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Anna Hazare, before ending his fast in
New Delhi on August 28.

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SANDEEP SAXENA

HALF A VICT

Team Anna wins the first round, but the way ahead in the fight against corruption is full

Now it is time to move ahead with caution, to enhance the democratic content of the nation and its systems. **This applies equally to the largely discredited political class and to the new civil society players.**

“A BATTLE has been won in the campaign for cleansing public life through the rallying of vast sections of people across the country. But a purposive piece of legislation has finally to be passed by Parliament even to rate this victory as truly meaningful. Indeed, the state of peace that has descended after the tumult is pregnant with uncertainties. Uncertainties of such dimensions that no one has a clue as to what this will ultimately deliver.” These words spoken by a key player in the negotiations between Team Anna and the United Progressive Alliance (UPA) government during the tumultuous 12-day



ORY

ANNA HAZARE ADDRESSING

a gathering at the Ramlila Grounds after ending his fast, and (above) his supporters taking out a candle-light victory rally at India Gate on August 28.

of uncertainties. BY VENKITESH RAMAKRISHNAN IN NEW DELHI

fast undertaken by Anna Hazare, which rocked the national capital and most other parts of the country, sum up the mood prevailing among individuals and groups that would play a role in the drafting and passage of a new Lokpal Bill. The government, the big and small opposition parties with representation in Parliament, Team Anna and various other institutions and bodies that have come up with suggestions on the proposed Bill, such

as the Aruna Roy-led National Campaign for People's Right to Information (NCPRI) and the Udit Raj-led Justice Party, all share these uncertainties and the lack of clarity about the future.

At the moment, of course, the prime mover is the Standing Committee of Parliament, chaired by Congress leader Abhishek Manu Singhvi. The committee is expected to take up and initiate negotiations on the various

proposals from different sides sometime in September itself. Central to these negotiations are the three points on which Parliament expressed its sense-of-the-House agreement in response to Team Anna's demands. The sense-of-the-House resolution stated that the issues of "Citizens' Charter, Lower Bureaucracy also to be under the Lokpal through appropriate mechanism, and establishment of Lokayuktas in the States" would be taken up by



MEMBERS OF TEAM Anna, after wresting new concessions from the lawmakers on the Lokpal Bill on August 27.

the Standing Committee. This process itself has historic dimensions because it is for the first time that the members of the Standing Committee will be discussing the provisions of an already introduced government Bill in response to a sense-of-the-House resolution suggesting incorporation of new provisions.

The mainstream political parties and Team Anna expect this process of the Standing Committee to be completed before the winter session of Parliament. On their part, both Union Finance Minister Pranab Kumar Mukherjee, who emerged as the most important player on the government side during the latter stages of the anti-corruption agitation, and Anna Hazare himself have come up with public postures that have signified a sense of

caution and accommodation, which in turn is considered conducive to the smooth conduct of deliberations. In repeated comments to the media after Anna Hazare concluded his fast on August 28, Mukherjee made it clear that the government had bowed before people's power and its genuine representative leader. Anna Hazare responded by agreeing that there was a lot more to be done peacefully to take the negotiations to the level of fruition. Asserting that "this is only half a victory", he said he was confident that Members of Parliament would not go back on their word to provide "an effective and strong Lokpal".

While this sense of accommodation and optimism bodes well for deliberations in the future, large sections of public opinion still harbour appre-

hensions as to how things will unfold. Speaking to the media immediately after Anna Hazare ended his fast, Infosys founder V. Narayana Murthy hailed the 'in principle' agreement of Parliament to the demands put forward by Team Anna but added that it was only the first step. "We have to go through the process of implementation and take it to success. And that is the toughest part. For implementation is the Devil."

According to Professor Nil Rattan of the Patna-based A.N. Sinha Institute of Political Studies, the apprehensions about implementation have arisen essentially on account of the very track record of the players involved in the process. "Both sides have shown intransigence at different times. While the government has bumbled about

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from one mistake to another for long spells while addressing the issue, Team Anna had initially taken the obstinate position that nothing short of its version, the Jan Lokpal Bill, would do. The present atmosphere for deliberations could be arrived at only because the government rectified some of its mistakes and Team Anna was ready to come down on some of its demands like bringing the higher judiciary under the ambit of the Lokpal. What is the guarantee that this will stand? Who knows whether sections of the government will embark on some adventurist path again,” Nil Rattan told *Frontline*.

Indeed, the UPA's track record in handling the early days of Anna Hazare's August agitation is pathetic. Almost every section of the government, starting with Prime Minister Manmohan Singh, kept on making mistakes. Interventions by Home Minister P. Chidambaram and Telecommunications Minister Kapil Sibal made matters worse. Finally, Congress general secretary Rahul Gandhi contributed his mite to the rank confusion in the ruling establishment. These mistakes were in many ways directly proportional to the rising popularity of Anna Hazare.

Undoubtedly, the biggest mistake was the imprisonment of Anna Hazare on August 16, that too in Tihar jail, where people like Suresh Kalmadi and A. Raja, who were arrested on charges of corruption, are incarcerated. Subsequently, an official spokesperson of the Congress classified Anna Hazare as a “top to bottom” corrupt person.

Interestingly, the decision to take Anna Hazare to Tihar jail was made in an apparent effort to keep him away from the crowds. The political bosses and the administrative-bureaucratic leadership, especially of the Home Ministry, had reportedly considered different options, such as placing him in a government or private guest house or moving him out to Ralegan Siddhi (his hometown in Maharashtra), but finally decided against all these, fearing that his supporters would gather in front of the guest house or at Ralegan



PRIME MINISTER MANMOHAN Singh. The government committed a series of mistakes in handling the early days of Hazare's agitation.

Siddhi. Informed sources said that they finally decided to shift him to Tihar because it was thought that the jail would not be accessible to Hazare's supporters. But what happened was the exact opposite. Crowds gathered at Tihar in big numbers, forcing the government to order his release.

In the days following his release, and during the fast undertaken by him at the Ramlila Grounds, Anna Hazare was perceived as the symbol of all that is positive in society and in many ways the one-stop solution for all social problems. Various organisations, such as sections of the Rashtriya Swayamsewak Sangh (RSS)-led Sangh Parivar and non-governmental organisations of different hues and patterns of funding, pitched in for crowd mobilisation. Cumulatively, the impact of genuinely inspired participation and motivated organisational mobilisation resulted in massive crowds at the maidan.

Meanwhile, the government made another faulty move: it stated that Parliament cannot give up its supremacy. This when it had undermined Parliament in April by calling Team Anna to draft the Lokpal Bill and keeping the opposition parties out of the drafting committee. While this move was made by the Prime Minister, Rahul Gandhi made a facile attempt to score some brownie points through an intervention in Parliament highlighting the same supremacy-of-Parliament position.

Ultimately, it required the intervention of some youth power from the government side itself to untangle the mess that senior politicians such as Manmohan Singh, Chidambaram and Sibal had created. It was through the good offices of a young Delhi MP, Sandeep Diskshit, that the government built channels of communication with Team Anna and managed to bring about a solution. To start with, Diskshit's intervention was followed by an appeal from Manmohan Singh to Anna Hazare to withdraw the fast. He made this appeal even while crediting Anna Hazare with valid slogans representing the people's aspirations.

However, in the euphoria created by this collection of crowds day after day, shrill voices questioning the very legitimacy of political processes and leaderships were heard from the Ramlila podium – from Team Anna leaders including Anna Hazare, Kiran Bedi and Arvind Kejriwal, and supporters such as the actor Om Puri. The campaign was such that it sought to raise visions of an apolitical leadership replacing politics in the country. Voices like those of the social activist Swami Agnivesh, which emphasised the need to accord validity to political leaderships and elected representatives, were fiercely criticised by the volunteers of Team Anna and by sections of the crowd. Agnivesh's comment that Hazare ought to have responded positively to Manmohan Singh's appeal was targeted for special vitriolic treatment by many of Team Anna's supporters.

Despite this, the government per-

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sisted with its efforts at negotiation. It was in this process that Pranab Mukherjee's role came to the fore, even though Chidambaram and Kapil Sibal continued to argue that a tough line would ultimately compel Team Anna to compromise. This tussle on strategy reflected in a different manner within Team Anna too. Though voices like those of Swami Agnivesh had been sidelined, there also developed an impression that Kejriwal and Kiran Bedi were pushing things to the brink. A group within Team Anna, including senior lawyer Prashant Bhushan, took the lead in meeting a number of political leaders, particularly in the opposition BJP and the Left. These initiatives were supplemented by the Mukherjee-led negotiations.

Gradually, sections of Team Anna that had raised a rant against the political class as a whole had to listen to the less aggressive sections. And, it was this that finally led to the discussion of Anna's demands in Parliament and the final passage of the resolution.

Notably, when Anna Hazare's fast was withdrawn on August 28 following the passage of the resolution, Kejriwal made it a point to underline the fact that at no point of time had Team Anna sought to denigrate the entire political class as corrupt. While this was sought to be presented as a clarification, many observers perceived the effect of a corrective reverse pressure in this statement.

The passage of the resolution in Parliament and the acknowledgement of Anna's agitation methods by parliamentarians have evoked high praise, especially from sections of the media, some of whom have described the agitation as the most phenomenal people's movement to have happened in the history of independent India. In fact, some commentators have even gone to the extent of suggesting that there could be a classification of national politics as pre-Anna and post-Anna phases.

While it is true that the agitation and the fast touched an emotive chord in large sections of the people, including the middle class which has never



ABHISHEK MANU SINGHVI,
Chairman of the Standing
Committee of Parliament
that will scrutinise the Lokpal Bill.

participated actively in political initiatives, the fact remains that many other movements, ranging from the struggle for land reforms to the empowerment of Dalits, have had more lasting historical impact on Indian society.

Professor Sudhir Panwar, an Uttar Pradesh-based social activist associated with the Kisan Jagriti Manch, who supported the Anna Hazare agitation as a significant effort to initiate a new democratic discourse in the country's political system, also pointed out that the increased participation of the middle class had helped get enhanced media attention to the movement compared with other grass-roots initiatives such as those of farmers and agricultural workers.

"The fact is the issue of corruption, especially corruption by the political class, is so pervasive and the fight against it has such widespread resonance that even those who have never thought of the country and its people in a larger sense joined in," he said.

Panwar pointed out that the middle class, which had assiduously kept away from politics and refused to respond to phenomenal political developments such as the demolition of the Babri Masjid and the Gujarat riots of 2002, was triggered into action on po-

litical and other forms of corruption also because of the global economic crisis and its impact on day-to-day life.

Panwar emphasised that the leaders of Team Anna should use this opportunity to broadbase the movement with a larger understanding of other social issues and an earnest incorporation of other social movements. "Only then will this have a lasting impact," he stated.

Naturally, this would involve adopting a more open approach to issues such as the demands of Dalits and backward classes in relation to the Lokpal and looking at broader issues such as the impact of neoliberal policies. Team Anna has announced its resolve to continue struggles in new areas such as electoral reforms, which will include the right to recall and the right to reject legislators. It has also stated that it will strive for decentralisation of power through the greater empowerment of gram sabhas and mohalla sabhas.

A one-line overview of the national political situation in the context of the agitation and the related developments was provided by Pranab Mukherjee when he said, "We are at a crossroads." It was with this phrase that Mukherjee began his speech marking the beginning of the August 27 debate in Parliament on the Lokpal Bill.

Clearly, as the statement implies, it is time to move with caution to enhance the democratic content of the nation and its institutions and systems. It is a message that applies equally to the largely discredited and beleaguered political class as also to the new civil society players who have had a modicum of success in initiating a corrective process.

And exactly because of this success, Team Anna needs to be extra cautious in what it preaches and practises. For, the hallucination among some of its leaders that India is Anna and Anna is India militates against the very concept of democratic discourse. □

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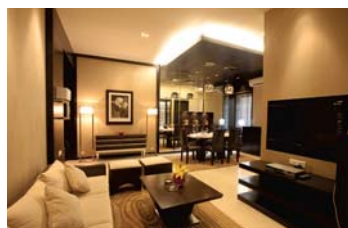
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Legal concerns

In its effort to recommend an effective Lokpal Bill, the Standing Committee has to consider all the nuances of the views of civil society. BY V. VENKATESAN

The three concerns over which Parliament expressed its sense-of-the-House agreement, in response to Team Anna's demands in order to make Anna Hazare end his fast, constitute the salient features of the Jan Lokpal Bill.

THE 31 members of the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, drawn from the Lok Sabha and the Rajya Sabha, have an onerous task on hand as they begin to scrutinise the Lokpal Bill. They cannot discuss the government's Bill oblivious to the anti-corruption movement led by Anna Hazare, which resulted in extraordinary debates and an identical sense-of-the-House agreement in both Houses of Parliament on August 27.

The committee's Chairman, Abhishek Manu Singhvi, a Congress MP and a senior advocate in the Supreme Court, has promised several surprises in its

recommendations on the Bill and is of the view that 80 per cent of the Bill will be changed after the committee submits its report before the winter session of Parliament begins.

This is the first time that members of the Standing Committee will be discussing the provisions of a government's Bill on the basis of a sense-of-the-House agreement, which is a rare expression of the collective will of the House on a piece of legislation and is a corrective measure. In a sense, it amounts to an admission by all the parties in Parliament that they failed to read the public opinion at the time of introduction of the government's Bill and therefore they want to ensure that the committee considers the key concerns expressed by the public over the Bill's omissions.

It is possible that the committee will, in any case, be apprised of these concerns during its two-month-long interaction with the public, seeking comments and suggestions and hearing testimonies from select representatives of civil society and other stakeholders. Yet, the sense of the House on these concerns means that the committee cannot finalise its recommendations without considering that agreement. The committee's report is not binding on Parliament, which has to debate the provisions of the Bill again, in the light of the recommendations.

The three concerns over which Parliament expressed its sense-of-the-House agreement in response to Team Anna's demands in order to make Anna Hazare end his fast constitute the salient features of the Jan Lokpal Bill. The agreement was carefully worded in view of the differences among members over how to resolve the three concerns:

"This House agrees in principle on the following issues: Citizens' Charter, Lower Bureaucracy also to be under the Lokpal through appropriate mechanism, and establishment of Lokayuktas in the States."

Union Finance Minister Pranab Mukherjee requested the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha to transmit the proceedings of both the Houses on August 27 to the Standing Committee for its perusal while formulating its recommendations on the Bill.



UNION FINANCE MINISTER Pranab Mukherjee addressing the Rajya Sabha on August 27. A television grab.

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'Genuine movement'

Interview with Arun Jaitley, BJP leader and Leader of the Opposition in the Rajya Sabha.

BY VENKITESH RAMAKRISHNAN & AJAY ASHIRWAD MAHAPRASHASTA

THE interventions in the monsoon session of Parliament by Arun Jaitley, the Leader of the Opposition in the Rajya Sabha, have been rated as "masterly" by a large number of seasoned Parliament-watchers. During the course of these interventions, which saw him make important observations on the legal and constitutional dimensions of the issues relating to corruption and the Lokpal Bill, the Bharatiya Janata Party leader also adopted the role of an "in-depth political analyst and visionary" who had cast off the limitations of a "narrow, sectarian politician". In this interview to *Frontline*, Jaitley elaborated on these interventions and delineated his understanding of the future course of action on issues such as the Lokpal Bill. Excerpts:

Parliament has conceded three points raised by Team Anna on the Lokpal Bill, and the Standing Committee is going to look at the provisions of the Bill. What will be the broad road map on the issue?

Logically, all issues and viewpoints on which parliamentary consensus was built up after the recent debates will be placed before the Standing Committee. The committee should hold extensive public consultations and come out with a report expeditiously so that the final draft, with amendments, can be approved by the Cabinet. Hopefully, the government will introduce the amended Bill in the winter session.

What is the BJP's position on the Lokpal issue?

There are two underlying principles that should guide the issue. There should be wide scope for gov-

ernment offices coming under the Lokpal's jurisdiction. It should be a strong, independent Lokpal. The judiciary should have an alternative mechanism, where I prefer the National Judicial Commission. The appointment mechanisms should be completely independent; not excluding the government, but the government should not be able to be dominated or control it. So it should be an institutional mechanism. And it should be a mechanism where we are able to eventually bring in various other institutions. The institution of Lokpal should follow fair procedures. For instance, we should be able to bring in [under its purview] civil servants who work in state instrumentalities.

The only other factor that should be taken into consideration is that the Lokpal Bill should be consistent with constitutional requirements. There are four areas that need to be stressed in this connection. One, when you deal with the judiciary, you have to keep it independent of the executive. Therefore, the mechanism for the judiciary should be separate and not executive-centric.

Two, the principles of federal polity enshrined in the Constitution should not be affected by the Lokpal Bill. The Centre pressing for Lokayuktas in the States can compromise the federal principles of the Constitution. For instance, can the Centre legislate on a law dealing with State



SHANKER CHAKRAVARTY

ARUN JAITLEY: "THE Lokpal Bill should be consistent with constitutional requirements."

bureaucracy? My *prima facie* view is that with regard to some criminal law procedures, the Centre can, but not with regard to disciplinary and inquiry procedures against the State bureaucracy. The Centre can at best pass an enabling law under Article 252 of the Constitution [Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State] or a model law, but not a binding law. The States

will have to do it. Therefore, the fight against corruption should not compromise the federal principles. I have already spoken about the issue to Team Anna.

Three, in relation to the conduct of the Members of Parliament inside the House, the Bill should be consistent with Article 105 of the Constitution [power and privileges of the Houses of Parliament and of the members and committees].

Four, in relation to who takes disciplinary action – those who hold a civil post in the Central and State governments have protection under Article 307; that constitutional protection should not be affected.

Now, having covered all these areas, we can say that the Prime Minister should be covered but we can exclude certain functions; functions predominantly in the areas of public order and national security.

There is a suggestion that the functions of intelligence agencies relating to external affairs should not be

covered. These are issues that should be fine-tuned by the Standing Committee.

There are other questions, too. Such as whether the entire bureaucracy should be covered and whether it should be entirely under the Lokpal. I think we would like the entire bureaucracy to be accountable. But the government has said there can be a splitting of functions in which the lower bureaucracy can come under the Central Vigilance Commission. There is a third proposal, that the lower bureaucracy can be put under a CVC, which in turn could be monitored by the Lokpal.

Should MPs be covered? Yes, obviously, but what they say inside the House, protected by the privileges of Article 105, should not be covered. These are issues of workability and accountability, which the Standing Committee can look into keeping the major principles in mind.

I have objected to only one point that is found in both the Bills [the Jan Lokpal and the government's Bill], that is, the bugging of telephones. This can compromise national security. It violates personal liberty. I hope the Standing Committee will consider this.

The idea of attaching property of those charged with corruption has also raised objections.

There are already laws in some States that address this issue. There is a law of 1945 called Criminal Law Amendment Ordinance. The principle behind attaching property is that you cannot profit out of corruption. The court can attach corrupt money, not an executive authority, and use it for national development. The money should not wither away or you should not be able to dispose of the corrupt money. Proceeds of narcotics and smuggling money are invested in the state. Why not in the case of corrupt money? Bihar has brought this law. Other States are following suit.

There is a view that the BJP has spoken in different voices, especially with regard to the Jan Lokpal Bill.

The positions I have enunciated in Parliament are the party's positions.

Several votaries of the Jan Lokpal Bill hold the view that the existing anti-corruption laws are completely faulty and inefficient. Do you agree?

I think to say they are completely faulty may not be correct. They are a bit lax, a bit liberal, and capable of misuse. At times the law works, at times it does not. Seeing the enormity of corruption, you do not see so many people punished. A Lokpal may not be able to eliminate corruption but the fear of the Lokpal and of being tried under a fair mechanism may certainly be some kind of a deterrent.

Do you think this movement has created an unprecedented public sensibility?

I think this movement was genuine. No major parties participated. Sympathisers and workers did join it, but in their capacity as citizens. It was genuinely a citizens' movement. It had a lot of goodwill. Such kind of consciousness is a positive development in India.

Do you subscribe to the view that such protest methods are symbolic of bypassing representative democracy?

I do not think it is fair to say that they were bypassing [representative democracy]. They were not saying they had the power to legislate, and not Parliament. Yes, they did bring pressure on Parliament. But we should treat them as a pressure group. They have the right to campaign and we have an obligation to listen to them. I think the government did not have a game plan. I have spoken to Team Anna at least three times. And on most issues, I have found its stand to be extremely rea-

sonable, and after a little diversion we have converged on the same opinion. On the question of excluding certain functions of the Prime Minister, we are of the same view. Regarding the judiciary, we are of the same opinion also.

There is a feeling in many quarters that the political class as a whole has lost the moral authority in the context of the movement.

I do not think this is fair. You see, there is a campaign against the political class. The campaign is also against Parliament. I still believe that there are still a large number of good and honest people in various political parties. There are aberrations also. But there is still a space for decency and ethics in politics and that space is being encouraged by such strong public opinion. There is no reason to be cynical. But if you pick up each one of the debates in Parliament in this session, I can tell you some of the debates have been exemplary. For instance, if you see the debate on the day Anna Hazare was arrested, or on the Lokpal Bill, or the impeachment debate, the quality has been very good. The fact is that if private television channels feel that the debates are bringing them TRPs and they cut out to Parliament for speeches, that itself means that people are interested. The stronger the public opinion, the more the viewership of parliamentary speeches, both in the electronic and the print media.

Provocative statements are being made against Parliament. We must not be vindictive in our actions even then. We should not make angry reactions or get provoked. What we do on the issues will be our response to the people. Even without this movement, States such as Madhya Pradesh, Bihar, Uttar Pradesh, Punjab and Himachal Pradesh have brought out Citizens' Charters. This is a significant response and this is the way it should be.

The government has also forwarded to the committee the Jan Lokpal Bill and the comments and suggestions of Aruna Roy's National Campaign for People's Right to Information (NCPRI) and those of the Lok Satta party founded in 2006 by Jayaprakash Narayan, a former Indian Administrative Service officer.

The Jan Lokpal Bill, proposed by India Against Corruption (IAC), envisages a single institution that will cover all public servants and at all levels, from the Prime Minister down to the peons, which means all Ministers, elected representatives, civil servants and members of the judiciary. The NCPRI, however, is of the view that this will make the Bill too unwieldy and lead to the concentration of too much power in a single institution.

The NCPRI proposed three different institutions, namely, a national anti-corruption commission, called Lokpal, to tackle corruption of all elected representatives and senior bureaucrats; the Central Vigilance Commission (CVC) to be an investigative, prosecution and appellate authority for the remaining categories of civil servants; and a judicial accountability commission to investigate charges of corruption and misconduct against sitting judges.

While both the IAC and the NCPRI agree that the anti-corruption wing of the Central Bureau of Investigation can be transferred to the proposed Lokpal, the NCPRI wants the anti-corruption wing of the CBI dealing with the lower bureaucracy transferred to the CVC. The latest draft of the Jan Lokpal Bill is silent on the CVC's future despite its previous version stating that the CVC be subsumed in the Lokpal and the CVC Act be repealed.

The Lok Satta's model is similar to that of the NCPRI. According to it, the CVC (Chairman and two members) should be ex-officio members of the Lokpal and should be appointed in the same manner as the Lokpal. The CVC will perform all functions as envisaged under the law except that the allegations against Group A officers and above will be referred to the Lokpal.

Once the CVC is integrated with the Lokpal, that body will exercise superintendence and guidance of the CBI. The CBI should be divided into two agencies – the normal crime investigation wing and the anti-corruption wing. The anti-corruption wing of the CBI will be accountable only to the CVC and not to the government. In States, the anti-corruption bureau will be directly under the Lokayukta, according to the Lok Satta proposal.

The differences among these three models are not in substance, but only in form. Hopefully, the appropriate mechanism which the committee will recommend should satisfy the authors of these three models.

On the Citizens' Charter, the sense-of-the-House agreement is silent on the modalities. The Jan Lokpal Bill makes repeated violation of the Citizens' Charter by any public servant an act of corruption. It defines "grievance" as a claim by a person that he could not get satisfactory redress according to the Citizens' Charter despite approaching a public grievance redress officer ((PGRO) of the department concerned. The Bill also states that the Citizens' Charter shall enumerate the public authority's commitment to the citizens that are capable of being met within a specific time limit, and shall designate the officer whose duty would be to fulfil the commitment of the public authority.

The Jan Lokpal Bill further states that it shall be the duty of the PGRO to get the grievance redressed within 30 days from the receipt of the complaint. If he fails to do so, a complaint could be made to the Lokpal. The Lokpal, after hearing the PGRO, would impose suitable penalty not exceeding Rs.500 for each day's delay, but not exceeding Rs.50,000, to be recovered from his salary. The Lokpal may also recommend imposition of departmental punishment on such PGROs.

The NCPRI feels that the Lokpal should not be involved in grievance redress because it is impractical, given the numbers that would be involved and the need to tackle grievances in a decentralised manner. It, therefore,

suggests the setting up of an independent, specialised and professional grievance redress commission to redress grievances effectively in a decentralised and time-bound manner.

A three-member Bench of the Lokpal, according to the Jan Lokpal Bill, may direct any public authority to make changes in their Citizens' Charter, and that public authority shall make such changes within a month of the receipt of that order.

The Lok Satta too agrees with the NCPRI that grievance redress should not be part of the Lokpal's jurisdiction, but should come under a grievance redress authority to be formed at the Centre and in the States. Team Anna insists that grievance redress should come under the Lokpal because it has defined grievance non-redress as an act of corruption. The NCPRI and the Lok Satta do not seem to agree that grievance non-redress should be deemed to be an act of corruption.

However, when the Jan Lokpal Bill provides for an appellate grievance officer (AGO) in each district to receive grievances and requires that there shall be a social audit of each AGO every six months, it is not clear why the AGO cannot perform the functions of the Lokpal, as envisaged in the earlier drafts of the Jan Lokpal Bill.

The IAC's difference with the NCPRI seems to be only over the definition of corruption, which is basically an academic, rather than a practical, issue. If the objective of grievance redress can be achieved under a different authority in a more effective manner than what has been proposed in the Jan Lokpal Bill, clearly Team Anna could consider the proposed alternative rather than insist on the literal adoption of its draft.

Both IAC and the NCPRI agree that the Lokpal, as an institution, should be replicated at the State level through appropriate Lokayuktas. The Lok Satta adds that the Lokayuktas should be appointed in a similar manner by a State-level selection committee and should have similar powers, protection and functions as that of the Lokpal.

It further adds that with the ratification of the United Nations Convention Against Corruption (UNCAC), Parliament, under Article 253 of the Constitution, has the power to make laws for the entire territory of India even on State subjects in matters relating to corruption. Although the Central government initially had reservations over the demand that the Bill could create Lokayuktas in States, it has now come around to the view that it could enact a model law for the States to adopt without violating the federal principle.

The Jan Lokpal Bill, according to its framers, would be called the Anti-Corruption, Grievance Redressal and Whistle-blower Protection Act. This suggests that the last two aspects are not subsumed under anti-corruption. Therefore, the NCPRI's basket of measures proposing a separate grievance redressal commission and a distinct and strong whistle-blower protection law makes sense. Chapter XI of the Jan Lokpal Bill, with just one section and five sub-clauses, deals with protection of whistle-blowers. The NCPRI has come out with detailed notes for discussion on strengthening the Whistle-blower Protection Bill, currently pending in Parliament.

The fact that Team Anna wanted Parliament to commit on only these three issues makes it clear that it is flexible on other contentious issues such as the exclusion of the Prime Minister from the Lokpal's ambit if the allegations against him pertain to national security and defence.

The government's Bill includes in its ambit corruption in non-governmental organisations (NGOs). Team Anna's answer to this is that the investigation of allegations of corruption in NGOs by the police does not lead to any conflict of interest and therefore such allegations can be kept outside the purview of the Lokpal. However, if the allegation mentions that a public servant sought to influence the investigation of corruption in an NGO, the Lokpal can investigate it and prosecute the accused.

Team Anna has also answered the



ARUNA ROY'S NCPRI wants the anti-corruption wing of the CBI dealing with the lower bureaucracy transferred to the CVC.

criticism that the Jan Lokpal Bill is silent on corporate corruption by drawing attention to Section 6 (o), according to which the Lokpal's function is to recommend cancellation or modification of a lease, licence, permission, contract or agreement if it was obtained by corrupt means and to recommend blacklisting of a firm, company, contractor or any other person involved in an act of corruption by the public authority. In the event of rejection of its recommendation, the Lokpal may approach the appropriate High Court for relief.

Another provision is Section 31 (1), which says that no government official shall be eligible to take up jobs, assignments, consultancies, etc., with any person, company, or organisation that he had dealt with in his official capacity. Subsections (2) and (3) of Section 31 call for complete transparency in the award of contracts, public-private partnerships, agreements or memorandums of understanding (MoUs).

Team Anna probably did not consider these provisions critical enough to bargain for their inclusion in the sense-of-the-House agreement even though they seem to be more significant than the three 'sticky' issues that it identified as the roadblocks that prevented Hazare from ending his fast.

It is ironical that Team Anna, which had initially questioned the relevance of the Standing Committee fine-tuning and improving the provi-

sions of the government's Bill, now sets great store by its ability to make a difference to the Bill.

Perhaps its confidence was restored after the committee's recommendations on the Judicial Standards and Accountability Bill, referred to it by Parliament, became public. In its report, the committee is of the view that the government has to move beyond an incremental approach and give urgent and due thought to a holistic legislation encompassing the appointment process and other related matters to ensure judicial accountability for improved administration of justice.

In particular, the committee has recommended dilution of the provision imposing severe punishment for frivolous and vexatious complaints so that genuine complainants are not discouraged from complaining against the misbehaviour of a judge. The Bill prescribes imprisonment of up to five years and a fine of up to Rs.5 lakh for those found to have made false complaints against a judge.

The committee has also recommended the inclusion of non-judicial members in the composition of the complaints scrutiny panel, on whose decision alone a complaint could be considered by the National Judicial Oversight Committee. The Standing Committee has also recommended the need to broadbase the membership of this oversight committee with nominees from the executive, the legislature and the judiciary, and make it inclusive with representatives of all social classes.

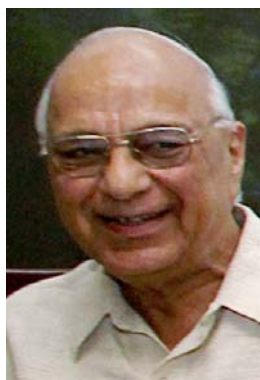
Team Anna has agreed to drop its insistence that the Lokpal should include members of the judiciary in its ambit, on the condition that Parliament adopt a stronger Judicial Standards and Accountability Bill than the one that was referred to the Standing Committee. The Jan Lokpal Bill's inclusion of the judiciary under the purview of the Lokpal did not go down well with other civil society groups, which are concerned about the threat to judicial independence from an all-powerful Lokpal. □

'Government has not conceded anything'

CONSTITUTIONAL expert and former Lok Sabha Secretary-General Subhash Kashyap says that the government has not conceded much, that it has not committed itself to anything, and that Team Anna has not gained much on its demand for the acceptance of a Jan Lokpal Bill. The only achievements of the fortnight-long agitation are public awakening and the fact that the issue of corruption has been placed centre stage. "It is still a long road ahead," he said in an interview to *Frontline*. Excerpts:

The upsurge of support for Anna Hazare and the fact that Parliament held a sitting on a holiday to discuss the issues raised by him do herald the beginning of something big. What exactly has been the net outcome of the unprecedented anti-corruption movement?

Unprecedented no doubt it was because never before has Parliament held a sitting on a holiday to discuss an issue raised by a non-political entity. The issue had gripped the nation's imagination for over 12 days. It was also unprecedented in the sense that never before has public support for any cause been so humongous. The government initially appeared in no mood to give in to Anna Hazare's demands. But let us not get carried away by all this because the net outcome is tenuous in nature, to say the least. No substantive achievement has been made as far as acceptance of the demand for a Jan Lokpal Bill is concerned.



SUBHASH KASHYAP,
Constitutional expert.

Why do you say this when Parliament has committed itself to accepting the three demands put forth by Hazare?

If you look at the 'sense-of-the-House' resolution closely, you will notice that it was no resolution as such; so the House as such has not resolved anything. At best, it was only an 'in principle' agreement with the three demands, which have merely been 'forwarded' to the Standing Committee for its 'perusal'. Hence, the government has not committed itself to anything, Parliament has not committed itself to anything, and the sense-of-the-House resolution forwarded to the Standing Committee is not binding on it. So, in strict legal or constitutional terms, the sense of the House has no meaning whatsoever, except a moralistic one. The committee may or may not honour it. So, in effect, the government has not conceded anything to Team Anna. It has stuck to its position that whatever it had to say would be put forth to the Standing Committee, which will take cognisance at the time of studying the Lokpal Bill.

Then why is the entire exercise being dubbed as a "victory of democracy", as if this was history in the making?

It was history in the making in a different sense. It was for the first time since Independence that the government, and Parliament, was seen to be succumbing to public pressure, that it actually conceded that people too should

be taken into account while drafting legislation. For the first time, people were seen to be taken seriously by the political class. Also, the fact that the entire exercise brought the issue of corruption to the fore makes it significant. But let us not lull ourselves into believing that this is a big victory against corruption. It is just the beginning. The proposed law will only be a curative solution, it will not attack the causes for corruption, nor will it prevent corruption. For that we need wide-ranging systemic reforms in all sectors.

If this is the case, what explains the massive support for the cause?

Dissatisfaction with the government, which has never been so pronounced, except during the Emergency in its second year. The situation today is akin to what Marx says, 'the state has withered away'. There is total chaos, people are fed up with high prices, there is corruption at every level, there is massive governance deficit, the government has failed the people at all levels. It was a tailor-made situation for such an outpouring. People genuinely believed that they were participating in the second freedom struggle, to rid the country of corruption. But let me warn you, one such Bill cannot be the panacea for all that is wrong with the system. And let me also warn you that one should not be overambitious in expecting the re-drafted Lokpal Bill to include all these suggestions. It may or may not happen.

So what have we achieved, finally?

Anna Hazare has broken his fast! I am sure we will need him for many more such mobilisations in this fight against corruption.

Purnima S. Tripathi

Filling a vacuum

The falling credibility of the political class has helped NGOs to play an increasing role in setting social agendas. BY VENKITESH RAMAKRISHNAN

India has the highest number of nationally and locally operating NGOs. A Union Home Ministry study put the number of NGOs in India at 33 lakh, which is approximately one NGO for every 400 persons.



MEMBERS OF INDIA Against Corruption demonstrating against Anna Hazare's arrest, in Patna on August 16.

IN the realms of both academics and activism, civil society or non-governmental organisations are broadly classified into two categories. The first category is that of operational NGOs implementing programmes and carrying out tasks with the professed and distinct aim of improving services on the ground. The range of services addressed by these NGOs includes poverty alleviation, protection of human rights, environmental concerns, empowerment and gender equity. In other words, operational NGOs essentially focus on "relieving the suffering, promoting interests of the poor, protecting the envi-

ronment, providing basic social services, and undertaking community development". The second category is that of advocacy NGOs, which advance objectives of social and political agenda-setting, negotiation for the same and monitoring the implementation, enforcement and non-compliance of governance policies. In the process, advocacy NGOs give voice to, mobilise, and represent varied social and political interests or concerns, including that of different segments of the population. These interventions have taken place at the local, national and international levels.

According to several studies carried out by organisations as varied as the Public Interest Research Group (PIRG) and the American Institute for Contemporary German Studies (AICGS), advocacy NGOs have been growing in number across the world, especially after 1990. The reasons for the spurt highlighted in these studies include the end of the Cold War, the availability of greater resources, and a more open social and political environment in the era of globalisation. The United Nations (U.N.) lends greater credence to these organisations by stating in its March 2000 report on United Nations Reform priorities that the international community has a right to protect citizens of the world from ethnic cleansing, genocide and crimes against humanity through advocacy initiatives. A shared perspective then was that these advocacy NGOs could become "a third factor" located between the institutional spaces of the state and the market, promoting the development of marginalised groups in different parts of the world.

Global estimates are that there are approximately 40,000 internationally operating NGOs across the globe. India has the highest number of nationally and locally operating NGOs. A study by the Union Home Ministry had put the number of NGOs in India at 33 lakh, which is approximately one NGO for every 400 persons. While the majority of Indian NGOs falls in the classification of operational NGOs, developments in the country over the past decade and a half have signified the rise of advocacy NGO. These advocacy NGOs have advanced multidimensional activities centred on monitoring governance,

implementation of governance policies and social and political agenda-setting for the same.

For organisations such as National Social Watch, which has links with International Social Watch, monitoring governance is one of the primary tasks. A statement of the organisation on its website runs as follows: “Governance is about how government, civil society, and the private sector work together. Governance tells us how the government functions, who is involved in the policy process, and where the effects, both positive and negative, of political activity, are distributed in a society.”

It goes on to add that “governance is a development issue and good governance is a key requirement for effective and inclusive development”. “Governance is about the way that decisions are made in villages, towns, cities, provinces, and countries. For those in government, it is the exercise of authority to manage the affairs of a constituency. While the government normally has the final say when it comes to public policies, programmes, laws, and regulations, it is not the only player. Citizens, civil society organisations, and the private sector also have a role to play.”

Other organisations such as the Human Rights Watch, the Centre for Budget and Governance Accountability (CBGA) and the Consumer Units and Trusts Society (CUTS) keep track of governance and policy implementation in specific areas such as human rights, budgets and financial expenditure. Many of these organisations underline that local issues and governance impact global governance and also that local efforts can have global repercussions.

India Against Corruption (IAC), the NGO that spearheaded the Anna Hazare-led Jan Lokpal Bill movement, has been a kind of by-product of the coming together of a number of organisations that have advanced both operational social work and advocacy-oriented initiatives. The leaders of IAC, such as Arvind Kejriwal and Kiran Bedi, are associated with a number of NGOs that promote both

advocacy and operational social work.

According to the Lucknow-based political observer and advocate Indra Bhushan Singh, a number of advocacy NGOs in India, including Social Watch, Human Rights Watch and the CBGA, have championed diverse causes effectively, but the most spectacular success has been that of IAC. “While a variety of factors can be deduced for these successes, the most important factor that has contributed to them is the systematic degeneration of the credibility of the political class of the country and the rise of weak governments as a result of it. And this weakness is exemplified when the IAC movement is perceived and portrayed as one bypassing or even challenging Parliament, by none other than the Prime Minister of the country.”

A number of NGOs promote both advocacy and operational social work.

Indra Bhushan Singh adds that this weakness of political authority has been a growing phenomenon and many international agencies have been seeking to make inroads into this weak system using some of these organisations. He pointed to a 1993 study of the PIRG, which highlighted the increased funding of NGOs in different sectors by organisations and agencies such as the World Bank. “What this study showed was that while there were a number of operational NGOs that were being supported by the World Bank, there was also a marked emphasis to facilitate advocacy initiatives even from operational NGOs. Interestingly, this was the period when structural adjustment programmes (SAP) had become the primary concern of the Union and very many State governments in the country. And as is well known, SAP initiatives have, in

many parts of the world, been disastrous on the poor communities. The SAPs had led to massive cuts in social and welfare spending, wage freezing, spiralling of prices, and privatisation of basic services. In many places it had also become an instrument seeking to advance a homogenised world-view and governance model that completely overlooks history and the inequities generated by it. It needs to be studied at length as to what ideological shifts this context as well as the support from the international agencies has caused on these organisations. The recent interventions also need to be studied from that perspective too,” Indra Bhushan Singh pointed out.

John Samuel, former International Director of Action Aid and a civil society commentator, said, “Civil society is being paraded as the new panacea for a range of issues such as poverty, human rights, gender equity and good governance. This process is getting increasingly facilitated in India by telegenic politics, which has eclipsed the old modes of analytical journalism and nuanced critique. The market and the media have collided to create an instant ‘sensex’ of politics and here new-age advocacy actors from the non-party political and civil space have begun to outsmart the old politicians by utilising network modes of mobilisation.”

Viewed holistically, what is at play in the advocacy initiatives and the attempts at monitoring, nuancing or dictating policy and governance is a mélange of factors, ranging from righteous and empowerment-oriented aspirations of the people and their channelisation in terms of people-oriented advocacy, but controlled and dictated time and again by forces of the market and globalisation.

Clearly, this is a mixture that is difficult to manage within defined parameters. Only an assertion of the political forces that emphasises real social justice, empowerment, ethics and probity in public life may be able to steer the course out of this confusion. But then, which political force has the potential to do it? □

‘Decentralisation of power is the crux’

Interview with social activist and Team Anna member Arvind Kejriwal.

BY VENKITESH RAMAKRISHNAN

“Every single issue is related to centralisation of power. When power is centralised, some people take decisions keeping aside the interests of the larger sections of society.”

THE organisational abilities of Arvind Kejriwal exhibited during the recent Jan Lokpal Bill movement earned him the sobriquet “Field Marshal of a peaceful agitation”. The social activist and Ramon Magsaysay Award winner played a significant role in conceiving the slogans, the symbolism and the trajectory of the movement. He is credited with anticipating some of the moves of the government and evolving effective responses to them. However, at times he was accused of championing an extremist view, which militated against the larger interests of the movement. On August 31, *Frontline* met Kejriwal at the Gurgaon hospital where Anna Hazare was undergoing treatment before he proceeded to his hometown, Ralegan Siddhi in Maharashtra. Kejriwal spoke at length on the immediate and future plans of Team Anna. Excerpts:

As many members of Team Anna have pointed out, one stage of your movement is complete with the passage of the resolution in Parliament. What are the future plans of the movement both in terms of the Lokpal legislation and in terms of the larger

issues Anna Hazare and others have spoken about in the past few days?

Our primary focus will indeed be on the Jan Lokpal Bill and the deliberations that are to come up both in the Standing Committee and later in Parliament. Before taking this up, the core committee will meet at Ralegan Siddhi. We will keep a tab on the proceedings of the Standing Committee and Parliament. Accordingly, the future course of action will be planned. Simultaneously, the discussions on other proposed issues such as electoral reforms and judicial reforms, including the right to reject candidates in an election and the right to recall elected representatives, would be initiated.

The agitation started essentially to seek a Jan Lokpal Bill, but the lakhs of people who came out on the streets have visions beyond the JLP and have much larger expectations. They seem to be convinced that this time the nation will change. Moreover, there is also an opportunity in the way the whole country got united under the leadership of a credible leader. I think this is a huge opportunity for large-scale reforms in the system of governance.

Decentralisation of political power, including decision-making, should be in the hands of the people. Voting every five years to hand over your destiny for the next five years to a few people turns the system into one of oligarchy. There should be a system through which people are involved in day-to-day decision-making. And there are models available, such as the gram sabhas and the *mohalla* [urban locality] sabhas. These are the key issues the core



V. GANESAN

ARVIND KEJRIWAL: "THERE should be a system through which people are involved in the day-to-day decision-making."

group is concerned about. Anna-ji has already indicated this as an important focus in the future course of the movement. Now all of us will sit down and work out the details.

There is a view that your task will be all the more cumbersome because Team Anna has climbed down on its original demands. You started out demanding only the Jan Lokpal Bill and that too by August 30. But now you have come around to accepting a "sense of the House" resolution from Parliament.

The answer for this is not in our team but in the serious leadership crisis in the government. They were constantly giving out contradictory signals. In the last three days of the fast, these contradictory signals were given out four times. The Prime Minister made a conciliatory statement and then Congress general secretary Rahul Gandhi more or less undid it by going off on a tangent. They initially agreed on a resolution, but later went back on it. It became clear to us that Parliament voting on a resolution containing Anna's three demands was not going to happen. Obviously, we had to change our strategy.

You also went back on the insistence to include the higher judiciary under the purview of the Bill.

We have not gone back on our commitment to campaign for judicial reforms and get them implemented. The understanding now is that the mechanisms for judicial accountability will be separate.

While Anna Hazare and the team have spelt out some of the possible directions of electoral reforms, it is not clear how you want to proceed with the campaign on judicial reforms, particularly after the new understanding.

The fundamental question *vis-a-vis* judicial reforms would indeed be why the justice system is so expensive and why the delay. And we have instances of blatant corruption, which have come out from time to time.

Whatever the mechanism, it needs to address the issues relating to judicial accountability concretely and comprehensively.

Coming back to the legislation that is planned, there is a stream of opinion, which was also represented within Parliament, that some of the provisions of the JLP Bill are "draconian". The provisions relating to the tapping of telephones and the confiscation of property of those charged with corruption have been specifically highlighted in this regard. How are you planning to address such issues when they come up before the Standing Committee?

There is already a provision that gives investigating agencies the power to tap telephones under the Indian penal system. However, it necessitates a sanction from the Home Secretary. We have only demanded that the authority for this permission should be shifted from the Home Secretary to a Lokpal bench. For, there is a possibility that a bureaucrat might leak the information on phone tapping to his/her political bosses.

Similarly, the provision for confiscation of property has been suggested to prevent loss of wealth to the country. We have seen in so many corruption cases that people who have been proven guilty suffer a sentence. Under the Prevention of Corruption Act, the maximum punishment is seven years. After serving the sentence the guilty can continue to enjoy the wealth amassed at the cost of the national exchequer. That is what we want to prevent.

However, we are open to talks with anyone on these objections. Since December 1, 2010, to date, we have held public discussions with all sections of society across the country. That is why the present draft has been revised 14 times. It has been put up on the website. That is how it has been drafted [after taking public opinion into account]. If still someone comes up with a suggestion, we are open to it. In general terms, to call it "draconian" is not legitimate.

What if members of the Lokpal get into situations where they have to be investigated?

Let me ask you a counter question. We have independent agencies such as the CVC [Central Vigilance Commission], the CAG [Comptroller and Auditor General of India], the NHRC [National Human Rights Commission] and the Central Information Commission. Suppose the CAG turns corrupt, what will you do? What if the CVC turns corrupt? Under the law you can't do anything. But under the provisions of the Lokpal, a citizen can make a direct complaint in the Supreme Court against any Lokpal member. The Supreme Court will have the complaint investigated in three months. If the complaint is genuine the member will be sacked.

Your movement addresses issues such as corruption and electoral reforms, but it has no position on other nationally important issues, such as land reforms.

Of course, there are a number of important issues. But decentralisation of power is the crux of the matter. Decentralisation of political power would mean community control over natural resources. It would mean the control of the gram sabha over all areas of governance. It would mean genuine land reforms. In its essence, the gram sabha, or the general body of voters, should have all the powers to take decisions with respect to a village. And they should have some advisory role in the decisions on policies at the national level. Such detailing and charting on this concept needs to be done. But we are moving towards that. We call it the Swaraj Movement.

What about issues such as liberalisation, the influence of corporate bigwigs on policymaking and the impact of neoliberal policies on the country and its people?

Every single issue is related to centralisation of power. When power is centralised some people take decisions keeping aside the interests of the

larger sections of society. Now, if you decentralise the decision-making process, you are allowing larger sections of society to participate in it. So, whether it is neoliberalisation or control over natural resources, large sections of society begin to participate in the decision-making process. To blame corporates for all ills is wrong. Secondly, in every society or sector there are good people and bad people. They can be the cause of corruption as also the victims of corruption. The same businessman who was the victim of corruption can be the cause of corruption and vice versa. So if you put the right system in place and implement it, you can take care of people who can be the reasons for corruption. And, in any case, would it not be easier to influence three Ministers rather than a village with 20,000 people?

How would you quantify this whole idea of people's power?

Right now the forum to quantify people's power is the legislatures and Parliament, but we have seen how these institutions have been challenged and subverted by vested interests. In the process, it has tended to become an oligarchy rather than a democracy. So if you want to understand the desire of the people, we need to have a platform where people can regularly participate and express their opinion in the most structured fashion.

There is a view that even such platforms can be manipulated by vested interests and big-moneyed corporates. The argument is that expecting the masses to have a solution for everything is reductionism and that all solutions should have a clear policy perspective.

