man created ongoing environmental imbalances and avoiding them in future.

(5) The marketers (the US, EC, Japan, etc.), holding technology to take care of environment and projecting market alone as the single most important medium of establishing equilibrium, both in environment as well as society, are desperately engaged in inculcating vulgar consumerism or acquisitiveness.

(6) The left dogmatism, still insensitive to the gravity of the environmental threat, goes on projecting its old wares of materialism as the foundation and class struggle as the law of

social development.

(7) The 1992 UN Rio Summit had defined sustainable development as a process that places Man at the centre of its concerns—thus putting Man permanently in the principal and the Nature in the secondary position. But Man alone cannot be "at the centre of concerns for sustainable development." Because, in actual facts, both Nature and Man, with each playing the primary role in given conditions followed by the other in the complementary position, constitute the inseparable twin concerns for human society.

(8) One-sidedness does not provide us a complete picture of Reality and hence cannot be a guide to a proper action.

**III**

(9) The concept sustainable development has been in social use, particularly in development economics, since over three decades. Yet it remained undefined for long. Only in the late 1980s, the UN appointed 1986-88 Brundtland Commission defined it as a mode that meets the needs of the present and ensures that of the future.

(10) The need for its emergence arose when Man realised that his modern technology and human organisation have been unconsciously causing two fundamental imbalances—one in Nature and the other in human society—which can very soon wreck the future of organic life on our planet Earth.

**IV**

(11) The state of the two fundamental imbalances, as obvious from facts provided by different expert agencies and now known to public, is highly distressing.

(12) In Nature, there has occurred degradation in the environment on our Earth. It has today assumed threatening proportions. It has been mainly caused by the over-production of greenhouse gases (i.e., Carbon-dioxide, Chlorofluoro Carbons, Methane, Halogens, etc.) which are resulting in the depletion of the Ozone layer (which protects bio-life from the negative effects of the Sun's ultra-violet radiation), on the one hand, and leading to the increase in the global warming, on the other. The depletion of the Ozone layer is creating serious human ailments (like cancer, blindness, etc.) and having bad effects on other bio-species by producing genetic changes, while the increase in greenhouse gases, by trapping the Sun's heat, is adversely

affecting our climate, bringing in changes in the patterns of seasons, land degradation, air and water pollution, food chain, melting of snows, rising of sea levels, acid rains, etc.

(13) What we have done to the environment can be seen from the following few samples:

A total of 1.5 billion hectares of land was lost as degraded and deemed unsuitable for crops.

The non-agricultural uses of precious arable land for townships, parks, railway tracks, car and bus parks, air strips, etc. is accounted at 0.1 to 0.2 hectares per person.

Since 1958, the water table descended by 80 feet in Bangkok and in Tamil Nadu by 100 feet.

35% of the world's crops are produced from 15% of available irrigated land.

India's areas of degraded land are the largest in the world and we are losing 3% of our forests annually.

(14) If the present degree of environmental degradation continues, our Earth, according to experts, would become uninhabitable for bio-life in about hundred years.

(15) In human society, the burgeoning population is posing a serious challenge. For thousands of years, the human population grew at a very slow pace, reaching one billion in over 10 lakh years (i.e., around 1800). The second billion was added in 130 years (1930), the third in 30 years (1960), the fourth in 15 years (1975) and the fifth in 13 years (1988). During the current decade, 100 million people per year are, according to expert estimates, being added to the population on our globe. Over 90% of the human growth is taking place in the developing countries. The population ratio between the developed and the developing world moved from 1:2 (1950) to 1:4 (1980) and is projected at 1:5 (2000). The exploding population exerts pressure on natural resources, thus causing imbalance among the natural forces and their working.

(16) The damaging results produced by the population explosion can be seen from the below stated examples.

The Earth is losing 25 billion tonnes of the top soil and 17 million hectares of tropical forests every year.

Nearly 70% of the world's forests have already been cleared. Still the world deforestation continues at a rate of over 17 million hectares annually.

Due to the shrinking of forest cover, many species of birds and animals have either become extinct or less in number. About

140 species of plants and animals are threatened by extinction every day. Nearly 60,000 species or one in four of the world's total could become extinct or near-extinct by the middle of the next century.

Obviously, the world is moving headlong towards disaster.

**V**

(17) This unprecedented state of affairs has brought into sharp focus the seriousness of danger facing the organic matter on our planet. Every international body, nation-state and well-informed person in the world has expressed their anxiety about the twin challenges now threatening the living world. But this worry has not so far been translated into any concrete activity.

(18) The 1992 UN Rio Summit adopted Agenda 21 Action Plan, the various non-government environmental organisations suggested a number of effective proposals, the 1994 UN Cairo Conference on Population and Development highlighted the need to promote a balance between human population density and the supporting capacity of land, water and flora and fauna, and many non-government population control bodies proposed several useful schemes, but neither any nation-state nor any other organisation has embarked on a meaningful process of implementation. No doubt, the UN and the non-government organisations' propaganda initiatives have produced a positive result in making the people better informed about the deadly threats, but they have not yet induced any national government or motivated the people of any country for direct action. This is obvious from the fact that these challenges have attained priority neither in the UN global agenda, nor become the passionate concern for any national government and nor prepared the people to force their respective governments for some desirable move in this regard. The developed countries, accounting for 20% of the world population, continue with their unsustainable development model by appropriating over 80% of the world resources, while the developing countries, with nearly 80% of the world population, goes on striving for reaching the level of the developed countries' unsustainable frugality. Nobody wants any curb on its abuse and misuse of natural and human resources.

(19) According to the economist Friedrich Schmidst Bleak, working in the Wuppertal Institute of Germany, an average inhabitant in the developed world uses 19 times as much aluminium, 18 times as much chemicals, 14 times as much paper

and 13 times as much iron and steel as does his third world counterpart. Another analyst, John Young, working in the World Watch Institute in Washington, had said that an average American consumes staggering quantities of raw materials: 540 times of construction materials, 15 tonnes of paper, 23 tonnes of wood, 16 tonnes of metals and 32 tonnes of organic chemicals in a life time. In the US, the most developed country in the world, 71% of the toxic emissions from manufacturing are produced by four bulk commodity industries—i.e., chemicals, plastics, paper and primary metals. World Watch in its 1993 state of world report says, "As a result of our population size, consumption patterns and technology choices, we have surpassed the planet's carrying capacity. Human demands are approaching the limits of oceanic fisheries to supply fish, of lands to support livestock and the hydrological cycle to produce fresh water. Increasingly polluted water bodies are causing drinking water shortages in not only India and China bur Mexico, Middle East and even the US."

(20) All this shows that the fatal challenge confronting human society is not being properly managed by it.

## VI

(21) What prevents the human community from embarking on the implementation of its own action slogans?

The only plausible reason seems to be that the human authoritative fora, both international (i.e., the UN and its various agencies) and national (i.e., national governments, political parties, etc.), have been not yet fully motivated to make them as their central theme and continue to be guided by their existing vote bank priorities which are greatly determined by the traditional fundamental concepts, guiding their own attitude as well as that of their electorate. Their concepts may be briefly stated as under.

(22) The first and the most important fundamental concept that constrains our attitude towards implementing global action plan is the national approach—being now more aggressively pursued by each national government and every mainstream party—which conflicts with the international action plans concerning environment, population, nuclear weapons control, etc. The national approach determines priorities in the context of national politics, economy and culture. The national priorities logically conflict with the core items of the international agenda.

Contrary to the national approach and its priorities, the

transformation of major human problems—environmental degradation, population growth, nuclear proliferation, space and oceanic research, peace and war, human rights, capital, labour, market, poverty, unemployment, equity, social justice, minority question, etc.—from national into international ones (conditioned by the new division of labour born out of the post-1945 scientific-technological revolution) requires a conceptual change of viewing social phenomena and determining social priorities from a global perspective.

Next, the globalisation of major problems requires the establishment of an effective global centre, based on the democratic principle, to manage the various global processes. The present UN, formed on the basis of nationally dominated 1945 world reality, if democratically restructured in accordance with new interdependent nature of the world, can be such a global centre. But the national approaches and national priorities of different countries, especially the big powers, are acting as a hindrance to the proper reforming of the UN.

Again, it requires an integrated global action on the global agenda and a thorough democratisation in all walks of life in every country.

In the absence of an effective global centre, each country, putting its national priorities and national interests above the international agendas, is trying to adjust itself to the global division of labour. And this is hindering the process of every global action plan, whether Agenda 21 or population control.

(23) The second fundamental concept that hampers our attitude for implementing any global action plan is our approach towards social development which, with its consumerist orientation arising out of the market mechanism or totalitarian materialism, abuses and misuses both the material and human resources by its unequal international and national order in which a few countries and a few people in each country appropriate the world natural resources and dominate the human resources.

In the absence of any share in political and economic power, the majority of the world people could not have any great enthusiasm for carrying out the global agenda.

(24) The third fundamental concept that hinders our attitude for implementing any global action plan is our approach towards the interrelation between Man and Nature. The basic premise of this approach has been that Man holds a centric position, whether in the system of Nature or that of humankind. The whole

problem of human social organisation whether clan, tribe, religious community or nation shows that Man has always tried to advance human interests at the cost of other non-human phenomena. Upto the 19th century, this one-sided human approach could not cause any major harm to Nature, because Man had little understanding to exploit the natural processes. But as soon as human knowledge began to advance, Man, particularly in the developed countries started to overuse and misuse the natural phenomena. This, coupled with the pressure of increasing population and poverty in the developing countries on the natural resources, resulted in the environmental degradation, now posing a threat to mankind. But the way to hell had been paved unknowingly, with good human intentions.

(25) However, despite its one-sidedness, the old human concept of Nature has been again made the starting point of the Rio Declaration whose first point declares that "Human beings are at the centre of concerns for sustained development. They are entitled to a healthy and productive life in harmony with Nature."