Who should define that policy perspective? The people should define it. What do you think is easier: to influence a village with 20,000 or influence three Ministers? It is easier for the World Bank or large corporates to influence a few Ministers rather than a large section of the population. Differ-

ent groups of intellectuals may have different policy prescriptions. We can deepen our democracy only if people are involved. Let there be debates in our country. There is no platform for any structured debates in our country. Half-an-hour debates on television shows or one-day seminars organised by non-governmental organisations cannot be a platform for decision-making. Because of this, there is a desperate vacuum in our democracy. In the United States, they have town hall meetings every week, which are open to all people. The town is run on the basis of decisions taken at the meeting. The 73rd amendment to the Constitution created gram sabhas. But the State legislature has not given them any powers. The real people's body has been given no powers. We have to turn this around.

When you say the entire system is flawed, do you mean that all laws are faulty?

I am talking about anti-corruption laws and systems. The Prevention of Corruption Act, 1988, passed by the Rajiv Gandhi government, is a brilliant piece of legislation. But one section in it is flawed, which kills the efficacy of the entire law. According to Section 19 of that Act, before initiating an investigation the CBI has to take sanction from a higher authority. Such sections have been deliberately put in place to hinder the delivery of justice. Nobody talks about these details. Journalists who come to take my interview are interested only in broad details. Who will talk of Section 19? We have made the CBI, but the CBI is in the control of the people who are supposed to be investigated. If you ask me what our Lokpal Bill is, I will define it thus: Making the anti-corruption wing of the CBI independent of the government and calling it Lokpal. Nothing else.

You argue that it is wrong to blame corporates for all ills. It is, perhaps, natural that you would come up with a statement like that because many members of Team Anna run their

NGOs with copious support from corporates and international funding agencies. Even during the agitation, many of the free food stalls were put up by big corporates or their fronts.

As far as the funding of NGOs is concerned, all of us have put up our accounts in the public domain. Anybody can check them. As for the food stalls during the agitation, as far as I know, we have given no stall to any corporate house. The permission to put up stalls was given to individuals. Now, if any corporate house is claiming, privately or publicly, that we set up free food stalls during the agitation, I would request them to reveal who was their front. I am sure that there would be some campaign on this too. We have been accused of so many things, including being against the Constitution. Because we are against the Constitution we are against Baba Ambedkar. Therefore, we are against Dalits. Then there was the campaign about there being Magsaysay Award winners in Team Anna and hence it is being driven by the Rockefeller Foundation and the Americans. This is all part of a motivated campaign.

So would Team Anna agree to Dalit and Other Backward Classes representation in the Lokpal Bill?

Let us see what proposals come up before the Standing Committee and then in Parliament. We will decide accordingly.

There are some personal allegations against you. One of them is that you began working for the NGO before your resignation from the government was accepted. And that you obtained pecuniary advantage from the NGO even while you were in government.

I did not obtain any pecuniary benefit from the NGO. I took study leave from the government. I had informed the government that I would be working on the issue of corruption while on my study leave. When I take study leave, I can do it through an NGO or outside an NGO. It is not against government rules. □

Why all in one?

Given the experience with extraordinary powers vested in any institution, the wisdom of having a super-powerful body must be debated. BY USHA RAMANATHAN

Loading one institution with the work of dealing with corruption in the lower bureaucracy, protecting whistle-blowers and RTI activists, and confronting big-ticket corruption would make for an impossible agenda.

IT is axiomatic that it is the state that has the exclusive power to make law. As is true of many axioms, this too reflects reality only in part; various groups do, in fact, influence lawmaking. The Disabilities Act, 1995; the Right to Information Act, 2005; and the National Rural Employment Guarantee Act (NREGA), 2005, are obvious examples. Yet, alongside this experience is the intransigence of the state, which the Lokpal debate has thrown into sharp focus.

The government's Lokpal Bill, 2011, was introduced in the Lok Sabha on August 4, following tough talking and hard bargaining by five members of a civil society team. Yet, this Bill manages to remain status quoist even while ceding some ground. Its 'Lokpal' will be a chairperson with a maximum of eight other members, half of whom are to be judicial members. The pool from which it will draw its candidates is populated with sitting and retired judges of the Supreme Court and Chief Justices of High Courts. The appointment process, too, is more of the same.

The government is, by instinct and practice, loath to dilute its control over what it creates, and the Lokpal Bill too is witness to this. The chairperson or any other member is to be removed from office on the grounds of misbehaviour on a report from the Supreme Court, on the basis of an inquiry made by it. The Supreme Court may, however, act only when the reference has been made to it "by the President", on a petition signed by at least a hundred Members of

Parliament or, again, by the President, on a petition from a citizen where the President is satisfied that such reference should be made.

Acceding to the demands of the team of five, the Bill has accepted the formula of a separate investigation wing and a prosecution wing to be constituted by and under the control of the Lokpal. There is relative fiscal autonomy where the Lokpal is to prepare its budget each year, which is to be sent to the Central government "for information".

The sticky issue of whether the Prime Minister should be subject to the Lokpal's scrutiny has been answered by including him – "after he has demitted the office of the Prime Minister". Ministers, MPs and high-ranking officials are within this law, but not the lower bureaucracy.

The inclusion of any person belonging to "any association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from the public" is being read as a way of getting back at a public that has placed the government in this difficult spot. The notable absence of corporations from the ambit of this Bill has drawn adverse comments, especially given the role corporations are to have had in so many recent scams.

Prosecution or disciplinary proceedings, the power of search or seizure, provisional attachment of assets, and the power to recommend transfer or suspension of a public servant who is connected with allegations of corruption are all in the Bill, as are provisions providing for declaration of assets and adverse inference where assets not declared are found in the possession of or in use by a public servant.

Perhaps the most striking deviation from extant law is the change in the nature of the 'sanction' power. The power of the executive to withhold sanction for prosecution has been a huge hurdle to holding the corrupt guilty. The government Bill hands over to the Lokpal the power to give or withhold sanction. The Jan Lokpal Bill, too, adopts this approach. Neither, however, acknowledges the changes that have been introduced in the Torture Bill, which, carefully, does not leave the power in any-



SAJJAD HUSSAIN/AFP

TEAM ANNA MEMBER Arvind Kejriwal burns a copy of the government's Lokpal Bill during a protest in New Delhi on August 4.

body's discretion. It, instead, requires that where the decision is not to allow prosecution, reasons have to be given, which may, then, be subject to judicial review. That places a check on arbitrary use of power by any agency. The formula in the two Bills relocates the discretion in the Lokpal but does not change the nature of that power to exercise discretion.

The presumption of 'good faith' – that everything done by a public servant shall be presumed to be done "in good faith or intended to be done in the discharge of official functions or in exercise of his powers" – has been retained.

Generally, then, the government Bill is more of the same with one significant change, some reluctant half-way measures, and much that has been left unconsidered.

The Jan Lokpal Bill has moved through many versions. In June, version 2.3 was made available on the website of India Against Corruption (IAC). Mildly put, this Bill is markedly at variance with the government Bill. This Bill envisages a Lokpal that would have "administrative, financial and functional independence from the government". To achieve this, the Lokpal is to have its own investigating

agency, which it will supervise, monitor and direct. It will appoint and dispense with the services of its investigators.

The arm of the Central Bureau of Investigation (CBI) that investigates corruption is to be excised from it and subsumed in the Lokpal. Some years ago, in an effort to give functional autonomy to the CBI from its political masters, the Supreme Court shifted control of the CBI to place it in the Central Vigilance Commission (CVC). The Jan Lokpal Bill works on the unreasoned belief that the Lokpal will not succumb to the temptations of such extensive control over the investigating agency.

POWERS OF THE LOKPAL

The powers of the Lokpal are elaborate and have been set out in two clauses in the Bill. They include the power to

- "Appoint judicial officers, prosecutors and senior counsel."
- Initiate and monitor the progress of prosecution.
- "Attach property and assets acquired by corrupt means and to confiscate them in certain cases."
- "Recommend cancellation or modification of a lease, licence, permission, contract or agreement if it

was obtained by corrupt means, and to recommend blacklisting of a firm, company, contract or any other person involved in an act of corruption." In this case, the public authority shall either comply with the recommendation or reject it within a month of receiving it. If rejected, the Lokpal "may approach the appropriate High Court seeking appropriate directions to be given to the public authority".

- "Ensure due compliance of its orders by imposing penalties on persons failing to comply with its orders."

- "Initiate *suo motu* appropriate action... on receipt of any information from any source about any corruption."

- Make recommendations to public authorities, in consultation with them, "to make changes in their work practices to reduce the scope of corruption and whistle-blower victimisation", and the authority concerned is to send a compliance report within two months.

- "Prepare a sentencing policy under the Prevention of Corruption Act and revise it from time to time." This is an extraordinary prescription by which parliamentary power to detail the policy of punishment is moved to the discretion of the Lokpal. The punishment for corruption can be set anywhere between six months and a life sentence.

- "Prepare an appropriate reward scheme to encourage complaints from within and outside the government to report acts and evidence of corruption."

- Enquire into the statements of declaration of assets "filed by all successful candidates after any election to any seat in any House of Parliament".

- Punish a public servant with imprisonment up to six months or fine or both "if he fails to comply with its orders for ensuring the compliance".

- Assume competence to investigate any offence under any other law while investigating an offence under the Prevention of Corruption Act.

'People will have to be vigilant'

Interview with Prakash Karat, general secretary, CPI(M). BY T.K. RAJALAKSHMI

THE position of the Left parties on the contours of the Lokpal Bill was clear from the beginning. The Communist Party of India (Marxist) had rejected the government's version introduced in Parliament and demanded that a new one be crafted taking into account some of the features of the Jan Lokpal Bill and other viewpoints as well. It advocated the inclusion of the Prime Minister within the Lokpal's ambit, an independent National Judicial Commission, and electoral reforms that could, among other things, check the influence of money power in elections.

The Left parties, as a whole, upheld Hazare's right to protest and decried his arrest on August 16. Prakash Karat spoke to *Frontline* on his party's views on the Lokpal Bill, the Anna Hazare agitation and the issue of corruption. Excerpts:

Do either of the two Lokpal Bills, the government's Bill and the one drafted by Anna Hazare's team, address the issue of corruption in its entirety?

Firstly, the problem of corruption has to be properly understood. We have seen an exponential rise in corruption in high places and in all public spheres in the last two decades. This is a direct outcome of the neoliberal regime that has been put in place and the development of a nexus between big business, ruling politicians and bureaucrats. The spate of corruption scandals in the recent period has evoked a strong public reaction. It is in this background that the Lokpal Bill became the focus. Though the Congress leadership spoke about its commitment to bring in a Lokpal Bill, it soon became evident that it had no intention of setting up a strong and effective Lokpal. The government Bill

is an ineffective and useless piece of legislation. This is what prompted the Anna Hazare-led agitation and the hunger strike. There was a public outpouring of support for the fast and the demand for an effective Lokpal Bill. The Jan Lokpal Bill, in contrast to the government Bill, is better, but there are areas in this Bill also which need to be reconsidered.

What is the position of the CPI(M) on the structure and constitution of a Lokpal?

As far as our party is concerned, we have come out with a comprehensive note on the Lokpal. Unlike the government Bill, we want the Prime Minister to be brought under the purview of the Lokpal. We are not for the higher judiciary being brought in the Lokpal as the Jan Lokpal Bill suggests. We agreed with the Jan Lokpal Bill that Lokayuktas be set up in States on the lines of the Central Lokpal authority, but how to get this implemented should be considered. We are also for a separate mechanism to deal with the redress of citizens' grievances and for a citizens' charter. We also want the selection procedure of the Lokpal to be broad-based so that it is not packed with government nominees, to ensure the independent base of the Lokpal. We are also for the Lokpal being armed with powers to cancel contracts given to business enterprises by the government if they have been acquired by illegal means. The Lokpal should also be able to blacklist firms that indulge in corrupt



PRAKASH KARAT:
"STRIKE at the nexus of big business, politicians and bureaucrats."

practices and to impose penalties and fines to recover losses suffered by the state. Significantly, the government Bill is silent about this aspect altogether.

Is the Lokpal the only way to fight corruption, considering that corruption in government is not the only challenge?

The Lokpal legislation is an important first step in the efforts to curb corruption. We want a separate mechanism to look into corruption in the judiciary, and for this there should be a National Judicial Commission established by a separate law. There have to be electoral reforms designed to curb the use of money power in elections. This is the main source of political corruption. There have to be measures to unearth black money and changes in taxation laws to that effect.

As I stated at the outset, corruption is not a malaise due to lack of morality or ethics. It stems from the nature of the economic regime that we have. The state acts as the facilitator and the handmaiden for the transfer of public assets and resources to big business, big contractors and real estate promoters. One has to strike at the nexus of this trio of big business, politicians and bureaucrats. This needs a change in the present policies which promote the loot of natural resources and public funds. For instance, one cannot stop the loot of mineral resources without stopping private companies in mining or the sale of public sector assets cheaply and their privatisation.

The civil society movement basi-

cally directs its fire only at politicians and does not talk about the big business-corporate source of corruption. In every major corruption scandal in the recent period, whether it be the 2G case or the Commonwealth Games corruption, you will find that corporates and business enterprises have paid bribes and suborned public servants.

While the Left made its stance clear, and which was pointed out by Team Anna, the Bharatiya Janata Party dithered for some time. What kind of a role did the BJP, as the main opposition party, play in this entire saga?

The BJP has been complicit in the neoliberal policymaking, which has opened the floodgates for this corruption. After all, it was in the BJP-led government that the telecom policy of first-come, first-served was devised. It is the BJP government in Karnataka that has presided over the loot of resources and the monstrous growth of the mining mafia. So, if they are talking about fighting corruption, they should examine what their role has been.

The Anna Hazare-led movement was successful in getting the attention of the government. Is it possible that it may take a while to get a strong Lokpal?

The Anna Hazare movement has definitely registered success in compelling the government and getting Parliament to address the need for an effective Lokpal. However, given the vested interests involved, efforts will still be made to dilute any effective law. The people will have to be vigilant. As far as the Left parties are concerned, we will continue to mobilise people and conduct the struggle for bringing all the other measures which I have stated are necessary to fight the menace of corruption.

Interception and monitoring of various media of communication can be undertaken at the behest of the Lokpal – and a member of the core committee claimed recently that this was non-negotiable.

The breadth of the Lokpal's interest includes within it complaints of corruption against the Prime Minister, Ministers and MPs, and the higher judiciary, and these shall be looked into by a bench of seven members if the Lokpal so decides. The Lokpal will, among its other functions, protect the whistle-blower and the Right to Information (RTI) activist; deal with grievances where there is a delay or non-performance in delivery of services; and ensure that its own staff does not practice corruption.

A complex appointment process and a complaints procedure by which anyone may complain to the Supreme Court, which will then inquire and decide whether a Lokpal is guilty as charged, are the bulwarks offered against excessive power corrupting the Lokpal.

The inadequacy of these protections has been raised and needs much discussion and reasoned debate.

A multiplicity of powers – to legislate, judge, punish and protect – are to be placed in this institution of the Lokpal. There are questions about constitutionality, separation of powers, checks and balances, and the consequence of absolute power waiting to be addressed in this Bill. It does, however, provide a useful counterpoint to the government Bill.

A postscript: although having the Lokayuktas in the Act is one of the demands, the Jan Lokpal Bill does not elaborate on this theme and stops with stating that “similar provisions for Lokayuktas... will have to be incorporated in the Bill”.

The National Campaign for People's Right to Information (NCPRI) has proposed a “basket of measures” in place of an omnibus law that vests all the power, and responsibility, in a Lokpal. These largely draw upon Bills pending in Parliament and work at improving and strengthening them.

These are the Judicial Standards and Accountability Bill, the Whistleblowers' Bill, the Lokpal Bill and the toughening up of the Central Vigilance Commission Act, 2003. In addition, a National Grievance Redress Bill, 2011, has been drafted to cover the complaints that arise in the delivery of services.

The NCPRI position is that loading one institution with the work of dealing with corruption and inefficiency in the lower bureaucracy, protecting whistle-blowers and RTI activists, and confronting big-ticket corruption would make for an impossible agenda. As for the judiciary, the independence of the judiciary must be preserved, as must the separation of powers; and dealing with matters of standards and corruption in the judiciary would best be by a separate law. The NCPRI documents are offered as critiques and drafts meant to facilitate discussion.

Suggestions emanating from the Lok Satta and the Foundation for Democratic Reforms reflect on the proposals currently on the table and open the door for discussion. A Bahunjan Lokpal Bill, 2011, sent to the Standing Committee brings into the debate the issue of representation in such a powerful body and the recognition of the diversion of funds and policy focus from the Scheduled Castes, for instance, to other purposes as happened during the Commonwealth Games.

Some of the changes that may be brought may need a constitutional amendment. Congress general secretary Rahul Gandhi made a suggestion in Parliament that the Lokpal may be made into a constitutional entity, a suggestion that has been seconded by former Chief Election Commissioner T.N. Seshan.

Given the experience with extraordinary power when vested in any institution, the wisdom of having such a super-powerful, insulated body awaits serious deliberation. □

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Fuzzy movement

The Anna Hazare movement demands no activism from its followers, not even a clear understanding of the specific demands. BY PRABHAT PATNAIK

The group's assault on parliamentary institutions and exclusive emphasis on corruption within the state machinery could well turn out to be a part of the **agenda of converting our democracy into a "corporatocracy"**.

"COMBATING corruption", like "promoting peace", can mean anything to anyone; and precisely because of this "fuzziness" it appeals to everyone. Some join the anti-corruption movement because they are against "corporate loot"; others join because they are against the Nehru-Gandhi "dynasty"; and still others join because they oppose the "corrupt practice of job reservation". The movement itself has a cathartic effect on all of them, because each comes to it to give expression to his or her pet hate, to overcome his or her sense of private oppression. Their objects of resentment may not coincide, but each gets elated by the sheer numbers of those who have gathered with similar motivations.

The movement itself makes very little demand upon those who have gathered. There are no great intellectual demands: the nuances in the differences between the Jan Lokpal Bill, the official Lokpal Bill and other "civil society" proposals are left happily to the so-called "Team Anna" to mull over. There are no demands in terms of activism either, not even of an organisational kind for running the show, for the food and other arrangements are managed not by volunteers but by contractors. The movement in short brings catharsis at no cost.

But as against this disengaged participation by many is the intensely engaged activism of the one

man who is undertaking an indefinite fast. The movement revolves around him. He is the messiah who draws the crowds and brings hope to those whom he draws. His intense activism is the dialectical counterpoint of the non-activism of the thousands around him. They condition one another. He is intensely active because the others are happily inactive; on the other hand, because he is active, the others can be happily inactive. For them, if we slightly modify the words of the German historian Fritz Stern, "the resentment against a disenchanting secular world" finds "deliverance" in the ecstatic expectation that the paradise will soon appear *gratis*.



A SECTION OF the crowd at the Ramlila Maidan in New Delhi supporting Anna Hazare's fast, on August 20.

The Anna Hazare movement is the very opposite of what one means by a “movement”. It stands the usual concept of a “movement” on its head. By a “movement” one normally means the coming together of people around a set of concrete demands, on which they are more or less agreed and for which they struggle, often at great cost to themselves, under a set of leaders who are respected for their sagacity and integrity but not revered as messiahs. Take, for instance, the Tebhaga movement, an outstanding peasant movement in southern Bengal, straddling both sides of the line of partition, at the time of Independence. Its demands were concrete: not more than one-third of the crop should be given as rent to the landlord by the tenant; it called forth great sacrifices and activism from the peasants; and its leaders, though popular among the peasants, were no messiahs. Who remembers

even the name of Kangsari Halder today (though he was elected to Parliament in the 1957 elections when he was underground)?

The Hazare movement by contrast demands no activism from its followers, not even a clear understanding of the specific demands with regard to the Jan Lokpal Bill. The twists and turns in Team Anna’s negotiations with the government are never explained to the followers, let alone seeking the imprimatur of their approval. And the very “fuzziness” of the movement, which is its strength, also means that almost anything can be passed off as a “victory”. If the Parliament resolution, which was hailed as a victory for the movement and used for calling off Anna Hazare’s fast, had been worded differently, even that could have been construed as a victory. The “fuzziness” of the outcome reflects the “fuzziness” of the movement itself.

Many, including, paradoxically, many in the Left itself, rue the fact that the Left has not been able to build any such movement. What they miss is that the Left *must not build such movements*. The Left’s movement must be in the nature of Tebhaga, not of Anna Hazare’s. Of course, the fact that the Left has not built movements *of the sort it should be building* is a matter of concern. But that is a separate issue; the conclusion that the Left should be building movements of the sort that Anna Hazare is doing is totally unwarranted. Many others would like the Left to be with Anna Hazare because that is where “the people” are. But this, too, is a wrong argument. The Left’s role must be to activate people; for the Left to be with a movement that attracts people only to keep them deactivated, on the grounds that it “must be where the people are”, entails ironically a deactivation of itself.

What the Hazare movement can claim to have achieved to date is that it has ensured that some sort of a Lokpal Bill will be passed in the near future, that a piece of legislation that has been hanging fire for over four decades will finally see the light of day. Whether this would have happened without the Hazare movement or the specific turns and forms it took are matters that need not detain us here. Let us accept this claim. The Lok Pal will certainly not eradicate corruption; and the fundamental problems of the country such as poverty and unemployment will certainly not disappear if corruption is reduced or even eradicated. (It is a symptom of our intellectual banality at the moment that both propositions, especially the latter, are so seriously entertained by so many).

DAMAGE TO DEMOCRACY

Nonetheless, legislation of this sort is essential in a democracy. The real problem is that in ensuring such legislation the Hazare movement has done much damage to the fledgling Indian democracy. Its assault on Parliament, on the grounds that the will of the people is expressed by Hazare rather



SHIV KUMAR PUSHPAKAR

than the elected representatives of the people, has mercifully been defeated for the moment, with Parliament not caving in to Hazare's specific demands, but the assault is bound to be renewed in the coming days. The speeches, full of venom and contempt against parliamentarians made by a host of speakers at the Ramlila Ground, have left a residue of anti-parliamentarianism, which is bound to be seized upon by those wishing to enfeeble parliamentary democracy in the days to come.

The case for privileging the will of Hazare over that of Parliament is argued *empirically*, and there are two distinct but mutually complementing strands of the argument: the first points to the "mass participation of the people" in his movement, which is taken as proof that the people are with him. This is an absurd claim: Uttar Pradesh Chief Minister Mayawati rightly said, in such a case Hazare and his group should contest elections, enter Parliament in large numbers and get the Jan Lokpal Bill passed. The second strand points to his moral stature and his intuitive connect with the people ("whether they vote for him or not, he knows what they want"). A contrast is drawn here between Hazare and Parliament: Hazare is honest, morally upright, committed to the welfare of the "nation", and so on, while Parliament consists of billionaires, crooks and ragamuffins; *ergo* Hazare's will must be privileged over that of Parliament. To oppose this privileging as anti-democratic, they argue, is not only harmful to the country since it gives a free run to ragamuffins, but is itself fundamentally anti-democratic since if democracy means the assertion of the people's will then Hazare is a truer representative of this will than those who have been chosen by the people as their representatives.

The issue, it should be noted, *relates to privileging*, not to Hazare's freedom of expression or to his right to protest against the government, or to his right to oppose legislation passed by Parliament. Even if, for argument's sake, the position of the Hazare group

about his greater uprightness compared with the parliamentarians is accepted as being *empirically* true, the argument for privileging his will over that of Parliament is still fundamentally unacceptable. This is because a distinction must be drawn between *democracy as the constitutive principle of the polity* and *democracy as a practical instrument of governance*. To privilege Hazare's will over that of Parliament is to violate democracy as the constitutive principle of the polity; it cannot be justified on *empirical* grounds, that is, on the grounds that *democracy as a practical instrument of governance* has proved to be inadequate. For instance, there may well be situations where a king is wiser than parliament and can provide better governance; but to accept monarchy as an institution, even temporarily, is a massive regression in the quest for human freedom.

What these movements aim to achieve is usually quite different from the historical role they play.

The institutionalisation of parliamentary democracy as the constitutive principle of the Indian polity represents an enormous advance, nothing short of a veritable social revolution, in a country marked by millennia of horrendous inequality enshrined in the caste system. Whether or not Parliament is full of "thieves and corrupt people", any undermining of parliamentary democracy represents a huge social retrogression, a counter-revolution against this fledgling social revolution, a reversion to our pre-modernity marked by institutionalised inequality. Many argue, no

doubt very rightly, that such undermining is the inevitable outcome of the fact that "thieves and corrupt people" *have made their way* into Parliament in large numbers, that "we have brought it upon ourselves"; but saying this does not absolve us of the responsibility of opposing firmly any denigration of Parliament.

When Karl Marx (*On the Jewish Question*) talked of the "democratic state" as bringing about "political emancipation" (*but not "human emancipation"*, for which, nonetheless, he saw "political emancipation" as a condition), he was talking of the "democratic state" not as an empirical entity but as the state founded upon democracy as the constitutive principle of the polity. A "democratic state" even in its ideality, let alone as an empirical entity, is not enough since "human emancipation" requires an overcoming of capitalism, but an undermining of the "democratic state" and a reversion to *any form* of pre-democracy constitutes a setback to the quest for emancipation.

INSENSITIVE "YOUTH"

What is dangerous about the current Indian situation is that such a setback has become a possibility. So far I have accepted for argument's sake the position of those around Hazare that Parliament is full of "thieves and corrupt people"; but this is a canard spread by the elite, expressive of its contempt for the "plebeians". In a country where a substantial number of people continue to remain illiterate and an even larger number without much formal education, a fact over which the elite, so exercised over "corruption", is not known to have shed tears, the election to Parliament of persons without much formal education *should be a matter of pride*, indicative of the authenticity of its democracy; but running it down as a "failure" of our political system is not just ironical, it disturbingly portends a possible elite *coup* against our democracy. The Hazare movement has been credited by many with having aroused the latent activism among the "youth", their ide-

alism which had hitherto remained suppressed. But the fact that the “youth” (that particular segment of it that joined Hazare) remains insensitive to the threat of a possible elite *coup* against democracy, and could even become cheerleaders for such a *coup*, is one of the most worrying aspects of contemporary India.

To be sure, Parliament must rid itself of “thieves and corrupt people”, but this has to be done by Parliament itself. Accepting the necessity of a messiah standing above Parliament for the purpose of cleansing Parliament itself undermines *ipso facto* the institution of Parliament, *even of the “cleansed Parliament”*. Any compromise with messianism is *ipso facto* an abridgement of the “democratic state”. A positive fallout of the Hazare movement, hopefully, is greater awareness among politicians for effecting steps to cleanse parliamentary institutions. It is said to be dangerous for any revolution to drive its counter-revolution underground, for it then loses its capacity for self-rectification; the counter-revolution thus plays a role in the advance of the revolution, despite its being a counter-revolution. Likewise, the “democratic state” stands to gain from Hazare-type movements, not because of the virtues of the latter, but precisely because the challenge they pose is of a kind that threatens to undermine the “democratic state”; it cannot afford complacency and its self-rectification then becomes a necessity in the face of such challenge.

The real obstacle to self-rectification by the democratic state lies in the political economy of our country. “Fuzzy” middle-class movements of a moralistic kind that touch a chord among large sections of the people and draw participants from other classes are not uncommon in the era of monopoly capital, when skulduggery, or what was called in Lenin’s time “American ethics”, is pervasive. What these movements aim to achieve, and may even tangibly achieve, is usually quite different, however, from the historical role they play. (Even fascism, which began as a petty-bourgeois movement

against finance capital, ended up as the terrorist dictatorship of finance capital.) Can one speculate what the Hazare movement may spawn, despite itself, in view of the current state of India’s political economy?

DELEGITIMISATION OF STATE EXPENDITURE

Furore over “corruption” has the effect of delegitimising state expenditure. It becomes easy in such a setting to argue that much of this expenditure “goes down the drain” because of “corruption”, and hence should be cut back. And the typical items of state expenditure that get cut as a consequence are the welfare expenditures and transfer payments to the poor. The deflationary process under neoliberalism already takes its toll on such expenditures anyway; but whatever residual expenditure is incurred under these heads gets further delegitimised in a setting where the state machinery is widely perceived to be corrupt. Just as the public sector was sought to be delegitimised on the spurious argument that it did not make enough profits (though the rationale of the public sector was not necessarily to make profits but rather to curb private profiteering and to enhance “entitlements” of the poor), likewise public expenditure, too, is sought to be delegitimised through the creation of a furore over corruption. Not that corruption is absent, or was ever absent, and not that it does not increase manyfold under neoliberalism; but the beneficiaries of this very increase in corruption under neoliberalism then use this increase itself to delegitimise the state and its expenditure on the poor.

The counterpart of this delegitimation of state expenditure is the delegitimation of state taxation. “Why should I pay so much tax to the state since most of it goes into private pockets?” becomes a common refrain for the affluent middle class. Tax cuts, therefore, become the order of the day along with expenditure cuts by the state, which is exactly what successive Republican administrations did in the United States. Since the tax cuts are for

the rich and the affluent middle class, while the expenditure cuts are for the poor, this has a directly regressive effect on income distribution.

In addition, however, there is an indirect effect. Since state provisioning shrinks and private provisioning correspondingly expands, the service providers in the private sector have to be appeased through various inducements to ensure that they continue to provide services and expand their operations to the requisite degree. The role of the state then shifts from being a defender of the interests of the poor (which even a traditional bourgeois state does to some extent) to being an exclusive promoter of the interests of corporate and financial capital on the plea that this is socially necessary. For example, if the government stops building hospitals, then it has to provide incentives to the private sector to do so; if a corporate house wants to build a hospital and demands prime land for the purpose, the government hands over this land in “public interest” on a long lease, and that too for a pittance, no matter whether a shopping mall or a swanky guest house comes up next to the hospital. (Incidentally, all such “inducements” will be outside the purview of any Lokpal as long as no direct palm-greasing is involved, no matter how much indirect palm-greasing goes with it.)

The transition from democracy to what some have called “corporatocracy”, which characterised post-Reagan-Bush America, is an integral part of the rise to hegemony of globalised finance capital. This requires an assault on democratic institutions to discredit and delegitimise them. The Hazare group’s assault on parliamentary institutions and exclusive emphasis on corruption within the state machinery, to the exclusion of the corporate sector and civil society groups, could well turn out to be, albeit unwittingly, a part of this agenda of converting our democracy into a “corporatocracy”. □

Gandhian facade: column
by Praful Bidwai on page 97

Modi's troubles

The ghosts of the 2002 communal pogrom keep haunting Gujarat Chief Minister Narendra Modi.

BY ANUPAMA KATAKAM

It began in March with IPS officer Sanjiv Bhatt filing an affidavit in the Supreme Court. Now, the Gujarat High Court verdict in the Haren Pandya murder case once again draws unwelcome attention to the Chief Minister.

AS much as Gujarat Chief Minister Narendra Modi tries to push them away, the ghosts of the 2002 pogrom come back to haunt him over and over again. It has been a rough few months for Modi, who is battling detractors, including police officers and politicians he considers his staunch enemies.

August has been a particularly eventful month for Modi, who now distances himself from the worst communal riots the country has seen in recent times. To begin with, two high-profile cases came up, involving senior police officers Sanjiv Bhatt and Rahul Sharma, who reportedly have substantial evidence to show that key politicians were responsible for orchestrating much of the violence. Another officer, Rajneesh Rai, filed an affidavit alleging that some senior police officers in Gujarat sabotaged the Sohrabuddin Sheikh fake encounter case.

On August 29, Modi was dealt a severe blow when the Gujarat High Court acquitted 12 Muslims charged with murdering Bharatiya Janata Party Minister Haren Pandya. Modi has been insisting for 11 years that Pandya's assassination was a revenge killing by Muslims. Modi's detractors, however, allege politics was a more likely motive. Modi and Pandya's rivalry was well known, particularly after a public spat in which Pandya refused to give up his Ellisbridge seat to Modi in the State Assembly elections.

And if Pandya's case was not bad enough, Modi's



NARENDRA MODI. SEVERAL cases prove that he has no tolerance for officers who go against him.

bête noire Sanjay Joshi was re-inducted into the BJP by senior leaders to manage Uttar Pradesh. Joshi's popularity in Gujarat apparently threatened Modi. In 2005, a controversy erupted when a CD suddenly surfaced with images of Joshi, a bachelor, with an unidentified woman. Joshi resigned as party general secretary over the controversy and has since been attempting to make a comeback.

THE POLICE

In March this year, Indian Police Service (IPS) officer Sanjiv Bhatt of the Gujarat cadre filed an affidavit in the Supreme Court saying that the Chief Minister had held a meeting on February 27, 2002, a day before the communal carnage started, and ordered officials to go slow on rioters – in other words close their eyes to the violence that would unfold. Bhatt claimed he was “personally” present when Modi issued these orders. According to Bhatt, he “directed” the senior police officers to “allow the Hindus to vent their ire on the Muslims” in the aftermath of the Godhra train fire.

Meanwhile, former Gujarat Home Secretary K. Nityanandam and former Additional Principal Secretary Anil Mukim told the Nanavati-Mehta Commission probing the 2002 riots that Bhatt was not



THE MEN ACQUITTED of murder charges in the Haren Pandya case being greeted by relatives after they were released from the Sabarmati Central Jail in Ahmedabad on August 30.

present at Modi's residence on the night of February 27, 2002. They said they were there and were certain that he was not.

Since then, Bhatt has had several run-ins with the Modi government. Following the affidavit, Modi's team resurrected a 21-year-old custodial death case in which Bhatt was allegedly involved. When Bhatt failed to appear in court in early August for the hearing, suspension papers were sent to him.

Senior IPS officer Rahul Sharma was the Deputy Commissioner of Police in the Control Room in Ahmedabad when the 2002 riots erupted across Gujarat. Sharma was asked to assist in the investigation into the massacre at Naroda Patiya in Ahmedabad during the riots. During the course of the probe, he reportedly collected records of thousands of hours of phone calls between police officers, bureaucrats and key politicians during the two most violent days of the riots.

The data are supposed to be explosive. Informed sources say the location records of calls, which show where the people concerned were at a given time when a call was made, could provide clinching evidence in nailing the perpetrators of the 2002 pogrom.

The phone records collected by Sharma for the period between February 27 and March 4 in 2002 evidently show that after the burning of the Sabarmati Express at Godhra and during the riots, the rioters were in touch with policemen and politicians. These conversations apparently shatter the theory that the riots were a spontaneous reaction to the burning of the train that was carrying kar sevaks returning from Ayodhya. The phone calls indicate that the violence was planned and that the police were instructed not to take calls from those who were being attacked.

Sharma submitted his findings to the Nanavati Commission and later to the Supreme Court. It was when the

records of the calls came into the public domain in 2010 that the Committee for Justice and Peace (CJP), which has been fighting for justice for the riot victims, accessed the phone records and analysed the data. It believes that the evidence is crucial to the Special Investigation Team's (SIT) investigation and that the material can be used as corroboratory evidence.

The activist Teesta Setalvad is convinced that the information gained from the location records can help in charging those culpable for the pogrom. "These data are explosive and if they are accepted, several of the accused will be left with little defence. Furthermore, many of those who are responsible for the atrocities committed on Muslims and who are not yet in the SIT net could be captured with this evidence," she said.

By now, several cases prove that Modi has no tolerance for officers who go against him. And in vintage Modi style, he uses the law to his advantage

to persecute those who go against him. In February this year, Sharma was served a show-cause notice and asked why he should not be charge-sheeted for collecting the data when he was not authorised to do so.

Sharma took on the State government by demanding documents under the Right to Information Act, to prove that he had not done anything illegal or out of his jurisdiction. However, the Gujarat High Court rejected his writ petition asking for documents to prove his case. A day later, on August 13, the officer was charge-sheeted.

The Congress has slammed the charge-sheeting. Ambika Soni, Union Minister for Information and Broadcasting, said, "The BJP government in Gujarat is stifling all opinion that goes against them."

Party spokesperson Manish Tiwari said, "The Gujarat government is pulling out all stops to see that the truth about the Gujarat massacre remains buried forever. We had earlier pointed out that the allegations made by Sanjiv Bhatt are extremely serious in nature because they deal with obstruction of justice."

Union Home Minister P. Chidambaram recently accused the Gujarat government of persecuting IPS officers and said that until the officers took the matter to the Centre there was little he could do.

POLITICAL FOES

Undoubtedly, Haren Pandya was a thorn in Modi's side. He was a staunch supporter of Keshubhai Patel, a colleague in the State BJP with whom Modi has not had very warm relations. Pandya and Modi had bitter differences, mainly over the Ellisbridge constituency which Modi believed was a safe BJP seat and felt Pandya should let him contest from it. Pandya refused. Although Pandya supposedly played a significant role in orchestrating the riots once they started, he was never rewarded for that. In fact, he was not given the party ticket to contest the 2002 Assembly elections and was further sidelined when the BJP came to power.



HAREN PANDYA. QUESTIONS are once again being asked as to who actually had wanted him dead.

Pandya's murder in 2002 came soon after the riots and most people were convinced it was a vendetta killing in response to his active participation in the murder of more than 1,000 Muslims. Gunmen led by one Asghar Ali reportedly stopped his car and shot him in broad daylight. A dozen men, mostly from Hyderabad, were convicted for the murder.

On August 29, 2011, a Division Bench of the Gujarat High Court dropped the murder charges (under Section 302 of the Indian Penal Code) against all of them, noting that the prosecution had failed to prove the commission of murder by the accused beyond doubt and that the investigation was "botched" up. However, the Division Bench retained all the other charges, including those under the Prevention of Terrorism Act (POTA), Section 307 of the IPC (attempt to murder) and Section 120-B (criminal conspiracy).

The POTA court had given the life sentence to Asghar Ali. The Bench reduced the sentence to seven years' rigorous imprisonment in the case of Asghar Ali. For the remaining 11, the sentences were reduced to "the period they have already spent in jails".

The two judges said "the investi-

gating officers ought to be held accountable for their ineptitude resulting in injustice, harassment of many persons and enormous waste of public resources and time of the courts". The judgment, they said, was based completely on scientific evidence. An activist said that the judge presiding over the POTA court had convicted these men on the basis of just one eyewitness account. "We have maintained from the beginning that it was a political murder, not vengeance by Muslims over the Gujarat communal carnage as claimed and projected by the government," said Asaduddin Owaisi, a Member of Parliament from Hyderabad.

Owaisi, who helped the accused from Hyderabad fight the eight-year-long legal battle, said: "Now there are bigger questions that have to be answered. Why did the government of Andhra Pradesh cooperate in the conspiracy hatched by the Narendra Modi government to make people from Hyderabad accused in cases that had nothing to do with them? The other question is about the biased investigation carried out by the CBI [Central Bureau of Investigation]. The UPA [United Progressive Alliance] government should find out why the CBI officials followed the local police line in this case," he said. "I don't know whether the scars of accusations and trial will ever heal."

The implications of the judgment for Modi are still unclear. It does perhaps vindicate the stand that maybe Pandya was not murdered by Muslims and there could be a larger agenda behind the killing. The timing worked for the conspirators as the riots had just taken place and elections were looming large.

Meanwhile, another salvo has been fired at Modi in the form of the appointment of a Lokayukta by Gujarat Governor Kamla Beniwal. The BJP has called it "undemocratic" and has accused Kamla Beniwal of violating the federal structure. Are Modi's days numbered? For now it appears he will remain a big fish in a small pond. But the writing is clearly on the wall. □

Clearing the mist

The Supreme Court's interpretation of its own order helps prevent Central educational institutions from de-reserving unfilled OBC seats. BY V. VENKATESAN

A two-judge Bench rules that the minimum eligibility marks for admission to a course of study should be declared before the admission programme commences.

ON August 18, a Supreme Court Bench comprising Justice R.V. Raveendran and Justice A.K. Patnaik settled a key question relating to the implementation of the 27 per cent reservation for Other Backward Classes (OBCs) in Central educational institutions in the case *P.V. Indiresan vs Union of India*.

After the court's five-judge Constitution Bench upheld the reservation for OBCs in Central educational institutions on April 10, 2008, in the Mandal II case, those opposed to the reservation did not quite reconcile themselves to the situation and succeeded in creating confusion over certain terms used in that judgment. One such confusion was over the meaning of the terms "cut-off marks" and "eligibility/qualifying marks". The confusion reigned supreme for nearly two years, and some institutions took advantage of this by keeping OBC seats vacant on the grounds that there were not enough eligible OBC candidates and converting them into general seats later.

In its reasoned judgment, the Raveendran-Patnaik Bench interpreted the meaning of these terms in such a way that the institutions are able to fill the seats reserved for OBCs.

Indeed, the Constitution Bench had clarified its April 10, 2008, judgment on October 14 the same year by suggesting that the maximum cut-off marks for OBCs be 10 per cent below the cut-off marks of general-category candidates. But that order was so brief that it had given room for misinterpretation by institutions which sought to circumvent the judgment.

It may help to clarify the ordinary understanding of these terms, to begin with. Eligibility for admis-

sion refers to the prerequisite of the last qualifying examination such as school leaving examination, graduation examination, and so on. For example, the stipulation that for admission to the M.A. course, the applicant should have secured a minimum of 50 per cent marks in the B.A. course.

Qualifying marks refer to the minimum score in the entrance examination decided in advance by the university, which it deems necessary to preserve academic standards. For example, an institution may lay down that for admission, a candidate possessing eligibility should secure a minimum of 30 per cent marks in the entrance examination.

Cut-off marks for the merit list are decided on the basis of the number of seats available in each programme/division. A list of all candidates having obtained equal to or above the qualifying marks is prepared. The marks secured by the candidate allotted/admitted to the last of the general-category seats become the cut-off marks for the general category.

THE JNU CASE

Thus Jawaharlal Nehru University (JNU), New Delhi, interpreted the order to mean that only those OBC candidates who secured marks within the 10 per cent band below the marks secured by the last candidate admitted in the general category were eligible for admission, and all the OBC seats, unfilled as a result, could be transferred to the general category. That is, if the last candidate admitted under general category had secured 80 per cent marks, and the lowering of minimum marks was 10 per cent of 80 for OBCs, then those OBC candidates who secured marks in the bandwidth of 79 to 72 (that is, 80 less 10 per cent of it) would alone be entitled to claim admission. This would mean that until admissions to general-category seats are determined and the cut-off marks, that is, the marks secured by the last general-category candidate is ascertained, admissions to OBC reservation seats cannot be commenced, as the bandwidth of the qualifying marks of OBC candidates for admission would depend upon the marks secured by the last candidate admitted under the general category.

The OBC candidates, who were aggrieved by this



SUSHIL KUMAR VERMA

APPLICANTS DURING ADMISSION proceedings at Delhi University in New Delhi in June 2010.

interpretation, argued that the minimum eligibility marks (or minimum qualifying marks if there is an entrance examination) for the general category could be lowered or reduced by not more than 10 per cent to prescribe the minimum eligibility marks for OBCs. That is, if 50 per cent was the minimum eligibility marks for admission to general-category seats, the cut-off marks for OBCs being 10 per cent below that of general-category candidates, the minimum eligibility marks for OBC could not be less than 45 per cent (that is 50 per cent minus 10 per cent of 50 per cent).

The OBC candidates had no grievance with regard to the determination of minimum eligibility/qualifying marks. Thus if the minimum eligibility marks for general category was fixed as 60 for English or 70 for journalism, they had no grievance if the same was fixed at 54 marks for English and 63 for journalism with regard to OBC candidates.

The OBC candidates also had no grievance if they were required to pass an entrance examination and were required to secure the minimum qualify-

ing marks in the entrance examination. But they found it unacceptable that their admission could be linked to an uncertain and fluctuating benchmark, depending upon the quality of the last student admitted under the general category. They argued that the method defeated the purpose of reservation of 27 per cent seats for OBCs and denied the just and legitimate entitlement of OBCs for admission. They pointed out that the adoption of such a procedure in 2008-09 and 2009-10 had resulted in a large number of seats meant for OBCs being transferred to general-category candidates.

Agreeing with the contention of the OBC candidates, the Raveendran-Patnaik Bench held that the procedure adopted by JNU was arbitrary and discriminatory. The Bench made it clear that the minimum eligibility marks for admission to a course of study should be declared before the admission programme for an academic year is commenced. The cut-off procedure followed by JNU, the Bench said, had the effect of rewriting the eligibility criteria after the applications were re-

ceived from eligible candidates. If the minimum eligibility prescribed for admission to an institution was 50 per cent and a candidate had secured 50 per cent, he could not be denied admission if a seat was available, the Bench held. No candidate who fulfilled the prescribed eligibility criteria and whose rank in the merit list was within the number of seats available for admission could be turned down on the grounds that he should have secured higher marks based on the marks secured by some other category of students, the Bench clarified.

It added that a factor that was neither known nor ascertained at the time of declaring the admission programme could not be used to disentitle a candidate from admission, who was otherwise entitled for admission.

Explaining further, the Bench said if the total number of seats in a course was 154 and the number of seats reserved for OBCs was 42, all the OBC seats should be filled by OBC students in the order of merit from the merit list of OBC candidates possessing the minimum eligibility marks prescribed for admission, subject to any requirement for entrance examination. When an eligible OBC candidate was available, converting an OBC seat to a general category one was not permissible, the Bench said categorically.

The appellants, in this case, had argued, in a last-ditch attempt to deny benefits to OBC candidates, that all OBC candidates selected to a course of study should be counted towards the 27 per cent reservation for OBCs, including those OBC candidates who got selected without the benefit of reservation. The Bench, however, refused to consider this plea, suggesting that it was not the subject matter of the writ petition before the Delhi High Court from which this appeal arose and that the appellants had raised it only in an indirect manner in their pleadings.

The judgment sadly takes only prospective effect, and the injustice caused to the eligible OBC candidates who were denied admission despite the availability of OBC seats cannot be undone. □

Injustice undone

Jawaharlal Nehru University's faulty admission procedure leads to the historic correction by the Supreme Court. BY AJAY ASHIRWAD MAHAPRASHASTA

Many OBC seats remained vacant after the 2008 verdict as JNU started applying the eligibility marks criterion for general-category candidates alone. The admission of **OBC candidates remained a variable component every year.**

USHAM ROJIO from Imphal, Manipur, is a contented man today. After three long years of struggle, he has secured admission to one of the premier universities of India, Jawaharlal Nehru University (JNU) in New Delhi.

Sitting in his hostel room on the university campus, the student from a humble background recalls how he succeeded in his struggle to pursue a research degree in JNU. When, in 2008, the Union government announced its policy of 27 per cent reservation for Other Backward Classes (OBC), he had just passed out from Jamia Millia Islamia in Delhi with a postgraduation in English. "OBC reservation in Central educational institutions came as a welcome surprise. I wanted to study more, though I had to finance myself through scholarships. Only JNU, known for its student-friendly policies, could have given me, with my limited resources, a good academic experience. I decided to apply for its M.Phil programme in English in 2008, thinking that the new reservation policy would help me secure admission," Rojio recalls. That year, his name was not on the list of selected candidates. He joined a publishing house to sustain himself in Delhi.

Since higher studies was his primary goal, he applied in JNU again in 2009 – this time for M.Phil in Theatre and Performance Studies. As in the previous year, he had qualified in the written examination but the viva-voce robbed him of a place on the final list. In 2010, he applied again for the same course, qualified in the written examination again, and wait-

ed for the results to come out after his viva-voce, which according to him, had gone well. But yet again, he did not make it to the final list.

Around the same time, the JNU Students' Union (JNUSU), led by the All India Students' Association (AISA), was leading a struggle against what it thought was an utterly faulty implementation of the OBC reservation policy by the university administration. The students' unions found that this prevented many OBC students from securing admission in JNU. Since 2008, the AISA-led JNUSU had collected useful data, through the Right to Information Act, which suggested that the OBC reservation model followed in JNU had become an indirect way of denying OBC candidates admission and filling the seats meant for them with general candidates.