**VII**

(26) From the aforementioned facts, it inevitably follows that sustainable development should be a pro-Nature and pro-People process which, on the one hand, places Nature and Man at an equal level and, on the other, establishes a humane, just and fair social order. The new order, by replacing the old Nature neglecting and People dominating structure, improves and protects the environment and fully empowers the people, both at the international and the national levels, through various democratic measures.

**For Improving And Protecting Environment**

(a) To create awareness among the people about sustainable development and keeping their environment free from pollutants.

(b) To arrange the implementation of specific pollution control measures by industries, like steel.

(c) To re-circulate waste water and practise more efficient water conservation.

(d) To regulate and control air pollution.

(e) To improve the waste and degraded land through, soil conservation and afforestation measures.

(f) To develop environment friendly technology and products.

(g) To improve energy efficiency.

(h) To reduce waste and manage waste in a more sound and efficient manner.

(i) To develop alternative fuels and materials.

(j) To adopt pollution preventive measures.

(k) To introduce recycling of materials.

(l) To conserve forests and arrange afforestation extensively.

(m) To preserve non-renewable resources.

**For Democratising The International Order**

(a) To accept the vision of One World instead of the outworn UN vision of a world of nations.

(b) To restructure the UN and its Charter on a fully democratic basis.

(c) To resolve all regional disputes between countries with the UN help.

(d) To initiate the process for the complete banning of all nuclear and other deadly weapons.

(e) To settle all civil conflicts in different countries through dialogue and negotiations, with an obligation on the part of each country to provide full information to the UN.

(f) To observe the 1948 UN Declaration of Human Rights and its two 1966 Covenants by all member states.

(g) To ensure the implementation of Agenda 21, adopted at the Rio Earth Summit under the supervision of the UNCED and set up a high power UN Sustainable Development Council to act as a global authority for the development of natural and human resources by enacting fundamental international reforms in regard to environment and development (such as codes for MNCs, currency exchanges and stock markets, forests, natural resources, pollution, etc.) and monitor their implementation.

**For Democratising The National System**

(a) To federalise the state structure.

(b) To decentralise power at all levels and involve the people in the decision making process.

(c) To end all emergency powers vested in the executive.

(d) To ensure equal rights to all minorities.

(e) To restructure the judicial system for ensuring the independence of judiciary and providing simple, cheaper and speedier justice to the people.

(f) To reform the electoral law and rules in order to ensure the

democratic functioning of the parties by their observation of the twin principles of accountability to the people and following a value based code.

(g) To adopt the Freedom of Information Act.

(h) To hand over the broadcasting and the telecasting operations to an autonomous body.

(i) To abrogate all detention laws.

(j) To reform the jail system.

(k) To abolish capital punishment.

(l) To repeal all undemocratic laws, such as Official Secrets Act, Contempt of Courts Act, Constitutional Provision providing special privileges to members of the legislatures, the law empowering the army to set up its own courts.

(m) To rationalise the administrative structure.

(n) Provision of rights to poverty alleviation, work, need based living wage, housing, maintenance in old age and also in case of complete or partial disability, to universal elementary education, primary health care, 35 hour work week, weaker sections, especially the women, gender equality, prohibition of child labour, special attention to mother and child care, etc., for developing the human resources.

(o) To cultivate a rational thinking and democratic behaviour.

(p) To encourage a sustainable lifestyle.

(27) How Man addresses himself to the two biggest challenges, environmental degradation and burgeoning population, of his existence—will depend his future. History shows that his sense of realism in confronting danger will enable him to prove equal to the task.

## India, Pakistan And Jammu-Kashmir
# All Would Gain In Partnership

**I**

(1) Has the state of Jammu-Kashmir been devoid of a political process since the beginning of Kashmiri militancy? Many seem to be holding this view. For one, New Delhi has been continuously harping on the theme of starting a political process in Jammu-Kashmir since 1991. The same tune has been echoed by various types of politicians, intellectuals and the media.

(2) The fact, however, is that no given people (i.e., human social organisation) exist anywhere without a political process which always denotes a system of governance, an organisation of a state or a form of polity, etc., may it be a tribal council, monarchy, military regime, dictatorship or a parliamentary mode, with each having its distinctive features.

(3) Since the beginning of the Kashmiri militancy, the Jammu-Kashmir political process has been a governor-directed and Indian security forces-operated activity. This process has seen three formal changes in all—i.e., the first governor having been a hard line bureaucrat, the second one a tempered intelligence chief and the present incumbent being a retired army general, with each supported by a select group of advisers. Now New Delhi declares to modify its present management process by the substitution of parliamentary mechanism in place of the governor and his advisers' hierarchy, with the Indian security forces continuing to dominate the scene.

**II**

(4) The reason for change in the Jammu-Kashmir political process, as stated by New Delhi, is the decline in the mass position and the striking capacity of the militancy and the disenchantment of the Kashmiris from the militant's depredations.

(5) But the official figures tell a different tale. As many as 2,500 attacks were carried out on the security forces by the militants in

1994 as compared to 2,288 last year. 190 security personnel lost their lives. In militancy related activity, 1,635 persons were killed during 1994. Last year, their number stood at 1,310. Among the killed persons, 111 were foreign militants.

820 civilians were killed during 1994, the highest in any year since the start of militancy in 1989. There were 825 cases of hand grenade throwing on the security forces by the militants.

The arms and ammunitions recovered during 1994 included: 3,395 weapons, 54 rocket launchers, 5.55 lakh ammunition rounds, 5,481 hand grenades and 1,350 kg explosives.

Inter-militant clashes numbered 166. There were several blasts in the Jammu region in 1994, killing several persons and injuring a large number.

(6) Then why does New Delhi, ignoring the ground reality in the valley, opt for a change in its political process? The dominant reason appears to be New Delhi's effort to soften the international criticism of its military oriented policy and the record of human rights' violations in Kashmir by covering up its armed management under the parliamentary garb. That is why it has been marking time for the past three years to implement its declaration.

**III**

(7) Any political process, whether parliamentary or militaristic, does not emerge from a vacuum. Being a very very important human activity, it is always connected with a given social system. In the pre-national periods, the armed process occupied the most dominant position. In the classical national phase, both parliamentary and armed modes remained at equal level. But, in the modern national times, the armed mode is on the decline. Still in some developing countries, both modes operate at an equal level, while, in a few others, including India, armed mode has continued to be the main form of maintaining and consolidating their national structures.

(8) New Delhi's main reliance on the military methodology stems from its theory of supra-nationalism which, arising from the historical perspective of its assumed 'unique' past, adopts unitarism (or centralism or semi-authoritarianism as its constitutional perspective for building and consolidating national unity and holds a hegemonic diplomatic perspective for attaining a big power status by dominating the weak and acting as a junior partner of the strong.

(9) It is this theory of supra-nationalism, deriving its historical

perspective from the 'unsurpassed' Vedic grandeur that firstly, led to the sharpening of the breach between different religious communities in the pre-1947 India, thus culminating in the 1947 partition and, secondly, failed to weld different ethnic minorities into a single nation in the post-1947 India, thus emerging in a national crisis in the 1990s. It is this brand of nationalism which, having been confronted with alienated minorities, including the Kashmiris, holds the armed option as the most appropriate one to deal with any mass upheaval. But the whole experience, whether contemporary or traditional, refutes the armed mode as a sound method for building and consolidating any social system.

**IV**

(10) Looking at the contemporary experience in India, it can be seen that, in the post-1947 period, neither the militancy nor the counter-insurgency (coordinated with certain half hearted concessions) has been able to tackle any militant movement on a durable basis anywhere. Manipur, Nagaland, Mizoram, Assam, etc., continue, in varying degrees, to be in perpetual turmoil. The K.P.S. Gill directed political process in Punjab remains potentially explosive and can explode at any time. In Jammu-Kashmir, neither of the two antagonists, involved in combat, i.e., the Indian security forces and the Kashmiri militancy, is in a position to resolve the problem on its terms. The three Indo-Pak wars and one Sino-Indian border war had also proved futile to tackle any problem. The Indian experience conclusively shows that neither militancy nor counter-militancy can be an appropriate or viable option to deal with any issue, old or new.

(11) The same lesson emerges from the contemporary world experience. None of the recent militancies and the counter-militancies has anywhere succeeded in enforcing its own specific solution. In most of the conflictual situations, whether Palestine, South Africa, Ireland, Sri Lanka, etc., the combatants have struck either a compromise or are in the course of striking the one on the basis of give and take through a patient and meaningful dialogue. Wherever the two or one of the two parties still clings to belligerency, they are engaged in a futile battle, with losses and sufferings on each side.

(12) The reason why the armed mode, based on the concept of 'might being right' has become ineffective to handle any recent question lies in the contemporary social division of labour which, having arisen from the post-1945 scientific-technological

revolution and then, having transformed the major human problems into global ones and made the nations interdependent, now demands a global partnership of the different countries in managing their common and mutual problems. This cooperative and participatory management cannot be established and consolidated through the confrontationist or armed methods.

(13) The classical experience indicates that the armed mode, while giving immediate advantage to the strong, had in the long run harmed the latter. History only upholds those who had served the people, may they be benevolent kings or saints. It denounces all types of adventurers and plunderers who have indulged in the suppression and oppression of the masses for the sake of power, pelf and money.

## V

(14) Many types of non-armed political processes have been suggested by various quarters to answer the Jammu-Kashmir crisis.

New Delhi claims that its electoral process meets the needs of the ongoing Jammu-Kashmir situation. But every electoral process primarily requires an agreement among the contending parties on the fair conduct and just supervision of that process. Without meeting this pre-condition, every election loses its sanctity. In Kashmir, neither the Hurriyat Conference (a representative platform of almost all political parties in the Valley) nor even a single militant group has ever accepted this course of action under the control and direction of the Indian Election Commission. Even many of the pro-Indian Kashmiris are doubtful about the relevancy of elections in the near future.

New Delhi is adamant not to allow any outsider (neither UN nor NAM nor any mutually acceptable dignitaries) to have any supervisory role in this process. Already, the Kashmiris have a very negative experience of the post-1947 elections (which have been generally marked by manipulation, rigging and fraud in the Valley)—a fact admitted by many people even in India.

(15) Another view is that a process of reconciliation between New Delhi and a dominant militant faction or a combination of some militant groups on Jammu-Kashmir's enhanced constitutional status within the Indian Union can bring normalcy in the Valley. But the historical experience shows that New Delhi's three noteworthy deals with the most dominant Kashmiri leading teams of their times (then perhaps commanding the confidence of the 3/4th of the Kashmiris)—i.e., the 1952 Delhi-Srinagar (or Nehru-Sheikh)

Agreement, 1975 Indira-Sheikh Accord and the 1986 Rajiv-Farooq declaration—failed to click. Any such future compromise is also likely to suffer the same fate because of the further strengthening of the counter-reconciliation forces, both in India (those opposed to the grant of any special concession to Jammu-Kashmir) and the Valley (those having no trust in the promises of New Delhi).

(16) Still another view is that the process of the restoration of the pre-1953 status of Jammu-Kashmir can serve the purpose. But the factors which did undermine the process of Jammu-Kashmir's special status in the post-1953 period are stronger today than ever in India (anti-Article 370 lobby in different parties, including the ruling one). They will, in the first instance, try to block such a proposal and, if by chance it gets through (as a tactical ploy or under strong external pressure), then they would continuously strive to reverse the position. In the Valley too, it will encounter more opposition than response. Similar can be the fate of the suggestion demanding autonomy for each for the three regions in Jammu-Kashmir or the demand for the trifurcation of the Jammu-Kashmir state.

(17) Further, another view is that the process of the abrogation of Article 370 (which now exists only in name) can do the job. But the facts demonstrate that the continual erosion of this Article has only weakened India's position in the Valley. Not even a single pro-New Delhi Muslim Kashmiri has ever favoured or even now favours this option. Thus, it pushes the entire Muslim Kashmiri community on the anti-India stage, resulting in pouring more oil on the raging militancy fire.

(18) More, another view is that the process of the division of Jammu-Kashmir on the present Line of Actual Control, with a few changes here and there, between India and Pakistan can settle the matter. But, in the present balance of forces in the sub-continent and the world, neither Pakistan nor the Kashmiris are ready to entertain this process.

(19) Furthermore, another view is that the process of armed retaliation against Pakistan on its 'proxy war' against India or the 'instigation' of militancy in the Valley can bring this problem to conclusion for good. But, the experience of the three Indo-Pak wars disproves this contention. Any repetition of this process, according to the specialists, can, with the newly acquired Indo-Pak nuclear dimension, result in the more or less total destruction of Pakistan and about 2/3rd ruination of India, including the entire Jammu-Kashmir state.

## VI

(20) The primary reason for the irrelevancy of the aforementioned political processes rests with their violation of the basic and the ground realities of the Jammu-Kashmir problem.

(21) As regards its basic reality, the underlying cause of the Jammu-Kashmir problem, on the one hand, resides in the 1947 communal partition and the subsequent development in the UN, Indo-Pak wars, 1965 Tashkent and 1972 Simla Accords and the series of Indo-Pak talks, all of which make it a contentious issue between India and Pakistan, and, on the other, lies in the post-1947 Indian nation-building model which, by pursuing a minority alienation policy in general and by eroding Jammu-Kashmir's constitutional status in particular, has disenchanted the Kashmiri Muslims, from the Indian national process, thus turning Kashmiri Muslims into the main element in the Jammu-Kashmir crisis. From this basic reality follows the trilateral nature of the Jammu-Kashmir problem, namely, a dispute concerned with three parties, i.e., India, Pakistan and the Jammu-Kashmir people.

(22) With regard to its ground realities, the Jammu-Kashmir problem is distinguished by four features.

One is that Jammu-Kashmir state is a multi ethnic-regional entity, with at least 8 identities, namely, the Kashmiri community in the Valley; the Dogra community in the District of Jammu, Kathua and Udhampur with a fair sprinkling in Doda and Rajouri Districts; the Lakdakhi in Ladakh; the Kargili in Kargil; the Pathwari in the Districts of Rajouri and Poonch and Kashmir; the Gilgiti in Gilgit; the Balti in Baltistan and the Pahari (comprising Gujjars and Bakarwals) in the Districts of Rajouri and Poonch and the Kashmir Valley.

The other is that the three parties to the dispute take three divergent position. While the Indian people are determined to keep Jammu-Kashmir as a part of the Indian Union, the Pakistani people are equally resolved to bring Jammu-Kashmir to its national fold. Both countries have put their national honour at stake on this question and are ready to pay any price in defence of their prestige. Within Jammu-Kashmir, an overwhelming number of Kashmiris stand for secession from India, a majority of Dogras and Ladakhis want to stay with India, while a large number of people in Azad Kashmir long for some sort of sovereign status.

The third one is that all the countries in the world, while accepting Jammu-Kashmir problem as a bilateral issue between India and Pakistan, at the same time demand the association of the Jammu-Kashmir people in any Indo-Pak talks concerning the

future of this state, thus virtually transforming the Jammu-Kashmir problem into a trilateral question.

The fourth feature is that no unilateral arrangement or bilateral decision has so far proved practicable—thus demanding a new solution to the Jammu-Kashmir problem.

**VII**

(23) From the trilateral nature of the Jammu-Kashmir problem and its ground realities follow three important conclusions:

First, it can only be resolved through a peace process of dialogue and negotiations, rejecting the politics of gun by all sides.

Second, a just, fair and viable solution to the problem must, by taking into account the interests of the concerned parties, provide satisfaction to each one that its aspirations and interests have been met within the limits of possibility. Such a solution should also adjust the earnest desires and longings of Jammu-Kashmir's varying ethno-regional identities.

Third, the perspective of sorting out a solution—the most important factor in decision-making—should take into account two fundamental facts.

Firstly, the entire post-1947 experience shows that the continual Indo-Pak cold war, mediated by three hot wars, has resulted in the all round impoverishment of the two countries, making them merely marginal players in the world arena.

And secondly, the newly emerged factor of globalisation (or the interdependence of countries), having transformed major human problems into global ones, has also made the national concerns of India and Pakistan interdependent (which remains obscure under the I947 mental blockade), thus making their future common. Taking a cue from the bitter lesson of the past and the outline of a common future, the proper course for the two countries is to adopt the rational approach of interdependence and sort out their conflictual problems, including Jammu-Kashmir, from this angle.

**VIII**

(24) Given the above-stated perspective and the other two conclusions, the three parties can after weighing various proposals, opt for a solution that turns Jammu-Kashmir problem from a challenge into an opportunity—thus opening the way to their brotherhood, prosperity and progress.

For instance, the slogan of self-determination to the Jammu-Kashmir people, demands the veto power for the latter, thus depriving India and Pakistan of equal rights in decision-making. Besides, it creates dissensions among different ethno-regional entities, many of whom, such as Dogra and Ladakhi, as well as Kashmiri migrants, are opposed to this slogan. Moreover, the UN had only asked for a plebiscite in Jammu-Kashmir with two options, accession either with India or Pakistan and had not bestowed any right of self-determination on the Jammu-Kashmir people.

Further, the option of Kashmir Valley to be made independent, with Jammu and Ladakh regions remaining with India and Azad Kashmir with Pakistan can give rise to a keen contention between the pro-independence and pro-Pakistan Kashmiri militants which can develop into an armed conflict. Besides, the Valley itself can become a bone of contention not only between India and Pakistan but also among the major powers for gaining their spheres of influence.

More, the option of placing Jammu-Kashmir under the UN trusteeship does not help in minimising the traditional rivalry between India and Pakistan and make South Asia a tension free region. Similar is the case with the theories of allowing free intercourse between the two parts of Jammu-Kashmir, along with granting full autonomy to them under the respective control of India and Pakistan.

(25) The only realistic and effective solution is the one which, while guaranteeing full autonomy to each of the respective identities in Jammu-Kashmir, stipulates an Indo-Pak Condominium over the state with the responsibility of handling its defence, foreign affairs and currency. The Condominium will set up a new partnership between India and Pakistan, with Jammu-Kashmir forming as its linchpin.

(26) This partnership will not only benefit India, Pakistan and Jammu-Kashmir but also provide a powerful impetus to the development of SAARC, enabling the latter to design a sustainable development model that will represent a pro-People aspect, on the one hand, and a pro-Nature aspect, on the other—thus strengthening the world development process.

## IX

(27) In order to initiate the above stated peace process, the most desirable course is that it should be taken up at the New Delhi and the Islamabad levels. But, taking into account their

ground realities, it would be sheer illusion to expect such a course to mature. Three main obstructions stand on the way to such a peace process.

(28) The greatest obstacle comes from the cold war mindsets (as conditioned by the vote bank politics) of the people and the parties of the two countries, each of which considers the other as its biggest enemy in the world.

(29) Another hindrance arises from the weakening mass positions of both New Delhi and Islamabad regimes, each of which fears to take any new initiative.

While the New Delhi overlord is being challenged by the ruling party infighting, on the one hand, and the increasing inter-party contention, on the other, the Islamabad supremo is being threatened by the opposition momentum as well as the family bickerings.

(30) The third hurdle rests with the lack of effectiveness of a world centre, like the UN, where the major powers, motivated by their specific national interests, hesitate to take an appropriate and effective stand on global issues—a stand which either further worsens the situation or perpetuates the already worrisome situation.