It was in 2010 that the JNUSU got in touch with Rojio to tell him that he had scored 61 per cent in his 2009 entrance test (50 out of 70 in the written examination and 11 out of 30 in the viva-voce) and yet had been denied admission. Rojio, along with another such victim, Apurva Yadav, filed a suit in the Delhi High Court against the JNU administration. On September 7, 2010, the High Court gave a judgment in favour of Rojio and Apurva, which the Supreme Court upheld on August 18, 2011.

FAULTY ADMISSION

So, what was the faulty model that JNU was implementing with regard to OBC reservation? When the 27 per cent reservation for OBCs in Central educational institutions was announced, it came with two riders. First, that the reservation would be implemented over a period of three years so as to achieve the total of 27 per cent. Thus, in 2008, only 12 per cent of the seats would be reserved for OBC candidates. In 2009, it would be 18 per cent; and in 2010 27 per cent. The second rider was that as seats would be reserved for OBCs, there would be simultaneous, proportional increases in the number of general seats. So, in 2008, there was approximately an 18 per cent increase in the general category seats; in 2009, it was 36 per cent. From 2010 onwards, there was to be a 54 per cent increase in the total number of seats. All Central educational institutions had been given,



SHANKER CHAKRAVARTY

STUDENTS OF JAWAHARLAL Nehru University participate in a rally supporting the 27 per cent reservation for OBCs in Central educational institutions, at India Gate in New Delhi. A June 2006 photograph.

since 2008, large funds to improve the infrastructural assets in order to meet the requirements of an increased student strength in each classroom.

Following agitations and petitions before courts by anti-reservation activists, a Constitution Bench of the Supreme Court tried to resolve the confusion over the issue of “cut-off marks” or “eligibility conditions” for OBC candidates. The Bench suggested that the cut-off marks for OBCs could be 10 per cent below the cut-off marks for general-category applicants.

JNU, however, took advantage of the usage of the word “cut-off” in the Supreme Court order and interpreted the clause in its own way. JNU fixes the

minimum eligibility marks between 40 and 50 per cent for different courses when the admission programme is announced. After the judgment, JNU started to apply the eligibility marks criterion only for general-category candidates. It did not say what the minimum eligibility marks for OBC candidates were but decided the “cut-off marks” for OBC candidates only after all the general-category seats were filled. It fixed a band of marks up to 10 per cent below the marks secured by the last candidate admitted under the general category. As a result, if an OBC candidate secured marks within that band, he would be given admission. Otherwise, even if he secured 70

per cent, as against the minimum of 40 per cent eligibility marks announced in the prospectus, he would not get a seat, if the band of marks was higher or the last general-category student had scored 81 per cent (an 81 per cent for the last general candidate would mean that no OBC candidate scoring below 71 per cent would get a seat).

Consequently, the admission of OBC candidates became dependent on the performance of general-category students every year and remained a variable component. The Aditya Mukherjee Committee in charge of implementing the OBC reservation in JNU was of the view that OBC reservation done on the basis of minimum eligibility and not by cut-off marks as interpreted by JNU would result in compromising merit. It also said that it would be impossible to handle students from such a varied bandwidth in a single classroom.

As a result, many OBC seats remained vacant in the last three years. A Right to Information (RTI) application by AISA reveals that in 2008, when there was 12 per cent OBC reservation, 53 OBC seats remained vacant in JNU. In 2009, when there was 18 per cent reservation, 86 seats remained vacant and in 2010 when there was 27 per cent reservation, 277 seats remained vacant. As the Supreme Court had said in its judgment that the vacant seats in the OBC category could be given to the general-category students, vacant OBC seats were duly given to general-category students. This was apart from the proportional seat increase for general-category students.

Said Sucheta De, general secretary of AISA: “In a way, the JNU authorities charted a road map to fill in a larger number of general-category students and deny the OBCs their rightful admission. The meaning of cut-off marks stood changed after the OBC reservation was announced. Such a procedure was arbitrary and discriminatory, apart from being unknown with regard to admissions in educational institutions. The minimum eligibility marks for admission to a course of study is always declared be-

fore the commencement of the admission programme for an academic year. And such a procedure completely went against the very idea of reservation – that is, to assist students from deprived backgrounds. Since then, we have been demanding that it should be mentioned in the prospectus that cut-offs and eligibility marks are one and the same. OBC cut-offs cannot be a variable component dependent on the performance of general-category students. Since the eligibility marks for general candidates is 45 per cent for most courses, it should be 35 per cent for OBC candidates as per the original reservation judgment.”

Many other universities, including Delhi University (DU), Allahabad University, and the Indian Institutes of Technology (IITs), followed the JNU model. Among Central universities, only Hyderabad Central University and the All India Institute for Medical Sciences (AIIMS) have followed the correct model since 2008. There were protests in DU to which the university authorities said that they were gradually lowering the cut-off marks for OBC candidates. But as in the case of JNU, the DU authorities never admitted that cut-off marks and eligibility marks were one and the same. The university authorities said that the seats fell vacant every year because there were not enough applications from OBC candidates.

Initially, the JNUSU did not intend to take the legal route. It was successful in gathering support among students and concerned citizens such as the late human rights activist K. Balagopal and the pro-reservation activist and former Indian Administrative Service officer P.S. Krishnan. The academic council (AC) of JNU relented following campaigns and passed a resolution to implement the correct model in March 2010. But after a legal notice by an anti-reservation group called Youth for Equality (YFE), JNU's then Vice-Chancellor B.B. Bhattacharya stayed the AC resolution. Many OBC candidates were denied admission again.

It was then that AISA mobilised a



STUDENTS OF DELHI University, IIT Delhi and Indraprastha University march to the Rashtrapati Bhavan to submit a memorandum protesting against the proposed 49.5 per cent reservation for OBCs, in New Delhi in April 2006.

few victims of the system to file a suit in the Delhi High Court. On September 7, 2010, the High Court upheld the JNUSU's position. "The cheque of reservation of 27 per cent issued by the legislature to the OBCs in accordance with the Constitution of the country cannot be made to bounce.... The policy adopted by UOI [Union of India] and JNU amounts to the executive taking away what the legislature has given to the OBCs. The same cannot be permitted to happen.... Procedure followed by JNU and the stand of the UOI regarding reservation for OBCs is thus declared to be bad," the High Court verdict said. The Union of India found mention in the judgment because it maintained a strategic silence on the faulty admission policy.

Rojio and Apurva Yadav were given late admissions when they appealed to the JNU management after the judgment, but the injustice meted out to other OBC candidates who had lost out because of the faulty procedure remains undone. On September 13, 2010, the YFE and former IIT Madras Director P.V. Indiresan filed a special leave petition (SLP) in the Supreme Court challenging the High Court verdict. On August 18, 2011, the apex court, in its historic judgment, vindicated the JNUSU's stand and dismissed Indiresan's appeal. The judgment firmly upheld that "cut-off" and "minimum eligibility" were one. The court ordered that in universities where admissions are still under way, OBC seats must be filled by OBC can-

didates alone; only in the absence of OBC candidates who fulfil the qualifying/eligibility marks can those seats be converted to general-category ones.

Therefore, the percentage of OBC candidates in all Central universities has gone up significantly this year. According to an RTI application filed by AISA, in courses where admission is made partly through viva-voce, the number of OBC candidates selected is smaller despite the performance of OBC candidates in the written test being on a par with the general candidates. "Data show that most students who get low marks are students from the OBC, Scheduled Caste and Scheduled Tribe categories. Doubts linger that the faculty members could be biased against the reserved category students as viva-voce, unlike the written examination, gives the faculty members a chance to meet the candidate and know his category. We have been demanding that the weightage of viva-voce in admissions should not be more than 15 per cent as against 30 per cent in JNU at present," said Radhika Krishnan, a research scholar in JNU and an AISA activist.

The struggle of progressive groups to ensure equitable platforms for deprived students continues. There are constant demands from progressive student groups for adequate student representation in the decision-making bodies of Central universities to prevent such mishandling and misinterpretation of policies by the university authorities. □

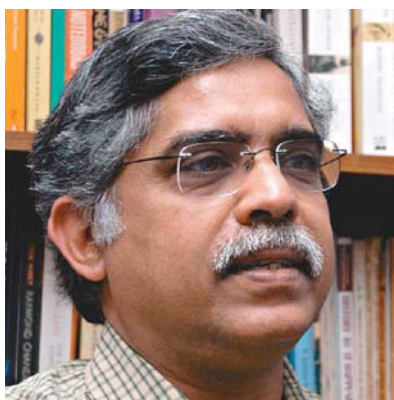
Beaten by inflation

The focus on the long-term inadequacies in agriculture as the reason for the recent inflationary surge is to evade rather than address the problem.

WITH the clamour against corruption having subsided temporarily, the government's attention would now turn elsewhere. From the point of view of the ever-referenced "common man", it would do well to make one more effort at taming the inflation demon. For more than two years now food price inflation has been at uncomfortably or intolerably high levels of 8 per cent or more. And the same has been true for overall inflation for about a year and a half. Yet, no effective solution is in sight.

The Reserve Bank of India (RBI) Annual Report for 2010-11 released recently has once again flagged this critical problem. It also underlines a significant and unusual feature of the recent inflation syndrome. The focus of inflation has shifted over time across commodity groups, resulting in the persistence of a high rate of overall inflation even when temporary demand-supply imbalances are corrected.

Taking into account the importance of particular commodity groups in the overall commodity basket, it finds that of the 3.4 per cent increase in the Wholesale Price Index (WPI) during April-July 2010, 32 per cent was accounted for by manufactured non-food products, 30 per cent by food articles and 24 per cent by fuel and power. When we move to August-November 2010, a smaller 2 per cent increase in the WPI was due largely to primary non-food articles and minerals (38 per cent), with food articles and manufactured non-food products accounting for a lower 28 per cent each. Fuel and power were not important drivers



Economic Perspectives

C.P. CHANDRASEKHAR

of inflation in this period. Finally, between December 2010 and July 2011, when the WPI increased by 7.1 per cent, as much as 43 per cent of the increase was due to manufactured non-food products, 25 per cent to fuel and power and 23 per cent to food.

This continuous shift in the focus of inflation suggests that multiple factors – imported inflation, administered-price increases, demand and supply imbalances, and speculation – must have combined to keep inflation high. This raises an interesting question. Is it mere coincidence that factors like these have combined to keep inflation high over such a long period? Demand-supply imbalances do tend to appear and disappear in systems characterised by uneven development. For that reason their effects can be addressed by short-term measures such as imports. But the factors providing

proximate explanations for the ongoing episode of inflation are quite varied.

If there is an element common to them, it is that many of them are the outcomes of economic reform. Consider the many links between neoliberal reform and inflation. India's vulnerability to the effects of changes in international prices has increased with trade liberalisation. Increased concentration due to the dilution of anti-trust measures and reduced regulation tend to encourage a profit-driven escalation in the prices of certain manufactured goods, as is exemplified by pharmaceuticals.

Imbalances between demand and supply of primary products are accentuated by the government's reluctance to release additional food through the public distribution system in order to curb subsidies. The effort to reduce subsidies has also resulted in a continuous increase in the prices of commodities such as petroleum and fertilizer, whose prices are administered. The list is long and almost endless.

What the recent inflation experience suggests is that while the earlier regime of intervention and regulation is criticised for generating a high-cost (and, therefore, a high-price) economy, the processes of liberalisation and deregulation are the ones that lead to a high-inflation economy.

For a government committed to liberalisation and deregulation, this makes the task of combating inflation difficult. Not surprisingly, the government appears to have given up on the task of curbing inflation and is either hoping that it just goes away or that people do not notice. The common man, it is hoped, would learn to live

with the phenomenon and somehow adjust. This is reflected in the changing response to persisting inflation. Initially, government spokespersons declared inflation to be a temporary aberration that would fade away. Then they attributed it to non-addressable international factors or to just plain statistics. Since these arguments could not be advanced convincingly for too long, the tendency more recently has been to recognise the problem, express concern and then declare that it is the inevitable outcome of high growth that can be tackled only in the medium or long term.

The argument seems to run as follows: With incomes rising rapidly, demand for a number of commodities is growing, but supply is either not keeping pace or can, in some cases, only adjust over the medium term. Inflation, it is suggested, is a result of this frictional imbalance. It is a cost that has to be paid for the good life. And only the cussed will point out that neither does everybody bear the cost nor do all benefit from the good life.

The one organisation that has, hitherto, chosen to respond to inflation is the RBI. However, it has relied largely on a single instrument. It expects interest rate increases to moderate investment demand, curb debt-financed housing purchases and consumption and rein in speculation financed with credit. In fact, as the RBI admits in its Annual Report, it has been aggressive on the rate increase front over the last year, hiking it by far more than what the market expected. Cumulatively, the repo rate has been hiked by 3 percentage points, from 5 per cent to 8 per cent over the last 16 months.

Clearly, however, the RBI's heavy reliance on this instrument has not helped matters. Prices continue to rise and inflation persists at high levels. So, in a curious turn, the RBI too has attributed inflation to factors that can be addressed only in the medium or long term.

Consider, for example, its emphasis on agriculture in its Annual Report. Recognising the fact that monetary

policy cannot serve the inflation reduction objective unless "complementary policies are put in place", the report emphasises the need to relax supply constraints in the agricultural sector.

RBI PRESCRIPTION

According to the RBI, inflation reduction needs "improved supply response for food, higher storage capacity for grains, cold storage chains to manage supply-side shocks in perishable produce and market-based incentives to augment supply of non-cereal food items". This has to be complemented with "better management of water as also technical and institutional improvements in the farm sector and allied activities. Land consolidation, improving land quality, better seeds, irrigation, harvesting technologies and supply chains to retail points, all can contribute to lowering inflation and the inflation expectations that are formed adaptively."

Other than tinkering with interest rates, the RBI has no immediate solution to the problem.

The importance of many (if not all) of these cannot in themselves be doubted. But to focus on these inadequacies in agriculture that have been accumulated over the long run as the reason for the recent inflationary surge is to evade rather than address the problem.

The concern even in areas outside agriculture is far removed from the immediate problem. Recognising that the "transmission of inflation from abroad has also been an important element in keeping inflation high", the report makes a case for paying atten-

tion to fuel and food security. What needs to be done towards that end? "There is a need for environmentally sustainable solutions to manage energy security," says the report. Finally, with respect to manufactured goods, it calls for a study of the "industrial organisation structures", which, together with the competition policy and price information, can help "stamp out anti-competitive practices and collusive behaviour" that contribute to inflation.

Clearly, other than tinkering with interest rates, the RBI has no immediate solution to the problem at hand. It, therefore, focusses on supply-side policies, some of which may recommend themselves but can achieve little in the short run.

This focus on long-run supply side constraints serves three purposes. The first is that it absolves the government and the RBI of the responsibility of addressing the persisting inflation problem immediately. If growth increases demand, then we need to adjust supply to hold prices. That, ostensibly, takes time.

Secondly, this line of reasoning seeks to obfuscate the fact that the growth that occurs bypasses sectors such as agriculture, and in the process exacerbates rather than resolves supply-side problems. Uneven development and disproportionality that contribute to inflation are a part of neoliberal growth.

Third, the argument seeks to divert attention from the link between the current inflation and neoliberal economic policies. Rather, the supply-side argument allows the RBI to advocate further neoliberal reform to remove distorting subsidies (recommended with respect to fertilizers) and strengthen the supply chain (through encouraging large retail). It also, however, argues for free pricing of petroleum products, since "a large population cannot be subsidised in an import dependent item". In its view, neoliberal economic policies are not a cause of inflation, but its solution.

As in its belief in the efficacy of interest rate increases, here too it is wrong. □

Dividing the poor

The flawed Bill on food security has not received the kind of publicity that the Lokpal Bill has, but that does not diminish its significance. BY T.K. RAJALAKSHMI

The proposed legislation will **truncate the public distribution system** and further erode its universal character. It omits from its ambit the food security of infants by excluding all maternity entitlements.

“THIS government has divided everything and everyone. There are different cards for different sections of the poor. If my employer, taking pity on me, gives me an old television, I am not entitled to a yellow card [Below Poverty Line card]. My son who is disabled has a special cycle which he uses to go to work. The BPL surveyors roll their eyes and say that I am earning well because I have a hand-me-down television and a wheelchair for my disabled son. They say, ‘you have a cycle, how can you be in the BPL list?’” said Aamna Khatun, a domestic worker from Kanpur who earns Rs.800 a month.

She was speaking at a convention on the right to food security organised by the All India Democratic Women’s Association (AIDWA) in New Delhi on August 9, coinciding with the anniversary of Quit India Day. It was organised to highlight the public resentment against the proposed Food Security Bill and the faulty BPL survey currently under way. Nearly 500 women from at least nine States attended the convention. Delegates spoke in favour of a universal and more substantial public distribution system (PDS). The meeting covered interconnected areas, such as the proposed cash transfer system and the BPL survey, which is based on highly limited “inclusionary criteria” and broad exclusionary criteria.

It is interesting that like many other proposed pieces of legislation in recent times, the Food Security Bill, of which the scheme of cash transfers forms an integral part, has faced considerable opposition from various quarters, including women’s organisations. Ironically, just like the Women’s Reservation

Bill, it has not received the kind of orchestrated attention that the demand for a Lokpal Bill has. This, however, does not diminish its significance in any manner.

Arguing for nothing less than a universal PDS that will ensure a minimum of 35 kilograms of food-grain for every family at Rs.2 a kg, along with subsidised entitlements of fuel, edible oil and pulses, the women rejected the government’s proposed Food Security Bill. They called it a bluff that had in one stroke excluded 25 per cent of rural India and 50 per cent of urban India from the PDS, thus comparing it unfavourably with the present system in which the PDS serves more than 80 per cent of the people, categorised as BPL and APL, or above poverty line. (How many of the card-holders now receive their entitlements is, of course, another matter.) “The government’s Food Security Bill is actually a proposal for a significantly truncated and targeted PDS,” the resolution adopted at the convention noted.

Cash transfer in lieu of material subsidies such as foodgrain and fuel was proposed in Union Finance Minister Pranab Mukherjee’s Budget speech this year: “The government provides subsidies, notably on fuel and foodgrains, to enable the common man to have access to these basic necessities at affordable prices. A significant proportion of subsidised fuel does not reach the targeted beneficiaries... we have deliberated for long the modalities of implementing such subsidies... to ensure greater efficiency, cost-effectiveness and better delivery for both kerosene and fertilizers, the government will move towards direct transfer of cash subsidy to people living below poverty line in a phased manner.” The women at the conference rejected the scheme, which, they felt, would not work in a system plagued by leakages.

Women’s organisations, including AIDWA, argue that Eleventh Plan documents show that leakages in the PDS doubled in the period after the system of targeting began. There is no guarantee that the cash transfer system will be free of leakages and pilferage, they argue. They also feel that the cash transfer proposal, backed by international financial institutions such as the World Bank, is yet another way of targeting populations on the flawed under-

standing of poverty. Even if the system is indexed to inflation, it is argued, it will be an uphill task to get the rates revised on a regular basis, as the experience with old-age pensions and school scholarships has shown. Also, there is no guarantee that the cash meant for food will not be used for other things.

"The experience of the implementation of schemes like the MGNREGA [Mahatma Gandhi National Rural Employment Guarantee Act] and old-

age and widow pensions have showed that the problems of corruption and undue delays continue in these schemes that are based on cash transfers to bank accounts," observed the resolution passed at the meeting.

The Right to Food Campaign, an umbrella front of several like-minded organisations, and the Rozi Roti Adhikaar Abhiyaan, a network of 30 organisations defending similar rights and the right to livelihoods, have also criticised the cash transfer proposal on

the basis of exhaustive surveys done in Delhi. At present, a committee headed by Nandan Nilekani has been asked to look into the methodology for replacing the transfer of foodgrains through the PDS with direct subsidies. The Delhi government seems convinced about the feasibility of the scheme. To test the feasibility of the proposal, a pilot survey funded by the United Nations Development Programme (UNDP) was conducted in partnership with SEWA and the India Development Foundation among hundred families in an area of Delhi called Raghurpur Nagar. Each family was given Rs.1,000 a month in lieu of its PDS entitlements. The survey results are yet to be made public.

The Rozi Roti Adhikaar Abhiyaan, AIDWA, the Satark Nagrik Sangathan, the All India Kachra Shramik Mahasangh (an organisation representing ragpickers), the National Federation of Indian Women and the Centre for Advocacy and Research are critical of the survey. According to them, Raghurpur Nagar as a sample study area is not representative of the poorer localities in Delhi. Besides, they say that the opinion of those who were unwilling to accept cash transfers in lieu of foodgrains had not been considered by the surveyors. The sample size was small, and it was unclear whether those selected in the study were BPL card-owners.

The Abhiyaan conducted a much larger and comprehensive survey of 4,005 households in Delhi spread across 55 areas that covered slums, resettlement colonies and homeless persons. Nearly 91.5 per cent of the respondents preferred a reformed PDS instead of cash transfers. A meagre 5 per cent opted for cash transfers, and the rest had no opinion on the matter. It was shocking that 17 per cent of the respondents had no BPL cards. Only 31.5 per cent of the daily-wage labourers in the sample had BPL cards. Around 47.5 per cent of the respondents were daily wagers, 18.3 per cent received a monthly salary, 17.1 per cent were self-employed and 14.7 per cent were unemployed.



A GOVERNMENT OFFICIAL receiving applications for fresh ration cards was mobbed during Rachabanda, a mass contact programme, in Hyderabad on February 1. While 1.47 lakh ration cards were sanctioned during the programme, more than 7.79 lakh new applications were submitted.

MOHAMMED YOUSUF

Sixty per cent of the card-holders said that ration was distributed regularly. A large number said they received less than their entitled quota. The survey was conducted under the conditions laid down by the Mission Convergence plan of the Delhi government, comprising a set of criteria to identify the poor based on location and social and occupational vulnerability. Occupationally vulnerable households were defined as those that were primarily dependent on earnings from occupations and forms of employment or self-employment that were casual, irregular, with low and uncertain wages, unsanitary, hazardous and unhealthy, or that were bonded or semi-bonded in nature or characterised by other undignified and oppressive conditions.

Dipa Sinha, an independent researcher who was involved with the office of the Right to Food Commissioners appointed by the Supreme Court (the commissioners are appointed to track hunger and the implementation of interim orders relevant to the Right to Food case across the country), said even though three phases of the Mission Convergence survey had been completed, the results had not been declared and ration cards based on the plan criteria had not been issued. Only 28.7 per cent of the 4,005 respondents surveyed in the vulnerable areas of Delhi reported that they had been surveyed by the Gender Resource Centres under the Mission Convergence survey. As per the National Sample Survey (NSS) data (2004-05), only 27.5 per cent of those below the poverty line in Delhi had BPL cards. Clearly, a much larger proportion had been left out, and this problem cannot be solved by cash transfers as the first hurdle to identifying the poor, even on the basis of the existing criteria, had not been crossed.

"We did our survey to highlight what the preferences of the poor were, as we were always told that we did not know what the poor wanted," said Dharmendra Yadav, representing the association of ragpickers in the city. Anjali Bharadwaj of the Satark Nagrik

Sangathan said that there was no information in the public domain and that it was after painstaking efforts that some details of what the government was up to had emerged gradually. "The local ration dealers tell the women that the ration shops are going to close down soon," she said.

INDEPENDENT SURVEYS

Apart from the joint survey conducted by the Abhiyaan, some organisations conducted their own independent pilot surveys, including one in Raghuvir Nagar, the pilot project area, to test the feasibility of cash transfers, with much the same outcome. Each of the independent surveys was much larger than the pilot survey commissioned by the Delhi government.

Sehba Farooqui of the Janwadi Mahila Samiti (JMS) said that her organisation had conducted a survey among 731 households covering 15 areas in Delhi where the respondents were mainly home-based women

workers working on piece rates. "These home-based workers slog all day and earn anywhere between Rs.16 and Rs.25 a day. They are all APL card-holders. Earlier, they had BPL cards," she said. Sonia Varma, an office-bearer of the JMS, said that in a resettlement colony in South Delhi, residents reported that employees of the post office demanded Rs.50 from them for getting their accounts opened for cash transfers, and also asked them to hand over their ration cards. "We were told by the Delhi government that there is no such proposal on ground, but it is already happening in parts of Delhi," said Anjali Bharadwaj and Sonia Varma. "Studies from other States done by other researchers also indicate something very similar to what our survey has shown," said Dipa Sinha.

The Food Security Bill has come in for a lot of criticism for suggesting reduction in the quantum of foodgrains from 35 kg for every family each month to 7 kg per person for BPL families and



A LONG QUEUE waiting for the kerosene tanker that comes every Thursday in Visakhapatnam. A January 2010 photograph. The women trek down the Kapparada hill slopes for their quota of kerosene, but the supply is erratic.

3 kg per person for APL families. With an average family size of 4.5 persons as per the 61st NSS round, the quota per member stands automatically truncated under the Bill. Even the pricing of the foodgrains is questionable as it is higher at Rs.3 a kg for rice, at a time when States such as Tamil Nadu are giving it at Re.1 a kg.

Other organisations, too, have reservations about the Bill. The Breastfeeding Promotion Network of India (BPNI) has pointed out that the draft Bill omitted infants from its ambit by excluding maternity entitlements such as wage compensation for working days lost; community crèches at all workplaces, with paid nursing breaks; and counselling on breastfeeding as a service. J.P. Dadhich and Arun Gupta, national coordinators of the BPNI, said that the earlier National Advisory Council (NAC) draft had recognised the food security of infants, but this aspect had “disappeared” in the draft of the Empowered Group of Ministers.

It was appalling, stated the BPNI, that the draft had proposed ready-to-eat meals for children under six, which ran contradictory to the existing law of ensuring exclusive breastfeeding for six months and continued breastfeeding for six to 24 months with additional home-based foods.

The United Progressive Alliance (UPA) had given a commitment to enact food security legislation in its first term. But the government had differences with the NAC regarding the coverage and method to be adopted to ensure food security, the quantum of foodgrain required and the impact of the food subsidy burden. The NAC's approach was more comprehensive and holistic. A committee appointed by the Prime Minister under Dr C. Rangarajan examined its recommendations and concluded that it was not feasible because of the lack of availability of foodgrains and the huge subsidy burden.

The committee was in favour of restricting entitlements to Rs.2 a kg for wheat and Rs.3 a kg for rice to households that fell below the Tendulkar Committee poverty line plus 10 per cent of the BPL population. The NAC did not agree with this coverage. But soon a group of economists wrote to the NAC chairperson pushing for a system of direct cash transfers or food stamps, citing the alleged inefficiency of the PDS system.

On August 2, the Right to Food Campaign wrote to the Prime Minister, rejecting the EGoM draft of the Food Security Bill, calling it a mockery of the idea of food security. It lamented that there was no integrated approach to food security. Issues of nutritional security, procurement, production, storage and distribution as processes integral to food security had been bypassed in the Bill, it said, and added that the government's intention was to do away with the already shrunk coverage of priority households. The proposal to provide foodgrains to the general category at half the minimum support price would mean that people would have to pay prices that were much higher than the present BPL and

APL prices in the long run, it argued.

The linking of BPL entitlements to the Unique Identification Number, as proposed in the Bill, has also been criticised, especially as the biometric UID is a matter still to be discussed in Parliament. According to a reply in Parliament by Ashwani Kumar, Minister of State for Planning, Science and Technology and Earth Sciences, some 1,78,67,200 Aadhaar, or UID, numbers have been issued.

The latest BPL survey, which is under way, has drawn a lot of flak for its very restrictive automatic inclusion criteria. According to it, only those living on alms, legally released bonded labourers (not those in illegal bondage), households without shelter, manual scavengers and primitive tribal groups will be included in the five-point automatic list; a household headed by a single woman or a person with a disability or a minor child will not be considered. For the rest, who will not be automatically included, there is a list of seven questions on the basis of which the poor will be ranked and given a score from zero to seven. Ideally, each of the seven criteria, however limited in definition and scope, should be considered as a basis for automatic inclusion in the BPL list.

“We need kerosene on a regular basis for our children to study and for the food to be cooked. Whenever I go to buy it from the ration shop, the owner says it is finished. How can it get over even before it has arrived? ‘You’ll get it when it comes,’ he says,” said Ekmani Devi from Bihar at the AID-WA convention. The problems of single women, households headed by women, and disabled persons were highlighted by individual speakers at the convention. For a government grappling with allegations of corruption and inaction, the least it can do is to provide some very basic entitlements that are being demanded. A Food Security Bill should try to ensure food security for one and all and not rate the poor on a list of one to seven or give them the chimera of well-being under the garb of an ill-conceived cash transfer system. □



K.R. DEPAK

Tough agenda

Nepal: The challenge before Prime Minister Baburam Bhattarai is to complete the peace process and frame a new Constitution to take forward the vision of New Nepal. **BY S.D. MUNI**

The success of his efforts to pull the country out of its present political stalemate will most critically depend upon the extent of the support extended by the Nepali Congress and the Maoist parties.

YET another majority government; yet another extension to the Constituent Assembly; yet another phase of politically motivated positions on critical issues of urgent national importance; and yet another phase of persisting malgovernance in Nepal?

Someone has to break this vicious circle, and if Baburam Bhattarai cannot do it no one else will be able to, at least not in the near future. There is an upsurge of hope and expectations of Nepal's new Prime Minister. Bhattarai has set his priorities right: concluding the peace process by implementing the integration/rehabilitation plan promised by the Maoists for the People's Liberation Army (PLA) cadre; writing the Constitution for New Nepal; and bringing relief to the people. But in all these areas, he should be prepared to face resistance, strong and aggressive, not only from the united opposition of the Nepali Congress and the Communist Party of Nepal (Unified Marxist Leninist, or UML), but also from within his own Unified Communist Party of Nepal (Maoist) and his allies among the Madhesh



groups. Bhattarai will be tested both for his patience and for his political acumen not only for nudging out his allies and the forces within the UCPN(M) but also for his skills in negotiating and making reasonable adjustments and compromises in persuading the opposition parties to extend their support.

On the question of the peace process and integration of the PLA cadre with the army, both the Nepali Congress and the Maoists have adopted strong positions, particularly on issues relating to the number of PLA men to be integrated into the securi-



BINOD JOSHI/AP

BABURAM BHATTARAI, his face smeared with vermilion, coming out of the Parliament building in Kathmandu after being elected Prime Minister on August 28.

ty forces, the amount of compensation to be paid to those who opt out, the rank and status that is to be given to the integrating cadre and commanders, and amnesty for their past acts of

violence and terrorism. Sections of Maoist leaders have to grasp Nepal's reality and accept the fact that they cannot continue to pursue the politics of force and violence and, as such, the instruments of politics and violence have to be dismantled. If force and politics could deliver them their political objectives, then there was no need to opt for the democratic process. Not only their political competitors in Nepal but also the wider international community has to be credibly assured that the Maoists have given up the path of violent revolution.

The Nepali Congress, while making a fuss about the various aspects of the plans to rehabilitate the PLA, must recall its experience of the early 1950s (during the anti-Rana revolution) as also of the 1960s and 1970s (struggle against the autocratic panchayat system) when it opted for armed resistance. How many of its armed cadre surrendered or were penalised for their acts of violence against the state? To whom did the Nepali Congress cadre surrender their arms when it made peace with King Birendra in 1976? Why was the question of disarming the PLA cadre not taken up seriously when the Nepali Congress had everything under its control during the first two years of the interim government (2006-07) after the success of Jan Andolan-II, or later again when the party shared power (2008-09) with the UML after the fall of the first Maoist government in 2008?

Bhattarai will have to get mutually acceptable and win-win formulations evolved for his party hardliners as well as the Nepali Congress negotiators on various issues relating to this sensitive question of integration. Even while granting amnesty to the PLA cadre for their acts during the 10-year-long insurgency and to the Madhesh movement activists thereafter, Bhattarai's government must ensure that the victims of these acts and their families are adequately compensated, both materially and emotionally.

On the issue of Constitution making, there are serious differences among all the major political forma-

tions. The aspects of the form of government and the nature of federalism are extremely complex and the stakeholders do not see eye to eye on them. On these aspects, the hitherto marginalised social groups (specially the Janjatis) are also emotionally sensitive and legitimately suspicious of all the upper-caste-dominated major political parties. Given the political will, it should be possible for the lawmakers to resolve amicably as many of these issues as possible and leave the rest for a suitable mechanism, including structured referendum, to be addressed even after a Constitution, framed on the basis of inclusive principles, has been adopted.

ECONOMIC ISSUES

To deliver good governance, the priorities are in the areas of restoring law and order and reactivating the stagnant economy. The business community has high hopes of Bhattarai, who refreshingly injected a sense of fair play and purpose in dealing with economic issues as the first Maoist Finance Minister in 2008. The level of confidence among the business establishments and workers is very low. In order to raise their confidence level, Bhattarai will need the cooperation of the workers' unions and their mentors among the political leaderships, including that of his own party.

For law and order as also other areas of governance, the new Prime Minister will need persons of clean and committed record, which may be in short supply within the UCPN(M) as well as in the Madhesh groups. He has no freedom to choose his team members either from his own party or from among the allies, or in allocating portfolios. Only Bhattarai's humility and ingenuity will help him overcome this constraint.

The success of Bhattarai's efforts to pull Nepal out of its present political stalemate will most critically depend upon the extent of the support extended by the Nepali Congress and the Maoist parties. These two parties are destined to emerge eventually as the two competing centres of ideology and



PRAKASH MATHEMA/AFP

NEPAL'S LAWMAKERS VOTE to extend the term of the Constituent Assembly by three months on August 29.

power if and when Nepal establishes itself as a dynamic democracy. Until then, however, both the Nepali Congress and the Maoists have to cooperate. The Nepali Congress knows better than any other party that the foundation of Jan Andolan-II, which initiated the process of creating a New Nepal in 2005-06, rested on its alliance with the Maoists. It is this alliance alone that can bring the process to its culmination. The disruption of this alliance, following the elections of 2008 which jolted the power-sharing arrangement, was the worst thing to happen to Nepal. Rebuilding this alliance is the need of the hour, but it is easier said than done. In the Nepali Congress, as in all other major parties, including the Maoists, there are strong and powerful constituencies of royalists, power-seekers and rank opportunists who had no commitment to the vision of New Nepal even during Jan Andolan-II.

The roots of that vision were planted decades ago by the late B.P. Koirala.

His successor, Girija Prasad Koirala, nursed the vision but not at the cost of his stakes in power. The present president of the Nepali Congress, Sushil Koirala, promises to be above the temptations of state power. He owes it to the future of his party as well as of Nepal to steer the party clear of the entrenched retrograde constituencies and contribute to the realisation of the people's aspirations unleashed by Jan Andolan-II.

There is no dearth of detractors for Bhattarai even within the UCPN(M) both on account of ideology and because of his steady rise to national prominence. These naysayers have been trying to isolate and denigrate Bhattarai on every possible pretext by dubbing him a "counter-revolutionary" and an "Indian agent". They need to realise that the success of the Bhattarai-led government is probably their last chance to restore the sincerity and credibility of their political transition and reinforce their stakes in Nepal's future power structure.

The diehards and extremist elements among the Maoists should also understand by now that a pathological preoccupation with radical methods and anti-Indian nationalism are counterproductive to their goals of acquiring or sustaining political power in Nepal and restructuring its polity and society.

India has done well to let the Maoists' alliance with the Madhesh groups emerge in the form of a new government. India must now consider persuading the Nepali Congress to join the government and broaden the coalition in the interest of the twin tasks of completing the peace process and drafting a new Constitution within three months, before the term of the extended Constituent Assembly ends. If the present government fails in this, it will take a long time for Nepal to get out of the trap of instability and disorder. This will not be in India's long-term interest. □

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End of emergency

Two years after the LTTE's decimation, President Mahinda Rajapaksa proposes the lifting of the state of emergency in Sri Lanka. **BY R.K. RADHAKRISHNAN** IN COLOMBO

Since 2005, Parliament has extended the emergency regulations every month. When the LTTE was active, the vote was unanimous, but since its defeat there has been dissent.

A DAY before the delayed debate on Sri Lankan Tamils took off in the Indian Parliament and just over a fortnight before the 18th regular session of the United Nations Human Rights Council (UNHRC) is scheduled to meet, President Mahinda Rajapaksa proposed to the Sri Lankan Parliament that the state of emergency in the island nation need not be extended.

"I would like to present to this supreme Parliament the proposal to repeal the emergency regulations for administrative activities to function democratically under the ordinary law. This is because I am satisfied with the fact that there is no longer a need for extending the emergency regulations for the administration of the country now. Therefore, I propose not to extend the emergency regulations," he told Parliament on August 25. With this announcement, the state of emergency will be lifted on September 8, when the current Act lapses.

There was heightened anticipation over the nature of the announcement ever since the President's Office sent an SMS (short messaging service) to senior journalists in the capital early on August 25.

The announcement on the lifting of the emergency came as a surprise, though it was a subject of speculation in early August. The widespread belief was that the President would have something to tell Parliament about the "invisible grease devils" (yaka in Sinhala) who have been selectively attacking women in some parts of the country. Since not a single grease devil had been apprehended, the story ran that it was yet another ploy of the government to extend the emergency. Some people in Muslim-ma-



ADRIAN BRADSHAW/AP

PRESIDENT MAHINDA RAJAPAKSA. The lifting of the emergency, with effect from September 8, came as a surprise.

ajority areas claimed that they had seen the grease devils run into naval detachments and army camps!

People, already on the edge, turned vigilantes, forcing the powerful Defence Secretary Gotabaya Rajapaksa to chopper down to some spots and also summon heads of mosques to Colombo for a meeting. Gotabaya later declared that the government did not need the excuse of a yaka to extend the emergency provisions.

The President's special statement in Parliament went thus:

"From the time when terrorist activities ended in May 2009 until today, there have been no reports of any terrorist activities other than the imaginary Grease Demon. During this period, through the conduct of several elections, the country has moved further towards democracy. Society has accepted

that these were peaceful and fair elections. Accordingly, in the recent past, we have been removing various clauses of the emergency regulations and steadily bringing society to normal administration. Internationally too, it is now accepted that there are no reports of terrorist activity in Sri Lanka. We have also introduced to Parliament internationally recognised laws and regulations to avoid monetary activities, exchange of goods, drug trafficking, banking and financial risks carried out by terrorists engaged in further nurturing terrorism. In addition to strengthening national security, we have worked towards pre-empting opportunities for terrorism to emerge through these laws and regulations.

“When I took over the leadership and administration of the country in 2005, what we inherited was this environment of emergency. Although we made strong efforts to proceed with the peace talks that had been initiated at the time I assumed office in 2005, the brutal killing of people by the LTTE [Liberation Tigers of Tamil Eelam] at Kebithigollewa and later closure of the Mavil Aru anicut led to our having to launch a humanitarian operation. The liberation of the East and the subsequent liberation of the North from terror was done under this envi-

ronment. Emergency regulations became necessary and useful for providing relief to a large number of innocent people who had been taken hostage by the forces of terror and were released with the liberation of the entire North and East from terror, as well as for carrying out urgent measures for their resettlement.”

PLETHORA OF LAWS

Emergency laws are not new in Sri Lanka, which has seen frequent violence since the time it gained independence. However, it was the violent agitation by the Janatha Vimukthi Peramuna (JVP) that led to the first such serious repressive measure. With each new problem since the early 1970s, the government sought to circumvent existing laws and enact more draconian ones. Often, these have been overlapping and vague in definition and have been derided by human rights organisations for not allowing even basic individual rights. In some cases, these laws grant the security forces blanket immunity from prosecution.

Around the time the Eelam War IV began, there were as many as 20 new emergency regulations. The government argued that normal laws were powerless to deal with ruthless terrorist organisations such as the LTTE.

Blanket provisions were necessary to provide legal immunity to the uniformed personnel who went after the LTTE, since the latter had become adept in taking advantage of the loopholes in the legal system, it said.

But human rights activists say that the emergency laws are open and abusive. And because there are so many of them, Sri Lankans hardly understand the laws and this might affect them adversely some day, they argue.

To understand the plethora of laws, it is necessary to trace their origins. In the beginning, there was the Public Security Ordinance, 1947, put in place by the British to deal with the “locals” who dissented. No Parliament, Prime Minister or Executive President has sought to annul this draconian ordinance. The ordinance has empowered Presidents to declare a state of emergency and enact more draconian regulations when they wanted to.

Not satisfied with the provisions under the ordinance, the government enacted the Prevention of Terrorism (Temporary Provisions) Act (PTA) of 1979, essentially to deal with the JVP and its offshoots. Long after the JVP gave up armed struggle as the way to usher in social transformation and long after the last LTTE fighter fell to a bullet bearing his name, this legislation remains. Though not an Act related to the emergency, some of its provisions are as draconian.

In the mid-2000s, the ordinance gave birth to two more laws, one in 2005 and the other in 2006. The Emergency (Miscellaneous Provisions and Powers) Regulation No. 1 of 2005, enacted by President Chandrika Kumaratunga in response to the assassination of former Foreign Minister Lakshman Kadirgamar, gives sweeping powers to the state to arrest and detain people, search and seize, and so on.

The Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulation No. 7 of 2006, enacted by President Rajapaksa following the assassination attempt on his brother Gotabaya Rajapaksa, expands on the 2005 law



ERANGA JAYAWARDENA/JAP

A WAR-DAMAGED BUILDING in Jaffna, a former war zone in the North. Emergency regulations had been necessary to provide relief to a large number of innocent people, Rajapaksa said.



DINUKA LIYANAWATTE/REUTERS

POLICE PATROLLING GALLE Face Green, a promenade facing the sea in Colombo, on August 25.

and makes, among other things, dealing with a terrorist or terrorist group, regardless of knowledge and intent, punishable.

The 1947 ordinance also confers on the President special powers. Under Section 12 he can summon and deploy armed forces, under Section 16 he can order curfews, and under Section 17 he can declare any utility/service as an essential service. This is independent of the emergency provisions.

When President Rajapaksa spoke about lifting the state of emergency, he was referring to the 2005 and the 2006 laws, which are extended every month. Since 2005, Parliament has extended the emergency regulations every month. When the LTTE was active, the vote was unanimous, but since its

defeat there has been dissent. A few of the 225 members of Parliament have abstained too.

WELCOMING THE MOVE

A few in the Sri Lankan establishment assumed that the presidential order was prompted by Indian interference. However, although India has been demanding the scrapping of the emergency laws, it did not appear that the Indian officialdom was aware of the Sri Lankan move.

The Cabinet spokesperson was forced to deny that India had pushed for the lifting of the emergency laws. "We did not succumb to pressure from India; everyone knows that this government does not get pressurised by outside forces," Minister of Environ-

ment Anura Priyadarshana Yapa said in response to a query from a journalist.

The first to welcome the lifting of the emergency laws was Maldivian President Mohammed Nasheed, a friend of Rajapaksa's. India followed suit. The United States, too, issued a statement, which, for once, was not loaded. "This is a significant step towards normalising life for the people of Sri Lanka, and reflects more than two years without terrorist activity after the defeat of the LTTE," said Christopher Elms, Press and Information Officer at the U.S. Embassy in Colombo, in a release.

The British High Commission in Colombo also welcomed the move. "We welcome President Rajapaksa's statement that the state of emergency will be brought to an end, after a period of over two years free from terrorist attacks. This announcement marks an important move towards normalisation and the strengthening of civil and political rights. We look forward to the lifting of the emergency regulations," it said.

But the human rights organisation Amnesty International wants more. "The lifting of emergency regulations indicates the Sri Lankan government is feeling international pressure," said Sam Zarifi, its Asia-Pacific director. "With the [United Nations] Human Rights Council due to meet soon, it's time to demand that the government undertake real reforms, including repeal of the PTA and providing accountability for the thousands of people who suffered during the country's civil war."

Now the question arises as to what happens to those who have been held under the provisions of the emergency laws. On August 27, *The Daily Mirror* reported that a new Act would be enacted to try the terror suspects. Amnesty wanted a quick solution to these cases. "There are hundreds of people who remain in detention under these regulations who should be released immediately or charged with a recognisable crime in a proper court of law," Zarifi said. □

Testing time

Syria remains relatively calm as efforts to destabilise its government through orchestrated attacks by rebels fail. BY JOHN CHERIAN RECENTLY IN DAMASCUS AND HAMA

However, the West wants to use the alleged instances of widespread human rights abuse to corner Syria in the United Nations Security Council. This was the game plan it adopted against Libya.

LIFE in the Syrian capital, Damascus, seems to be continuing as normal. The streets and the mosques are crowded after the devout break their Ramzan fast in the evening. The security presence is minimal. In fact, there are more armed police and paramilitary men in central Delhi than in the heart of Damascus. This does not mean that all of Syria has suddenly become calm. Although the two biggest cities, Damascus and Aleppo, have not witnessed any major anti-government demonstrations or violence so far, smaller cities such as Homs, Jisr al-Shughour and Deraa continue to be rocked by intermittent protests and violence.

The Syrian Army has withdrawn from the smaller towns, but there are reports about civilian casu-

alties every other day. Many of those killed have been victims of sectarian clashes. The government in Damascus does not want to publicise this fact as it gets busy dousing the fire. One of the slogans preferred by the militant groups ranged against the government is "Alawites to the grave, Christians to Beirut". Alawites and Christians constitute sizable minorities in Syria. The Sunni population is around 60 per cent.

Relative calm has now returned to the town of Hama though tensions are still visible. On a visit to the city in the last week of August, this correspondent saw the impact of the violence unleashed against the government by organised gangs of militants. The government had responded by briefly sending in troops to restore order. Many people lost their lives. Among them were policemen and security personnel. Government buildings, especially those housing the security forces, were specifically targeted.

The newly appointed Governor of Hama, Anas Abd-Alrazeq, presented evidence to the media about the well-planned and supervised mayhem that was witnessed in the city in July and early August. Hama, like nearby Homs, has been a stronghold of the banned Muslim Brotherhood. In 1982, President Hafez al-Assad had crushed a revolt in the city. The death toll at the time was estimated to be between 10,000 and 20,000. Obviously, the scars left behind by that grave episode are still to heal.

Outside the hall in which the Hama Governor addressed the visiting mediapersons, a small group of anti-government demonstrators, including young men and women, were boldly shouting slogans and airing their grievances. The police and the security forces made no attempts to stop them. The demonstrators complained of torture and other abuses by the security forces during the course of the recent events. One activist said he would welcome any kind of help from America. His argument was that Russia and China were propping up the Syrian government by supplying weapons. It was obvious that the young protesters had been trained well in the art of propaganda warfare too.

The walls of Hama were full of anti-government graffiti, much of it crudely painted over. The fact that the government is also allowing small protests to be





PICTURES BY JOHN CHERIAN

A VIEW OF Damascus. The capital city has not witnessed any major anti-government demonstrations.

staged and publications critical of its policies to be printed is seen as a welcome sign. On the streets of Damascus, English-language magazines such as *Syria Today* and *Forward* containing articles critical of the Syrian government and its handling of the protests are available freely.

The most graphic instance of the brutality exhibited by the anti-government rioters in Hama was the dumping of the bodies of three tortured government soldiers from a bridge over the river Orontes. Bloodstains were still visible on the spot from which the bodies of the soldiers were dumped into the fast-flowing river, when this reporter visited the site. The video of the heinous act is available on the Internet. The Hama Governor said that the local populace helped the civic authorities clear up the barricades and the mess that weeks of turmoil had

created. In many parts of Hama, the local people who had suffered many days of lawlessness welcomed the army with flowers. The Governor said that stories that the military was still present in the city and widespread protests were continuing were canards spread by vested interests controlling media outlets such as *Al Jazeera* and *Al Arabiya*.