(31) Despite the above major obstructions, there is a way out. The responsibility for paving and carving out this path lies in the hands of the Jammu-Kashmir people whose rational groups, after agreeing on a reasonable and realistic solution (e.g., the Indo-Pak Condominium) as sorted out of a dialogue process among the representatives of all the ethno-regional identities on both sides of the Line of Actual Control, form a common action platform. This platform, firstly, motivates the Jammu-Kashmir people on the basis of the above formula, secondly interacts with the peace-loving and democratic forces in the two countries for mobilising their respective people and, thirdly, tries to enlist the international support in favour of its solution.

(32) At this historic juncture when India and Pakistan, fettered by a cold war stalemate, confront a nuclear challenge of extinction or a miserable existence, the people of Jammu-Kashmir can, by acting as a connecting bridge between the people of India and Pakistan, play a historic role in averting a nuclear holocaust and thus stabilising peace and progress in South Asia and the world.

(33) It is high time for the Indian, Pakistani and Jammu-Kashmir people to rise to the occasion and explore and solve the Jammu-Kashmir problem from a new angle. 10-12-1994

## Human Gender Equity
# Need of A Fair And Just Society

I

(1) A December 1994 UN report says that a quarter of women worldwide are violently abused in the privacy of their own homes. The assaults on women by their husbands and male partners are world's most common form of violence.

(2) In the United States often called the crime capital of the world, the rape, muggings and road accidents account for more than other hospital admissions.

(3) The third world graph of women's abuse stands very high, going up to 80% in Pakistan and Chile, 60% in Papua New Guinea and 50% in the Korean Republic.

(4) The children of battered women too, suffer in consequence. A mother, who is a victim of domestic violence, is twice likely to have a miscarriage and four times more likely to have a low birth weight baby. Her children are more likely to drop out of school and become violent in their turn.

(5) One disturbing feature of research, the report points out, is the possibility of a link between domestic violence and progress towards equality for women as measured by closing literacy gap between males and females.

(6) According to the report, the risk of violence rises when male partners feel that their traditional position of superiority and control is being challenged.

(7) It states that the problem is as difficult to solve as to measure the battering that takes place in the privacy of homes. Friends, relations, neighbours and authorities are reluctant to intrude and victims themselves voice fewer complaints and have less recourse to law than victims of other violence.

(8) Many victims, the report remarks, come to accept beatings as an inevitable accompaniment of women's inferior status in home and society. Conditioned from birth to esteem themselves only in terms of their ability to serve and satisfy others, many

women respond to violence by looking first to their own failings, blaming themselves, justifying their attackers and hiding the 'marks of their shame', the tears and bruises.

(9) "Often self-esteem will sink so low that the victim will isolate herself from friends and family and from the knowledge that she deserves better."

(10) However, the report notes that attempt is being made in more and more countries to bring this problem into open and to expose the cause. In Latin America alone, there are over four hundred non-governmental organisations specifically concerned with violence against women.

**II**

(11) In India, the crime against women has more than doubled in the past one decade and reached alarming proportions, with a crime against the fair sex being committed every six minutes, according to the December 1994 information provided by the Crime Records Bureau of the Home Ministry.

(12) A woman is raped every 47 minutes, another is kidnapped or abducted every 44 minutes, while a third is subjected to cruelty by her husband or relatives and nearly 17 dowry deaths are reported every day. The number of reported crimes against women was 82,818 last year.

(13) The all India average of the crime rate being 9.1 per lakh. Pondichery heads the list as the most risk prone state with 760 cases and at an index of 91.6. Delhi is placed second, with 3,482 cases and index of 37.3.

(14) Uttar Pradesh has the highest number of registered cases at 14,048 of crime against women in 1993, followed by Maharashtra, Madhya Pradesh, Andhra Pradesh and Rajasthan with 13,913, 11,378, 8,335 and 7,160 cases respectively.

(15) In the past two decades, the rape cases reported have increased nearly 400% from 2,962 in 1974 to 11,117 in 1993 and kidnapping and abduction have gone up nearly 30% from 9,980 reported cases to 11,759 during the same period.

(16) Most of the cases of atrocities on women are reported from the rural areas where the literacy level is absolutely low and the women are unaware of their rights. Several victims do not lodge a complaint fearing ostracism.

(17) A few months ago, a young widow was beaten up and paraded naked by her in-laws in Berali village in the Dhar district of Madhya Pradesh. A tribal woman and her alleged paramour

were brutally assaulted and striped publicly in the Teburly village of Maharashtra some months ago. A *dalit* girl was lifted from her house and allegedly raped by a sitting MLA in Bihar. A grandson of a Chief Minister was arrested some months back for molesting a foreign tourist.

**III**

(18) The worldwide abuse of women, as mentioned in a UN report, denotes that the fair-sex is mistreated or wrongly handled by the male sex. And the crimes against women in India, as referred to by the Crime Record Bureau of the Home Ministry, means that the existing law is being violated by a part of the male gender to satisfy its sex hunger.

(19) Though sanctioned by the then prevailing morality and prescribed by the law of those times, the inhuman treatment of women by men has been a persistently recurring phenomenon throughout history. In the heydays of slavery (roughly between BC 2000 to the beginning of the Christian Era), women were openly sold as chattels in various regions of the world. Even after the decay of the slave order, the destitute women continued to form a part of the bonded labourers. Under the feudal serfdom (from the beginning up to the 1800 AD), the status of women was raised to the level of semi-slaves with men enjoying the right to marry as many women as they could afford and the feudals entitled to have hundreds or thousands of concubines in their *harems*.

(20) With the rise of machine industrial order (19th century to the mid 20th), woman in Western Europe secured many basic rights, the principal being the right to equality between man and woman. Later, with the entitlement of these rights to the women in the rest of the world, they became universal. Still most of these rights remained on paper, particularly in the non-Western countries and to a certain degree in the Western countries, due to the backward state of women's consciousness and men's reluctance to part with his centuries old gender privilege.

(21) In the post-second world war phase, there has been a continuous movement, led both by women's bodies and other democratic organisations, to concede women's due rights in practice, as guaranteed by law and to provide the remaining ones still denied to her. Under the cold war conditions, it could not, despite repeated demands, become an issue of world agenda. But, in the post-cold war period, the question of gender equity, despite increasing crimes against women, has been

theoretically as well as practically accepted as one of the most important priorities of the human society.

## IV

(22) Has the problem of human gender inequity been a natural state of human species, arising from man's superior mental and physical disposition in relation to woman? Or does woman's dependence on man proves the former's inferior calibre? The facts do not subscribe to any of these propositions.

(23) The historical facts amply demonstrate that the human organisation, as characterised by the methodology of food gathering for its sustenance and survival in its earliest phase, was basically managed by the great Matriarch in relation to human progeny, lineage, security and day to day living. This system of Matriarchy, i.e., a form of social organisation in which the mother is recognised as the head of the family or tribe and the descent and kinship are traced through the mother instead of the father prevailed for hundreds of thousands of years. The remnants of this system can be still found in Ladakh, Kerala and North-East where the descendants of certain tribes are known after the names of their given mothers. It was only much later that Matriarchy was replaced by Patriarchy, i.e., a social system that is dominated by man or in which the father or the eldest male member is recognised as the head of the family or the tribe and the descent and kinship are traced through the male line.

(24) The recent historical experience further proves that the women, with the achieving of a degree of equal rights in certain social sector (political, economic and artistic), have proved equal to the task and, at times, even excelled the menfolk—thus breaking the age old myth of male superiority and female inferiority in all walks of human life.

(25) But this does not mean that there are no differences in the two sexes. Differentiation is the very essence of every type of existence. It exists even between one male and another. In that sense, men and women have certain different characteristics which are not basically exclusive but mutually transferable and, like everything else, under constant change and transformation.

## V

(26) Then what constitutes the reason for the male domination in human society? The underlying reason seems to be the social division of labour, which at each given stage in history, arises

from a given scientific-technological mechanism. As long as the social division of labour of the food gathering technology operated in society, women continued to occupy the top position. But when the social division of labour of the hunting technology attained the upper hand, the woman, then having less physical strength than man, was relegated to the secondary position. In this division of labour, while men undertook to manage the political, economic and cultural matters, the women were entrusted with the task of running household affairs and the rearing of children. The same situation continued under the following two sets of the social division of labour, i.e., the pastoral and the agricultural. Only the industrial division of labour again brought forth the conditions enabling women to come out of the household confines and enter the broader social spectrum.

Corresponding to the needs of the social division of labour, man conceded certain rights to woman. But, even then, under the influence of the remnants of the classical gender orthodoxy, he continued to violate them in practice.

(27) The post-1945 scientific-technological revolution and its related social division of labour—which demands a new global partnership of all human beings in order to deal with the worldwide challenges (i.e., environmental pollution, over-population, poverty, cooperation in oceanic and space research, ethnic disputes, rich-poor conflicts, majority-minority differences, etc.)—has transformed the question of restoring gender equity into one of the topmost concerns of mankind. That is why every international and national human organisation has been opting for undertaking this task.

(28) The immediate cause of the recent abuses against women rests with the politics of power and consumerist economics whose protagonists use all means—money, muscle power as well as all retrogressive phenomena (including that of natural female inferiority)—to generate mass backing for their given political agendas or given commercial products. All this has given rise to the criminalisation of politics and the commercialisation of economic living; one of whose clear manifestations is the increasing abuses and crimes against women.

## VI

(29) The aforementioned facts demonstrate that the new role of women has arisen from the newly emerged social division of labour. It is not out of any generosity, compassionate feeling or

sudden realisation of any foul play that man has become a votary of the gender equity. All the classical ethical codes—religious, cultural, political or economic—have treated woman as a second class human being by ascribing to her subsidiary qualities as compared to man. Even now, the issue of gender equity is somewhat reluctantly accepted as the essential need of the newly emerged reality.