Abd-Alrazeq added that the two media outlets had gone to the extent of spreading false information that the army tanks had flattened mosques and hospitals. This correspondent found that the only institutions destroyed were police stations and government buildings that were gutted in the town centre. Diplomats based in Damascus are also of the view that much of the reportage by the two Arab satellite channels was highly biased and politically motivated.

The story about Syrian naval ships allegedly firing on a Palestinian refugee camp in the coastal city of Latakia, first aired by the two Arab channels, was picked up by the Western media and given credibility. Syria immediately issued a denial. Diplomats said that the Syrian Army had requested the leaders in the densely populated Palestinian camp to hand over a few militants hiding in their midst. Latakia had witnessed large-scale violence in July in which protesters and soldiers were killed. When the Palestinian community leaders conveyed their inability to get the militants out of the camps, the Syrian Army had no other option but to send in troops. There were a handful of civilian casualties in the operations that followed.

Syria had housed the Palestinians on prime real estate in the Mediterranean town after they were expelled

from Libya following the Oslo Peace Accords in the mid-1990s. The former Libyan leader, Muammar Qaddafi, was resolutely opposed to the peace treaty with Israel.

Qatar and Saudi Arabia, which own the two television stations, are being suspected of materially helping the anti-government groups, which are increasingly resorting to armed insurrection. More than 500 Syrian security forces have been killed so far. The United Nations has put the civilian casualties at around 2,000 since the upsurge in the violence began more than five months ago.

In late August, there was yet another attack targeting the armed forces. Thirteen soldiers, including an officer, were killed in the recent attacks in the governorate of Homs and further north in al-Rastan. Senior Syrian officials, including Foreign Minister Walid Muallem, are not yet ready to reveal the names of the militant groups involved in the orchestrated attacks on the security forces. The Hama Governor only went to the extent of saying that those involved probably belonged to "Salafist" (militant Sunni) groups. The Swedish media have said that 80 to 90 per cent of the funding for the Salafist groups comes from Saudi Arabia with the United States' tacit support.

The Hudson Institute, a leading American think tank, has said that the Barack Obama administration has decided, along with Turkey, to back the Muslim Brotherhood in Syria. In July, Hillary Clinton, the U.S. Secretary of State, convened a meeting on Syria. Most of the Syrian invitees belonged to the Brotherhood. The secular opposition, which includes a wing of the Syrian Communist Party, was ignored. "Missing from the invitation were Kurdish leaders, Sunni liberals, Assyrians and Christian spokesmen," the Hudson Institute Report said.

According to various reports, the U.S. State Department made a deal with Turkey and the Muslim Brotherhood either to share power with President Bashar al-Assad to stabilise the government or to replace him if the

effort failed. In Egypt, too, the Obama administration seems to be in favour of a deal between the still powerful Egyptian Army and the Muslim Brothers, currently the largest political force in that country.

Walid Muallem, who met a small group of Indian journalists in his office, said that the government was carrying out a thorough inquiry into the attacks and would soon provide evidence about those involved and the sources of their funding and arms supplies. He conveyed his government's happiness with the "objective position" taken by the Indian government at the U.N. Security Council and other international fora. India, along with China, Russia, Brazil and South Africa, has been opposing outside interference in the internal affairs of Syria and want the Syrians to sort out their own problems.

President al-Assad, in an interview aired on Syrian television on August 21, warned against any outside intervention in the affairs of his country. He said that Syria's geopolitical position and military capabilities would guarantee "greater consequences" for those who dared to carry out a military intervention.

The U.S. and the European Union had demanded that al-Assad step down. The President emphasised that such a demand was not even worthy of a response, adding that he was elected by the Syrian people and not appointed by the West.

INDIA'S STANCE

Syria will need more consistent support from countries such as India as it braces itself for immediate pressure from the West in the form of a more punitive Security Council resolution. India was among the countries that abstained during a recent vote at the U.N. High Commission for Refugees (UNHCR) in Geneva on a draft resolution criticising Syria for human rights violations. The resolution called on the Syrian government to put an immediate end to the excessive use of force and stop the intimidation of peaceful protesters.

Russia, China, Cuba and Ecuador were the only four countries that stood by Syria and voted against the proposed resolution. The Russian envoy to the UNHCR described the resolution as "politicised and lopsided". Russia is planning to present a draft resolution of its own in the coming days at the Security Council.

The Western media had talked of mass graves near Deraa, where the current unrest has its origins. Human rights groups found only six bodies. Walid Muallem said the militants had been burying their dead in unmarked graves so as to avoid identification. The other allegation against the Syrian government was that it was implementing a scorched earth policy in the cities that had witnessed massive anti-government protests and violence. "This is total misrepresentation. The West is going to absurd lengths to vilify the regime," said a senior Asian diplomat based in Damascus.

Walid Muallem said the government would allow a UNHCR fact-finding mission into the country only after the investigations by Syria's own Human Rights Commission was over. He said other human rights groups had been given permission to visit Syria. He said many foreign powers were behind the Hama violence. "The Hama protests are under investigation. Many outside powers are behind it. The American embassy in Damascus is also instigating the protesters," the Foreign Minister said.

The American and French Ambassadors had made unauthorised visits to Hama at the height of the recent violence and had even met the protest leaders there. Walid Muallem said the American Ambassador was in direct contact with certain elements in the opposition.

He warned Turkey against interfering in the internal affairs of his country. Syria and Turkey share an 850-km-long border. A motley crowd of exiled dissidents have set up a "transitional council" in Istanbul. "We urge Turkey to respect our sovereignty," the Foreign Minister said. Until the crisis erupted earlier in the year, the two



THE MAIN POLICE station in Hama, which was gutted with several policemen inside.

countries had managed to build excellent bilateral relations. But now, with Washington urging Ankara to play a lead role in the destabilisation of Syria, relations have once again deteriorated sharply.

In 1998, the two countries were on the verge of a war as Turkey accused Syria of providing bases for the rebellious Kurds. Walid Muallem was also critical of the additional sanctions imposed by the West on Syria. "Economic sanctions are an act against the well-being of the Syrian people," he said.

The government is angry with the way some U.N. agencies have been compiling the civilian casualty figures based on speculative satellite television reports. They do not bother to reconcile their reports with hospital records released by the government.

The West wants to use the alleged instance of widespread human rights abuse to corner Syria in the Security Council. This was the game plan the West adopted against Libya, first persuading the Security Council to impose a "no-fly zone" and then using the North Atlantic Treaty Organisation (NATO) to facilitate regime change. Describing the present constitution of the Security Council as "an instrument of the U.S.", Walid Muallem warned

that "no country is immune from destabilisation".

He accused many Arab countries of having a "special relationship" with the U.S. and Western Europe and helping in the efforts under way to destabilise Syria.

The Americans, according to Walid Muallem, are encouraging these efforts, as they think they will be able to isolate the two main resistance movements in the region, Hizbollah and Hamas, and in the process help their principal ally, Israel, to ride roughshod over the Palestinians. Both Hizbollah and Hamas have strong links with the Syrian government. Today, after the fall of Qaddafi, Syria and to some extent Lebanon are the only countries to have independent foreign policies opposed to American hegemony in the region.

"The geographical location of Syria in the region is very important. The Americans want to prevent Syria from playing a meaningful role. They want to divide Syria and the neighbouring states into smaller states to implement their blueprint for the region," the Foreign Minister said. This was the original plan of the Bush administration after the 2003 Iraqi occupation was completed. A senior George W. Bush

administration official had said at the time that Syria was a "ripe fruit ready for the picking".

According to Walid Muallem, immediately after the Iraq war ended, the then U.S. Defence Secretary, Colin Powell, visited Damascus and presented President al-Assad with six demands, which included cutting off links with Hizbollah and Hamas and distancing his government from Iran, with which it traditionally had close links. Al-Assad refused to kowtow to the demands of the U.S. The Bush administration immediately started accelerating its destabilisation efforts by pumping in funds for anti-government groups and "pro-democracy" activists.

Walid Muallem said that the recent decisions of the Syrian government had shown that the well-being of the people was of utmost importance. He reiterated the President's commitment to hold free and fair elections by February 2012. This would make Syria a "shining example for the rest of the region", he said, acknowledging that "certain demands" of the opposition were legitimate and had prompted the government to implement reforms. "We will allow political parties to function freely and let them have their own media forums."

But it takes two hands to clap. To make free elections a reality, the cooperation of the opposition is necessary. The opposition, bolstered by the support of the U.S. and its allies in the region, is in no mood to compromise on either negotiating a peaceful end to the protests or participating in the elections. As Walid Muallem told this correspondent, the protests in Syria are attempting to take the shape of an "armed insurrection".

However, the Foreign Minister sought to point out that any comparison of the situation on hand with that in Libya was misplaced. "We don't have enough oil to be as attractive to the West as Libya. We are not divided like the Libyans were, nor do we have an open revolution. We have only some religious and sectarian groups out on the streets. Damascus and Aleppo, the two main cities, are calm," he said. □

Starving nation

The worst drought in 60 years claims 29,000 Somali children under five as the country faces an acute food shortage. BY JOHN CHERIAN

Tens of thousands of Somalis are fleeing to Kenya, Ethiopia and Djibouti to escape the prolonged drought and endless violence. The U.N. says 3.2 million people are in immediate need of food aid.



ROBERTO SCHMIDT/AFAP

A MOTHER CLOSES the eyes of her two-year-old son moments after he died from malnutrition and related complications at a hospital in Mogadishu on August 15. The woman, her husband and their three children had fled their village in the drought-stricken Lower Shabelle region of southern Somalia to Mogadishu in search of refuge.

WAR-TORN Somalia faces yet another crisis as the worst drought in decades devastates vast expanses of land in the Horn of Africa region. Two other countries in the region, Ethiopia and Kenya, are also affected but to a lesser extent.

International agencies reported that by early August, 29,000 children under the age of five had perished in Somalia owing to the drought conditions. The United Nations maintained that 640,000 Somali children were acutely malnourished, raising the possibility of a further escalation of the child mortality rates. It said that one out of three Somali children was suffering from malnutrition. Without giving precise numbers, the U.N. said that tens of thousands of people had perished in the drought. In the first week of August, the U.N. declared three more regions in the country famine affected, raising the total number of provinces affected so far to five. Most affected areas are in the south. The U.N. said that around four million Kenyans were also threatened by starvation and predicted that the famine would last until the end of the year.

U.N. Secretary-General Ban Ki-moon issued an appeal stating that more than 11 million people needed “urgent assistance to stay alive, as they face their worst drought in decades”. The U.N. declared that 3.2 million people were in immediate need of food aid.

Many experts have already described the Somali drought as the worst in the region in 60 years. Two consecutive years of poor rains have resulted in one of the driest years in many pastoral zones. The U.N. High Commissioner for Refugees (UNHCR), Antonio Guterres, described the ongoing conflict and drought in the region “as the worst humanitarian crisis in the world today”.

A famine is measured by the rates of hunger, malnutrition and deaths, but the key factor is that it must be widespread. Technically, famine is defined as a crude mortality rate of more than two persons per 10,000 every day and the wasting rates of above 30 per cent among children under five. The U.N. has said that 500,000 Somali children are at risk and has appealed for an additional amount of \$300 million to feed the hungry until September.

Aid agencies said that an assistance of at least \$1 billion would be needed before the year end to meet the needs of the drought victims. However, the response from the international community, especially the West, has not been good. Less than one-fifth of



WOMEN AND CHILDREN wait in line at a food distribution point in Mogadishu on August 18.

the money requested by international aid agencies has materialised. In 2010, the U.N. had appealed for an aid of \$500 million in order to provide food security in the East African region but could secure only less than half of the amount from international donors. According to international agencies, aid has reached only 20 per cent of the 2.6 million Somalis.

"There has been a catastrophic breakdown of the world's collective responsibility to act," Oxfam's director for the Horn of Africa, Fran Equiza, said in late July. He said the international community was slow to react to the "catastrophe" in East Africa. "The warning signs have been seen for months. By the time the U.N. calls it a famine, it is already a signal for a large-scale loss of life."

The United States-funded Famine Early Warning System (FEWS) had alerted the international community and the governments of the region about the impending crisis on six occasions last year. But the warnings were ignored. To complicate matters further, the price of food tripled in Somalia, making it difficult for the average Somali, to afford a nutritional diet.

The Islamist resistance movement,

Al Shabab (The Youth), which is battling the forces of the African Union (A.U.) for control of the government, denied that there was a famine on the scale being reported by international aid agencies and the Western media. Al Shabab, which is known to have loose links with Al Qaeda, had initially declined to allow the World Food Programme (WFP) access to areas under its control. Until recently, it was in control of large sections of the capital, Mogadishu. Its forces withdrew from the capital in early August for tactical reasons and are now staging hit-and-run attacks against the A.U. peace-

keepers, whose presence is keeping the U.S.-backed "transitional federal government" afloat. The rebels control many key towns and the surrounding countryside.

With tens of thousands of Somalis fleeing to Kenya, Ethiopia and Djibouti to escape the deadly combination of prolonged drought and endless violence, the rebel leadership seems to have mellowed, allowing food aid to be ferried into areas under its control in southern and central Somalia.

The Al Shabab leadership said it would allow relief agencies "with no hidden agendas" access to drought-affected areas under its control. The U.N. was allowed to ferry food aid to the rebel-controlled town of Baidoa.

The rebels have allowed the International Committee of the Red Cross (ICRC) entry into many areas under their control. The ICRC reported that even in the Bay and Lower Shabelle region, Somalia's traditional breadbasket, 11 per cent of the children under five were suffering from acute malnutrition.

The ICRC's economic security coordinator, Andrea Heath, said recently that the Somalis were no longer able to cope with the "harsh climate condi-





ROBERTO SCHMIDT/AFP

SOMALIS AT THE Kobe refugee camp in southern Ethiopia wait between two food tents to be called to collect food aid, on July 19.

tions, such as the current drought, while at the same time struggling to survive armed conflict and other violence". Officials in charge of disbursing aid said it was wrong to hold Al Shabab responsible for exacerbating the humanitarian situation. They said it was the lack of resources that prevented the disbursement of aid.

"The limits on our actions are more on the side of logistics than access," said a spokesperson for the ICRC. Also hampering the aid efforts are restrictions imposed by the U.S. government, which prohibits any form of materiel support for the militants.

Al Shabab, which was listed as a terrorist organisation by the U.S. in 2008, imposes taxes in some areas under its control for aid to pass through. The presence of militias armed and financed by the U.S. along Somalia's borders with Ethiopia and Kenya had perhaps made Somali farmers give up farming and this may have contributed

to the shortfall in food supplies. Many experts believe that even if seasonal rains arrive on schedule in September and October, it will not be sufficient to counter the worst effects of the famine. The emaciated Somalis are in no physical condition to till the land. According to international aid workers reporting from the field, a large segment of the Somali population is expected to be dependent on food aid at least until the end of 2012.

When Somalia was a stable and united country, the central government used to tackle successfully the periodic droughts that affected the region. Everyone agrees that it is the decades-long civil war that has made a seasonal drought turn into a large-scale famine. Mohamad Osman Omar, the former Somali Ambassador to India, emphasised in a recent article that famine was not a "new phenomenon" in Somalia. In 1974-75, the socialist government, with the help of the Sovi-

et Union, transported 150,000 famine-stricken people from central Somalia to areas near the Juba and Shabelle rivers, where they were trained in farming and fishing. But at the time the country had a government. Today, the government's writ scarcely extends beyond Mogadishu.

The Islamic Courts Union (ICU) managed to defeat the warlords in 2006 and establish a tenuous peace after 15 years of non-stop violence. The lull lasted for six months only, until the George Bush administration ordered the Ethiopian government to invade Somalia to dislodge the ICU, which, on unspecified grounds, had been branded as a terror group.

The irony of it all is that Shaikh Sharif Shaikh Ahmad, the ICU leader, is now the President of the country and is being backed to the hilt by the U.S. Al Shabab was the fighting arm of the ICU.

Most of the drought-stricken Somalis are heading towards north-eastern Kenya, where the camps built in 1991, when the civil war began in right earnest, are getting overcrowded. The Kenyan government was initially reluctant to allow the refugees entry, fearing that the facilities would become dangerously overcrowded and provide cover for Al Shabab infiltrators. Kenya, along with Ethiopia and Uganda, is spearheading the A.U. efforts to defeat and sideline Al Shabab. Kenya and Ethiopia have sizable populations of Somali origin which have raised the banner of separatism in the past.

The last major famine in Somalia occurred in 1992 – as a result of internecine war and not drought. More than 300,000 people reportedly died of starvation then. Many observers of the region are of the opinion that the U.N. needs to play a more hands-on role in Somalia. Food should be expeditiously airdropped if access to the worst-affected areas is difficult by road. Washington's earlier decision to prevent aid workers from going into Al Shabab-controlled areas has contributed a lot to the unfolding humanitarian crisis. □

Agent of death

On the 50th anniversary of the use of the deadly Agent Orange in Vietnam, an international conference seeks justice for its victims. BY N.D. JAYAPRAKASH

The U.S. consciously manufactured and exported the herbicide with **unacceptable levels of toxicity** and recklessly sprayed it on the South-East Asian country between 1961 and 1971. It is guilty of poisoning the Vietnamese and its own soldiers.

THE Second International Conference of Victims of Agent Orange/Dioxin was held in Hanoi from August 7 to 10 to commemorate the 50th anniversary of the first use of herbicides in Vietnam by the U.S. military during the civil war between the Ho Chi Minh-led communist regime of North Vietnam and the U.S.-propped regime of South Vietnam. (The First International Conference was held in 2006.) The U.S. began ruthlessly using chemical weapons on Vietnam (notably in areas theoretically under the “protection” of the U.S.-backed regime) exactly 16 years after President Harry Truman had shocked the world with his decision to test nuclear weapons by bombing Hiroshima and Nagasaki on

THE shocking images of the 9/11 attack on the World Trade Centre in New York are well etched in the minds of almost everyone who had access to a television set at that time. Similarly, all those who were adults or were in their teens in the late 1960s and early 1970s and had access to radio or newspapers must have heard or read about the Vietnam War. Some of them may be familiar with the term “Agent Orange” and may even have come across some fleeting references to the same. However, the devastating effect of the chemical warfare that the United States military unleashed on Vietnam from 1961 to 1971 is hardly ever in the news, despite being hundreds of times deadlier than the 9/11 attack in terms of the scale of death and devastation and long-term impact. This report is an attempt to shed light on some aspects of this critical issue that has gone largely unnoticed and unaddressed to date.



A MARCH 2000 picture showing two sisters, both victims of Agent Orange, at the doorway of their home in Dong Ha, in the central Vietnamese province of Quang Tri.

HOANG DINH NAM/AFP

August 6 and 9, 1945. The thoughtless use of these chemical weapons, especially the one in the form of a herbicide called Agent Orange, which contained trace amounts of a by-product called TCDD (dioxin – one of the most toxic chemicals known to humans), had devastating effects. (See “The Effects of Herbicides in South Vietnam”; Report of the National Academy of Sciences, Washington, D.C., 1974; and Jeanne Stellman, et al; *Nature*, April 17, 2003.) No less than 80 million litres of herbicides was sprayed over Vietnam between 1961 and 1971, which effectively destroyed over three million hectares of forests, mangroves and cultivable land and devastated the

lives of more than three million people in Vietnam alone.

More than 200 delegates, half of whom were from 24 other countries, attended the conference. They included Agent Orange victims from not only Vietnam, Laos and Cambodia but also the U.S., South Korea, Australia, Canada and Thailand. Victims of chemical warfare* from Sardasht (Iran), Marivan (Iran) and Halabja (Iraq) and victims of chemical disasters from Seveso (1976) and Bhopal (1984) also attended the conference.

Sanjay Verma, who lost his parents and six siblings in the Union Carbide pesticide factory disaster and in its aftermath, along with this writer repre-

sented the Bhopal gas victims at the event.

The fact that U.S. and allied soldiers also became victims of Agent Orange testifies to the recklessness with which the U.S. military sprayed the herbicide. The most striking example of this is the case of the Zumwalt family. Admiral Zumwalt, as commander of the U.S. Naval Forces in Vietnam between 1968 and 1970 and as the one who commanded the flotilla of Swift Boats that patrolled its coasts, harbours and rivers, was instrumental in increasing the area and intensity of Agent Orange spraying. His son, Lieutenant Zumwalt, who was the commander of one of the Swift Boats that patrolled the areas that were worst hit by Agent Orange, died of cancer in 1988 at the age of 42. His grandson, Russell Zumwalt (born in 1977), is mentally retarded. Their unenviable plight is recounted in a moving account titled *My Father, My Son* (Macmillan, 1986). Lt. Zumwalt believed that it was Agent Orange that had caused his cancer and his son's severe learning disabilities.

Heather Bowser, a second-generation American victim (whose father, Bill Morris, had served as a soldier in Vietnam in 1968 and died of an Agent Orange-related disease in 1998) was born without her right leg below the knee, the big toe on her left foot and several fingers. Heather, 38, the first second-generation U.S. victim to interact with her counterparts in Vietnam, was there to seek justice for Agent Orange victims. Lawyers, scientists and social activists and the Ambassadors of China, Greece, Iran, South Africa and Venezuela were among others who attended the conference.

Rosemarie Höhn-Mizo of Germany and Masako Sakata of Japan, who are now in their early 60s, had nothing to do with the war in Vietnam. It was their misfortune that they married U.S. war veterans who had served in Vietnam in areas that were sprayed with Agent Orange. Their husbands, George Mizo and Greg Davis, who realised that they were suffering from



HEATHER BOWSER (LEFT), a second-generation Agent Orange victim whose father, Bill Morris, was a U.S. soldier in Vietnam's southern Bien Hoa city during the war, is photographing inmates of Friendship Village, a hospice for Agent Orange victims outside Hanoi, on August 9.



KHAM/REUTERS

VICTIMS AT A hospice in Da Nang in central Vietnam.

the effects of Agent Orange and went back to Vietnam to seek justice for the victims of Agent Orange, subsequently died of cancer in 2002 and 2003 respectively. Rosemarie, as president of the International Committee of the Vietnam Friendship Village Project which supports Vietnamese victims of Agent Orange, and Masako, as a documentary film-maker, are carrying on the struggle to seek justice for all Agent Orange victims. They attended the conference.

It is not known whether President John F. Kennedy, who first sanctioned the use of herbicides, was aware of the presence of dioxin in them and about the nature of their toxicity. Official reports have tried to argue that at the time these herbicides were permitted to be used in Vietnam, they were in fact sold commercially in the U.S. (*The Joint Chiefs of Staff and the War in Vietnam – 1971-1973*; Willard J. Webb and Walter S. Poole; page 378.) In oth-

er words, these herbicides were legally produced and used in the U.S. However, there was one crucial difference: there was a wide variation in the amount of dioxin present in the batch of Agent Orange that was sold domestically and in the consignment that was exported to Vietnam. It appears that “in domestic preparations it is present in much lower concentrations, 0.05 ppm (parts per million), as opposed to peaks of 50 ppm in stock shipped to Vietnam. Therefore, dioxin contamination of Agent Orange was up to 1,000 times higher than in domestic herbicides” (*The Ecologist*; Hugh Warwick; Sept-Oct 1998; page 264.)

While 0.05 ppm is considered the “safe” level for domestic sale of Agent Orange in the U.S., the manufacturers (Dow Chemical, Monsanto, and five other companies) and the U.S. administration consciously manufactured and exported Agent Orange to Vietnam with unacceptable levels of toxic-

ity. They knew very well that using herbicides with high levels of dioxin would cause irreparable harm to the Vietnamese people who happened to be in the vicinity of the spraying area and would result in widespread destruction of the exposed environment. Thus, the U.S. and the manufacturers of the herbicide knowingly committed an abhorrent war crime – a crime against humanity – for which they have to be held accountable and punished. However, Dow has conveniently placed the entire blame on the U.S. administration by propounding the specious plea that: “As a nation at war, the U.S. government compelled a number of companies to produce Agent Orange under the Defence Production Act. The government specified how it would be produced and controlled its use” (<http://www.dow.com>).

Monsanto has taken the following position: “We believe that the adverse

consequences alleged to have arisen out of the Vietnam War, including the use of Agent Orange, should be resolved by the governments that were involved”

(<http://www.monsanto.com/>).

The U.S. cannot claim that it had the right to use chemical weapons because it was not a party to the Geneva Protocol of 1925 until 1975. If the signing of international protocols is the yardstick for determining culpability, no action should have been contemplated against terrorists such as Osama bin Laden for the 9/11 attack because he was not a party to any international treaty governing conduct of war.

The U.S. is guilty of wilfully poisoning the people of Vietnam (as well as its own soldiers and those of its allies) and of destroying the environment; it can in no way claim ignorance about the grievous consequences of its action. Thus, there is a strong case for the Government of Vietnam to seek suitable remedy before the International Court of Justice and to highlight the matter before the Non-Aligned Movement, the United Nations General Assembly, and every available international forum for eliciting

appropriate support for its just cause.

In view of the consistent protest from North Vietnam and the mounting evidence about the high toxicity of dioxin, concerned people and organisations across the U.S., including the American Association for the Advancement of Science (AAAS), expressed their firm opposition to the use of dioxin-based herbicides. As a result, “On 15 April, 1970, the Secretaries of Health, Education, Welfare, Interior and Agriculture announced the suspension of uncontrolled domestic use of herbicides containing 2, 4, 5-T. That same day, the Deputy Secretary of Defence suspended temporarily all use of Orange in military operations pending a more thorough evaluation of the situation.” (Webb and Poole; op cit.; page 380). This decision practically ended yet another diabolical and sordid act of the U.S. in the 20th century because the decision was never rescinded.

Considering the enormous level of destruction and devastation that the U.S. had unleashed on Vietnam, at the time of signing the Paris Peace Accord on January 27, 1973, the U.S. made a solemn commitment to undertake necessary action to heal the wounds of war. Under Article 21 of the Accord, it

pledged that: “In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to post-war reconstruction of the Democratic Republic of Vietnam and throughout Indochina” (Webb and Poole; op cit.; page 407). This promise was followed by a letter dated February 1, 1973, in which President Richard Nixon promised that the U.S. would contribute “in the range of \$3.25 billion” in post-war reconstruction assistance to Vietnam over a five-year period (Congressional Research Service Report for Congress; Michael F. Marti; Washington, D.C., March 2009; page 4). The U.S. has failed to comply with this commitment despite the National Academy of Sciences’ report affirming in 1974 that: “It is the committee’s firm belief that rehabilitation and reconstruction efforts should ...be undertaken as rapidly as conditions permit... since any delay will make its accomplishment more difficult” (Report of the National Academy of Sciences; op cit.; page 41 [s-16]).

Considering the enormity of the task of detoxifying three million hectares of affected land area and of medically, economically and socially rehabilitating three million dioxin victims, the proposed plan of the “U.S.-Vietnam Dialogue Group on Agent Orange/Dioxin” to tackle the problem over the next 10 years (2010-2019) with a total budget of just \$300 million is rather a far-fetched one (<http://www.aspeninstitute.org/policy-work/agent-orange>). It amounts to an average expenditure of just \$5 per dioxin victim for meeting all their needs every year and another \$5 per hectare for detoxifying the affected land annually. Effectively, the Dialogue Group’s proposed plan belittles the enormity and gravity of the problem while making a pretence that effective steps are being taken to remedy the same.

U.S. representatives on the Dialogue Group, who include senior members of the Ford Foundation and the Aspen Institute, did not attend the Second International Congress despite claiming that the Dialogue



A U.S. B-52 Stratofortress drops a load of 750-pound bombs over a coastal area in Vietnam on November 5, 1965.

AP

Group was set up to support the cause of Agent Orange victims.

It is, indeed, ironical that the U.S. which had no qualms about spending an estimated \$658 billion (at 2008 prices) for waging the Vietnam war and in spending an almost equal amount for waging the Iraq war is so financially hard-pressed when it comes to the question of raising requisite funds for healing the wounds of war (<http://www.cbsnews.com/stories/2008/07/25/national/main4296368.shtml>, July 16, 2009). Retribution in the case of the 9/11 attack has been dealt with on an entirely different level. This was despite the fact that the impact of the chemical warfare on Vietnam was hundreds of times greater than the impact of the 9/11 attack in terms of human loss and environmental damage.

The U.S. has either arrested or killed most of the alleged perpetrators of the 9/11 attack. Over \$38 billion has been paid as compensation to the 9/11 victims, including \$8.7 billion for 2,880 cases of death (at an average of \$3.1 million each) and \$23.3 billion as compensation for property damage. Injury cases, numbering about 2,680, were also paid over \$1 billion as compensation, which works out to an average of over \$373,000 each (<http://usgovinfo.about.com/od/defenseandsecurity/a/random911.htm> and http://www.justice.gov/final_report.pdf). Whereas, in the case of the Agent Orange attack no one has been arrested or prosecuted in the past 50 years.

Of the 105,000 U.S. war veterans who served in Vietnam and reportedly suffered from the effects of Agent Orange, 52,000 have been awarded a total compensation of just \$197 million at an average of about \$3,800 each (<http://www.vba.va.gov/bln/21/benefits/herbicide/AOno2.htm>). The double standards in the award of compensation even to its own citizens are evident on the face of it. Vietnam has been promised a total of just \$300 million in the next 10 years for remediation of the affected land and as medical assistance. Under the circum-

LETHAL IMPACT

The U.S. military used Agent Orange and other herbicides from 1961 to 1971 reportedly to save the lives of U.S. and allied soldiers by defoliating dense vegetation in the Vietnamese jungles and thereby reducing the chances of ambush. In the process, at least three million hectares of forests, mangroves and cultivable land were contaminated with toxins, and about 4.8 million Vietnamese were exposed to the effects of the dioxin-laced Agent Orange of whom at least three million were affected. As a result, over 400,000 of them have since died and about 500,000 children have been born with serious birth defects ranging from acute physical deformities to extreme mental disabilities or a combination of both. A large number of U.S. and allied soldiers, who had served in Vietnam, have also met with a similar fate. Justice continues to be denied to them. In addition, the former U.S. military bases in Vietnam, where the herbicides were stored and loaded on to airplanes for spraying, are suspected to contain high levels of dioxin in the soil, which continue to pose a threat to the surrounding communities.

stances, despite President Kennedy's questionable role in ordering the use of herbicides on Vietnam, it has to be noted that he was the one who actually tried for a rapprochement with that country as early as 1962 (*The Boston Globe*; June 6, 2005). Not only was Kennedy against the escalation of the war in Vietnam but he initiated the process of rapprochement with the Soviet Union through what became known as the McCloy-Zorin Accord on

General and Complete Disarmament, which was signed on September 20, 1961 (<http://www.nuclearfiles.org/>). On December 20, 1961, the McCloy-Zorin Accord was adopted unanimously by the U.N. General Assembly (<http://www.un.org/depts/dhl/resguide/r16.htm> [A/RES/1722(XVI)]) and serious negotiations began under the aegis of the Eighteen Nation Disarmament Committee (ENDC) for implementing it. However, after the assassination of Kennedy, the entire process was reversed at the instance of the military industrial complex, which felt threatened by the prospect of world peace if the disarmament process progressed. Kennedy's assassination, thus, cleared the way for U.S. combat troops to land in Vietnam and for the escalation of the war.

The Second International Conference, in its appeal (www.vava.org.vn), called upon the U.S. administration and U.S. companies such as Dow and Monsanto to assume responsibility for the horrendous crime they committed against the people of Vietnam and against the U.S.' own soldiers and those of its allies. The appeal noted that the U.S. and the said companies had an abiding duty to take appropriate remedial measures to detoxify the affected environment and to provide medical, economic and social rehabilitation for all the victims.

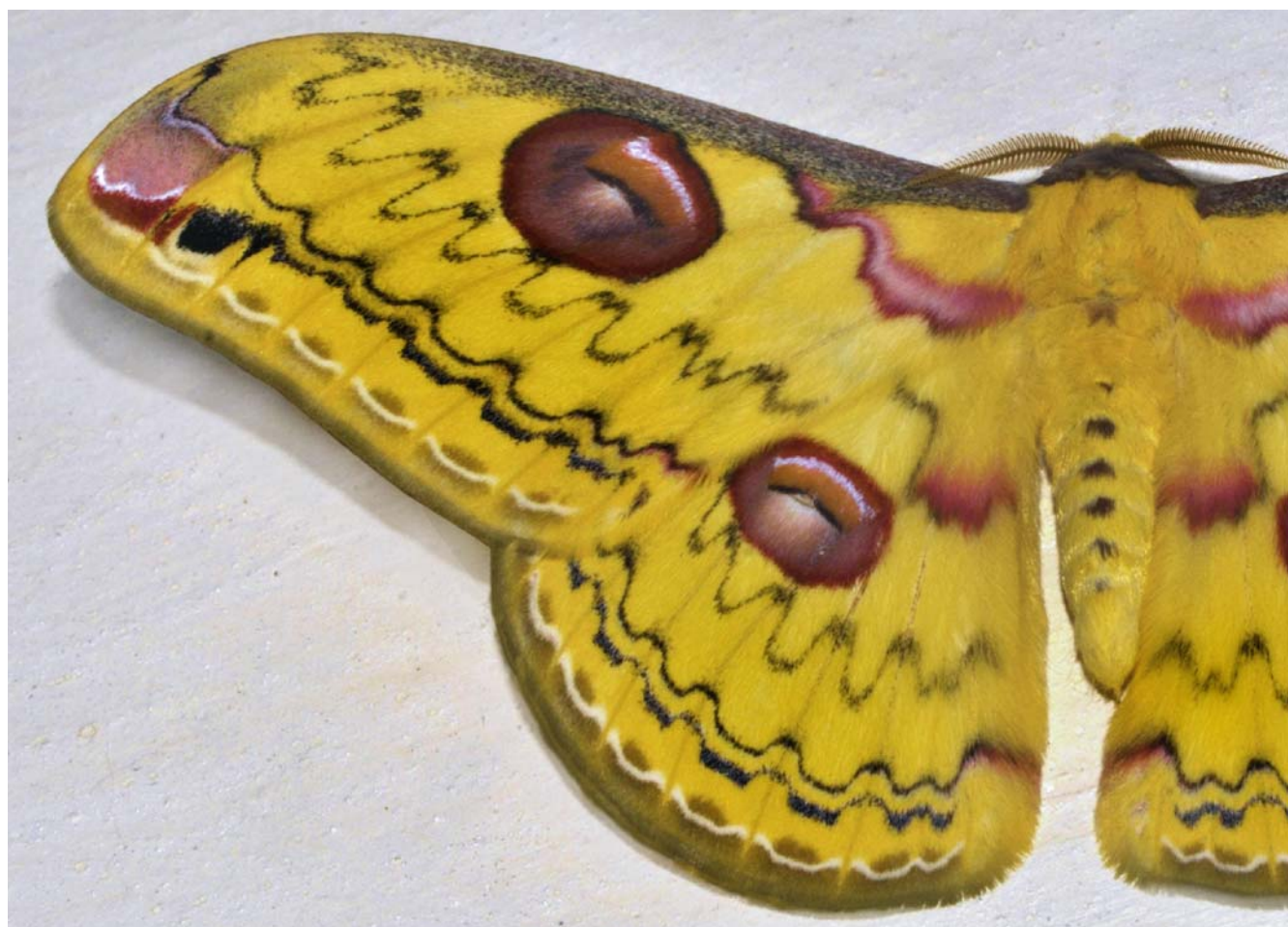
Unfortunately, the appeal is silent on the role of the Government of Vietnam and other governments and peoples concerned in pressuring the U.S. administration to fulfil its duties and responsibilities towards the victims of Agent Orange and in taking the U.S. to task for the war crimes it committed against the people of Vietnam and against humanity in general. □

N.D. Jayaprakash is Co-Convener, Bhopal Gas Peedith Sangharsh Sahayog Samiti (BGPSSS) and Joint Secretary, Delhi Science Forum.

* Saddam Hussein, as an ally of the U.S., had used a variety of chemical weapons (including phosgene, sarin and mustard gas) primarily on the Kurdish people during the Iraq-Iran war of 1980-1988.

Art and architec

Insects have inspired artists and poets and also provided architects with examples of



One of the oldest industries to evolve from insects is sericulture. Raw and woven silk played a major role as virtual currency and was a symbol of status and style in many cultures.

THE colours and forms of moths and butterflies have inspired artists and poets for centuries. One of the oldest industries to evolve from insects is sericulture, or silk production. According to Confucius'

records, silk was discovered in the third millennium B.C. in China. The Chinese held a monopoly over silk to the extent that anyone attempting to export silk came under the death sentence by imperial decree. Both raw and woven silk played a major role as virtual currency and was a symbol of status and style in many cultures, for instance, among Persians, Byzantines, Turkish nomads and the Sogdian merchants of Central Asia¹.

SILK MOTH

A delightful legend records that one day a silkworm cocoon accidentally fell into the teacup of Empress Xi Ling, wife of the Yellow Emperor. She started

ture

materials and methods that can be used. BY GEETHA IYER



THE GOLDEN EMPEROR moth, *Leopa katinka*, is a variety of wild silk moth found in north-eastern India.

unwinding the silk threads in order to rescue the cocoon from her cup and in the process discovered silk. On the emperor's advice, she began to observe the life of the silk moth and soon learned to grow it and extract silk. She then trained her entourage to raise silk moths and thus began the industry that remained a closely guarded secret for several centuries. Although this story is attributed to several princess-

es, records point to the empress as the first sericulturist.

Moths are usually seen more as being destructive in nature rather than as the insects that have dictated the economy of countries for centuries (and still do). The moth is the butterfly's closest relative, yet there is a persistent notion that moths are not as colourful as butterflies. Moths far outnumber butterflies in species diversity and ex-

hibit colours and forms that are quite fascinating. The selection of moth images on these pages bears testimony to this fact.

The *Saturniidae* family, to which silk moths belong, includes some of the most spectacular species of the order Lepidoptera. The moths of this family all produce lustrous silk. They are wild species and differ from the ones that feed and grow on mulberry trees. The Indian subcontinent is believed to have about 50 species of silk moths that may be of economic importance. Of these, at least 24 species have been recorded in north-eastern India, which is an ideal habitat for these species and is, consequently, a centre for wild silk culture². Hence, sericulture could be further developed as a livelihood option for people living in remote areas. Muga, Eri and oak tassar are examples of silk cultured from wild species of moths. There are probably many species of silk moths still undiscovered in regions such as Nagaland.

The domesticated silk moth, *Bombyx mori*, is quite different from the silk-producing wild species described above. The caterpillars of these moths feed on the leaves of the mulberry tree and moult several times before spinning themselves into silky cocoons. Rearing the caterpillars, removing the silk, and so on, require knowledge and skill.

There are many legends about how the Chinese monopoly over silk was broken. One has its source in the records of the seventh century monk Xuanzang. Around the first century A.D., a Chinese princess was given in marriage to one of the princes of Khotan. Before her journey to that country, she discovered that Khotan had neither mulberries nor silkworms. She

SANJAY SONDIHI

Series

This is the fourth part of an eight-part series on insects.



GEETHA IYER



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MOTHS CAN BE as colourful as butterflies. (Above) *Cyana* sp.; and (left, top to bottom) *Cretonotos transiens*; the arctiid moth; and *Lymantria lepcha*.

could not imagine a life without silk. So she hid a few mulberry seeds and silk moth cocoons in her headdress and smuggled them out of China, much to the delight of the King of Khotan, who had long wanted to make silk in his country.

Yet another legend, based on a story by Procopius, a Byzantine scholar from Palestine, describes how two monks smuggled silkworm eggs in bamboo rods hidden in their clothes. They were sent by the Byzantine Emperor Justinian so that he could start a silk industry in his empire.

In the moth's world, silk is not merely a material to form cocoons for the pupa to metamorphose in. Several

caterpillars hang on to silken thread to move out of their homes or to move in search of food. Others use thread to form pads on which they can moult.

SILK IN THE INSECT WORLD

“as a representative
of the insect world
i have often wondered
on what man bases his claims
to superiority
everything he knows he has had
to learn whereas we insects are
born
knowing everything we need to
know”

– From Don Marquis' book *the lives and times of archy and mehitabel*



GEETHA IYER

WEAVER ANTS, *OECOPHYLLA smaragdina*, make their nest by sticking leaves together using the silk produced by their larvae.

Silk may have been discovered accidentally by humans, but in the insect world, silk is a material that is instinctively secreted by several different types of insects, not just moths.

The weaver ant, *Oecophylla smaragdina*, constructs its nest using the silk produced by its larvae. Larvae that are ready for metamorphosis are held by the worker ants, and their silk is woven to bind leaves together to form a nest.

Caddisflies (order Trichoptera) produce protective cases in which their larvae develop. They obtain materials from their immediate environment and stick them together using silk to form the cases. When the larvae are

ready to pupate, the cases are closed with pads of silk similar to those produced by moths. The labial glands, generally used to produce saliva, take on the function of silk production in Lepidoptera and Trichoptera. This spinning habit appears to have evolved around 250 million years ago.

The bagworm moth, as its name indicates, builds narrow cylindrical or conical bag-like structures on leaves or branches within which its young develop. The larvae pop their heads and a part of their bodies out of the bags to feed on leaves. At the slightest disturbance, they retreat into their bags. Silk covers the mouth of this bag when the larvae get ready to transform into

adults. The insects of the order Embioptera are commonly known as web-spinners and produce silk from structures on their legs. Very small in size (1.5-2 millimetres), they construct silken tunnels or chambers to live in.

There are many more examples of silk production among insects such as midges, glow worms, fleas, wasps, sawflies and bees. Silk is also used by insects for mechanical reinforcement, thermal regulation and altering humidity conditions.

FROM SILK TO ART

The ancient Chinese used silk fibres not only to weave cloth but also to make canvases for paintings. In the



(ABOVE AND BELOW) The white colour in these pierids is largely the result of the effect of the scattering of light.



SANJAY SONDHI



SANJAY SONDHI



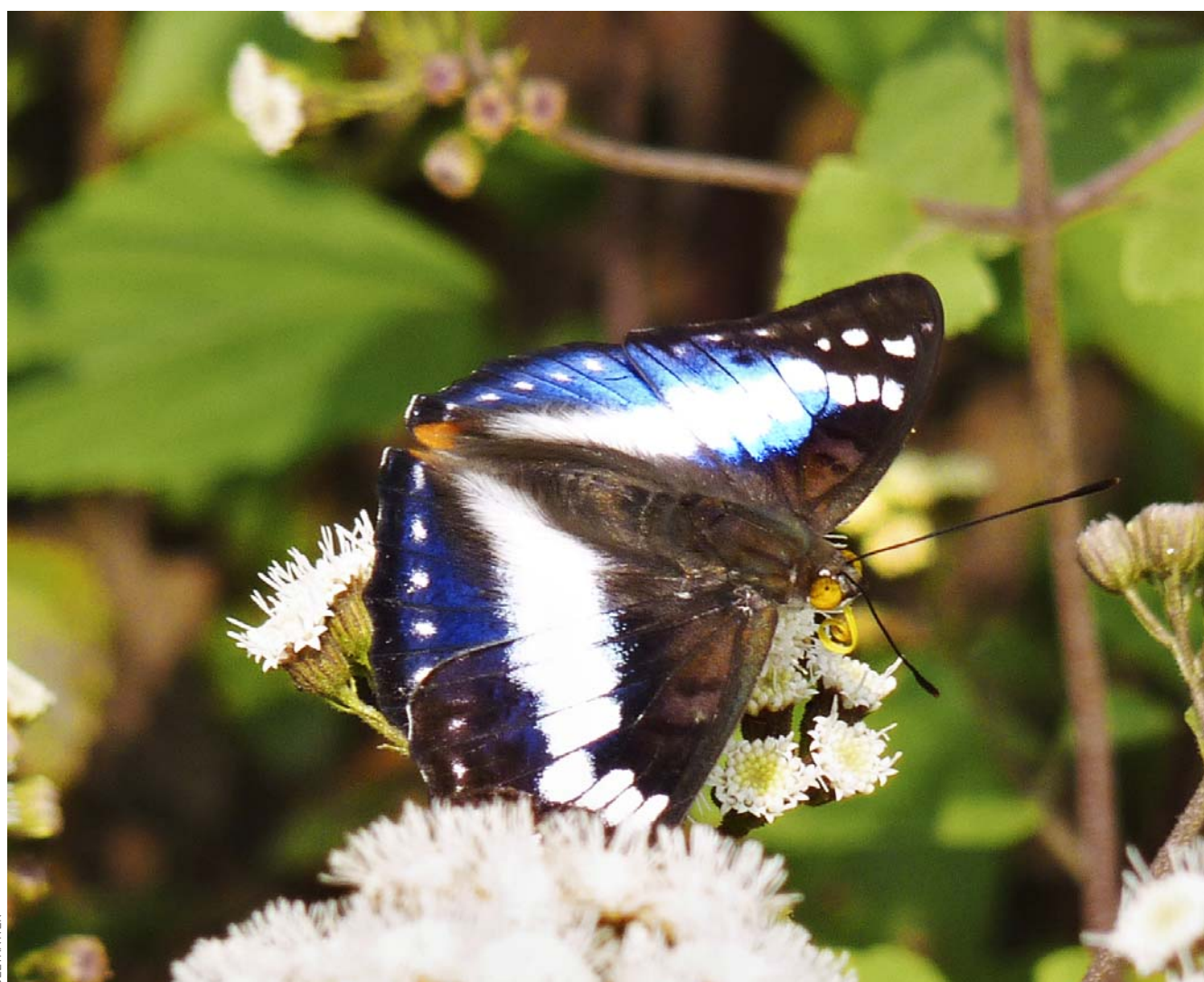
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THE COLOURS OF this butterfly, *Euthalia nais*, commonly called baronet, are the result of pigments produced by biochemical reactions.



GEETHA IYER

THE LARVA OF a bagworm moth popping its head out of its nest to feed.



GEETHA VER

second century B.C., silk was used to make paper. Insects have been a favourite subject with oriental painters. The earliest of such pieces were made by Huang Ch'uan in A.D. 950. To serve as a painting model for his son, Huang painted a dozen insects in a work titled "Beautiful Birds Sketched from Life".

BUTTERFLIES

Along with figure and landscape painting, "Bird-flower-insect" painting has long been a major branch of Chinese art. Over the centuries, several artists devoted themselves to insect-painting, an impressive example being the four-metre-long scroll by Chu Ju-lin, alive with dozens of butterflies and bugs.

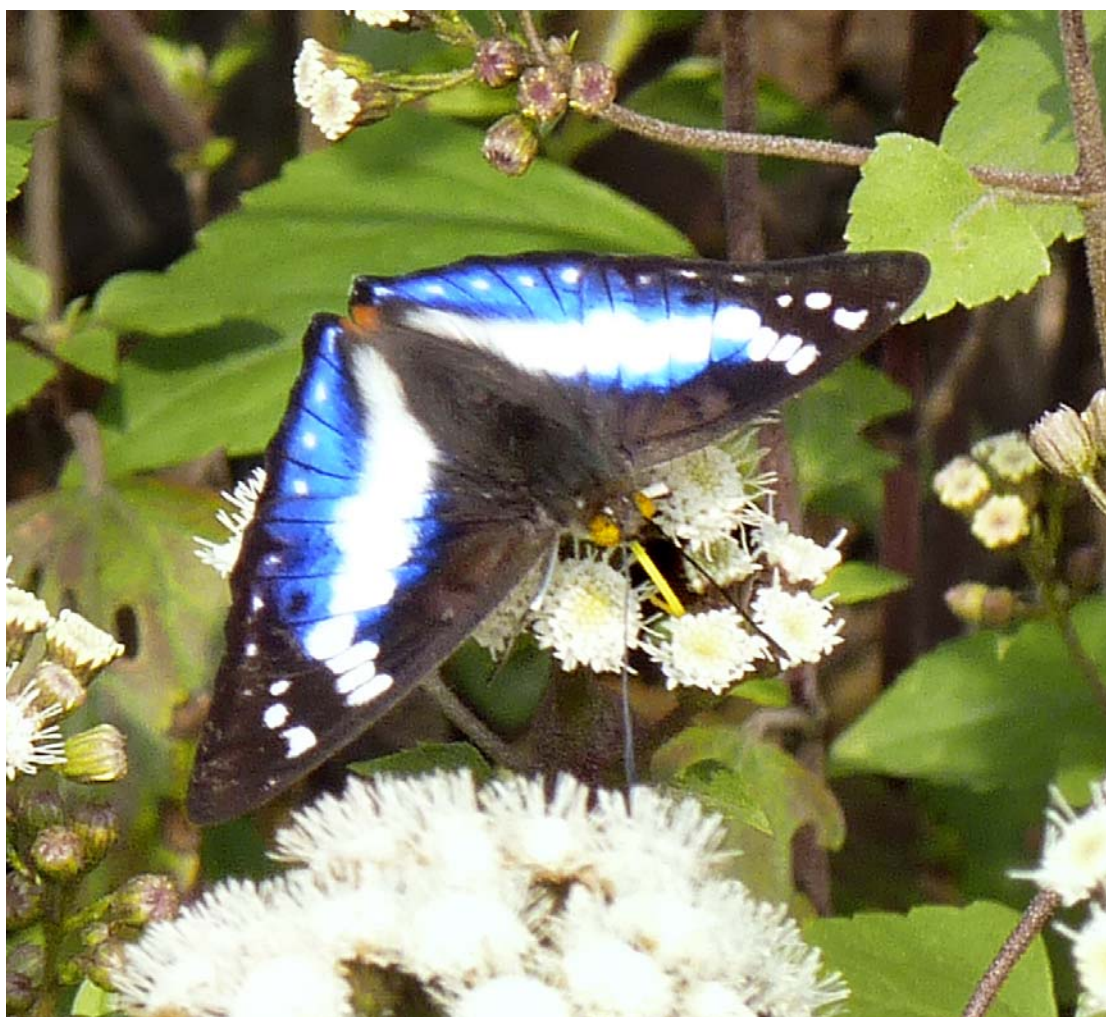
Chinese insect paintings are supposed to have feng shui aesthetics. In this system, the butterfly is a symbol of eternity, and a butterfly over flowers represents sweet love and perfect marriage. Butterfly art was most popular in medieval Japan, where it featured prominently on family crests known as ka-mon.

Butterflies have fascinated human beings of all cultures, their colour being a prominent reason for their popularity. The German poet, thinker and scientist J.W. von Goethe said: "... all nature manifests itself by means of colours to the sense of sight".

Insects have two main mechanisms³ by which they produce colour

which inspires artists. Physical or structural colours are produced by the scattering, interference or diffraction of white light by the surface of any material. Pigmentary colours are produced by the absorption of visible light by a variety of chemicals. Both these processes, either individually or together, are responsible for the colours of insects.

Butterflies and moths belong to the order Lepidoptera, which means "wings with scales". Scales are modified hairs covering the bodies and wings of these insects. They are arranged in several rows and constructed in patterns based on a genetic blueprint. The orientation and stack-



GEETHA IYER

THE INDIAN PURPLE emperor butterfly, *Apatura ambica*. Looking at it from two angles shows one how the colours produced by interference change with a change in the position of the viewer.

ing patterns of scales influence the production and perception of structural colour. The construction of scales is flexible, allowing for variability in shape and the emergence of new shades of colour. In short, butterfly wing colours are the result of the structure and optical properties of its scales.

The pigments responsible for colour are obtained from food synthesised by, or in rare cases obtained from, microbes resident in their bodies.

The butterflies of the *Pieridae* family are generally referred to as whites and yellows. The white colour of the cabbage white butterfly is largely the result of scattering of light. When all light is reflected off the body of the

insect (because of the pattern and arrangement of its scales), it appears white. In some pierids, the colour is the combined effect of scattering and a class of pigments called pterins. Pterins, along with melanins, produce black colour.

Interference colours, common in butterflies, result from the reflection of light from surfaces that are created by scales arranged in complex ways. In other words, the wavelength (colour) of reflected light depends on the spacing and angle of the scales on the wing. These reflecting surfaces produce the shades of blue, green, silver, gold and brass yellow seen in butterflies. Additionally, when there is a change in the

position from which one sees an insect, the colour seen may also change, as moving is equivalent to changing the distances (and angles) between scales. This results in iridescence.

This phenomenon, more common among beetles than butterflies, can also be the result of diffraction. When light strikes the cuticle (hard body covering) of the beetle, it is bent to varying degrees and splits into its spectral colours. One of the perceivable effects of this is iridescence, which is lost if the light is dim. Since diffraction colours are not produced in dim light, beetles and butterflies that iridise in bright light look black or brown in low light.

Among the most attractive butter-

flies in the world are the swallowtails. Exquisite, colourful and dainty, Kaiser-i-hind, Bhutan glory, peacock and dragontail butterflies are a treat for a lepidopterist. With a wingspan of 190 mm, the southern birdwing is the largest butterfly in India. Equally attractive and pleasing to the eye are the colourations of nymphalid and lycaenid butterflies. Their colours, especially yellow, are due to pigments called flavoids, which are obtained from food. While black is predominant in several swallowtails, black and brown are seen in nymphalids. Melanin is the pigment responsible for most of the dark patterning on the body and wings. Melanins, found in the cuticle of insects, are black, brown, tan or reddish brown pigments and are produced by complex biochemical reactions.

Ommochromes are red, yellow or brown pigments that are produced by the cells that form scales. In many butterflies and moths, the appearance of the red or brown colour during pupation is due to the synthesis of these pigments. Ommochromes help insects remove certain molecules that may be toxic if allowed to accumulate. Like

tigers and elephants, butterflies, moths and a number of other insects figure prominently in illegal trade. While a lot of attention is given to controlling trade in tiger parts and elephant tusks, little has been done to curb the surprisingly huge global trade in insects.

The trade in butterflies alone is around \$200 million though butterfly collection is banned by the Wildlife Protection Act of 1972. Insect poaching is as rampant as tiger poaching. The atlas moth and several wild silk moths fetch high prices in the international market. Swallowtails and colourful nymphalids are collectors' items besides being in demand as souvenirs, for jewellery, and so on. Habitat destruction combined with active collection by poachers is likely to spell doom for many of these exquisite insects unless the public is educated on the issue and stringent laws are enacted to combat this silent aggression against insects.

INSECT ARCHITECTURE

Insects have not only inspired artists but also provided architects with examples of materials and methods that

can be used. Insect nest-building is done predominantly for the purpose of rearing young. Apart from web-spinners, insects construct homes to raise their brood in safety. The activities of termites in building mud houses are legendary. Their naturally air-conditioned structure is built to house their queen and her constantly increasing colony of soldiers and workers. The buildings of honey bees and potter wasps are also well known. However, there are other spectacular insect architects.

PAPER WASPS & HORNETS

These social insects also raise large colonies whose members are differentiated on the basis of caste. Here again, the queen lays eggs to produce workers who build large nests to house the ever-increasing number of colony members.

Three different materials are used in the building of these nests. The nest (usually spherical though it can also be tubular or conical) is usually suspended from a support by means of a short stalk. So the first material is a special secretion produced by the queen that sticks the stalk firmly to the support. The strong adhesive property of this material has evoked much interest in the scientific community.

The second raw material for nest-building is cellulose from plants. The cellulose is mixed with salivary secretions and made into a papery material that is then used to construct individual cells. One egg is laid inside each cell.

The third material is silk. While the colony is started by the queen, the work is soon taken over by worker wasps. The silk is spun by larvae when they are ready to metamorphose, to plug the opening of their cells.

At Rishi Valley School, in Andhra Pradesh, the students once let a paper wasp queen build her nest under a table in their classroom. They noticed that rather than going to plants, the wasp that started the nest would chew off bits and pieces from the files kept on the table to use as building material. Since she took a particular liking to pink files, her nest was white and pink



GEETHA IYER

THE NEST OF the tree ant, *Crematogaster*. Rufous woodpeckers use this ant's nest to raise their brood.



HABITAT DESTRUCTION IS a threat that may spell doom for pretty butterflies such as this five bar swordtail, *Graphium antiphates*.

in colour. As the nest grew in size, the wasps and the students began to get jittery in each other's presence. However, despite our best efforts, the nest could not be detached from the surface of the table as the stalk of the nest was stuck firmly. We could well understand why this glue produced by the wasp would provoke so much interest among scientists.

The principle of nest construction and the raw materials used are similar for hornets and paper wasps. However, the design and the finished product are quite different. Hornet nests, built both on trees and below the ground, have hexagonal cells laid out in a circular/spiral manner along a central pillar. These cells are covered completely from the outside, with specific open-

ings that serve as entrance and exit. Hornets often change the exits and entrances, closing old ones and opening new ones.

Tree ants of the *Crematogaster* species build nests on trees quite unlike those of the weaver ant *Oecophylla*.

TREE ANTS

These nests are almost the size of a football. The ants share these dwellings with the rufous woodpecker, which uses it to lay eggs and raise her chicks. The relationship between the two is a source of curiosity. The ant is the woodpecker's food and the eggs of the bird are food for the ant. Yet, they both give up this feeding habit when the woodpecker builds her nest. She

bores a hole into the side of the ant's nest and creates a chamber to lay the eggs, and the ants do not seem to mind. The woodpecker returns the favour by protecting the ants from other woodpeckers that might feed on them.

CARPENTER BEE

Masons, weavers, diggers and paper-makers are not the only architects among insects. There are carpenters too. The carpenter bee, or *Xylocopa*, is large, shiny blue and is often mistaken for a bumble bee. It looks intimidating but rarely stings; indeed, only the female possesses a sting.

The carpenter bee tunnels into wood with the help of its strong mandibles (the "upper jaw", so to speak). However, it does not eat the wood.



GEETHA IYER

A WORKER HORNET busy putting the finishing touches to a new funnel-like entrance to the nest.

Instead, it spits it out to create chambers inside the wooden tunnel. A single large hole is the entrance to the residence. Although *Xylocopa* is a solitary bee, it makes its nest close to others of its kind, and they all share responsibilities such as guarding the nest while others are away foraging. Sometimes, mothers, sisters and children cohabit the same tunnel but in cells that are separated by pieces of wood.

The architectural abilities of insects are worthy of wonder. The geometric accuracy of the hexagonal cells of hornets, bees and wasps; the tenacity of their silk fibres; their knowledge of cellulosic paper: these raise a whole lot of questions about the origin and evolution of life on earth and about instinct versus learning.

Present-day Japan is witnessing a renewed enthusiasm for insects. Even in Tokyo, where living space is a constraint, people of all ages are finding room for some wilderness. Insects are sold live in vending machines and de-



GEETHA IYER

THE CARPENTER BEE, *Xylocopa*. For all its intimidating look, it is one that does not sting often. The male does not even possess a sting.

partment stores. They are the subject of the popular videogame *Mushiking*, which features battles between different species of beetles.

The film *Beetle Queen Conquers Tokyo* premiered on May 17 on Independent Lens on PBS (Public Broadcasting Service). It explores modern-day Japan's new-found social

relationship with insects and the country's fascination for nature's "most efficient creature in space, design, and function – insects". The film raises a pertinent question: Is our "instinctive" repulsion to bugs merely a trick of conditioning? The film-makers believe that "insects, like haiku or a Zen garden, can represent the world at large writ small". □

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Law and graft

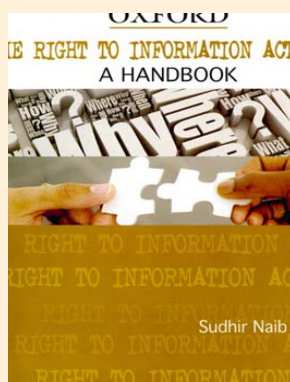
Two books look at some key aspects of the anti-corruption movements in recent times. BY V. VENKATESAN

THE ongoing crusade against corruption, led by Anna Hazare, has captured the imagination of people across the country with the demand that Parliament speedily enact the Jan Lokpal Bill, authored by Team Anna, becoming vociferous. However, serious divisions within civil society over the crusade and the Bill have led to questions about the legitimacy of the crusade itself. One such question is whether Team Anna's campaign has learnt the lessons from the successful movement for the Right to Information Act, 2005.

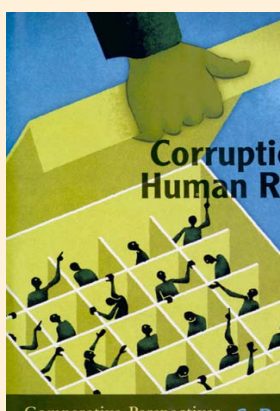
The movements for strong RTI and Lokpal Acts share similar goals – namely, eradicating corruption and ensuring accountability and transparency in governance. It is true that the Lokpal Bill has a much longer history than the RTI Act. But the RTI movement has a longer history than the campaign for a strong Lokpal.

The huge public backing for the Jan Lokpal Bill is its strength as well as its liability. The enormous and unexpected support it has earned makes it difficult for the authors of the Bill to consider dispassionately the well-intentioned criticisms against it, and the suggested alternatives to some of its provisions that are widely considered draconian. Team Anna's refusal to let Parliament debate the Lokpal Bill in its normal course stems from this impatience, which had characterised its campaign from the beginning. It also reflects Team Anna's conviction that the government's Lokpal Bill – which it prefers to call the Promotion of Cor-

IN REVIEW



The Right To Information Act 2005: A Handbook by Sudhir Naib; Oxford University Press, 2011; pages 329, Rs. 795.



Corruption and Human Rights in India: Comparative Perspectives on Transparency and Good Governance by C. Raj Kumar; OUP, 2011; pages 234, Rs.550.

ruption Bill – is beyond repair, even by the Parliamentary Standing Committee.

In contrast, the RTI Act, 2005, is not a perfect document. There are indeed a few controversial provisions in it, but these did not lead to irreconcilable differences between the government and civil society. The openness of the RTI movement leaders immensely helped in the making of an effective law, which led to its popularity with the people.

According to Aruna Roy of the National Campaign for People's Right to Information (NCPRI), which campaigned for the RTI Act, the RTI Bill was amended 153 times when it was with the Parliamentary Standing Committee as the government draft was very weak. And no one had to threaten a fast-unto-death for the enactment of a strong RTI Act.

In *The Right to Information Act 2005: A Handbook*, the author, Sudhir Naib, a retired Central government official who is currently an academic, has traced the history of the RTI movement in India from 1987 to the passing of the RTI Act in 2005. Naib shows that the real movement for the right to information originated at the grass-roots level – in Devdungrī in Rajasamund district of Rajasthan.

Devdungrī, about 10 kilometres south of Bhim, a small town in the northern pocket of Rajasamund district, was the choice of four human rights activists – Nikhil Dey, Anchi, Shanker Singh and Aruna Roy – in 1987 when they decided to build an organisation for the rural poor. They

did not accept for the work they did more than the minimum wages paid for unskilled labour, which was Rs.15 a day at that time. They did not accept international or government funding for their research projects. They lived with facilities that were available to an ordinary farmer – simple accommodation, no electricity or running water. They won the confidence of the local population on account of their lifestyle, and found motivated co-workers. Devdungri soon became a meeting point for people who were concerned about social discrepancies and did not know how to confront the local elite and officials. When their influence in the region increased, they founded the Mazdoor Kisan Shakti Sangathan (MKSS) in 1990.

The activists initially worked on issues that directly influenced everyday life of the people in the Devdungri region, such as payment of lawfully guaranteed minimum wages in the State's development projects and drought relief programmes as well as equitable distribution of rationed items under the public distribution system (PDS).

Demand for free access to information became an important aspect in the context of minimum wages. Almost every time the activists demanded access to state documents, the

authorities denied them, citing the Official Secrets Act, 1923. As Naib remarks, the OSA created a culture of secrecy, which resulted in confidentiality becoming the norm and disclosure the exception.

The aim of the RTI movement initially was access to documents and records relating to government-funded development works in the region. Public hearings, or *jan sunwais*, were identified as a suitable means to voice this right. The demand for transparency in spending of all development funds in the respective regions came from the *jan sunwais*.

The MKSS managed to get documents that pointed to irregularities in certain development projects. The muster rolls of a number of construction projects had names of people who did not work on the construction site. It was found that in Bhim, payments amounting to Rs.36 lakh had been made to a fraudulent company that existed only in the form of a bank account. The MKSS discovered such discrepancies in other regions too. The first public demonstration, organised by the MKSS, was held in the town of Beawar in Ajmer on April 5, 1996, to stress the demand for the right to free access to information. This dharna ended after 40 days, setting the pace

for the subsequent events in the RTI movement.

The history of the RTI movement is different from the history of the RTI legislation. Although Rajasthan could be credited with initiating the RTI movement, it was Tamil Nadu that passed the first RTI legislation, in 1997, on the basis of the first draft legislation circulated by the Press Council of India in 1996. Other States soon followed. The author finds that most State laws are weaker than the Central law. He suggests that State governments repeal their laws and adopt the Central law, as a uniform law on access to information will help in making better use of the law.

The book says little by way of an account of the making of the RTI Act in various stages, from the drafting of the government's Bill, through its vetting by the Parliamentary standing committee and the debates in both Houses of Parliament, to its eventual notification. Given the current debate on the Lokpal Bill, such an account indeed deserves separate treatment.

But for this minor grievance, the book fills a lacuna in the existing literature on RTI. The reader gets not only a comparative perspective on freedom of information laws across the world but practical tips on how to make use



VICTIMS OF THE Bhopal gas tragedy outside the Prime Minister's Office at South Block in New Delhi to file an RTI application, in March 2009.

of the RTI Act and the options available to an applicant when the authorities deny information.

The book makes exhaustive references to the Central Information Commission's (CIC) decisions concerning the definition of information, the obligations of public authorities and public information officers, the information exempted from disclosure, the role of appellate authorities, and so on. It is deplorable, however, that the government has opted to challenge some of the landmark decisions of the CIC in the higher judiciary and obtain interim stay orders on them. As the courts show no urgency in vacating these stay orders, the beneficiaries of the RTI Act remain deprived of the fruits of their efforts.

DEALING WITH CORRUPTION

C. Raj Kumar, Vice-Chancellor of O.P. Jindal Global University, in his book *Corruption and Human Rights in India*, also finds the beginnings of the RTI movement in Rajasthan fascinating. He recalls that the movement sought the right of access to official records as a part of the right to life and livelihood. He feels that the CIC has to develop broader expertise in dealing with corruption, apart from developing jurisprudence on the scope of the RTI Act, its powers and its jurisdiction.

The chief merit of Raj Kumar's book lies in his articulation of the need to empower the people of India to fight corruption on the basis of developing certain rights, which include the right to information and transparency in governance.

In the postscript to the book, the author discusses the current controversy over a Lokpal. One contentious issue in the Lokpal debate is whether we need a single institution or many bodies to tackle corruption. While the Jan Lokpal Bill strongly favours a single institution, its critics point to the threats to human rights from a mammoth institution and suggest multiple structures to cater to different functions. The author, on the basis of international experience, supports the

view that a single institution in the form of the Lokpal is indeed the need of the hour.

The author refers to the experience of Hong Kong and mainland China and describes how the institutional approach to fighting corruption has been a big success in Hong Kong, while similar measures in mainland China have not met with much success. Citing a study conducted by Melanie Manion, he points out that the political establishment in mainland China responded to corruption with ambivalent signals, establishing two anti-corruption agencies with overlapping jurisdictions and an unclear division of labour.

In Hong Kong, by creating a powerful, independent anti-corruption agency (Independent Commission Against Corruption), the government clearly signalled its commitment to anti-corruption enforcement. This agency achieved major enforcement successes quickly and publicised them widely to consolidate its reputation. It combined enforcement with broad public education by reaching out to the community in innovative ways apart from proposing measures to reduce incentives for corruption.

The author agrees that given our past experience of police and law enforcement agencies engaging in serious acts of abuse of power, care should be taken in the institutional design to ensure checks and balances. However, he adds, experience worldwide indicates that cross-agency coordination remains weak or non-existent where there are multiple institutions with different roles and responsibilities to tackle corruption. Citing another study, he suggests that law enforcement agencies are often not well connected and integrated owing to their wide diversity, overlapping mandates, competing agendas, various levels of independence from political interference and a general institutional lack of clarity.

The author has also offered his views on some of the other contentious issues though one gets the impression that he has not been successful in re-

solving the inconsistency in his ideas. Thus, on the question of inclusion of the Prime Minister under the Lokpal, he agrees that any investigation of allegations of corruption against the Prime Minister would undermine the effectiveness of a pivotal institution of the government, both domestically as well as on the international plane. However, he adds, nobody is above the law; and if India truly wishes to establish a society based on the rule of law, nobody including the Prime Minister should be excluded from the purview of any anti-corruption investigation. He, therefore, supports safeguards to limit the possibility of the misuse of this provision, in the form of a higher level of scrutiny and review mechanism to filter complaints against the Prime Minister.

The author argues that the inclusion of the judiciary within the Lokpal Bill will weaken the proposed institutional framework in its effort to seek transparency and accountability in governance. This is because the judiciary has the power to adjudicate on the constitutional validity of all legislation and the powers exercised by the government. Further, it will also be involved in adjudicating on the constitutional validity of the powers exercised and the decisions taken by the Lokpal. It will also result in the judiciary ending up being a judge in its own cause with respect to adjudicating on the Lokpal's exercise of its powers regarding corruption in the judiciary, the author says.

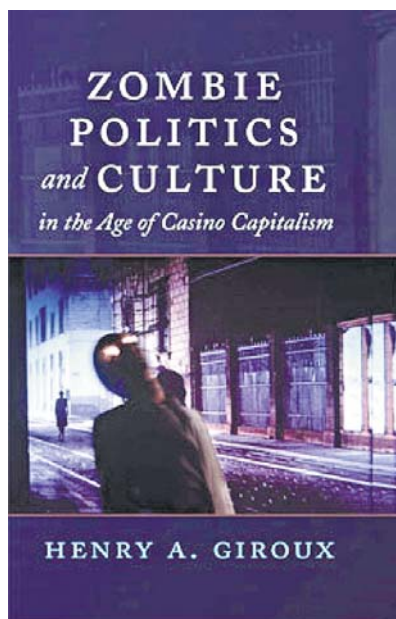
He, therefore, believes that there is a case for strengthening the anti-corruption provisions of the Judicial Standards and Accountability Bill. Accountability of the Lokpal as an institution is another of the author's concerns. He suggests that a full and complete disclosure of all information relating to the members of the Lokpal as well as procedures for removal for misconduct will ensure this accountability. The book's perfunctory treatment of the subject, perhaps to cash in on the contemporary interest in fighting corruption, is likely to disappoint the reader. □

The dead that walk

The book is focussed on the idea of authoritarianism and how it has injured the very body of democratic public spheres. BY SHELLEY WALIA

HENRY A. GIROUX's is one of the most important contemporary voices in the West intervening in debates on subjects ranging from globalisation to terrorism, from existing pedagogical conditions in the United States to the state of "zombie politics" which arises out of an increasingly authoritarian public realm. He is in full agreement with Hannah Arendt that we are living in "dark times" where there is a need to emphasise the value of education to the world that we engineer for future generations. As Arendt wrote many decades ago and what is true today, "Education is the point at which we decide whether we love the world enough to assume responsibility for it and by the same token save it from ruin which, except for renewal, except for the coming of the new and young, would be inevitable. And education, too, is where we decide whether we love our children enough not to expel them from our world and leave them to their own devices, nor to strike from their hands their chance of undertaking something new, something unforeseen by us, but to prepare them in advance for the task of renewing a common world."

Indeed, we live in dark times. The intellectual, ethical and emotional needs of our youth are constantly marginalised by an education system that lacks a passionate concern for democratic and civic values. A just and critical pedagogy is, therefore, the need of the hour so as to counter the neoliberal onslaught and the reactionary education system that operates for the gain of political and economic power and, largely, for the continuance of the status quo. This is the clear and present



IN REVIEW

Zombie Politics and Culture in the Age of Casino Capitalism by Henry A.

Giroux; Peter Lang, New York; pages 167, \$33.

danger to the institutions of democracy, resulting in a society of, according to Ira Shor, "monopolised wealth and distributed poverty, a culture of endless war, legalised torture, detention without trial, bursting prisons, and schools that turn our bright children into data". This, in turn, has given birth to the politics of cynicism and despair, which conspicuously shows up in those who are conscious and alive but, sadly, are slowly dying in the face of the world of "the dead that walk". Such images of the living dead haunt the contemporary world through the reality of persistent ecological disasters, wars,

terrorism and economic meltdown.

Giroux is, therefore, outraged by the birth of zombie politics in our culture. What kind of children are we producing in a world in which movies, comics and video games abound?

"Zombie ideologies proliferate like the breathing, blood-lusting corpses in the classic 'Night of the Living Dead'. They spew out toxic gore that supports the market as the organising template for all institutional and social relations, mindlessly compelled, it seems, to privatise everything and aim invective at the idea of big government but never at the notion of the bloated corporate and militarised state. Zombie culture hates big government, a euphemism for the social state, but loves big corporations and is infatuated with the ideology that, in Zombieland, unregulated banks, insurance companies and other megacorporations should make major decisions not only about governing society but also about who is privileged and who is disposable, who should live and who should die.

"Zombie politics rejects the welfare state for a hybridised corporate and punishing state. Just as it views any vestige of a social safety net as a sign of weakness, if not pathology, its central message seems to be that we are all responsible for ourselves and that the war of all against all is at the core of the apocalyptic vision that makes zombie politics both appealing as a spectacle and convincing as a politics. Zombie violence and policies are everywhere backed by an army of zombie economic advisers, lobbyists and legislators, all of whom seem to revel in spreading the culture of the undead while feasting on the spread of war, human suffering, violence and catastrophe across the United States and the larger globe."

As is so obvious, the mass market relentlessly and insidiously “preys on the spectacle of the violent, grotesque and ethically comatose”.

The Western world is thus fascinated by the world of “vampires and zombies condemned to live an eternity by feeding off the souls of the living”. Matt Taibbi, a writer for *Rolling Stone*, has aptly described this as “a great vampire squid wrapped around the face of humanity, relentlessly jamming its blood funnel into anything that smells like money”. Media culture feeds on such monstrosities backed by the mindless generation that is spewed out by “the spell of voodoo economics and compelled to acts of obscene violence and mayhem. They are the living dead, whose contagion threatens the very life force of the nation.”

The new zombies not only inhabit the financial institutions but are visible in the circles of power and the mainstream media, which are backed by the corporate elite. And to their rescue come extreme right-wingers such as Sarah Palin, Glenn Beck and Rush Limbaugh, who will do everything to perpetuate casino capitalism and play down any discussion on social responsibility or justice, always standing up against any move towards civil rights, questions of social security, desegregation in schools, immigration rights or Medicare.

Such zombie politics promotes an ideology that opposes any policy intended to mitigate human suffering or advance social progress. It is amazing that the unemployment of millions does not anger the new zombies in the least. They blatantly dampen the significance of critical exchange, trade in the fear, hatred and hyper-nationalism that has resulted in the adoption of racist anti-immigration laws in Arizona recently as well as the move to end ethnic studies in schools, and “dump millions of people of colour into prisons”. Views about a bright future of prosperity and freedom from hunger are replaced shamelessly by nightmares of a future holocaust under the regime of Barack Obama as the contemporary Stalin.

At the forefront of such a discourse stands Sarah Palin and her Tea Party that conjures up images of death and war that overwhelm the country’s psyche. She and her comrades are the political zombies wallowing in xenophobic laws, endorsing violence and “cheerfully embracing the new face of white supremacy”: “The current descent into racism, ignorance, corruption, and mob idiocy makes clear the degree to which politics has become a sport for zombies rather than engaged and thoughtful citizens.”

The thin line between reason and distortion stands dissolved. Self-interest remains their ruling motivation, “a convenient counterpart to a culture of cruelty that rebukes, if not disdains, any appeal to the virtues of a moral and just society”.

WEAK DEMOCRACY

Thus, a weak democracy slowly and imperceptibly turns into an authoritarian state where Islam-bashing continues unthinkingly by radical right-wing extremists, where there is no anger at pushing thousands out of jobs and their homes and no demonstration against the casino capitalism of reality TV and “gossip-laden entertainment” or the “endless and arrogant display of wealth, greed and power” on which the American public is constantly fed.

Interestingly, these zombies who control the state institutions and industry have nothing to say or complain about the over-bloated military budget, a sign that stands for “death-dealing institutions” and the rise of “the punishing state and its expanding prison system”. “They smile with patriotic glee, anxious to further the demands of empire as automated drones kill innocent civilians – conveniently dismissed as collateral damage – and the torture state rolls inexorably along in Afghanistan, Iraq, and in other hidden and unknown sites.” Such are the politics of death that take over the democratic veneer of a state that has ended among the living dead of T.S. Eliot’s “The Waste Land”:

Unreal City,

*Under the brown fog of a winter dawn,
A crowd flowed over London Bridge, so many,
I had not thought death had undone so many.
Sighs, short and infrequent, were exhaled,
And each man fixed his eyes before his feet.
Flowed up the hill and down King William Street,
To where Saint Mary Woolnoth kept the hours
With a dead sound on the final stroke of nine.*

The book in review thus becomes a remarkable study of such political and pedagogical conditions that have given rise to a culture of death and cruelty, of fear, humiliation and torture, of rabid nationalism and visible right-wing teaching practices/machines as well as the war on anti-racist ideology. The book is focussed on the idea of authoritarianism and how it has injured the very body of democratic public spheres, “sucking out its life-blood”.

The antidote that Giroux offers is an engagement in critical thinking and debate that would counter the very basics of the “zombification of politics” that has brought about the crisis of public values and the rise of the politics of illiteracy, leading to hardship and suffering experienced by the youth of America. It is death and destruction taking precedence over democracy and public life, a kind of economic Darwinism that underpins the entire system and therefore wipes out the human aspect.

The zombie metaphor becomes Giroux’s way of responding to this deep-seated human crisis of bare survival and social death, a type of politics in which “necropolitics”, to use Achille Mbembe’s term, operates through the misuses of state secrets, detentions without habeas corpus, bailouts of huge corporates that leave millions homeless and destitute, and the blatant opposition of any intellectually meaningful challenge to the supremacy of the neo-right culture of the zombieland that we see all around us. □

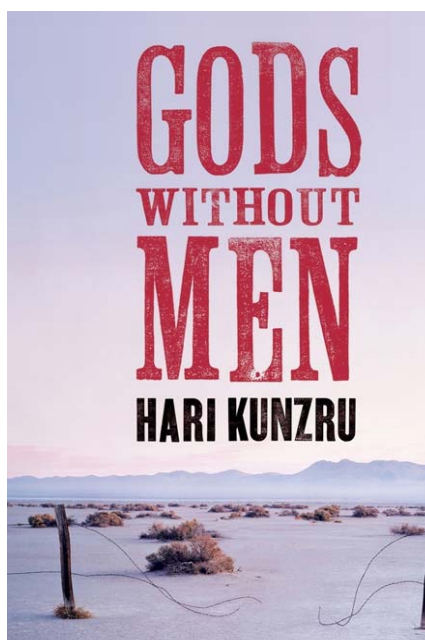
The human quest

Hari Kunzru talks about his latest novel, religion and road trips. **BY STUART JEFFRIES**

ONE day in 1951 while meditating beside the world's largest free-standing boulder in the Mojave desert, George Van Tassel was transported aboard a spaceship orbiting the earth. In the 1950s, visiting aliens were not evil predatory Martians as envisaged in H.G. Wells' *War of the Worlds*, but all-wise Venusians who sought to improve us feeble earthlings.

True, the cosmologist Carl Sagan later showed that Venus was inhospitable to human-like life forms since its surface temperature seemed to be upwards of 600 K (roughly the melting point of lead), but let us not spoil the story. "These aliens were beautiful humans who wanted to give us the extraordinary secrets of wisdom and longer life," says Hari Kunzru, whose new novel, *Gods Without Men*, includes an acknowledgment to Van Tassel and has a character inspired by his life. "They thought we had the technology, but lacked the wisdom because we didn't live long enough."

When Van Tassel returned to the desert after his meeting with the Venusians' all-wise Council of Seven Lights, he set to work building a life-extension machine using his aeronautical engineering skills. He called it the Integratron, which may make you think of the Orgasmatron in Woody Allen's sci-fi comedy *Sleeper*, but it was nothing like that. "It was a huge coil that created potential, and people could bathe in positive ions, or maybe it was negative ions, and in so doing repair their cells so they could live for 150 years and thus be old enough to gain wisdom," explains Kunzru. But Van Tassel never did get the Integratron to work. He died in 1978, leaving us no wiser nor longer lived.



IN REVIEW

Gods Without Men by Hari Kunzru; Hamish Hamilton; pages 400, £12.99

More than 60 years later, Kunzru was on a road trip through eastern California when he stopped at a retreat at nearby Joshua Tree. It was there he came upon the story of Van Tassel.

In *Gods Without Men*, Van Tassel becomes Schmidt, a contactee, ufologist and founder of a cult. Kunzru's almost self-defeatingly ambitious fourth novel is about the human quest for transcendence – not just encountering big-brained Venusians, but the hope of finding a thing that sometimes goes by the name of God. It time-shifts virtuosically from an 18th-century Spanish mission and its attempt to Christianise the indigenous population, an alien-fetishising cult in the shadow of the Cold War, a countercul-

tural 1960s encampment, right up to a contemporary drama of a four-year-old autistic boy who disappears inexplicably into the desert wilderness, leaving his parents bereft and bewildered.

Kunzru has always been an ambitious novelist. His first novel, *The Impressionist*, was a clamorous baggy monster of a debut with a protagonist who shape-shifted like a postmodern version of Kipling's Kim from rich Anglo-Indian kid at the time of the Raj to English gentleman and then to explorer of Africa.

The story in that debut, though, was eclipsed by the backstory of how Kunzru had received a £1.25 million two-book deal from Penguin after presenting it with the manuscript. Many read *The Impressionist*; many more read – with mounting bile and envy – about how the then 31-year-old, hitherto impecunious journalist had got one of the most lucrative book contracts ever. "I was well paid for *The Impressionist* and that helped me to focus on writing novels rather than accepting every journalistic commission," says the public school- and Oxford-educated millionaire. "But the coverage made it sound as though I'd become Puff Daddy overnight."

Instead of filling swimming pools with Cristal and hotties of both genders, though, he bought "a rather nice house" near Victoria Park in east London.

Kunzru was so enviably successful that he could turn down awards. Yes, he accepted the Betty Trask and Somerset Maugham awards for *The Impressionist*, but he turned down the 2003 John Llewellyn Rhys prize because it was sponsored by the *Mail on Sunday*. He said in a statement: "As the child of an immigrant, I am only

too aware of the poisonous effect of the *Mail's* editorial line. The atmosphere of prejudice it fosters translates into violence and I have no wish to profit from it." Not only did Kunzru turn down an award, but he did so out of unimpeachably noble principle, damn him. Worse yet, his second book was just as good as the first.

In *Transmission* (2005), Kunzru channelled the techie sensibility he had acquired working at *Wired* magazine. He capitalised astutely on the then vogueish themes of computer hackery and the dotcom bubble in a satirical work about an Indian computer programming geek who concocts a virus so sinister only he will be able to cure it – thus making him an indispensable employee. But when, as a result, computer systems around the globe suddenly become inoperable, he becomes not indispensable but the world's most wanted terrorist.

Kunzru's third novel, *My Revolutions* (2007), was equally topical, exploring extremist politics in a story ostensibly about communist revolutionary terrorists in London in the late 1960s and early 1970s but with resonances for present-day Islamist fundamentalism.

None of these three books would have led one to expect that Kunzru would go way out West for his fourth. "I don't think it's that unpredictable," he counters. "By being a European interested in the American desert, I'm following a tradition. Think of Wim Wenders' *Paris, Texas* or how the French have *Lucky Luke*."

But the European whose desert experiences most resonate for Kunzru were those of the British architecture writer Reyner Banham. "In *Scenes in America Deserta*, Banham wrote about ruined deco motels and the sense of emptiness from an English perspective. He wrote that the most epic landscape he knew before the Mojave was Mousehold Heath in Norfolk, which I thought was amusing, and certainly resonated for someone from Essex like me.

"When friends from L.A. [Los Angeles] go to the desert, they want to sit



T.A. HAFEEZ

HARI KUNZRU: "I'M interested in the unknown and the unknowable and the role they have in our understanding."

in hot tubs listening to Gram Parsons [surely a defensible spiritual quest, since the singer-songwriter died in a Joshua Tree hotel room in 1973], while Europeans like me go there to get into cosmic relation with the void."

DESERT LANDSCAPE

Kunzru first stumbled across the United States desert landscape 10 years ago. "I was supposed to fly home from L.A. on September 12, but they said the next flight would be in eight or nine days. People were behaving in this really unpleasant, hyper-nationalistic way – so I got away. I decided to drive to Vegas and think about what had happened. I stopped at Death Valley, which seemed appropriate. When I arrived in Vegas, it was so strange – they were trying to do grief. There was a New York, New York casino which became a focus. I was the only person at the Aladdin diner opposite, sitting there with a beard feeling conspicuous."

But that excursion kindled a love for similar desert road trips. "Since then I've become the king of the \$40 motel room," he recalls over coffee beneath leaden London summer skies in Covent Garden. During his travels he visited mission churches, casinos for low rollers, dying towns at the end of abandoned railroads, and eccentrics

who retreated to the wilderness to paint mountains with slogans expressing their "God is love" theology.

These experiences fed into his multilayered novel, some of which he wrote in hotel and motel rooms in California, Utah, Arizona and Nevada. "Some people find deserts frightening and empty, but I would rather walk a mountain ridge or a desert than a forest." You go on your own? "Sometimes. I can do a lot of not speaking. I'm pretty happy on my own."

For the past three years he has lived in Manhattan's East Village, which intensified his fondness for desert tripping. "New York is so vertical it's psychologically relieving to be somewhere so horizontally extended. I like to rest my eyes on the void." But the desert of *Gods without Men* is hardly a void. The fruits of this imagined wilderness are so rich that one wonders why so few novelists have set their books there.

Kunzru uses the desert locale to explore indigenous myth systems, Catholic missionary culture, the transcendental Tibetan Buddhist concept of the bardo, or state of existence intermediate between two lives on earth, and – in one bravura sequence – how the military prepare for war. He imagines a Baudrillardian war simulation exercise in which Iraqi refugees are paid to play the roles of Iraqi villagers so that GIs can ready themselves for the real thing. The insurgents – nice touch this – are played by American soldiers.

It was in the Mojave desert that the Mormons saw a tree called the *Yucca brevifolia*, which they called the Joshua Tree since its shape reminded them of Joshua reaching his hands up to the sky in prayer.

In Kunzru's novel, a desert rock formation called the Pinnacles has a similar symbolic function: its trinitarian structure leads characters in the novel to impute to the desert a Christian significance. It is in the desert that the very rocks and trees point us away from diabolical temptation and towards God – if we are of a temperament to read their messages.

Kunzru is surprisingly sympathetic to such transcendent sensibilities given he has no faith. "I'm not a member of organised religion and I wouldn't say I believe in anything that you could hang the name 'god' [on], but transcendence is clearly important in what it is to be human."

His father, Ravi, a Kashmiri descendant of Hindu Brahmins, is an orthopaedic surgeon whom Kunzru portrays as a man of science sceptical of organised religion. His mother, Hilary, an Englishwoman raised as a non-conformist Christian, worked as a nurse. "[My father is] a scientist and dislikes ritual of all kinds, but will go along with some of it for the sake of his sisters. My mother, I think, is now agnostic – she resents the authoritarianism of her upbringing."

Little Hari, born in 1969 and raised in Woodford, north-east London, fell between the two stools of his religious heritages: "The decision was taken that I would neither be baptised nor given the sacred thread [that is, the Hindu ceremony of Upanayana]."

FAITH AND REASON

Kunzru personifies the conflict between faith and reason in a story he weaves through his latest novel of how a father and mother deal with the disappearance of their four-year-old autistic son, Raj Matharu, during a trip through the desert. The father, Jaz, is a Sikh American of Punjabi ancestry and a maths whizz whose skills prove valuable to track fluctuations on the bond market when he is hired by an innovative, if venal-sounding, Wall Street hedge fund.

The mother, Lisa, is a Jewish-American publisher lured from her secular worldview into making a leap of faith to something like religion by the traumatic impact of both her son's autism and his disappearance. Kunzru says of the couple: "He wants to predict and control. He's an information-driven creature. Hers is the magical thinking that if you believe something, it will transpire." It is not the Matharus' only clash.

There is a row when Lisa wants

their son to be circumcised. "If I didn't do this for him," she says, "They'd have won. All those bastards who wanted us to disappear." Jaz retorts: "And what about my culture? ...The Muslims tried to convert us by force. They tried to circumcise us by force. Do you understand?"

I tell Kunzru I find this passage fascinating because, in it, both parties are ostensibly secular, but as soon as rearing a child gets serious, they revert atavistically to Sikh and Jew. "I don't have children yet, but I notice when people have children they have to face up to the possibility that they may have to find a role for their ancestral tradition even if that means they endorse cultural or religious practices for their child they would have earlier despised." He lives with his Japanese-American novelist girlfriend Katie Kitamura, so heaven knows what kind of cultural differences they may have to work through if they have kids.

The Matharus' struggle with their son's autism is poignant, but his disappearance will doubtless have some readers comparing their travails with those of Kate and Gerry McCann, particularly when the online bile merchants chide the traumatised Matharus for being cold and aloof, and for not performing their grief in public sufficiently gaudily. The couple get blamed for the abduction, spat at in the street, accused of paedophilia and subjected to a media witch-hunt. Near the novel's end, Lisa reflects on how the experience of that witch-hunt changed her view of the world. Now she sees that skein of civilisation as thin, one torn apart by the inexplicable disappearance of her son and her fellow humans' toxic reaction to it. Kunzru describes the blogosphere flaming that the couple suffer as being fuelled by fear of the unknown.

"Their fear made them dangerous, murderous even for in their blind panic they'd turn on whoever they could find as a scapegoat, would tear them into pieces to preserve this cherished fiction, the fiction of the essential comprehensibility of the world."

It is the novel's key passage, ex-

pressing *God without Men's* great theme. "I'm interested in the unknown and the unknowable and the role they have in our understanding," says Kunzru.

And perhaps how irrationalism and faith thrive in such conditions. Throughout he seems to be arguing that the quest for meaning is a human projection on to the void. In a novelistic echo of the German philosopher Ludwig Feuerbach, Kunzru suggests that religion – especially Christianity – is best understood as a projection of human longing.

HIGH PRIESTS OF ABSTRACTION

In the middle of all these storylines, Kunzru finds a way of working in the financial meltdown as Jaz's Wall Street wheeler-dealing goes hideously awry. Kunzru is torn about speculative finance, finding it intellectually thrilling and socially disgusting. "I think how the high priests of abstraction work is fascinating. I'm really interested, for instance, in a postwar Wall Street speculator called W.D. Gann who used astrological techniques. The idea of predicting and controlling is quixotic. It's all about the will to believe. This stuff is cool, but also hideous. What's happened since 2008 is a class war based on faith and credit, a fantastic con trick by the ruling class to immiserate the poor further while concentrating wealth more than ever in the hands of the rich. I'm not a Marxist but I'm more left-leaning than before I lived in New York."

Why? "Healthcare! If I have a message for people in Britain, it is that the National Health Service is incredible. What they have over there is terrifying. A friend of mine fell down in the gym. The gym rang for an ambulance and she said, 'Please tell them not to come,' because it would have been so expensive. Another musician friend set his own bones using information from the Internet. It's totally dysfunctional. Why do I live in New York? Because it's like the desert, it's a fascinating place to be. I'm not growing old there, though." □

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War and politics

An erudite analysis of the Second World War drawing on a mass of archival material. BY A.G. NOORANI

KARL VON CLAUSEWITZ, one of the greatest writers of all time on real-politik, famously said: "War is nothing but a continuation of politics with the admixture of other means" (*On War* (1832-4), book 8, chapter VIII). Like all famous quotes it is commonly misquoted as "continuation of politics by other means". It is not pedantic to trace the correct version because it yields nuances which are lost in the popular version, as in this very case.

This is an erudite work by P.M.H. Bell, Emeritus Reader in History at the University of Liverpool. He won high praise for his work *The Origins of the Second World War in Europe* (1986). In a real sense the present book is a continuation of the narrative, as erudite and analytical.

The 12 carefully chosen turning points are the collapse of France (May-June 1940); the Battle of Britain (July-September 1940); Hitler's attack on the Soviet Union (June 22, 1941); Japan's attack on Pearl Harbour (December 7, 1941); the Battle of Midway Island (June 4, 1942), where the U.S. achieved a remarkable victory over the Japanese fleet; the Battle of Stalingrad (July 1942-February 1943); the Battle of the Atlantic (March-May 1943), in which Britain foiled German plans to cut off the seaborne supplies; the Battle of the Factories; The Big Three's Conference in Teheran (November 28-December 1, 1943), which marked the turning point for the grand alliance; the Allies invasion of Normandy (June-July 1944) to open a second front which Stalin had long pressed for; the fateful Yalta Conference (February 4-11, 1945); and the United

BOOK FACTS

Twelve Turning Points of the Second World War by P.M.H. Bell; Yale University Press; pages 288, £18.99.

States' criminal folly of dropping atomic bombs on a Japan which was on the verge of defeat.

To recall these turning points is to realise the reckless folly of Gandhi's adventure of August 8, 1942, called the Quit India campaign. The minutes of the Congress Working Committee's crucial meeting record both Nehru and Patel as reporting that Gandhi believed that Japan would win the war. He was careful to send Madeleine Slade to meet the Viceroy Lord Linlithgow. He had no time for her. The public was not taken into confidence by the Mahatma. By August 1942, it was obvious that Britain's isolation was over. The "unsinkable aircraft carrier", the U.S., and the Soviet Union had become Britain's allies. The tide had begun to turn against the Axis. Within months, the folly of the Quit India call registered itself. In prison the leaders squabbled furiously over Gandhi's call. The ignorance of world affairs, typified by that episode, continues still.

Bell's work draws on the mass of archival material that has come to light over the years. In India, there are people writing of the war with China in 1962 wilfully ignorant of archival disclosures in China and elsewhere. Such is the demeaning spell of chauvinism. Bell's turning points span the full breadth of the war without sparing the war heroes sharp criticism for their strategic failures.

He writes: "This review of turning

points in the Second World War challenges two widely held impressions of the war: first, that the conflict followed a well-marked, if often rocky, road to an Allied victory which was in the long run inevitable; and second, that the war consisted only of a long and bloody sloggish match, punctuated by heroic battles but decided by attrition rather than by any feats of leadership or decisive battles. When we look at turning points, on the contrary, it appears that, so far from an Allied victory being a certainty, there were stages, even as late as 1944, when the balance of the conflict might well have tilted in favour of the other side. And while there were indeed long and gruelling battles, with appalling casualties, notably on the Russian front, there were also distinct events (or sometimes series of events) that reveal a pattern in the war."

In both the World Wars, Europeans quarrelled over power only to yield supreme power to the U.S. In 1945, Britain, France, Germany and the Soviet Union suffered a lot. The Soviet Union lost 27 million lives. "Only the United States emerged as a material victor from the war. The country had not been invaded or bombed. Military casualties were far smaller than those suffered by the Soviets - 274,000 against at least ten million, probably more. The American economy thrived during the war, largely through the stimulus provided by the demands of war itself. The United States emerged as a great military power, and for a time the only possessor of nuclear weapons. It was all a new and somewhat heady experience." The inebriation persists still, but it is evaporating. □

Royal touch

The sculpture portraits of south Indian rulers and their depiction as deities give us an idea of the appearances of kings. BY THEODORE BASKARAN

During the Vijayanagara period, three new temples were built and mandapas were added to the old ones. In all these constructions, a **number of portrait sculptures of royalty and donors, particularly as projections in pillars, were chiselled.**

THERE has been no tradition of portraiture in medieval south India, unlike ancient Greece and Rome. Although Indian kings commissioned the construction of numerous temples, rarely do we find their portraits in any of these edifices. However, there are exceptions, and these representations give us a good idea of the dress and appearance of these royal figures.