(30) Being a basic relation, both at the individual (i.e., family) and the collective (i.e., society) levels, between the two human sexes, the issue of gender equity demands an urgent solution. The sooner it is done, the better for our social advance. Delay, procrastination and social obstructions will only harm the human cause. If we are to build a happier and healthier social life, woman has to be provided her rightful place in society. Hence, any agenda of its solution requires a worldwide discussion and action. Here are a few suggestions for consideration.

**(A) Approach**

The problem of gender equity is an issue of establishing an equitable relationship (social, political, economic, cultural, etc.) between men and women. That alone is, and can be, the first principle of a just social order. Also, it is the most important issue of the development of human resources which motivate and then, in their interaction with natural resources, facilitate and stimulate progress in human society. It, therefore, demands that the issue of gender equity be considered as a relation of partnership between two equal partners. This will actualise the creative potential in the two sexes. It is wrong to present it as an antagonistic relation in history. Because the human species could not have developed under a conflictual relationship between the two sexes.

Only under a kinship connection which creates a feeling of cordiality and affection between the husband and wife and among the family members, the human species can grow and flourish. Historically, it has, in fact, been a relation of domination-subordination between man and woman. To overstate it as a confrontationist issue, 'battle of sexes', etc., would be irrational and ahistorical.

**(B) Needed Initiatives**

(i) Social empowerment of women by the ending of the Patriarchal system and the adopting of the principle of

recognising parenthood, descent and dynasty in the joint names of father and mother.

(ii) Economic empowerment of women through a statutory provision, stipulating the joint ownership of the husband and wife of all the family property—both immoveable and moveable (including membership in any enterprise, bank, cooperative society, etc.).

(iii) Political empowerment of women through 50% reservation for them from the lowest to the highest level of political institutions (from the local bodies to the parliament) for 10 years. Ten percent out of this reservation to go to those below the poverty line.

(iv) Cultural empowerment of women through the providing of proper education, health-care, effective role in population control and environmental management, free education and medical care to those below the poverty line by changing the old value system and norms which devalue women's capacity and status (holding woman as inferior to man, tying her only to home work, man as the sole breadwinner, etc.), raising the marriage as the positive portrayal of woman in media and society.

(v) Promoting the public awareness of the problem of gender equity.

**VII**

(31) The above-stated features are needed not only for gender equity, but also for the development of a fair and sustainable society which removes not only man-woman inequality, but also the entire series of social distortions, that is, those between the rich and the poor, landowners and landless, whites and blacks and above all between Man and Nature. 12-12-1994

# Where Corruption Holds Sway; Fairness And Justice Run Away

## I

(1) What exactly is corruption? Simply stated, it is illegal reward for services or benefits.

(2) The forms and manifestations of corruption are varied. The main ones include.

(a) Political: abuse of authority and misuse of national or public resources for partisan or personal ends.

(b) Economic: harming of national economic resources by unfair economic methods, such as black market, smuggling, theft of public property, racketeering, tax evasion, etc.

(c) Collusive: beneficial to both recipient and donor.

(d) Extortive: received from the donor under compulsion.

(e) Defensive: paid by the victim of extortive corruption.

(f) Investive: offered to get some future reward.

(g) Nepotistic: favouritism to near and dear ones.

(h) Gift giving: an open form of illegal gratification.

(i) Cheating and stealing: extortion through force or fraud.

(3) Corruption is not only a moral issue but very much a political-economic question. Politically, it disrupts the very basis of democracy by shaking peoples faith in the democratic tenets. Where money power dominates, fairness and justice fly off and peoples power evaporates. Corruption is the most crippling social malaise that devastates a society. Economically, it erodes efficiency and eats up capital—thus disorganising the whole economy.

(4) Growing by leaps and bounds, corruption has become the main ingredient of our political culture, spread to all walks of life and sapped our entire social structure. Today, it is eating into the very vitals of our society and has reached crisis proportions.

## II

(5) How high has been the level of corruption in our country? The facts speak for themselves.

(6) Rajiv Gandhi estimated that, out of every Rs. 100 meant for development, Rs. 85 are lost in corruption at various levels. This is confirmed by our administrative style where nothing can be done in any government office from top to bottom without a price having to be paid. Obviously, no development programme can be effectively carried out if 85% of funds are devoured by corruption and the whole official hierarchy is corroded by depraved individuals.

(7) According to a recent internal study of the Planning Commission, the quantum of black money in our economy, with an average annual growth rate of 23%, stands at about Rs. 4 lakh crore, forming 66% of our GDP, as compared to 5% in 1960-61. It is a part of this money that goes into our electoral process and plays a crucial role in deciding the fate of our legislators.

(8) Every member of the Lok Sabha or any state legislature begins his career with a false declaration about his real election expenses. Scores of Rajya Sabha members have filed fake statements in order to get elected to that house.

(9) The political corruption is not restricted to only one party. All mainstream parties now covet black money, because it frees them from mass accountability. The recent Rs. 59 crore Hawala racket in which top leaders of all the mainstream parties along with certain militants are involved shows the level of political corruption in our country.

(10) The Vohra report, which has been gathering dust in the Home Ministry for the last 10 months and which has been prepared jointly by the CBI, Intelligence Bureau and RAW, has said, "there is nexus between politicians and the mafia" in India. It is one more sad reflection on politicians of all hues in the country.

(11) In the post-1947 period, whenever cases of high level corruption were brought to light, those at the helm of affairs either swept them under the carpet or covered up the probes. The result is that not a single minister has been ever found guilty by any court in a corruption case since independence. In some cases, court proceedings had been thwarted by pre-emptory withdrawal of prosecutions by the government. Not even once, the government has referred any case against a minister to a court out of scores of recommendations made by several Commissions of Enquiry who had looked into serious allegations of corruption against certain ministers. A series of corruption scandals beginning with the Jeep scandal under Nehru and passing through various swindles, like Nagarwala embezzlement

case under Indira Gandhi, Bofors, HDW submarine kickbacks under Rajiv and securities scam, Sugar muddle and public sector disinvestment misappropriation, Hawala racket had remained hidden, without any trace of culprits.

(12) The VIP bureaucrats too have rarely got any punishment and been often let off after departmental warnings or actions. In a country of 90 crore people, hardly an average of 200 lower rank central employees get convicted in courts annually.

(13) Legislatures and other elected bodies' members possessing large properties disproportionate to their incomes have continually enjoyed full immunity from any of the prevention of corruption laws. No code of conduct so far exists for them. Nearly all of them are the practitioners of money and muscle power, playing an increasingly dangerous role in our society. Top leaders of all parties have come to depend more and more on illegal and muscle mafias. This has brought about a politician-police-criminal nexus.

(14) In 1964, Santhanam Committee on prevention of corruption stated, "there is a wide-spread impression that failure of integrity is not uncommon among ministers and that some ministers who have held office during 16 years have enriched themselves illegitimately, obtained good jobs for their sons and relations, through nepotism and have reaped other advantage inconsistent with any notion of purity in public life. The general belief among ministers is as damaging as actual failure." Things have only worsened since then.

(15) This year, Michael Godbaw, Chairman of the India Interest Group (IIG) set up by US business houses interested in India, in a press interview said, "corruption in India is a matter of concern for investors from the USA, and if it is not controlled, major investment flows expected into India from there (i.e., the U.S) may not take place."

**III**

(16) Corruption has always been a potential issue in the post-l947 India. Every brand of New Delhi rule in this period, irrespective of its political colour, has followed a double-dealing policy on the issue of corruption. On the one hand, it has made brave declarations to eradicate corruption, and, on the other, treated corruption as a non-issue.

(17) Around 1947, Nehru declared that all black marketers will be hanged from the nearest lamp-posts. But, in fact, he

patronised all the then notoriously corrupt ministers, like Chief Minister Partap Singh Kairon of Punjab, Deputy Chief Minister Biren Mitra of Orissa, etc. According to a world bank publication, the amount of black money in selected sectors in India in 1964 (the last year of Nehru's rule) was Rs. 1,464.5 crore or 7.5% of India's national income that year. A.D. Gorwala, Minno Masani, C.D. Deshmukh, etc., continuously raised the issue of increasing corruption during Nehru's rule. But the latter always tried to downplay it. It was under Nehru's leadership that Congress began to collect large amounts in cash from big businessmen. This opened the floodgates to all political parties.

(18) Indira Gandhi institutionalised corruption by declaring it a universal phenomenon. Her manipulative politics raised corruption to unattained heights. She was indicted by the Allahabad High Court for corrupt practices on four counts in her Lok Sabha election from Rae Barelliy. Instead of parting with power, she imposed emergency in India, finally leading to her ouster from government and the rise of Janata Party to power. Beginning from the 1971 election under her rule, the methodology of collecting and using illegal funds has become a normal process for almost all mainstream parties, subject to each one's influence. With the HDW submarine deal around 1980 started a new type of kickback bribery. Towards the close of her reign, the annual generation of black money in India reached a staggering figure, i.e., Rs. 36,000 crore during 1983-84.

(19) Rajiv succeeded his mother on the premise of cleansing public life. But, after two years of his rule, the annual generation of black money reached Rs. 40,000 crore during 1986-87 and the flight of capital from India to other countries ran into billions of rupees. It was under his rule that the veil on the kickback bribery was torn off by the Bofors scandal, leading to the termination of his rule.

(20) Coming to power on the promise of tracing the true facts about the Bofors scandal, V.P. Singh failed to fulfill his commitment. Chandra Shekhar, despite his justification of the kickbacks, had soon to leave the stage. P.V. Narsimha Rao's rule broke all past records of corruption, with one scam—securities scandal, misappropriation in the PSUs disinvestment, sugar muddle, etc.—following another.

## IV

(21) Why the monster of corruption, has been able to overwhelm our country? This seems to be due to five reasons.

One is that our people have generally been indifferent to this malaise. They have silently accepted it as an inseparable way of life—believing in its inevitability. Besides, the majority of upper and middle sections, oriented by power politics, consumerism and acquisitiveness, wrongly consider corruption as an inevitable outcome of the process of modernisation. The main reason of the general public apathy is the affluent sections' misperception which preaches that corruption is inevitable in a developing economy, that no party is free from this malaise and that the difference only lies in their availability of opportunities. But, the mass popularity of T.N. Seshan and G.R. Khairnar proves how people back up anyone who raises the anti-graft banner seriously.

The other is that our constitutional-legal framework does not act as a deterrent to criminal and corrupt behaviour. It often benefits the swindlers and cheats, while sometimes even harming the scrupulous and genuine persons. Its loopholes invariably provide grounds to the foul to pose as fair.

The third reason is that the Indian mainstream parties follow the general rule of money and muscle power which has resulted in the criminalisation, corruptibility, communalisation and casteisation of our political process. Corruption has, only for the sake of form or inter-party mudslinging, only occupied the last seat in their agenda.

The fourth is that our media, mainly the official and secondly the big business owned, follows the vote bank oriented priorities of the political establishment in the name of national interests and supports the opportunist theory of the 'art of the possible'—thus creating a social environment in which truth remains hidden, facts are covered up, falsehood dominates the scene, and corruption, criminalisation, violence and vulgarism thrive. For 41 years, it has vociferously projected birth or dynastic succession as the basic principle of our democracy. But, a democracy always stands on the principles of equality, justice and merit and not on the monarchical gospels of birth and dynastic succession.

The fifth reason is that our judiciary guided by a centralised or semi-authoritarian Constitution and its derivative laws and operating in an unscrupulous and violence prone social environment, resorts to populist judicial activism, while laying less stress on issues of moral turpitude.

## V

(22) From the foregoing facts, it follows that in order to generate a corruption free environment in the country, a five

pronged programme is needed.

(a) The first and the foremost principle is the mobilisation of the people against corruption. If people remain indifferent to this malaise, nothing can be done to clean up the system. In a democracy, the people have the most potent weapon—votes—in their hands. They should be mobilised to deny votes to the corrupt politicians.

One way out is to prepare the voter for asking questions to all the contesting candidates about their assests, incomes and criminal records. If they speak the lie, there can be a rebuttal from the crowd.

(b) Second, it is necessary to bring proper changes in the constitutional, legal system which should fully federalise and centralise the system, involve the people in decision making processes at all levels, make the system accountable to the people and plug all the loopholes which provide outlets for violation of law. The following steps may help in this regard.

(i) To make India a fully federal and decentralised state and delete the whole gamut of constitutional provisos and qualifiers which bestow special powers on the government and provide easy routes to the wielders of power for the abuse and the misuse of authority and thus undermine the rule of law.

(ii)To set up an autonomous Vigilance Commission (Lok Pal) by the President after consulting the leaders of all political parties, Speaker of the Lok Sabha, Chairman of the Rajya Sabha and Chief Justice of India—thus ensuring a general consensus on its selection. The Vigilance Commission will work on the lines of the Supreme Court and have the power to probe into the allegations of graft against any central or state level elected representative, including the Prime Minister. The same type of Vigilance Commissions to be established at the state level, with powers to probe into allegations of corruption against Panchayat and local bodies' members.

(iii) To terminate the power vested in the government to grant permission for the prosecution of any high up and to withdraw any case from the court.

(iv) To frame their own codes of conduct and set up code enforcement committees by the parliament and the state legislatures. In matters of doubtful probity, the cases will be referred to the Vigilance Commission.

(v) To enact a law requiring all elected representatives at the central and state levels to submit to a prescribed authority a

statement of assets held in their names as well as in the names of their relatives as on the date of their being declared elected. This should be followed by similar statements every year. These statements should be open to scrutiny by any person.

(vi) To make CBI a statutory body with powers to register the cases and conduct enquiries suo motto. It will submit its report to parliament every year and its director will be appointed by the President on the recommendation of the Vigilance Commission and the Chief Justice of India.

(c) Thirdly, it is necessary to carry out appropriate reforms in order to end the domination of the money-cum-muscle power in the electoral process, including (i) state funding of all types of elections (from the panchayat to the Lok Sabha level), (ii) securing of over 50 % of polled votes by a successful candidate, (iii) right to recall, (iv) making of all parties accountable to the people by ensuring their elections every two years, the automatic auditing of their accounts and the delinking of their politics from religion, caste, race, etc., (v) ensuring of the legislators' accountability to their electors.

(d) Fourthly, it is necessary to end the government control over the electronic media which should be operated by a statutory autonomous body. The non-official media needs to define its concept of national interests which, in no case, imply the government interest (or, in other words, the ruling party interest). It is the misconception of equating national interest with the government ones that, makes one cover up corruption and misdeeds of the political mafias and justify the black laws, like TADA, the curbs on civil liberties, human rights violations, virtual denial of right to life in the valley, foul activities of the mainstream parties, bureaucratic bunglings, underhand dealings by big business. Patriotism is neither the monopoly of the government nor of the mainstream parties and nor of the press. It is a set of fundamental principles which emphasise the establishing of a humane, just and fair society in India and the world through rational humanism, rule of law, a federal and decentralised structure, sustainable development, social justice and equality, equal rights to minorities, resolving of all internal and external conflicts through dialogue, including the one on Jammu-Kashmir with Pakistan, adopting of a foreign and defence policy of international cooperation and friendship, regional security system and a free trade. Beyond these principles, there is no national interest or patriotism.

(e) Fifthly, it is necessary to make judiciary more independent of executive control, on the one hand, and more accountable to the people, on the other. Besides, while exercising its own constitutional and legal expertise, our judiciary can take help from the international covenants and conventions.

**VI**

(23) History shows that since its origin in ancient times, corruption has been continually despised in society. Some 2,500 years ago, Manu laid down that corrupt officials who accept bribes from people were to be exiled and have their properties seized. Censuring of bribery and misappropriation of public property has been a concern of every good ruler in the past, whether in the ancient civilisation of Greece, Egypt or that of China. Every tainted person—be he a Nawab Mir Jaffer, Lord Clive, Prime Minister Rajiv Gandhi, Chief Minister Chimanbhai Patel or somebody else—has been at all times and climes looked down upon by the masses. The ethos of every region or community in the world, whether in the North or the South, generates hatred against corruption, as it does against fraud, cheating and theft.

**VII**

(24) The prevailing state of countrywide corruption, if allowed to go unchecked, can plunge our country into a disaster. It is time for our people to sit up and think. A peoples movement is called for to launch a crusade against corruption and save the country from disintegration. A 'do nothing' public stand or leaving the matter to the political bosses and the bureaucrats, who are benefiting from the mounting corruption, can only result in the death knell of our nation.

(25) The reason why corruption has been always and everywhere hated is that it violates the behaviour pattern of every given social division of labour—thus harming the whole society, while benefiting the unscrupulous individuals. 14-12-1994

# World Unemployment
# Solution Lies In Sustainable Development

I

(1) Perhaps, the world has hardly faced such a worst ever employment situation as it is facing today. And the state of unemployment today is perhaps even worse than that obtaining during the highly menacing depression of the 1930s.

II

(2) According to an early 1994 estimate of the OECD, around 35 million people, or 8.5 % of the workforce, are out of work in its 27 member countries, including the US. As many as 15 million more have given up looking for work altogether or are working part time when they would rather be in full time jobs.

(3) The unemployment in Europe as a whole was as much as 11.8% of the workforce in 1994, constituting a total of 17 million unemployed people.

(4) As per an early 1994 Report of the International Labour Organisation (ILO), unemployment is the most menacing global crisis today. About 30% of the workforce in the world is unemployed or underemployed, i.e., about 820 million people. In the industrially advanced countries, the unemployment rate in 1993 stood at 8.1% of the workforce. It was much higher in industrial countries, with France at 12%, Ireland at 16.9%, Spain at 23%, Belgium at 9.7%, etc.

(5) In the developing countries, the number of unemployed and under-employed, not authentically estimated as yet, runs into tens of millions.

III

(6) The employment situation in India too is equally grim. According to the Union Labour Minister's address at the 35th

conference of All India Trade Union Congress in Patna, the unemployment and under-employment in India had reached peak at 280 million. This number is as large as the whole population of many European countries put together. A study by the Central Bank of India has warned that a stupendous rise in the volume of unemployment may even double by the turn of the century

**IV**

(7) The OECD Report starts with the shattering of the two popular fallacies about the cause of unemployment. Firstly, it says that technology is not to be blamed for unemployment in the OECD countries. Because, while technology, according to it destroys low-skilled jobs, it also creates new higher-skilled and more productive jobs. Secondly, it refutes the idea that imports from low wage countries have had a big adverse effect on employment and wages in the OECD countries. This is because only 1.5% of OECD countries expenditure goes on imports from elsewhere and, in any case, as developing countries get richer, they provide new markets for OECD exports.

(8) Next, the OECD Report blames the policies of its own member countries for burgeoning unemployment. According to it, a long running failure of the OECD countries is to adopt labour markets, education, and training to changes in the world economy, having different results in different places. Secondly, it holds social policies, such as minimum wages, generous unemployment benefits and job protection laws, adopted by the Europeans after the post-second world war economic prosperity responsible for making them high cost economies. Thirdly, it accuses the West European labour markets for not bringing suitable changes in wage and employment patterns in time as demanded by globalisation.

(9) Finally, the OECD Report suggested a two-sided action plan to deal with the unemployment problem.

(10) One part of the OECD Action Plan demanded deregulation reforms. It would like governments to replace minimum wages with more direct ways of fighting poverty or at least to vary them by age and across regions. It also thinks that it should be easier for firms to sack workers. It further argues that the jobless would more likely to seek work if governments cut the level of unemployment doles. Long-term benefits, it says, should be paid only if the recipients participate in active labour market programmes.