In the Mamallapuram (Mahabalipuram) complex, one of the earliest sculptural monuments we have in India, there are at least three royal portraits. Two of them are inside the Adivaraha cave-temple that has been scooped out of the western side of the rocky outcrop. This rock-cut temple was excavated by the Pallava king Narasimhavarman I, or Maamalla, and is one of the few finished works in Mamallapuram. Incidentally, this cave shrine is in worship, and the visitor may find it locked after the morning and evening prayer hours. Inside the temple there are two life-size portraits, in the form of relief panels. One is that of Simhavishnu (A.D. 550-580), flanked by two of his queens, and the other is that of his son Mahendravarman (A.D. 580-630), also with two queens. There is a lone portrait of Narasimhavarman





I (A.D. 630-668) in Dharmaraja Ratha (one of the five monolithic temples). Thus, there are portraits of three successive generations of the Pallava dynasty, each with a clear identification.

Simhavishnu's portrait sculpture, with the two queens on either side, is on the northern wall of the Adivaraha cave. A Sanskrit inscription above the sculpture reads: "The illustrious Simhavishnu Pallava, Supreme King." He is seated on a throne with one leg folded and the other pendent leg placed firmly on the ground. His right hand is held in "chin mudra" (the index finger touching the thumb) and the left hand is resting on his thigh.

In his book *Pallava Art* (2001), Michael Lockwood argues that this figure of Simhavishnu has served as the standard model for Siva in the subsequent Somaskanda (the seated posture of Siva with Parvati to his left and Skanda in the middle) panels of the Pallavas. He quotes a few inscriptions from the Kailasanatha temple (built by Narasimhavarman II, or Rajasimha) in Kancheepuram to support his argument that the image of the king and the deity sometimes overlapped. Another scholar points to the Somaskanda panel in the Kailasanatha temple and argues that they are actually portraits of Narasimhavarman II, the builder of that temple. As evidence, he draws attention to the fact that both the male and female have only two hands each and that the figures of Skanda and Ganesa are absent.

In the Adivaraha cave, on the southern wall, there is the second portrait which is less formal and features Mahendravarman. Here the king is shown standing and holding the right hand of one of the queens. Here again, an inscription made above the panel announces the identity of the king. Mahendravarman is depicted as drawing the attention of the queen to the Durga panel on the adjacent wall. On palaeographic grounds, Lockwood

concludes that these two label inscriptions over the portraits were engraved nearly a century after the making of the cave temple. In a communication e-mailed to this writer, he says he arrived at this theory "after comparing the shape of the various letters in the three label inscriptions with the various titles of the king [Narasimhavarman I] found on the Dharmaraja Ratha and his splendid Badami rock inscription."

On the south-west corner of the exterior wall of the Dharmaraja Ratha is an impressive portrait of Narasimhavarman I standing. He sports a cylindrical crown and a pearl necklace. A calligraphic inscription above the sculpture declares the identity of the king. Reliefs on the outer walls of the Arjuna Ratha also feature the royalty, but we have no clue as to who is represented in them.

The Chalukyan king Vikramaditya II (A.D. 733-747) installed a portrait sculpture of himself along with his two queens at the temple complex in Pattadakal (in present-day Bijapur district of Karnataka), which was built to commemorate his victory over the Pallavas in Kancheepuram.

Kings featuring themselves in sculptural panels that depict deities is not new to Indian art history. Mahendravarman, the Pallava king, appears as Gangadhara in a sculptural panel in the rock-cut cave he got excavated halfway up the rock fort in Tiruchirappalli. A poem chiselled on the side of this panel suggests that it is Mahendravarman Pallava himself who is shown as Siva. The royal jewels that Gangadhara sports confirm this. Probably, there are more emperors hidden in such disguises of gods and the attendant deities elsewhere in other temples. Scholars such as C. Sivaramamurthy have suggested that in the massive Chandesa-Anugrahamurthy panel in the Siva temple at Gangaikondacholapuram, near Thanjavur, it is Rajendra Chola himself, represented as Chandesa, sitting at the feet of Siva. He is honoured by Siva with a crown of garland, presumably for his achievements in extending the frontiers of his

CHANDESA-ANUGRAHAMURTHY
PANEL in the
 Gangaikondacholapuram
 temple in Tamil Nadu.

THEODORE BASKARAN



A REPRESENTATION
OF Narasimhavarmar I,
 or Maamalla, in the
 Dharmaraja Ratha at
 Mamallapuram.

empire. This practice, of kings placing themselves as deities, gives us an idea of the nature of kingship in India.

One has to bear in mind that most medieval temples were extensively decorated with murals. In fact, the sculptural features such as the *gopuram* and *vimanam* in these temples were once painted in vivid colours. The 7th century treatise on painting titled *Dakshina Chithra* indicates the height to which the art of painting had evolved in ancient south India. It is possible that the murals in temples contained portraits of not only royalties but also nobles and devotees. Although we do not know the identity of the person, the torso of a monarch depicted on the pillar at the rock-cut Jain temple in Sittannavasal in Pudukottai hints at such a tradition. Similarly, in the frescoes of the Brhadiswara temple (also known as the Big Temple) in Thanjavur, Rajaraja Chola and his mentor Karuvur Thevar have been depicted. The king is shown without a crown, wearing a conical hairdo (*jata-mandala*).

We see a continuation of the portrait tradition in the Tenupuriswarar temple at Patteeswaram near Thanjavur. In the murals belonging to the Nayak period, there is a portrait of Madalavalli, a Devadasi, depicted standing in front of the sanctum, holding a veena, and her name is written in Tamil. The story is that she lived in Patteeswaram and sang in praise of Siva in the temple for several years. These murals featured not only the royalty but also commoners.

However, wherever the names of persons featured in a sculptural portrait were painted and not engraved beneath the figures, the painting has weathered, leaving one with no clue about who is depicted there. For instance, on the niches of the exterior wall of a sanctum of the Nageswaraswami temple, built by the early Cholas in Kumbakonam, we have eight exquisite sculptural representations of royalty, including two queens whose identity we do not know. All the eight sculptures, placed in niches, remain tantalisingly anonymous. About one of

ASHOK KRISHNASWAMY

ASHOK KRISHNAMSWAMY



ASHOK KRISHNAMSWAMY



THE SCULPTURE OF Mahendravarman with his two wives on the southern wall of the Adivaraha cave temple in Mamallapuram. (Left) A sculpture in the same cave of Simhavishnu with his two wives.

the portrait of royal ladies, Suresh Pillai observes, "Its execution betrays its style as directly inherited from the Buddhist schools, especially the treatment of the curls of the hair and the semi-circular brows."

During the Vijayanagara period, there was hectic temple-building activity. New temples were built and

mandapas were added to old ones. In all these constructions, a number of portrait sculptures of royalty and donors, particularly as projections in pillars, were chiselled. The Nayaks, who followed, kept up this tradition. In the Meenakshi temple in Madurai, Vijayaranga Chokkanatha Nayak, who built a *mandapam* in A.D. 1730, had his life-size statue erected on a pillar on the southern side of Thirukalyanamedai. The temples built by the Vijayanagara kings and the Nayaks feature a number of portrait sculptures, including some of devotees, but it is difficult to establish their identities. Bronze portrait sculptures of kings, nobles, saints and donors were sometimes kept in the temples.

The inscriptions on the walls of the Big Temple refer to certain portrait sculptures that were dedicated in the temple. Presumably, they were all used for ritual purposes. Statues of Saivite saint-poets, or Nayanars, Gnanasambandar, Sundarar and Appar, and Sundarar's wife Paravai Nachiar are exhibited in the Thanjavur Art Gallery. In the Tirumala-Tirupati Venkateswara temple, there is a bronze portrait sculpture of Krishnadevaraya and his queen.

In these portraits of royalty, the sculptors had cut down on details. The convention of bare torso helped in this development. The portrayal of jewelry is minimal. In depicting royalty, the sculptors are not bound by the rig-

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ASHOK KRISHNASWAMY

GANGADHARA PANEL IN the rock-cut cave halfway up the rock fort in Tiruchirappalli.

id canons of iconography. So the postures of these sculptures, like those in the Nageswaraswami temple, are relaxed and natural as opposed to the stylised sculptures of deities. An analysis of these portrait sculptures can provide insights into the nature of kingship during the medieval period in south India. For instance, what is the

significance of the distended ear lobes in the portraits of Rajaraja and Karuvur Thevar?

Professor Gift Siromoney, who was the head of the Statistics Department in Madras Christian College, wrote a seminal article on the costumes and jewellery of Pallava royalty, based on a study of the sculptures. He even tried

to date them by noting the slightest changes in style. The art historian T.G. Aravamuthan points out that since a second portrait of a king is unavailable, it is difficult to check whether the sculptures depicted the individual's likeness or whether they were merely imaginary representations with conventional features. □

‘Electoral’ democracy

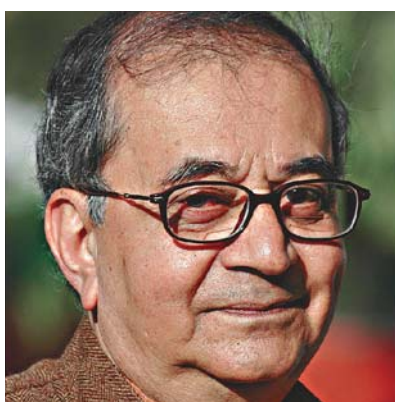
We have a new leadership buoyed by the hysterical adulation of the middle class, which has little time for parliamentary democracy and its ways.

AT a time when the opposition in Parliament does not seem to have a clear undisputed leader and the ruling United Progressive Alliance (UPA) has a Prime Minister who is answerable first to the leader of his party before he is to the House – which in his case is the Rajya Sabha – we have, emerging from a small village in Maharashtra, a simple man who has, to all intents and purposes, been hailed by the middle class and by some sections of the poorer classes as a leader. He is seen, clearly, as the great leader who will lead us, his followers believe, to the promised land.

With just one “national” movement, when he fasted for 13 days to force Parliament to accept his version of the Jan Lokpal Bill, Anna Hazare, for many people, filled a leadership vacuum in the country. It was, and is, as if the Messiah has come.

One man was so overcome by this advent of the Messiah that he immolated himself; others went on fasts themselves, and thousands sported the now ubiquitous Anna cap or T-shirts with “I am Anna” emblazoned on them. Actor Om Puri went on stage and heaped abuse on Members of Parliament and other *netas*, and civil rights activist Kiran Bedi got so carried away that she did an ‘item number’ with a veil that would have put Salome to shame.

The fact is Anna Hazare has filled an empty space. The Bharatiya Janata Party has no clear leader, other parties in the opposition do not count, and the Congress has a leader who stays in the shadowy confines of 10 Janpath and has the party performing in the way she wants it to. She rarely speaks in the



Point of View

BHASKAR GHOSE

Lok Sabha; if the Prime Minister does, it is usually of no consequence. One has only to consider the heartfelt appeal the poor man made to Anna Hazare to call off his fast, saying he, Anna, was a great man. “I salute him,” he said. What was the effect on Anna? Nothing at all. He continued with his fast after, of course, saying some polite things in a letter to Manmohan Singh.

For the last few years, the country has watched the UPA government prevaricate, dither, put up weak, sometimes comic, defences of their reluctance to take any action on the manifest and huge scams that had begun to come to light.

It was only when the Supreme Court issued some stern directions and when the media relentlessly exposed lie after lie by the scamsters that the government lurched into action. Now, of course, it is making a virtue of having put a former Minister and two MPs in jail, and some chief executive offi-

cers of various firms and of the Organising Committee of the Commonwealth Games, forgetting Abraham Lincoln’s famous comment: “You can fool all the people for some of the time, and some people for all of the time but you can’t fool all the people for all of the time.”

Into this vacuum stepped in the small man from Ralegan Siddhi, a village in Maharashtra. Anna Hazare drafted a law to set up an ombudsman-like entity to deter and punish the corrupt and demanded that Parliament pass it; to make sure it did, he went on an indefinite fast.

The effect on the people was electric. Thousands gathered at the Ramlila Grounds in New Delhi where he was fasting, at Azad Maidan in Mumbai, and in Bangalore, Chennai, Bhopal, Lucknow, Guwahati and even Srinagar. Not only because of the singular lack of leadership in the country but because of the build-up he got from the media – print and electronic, especially television.

What Jayaprakash Narayan never had Anna Hazare got – 24x7 television coverage and anchors, ranging from the rational to the hysterical, commenting on his fast and on the “millions” gathered at the Ramlila Grounds (there were actually only some thousands), and comparing Anna Hazare to Mahatma Gandhi and JP and everyone short of God himself. (Arvind Kejriwal, his closest aide, called himself Anna’s Hanuman; one can infer from that who he thought Anna was.)

Parliament yielded and accepted Anna’s conditions and he called off his fast. There was jubilation on the streets in every city – and in Anna’s

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village – but not very much, from what one could gather, in the millions of villages in the country that have access to television.

That was, however, not relevant. What was relevant was that a leader had emerged. A leader who has a mass base, one who can make Parliament – that assembly of elected leaders of the country – bend.

He knows that more than anyone else. Hence the emergence of that strange phrase “electoral democracy”. In plain English it is nonsense; democracy has built within its concept the election of representatives. But that serves the purpose of posing a counter to parliamentary democracy, which Anna Hazare and his aides say it is. And that is precisely where the danger lies, the existence of a power that can subvert parliamentary democracy and destroy it.

With just one ‘national movement’, Anna Hazare has filled a leadership vacuum.

As it is, parliamentary democracy is an imported idea, even an alien idea. And to its alien identity has been added our own unique Indian way of making it work or not work, or work in the way we want it to. Over the years, it has, as a consequence, weakened and come to mean a Parliament that spends most of its days in protests and chaos, conducting very little business. It was easy, then, for a newly emerged mass leader, still in the grip of the headiness of adulation and publicity, to smile rather contemptuously at it and declare he would lead people to “electoral democracy”, that is, mass power.

He talks of bringing in the right to recall an MP and the right to reject all the candidates standing for election in any given constituency. We know now how he will set about getting Parliament to consider, and perhaps legislate on, both. In other words, whatever little legitimacy and validity parliamentary democracy has left will evaporate before this new phenomenon.

It is not just sad but tragic that we should have to see this happen. We have had occasion to be proud of our Parliament – of some great parliamentarians – and, ironically, of that institution when it debated the three conditions Anna Hazare had made for him to call off his fast. That was a debate where we saw, after many years of feeling ashamed and depressed by its functioning, Parliament reveal the majesty of what it was in its early years. A debate that reflected the dignity of both Houses and also highlighted some of the finest oratory that many of its members are capable of. That makes the tragedy even darker; that at a time when its relevance was beginning to be overshadowed by this new and potentially menacing institution, Parliament should reveal some of its most admirable features.

Maybe some leadership will emerge; after all, we do have fine leaders in some States, such as Bihar Chief Minister Nitish Kumar. Maybe we will see a new, younger, more committed set of MPs take the place of those who are tainted and a liability to the institution. Maybe.

That is what we can hope will happen, though there is little to fuel that hope except the idea itself. But what we do have is the new leadership buoyed by the hysterical adulation of the middle class, which has little time for parliamentary democracy and its ways.

This leadership will speak of “people’s power” and “electoral democracy” and such other things that will become catchphrases and rallying cries for their followers, before which the established institutions of parliamentary democracy may have to, in the end, give way. □

CENSORSHIP AND THE STATE

The much-amended Cinematograph Act of 1952 needs a complete overhaul that takes film censorship out of the state's purview. BY A.G. NOORANI

An independent board of qualified persons must censor films in accordance with guidelines framed by the board itself after full consultations with writers, the film industry and the public.

THE entire system of film censorship in India is brazenly unconstitutional and a fraud on the Supreme Court. It is in utter disregard of the report of one of the most distinguished committees ever which toiled on film censorship 40 years ago. The structure erected by the outdated and much amended Cinematograph Act, 1952, is scandalous. It is designed to foster organised patronage. Politically, it establishes overwhelming state dominance to ensure the film industry's dependence on Ministers and civil servants.

Like other Indians, members of the industry – actors, producers and distributors – wake up from their somnolence episodically, mostly when their own rights are affected. Those who protested over the cuts imposed on Prakash Jha's *Aarakshan* seemed to have no time for Ajay Sinha's *Khap*, a movie on honour killings. It could not be screened in the one State that needed its message the most, Haryana. In her article, T.K. Rajalakshmi ("Reality show", *Frontline*, August 26, 2011), remarked: "No one in the Mumbai film industry, save a few, bothered to back the beleaguered film director." The police actively prevented the screening of the film.

On August 10, Amitabh Bachchan, who stars in *Aarakshan*, blogged: "If creative expression is to be curbed by institutes that wish to dictate their terms... above the conditions of... recognised constitutional formats... then we might as well accept that we live not in the sanctity of the tenets of democracy but a most unfortunate fascist conditioning."

He must be congratulated on his belated discovery of a grim reality. A pity that it dawned on him only when his film was being brutalised. Our publicity-hungry civil liberty "activists" were conspicuous by their silence on the issue. The Athenian lawgiver Solon (640-558 B.C.), when asked how a people could preserve their liberties, said: "Those who are uninjured by an arbitrary act must be taught to feel as much indignation at it as those who are injured." In India, such a consciousness is absent; protests are episodic. They subside and things go on as before. There is no national, non-political civil liberties organisation or movement.

Do not trust our politicians to fill the void. As a foreign correspondent once remarked, the Indian politician wakes up to deprivation of liberty only when the prison doors are shut behind him. Khaps



K.R. DEEPAK

A RALLY IN Visakhapatnam against the censor board for clearing a Telugu film that was perceived as glorifying cruelty against women. A file picture.

provide musclemen during election. In Mumbai, two Ministers and a politician extracted from Prakash Jha his consent to cuts in order to gain some brownie points. One regrets the cuts; but one cannot condemn him. The system is frail, and crores of rupees are involved.

CINEMATOGRAPH ACT

It is time to reflect on the state of the law on film censorship. What are the travails that lie before the producer of a film as he seeks a certificate for its public exhibition, unrestricted or otherwise? The Act of 1952 establishes at the apex of the structure a Board of Film Certification comprising a chairman and not less than 12 and not more than 25 other members. It is to this board that any application for certification for public exhibition must be addressed. The chairman and members are appointed by the Central government. They do not enjoy security of tenure; no one in the entire edifice does. No qualifications are prescribed either.

New Delhi also appoints “at such regional centres as it thinks fit advisory panels” comprising such number of persons as it thinks fit. In this instance, “qualifications” are prescribed in a statement of the obvious. They must be “qualified *in the opinion of the Central government* to judge the effect of films on the public” (emphasis added, throughout). By this test, even literacy is not essential. Regional centres will have a powerful official, the regional officer, besides the chief executive officer of the board.

It is no reflection on the highly respected Chairperson now in office, Leela Samson, or on her immediate predecessor, Sharmila Tagore, to say that some of their predecessors, in the past, were appointed to give “jobs for the boys”. It is a notorious fact that the members of advisory panels are changed with every change of government in New Delhi. All are culpable in this – from Indira Gandhi and the Janata Party to the present.

Advisory panels are constituted under Section 5 of the Act. Its clause

(3) says: “The Board may consult in such manner *as may be prescribed* any advisory panel in respect of any film for which an application for a certificate has been made.” The expression “as may be prescribed” is legalese for prescribed by rules made by the government. It is not the Act of 1952 passed by Parliament but the Cinematograph (Censorship) Rules, 1958, made by the government which set up two more powerful bodies – an examining committee (Rule 22) and a revising committee (Rule 24). Members of both are drawn from among members of the advisory panel. The examining committee plus “an examining officer” (a CEO or regional officer, or even the secretary to the chairman). *It is the regional officer who appoints this committee when he receives the producer’s application for certification.*

On receipt of the opinions of its members, in writing, the chairman of the board can refer the matter to a revising committee, either of his own motion or on the request of the applicant. The revising committee consists of members of the board or of an advisory panel, other than those who served on the examining committee. They are appointed by the chairman. He can pack the revising committee with those who will not disagree with his disagreement with the examining committee. If the chairman disagrees with the decision of the revising committee as well, the board shall itself examine the film or refer it to another revising committee; in either case for a final decision.

Anyone aggrieved by an order of the board, arrived after these protracted proceedings, can move an Appellate Tribunal (Section 5 C and D). It comprises a chairman and not more than four other members, all appointed by the Central government. The chairman must be either a retired judge of the High Court or a person qualified to be a High Court judge – a party hack of 10 years’ practice as a lawyer qualifies as chairman. As for its members, all that is required of them is that, like members of advisory panels, they “must be qualified to judge the effect of

films on the public”. Two things stand out in this system: (1) No qualifications are prescribed for anyone, from the chairman downwards; (2) Everyone, the chairman, members of the advisory panel, and even the judge who presides over what is supposed to be a judicial “Tribunal”, is a daily-wage earner. He or she holds office, in every single case, “during the pleasure of the Central government”.

There is a sleight of hand here. The Act empowers the government to make rules specifying the “terms and conditions of service”. It has abused this power to define *the tenure of service* and amass to itself the power to sack one and all. It is through this maze of arbitrary power that the hapless producer has to steer his film. His travails do not end even after he wins his case before the supposedly judicial tribunal.

UNREGULATED POWERS

The government wields vast “revisional powers” exercisable “at any stage” of the process, not only over the board but also over the tribunal (Section 6). Have you ever heard of the executive sitting in appeal over a judicial body? If the board receives a complaint in respect of a certified film, all that it can do is to refer it to its masters, the Central government. The board, it must be emphasised, is in law a quasi-judicial body. However, the scope of the state’s revisional powers is unregulated and undefined. No grounds are specified; no guidelines are indicated. The entire paraphernalia of the board, the advisory panel and the two committees can be reduced to naught by a mere fiat from New Delhi. The state’s clear objective underlying the Act of 1952 is to have a stranglehold over the film industry. No wonder Information and Broadcasting Ministers and Secretaries are sought after so ardently.

The Government of India can ask the chairman to “re-examine” a film – even one upheld by the tribunal – and to do so “in such manner and with such *assistance as may be specified in the direction*”. It could be the “assistance” of anybody. On receipt of the chair-



THE HINDU ARCHIVES

SANJAY KHAN (RIGHT) in a scene from the teleserial “The Sword of Tipu Sultan”. In February 1991, the Supreme Court directed that the following announcement be made along with the telecast: “No claim is made for the accuracy or authenticity of any episode being depicted in the serial. This serial is a fiction and has nothing to do either with the life or rule of Tipu Sultan. The serial is a dramatised presentation of Bhagwan Gidwani’s novel.”

man’s opinion, thus arrived at, the government proceeds to “pass such orders” as it pleases (Section 6 and Rule 32). It can direct a certified film to be uncertified (Section 6 (2) and Rule 31) or suspend its exhibition “for such period as may be specified”. The entire edifice of film censorship collapses like a house of cards. *It cannot be emphasised too strongly that State governments have absolutely no right or power to ban a film.* Section 13 (1) of the Act clearly says, “The District Magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of

the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the State, part or district, as the case may be.”

Statutory discretion can be exercised only by the authority designated by the law to exercise it. The District Magistrate’s power is limited to his district and hinges on the likelihood of “breach of the peace”. State governments cannot lawfully order District Magistrates to ban films throughout the State. The District Magistrate’s order, moreover, is subject to confirmation by the Central government (Section 13 (2)).

Illiteracy is written into the law. Rule 41 (4) reads thus:

“(a) In cases where the examining committee, after examination of the film, considered that a scrutiny of the shooting script is necessary or the authenticity of the incidents depicted in a film of historical, *mythological*, biographical or *legendary* nature is to be verified, a provisional report to that effect shall be submitted by the regional officer to the chairman within a maximum of three working days after such examination.

“(b) A written communication shall be sent to the applicant within a maximum of three working days following the receipt of the chairman’s orders on the provisional report referred to in clause (a) and the applicant shall submit the script or the authentic sources on which the subject of his film is based within ten days from the date of receipt of such communication.

“(c) In cases where the members of the examining committee after the examination of the film submit to the chairman a provisional report indicating that *expert opinion on subjects depicted in the film such as subjects relating to defence or foreign relations or any particular religion or law or medicine or any other subject, should be sought before the final report is submitted*, the chairman may after taking into consideration the circumstances of the case specify a time limit for obtaining the expert opinion and for the submission of the final report of the examining committee thereafter.

“(d) In other cases, the script submitted by the applicant or the authentic sources furnished by him shall be scrutinised by the examining officer and the final report of the examining committee shall be forwarded by the examining officer to the chairman within ten days from the date of receipt of the script or the authentic sources, as the case may be.” A script written by a litterateur is subject to such a scrutiny.

There is a fundamental objection to this bizarre provision. Evidently, its authors were ignorant of the very concept of an historical novel. Fiction



SHANKER CHAKRAVARTY

LEELA SAMSON (LEFT) when she took charge as Chairperson of the Central Board of Film Certification on April 1, with Ambika Soni, Minister for Information and Broadcasting, in New Delhi. (Right) Sharmila Tagore, film actor, who preceded Leela Samson as Chairperson.

based on history need *not* be historically correct. And who is to judge the accuracy of the historical narrative, the government's hand-picked appointees? Expert opinion is as irrelevant as citation of sources. It is the richness of the imagination that matters, as does the style in the writing and in the depiction in the film.

The Centre can go so far as to impose "President's Rule" on the board, making its chairman the Governor. Section 7B reads thus: "The Central government may, by general or special order, direct that any power, authority or jurisdiction *exercisable by the board* under this Act shall in relation to the certification of films under this part and subject to such conditions, if any, as may be specified in the order, *be exercisable also by the chairman or any other member of the board*, and anything done or action taken by the chairman or other member specified in the order shall be deemed to be a thing done or action taken by the board."

But then, the Supreme Court itself has laboured under a completely wrong notion of what a historical novel

is about. In 1990, Bhagwan S. Gidwani's historical novel *The Sword of Tipu Sultan* inspired a producer to make a TV serial. Huge protests followed. Doordarshan's decision explicitly to disavow any claim to historical accuracy or authenticity was one thing. What was saddening was the lapse on the part of the Supreme Court. Doordarshan's formulation was made worse by the court sanctioning the words: (it) "has nothing to do with either the life or rule of Tipu Sultan". This is manifestly incorrect and makes a mockery of the very concept of historical fiction; it is fiction inspired by history.

Disposing of a special leave petition seeking a ban on the airing of the serial, the Supreme Court directed in February 1991 that the following announcement be made along with the telecast of *each* episode: "No claim is made for the accuracy or authenticity of any episode being depicted in the serial. This serial is a fiction and has nothing to do either with the life or rule of Tipu Sultan. The serial is a dramatised presentation of Bhagwan Gidwani's novel." This is utterly wrong

on the part of any court of law. The Supreme Court has since acted like a mediator asking writers to make cuts in works of solid historical research instead of taking a firm stand on their fundamental right to freedom of speech and expression.

THE G.D. KHOSLA REPORT

The stranglehold of the government and sheer arbitrariness, writ large over the Cinematograph Act, 1952, were strongly criticised in the report of the Enquiry Committee on Film Censorship headed by G.D. Khosla, a former Chief Justice of the High Court of Punjab. It was appointed on March 28, 1968, and submitted its report on July 26, 1969. It won praise from the Supreme Court. Its analyses expose very many provisions of the Cinematograph Act, 1952, the Cinematograph (Censorship) Rules, 1983 (in supersession of the Rules of 1958), and the archaic censorship guidelines, framed by the Government of India 20 years ago on December 6, 1991, to be unconstitutional.

Fundamentally, the Khosla report envisaged an "*independent and auton-*



A.M. FARUQUI

omous Board of Film Censors". The present board is neither. It urged repeatedly (pages 56, 59, 99 and 100) that the censorship code be drawn up *by the board itself and not by the government*. The present code is a *diktat* by the government, which also acts as the supreme authority for its enforcement. Few committees had a more distinguished membership. Among its members were R.K. Narayan, K.A. Abbas, Romesh Thapar, Umashankar Joshi, Tara Sapre, and the chairman of the board of censors. Nargis was unable to participate in the proceedings and her substitute, Balraj Sahni, too, did not participate "owing to his heavy professional commitments". Among the witnesses who appeared before the body were Satyajit Ray, E. Alkazi, Pahari Sanyal, Sohrab Modi, V. Shantaram, Prithviraj Kapoor, Hrishikesh Mukherjee, and some leading distributors and film critics.

The report became a bestseller. Attention was focussed on one highly popular recommendation to the neglect of much else: "No court of law will hold that a kiss by itself, irrespective of the circumstances in which it takes place or the individuals between whom it is exchanged, is indecent or immoral. In the same way, nudity of the human form may or may not be

indecent. If there is, for instance, a brief shot of a woman undressing and entering a bathing pool, as in the film *The Visit*, no suspicion of indecency or immorality attaches to the shot which is relevant to the story. On the other hand, there are many scenes of cabaret performances or striptease sequences in Indian as well as foreign film which are obviously introduced in order to titillate the senses and thus make the film commercially saleable. Many of these scenes would be declared obscene even by the most liberal-minded judges."

The report stressed the point that the fundamental right to freedom of speech and expression (Article 19 (1) (a) of the Constitution) is subject to three conditions – (1) "reasonable" restrictions, (2) imposed by law, and (3) only on grounds specified in Article 19 (2).

It is not unmindful of the need to balance freedom of expression with the interests of society, which naturally depend on the social outlook at any given period. That outlook has become illiberal in many respects: "We have of late become so inured to these restrictions that we cannot even imagine a society in which complete freedom of expression with regard to matters concerning sex was accepted as correct and essential.... We like to salve our needlessly guilty conscience by ascribing a religious significance to these sculptures (at Konark and Khajuraho) but few people are deceived by this mock spiritual argument. The plain fact of the matter is that in those days it was not considered offensive or objectionable to talk, write, paint or chisel images representing sex, sexual relations and even sexual perversities."

Equally relevant are the report's censures on the mechanism of film censorship that still prevails save for the introduction of a tribunal. Its verdict, however, can be set at naught by the Ministry of Information and Broadcasting: "No detailed qualifications have been prescribed, under the Rules, for the appointment either of the members of the board or for the personnel of the panels, but it is ex-

pected that these persons are possessed of sufficient educational and cultural competence to deal with the matter entrusted to their charge. The chairman holds a statutory appointment. He is appointed without any consultation with the Union Public Service Commission. No specific qualifications for the post have been prescribed."

MOST IMPORTANT DEFECT

Note these censures: "The present board of censors *is not an independent body*. Its decisions are liable to be set aside by an order of government.... Here we may reiterate the most important defect, namely, the lack of responsibility which the present system entails. For work of such importance it is necessary that persons who are entrusted with it should feel a full sense of responsibility. The rigidity of a code drawn up by a superior power, the inhibition and lack of flexibility resulting from such rigidity, *the constant fear of interference and a residual consolation that mistakes will be rectified by a higher authority* are features which not only destroy the efficiency of the board but arouse almost universal condemnation of its decisions. It is important, therefore, that state censorship should be exercised not by a department of the state, whose decisions are subject to revision, appeal or interference by the government, but by an *independent* body which has been given sufficient authority and a sufficient sense of responsibility to deal with the matter finally and irrevocably."

The word "irrevocably" clearly implies finality to the board's verdict subject, of course, to the court's powers. The Information and Broadcasting Ministry then ceases to exercise "revisional" or other overriding powers as it does now. No room for doubt whatever is left when the report discussed the second alternative: "Perhaps the most important advantage of an independent board is that it makes for consistency and uniformity of the censorship policy, because it is immune from changing political influencers and the caprices of the Secretary or Minister in

charge of the relevant portfolio.” The report recommended the details of such a set-up.

The Khosla report had no use for the advisory panels of assorted groups of people who comprise the examining and revising committees of today: “We are firmly of the view that the present system of entrusting the preview of films to a panel of honorary examiners, consisting of persons who have little sense of responsibility and *who have been appointed in the exercise of governmental patronage*, should be completely done away with. It is the censors themselves who must see all films, evaluate them and assume full responsibility for certifying or rejecting them. After giving the matter our most anxious thought, we feel that a Central board of 20 members drawn from various regions and familiar with regional languages will be able to discharge this work competently and expeditiously.”

This also does away with the chairman of the board, an office in the bounty of the Information and Broadcasting Ministry. The report suggested that the chairman of the board should have the status and ranking of a High Court judge and all the members of the board should be full-time, paid members. This single, quasi-judicial body will be fully responsible *for drawing up the censorship code and applying it*.

The government-ordained guidelines, as at present, must be scrapped: “These guidelines must be drawn up by the censors themselves so that a measure of flexibility is assured and the censors have ample discretion in dealing with each picture as it comes up for certification. It is important not to have a code drawn up by the government under its rule-making authority, for such a code assumes the rigidity of a legal enactment, and does not permit the exercise of discretion, it does not take into account the change in ideology, moral standards and norms of conduct, such as greater freedom in social intercourse between members of both sexes, the gradual erosion of the joint family citadel, the introduction of divorce laws, the changing atti-

tude towards untouchability, the rights of land and factory workers, the status of women, etc. Finally, a rigid code of the type in force now does not encourage the evaluation of a film as one integrated piece which must be assessed and judged as a whole and not as a collection of distinct and separable parts.” The guidelines now in force were framed by the government and richly deserve these censures.

ABBAS’ PETITION

In 1969, K.A. Abbas, one of the members of the Khosla Committee, moved the Supreme Court in view of the cuts imposed on his film *A Tale of Four Cities*. He challenged censorship of films itself or, in the alternative, the Act and the Rule, as being violative of the fundamental right to freedom of speech and expression. One of the grounds was that there was no appeal to a court or to an independent tribunal. The government *conceded* that and promised that it “would set on foot legislation” for that and other reforms besides. *Without it the Act was void. It was saved from being declared void only by the government’s assurance*.

The court delivered its judgment on September 24, 1970. A tribunal was set up only in 1983. On the censorship code, the court tartly remarked: “Our standards must be so framed that we are not reduced to a level where the protection of the least capable and the most depraved amongst us determines what the morally healthy cannot view or read.” The court noted a vital omission in the guidelines and said it should be repaired by positive “directions to emphasise the importance of art to a value judgment by the censors”.

The government’s promise to the Supreme Court to usher in legislation was sought to be fulfilled in 1973. The amending Act was to come in force on July 1, 1975. The Emergency, proclaimed on June 25, 1975, prompted the cancellation of the notification. The Janata Party government did not bring the Act into force either. All it did was revise the guidelines on January 7, 1978. Its I&B Minister, L.K. Advani, said in Madras (now Chennai) on May

6, 1978, that it was considering the establishment of a tribunal. He criticised the practice of the government setting aside the censor board’s decisions. In 1981, the amendments of 1973 were repealed and a new set of amendments was made to the Cinematograph Act, 1952. Some more followed in 1984. It is this regime, with the Rules of 1983 and the guidelines of 1991, that is in force today.

Clearly, the law is a fraud on the Supreme Court. The promise to set up an *independent* tribunal has been violated. Section 96 of the Criminal Procedure Code provides for a Bench of three High Court judges to consider the validity of an order banning a book. The least that can be done in film censorship is to establish a truly independent tribunal. Since the Khosla report, a pattern of obligatory consultation on appointments to high offices has been established by laws in respect of the chairmen of the Press Council of India, the National Human Rights Commission, and the Prasar Bharati Board. No such consultation is enjoined in the Cinematograph Act.

The Cinematograph Act, 1952, needs a drastic overhaul now, over half a century since its enactment. It is clumsy and ill-structured. The Rules set up bodies which should be set up by the parent Act itself. The Khosla report, approved by the Supreme Court, and the court’s ruling must be implemented. The board as it is now constituted, the bogus advisory panel and its examining and revising committees and tribunal must be scrapped. An independent board of qualified persons must itself censor films in accordance with guidelines framed by the board itself after full consultations with writers, the film industry and the public. Appeals should lie to the High Court. The state should be shorn of its revisional powers. The procedure in force today is cumbrous, dilatory and unconstitutional.

It is open to the film industry to set up a small group from among its members to draft a model statute for public debate. The present state of film censorship is obscene. □

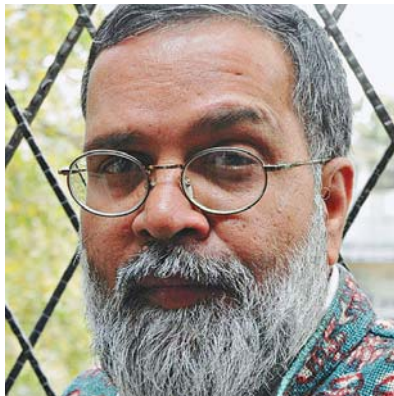
Gandhian facade

Anna Hazare's campaign may lead to a new Lokpal Bill, but it has legitimised middle-class vigilantism and other kinds of civil society mobilisation.

NOW that Anna Hazare has declared victory, it is time to take stock of one of the most powerful recent mobilisations of people in India, focussed on influencing policy or lawmaking processes. The victory, however, is largely symbolic. The original demand of the movement, carefully built around Hazare's fast, namely, that the government must withdraw its own Lokpal Bill and instead pass the Jan Lokpal Bill (JLB) drafted by India Against Corruption (IAC) by August 30, fell by the wayside.

Even its greatly diluted version, namely, Parliament must pass a resolution on the three contentious issues identified by Hazare, was not conceded. Under this, Members of Parliament would resolve to enact the Lokpal Bill in Parliament's current session to set up independent ombudsmen at the Centre and in the States; with jurisdiction over all government servants; and including a law requiring all government departments to make "citizens' charters" that set limits on the time taken to provide public services such as ration cards and driving licences, and punish breaches of the norm.

On August 27, Parliament discussed a highly truncated form of the demand and passed a Sense-of-the-House motion drafted by the Congress' Pranab Mukherjee and Bharatiya Janata Party's Arun Jaitley. It said: "This House agrees in principle on the following issues: a) Citizens' charter b) Lower bureaucracy also to be under the Lokpal through appropriate mechanism c) Establishment of a Lokayukta in States. And further resolved to transmit the proceedings to the de-



Beyond the Obvious

PRAFUL BIDWAI

partment-related Standing Committee for its perusal while formulating its recommendations for the Lokpal Bill."

This is not a binding commitment. Nor is there a deadline by which the Standing Committee must write its report and Parliament must pass the Bill. So the motion was a face-saving formula for Team Anna. According to reports, Hazare's core supporters had decided on the morning of August 27 that he would have to end the fast within a day if his health were not to be seriously jeopardised.

At any rate, the balance of forces had shifted over the preceding few days, with the government calling an all-party meeting, appointing Pranab Mukherjee as chief negotiator, MPs across parties defending Parliament's legislative supremacy, former Maharashtra Chief Minister Vilasrao Deshmukh talking directly to Hazare, and the cracks widening within Hazare's

core group. Eventually, Parliament asserted its primacy in lawmaking, but also cast a duty on the government to produce a strong Lokpal law.

Meanwhile, the entire political system was delivered a shock. Segments of it were exposed as dysfunctional. An attempt was made to set up a direct opposition between Parliament and the people. That it succeeded at least to the point of creating total panic and disarray within the government for days should occasion serious introspection.

It is easy to lay the blame for this on the colossal ineptitude of the Congress and the several near-suicidal decisions it took. Having first underrated both the middle-class support for and the amazing degree of organisation and media management by the IAC campaign in April, Congress leaders panicked and took the extraordinarily ill-advised step of establishing a joint drafting committee with Team Anna, giving it the same representation as the government – instead of a broad-based committee with diverse political and non-governmental organisation representation (NGO).

This laid the basis for Team Anna's claim that it represents the people in a unique way, in contraposition to government – which easily morphed after the Ramlila Maidan spectacle into the assertion that it alone represents the people. Soon, Arvind Kejriwal would say that Parliament may be supreme in lawmaking, but the people come first; Parliament must listen to "Us the People". Kiran Bedi would famously equate Anna with India. Democracy thus collapsed into majoritarianism with all its arrogance and intolerance.

Instead of fielding political veterans and skilled crisis managers, the

Congress got a bunch of lawyers to negotiate the Lokpal Bill, whose technical approach messed things up. Meanwhile, Congress spokespersons abused Hazare's team as "armchair fascists, overground Maoists, closet anarchists... funded by invisible donors" (with foreign links), and alienated people further.

Even more inept was the decision to arrest Hazare pre-emptively on August 16 and lodge him in Tihar jail, in gross underestimation of public sympathy for his right of protest – apparently against official intelligence reports. The mistake was magnified when Hazare was released. He refused to leave Tihar unless he was allowed to fast publicly, thus garnering more sympathy.

It is simply incomprehensible that the Congress did not depute Maharashtra leaders such as Vilasrao Deshmukh, Sushilkumar Shinde or even Prithviraj Chavan earlier to talk to Hazare bypassing his hard-line supporters, and that it did not convene an all-party meeting until August 24.

Yet, a far deeper failure is involved here, in understanding the depth of genuine popular or grass-roots revulsion against corruption, in two senses. The first is corruption that ordinary people suffer in day-to-day life when they have to pay bribes just to survive or to realise a right, that of getting their entitlements, such as ration cards or freedom from police harassment.

The second is corruption in the larger sense, including plunder of public money by powerful interests through manipulation of policies and fiddling of contracts, irresponsible and unaccountable governance, and abuse of power, itself distributed in a skewed and iniquitous manner in this extremely unequal society. Both forms are related to the social and governance system, and the unequal access to privilege and power centres inherent in it. When the poor protest against corruption, they often protest against the system.

By contrast, the upper-middle-class elite or the 10-15 per cent upper crust of society does not suffer the first

form of corruption, certainly not to a degree remotely comparable to the poor. And it is often the beneficiary of the second kind. Its resentment arises, if it is genuine at all, from having to pay bribes to obtain a privilege, like admission to a top-rated school or jumping the queue to get a reserved train seat.

DEEP DISTRUST

Middle-class anger is directed not at the system or the real wielders of power in the corporate world and government but at soft targets such as MPs, MLAs and bureaucrats. It is easy to single out politicians because they are typically portrayed by the media, including popular films, television channels and newspapers, as arch-villains – irredeemably corrupt, and venal and crooked by choice, just as business tycoons are glorified as wealth creators who contribute to social welfare. Underlying this is a deep distrust of representative democracy and mass politics. Our hierarchy-obsessed, casteist middle class cannot possibly accept political equality between itself and the unwashed masses.

Focussing on corruption offers a nice escape from this society's myriad problems, including mass poverty and deprivation, stunted growth of our children, pervasive lack of social opportunity, economic servitude and social bondage, absence of social cohesion, rising income and regional inequalities, and the impossibility for millions of people to realise their elementary potential as human beings, not to speak of communalism, patriarchy, growing militarism and decreasing human security. Corruption here performs the role that population growth did a few decades ago. Then, the elite blamed all of India's problems on the poor breeding like rabbits.

Originally, Hazare's movement spoke narrowly to this middle class, reducing the issue of corruption to paying bribes to government officials. The campaign in April was Facebook- and Twitter-driven. It mobilised upper-middle-class people in big cities through the technology of returning free missed calls. A telecom company

provided the technology, and somebody paid for the calls answered (13 million by August 15, says the IAC website).

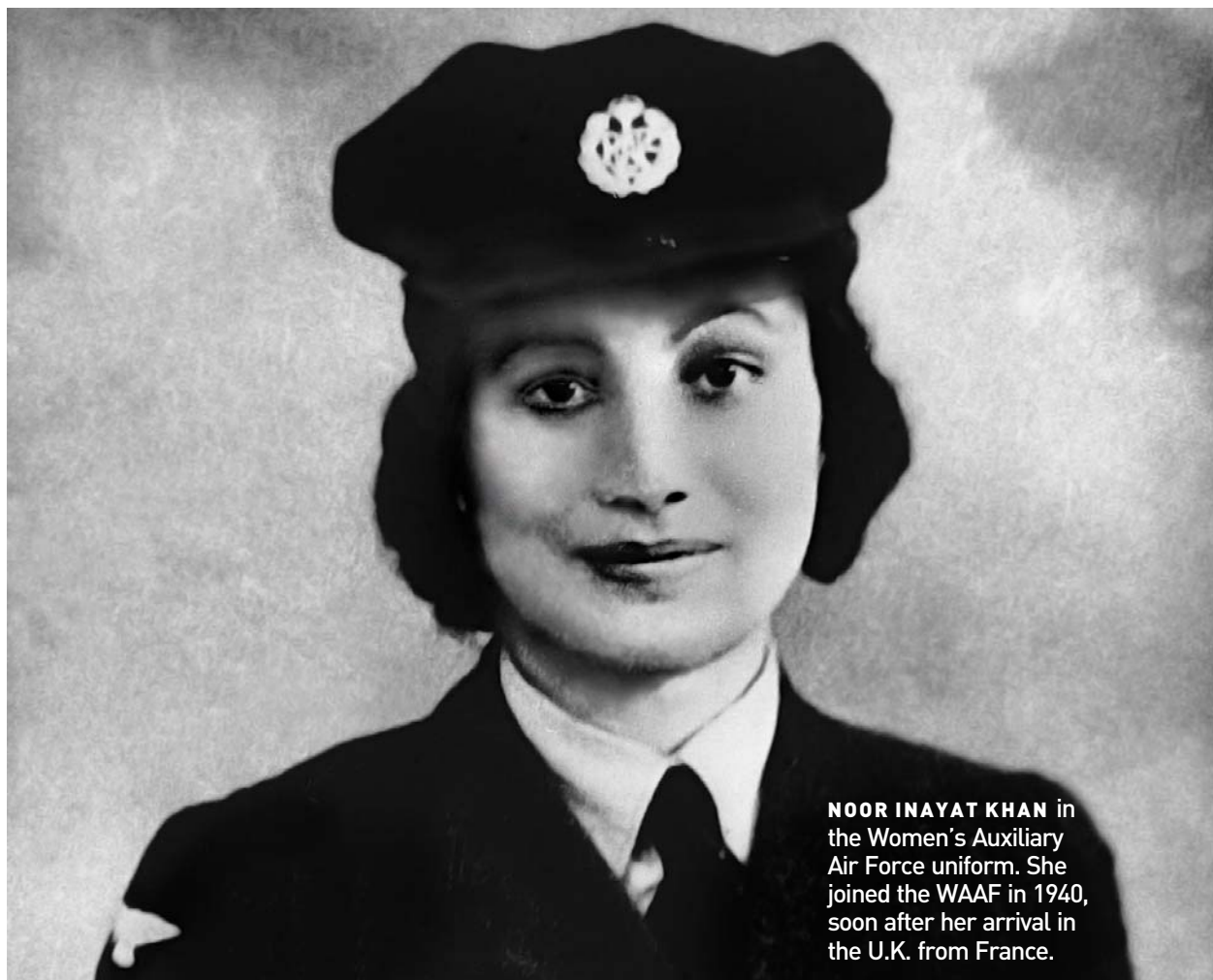
Support for the movement snowballed after Hazare's wrongful arrest-release. Multiple scripts got written into it as peasants, trade union workers, *dabbawalas* and other poor people joined the protest. But that did not transform the campaign's quintessentially upper-middle-class character or its vigilantism. Meanwhile, its leaders mistook general support for the anti-corruption cause as informed agreement with the JLB. They built a dangerous cult of personality around Hazare as a demi-god, on whose command people were ready to fast unto death. The government deferred to Hazare's campaign, as it always does to movements with an elite character. There were many continuities between the campaign, motivated by hatred of all politicians, and recent agitations against affirmative action, driven by hatred of the "low" castes. That is one reason why Dalits, low-caste Hindus, and large numbers of Muslims are cold towards Anna's movement or oppose it.