(11) The other part of the OECD Action Plan called for better

skills. That should start early, with more pre-school education, less early school leaving and broader school curricula. It wants closer ties between industry and schools and more chances for off-the-job training. If all these recommendations are followed, its members' labour forces would be more likely not just to have jobs, but to have skilled jobs paying good wages.

**V**

(12) The ILO Report enumerates three factors for the trend in long-term unemployment, i.e., the degree and pace of technological change, the widening competition in the world economy and the current recessionary economic cycle which, it says, may not be of short duration and suggests reforming measures at the labour, technological and capital levels, both in the developed and the developing world.

**VI**

(13) The US economic experience, providing some new insights into the unemployment problem, shows that US economy was able to create many more jobs in services during the 1980s than Western Europe did in that period. This is, because, while implementing the Western Europe's prescription about labour markets, it also tried to remove the product market barriers which dominated the West European economies. By removing product market restrictions, the US was able to generate new jobs in retailing, banking (securities and mortgages) to television, film and video business. The US experience points out that the labour market and the product market deregulations need to proceed hand in hand—thus creating jobs across the board. Reforming the labour market alone creates mainly low-skilled low-paid jobs.

**VII**

(14) Despite the US two track deregulation, job cutting was assiduously followed by the industrial world, including the American companies, like the IBM, Ford Motors, etc., resulting in increasing number of unemployed. It was done with the expectation to generate greater efficiency. But this did not happen. Peter Drucker, a noted management expert, has said, "We are seeing too many amputations before the diagnosis."

(15) According to a Study by the Centre for Economic Study at the US Census Bureau, while 55% of productivity gains accrued

to factories where the labour force was downsized over 10 years, the other 45% of gains went to plants with growing employment and whose total outp ut more than doubled over the period. One of the authors of this Study, John Haltiwanger, has remarked, "the process of productivity growth is clearly much noisier and much more complicated than just cutting jobs." Another American consultancy specialist, Arthur Little, has found that big employment cuts and sudden swerves and swings in strategy can lead companies into unanticipated problems. All of them are in agreement that the "most major corporate downsizing have failed to produce what was expected and that, in future, the degree of failure will become ever more extreme because current cuts are becoming broader in scope."

**VIII**

(16) The Indian government has never provided any dependable estimate of the total unemployment and under-employment in the country, except quoting varying figures from time to time. But all indicators signify that the number of unemployed and under-employed has continuously gone on increasing from the 1st to the 8th plans (1951 to 1995). This aggravation is due to three main reasons. Firstly, the slow growth rate in the industrial sector for most of the time has provided quite a small number of jobs in relation to the huge backlog and the new demand. Secondly, the classical agricultural sector has exhausted all job opportunities to absorb any further workforce. Thirdly, the major part of funds meant for creating new employment (particularly in the rural areas) is sapped by corruption and wastage. According to the Parliamentary Standing Committee, out of Rs. 3,306 crore allotted to the Jawahar Rozgar Yojna (JRY) in 1993-94, only Rs. 1,759 crore could be utilised—thus achieving only 42.95 % of the targeted employment. The Comptroller and Auditor General's report has brought to light many irregularities and inconsistencies in the utilisation of funds.

**IX**

(17) Taking into account the above facts, it is necessary that, in order to deal with the unemployment problem effectively, it should be studied in terms of its concept, history and cause.

**(A)**

(18) With regard to the concept, there does not exist one standard definition of unemployment in social sciences.

Simply stated, unemployment denotes (a) total absence of work for those who are not working at any job but who are actively seeking work and (b) lack of work for those who are marginally working but searching for a fulltime job. Thus, an unemployed is the one who is not working and actively seeking work or who is partially working but searching for a fulltime job.

(19) Looked from the development angle, unemployment signifies non-use or wastage of human resources which harms not only the interests of the individual but also that of society.

**(B)**

(20) Historically, the issue of unemployment does not seem to have existed as a major human problem in the past. In its abstract sense, there is no word for unemployment in Greek or Latin languages and perhaps in ancient Indian languages. The English word unemployment did not come into general use until the mid-19th century. May be, there was no question of the absence of work under the pastoral and agricultural divisions of labour for the working people, while a work-free life was considered as a symbol of status by the affluent elite. However, beggary and vagabondism, arising sometimes out of the flight from the rigours of hard work and sometimes of social expulsion, appear to have operated from the very early times. It was only after the machine industrial division of labour that unemployment emerged as a real problem in society.

**(C)**

(21) During the past two centuries, the problem of unemployment has appeared in various forms. Its main varieties have been identified as, (a) High wage unemployment, (b) Cyclical unemployment, (c) Frictional unemployment, (d) Structural unemployment, (e) Technological unemployment, (f) Seasonal unemployment, and (g) Unemployment due to adverse movements in trade.

(22) Each of the above forms, while conditioned by their specific causes, has basically been, as accepted by all types of economists, generated by the disequilibrium between the demand for labour and the supply of it. This disequilibrium itself arises from an imbalance (short or long-term) between social demand (human needs) and social supply (material products of a given division of labour). For instance, an increase in social demand by generating more investment and more production enhances employment,

while the excess in social supply, by reducing the investment and production, leads to decrease in employment.

**X**

(22) The problem of unemployment today is a very complex world problem. Because it has arisen from the supply-demand distortion of the process of the displacement of the national division of labour by the global one. The disproportion between the supply and demand of a stable division of labour is short lived. But, it becomes somewhat protracted when a new social division of labour is replacing the old.

**XI**

(23) As regards its solution, the unemployment problem can neither be explained by means of Classical or Marxian mechanism (based on the 19th century economic reality) nor be analysed within the framework of Keynesianism, Leontifism or New classicalism (premised on the economic facts of the first half of the 20th century). It can be properly resolved in terms of the dynamics of the new social division of labour (born out of the post-1945 scientific-technological revolution which, on the social level, is characterised by globalism and, on the environmental level, is marked by degradation. This two-sided nature demands a new social model which coordinates the development of global human resources with the protection and regeneration of ecological forces—thus enlarging its stock of capital.

(24) Corresponding to its pro-people and pro-environment nature, its employment policy will be geared to human and environment capital formation. The potential stock of this capital is so large and its operational field so wide that it can easily absorb the entire human workforce. This demands the taking of the following initiatives.

**(A) On The Political Front**

(i) To urge all national governments for organising their defence on regional collective basis and changing the top political priority from national defence to peoples developmental needs, such as environment, education, health, job creation, poverty alleviation, human rights, social services, etc.

(ii) To set up regional common markets, evolve common strategies with the neighbouring countries for tapping joint water and other natural resources and developing land, combating

floods and preventing desertification. India should launch joint projects in partnership with Bangladesh, Nepal and Bhutan for harnessing the potential of three big rivers (Ganga, Brahmaputra and Meghna) and about six minor Eastern rivers and preventing floods and other environmental degradation. India should also resolve all disputes with Pakistan (including Jammu-Kashmir) in order to curtail the defence expenditure and forge joint schemes with Pakistan for tapping natural resources, to arrest the march of the desert and develop Thar desert region.

(iii) To stop taking economic decisions for serving the partisan and individual needs of those in power.

(iv) To adopt an appropriate population policy on the lines of the Cairo World Population Conference.

**(B) On The Economic Front**

(i) To change the top economic priority from unproductive expenditure to productive one by eliminating all wastage and misuse of funds, increasing the rate of saving and investment, rationalising taxation, etc.

(ii) To develop an economic partnership between the developed and the developing countries by transferring the surplus capital and proper technology from the former to the latter countries.

(iii) To promote free trade (not protectionism) as envisaged by the World Trade Organisation (WTO).

(iv) To make appropriate use of both the advanced and the traditional technologies, according to their needs by the developing countries.

(v) To focus on efficiency and surplus rather than on extra-job creation which ends up in losses and closure of projects.

(vi) To promote productivity through efficient management.

(vii) To change the consumerist and acquisitive lifestyle, particularly in the developing countries.

(viii) To make labour a partner in management.

(ix) To promote self-employment schemes through employment exchanges linked to skill development and training centres.

(x) To take effective measures for preventing the occurrence of scams, frauds, swindles, etc., in the financial sector.

(xi) To remove the causes of industrial stagnation.

(xii) To remove rural unemployment and under-employment in the Third World countries by developing rural infrastructure, by

organising agriculture on a sound basis (with the help of land reforms, reclaiming of the waste and degraded land through afforestation, horticulture, silvipasture, sericulture, aquaculture, etc., making optimum use of water, desilting of tanks, sinking of wells, bunding, levelling, drainage, construction of field channels, connecting farms to the main arteries of water, fencing of fields and the construction of durable roads, etc.), encouraging healthy cattle wealth, developing agro-based and processing industries, such as dairy farming, fisheries, poultry farming, social forestry, handicrafts and handlooms, providing needful help to traditional village technologists, like the potters, weavers, spinners, smithies, *vaids*, *dais*, etc., making arrangements for warehousing, transport and communication system along with cold storages and air-conditioned carriers, equipping agricultural institutions and universities for extensive research and development, etc.

**(C) On The Environmental Front**

(i) To live within the means of the planet in terms of food, energy and resources.

(ii) To transfer the surplus workforce to the environmental management sector.

(iii) To conserve the forest lands and start massive afforestation, social forestry and farm forestry programmes, divide the forests into sectors and blocks and plant new trees where gaps have occurred, develop high-value variety of medicinal plants and herbs on hillsides and grow trees on all vacant lands, particularly in hilly regions.

(iv) To upgrade the degraded and the wastelands and bring them under productive use (like fodder and fuel plantations, tree planting and distribution of seedlings), prevent the misuse of wastelands and develop a code for wasteland development.

(v) To prevent desertification and develop such lands.

(vi) To prevent all types of pollution.

(vii) To optimise the use of available water and purify the drinking water through various processes (filtration, sterilisation, etc.).

(viii) To develop non-conventional sources of energy, i.e., Sun, Wind, Waves, bio-mass and energy plantations (India has 20,000 Mega Watt potential of wind energy alone in seven states and one union territory containing 500 Wind Potential stations and 180 monitoring stations).

(ix) To develop horticulture and set up plants for processing

its produce.

(x) To establish common effluent treatment plants for cleansing the water used by different industries before being discharged into rivers and canals in the developing countries.

(xi) To open distilleries for generating electricity from organic industrial waste.

(xii) To launch the community bio-diversity conservation movement by involving the local communities.

(xiii) To counter the harmful effects of the natural disasters, like floods, earthquakes, locusts, air-pollution, etc.

(xiv) To make arrangements for the settlement of ecological refugees.

(xv) To improve urban environment by land use planning, proper arrangement of energy consumption and waste, rationalisation of urban traffic, protection and enhancement of urban historical heritage and regulating air and noise pollution.

**(D) On The Global Front**

To manage the implementation of the process of the above-stated initiatives by establishing a high power Sustainable Development Council to act as a global authority for the development of the natural and human resources by enacting relevant fundamental international reform (e.g., Codes for MNCs, currency exchanges and stock markets, forests, natural resources, pollution, etc.) and monitor their implementation.

(25) These initiatives may, while absorbing the surplus manpower, enable us to respond to the problems of the process of transformation from the old division of labour to the new one.

16-12-1994

# Will The Centre Hold Together?

I

(1) Poll results in a democratic polity always and everywhere bring about minor or major shifts in the given balance of forces. There is nothing new in this phenomenon. But, while many a times, such shifts give rise to quantitative changes, at certain occasions, they unleash a process of qualitative change. The recent November-December, 1994 election results in four states fall in the latter category. The process generated by these election results has, in its beginnings, eroded the Congress mass base and undermined the political position of the Prime Minister P.V. Narsimha Rao, while, in its long term unfolding, it is likely to lead to a fragile political arrangement on the national scene.

II

(2) The erosion of the Congress mass base is evident from the facts of the election results which show the poor performance of the party both in terms of seats as well as the percentage of votes. The majority of its stalwarts have been defeated, while the few successful ones have scrapped through only on the margin.

(3) Prior to the poll, the Congress had 94.5% of seats in the four states. Its share has now come down to 21.6%. In other words, the party which was holding 558 seats out of a total of 590, now has to be content with just 120 seats. While the party has been totally trounced in Sikkim, in Andhra Pradesh, it has not been able to secure 10% of the total strength of the house and has fallen behind even the combined strength of the CPI and the CPM in the Assembly. In Karnataka, it has been relegated to the third place, with its total seats less than 1/3rd of those of the Janata Dal and even yielding the second position to the BJP. Goa has returned a hung Assembly in which it has manoeuvred to gain the majority by engineering four defections from the Maharashtra Gomantak Party's legislators through corrupt

means. By all counts, it has been rejected by the concerned people lock, stock and barrel.

**III**

(4) The undermining of the Prime Minister's position can be seen from the fact of his party's humiliating defeat in his own political backyard with the exposure of the myth of his personal hold over the South. He may yet survive the current onslaught and even drag on as a lame-duck Prime Minister beyond the February-March, 1995 Assembly elections in six states, but his credibility sunk to a low ebb due to his continuously evolving image of a shielder of corruption, a master of political evasion and a publically drab and unattractive individual.

(5) The reason why the above features of his image, having been visible from the start of his Prime Ministership, were ignored by his party rivals and the so-called national media lies in the theory of the politics of power or vote bank politics which is based on the principle of vote catching by hook or by crook. As long as a politician is capable of accomplishing this feat, he is regarded as the unchallengeable boss, may he be a cheat or a trickster. Last year, when the Congress under Rao's leadership was able to snatch Madhya Pradesh and Himachal Pradesh from the BJP, his party colleagues, the media and the elite began to depict him as a wise, scholarly and sagacious leader who has, despite a number of objective and inherited hurdles, overcome the odds and thus made his position secure and invincible. Now that he has been found wanting in winning elections in his native region, he has become vulnerable to attacks from all sides, within his own party, from other parties and in the media.

**IV**

(6) Where does lie the cause of the Congress' erosion of its mass base and the loss of the Prime Minister's credibility? The underlying cause resides, in the party's erroneous nation-building model, while the short-term cause rests with its manipulative and corrupt politics of power.

(7) For example, it declares to build a peace-loving, non-violent democratic, secular and socialist *Bharat* as its fundamental aim. But, constitutionally, it opts for a centralised (or unitary) state. In foreign matters, it pursues highhanded means in relation to the weak and meek manners in regard to the strong. And, in the political-economic arena, it holds military build-up as

its top priority. Obviously, a centralised and over-armed internal structure and an overbearing foreign policy does not reconcile with the Congress' above-stated fundamental aim. That is why the Congress nation-building model has, on the one hand, failed to involve the Indian people in various official decision-making processes, make the government management accountable to the people and ensure reasonable human rights, social justice and minority interests, and, on the other, resulted in the transformation of the country, just like its adversary, Pakistan, into one of the violence prone countries in the world which had to wage four wars in the past 47 years, remains the biggest arms importer in the Third World and is still engaged in cold war competition with its rival, Pakistan, in the post-cold war era—thus creating risk of nuclear war in South Asia as well as the world.

(8) Again, it claims to build national unity on the basis of secularism. But, in order to serve the needs of its power politics, it subtly resorts to communal and casteist themes in its electoral process, accepts caste as a unit of imparting social justice and adopts retrogressive measures, such as performing of *Puja* and *Arti* on important official functions to appease Hindu fundamentalism, denying Muslim women the rights equal to man to propitiate Muslim clergy, etc.—thus perpetuating communal and casteist thinking which has resulted in over 20,000 communal riots and about 1,00,000 cases of casteist violence against the scheduled castes and tribes in the post-1947 period surpassing the record of 190 year British Rule.

(9) Similarly, in economic development, it asserts to build a sound and viable modern economy. But, by gearing the economic activity to its power politics, it has made the Indian economy an inefficient, wasteful, high cost, low quality and black money dominated economy, having the dubious distinction of being the poorest of the poor countries and containing the largest number of the world's absolute poor, with a poverty ratio of 40% in 1992, according to the calculation made by the Planning Commission.

(10) Further, its manipulative and corrupt politics of power has promoted the consumerist lifestyle, introduced the norm of money and muscle power and perpetuated the old techniques of personal gain by all means, double dealing, sycophancy, authoritarianism, communalism, casteism, etc.—thus criminal-ising and corrupting the political-economic processes.

## V

(11) The long-term upholding of a fragile political arrangement is visible from the ground realities in the country.

(12) The first ground reality is the decline of the Congress whose monopoly of power has been broken in all the bigger states, both in the North and the South. With a confused agenda, a divided leadership and an exposure of its manipulative and corrupt style, it is impossible for it to recover the last ground in the near future.

The message from Uttar Pradesh and Bihar, the two biggest states of India and once the strong bastions of the Congress, had years ago been that they do not trust the Congress to function even as the second party. The same has now been conveyed by Andhra Pradesh and Karnataka. Tamil Nadu is out of its reach for years and is expected to remain so. Kerala too is likely to go out of it hands. The Janata Dal is expected to retain its hold after the February-March poll in Orissa and Bihar. In Tamil Nadu, the AIADMK is in power, while the Left front continues to be in control of West Bengal and Tripura.

The BJP holds the political reins in Rajasthan and Delhi and may come up in Gujarat.

The Mulayam Singh Yadav-Kanshi Ram combine is in the saddle in UP and the challenge to it comes from the BJP and not the congress.

Even before the 1996 general election, the Congress may lose most of the states. There are hardly half a dozen states, including Punjab, Haryana, Madhya Pradesh, Himachal Pradesh, etc., where the Congress, may go it alone.

If the dominant Congress leadership adopts a harsh attitude towards its party rivals, a split in the Congress may occur in the coming months. The Congress for the present is only a sinking ship.

(13) The second ground reality is that the BJP has no friend among the mainstream parties. For the present, no national level party is in a mood to have any political friendship with this party. As long as it finds no allies, it is not possible for it to win power at the centre and in most of the states with its own forces.

(14) The third ground reality is that none of the present national alternatives is in a position to form the government on its own. So every one of them is in search of suitable allies. The country is heading towards a coalition mechanism.

(15) The politics of coalition is not new to our people. They

have already tested it thrice—in 1967 in some states and in 1977 and 1989 at the central level. But, on all these occasions, it was based on the fundamental principle of opposition to the Congress. The coalescing parties, lacking a concrete programme, were mainly united on a negative note. This time the old experiment is not going to be repeated. In the newly developing situation, the Congress itself will be a seeker of allies.

(16) Taking a hard look at the prevailing state of affairs, it can be said that the coming period is likely to see the emergence of new power equations. Given the isolationism of the BJP, three possibilities can be visualised. There may be a coalition between the JD-LF combine and the Congress or one of the two factions of the Congress, between the JD-LF combine and the regional parties (i.e., the TDP, AIADMK, Mulayam-Kanshi combine, etc.) and between the Congress and the regional parties.

(17) An arrangement made between different mainstream as well as regional parties, each of which, having its own specific agenda and priorities and having nothing in common, except sharing of power, with others, will be an uncertain conglomerate often at cross purposes within itself and also with the multi-coloured governments in the states.

Such a prospect should be alarming to a polity which has already become fragile.

(18) If there is further political fragmentation, will the centre hold together?

(19) It is a tragedy that the Indian people do not have better alternatives to choose from. 18-12-1994