The campaign uses a strongly chauvinist Vande Mataram Bharat-Mata-ki-Jai-type idiom, based on an unthinking, conformist nationalism and illiberal and conservative ideas, including hero worship and absolute obedience. This fits in with the involvement of Hindutva forces in the campaign, frankly admitted by Sushma Swaraj in Parliament on August 17, confirmed by BJP president Nitin Gadkari's letter supporting Hazare, and reinforced by Rashtriya Swayamsewak Sangh (RSS) pracharak-ideologue K.N. Govindacharya's August 26 statement confirming significant RSS presence at Ramlila Maidan.

The Hazare movement's legitimisation in media and society creates an unhealthy precedent. Other intolerant movements can create a lynch-mob mentality and demand death to the "traitors" or the building of a temple at Ayodhya – because the People want it. That is positively dangerous. □

Precious legacy

A planned memorial in London for the Indian origin spy Noor Inayat Khan bodes well for the U.K.'s multicultural ethos. **BY VIKHAR AHMED SAYEED**



NOOR INAYAT KHAN in the Women's Auxiliary Air Force uniform. She joined the WAAF in 1940, soon after her arrival in the U.K. from France.

PHOTOGRAPHS: COURTESY NOOR INAYAT KHAN MEMORIAL TRUST

Britain is littered with war memorials. For an Indian Muslim woman to take her place in this pantheon now will only add to the **diversity of the experience** of war in Britain.

IF things go according to plan, Gordon Square, in London's borough of Camden, will have a memorial to Noor Inayat Khan by 2012. Noor was a young woman of Indian origin in the British secret service who was killed, while being held by the Germans, during the Second World War. Interest in her life and her invaluable work during the War was revived after the publication of Shrabani Basu's biography, *Spy Princess*, in 2006.

Noor was the daughter of an Indian Sufi and an American mother. She was born in Russia, spent

time in England and France and died at the hands of the Germans after a short but important role in the Second World War. Fluent in several European languages, she was also conversant in Urdu. Growing up under the influence of both Eastern and Western philosophies and cultures, Noor was a 'global citizen' even before the phrase acquired the commonality and meaning that it has now. It is important that her life story is known the world over, especially in Britain and in India, to nourish our shared histories.

Spy Princess is an accurate description of Noor. She was a spy with the British Special Operations Executive (SOE). Shrabani Basu calls her a princess because her family line goes back to Tipu Sultan, the great 18th century warrior of Mysore. Ironically, while Tipu fought against the British and is remembered as an early Indian nationalist, a few generations down the line his great-great-granddaughter waged a covert war for the British.

Her bravery was posthumously recognised in 1949 with the George Cross, a rare honour and the highest civil decoration in Britain, the first for an Asian woman. The prestigious decoration is reserved for acts of great gallantry in non-combat roles. Only four awards have been made to women in its history, three of them for actions during the Second World War. Violette Szabo was a fellow recipient of the George Cross. She was also a secret agent with the SOE, and a memorial in London commemorates her service.

The short and eventful life of this strong woman and her Indian connection begins with her father, Hazrat Inayat Khan (whose mother was a granddaughter of Tipu). Khan was a prominent itinerant Sufi and musician in the early 20th century. Even by the standards of Sufism, his faith was extremely catholic. His journeys took

him to lands far away from his home in Baroda (Vadodara) as he established international centres of Sufism. Noor, born in 1914 in Moscow, was his first child. Later, the family moved to England and eventually to Paris. Growing up in a spiritually pantheist household steeped in universal Sufism, she developed into a sensitive, charming, beautiful and talented young woman who wrote stories for children.

The start of the Second World War saw Noor being drawn to the Allied war effort along with her siblings. As the Germans advanced on France, in Britain, across the English Channel, she was recruited to the SOE. Spearheading most of the secret activities of the British war effort, the SOE was the hub from where spies were sent to German-occupied territories. Noor headed to France – as she could easily pass for a French person – after a few months of training, even though her field reports said that she was not ready. After she was airdropped in France, she worked hard at learning to live the harried life of a spy, breaking down occasionally. Yet, she refused to stop transmitting radio messages until her entire circuit of spies collapsed and it became impossible for her to continue with her work.

A few days before her impending departure from Paris, the dreaded Gestapo sniffed her down after she was betrayed by someone within her network. She fought like a tigress, writes Shrabani Basu, before allowing herself to be arrested on September 13, 1943. After almost a year of imprisonment, which included bouts of solitary confinement and torture, she was shot dead by the Germans in Dachau, a notorious concentration camp of the Third Reich. The only word she uttered before she was shot was "liberté" (liberty). In hindsight, it looked like Noor's life could



have been saved if her handlers in London had been more alert and careful.

Shrabani Basu's book, from where this tale is sourced, is a good account of the short but rich story of Noor's life. She writes that Noor was an Indian Muslim who sacrificed her life protecting Jews as the Germans bulldozed their way across Europe. While many soldiers in the British war effort on several fronts were Muslim, almost all of them came from colonial armies like the British Indian Army. Noor was closer to the heart of the war effort than many others as she was a secret agent supplying crucial information to the Allied forces in their battle against the Germans. Her actions were in some way helping save Jewish lives, and the novelty of that relationship must be cherished as relations between Israel and the global Muslim community have soured since that time.

It can be debated whether Noor was actually a Muslim. The question can only have nuanced answers with no certainties. Her father, from whom Noor derived a great part of her spiritual worldview, was an internationally respected Sufi. But his writings clearly show that he considered Islam to be one among many religions in the path to the universal God. He was an initi-



SHRABANI BASU. HER biography of Noor revived interest in Noor's life and invaluable contribution to Britain's war effort.



NOOR WITH HER siblings, Hidayat, Vilayat and Claire. As was the wont with SOE recruits, her family did not know about her espionage assignment until much later.

ate in the Chistiya order of Sufism and had close ties with India, where he chose to come back when he had a premonition of his death, leaving his family in Paris. But his links with Islam were tenuous and his religion was concerned more with an inner cleansing and the science of the soul.

He described himself as a Sufi and it is only by deductive reasoning that he becomes a Muslim. The reasoning would be: All Sufis are Muslim, hence Khan was also a Muslim. Noor being Khan's daughter, therefore, automatically becomes a Muslim. The legacy of Khan's Sufism lived on with his son, Vilayat Khan, who died in 2004, and grandson, Zia Khan, who currently leads the Sufi Order International.

Shrabani Basu acknowledges that Noor could not be called a practising Muslim. In an e-mail interview with *Frontline*, she wrote: "Noor was not a practising Muslim in the strictest sense of the term, but the influence was definitely that of a liberal Indian Sufi upbringing. She was called Pirzadi, daughter of the Pir."

The author runs a small risk of antagonising some Muslims if she keeps

harping on Noor's Muslim identity. Conservative Muslims often interpret Islamic injunctions on idolatry to extend to statues and figurative paintings as well. That is one of the reasons why, historically, Islamic art is mainly known for its ornamental work and its fine calligraphy. Even today, there are hardly any statues in Muslim-majority countries. For instance, Pakistan does not have a single statue of Mohammed Ali Jinnah, the founder of the nation.

Noor's identity as a Muslim might have other interesting consequences, though, in a Britain where multiculturalism has been debated regularly for the past two decades. The fervour of the rhetoric on both sides has become more strident now.

Muslims constitute between 3 and 4 per cent of the population of the United Kingdom and have historically had a presence mainly through their colonial and Commonwealth ties, which had led to the immigration of working class people from South Asia. The U.K., long seen as a far more comfortable multicultural destination than many other European nations, has also seen a straining of racial and

ethnic relations over the past two decades.

Britons were not very conscious of Islam until the notoriety of the Salman Rushdie affair in the late 1980s. While this first brought Islam into popular discourse, the September 11, 2001, bombings in the United States, and the July 7, 2005, bombings in the U.K. caused cracks in the slightly dented mosaic of Britain's multiculturalism. In 2001, riots in industrial towns in northern England saw white youth and Pakistani men slug it out in street battles. Books like *Londonistan: How Britain is Creating a Terror State Within* have stoked irrational fears of Islam in this country.

An article by Ian Jack in *The Guardian* argued strongly that a memorial for Noor should be built as it would "deepen our sense of national history and widen, perhaps even subvert, the dull zealous view of religious identity" ("Why we need one more war memorial", November 6, 2010). This perspective of a liberal Briton shows how important the memorial could be in the nation's mindscape.

A memorial is a fitting tribute to the gallant actions of Noor. In India, the erection of statues has been a fecund territory for identity politics. Mayawati's statue-building spree across Uttar Pradesh and the "statue diplomacy" in 2009 when statues of the Tamil poet Tiruvalluvar and the Kannada poet Sarvaganya were unveiled in Bangalore and Chennai respectively after several years are only two examples of how caste and linguistic identities are asserted through statues.

Shrabani Basu's intentions seem far more innocent. She says she got the idea for the memorial after she published *Spy Princess* and lobbied long and hard to get wider support for her move. Leading expatriate Indians endorsed her efforts while the British Parliament gave cross-party support to the proposal. The Member of Parliament who tabled the Early Day Motion on June 22, 2010, in favour of the memorial was Valerie Vaz from Walsall, which has a significant South Asian



THE INAYAT KHAN children playing at a concert. Shrabani Basu writes that the four of them played in concerts at Fazal Manzil, their home at Suresnes, a Paris suburb, between 1930 and 1934 and that the audience consisted of visiting Sufis from all over the world.

community. On June 6, 2011, the British Parliament also witnessed a rousing discussion, with members across parties endorsing memorials for the women of the SOE.

A spot was identified for the proposed memorial in Gordon Square after the University of London's permission was granted in September 2010. When the memorial is finished, Noor will be in impressive Indian company. Mahatma Gandhi's meditative and finely detailed statue is around the corner in Tavistock Square. Tiruvalluvar's statue is also close by, just outside the School of Oriental and African Studies (SOAS), while Rabindranath Tagore's bust has just been unveiled in Gordon Square.

On being asked details about the proposed memorial, Shrabani Basu wrote: "The sculptor [for the memorial] is Karen Newman who has done many World War II heroines including the outdoor sculpture of Violette Szabo which is on the South Bank facing the Houses of Parliament. She wants to make it waist upwards, so it

will be more than a bust." It will be installed close to where Noor lived as a child before the family moved to France. Sharing other details of her campaign, Shrabani Basu said that the Noor Inayat Khan Memorial Trust has managed to collect £42,000, but it needs £50,000 more.

While Noor's connections with India were tenuous, there is no doubt that she was of Indian origin. There have been other ethnic South Asian awardees of the George Cross who died valiantly defending the British Empire, but it is doubtful if they will ever be commemorated in London. Noor had strong linkages with Britain and worked for the SOE. Most importantly, she has a strong cheerleader in Shrabani Basu, who has single-handedly sparked worldwide interest in the spy princess. Many of the book reviews of *Spy Princess* collated on Shrabani Basu's website are from Indian newspapers, showing how Indian connections to the metropolis of the British Empire still excite us. That the South Asian community in the United King-

dom is strong enough to lobby and work together for a memorial shows that the community has come of age.

Statues are erected by societies that are dynamic and changing, and this only bodes well for South Asians in England. Memorials, in many forms including statues, also tend to spark off debates. Robin Jeffrey, the Australian scholar of India, writes: "To put up a public, enduring symbol is very likely to stimulate discussion over its significance, and from such debates we can learn a good deal about the attitudes of, and divisions within, the community involved" ("What the statues tell: The politics of choosing symbols in Trivandrum", published in *Pacific Affairs*).

Britain is littered with war memorials. As the last bastion in Europe during the Second World War, the U.K.'s many war memorials have immortalised the roles of several individuals and groups. The many memorials also show how the country had an active role in most wars that changed the course of modern world history. For an Indian Muslim woman to take her place in this pantheon now will only add to the richness and diversity of the experience of war in Britain. It will also be testimony to an early chapter in the involvement of South Asians and Muslims in the British nation. Multiculturalism and integration of Muslims have also been debated widely in the British media over the past decade. Noor's memorial will, in some way, wedge itself gently, but firmly, in all these debates as the British South Asian and Muslim communities explore their own identities.

While race or religion has not been overtly responsible for the anarchic vandalism in London and other cities of England in early August 2011, a murmur of something close to that was faintly audible. In such circumstances, it is heartening to note that the majority of the donors to the cause of the memorial so far have been white Britons. □

(For more details about the Noor Inayat Khan memorial, please log on to www.noormemorial.org)

New old name

West Bengal sheds the colonial legacy in its name by becoming Pashchimbanga, but not everyone is happy. BY SUHRID SANKAR CHATTOPADHYAY

Pashchimbanga is only a literal translation of West Bengal and was always in use in the vernacular. The question being raised is, should ‘Pashchim’, meaning ‘west’, be retained in the name?

THE proposed change of name of the State of West Bengal to Pashchimbanga has roused mixed emotions. The new name was accepted unanimously at an all-party meeting on August 19, following the submission of the proposal of the two-member committee set up for the specific purpose of changing the name. The two members of the committee were State Parliamentary Affairs Minister Partha Chatterjee of the Trinamool Congress and Leader of the Opposition Surya Kanta Mishra of the Communist

Party of India (Marxist). “The main rationale behind the name change was that we all wanted to drop the colonial legacy attached to the name West Bengal. All other States have dropped any such colonial appendage and it was important for us to do so too,” Mishra told *Frontline*.

The first choice of the Left Front was “Bangla”, which was reportedly not liked by the Congress. “Our second choice was Pashchimbanga, which we proposed mainly to facilitate a unanimous decision,” said Mishra. Chief Minister Mamata Banerjee, while maintaining that her party, the Trinamool Congress, did not have any particular favourite, said her own personal choice was “Bangabhumi”. But she was quick to accept “Pashchimbanga” as the consensus choice.

EARLIER MOVE

Ironically, in 1999, when there was a move to change the State’s name during the chief ministership of the late Jyoti Basu, it was the Left that had suggested the name Pashchimbanga. The Congress rejected it in favour of “Bangla”. However, when an all-party delegation from the State went to meet the then Union Home Minister, L.K. Advani, the matter was not met with much enthusiasm. “The proposal was not directly turned down, it was suggested that the name Bangla was too similar to Bangladesh, which might lead to future confusions,” Mishra told *Frontline*.

REACTIONS

The announcement of the new name was accompanied by a collective groan of disappointment from across the State. From intellectuals and celebrities to students and professionals, many have been vocal about their dissatisfaction. The main objection is that it is no change at all, as Pashchimbanga in translation means West Bengal and has always been in use in the vernacular. “I do not find this change of name satisfactory. Pashchimbanga and West Bengal amount to being the same thing. There has been no real name change. I personally would have preferred the name Banga or Bangabhumi as the Chief Minister herself said she would have liked,” the legendary Bengali thespian Soumitro Chatterjee told *Frontline*. The renowned film director Mrinal Sen was of



WRITERS' BUILDING, THE State secretariat.

SUSHANTA PATRONBISHI

a similar opinion. “The word Pashchim should not be there. I believe it should be Bangla or Bangabhumi,” he told *Frontline*.

Neither were people convinced by the justifications provided by the government for its decision. One of the reasons cited was that the State would be going a few notches up the alphabetical order (from ‘W’ to ‘P’), which would improve its prospects *vis-a-vis* other States during Central meetings and conferences. “If going up the alphabetical order was a criterion, then why not simply change the name to Bangla? Besides, the name does not make sense as there is no ‘Purbo’ [East] Bengal any more. It is also a completely Bengali name that many of the non-Bengali speaking people of the State might find difficult to pronounce,” said Pratik Mazumdar, a final year B.Com student of St Xavier’s College, Kolkata.

Almost the same voice of dissent could be heard from within the Congress ranks. Om Prakash Mishra, general secretary of the West Bengal Pradesh Congress, found the whole exercise “unnecessary” and “superfluous”. “This will not bring in the intended benefit as a name change of a State can hardly be justified on the grounds of either administrative convenience or supposed support due to a change in the order of precedence in the alphabetical arrangement of the States in the Indian Union. This purpose would rather be served then by renaming our State as either Bengal or Banga,” he told *Frontline*.

HISTORICALLY INAPPROPRIATE

The eminent historian Sabyasachi Bhattacharya also feels that this change is no change at all. “I see no reason why West Bengal should still preserve its fragmented identity like this. There was once an East Punjab for a very brief period after Partition, but that name was soon dropped and it became simply Punjab. There was also an East Pakistan province which later became a sovereign nation, Bangladesh. Such things should not affect the identity of the people of a region,” he

told *Frontline*. Bhattacharya believes that the most applicable name would have been “Banga”. “The name is not only present in the national anthem – Dravida Utkala Banga – but also has its origins in ancient texts and in Sanskrit. The term West Bengal was coined by the British during the partition of the region,” he said.

The origin of the name of Bengal is shrouded in mystery. In *History of Bengal* (volume one), edited by R.C. Majumdar, the historian H.C. Raychaudhuri wrote that there was no mention of the land now known as Bengal in Vedic hymns. However, the Puranas and the epics, which came later, refer to various parts of the region as Vanga, Gauda, Pundra and Samatata. In the epics, there is unambiguous mention of the “Vangas” – the people of Vanga. In the Ramayana, they are mentioned among a number of peoples with political relations with the kings of Ayodhya; and in the Mahabharata, Bheema, after defeating the lord of the “Pundras” (as people of north Bengal were referred to), is said to have attacked next the king of the Vangas.

From the seventh century onwards, the Buddhist Pala dynasty consolidated its hold over the region, which became a major centre of Mahayana Buddhism. Around this time, Gauda (in the central part of West Bengal) became the power centre of the region. In the subsequent consolidation and unification of the region that took place under the Pala and Sena dynasties, references to Vanga as a political unit can be found in various inscriptions dating back to the latter half of the eighth century. In fact, the titles Vangapati and the Gaudesvara for the ruler of the region became interchangeable. The name “Vangaladesha” can be traced back to the 11th century in epigraphic and literary records.

The Sena dynasty fell to the cavalry of Ikhtiyar-ud-din Bhaktiyar Khilji, who, it is said, conquered the region with just 17 soldiers on horseback. Thus began the Muslim rule in the region, culminating in the Mughal conquest in the 16th century. Abu’l-

Fazl (1551-1602), the author of *Akbar-namah*, threw some light on the origin of the name of Bengal when he wrote: “The original name of Bengal was Bang. Its former rulers raised mounds measuring 10 yards in height and 20 in breadth throughout the province which were called ‘al’. From this suffix, the name ‘Bengal’ took its rise and currency.”

THE FIRST PARTITION

The term West Bengal first came into being in 1905 when Lord Curzon, the then Governor General, decided to partition Bengal into two halves on administrative grounds, though many people believed that the move was meant to stamp out any republican sentiment that was on the rise. East Bengal was created in October 1905, and along with Assam, this new province was placed under a Lieutenant Governor; West Bengal, along with Bihar and Orissa, was placed in charge of another Lieutenant Governor. This unleashed a massive political agitation, which forced the colonial rulers to review their decision. Finally, the two parts of Bengal were merged into one province under a Governor in 1911. Bengal was once again partitioned in 1947 when one half became East Pakistan, and the other once again became West Bengal, this time a State of the Union of India.

GOVERNMENT STANDS ITS GROUND

In the face of mounting criticism, the Chief Minister stood her ground. On August 23, she defended the move in the Assembly, saying that the choice of “Pashchimbanga” (which she admitted was already in vogue even in administrative use) was a politically unanimous one and was final. The upshot of the whole exercise, which reportedly took just 10 minutes, was simply to drop the English version of “Pashchimbanga”. “In the past we have had endless arguments around the choice of a name, but till now there was no change and the name West Bengal remained. This time we were all determined to change it,” said Mishra. □

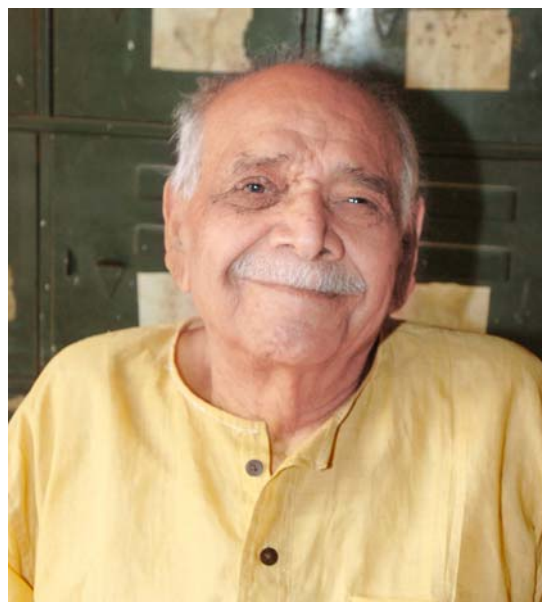
Secular historian

R.S. Sharma (1920-2011) looked upon the discipline of history as a vehicle for combating obscurantism and evolving a scientific temper. **BY SUVIRA JAISWAL**

What rankled the Hindu communalist lobby most was that Sharma made no attempt to push under the carpet such uncomfortable **facts as the inequities of the caste system and the practice of beef-eating in ancient India.**

THE passing away of Professor Ram Sharan Sharma on August 20 is an irreparable loss, not only for the world of history scholarship but for all those who envision and hope for a secular, rational and equitable India. There is hardly any aspect of early Indian history that has not been enriched by this renowned Marxist historian's penetrating analysis reinforced by a wealth of data. A prolific writer whose books have been translated into several Indian and foreign languages, he had an insatiable urge for work. When severe illness overtook him in the last few months, his only regret was that life had become meaningless as he was not able to read and write any more, notwithstanding the fact that his latest book, *Economic History of Early India*, was published by Viva Books this year. However, Sharma was no ivory-tower intellectual. He continued until the end to take an interest in what was going on around him and to encourage and advise historians and academics facing political confrontation to expose the manipulation of archaeological/ historical evidence by the protagonists of Hindutva. A man of unimpeachable integrity, his devotion to secularism and the scientific spirit was part of his being.

Sharma was born on September 1, 1920, in Barauni village of Begusarai, Bihar, to a poor family and received his primary education in the village school. He had to struggle hard to acquire higher education. After matriculation, he managed to join Patna College, where he studied for six years and obtained a master's degree in history in 1943. For a brief period, he worked as a lecturer in H.D. College, Ara, and



RANJEET KUMAR

RAM SHARAN SHARMA. Until the end he continued to take an interest in what was going on around him.

T.N.B. College, Bhagalpur. He joined Patna College in 1946. He became the Head of the Department of History, Patna University, in 1958, a position he continued to occupy until 1973, when he joined the History Department of the University of Delhi as a Professor. He had been already appointed the first Chairman of the newly constituted Indian Council of Historical Research, New Delhi, a post he occupied from 1972 to 1977. He served Delhi University until his retirement in 1985 and was the departmental head for five years.

After retirement, Sharma chose to return to Patna, where he remained until his death. In his long, illustrious career, he received numerous awards and fellowships. To mention a few, he was the Visiting Fellow, School of Oriental and African Studies, London University (1959-1964), Visiting Professor of History in Toronto (1965-1966), and recipient of the Jawaharlal Nehru Award in 1989, the Campbell Memorial Gold Medal (for outstanding Indologists) for 1983 from the Asiatic Society of Mumbai, and the

'Man of the people'

AT a function organised by the Indian Council of Historical Research and hosted by the Nehru Memorial Museum and Library, the eminent historians Romila Thapar, Irfan Habib, D.N. Jha, Satish Chandra, Kesavan Veluthat and ICHR Chairperson Basudev Chatterjee paid rich tributes to R.S. Sharma. They all emphasised that he had influenced them in more ways than one.

Sharma was the founder-chairperson of the ICHR for five years. D.N. Jha, his pupil and colleague, recalled him as an institution builder who built the History Department not only at Patna University but also at the University of Delhi. He said Sharma was deeply influenced by the ideas of peasant leaders, such as Pandit Karyanand Sharma and Swami Sahjanand Saraswati, who led farmer and peasant movements in the 1920s and 1930s, and his interactions with Rahul Sankrityayan, the father of Hindi travel literature and Marxist theoretician.

"He shared many of his personality traits with these people. He was a natural – there was no artificiality in Professor Sharma. He was unassuming and simple by nature," said Prof. Jha. He said Sharma was keen to reach out to all kinds of people. He interacted with safai karamcharis regularly to try and understand their problems. Jha recalled how when Sharma was once convalescing in a Delhi hospital, some construction la-

bourers trooped in to visit him. When Jha asked them what the purpose of their visit was, they said that they had heard that there was a "Sharmaji" admitted in the hospital who concerned himself with the poor. "He was a man of steely will. He fought caste, communalism, revivalism and obscurantism. He was a fighter," said Jha. In 1975, the Indian History Congress (IHC), under his chairmanship, passed a resolution against the Emergency, the only one of its kind passed by an academic body.

Irfan Habib, also closely associated with Sharma, recalled how in 1977 at the IHC at Bhubaneswar, Sharma was criticised and textbooks authored by him were attacked. Sharma never reacted angrily to his detractors. He used to say that one should not simply criticise but also learn from what people had to say. Despite his known differences with R.C. Majumdar, one of the leading nationalist historians, Sharma had a particular respect for him and apparently the admiration was mutual.

Apart from narrating some very interesting personal anecdotes based on his interactions with Sharma from the 1960s onwards, Irfan Habib underscored how Sharma's academic effort was directed at countering the chauvinistic reconstruction of ancient Indian history. "He encouraged everyone to adopt a scientific view, not with the idea of glorifying India but to find the truth. If a nation wants

to progress, it must know its faults as well as merits," said Irfan Habib. He said that Sharma was a "man of the people" – he had an intrinsic sense of the common man without "wearing it on his sleeve".

Satish Chandra recalled his interactions with Sharma at the School of Oriental and African Studies (SOAS): "I spoke to him a couple of days before his demise. He made light of his illness. People like him are rare."

K.M. Shrimali, who teaches at the University of Delhi, said Sharma had a rare combination of humility and scholarship. He never hesitated to learn from anybody including a novice and would not shy away from acknowledging debts in his writings. When he joined the History Department of Delhi University, he thought of creative ways in which the department could be strengthened and expanded. He persuaded the then Vice-Chancellor to transfer a vacant post in Tamil Studies from the Department of Modern Indian Languages to the History Department and then created a post to teach South Indian history. Shrimali recalled that Sharma used to tell his students to write in "simple, short sentences – to say things in a manner that can be communicated to the reader". He said that in Sharma's book *Material Culture and Social Formations in Ancient India* (1985), the most sophisticated ideas were presented without jargon. He had an excellent

Hemchandra Raychaudhuri Birth Centenary Gold Medal (for outstanding historians) from the Asiatic Society, Kolkata, in 2001. The Indian History Congress gave him the V.K. Rajwade National Award for his "life-long service and outstanding contribution to the study of ancient and early medieval history". He was conferred D.Litt. (Honoris causa) by the Uni-

versity of Burdwan and also by the Central Institute of Higher Tibetan Studies, Sarnath, Varanasi. Patna University had made him its Professor Emeritus. He was a distinguished member of the National Commission for History of Science in India and of the UNESCO Commission on the History of Central Asian Civilisations and had also served as a member of the

University Grants Commission. Through his association with these and other academic planning and policymaking bodies, he strove hard to give historical studies in India a scientific and secular orientation.

In the field of Indian historiography, Sharma was a trailblazer. His first major work, *Sudras in Ancient India*, substantially his thesis for the degree

command over textual sources of all kinds. On the lighter side, Shrimali added that Sharma was hugely fond of Hindi film music, and he had an idea of that when on a road trip from Bangalore to Mysore, Sharma recalled complete songs. "He was a great scholar and a greater human being," said Shrimali.

Prof. Kesavan Veluthat, a Marxist historian, who had read Sharma in his postgraduate days, recalled his first encounter with him, in the Delhi University library where he was looking for a book on Kerala history. "I saw this tall person in a dhoti and kurta, and mistaking him for an employee, requested him if he could help me find the text I was looking for. He directed me to the exact place where I found what I was looking for. I then spotted him reading some heavy volumes. When I went to thank him before I left the library, he winked at me and said, 'Why should you thank me? I am just a reader like you.'"

Romila Thapar recalled her association with Sharma at the SOAS, where she was doing her PhD on Emperor Asoka in what was a quintessential colonial atmosphere. He made her look at history differently and drew her attention to the writings of Rahul Sankrityayan. She recalled the mutual respect that R.C. Majumdar and Sharma had for each other and said D.D. Kosambi and Sharma had given a new direction to the study of historiography of ancient Indian history.

T.K. Rajalakshmi

of PhD, approved at the University of London, came out in 1958. It was a pioneering work focussing on the history of the labouring classes from early beginnings to the end of the Gupta period. He studied the relationship between the changes in the nature of their subordination and disabilities and developments in the means and organisation of production processes.

The second edition of this book, brought out in 1980, is a much larger and modified version that takes note of new evidence and investigations in archaeological and anthropological studies during the intervening period. Meanwhile, his *Aspects of Political Ideas and Institutions in Ancient India* was published in 1959, analysing the origin, growth and nature of the state in ancient India in the light of historical materialism. The work has gone into several editions and each edition is richer with new insights, arguments and additional material.

THEORY OF FEUDALISM

However, the publication of his monograph *Indian Feudalism* in 1965 caused almost a furore in the academia, generating intense debate and sharp responses both in favour of and against the applicability of the model of "feudalism" to the Indian situation at any point of time. The concept of "feudalism" was initially used by D.D. Kosambi to analyse the developments in the socio-economic sphere in the late ancient and medieval periods of Indian history. Sharma, while differing from Kosambi on certain significant points, added a great deal of depth to the approach with his painstaking research and forceful arguments. The work has been called his magnum opus. Criticism goaded Sharma into reinforcing his thesis by producing another work of fundamental importance, *Urban Decay in India (c. 300 – c. 1000)*, in which he marshalled an impressive mass of archaeological data to demonstrate the decline of urban centres, a crucial element of his thesis on feudalism. It won him the H.K. Barpujari award instituted by the Indian History Congress. However, the redoubtable professor was unstoppable, and in his *Early Medieval Indian Society: A Study in Feudalisation* (Orient Longman, 2001), he further rebutted the objections of his critics point by point.

Sharma applied the tool of historical materialism not only to explain social differentiation and stages of economic development, but also to the

realm of ideology. His investigations into the "feudal mind" and "economic and social basis of tantrism" are thought-provoking, opening up new lines of inquiry. In an earlier article, he examined "the material milieu of the birth of Buddhism", which now forms a part of his *Material Culture and Social Formations in Ancient India* (Macmillan, 1983). The monograph, full of seminal ideas, has been translated into several Indian and foreign languages and has had 11 editions.

SECULAR TEXTBOOKS

Sharma's active involvement in issues of socio-political importance was another important facet of his life. In 1948, as special officer on deputation to the Political Department, he prepared a report on the Bengal-Bihar boundary dispute, which proved to be very useful in the resolution of the problem.

Sharma's report on the Bengal-Bihar boundary dispute was useful in the resolution of the problem.

However, his lifelong mission was to expose the unscientific and biased nature of communal and chauvinistic reconstructions of India's past in order to manipulate its present. Hence, he wrote textbooks and learned monographs in a simple, straightforward and lucid language, both in Hindi and English. He scrupulously avoided fashionable jargon in order to make his views easily comprehensible. He was firmly of the view that textbooks should reflect the consensus on important issues among authoritative experts in the field and have a rational and objective approach, inculcating

the values of secularism and social justice enshrined in the Constitution.

This approach upset the communalist agenda, so a vicious attack was launched on Sharma's *Ancient India*, a textbook written for class XI and published by the National Council of Educational Research and Training (NCERT) during the Janata Party rule headed by Morarji Desai. The Central Board of Secondary Education (CBSE), at the direct behest of the government, decided to withdraw it from its list of recommended books. Nonetheless, as Professor Arjun Dev says, the NCERT continued to publish it until it was finally withdrawn along with other "controversial" history textbooks during the Bharatiya Janata Party-led National Democratic Alliance regime. The books were not restored even after the 2004 elections, as "for the authorities of NCERT, communalism had ceased to be an issue to deal with in school curriculum, despite the declared intention to "detoxify" the curriculum, Arjun Dev said. The textbook is now available in its new incarnation as *India's Ancient Past* (Oxford University Press, 2005).

What rankled the Hindu communalist lobby most was the fact that Sharma's textbook made no attempt to push under the carpet such uncomfortable facts as the inequities of the caste system, the practice of beef-eating in ancient India and, most of all, the mythical character of Ram of Ayodhya and Krishna of the Mahabharata, which, he pointed out, was definitively proved by archaeological evidence. Although these are well-known, authoritative, historical generalisations, the forces of Hindutva do not want to allow young minds to imbibe them as their main strategy to achieve political supremacy is to mobilise Hindus of different social strata by fostering their credulity in unreasoned archaic beliefs and exploit them for political purposes. Hence, textbooks promoting rationalism and a spirit of scientific inquiry pose a grave threat to their designs. Their virulent attack on Sharma forced him to come out with a booklet titled *In Defence of*

'Ancient India'. But perhaps Sharma's most memorable act in exposing fascist communal designs was his relentless endeavour to reveal the hollowness of the claim that the Babri Masjid was built on Ram's birthplace. He drew pointed attention to the deliberate misuse and suppression of historical/archaeological evidence in the furtherance of such claims. At his initiative, the Indian History Congress began to pass almost annual resolutions from 1986 onwards, calling upon the Government of India to protect the monument.

He spoke and wrote in the language of the people and took up socially relevant issues.

In 1990, he published a booklet, *Communal History and Ram's Ayodhya*, and in 1991 he presented to the Ministry of Home Affairs *Ram Janmabhumi-Babri Masjid: A Historian's Report to the Nation*, prepared by him along with M. Athar Ali, Suraj Bhan and D.N. Jha. The outrageous destruction of the 16th century mosque is now part of our history.

Sharma wrote two books, *Looking for the Aryans* (Orient Longman, 1995) and *Advent of the Aryans in India* (Manohar, 1999), to demolish the myth assiduously cultivated by Hindu communalist historiography that the Aryans were the original inhabitants of India and Harappa culture was their creation. More recently, when communal forces sought to get a new lease of life by creating a crisis over Adam's Bridge, or Ram Sethu, by asserting that it was a man-made construction built by Ram and not a natural formation (the result of continuous wave action), the Government of India appointed a committee of three with

two bureaucrats and a historian to examine the veracity of such claims. Sharma, who was the historian on the committee, submitted his report in December 2007 and thus helped in diffusing the crisis. Incidentally, work on the report occasioned his last visit to Delhi.

Sharma was a great administrator and institution builder and had the required perseverance, foresight and sense of purpose. As the Head of the History Department of Patna University, he radically refashioned the outdated syllabi, developed library facilities, held regular departmental seminars and made it a vibrant place for research and teaching.

His efforts led to the foundation of the Bihar Itihas Parishad, which became a registered body in 1975-76. He also inspired the formation of ASHA (The Association for the Study of History and Archaeology), which, as he remarked in the inaugural address given in 1996, aimed at fulfilling "the long-felt need of giving historical orientation to archaeology and archaeological orientation to history". His lifelong association with the Indian History Congress is well known. He had been its general secretary and the general president of the 1975 session.

Above all, I remember Sharma as the quintessential teacher, a demanding supervisor with an astute understanding of a student's capabilities and requirements. He taught us, through his example, to take a position and not remain neutral in the defence of truth and cherished ideals. He disliked jargon, verbosity and superficial intellectualism and looked upon the discipline of history as an important vehicle for combating obscurantism and evolving a scientific temper. Hence, he spoke and wrote in the language of the people and took up socially relevant issues. He had an impressive personality, tall, gentle and compassionate with eyes often twinkling in good humour. The void created by his death can never be filled. □

Suvira Jaiswal taught history at Jawaharlal Nehru University before retiring as Professor of History.

Class activist

M.K. Pandhe (1925-2011) was a towering leader of the Indian trade union movement. BY T.K. RAJALAKSHMI

He lived through seven decades, witnessing the highs and lows of the trade union movement and surviving its most turbulent periods, including the post-liberalisation phase.

ON August 20, M.K. Pandhe, one of the tallest leaders of the Indian trade union movement, breathed his last following a massive heart attack. He was 86 years old. He was suffering from lung cancer, an affliction he quietly and bravely endured.

Pandhe began his political life as a student activist and joined the Communist Party of India in 1943. He remained an active member of the CPI and later the Communist Party of India (Marxist) until the last hours of his life, planning and strategising with his trade union colleagues at the Centre of Indian Trade Unions (CITU), which he had steered successfully as

its general secretary and president. At a condolence meeting in New Delhi organised by the CPI(M) and the CITU, the veteran trade unionist and working class leader was fondly remembered for his firm commitment to working class ideology and his anti-imperialist stand. His contribution to uniting trade unions for joint struggles and the initiative he took to launch the National Platform of Mass Organisation in the early 1990s were acknowledged at the meeting.

Pandhe was a very simple man and had a great sense of commitment for the welfare of the working class. It was no surprise then that apart from the workers and leaders of the Left, a good number of journalists also turned up at his funeral. "He would always offer tea and ensure that we had it before we left," said one senior Hindi journalist who covered labour issues. His soft-spoken nature, simplicity, warmth and sophisticated thinking endeared him to people who knew him. He would generously share literature and documents, sometimes his own personal copies, with others. He had a deep knowledge



M.K. PANDHE, AS CITU president, addressing the 12th all-India CITU conference in Bangalore in January 2007.

V. SREENIVASA MURTHY

of the functioning of industries. As a trade union luminary, he organised and led workers in the strategic sector of industries. He also emphasised the role of working women in the trade union movement and the need to organise workers in the unorganised sector.

Pandhe understood the problems of the foundry worker as well as the white-collared executive and studied in depth the nature and functioning of various industries. Tapan Sen, general secretary, CITU, recalls that Pandhe had a thorough knowledge of the shipping, steel, coal and mining industries. "He never hesitated to speak his mind and could disagree with a smile on his face. He was a democrat in the true sense. The commonest worker could interact with him any time," said Tapan Sen.

His negotiation skills with managements were legendary. There was no thumping of tables or staging of walk-outs to pressure managements, which won him admirers among industrial managements as well. However, he never compromised on the interests of the working class. A former chairman of the Steel Authority of India Ltd (SAIL), who knew Pandhe for four decades, said, in a condolence message, that knowing the trade unionist had been a learning experience for him.

Concerned about his failing health, especially after he was diagnosed with cancer, his colleagues at the CITU dissuaded him from undertaking long journeys and strenuous work. But he would not give up. His itinerary, colleagues recalled, was packed until his death. He was to go to Mumbai on August 30.

EXCELLENT DEBATER

The son of teacher parents from Pune, Maharashtra, Pandhe was a brilliant student. S. Ramachandran Pillai, CPI (M) Polit Bureau member, said that Pandhe was a voracious reader and an excellent debater. Early in, his student life, he was attracted to the freedom movement, the students' movement and to Marxist literature. At 18, he

became a member of the Communist Party. He went on to become one of the national secretaries of the All India Trade Union Congress (AITUC) in the early 1960s. One of the founder leaders of the CITU, he was its general secretary from 1991 to 2003 and president from 2003 to 2010. He was inducted into the CPI(M) Central Committee in 1978 and the Polit Bureau in 1998.

"He was very intelligent. He did his doctorate and had a great command over statistics and economics," said CPI general secretary A.B. Bardhan. Bardhan, younger to Pandhe by four months, recalled their long association dating back to 1947. "I used to tease him about heading so many federations. I used to tell him to share his burden with the AITUC," he said. Their comradeship remained intact even after the split of the CPI in 1964.

Pandhe's negotiation skills with managements were legendary.

In the late 1970s, Pandhe's colleagues recall, he strove hard for a unified, national platform for trade unions of all political affiliations. He was also known and respected in the international trade union movement. He was the co-president of the International Energy and Mines' Organisation (IEMO), which was a joint international platform of energy and mining workers of all affiliations.

It would be wrong to describe him as a trade union leader alone, said Prakash Karat, CPI(M) general secretary, at the condolence meeting. Pandhe was a true leader of the working class, who represented the working class and strove to create leaders from the working class. He played a major role, said Karat, in creating political consciousness among the working class. He said that after the undivided Communist

Party was declared illegal in 1948, Pandhe had gone underground but his ideological moorings never wavered. He was a leader who wanted to be in the field wherever there was a working class struggle or issue involved. "He lived like a true communist. It is a big loss to the party," said Karat. The post-liberalisation period was a challenging one for trade unions and the working class. Struggles had to be intensified against all odds. There were 13 strikes from the early 1990s to 2010, said Karat. In each one of them, Pandhe played a crucial role.

Pandhe was a prolific writer as well. He authored several pamphlets on issues confronting the trade union movement and on economic policy. His hugely popular booklet titled "Policies of liberalisation - Attack on economic sovereignty", published in 1991, was translated into all Indian languages, and several lakh copies were circulated throughout the country. The treatise exposed the disastrous government policy and the adverse impact of liberalisation, privatisation and globalisation. His pamphlets on "Fraudulent price index", "Global economic crisis" and "Employees' pension scheme", and his regular articles in trade union journals on almost all issues facing the working class, helped not only workers and trade unionists but were an important source for those writing on labour issues.

His wife and fellow comrade, Pramila Pandhe, an equally warm and affectionate person, has been associated with the All India Democratic Women's Association (AIDWA) since its inception.

Pandhe lived through seven decades, witnessing the highs and lows of the trade union movement and surviving its most turbulent periods, including the post-liberalisation phase in which the state started withdrawing from the crucial sectors of the economy and increasingly resorted to repression.

It is not without reason that working class representatives feel that Pandhe's demise has created an unbridgeable void. □

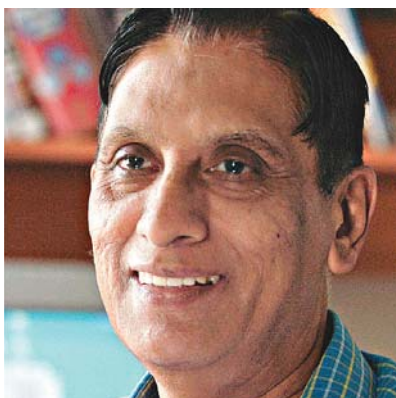
Crime check

The fall in crime rate in the U.S. is attributed to various factors, but the key is intelligent policing by committed professionals.

AMIDST the cacophony of a nationwide debate on corruption and the Anna Hazare campaign, I am afraid our country has lost the focus on an equally important issue, namely, how to improve the quality of our public services. The euphoria generated by Parliament acceding to the Maharashtra warrior's demand for a strong anti-corruption law is most natural. The people are so much fed up with dishonesty in public administration that there is an extraordinary hype even about a token step forward.

The worry, however, is that in the process there is a tendency to ignore the need for stabilising public services that are vital to the average citizen. The case for upgrading school education, and improving medical care in villages, sanitation in the bigger cities and community safety all over the country to somewhere near international standards cannot be overstated. This may be a distant ideal, but it is worth striving for in pursuit of a greater standing in the comity of nations. I hope the Anna team will not rest on its oars but take up this challenge seriously so that we build a solid foundation upon which a strong economy can rest.

I am especially exercised about the non-availability of the police to perform basic tasks such as tackling anti-social behaviour of individual bullies and countering crime against the life and property of citizens. Police time is mostly taken up in handling mass demonstrations like that of Anna Hazare's and providing security to state dignitaries. As a result, less attention is given to the day-to-day requirements of the community. Not many understand that this is a state of affairs that promotes conventional crime, a task



Law and Order

R.K. RAGHAVAN

about which the police care very little today. This was what was sought to be conveyed by the eminent thinker Prof. James Q. Wilson when he and Prof. George L. Kelling propounded the theory of "broken windows" in the early 1980s (One broken window in a community, which remains unattended and which no one cares to fix, is an open invitation to antisocial elements looking for an opportunity to indulge in crime). But then the phenomenon of crime is no longer as simple as it was when Wilson first enunciated the concept. While the axiom of what he propounded remains as relevant as it was then, the factors that generate and foster deviance have taken on new dimensions. This has led to strange generalisations, bewildering paradoxes and inscrutable misconceptions, which mark public debates on crime and law enforcement. Television debates the world over take the cake for superficial interpretation of whatever happens on the crime front.

This happened in the United Kingdom recently. The country is, undoubtedly, going through an economic crisis, with the growth rate standing at less than a per cent compared with the 8 per cent of India and a slightly higher rate of China. The common belief everywhere is that unemployment and poverty drive crime up. This was how the London riots, accompanied by shameful looting of shops, were explained by criminologists and other scholars. Many of us were deeply impressed by what they said and lapped up the theories advanced by them without any reservation. Also peddled on this occasion was the story that the looting and arson was an essentially a collective outrage resulting from prolonged state neglect and the consequent appalling conditions the blacks live in.

Both the theories were punctured the moment police released the names and other details of proved offenders. For instance, there were a number of rioters who held some job or the other, and they were not vagabonds. This meant that they did have a stake in civilised and lawful conduct. A further revelation was that there were a number of whites also among the criminals taken into custody by the police, disproving the argument that race had a lot to do with criminal behaviour. The black community, both in the U.K. and the United States, is no doubt more prone to deviance because of several traditional factors, including low levels of education, teenage pregnancy and single-parent families. The fact remains that many among the whites are also proactive participants in crimes in the two countries. This is the complexity that besets many crime studies of the present times. Their findings con-



MARY ALTAFFER/AP

A POLICE OFFICER stands guard at a railway station in Times Square, New York. A file photograph.

fuse the lay citizen rather than inform him.

It is against this backdrop that we are confounded by several recent studies, which speak of a drop in crime in many parts of the U.S., a trend that is contrary to graphs in most of the world, barring perhaps some countries in Europe. That too at a time when President Barack Obama is confronted with many serious economic problems: recession, acute debt repayment difficulties, shrinking welfare schemes and joblessness, all of which should normally induce crime rather than discourage unlawful conduct. The damage caused by tropical storm Irene a few days ago and the money that has to be sunk into relief and rebuilding measures can only add to Obama's fiscal woes. The simplistic explanations that problems such as these, which involve huge government outlays at the cost of investment in the economy with a view to generating new jobs, promote crime no longer seem to hold water.

We have, therefore, to look for other reasons why crime figures are either steady or are actually going down in the U.S. at a time when the country is gripped by a nearly unparalleled downturn. I am particularly impressed by two recent reports on crime in the U.S. which make a lot of sense.

The first of these is a presentation made in the past few months by two eminent criminologists at a National Criminal Justice Association meeting held in Washington, DC. One of them is Prof. Franklin Zimring of Berkeley, a scholar of great repute, whose theses

on the phenomenon of crime are widely respected. In Zimring's view, the drop in crime in many American cities is the result of hard-core policing at the street level. He cites New York City in particular as an example of intelligent and high-visibility policing deterring potential offenders. Readers may recall how, in the late 1990s, Bill Bratton, as chief of the New York City Police Department, introduced several innovations which, it was believed, reduced crime in the city.

Another academic, James Austin, of the JFA Institute (Washington, DC, and California), echoed the position taken by Zimring. Both spurned the theory that higher rates of incarceration of criminals led to a lower incidence of crime. This was in the context of the well-known fact that the U.S. has more prisoners inside its jails than any other country. Many of us should look forward to reading Zimring's forthcoming book, *The City That Became Safe: New York's Lessons for Urban Crime and Its Control* (Oxford University Press). It should give some insights valuable to the police in our cities.

The other report (August 22) on the U.S. crime scene is by Chris McGreal, *The Guardian's* reporter in Washington, who points out how the city no longer deserves to be called the "murder capital" of the country, if not of the world. From about 480 murders a year, until two decades ago, the figure came down to 130 in 2010. A number of analysts are puzzled by this substantial drop. The Federal Bureau of

Investigation's 'Uniform Crime Report' (the equivalent of 'Crime in India' brought out annually by the National Crime Records Bureau, New Delhi) says this is not a solely Washington, DC, phenomenon, and the trend is seen elsewhere also. For instance, the 536 homicides in New York City last year was a dramatic drop from the 2,245 one saw in 1990, when the city was a really dangerous place, especially around Times Square, then a haven for prostitutes, bootleggers and drug peddlers.

Along with homicide, robbery rates have also come down across the country. *The Guardian's* reporter cites both John Roman, Director of the District of Columbia Crime Policy Institute, and Prof. James Q. Wilson to give a flavour of what experts in the country believe to be the main factors that have contributed to a fall in crime. Both the scholars, in contrast to the stand taken by Prof. Zimring, say that high levels of incarceration have helped to disable a large number of past and potential offenders and taken them off the streets. (More than two million people are in Federal and State prisons in the U.S. at any point of time. The corresponding figure for India is 0.3 million held in the more than 1,300 prisons in the country.)

Also noteworthy is the fact that unlike many other countries, including the U.K., which believes in locking up offenders, the U.S. has benefited from longer mandatory sentences. Also, one factor that has contributed to lower property crime is "target hardening". Automobiles, a favourite object of attack for criminals in the Western world, have become harder to steal (with so many anti-theft electronic devices), and houses (with sophisticated alarm systems) are more difficult to break into. One can go on and on to explain fluctuations in the rate of crime and new patterns to offend against persons and property. In the ultimate analysis, I believe there is no substitute for intelligently structured policing on the ground backed up by policemen who derive professional satisfaction in solving crime. □

'Landgrab' overseas

The global 'farmland grab' in Ethiopia and the rest of Africa has become competitive, with companies from Asia, including India and China, joining it.

AN extraordinary new process has been at work in the past few years: the aggressive entry of Indian corporations into the markets for agricultural land in Africa. At one level, this process is simply following the hoary old tradition in global capitalism of firms (often supported by the governments of the originating countries) entering new areas in search of access to natural resources on preferential terms.

Several centuries ago, the growth of plantation agriculture in large parts of the western hemisphere was essentially the product of such a process. This was further facilitated by cross-border movements of labour (in the extreme case of African labour through slavery, then through indentured labour contracts largely from South Asia, then through supposedly more "free" movements driven by lack of adequate income opportunities in the home countries). Together these flows generated production and trade patterns that were critical in shaping the international division of labour by the mid-20th century.

In more recent cases, multinational agribusiness companies from Europe and the United States have been active for more than a decade now in acquiring prime agricultural land in developing countries to grow cash crops and biofuels that benefited from substantial subsidies provided by developed country governments. But recently, this global land rush has become even more competitive, with companies from developing Asia, and particularly China and India, joining the scramble to acquire land.

A new research study by Rick Row-



Preoccupations

JAYATI GHOSH

den ("India's role in the new global farmland grab", GRAIN and ERF, at http://www.macrosan.org/anl/aug11/pdf/Rick_Rowden.pdf) provides some startling insights into this process, particularly with respect to Indian companies and the explicit and implicit encouragement provided by the Government of India. Most of the Indian companies involved in such land purchase and lease arrangements have thus far been focussed on Africa, but South America is also seen as a promising new destination. And integrated Indian oilseeds firms have already invested in South-East Asia, in operations ranging from plantation cultivation to the processing of edible oils for export.

Looking at the East African region alone, on the basis of data provided by governments in the region, Rowden finds that more than 80 Indian companies have already invested about \$2.4 billion in buying or leasing huge plan-

tations in countries such as Ethiopia, Kenya, Madagascar, Senegal and Mozambique. The land will be used to grow foodgrains and other cash crops for the global market and in some cases specifically for the Indian market.

It is not just the allure for Indian foreign investors of much cheaper land and the promise of more abundant water sources in these locations that have driven these investments. It is interesting to note that many governments in the African region have actively courted Indian and other agricultural investors. They have typically offered incentives, ranging from the permission to lease massive tracts of arable land at very generous terms and providing access to water, to promising the firms that they will be allowed to export all output and have the ability to repatriate all profits.

The Indian government, for its part, has both facilitated and encouraged such investment, seeing it as a way out of land availability issues and increasing problems of water shortage facing Indian agriculture. In addition to leading trade missions and supporting various initiatives to facilitate Indian agricultural companies in their overseas investments in Africa and elsewhere, it has progressively liberalised the rules on outward foreign direct investment by Indian companies. The Exim Bank has provided lines of credit and soft loans not only to African governments but also to Indian companies engaged in such transactions.

Ironically, many of these Indian companies operating in Africa are engaging in activities that involve huge displacement of farmers and changing

patterns of production and consumption that would either be difficult or impossible for them to do in India. They would either be illegal or get embroiled in very significant political controversies because of the negative impact on local people.

Take, for instance, one of the most high profile of recent deals, the acquisition of around 300,000 hectares of land on long lease in the Gambela region of Ethiopia by the Indian firm Karuturi Global Ltd. The claim is that this was all surplus or unutilised land that will now be used for more efficient and productive cultivation. But this is fiercely contested by several local analysts, who point out that there is no such thing as “idle land” in Ethiopia, or indeed anywhere else in Africa.

Many governments in Africa have courted Indian and other agricultural investors.

It is well known that competition for grazing land and access to waterbodies are the two most important sources of conflict between different pastoral communities in Ethiopia, and in all such cases of land lease involving foreign enterprises, there have been complaints by locals of loss of access to grazing land and water. There have been many cases of loss of cultivated land as well as homestead land in the process, leading to simmering discontent that has not yet been able to find political voice.

Further, since the new cultivation practices will be highly mechanised, there will necessarily be quite substantial displacement of labour from the traditional smaller-sized farms that will have lost land. And cultivation of

the traditional staple food crop teff has already been affected, leading to significant increases in its local prices. It forms part of the subsistence diet of most Ethiopians. Meanwhile, there are also growing environmental concerns about the pattern of cultivation that has been promoted through these new arrangements. The large-scale and heavily mechanised monocropping farms that are being created typically depend upon high levels of water usage and involve heavy doses of pesticides and herbicides that can pollute nearby groundwater, all of which can rapidly deplete soil quality.

What is even worse is that the contracts signed provide a high degree of protection to the companies with low responsibility for any adverse effects, and scant respect for the rights of those affected by the contracts. Rowden's study provides detailed analysis of several contracts, including that of Karuturi Global Ltd with the government of Ethiopia.

According to Karuturi's signed lease agreement for the first 100,000 hectares, it has been given the land for 50 years at a total cost of only 100,000,000 birr (equivalent to \$59.28 a hectare) for full use of prime agricultural land, with a yearly rent of only \$1.18 a hectare. The five contracts analysed all mention that the companies have the right to build dams, water boreholes and irrigation systems as they see fit. But there is no mention of paying for this water, how much water would be used or over what period of time, how the usage would be monitored, or what the environmental impacts would be on surrounding areas regarding the water that would be diverted for use by the companies. With fixed-term leases, the implications for over-exploitation of this critical resource are obvious.

As a sign of how the Ethiopian government is seeking to make such investments attractive, the contracts all provide for “special investment privileges such as exemptions from taxation and import duties on capital goods and repatriation of capital and profits granted under the investment



laws of Ethiopia”. None of these five contracts for the Indian companies mentions labour laws or specifies any wages or working conditions for their local employees. There is no obligation to dedicate any portion of the produced crops to the domestic market for local consumption.

In all the contracts analysed, the Indian companies have the “right” to provide power, health clinics, schools, and so on, but these are not listed under “obligations” of the investors. Nor do the contracts specify for whom these services might be provided – the local population or for those of company workers. Since this is merely a non-



WORKERS AT THE farm of Karuturi Global Ltd, an Indian firm, in Bako, central Ethiopia, in November 2009.

enforceable right, the companies may choose not to act on it.

One of the most disturbing features of the contracts relates to displacement, the very aspect that is currently the cause of so many intense disputes in India. Rowden points out that “the contract for Karuturi suggests the Government of Ethiopia will evict any local people who are in the way of the commercial project, by force if necessary”. Although this land has been or still is home to thousands of Ethiopian citizens, Article 6.1 of the

contract states: “The lessor [Government of Ethiopia] shall be obliged to deliver and hand over the vacant possession of leased land free of impediments.” Arguably, local people who are unwilling to leave their land could be construed as “impediments”, and the lessor is now contractually obligated to ensure they are not a problem for the company.

Article 6.6 seems to suggest the government will provide police or military action against any resistance: “The lessor [government] shall ensure

during the period of lease, the lessee [Karuturi] shall enjoy peaceful and trouble free possession of the premises and it shall be provided adequate security, free of cost, for carrying out its entire activities in the said premises, against any riot, disturbance or any other turbulent time other than *force majeure*, as and when requested by the lessee.”

All these features point to a frightening new tendency with respect to land acquisition by Indian companies. As democratic processes in India force both Indian corporations and the government to take into account the rights of local citizens, issues of compensation and rehabilitation of those displaced, environmental concerns, the conditions of workers, and other related aspects, there is an attempt to export the problem by encouraging these companies to undertake land grabs elsewhere in the developing world.

Surely all those who would fight such irresponsible and exploitative corporate behaviour in India must raise their voices against this tendency as well.

At the very least, we have to express solidarity with those like Obang Metho, director of the Solidarity Movement for a New Ethiopia (SMNE), who in an “Open Letter to the People of India” asked for the citizens of India to take steps to stop the harmful land-grabbing by Indian companies in Ethiopia:

“I come to you first and foremost as a fellow human as I call you to join our effort to stop the plundering of Ethiopia and Africa by African dictators, their cronies and their foreign partners – some of whom are Indian – who are hungry for our resources but care little for our people.... Will you help work within India to bring greater transparency and compliance with whatever protective laws and safeguards are in place in India?” This is important for Indian democracy, not only because of the broader humanist considerations outlined by Metho but also because without this solidarity, the struggle for greater economic justice within India will also be undermined. □

BARRY MALONE/REUTERS

The elusive ‘God’

The Lepton Photon conference in Mumbai ended with a feeling that the Higgs particle perhaps does not exist, but physicists are not giving up.

BY R. RAMACHANDRAN

The frenetic experiments at the LHC are bound to throw up new physics, if not Higgs, pretty soon. Not finding **Higgs or super symmetric particles** will only expand the unknown vistas in high-energy physics.

IT was widely expected that the recently concluded biennial XXV International Lepton Photon Symposium 2011 (LP11) at the Tata Institute of Fundamental Research (TIFR), Mumbai, would witness the historic announcement of the discovery of the Higgs particle that the high-energy physics community was desperately seeking. Unfortunately, it was not to be, and the particle continues to be elusive even after a nearly three-decade search. But new results from experiments engaged in the Higgs search provided more stringent limits on its existence than those presented as recently as July at the Europhysical Society’s 2011 High-Energy Physics Conference (EPS-HEP) in Grenoble, France. The Mumbai conference ended with a distinct feeling that the particle perhaps does not exist, but physicists are not giving up as yet – even as the window still available for Higgs to hide has really shrunk – as it would otherwise throw the entire theoretical framework for fundamental particles and forces of nature completely out of gear.

The Higgs particle, or the “God particle” as it is commonly referred to in popular media, is the only crucial missing piece in the otherwise enormously successful theory of fundamental particles and the forces of interaction among them. The particles included in this framework are leptons (the “light ones”), which include electrons and neutrinos, and hadrons (the “heavy ones”), which are particles made up of quarks like protons and neutrons. The forces



that the theory describes include the electromagnetic force mediated by the mass-less photon, the weak nuclear force mediated by the massive particles called W and Z vector bosons, and the strong nuclear force mediated by the eight mass-less particles called gluons.

Known as the Standard Model (SM), the theory has superbly held up to very high precision tests of its predictions assuming the existence of Higgs. It is through their interaction with the hypothetical Higgs (or the lack of it) that all other particles get their mass (or correspondingly remain mass-less). The Higgs particle, too, gets its mass in this way through self-interaction. Higgs can be imagined as an all-pervasive ether-like field, which endows particles with mass (or inertia) because of the drag that the field exerts on all particles by sticking to them as they move through space. More technically speaking, the mass arises through a mechanism known as “spontaneous symmetry breaking” by the Higgs field of a certain universal symmetry that prevailed at the Big Bang.

However, the SM does not predict a value for the mass of the Higgs particle though the model indirectly constrains the value to be under a certain value (186 gigaelectronvolt (GeV)) based on measurements of some processes, like particle decays, governed by the model. In high-energy physics, masses are measured in units of energy in accordance with Einstein’s mass-energy relation. The mass



PROF. ROLF HEUER (second right) with other international physicists at the Lepton Photon 2011 conference in Mumbai on August 25.

of a proton, for example, is about 1 GeV, that of W and Z is about 100 GeV. Since the 1980s, physicists have been scanning the entire energy range available to the various high-energy particle accelerators in which high-energy particle collisions occur producing a multitude of particles. In the debris of these collisions, scientists look for signatures of Higgs.

As accelerator technologies have advanced a great deal during this period, and the energies accessible in these have correspondingly increased by orders of magnitude, techniques of detection and analysis, too, have become commensurately complex and sophisticated. But Higgs, without which it now seems impossible to explain the vast amount of particle data, has remained elusive. Higgs has thus become a sort of Holy Grail of current high-energy particle physics. Its existence, or an equivalent mechanism that not only gives rise to mass but is also consistent with all the precise measurements made on SM processes, is

imperative for a consistent picture of the subatomic world.

At present, the most powerful particle accelerator is the Large Hadron Collider (LHC) at CERN (European Organisation for Nuclear Research) in Geneva, which after its initial mishap and early hiccups began running at a reduced total energy of 7 teraelectron-volt (3.5 TeV per proton beam) in November 2009. The LHC began taking data at 7 TeV in March 2010 and is expected to run through December 2012 at this energy when it will be shut down for about 18 months before it is brought up to its peak design value of 14 TeV (7 TeV per beam) in 2014. But at 7 TeV itself almost everything of interest with regard to Higgs and much of the other new physics that is expected to show up in the TeV energy scale, such as dark matter, dark energy, matter-antimatter asymmetry in the universe, super symmetry and extra dimensions, should show up. The combined results of the nearly identical multipurpose ATLAS and CMS ex-

periments, which are key to the search for Higgs, were supposed to be the high point of the Mumbai meeting.

The front runner in the Higgs search was the Large Electron-Positron Collider (LEP), which operated between 1989 and 2000 and attained a maximum collision energy of 209 GeV. With the combined data from four of its experiments, the LEP ruled out the existence of Higgs with a mass less than 114.4 GeV at 95 per cent “confidence level” (CL). The terminology confidence level is a statistical measure and it refers to the number of times the result of the experiment repeated 100 times will meet the expectation within the specified range. That is, 95 per cent CL means one is likely to be proved wrong – in this case Higgs-like signal will show up in that range – five times out of 100. The LEP, however, produced tentative but inconclusive hints of Higgs with a mass of about 115 GeV before it shut down in 2000. The search was followed up by the next-generation accelerator at Fermilab, United States, called Tevatron proton-antiproton collider. The accelerator is so named because it brought proton and antiproton beams, each accelerated to about 1 TeV, to collide head on.

In order to put these ongoing searches in proper perspective, it should be appreciated that a discovery in particle physics is often a long, painstaking process, requiring sifting through huge amounts of data to isolate the signal of a rare process, such as the signal from Higgs. The lifetime of Higgs itself is very short, but it is its various decay channels into other subatomic particles, according to the SM, that will provide the signal. For example, the following channels are available for Higgs to decay into: H two photons; H two tau leptons; H WW; H ZZ and others (see picture). The real complication arises from the background events, which are those from other processes in the SM that mimic the characteristics of Higgs decay. A Higgs signal would appear as an excess number of events over the large background. As CERN’s director-general Rolf Heuer said, “It is like trying to

SHIRISH SHETEP/PTI

capture the photograph of snowflakes against the backdrop of a snowfield.” The effort is to pick up such excess, which are statistically significant. Statistical significance is measured in terms of what is called standard deviation (called sigma). For any discovery in particle physics, the signal should be at least at “5 sigma level” over the background, which is equivalent to a CL of being wrong only one part in a billion.

To improve the statistics, we need more collisions so that events producing the signal we are looking for stack up and give a statistically significant peak of excess events over the background. At the Tevatron, for example, the number of collision events that the experimenters had recorded in their Higgs search from 2001 until now was 700,000 billion proton-antiproton collisions. According to the Italian physicist Marco Verzocchi of the National Institute of Nuclear Physics (INFN), Rome, who presented the latest Tevatron data at LP11 in Mumbai, “We have already collected 95 per cent of the data [that Tevatron can potentially deliver]. Our data collection will end in the next one month [when the machine will shut down for ever].”

To put the above in perspective, the total data collected by the LHC during the first few months of its running amounted to 3,000 billion proton-proton collisions. In April, the LHC overtook the highest beam intensity (called luminosity) achieved so far at Tevatron and recorded the highest intensity. A higher energy machine requires a much higher luminosity to yield far greater number of collisions because of the much larger number of channels available at the higher energy resulting in a much larger background. In June 2011, the LHC attained the key data milestone “one inverse-femtobarn (fb^{-1})” required for being able to see statistically significant physics results at 7 TeV, which is equal to 70 trillion proton-proton collision events. This means that the LHC has recorded this much of data since it began operations in March 2010. This was the target set for the LHC in 2010 for the entire 2011 runs, but this was achieved

within a record time of three-four months. This data formed the basis for the results presented in Grenoble. The speed with which the LHC experiments have been analysing data has also been unprecedented. The Worldwide LHC Computing Grid, which links up computer centres around the world (including India), was routinely processing up to 200,000 physics analysis jobs concurrently.

IMPROVED RESULTS

Between July and the date of the Mumbai conference, the data collected had nearly doubled, enabling much improved results to be presented at LP11. According to Vivek Sharma of the University of California at San Diego (UCSD), who presented the CMS results in Mumbai, the total amount collected by the LHC experiments up to August 4 was around 120-130 trillion collisions. This is only a tenth of the data that the LHC is capable of delivering at 7 TeV, which the LHC plans to reach by the year end to lay the basis for an even more improved data sample in 2012.

The LEP ruled out the existence of Higgs with a mass less than 114.4 GeV at 95 per cent CL.

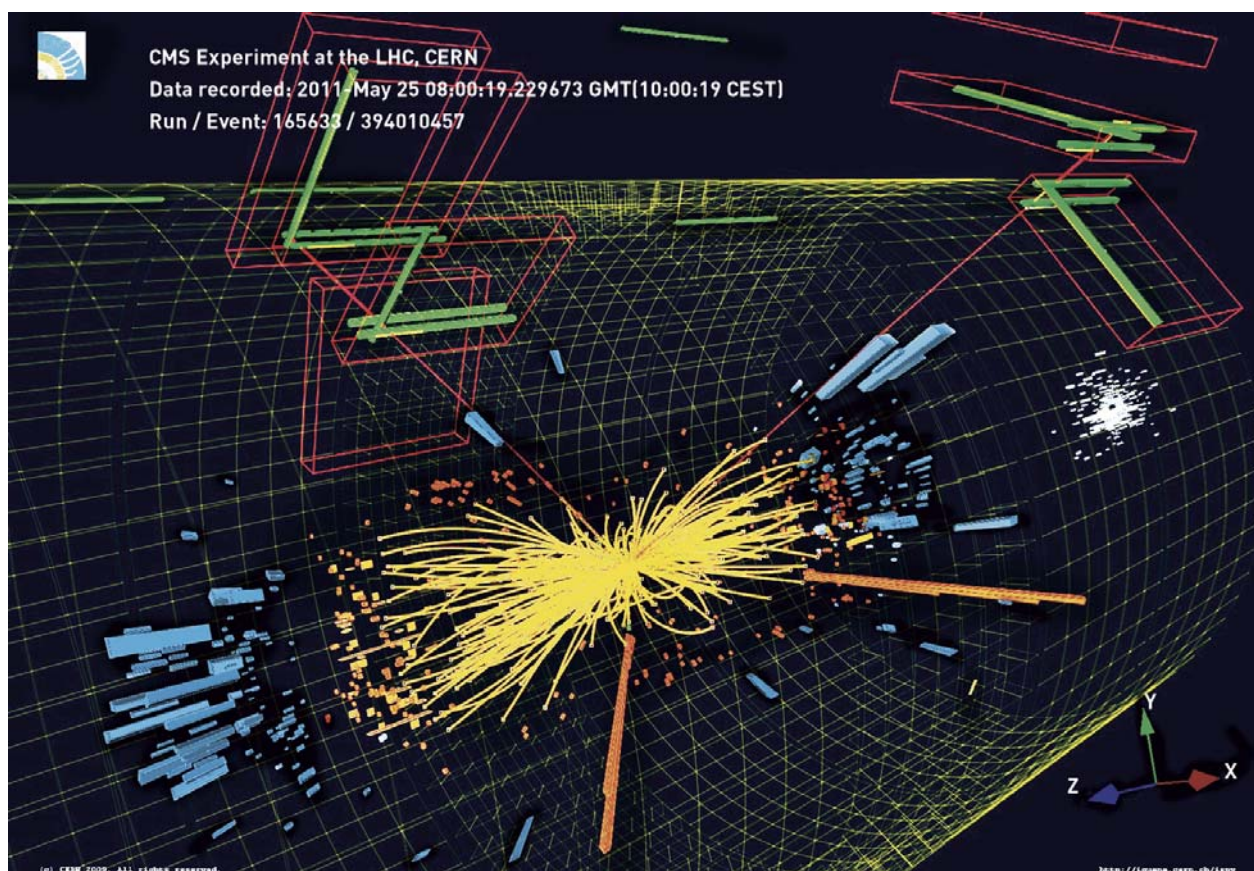
Figure 1 shows the excluded mass regions for Higgs as a result of these various experiments until March 2011, when the LHC results had not yet started coming in. The results on Higgs search from Tevatron’s CDF and D-zero that were presented in Grenoble excluded Higgs in the mass ranges 100-109 GeV and 156-177 GeV at 95 per cent CL. From Tevatron’s perspective, therefore, Higgs with mass in the

range of 115-155 GeV is still not excluded. In January 2011, the U.S. Department of Energy (DoE) turned down scientists’ request for a three-year extension up to 2014. The scientists had felt that a final assault on the still-allowed region of 115-155 GeV could have yielded definitive result about the existence of Higgs with mass in that range.

Since Tevatron had collected almost all the data that could be potentially delivered by the machine, and is due to be shut down in September, the results from its two experiments presented in Mumbai were virtually the same as those presented in Grenoble. “We now have to really do the final analysis of the data. But we are a much smaller team as compared to the LHC and it takes a bit longer to analyse the data,” said Verzocchi. “We are at 98 per cent of our sensitivity and we are trying to get the last few per cent. That takes a little bit longer. We are trying to do the most difficult things. We are almost near saturation in what can be achieved at Tevatron.”

Before the LHC results were presented in Grenoble, an internal note claiming significant excess events indicative of a Higgs signal somehow leaked out into a blog, “Not Even Wrong”, maintained by a mathematician, Peter Woit, which led to a rumour among people not associated with the experiments and the media of Higgs having probably been seen. The note described highly preliminary data from observations which were yet to be vetted, scrutinised for the quality of the data and statistically analysed to see whether there was a true signal or not before making the data public. The claim was that in the channel $H \rightarrow 2$ photons, the ATLAS experiment was seeing more events than expected (almost 30 times!) at a mass value of 115 GeV.

Since this was the value at which the LEP had seen hints of a Higgs signal, the rumour gained ground pretty fast. It had to be finally quashed by an official statement from ATLAS. “Signals of the kind reported in the memo,” said the ATLAS spokeswoman, “show up quite frequently in the



AN EVENT AT the CMS where two Z bosons decay into two electrons and two muons (red lines). Such events are analysed in the search for the Higgs boson.

course of data analysis and are later falsified after more detailed scrutiny. Only official ATLAS results, which have undergone all the necessary scientific checks by the collaboration, should be taken seriously.” The ATLAS collaboration involves 3,000 scientists from all over the world who analyse every detail of the data before it can be publicised.

In Grenoble in July, the LHC finally entered the Higgs game and presented its first results on the excluded mass regions for Higgs from the ATLAS and CMS experiments. ATLAS ruled out the regions 155-190 GeV and 295-450 GeV at 95 per cent CL and CMS excluded the mass regions 149-206 GeV and 300-440 GeV at 95 per cent CL. But more tantalising was the moderate excess events seen in the data presented for the Higgs decay into WW channel in the low mass region.

ATLAS saw excess events in the mass range of 120-145 GeV. Interestingly, the entirely independent CMS experiment too saw excess events roughly in the same mass region. The intriguing aspect of this is that CMS was completely unaware of the ATLAS data before the conference.

However, the statistical significance of these excesses seen in both the experiments was about 2.7 sigma. This implies an 8 per cent chance of the excess being produced by statistical fluctuations in the data. This, as we mentioned earlier, is far below the 5 sigma “gold standard” for a discovery. But the fact that both the ATLAS and CMS experiments had seen the same kind of excess did cause some excitement and flutter among the 750 physicists gathered in Grenoble, leading to unwarranted hype in the news media as a possible hint for a Higgs boson.

The ATLAS group did not attach much importance to this blip but merely noted in its release, “In some regions, there are small excesses above expectations.” Likewise the CMS release said, “It should be noted that modest excess of events is observed for Higgs boson masses below 145 GeV,” and added, “With the data that we will collect in the next few months, we will be able to distinguish between the production of a Higgs boson or a statistical fluctuation of the backgrounds.”

ATLAS’ Higgs search results presented in Mumbai covered as many as nine decay channels. In particular, a new channel, H 2 tau leptons, was analysed (which is plagued by background at lower data rates) and the channel known as the golden mode, where H 4 leptons were analysed in much greater detail with the increased data. According to Sharma, the latter is so called

because it is a clean decay channel for analysis as both the ATLAS and CMS detectors were built to detect exactly these events and reconstruct them fully. This means all the four particles can be reconstructed completely and the mass of Higgs that gave rise to these can be determined very accurately.

The latest data, however, excluded more mass ranges beyond those presented at the EPS in July. As the ATLAS release said, “85 per cent of all mass regions below 466 GeV are excluded at 95 per cent CL.” The windows that remained open for possible Higgs discovery, it said, were 115–146 GeV, 232–256 GeV, 282–296 GeV and any mass above 466 GeV. Similarly, the expanded exclusion regions for CMS were 145–216 GeV, 226–288 GeV and 310–400 GeV. “What this means is that there is no excess that we think is relevant for the first hint of any signal,” said Aleandro Nisati of INFN, who presented the new ATLAS data. “This is not the same as saying that there is none. What we are saying is that in the entire region of 114–200 GeV we have not reached that level of confidence to say that there is a signal,” he added.

The CMS release similarly pointed out, “For the quantity of data we have collected, on average we would expect to exclude the range 130–440 GeV in the absence of a signal. We believe that the differences between the expected and observed exclusion mass ranges are consistent with statistical fluctuations.” And at 90 per cent CL, CMS excluded the mass region 144–440 GeV. What about the region 440–600 GeV? Sharma pointed out that in that region, the experiments did not have much sensitivity and in any case there were other constraints that indirectly ruled it out though one would like to exclude it by direct experimentation perhaps at the peak energy of 14 TeV.

“The elusive Higgs particle, if it exists, is running out of places to hide,” said the CERN press release of August 22. It announced the excluded region as roughly 145 to 466 GeV by combining the results of both ATLAS and CMS. Actually, combining the results requires a detailed statistical analysis,

FIGURE 1

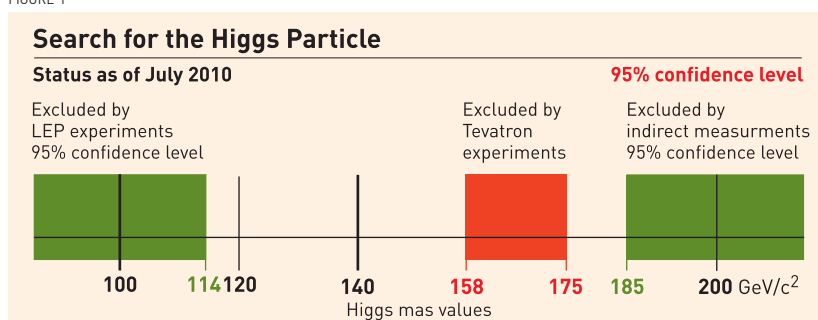
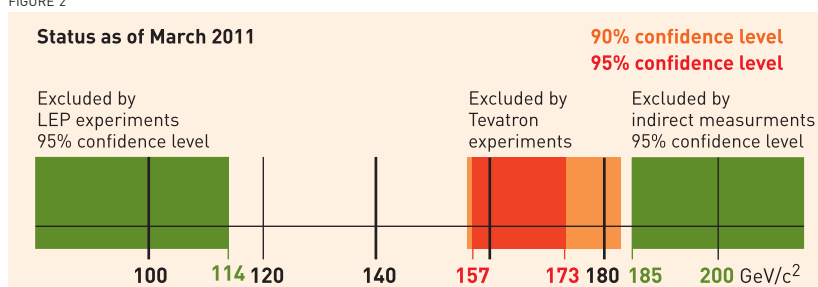


FIGURE 2



SOURCE: WIKIPEDIA

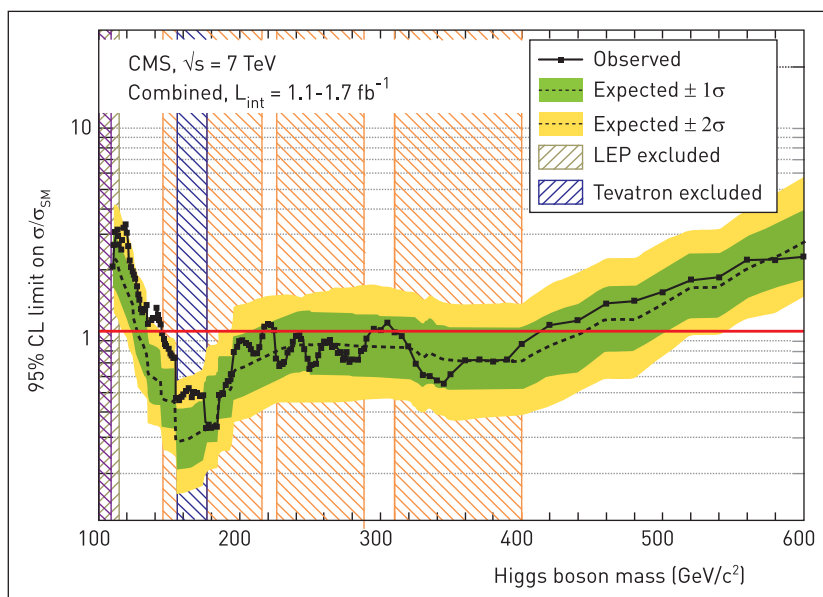
which is yet to be done. Indeed, new data (Figure 2) have excluded vast swathes of the real estate for Higgs to hide. “CMS and ATLAS are equals, by construction and design. They should have the same sensitivity. If you take the ATLAS and CMS results together, Higgs cannot hide at least in the high mass region [above 155 GeV],” Sharma pointed out. According to him, even the couple of narrow allowed windows that may seem to be there at higher masses will disappear if the two sets of data were combined with proper statistical analysis.

Indeed, this was what the high-energy physics community was expecting to see at the Mumbai conference. “After several months of taking additional data, the options [for this conference] were to either combine the ATLAS and CMS data, or independently present new data from both detectors,” said Heuer. “It was decided to independently present the analysis from additional data, and we see a convergence in the exclusion zones from the two experiments. The data excludes the higher mass range, and the mass range window has become narrow,” he added.

From the ATLAS and CMS data, one can now see that only the narrow

low-energy window where Higgs, if it exists, could be lurking is between 115 GeV and 145 GeV. According to Heuer, Higgs can show itself in many ways in the lower mass range. “The problem,” he said, “is that Higgs boson signatures in the low mass range are less frequent and they also look very similar to the anticipated background, thus proving hardest to find where it is now expected to be observed.”

In fact, in the low-energy region, Tevatron may have a slight edge over the LHC in being able to pick up Higgs if it shows up in the next one month of Tevatron’s analysis. “If the mass is, say, below 125 GeV, we would be in a neck-and-neck competition,” said Verzocchi. “If it is below 120 GeV it could be a little bit easier for us than for the LHC because of the background and the process you are looking at. For example, below 125 GeV, the LHC has to look for Higgs 2 photons and this happens to be very luminosity-sensitive. We look mostly at Higgs b-quark + b-antiquark. At Tevatron we don’t have so much background in this channel. We can do with less luminosity. So in that specific region there is complementarity between the two machines. The LHC will take a few more years, but for us that channel will be



HIGGS EXCLUSION REGIONS from the CMS experiment at the LHC presented at the conference in Mumbai.

able to say something if it is between 115 and 125 GeV,” Verzocchi said.

The excess seen in the low-mass region in Grenoble has persisted in the results presented in Mumbai, though there has been no enhancement of this excess in spite of higher luminosity and nearly double the data collected. The ATLAS release, however, said, “but we are still in the early days in this search”. The CMS release said the issue should be resolved with increased data collection in the coming months. Actually speaking, the excess may have marginally reduced; from a 2.7 sigma enhancement, in Mumbai it was down to about 2.1-2.2 sigma.

“Two sigma excess is something that you notice but should not get excited about,” Nisati pointed out. “What we hope to get by combining more than one big experiment is 4-5 sigma effect. By the end of the year, we should be able to tell if it is excluded from here as well.”

Similarly, CMS observed a slight excess in the Golden Channel at Higgs’ mass values of 122 GeV, 142 GeV and 165 GeV with the new data. “And only around 142 it smells like that it has come from Higgs, the rate at which it has come,” said Sharma. “The others

are more likely to be from the background, from some other process.”

The next step will be to focus on all regions, including the excluded regions, in order to increase the confidence level that there is indeed nothing there. “The same final states that you used to search for Higgs can be used for searching something else,” pointed out Nisati. “If you see some signal even if at a much lower rate than what is predicted for SM Higgs, it could be through some other kind of new physics. For SM Higgs, the study has to focus on a region which is very narrow [115-145 GeV] where a lot of effort will now be focussed,” Nisati added.

“We will triple the data set by end of October,” said Sharma. “Tripling the data set means statistics fluctuations are going to be that much smaller. And if you combine both the CMS and ATLAS data, we should be in a position to close the gap and we will know if Higgs doesn’t exist. That is, it was just the ether of the 21st century. We will know if it was indeed science fiction by the end of the year,” he added.

What if Higgs is not found at all? “Then we have chaos,” said Sharma. “It cannot get more explosive than this.

For more than 20-25 years, we have done very precise measurements of all the quantities that the SM predicts and almost every one of them has been right on the money. So if Higgs isn’t there, there is no other theory that I know which completely explains all the known measurements and says there is no Higgs.” Super symmetry, a theory describing a higher level of symmetry in the universe beyond the symmetry in the SM, is such a theory. Super symmetry requires super-partners to known particles of the SM (called sparticles) to exist and, if these exist, they are expected to show up at the LHC. However, the simplest super symmetry model seems very unlikely as the data from the LHC experiments show.

The LHCb experiment made high-precision measurements of decays of particles called B-mesons. If super symmetric particles existed, B-mesons should have decayed more often, violating SM predictions. Earlier measurements at Tevatron had suggested that the decay of B-mesons was more than SM predictions and was indicative of evidence of sparticles. However, the new LHCb data have shown that these decays are in full agreement with the SM with barely any room to accommodate sparticles. It has thus reinforced its earlier data in Grenoble that had overturned Tevatron’s claim. ATLAS and CMS too had ruled out the existence of sparticles below 900 GeV mass at 95 per cent CL at Grenoble. The new data should, therefore, come as a big blow for proponents of super symmetry.

But the current energetic and frenetic experimental activity at the LHC is bound to throw up new physics, if not Higgs, pretty soon. As Sharma said, like a true experimentalist, “I don’t want to miss Higgs if it exists and I don’t want to find Higgs if it does not exist.” But not finding Higgs or super symmetric particles are also significant discoveries in themselves. In addition to the already existing outstanding questions, these negations will only expand the unknown vistas in high-energy physics. □

COURTESY: WVEK SHARMA, UCSD/CMS

Chasing a spectacle

Anna Hazare's arrest gave the movement its momentum and the media a spectacle to cover.

BY T.K. RAJALAKSHMI

With every day of procrastination, the headlines became more strident, the TV anchors and reporters more hysterical, and the public reaction correspondingly high-strung.

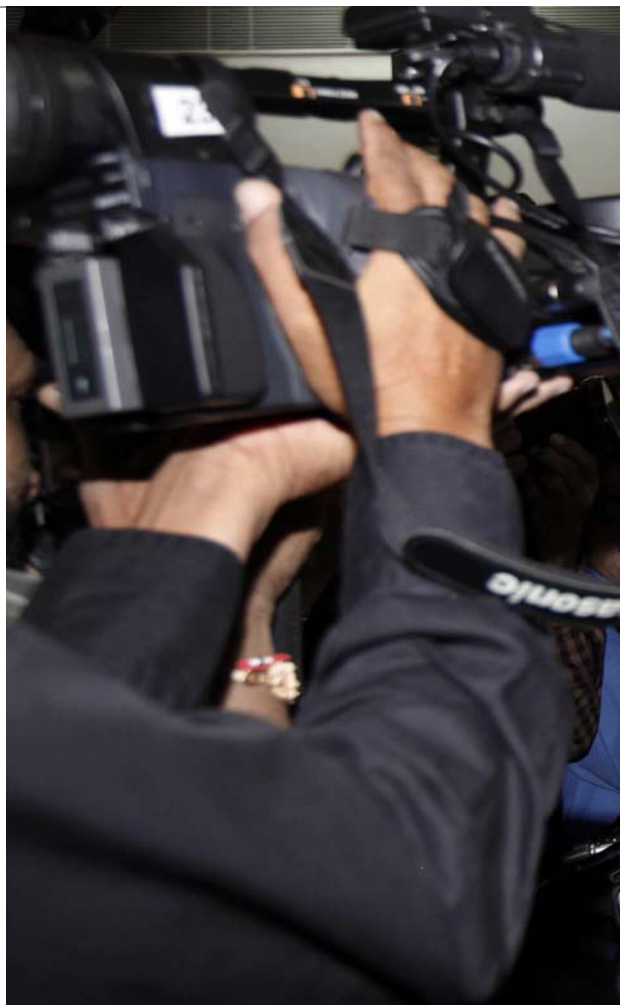
ANNA HAZARE'S movement against corruption must surely emerge as the most televised and written-about event of the year, with the mass media giving it non-stop coverage. Newspapers on the whole were more nuanced, though most of them did succumb to the agenda that was being set by their fraternal counterpart, television. The print media devised novel ways of catching viewer attention, which had to be retained in the teeth of continuous and live reportage on television. Therefore it wrote innovative headlines, such as "All roads lead to Annapolis", a reference to the sprawling Ramlila Grounds in central Delhi where the Gandhian sat on his indefinite fast. The devil was not in the detail. Viewer and reader attention had to be caught at any cost.

The Jan Lokpal movement in August managed to put the government on the back foot much more than the agitation in April had done. Had Anna Hazare not been arrested, there might not have been much to write about and the movement might also have found it difficult to sustain the tempo for a fortnight. The arrest gave the peg and the momentum to the agitation, along with the media coverage. The government had underestimated the impact of the televised event: with every successive day of procrastination, the headlines became more strident, the news anchors and reporters on the ground

more hysterical, and the public reaction correspondingly high-strung.

For the youth, spurred by a sense of entitlement but faced with possible unemployment and a directionless future, the movement against corruption was the perfect antidote for their frustrations. It was amorphous, it had no political strings attached, and, above all, someone else was doing the fasting. After all, all that the movement expected of them was a "burning desire to do something for India". There were no complicated questions, and corruption, or *bhrashtachar*, as a stand-alone idea was easy to comprehend and react to. Therefore, barring the occasional voice of sobriety, the scope for a rational debate was just not there. By and large, the only village to be deeply involved in the movement was Anna Hazare's own Ralegan Siddhi. Much of rural India, reeling under the weight of double-digit food inflation, was out of the discourse.

The mass media, mainly television, went on as if it was because of their efforts alone that the agenda of corruption, mainly government corruption, had been taken up. Unsurprisingly, those who even mildly differed were harangued and berated for having failed to see the unfolding of televised history. It was





MUSTAFA QURAISHI/AP

ANNA HAZARE READY for a media conference in New Delhi on August 13. Former IPS officer Kiran Bedi is also seen in the photograph. The campaign received continuous media coverage.

no surprise that Hazare thanked the media repeatedly, including on the day he broke his fast. For the television channels, the organisers had provided enclosures to ensure uninterrupted coverage. It was, after all, a 24-hour show. One Member of Parliament aptly summed up the viewer fatigue caused by the non-stop coverage and made a plaintive request to the government to do something about the “dabba”, meaning television.

Barring a few writers in the print media, no one looked at the features of the Jan Lokpal Bill and the issue corruption except in a basic sense. Sections of the print media did a decent job of comparing what political parties had to say on the Jan Lokpal Bill, including on some of the not too positive features. But the rest chose to juxtapose the fasting and the issue of cor-

ruption as a contest between the Jan Lokpal Bill and the government’s Bill.

There is no denying that there was a good deal of mobilisation, thanks to the televised coverage and to the social media of Facebook and Twitter. The Ramlila Grounds, Azad Maidan in Mumbai and Freedom Park in Bangalore became almost household words. Those who were curious, and many were, turned up to take a peek at what was happening. The basic appeal to people to participate in the movement was simple and uncomplicated. In July, as the build-up for the August programme began, the India Against Corruption movement described itself on the Internet as a non-violent and peaceful movement against corruption. “Any person who has burning desire to do something for India can participate in the movement. Nobody

is a representative of Anna Hazare. More than 570,000 people in India are already supporting the movement. There are no branches of this movement as it is not a Sangathan/NGO or any institution. Its aim is to develop a well organised communication structure to enable free flow of ideas.... The IAC movement has more than 60,000 fans on FB and over 3,300 followers on Twitter profile,” it said

A number was also given, to which people were asked to give a missed call from their cellphones, following which an SMS would be sent to them with details of the agenda on a daily basis. According to the digital brand management firm Pinstorm, which tracks Indian online entities daily and ranks their influence on the basis of their impact on social networking sites such as Twitter and Facebook, the IAC

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movement featured among the top 10 online entities, which include MTV. By August, the strength of IAC's fan movement swelled to six-digit figures. According to another media-servicing agency, ZenithOptimedia Private Limited, and as quoted in the media, the genre share of news channels rose in the 12 days that Anna Hazare fasted. The time spent on watching news also doubled and viewership went up.

None can fault the organisers of the movement for their media management. The question is why the media allowed themselves to be managed so willingly, without posing any difficult questions. During Anna Hazare's fast, Bharatiya Janata Party (BJP) spokespersons hardly ever clarified their party's stand on the Jan Lokpal Bill, but no anchor found it worth pursuing. The views of the Left were not given adequate space in the electronic media, though some of the points they raised were accepted by the Jan Lokpal team. Interestingly, a Team Anna member mentioned, somewhat appreciatively, that while the Left had clarified its stand, the BJP had not. The emotive appeal of a "74-year-old man" fasting while a Nero-like government looked on was the dominant theme of the coverage. Meanwhile, as the crowds swelled at the Ramlila Grounds, comparisons were made with Tahrir Square and the Jasmine Revolution.

The fast was over on August 28, but television channels did not take a break. On August 31, when Anna Hazare was discharged from the private hospital in Gurgaon where he was admitted, television crews followed him everywhere, some even boarded the Kingfisher flight to Pune and beamed pictures of a dozing Hazare. The viewers were told that "South Indian food was served and he only had *kheer*". Breathless reporters spent the next few hours debating whether he would celebrate "Ganesh Chaturthi" at Ralegan Siddhi or stay the night in Pune. Almost all television channels covered Anna Hazare's movements live, all claiming that the coverage was "exclusive". "Will he rest or will he attend the



THE CAMPAIGN USED every kind of medium available.

programme in his village?" was the question a reporter posed rhetorically. Like him, the viewers were also clueless. Another gushed, "It is evident that every villager will come out to greet him but Anna won't like to participate in any of the programmes." The anchor in another channel asked his reporter with affected concern, "But after a four-hour journey, he would like to rest, wouldn't he?" At present the debate on television channels is whether Hazare should focus his leadership skills on getting the Armed Forces Special Powers Act repealed in Manipur or get involved in the Kashmir problem.

There have been protests against corruption, price rise and the government's anti-poor policies before. And they continue to take place. People have fasted, too, for long durations. Many progressive laws have also been enacted, without the advantage of 24-hour coverage. What propelled the government into action in those instances was pressure from the people, and a moral pressure to respond. Any attempt by the government to restrain the media on the grounds of their "movement generating" potential will be facile. ☐

Capitalism's crisis

ONLY an economist with political vision like C.P. Chandrasekhar can give such an insight to fellow Indians about the ill-effects of the global recession (Cover Story, "Return to recession", September 9). He is absolutely right in saying that the only way to save the vulnerable sections of people from chaos and anarchy is a consolidated political movement.

Debates on economic recession have a long history. The Great Depression of the 1930s brought forth many economic theories on how to resolve the deadlock of the free market. The U.S. experience has once again revealed the limitations of government-spending in a market economy dictated by profit-minded global players. In the U.S., more government-spending means higher debt-to-GDP ratio and lower tax on profit. This is not a sustainable solution as the market players will not allow the government to increase tax to redistribute the surplus value created by innovative technology to guarantee employment. The global players have designed 'win-win' strategies to align with their counterparts in the less-developed regions of the world. For them, the recession is an interval to readjust their game plan to retain their global domination. For the deprived sections, however, loss of employment or in-

Corruption

ANNA HAZARE has sought to subvert the democratic process by insisting that his version of the Lokpal Bill be passed by Parliament, and that too within the time frame prescribed by him ("Rallying forces", September 9). He has not been true to the Gandhian philosophy and has been carried away by the mass hysteria.

Corruption cannot be abolished or even contained merely by a Lokpal. The root causes of corruption need to be addressed. Licence raj, high taxes, ceiling on remuneration in the corporate sector, and so on, were once considered responsible for corruption and black money. In the name of liberalisation, all these were removed or diluted in favour of the rich, but corruption has only increased and the amount of black money stashed elsewhere has reached astronomical proportions.

Natural resources which, according to the Industrial Policy of 1956, were the sole property of the state have now been thrown open to the private sector. Private greed and the bureaucrat's power are two prime reasons for corruption. Unless we set the clock back, no Lokpal can arrest corruption.

S.S. RAJAGOPALAN
CHENNAI

come is life-threatening and the only way to save them is consolidated action.

JOHNYKUTTY LUKOSE
PUNALUR, KERALA
PRABHAT PATNAIK'S article "Capitalism's crisis" was a brilliant comparison of previous "boom and bust cycles" with the present one. It highlighted how this "state of confidence" clearly

reveals the spontaneity of capitalism, which is not self-corrective in nature.

ADITYA RAMESH
DELHI
WITH the world economy tottering on the brink of yet another crisis, it is evident that the facade of capitalism is crumbling. Socialism, too, bit the dust years ago. If we are optimistic enough, we

could take this as a new beginning for mixed economies like ours. Even an imperceptible shift from extreme global dependency to indigenous production might be a huge boost for the Indian economy in the long run. What is needed is planning with a vision, and a strong will to implement it. But with a government that buckles at even the mention of a Jan Lokpal, this could be far from easy.

MEENU B.
ALLEPPEY, KERALA

Mercy petition

THE article "Uncertain mercy" portrayed the uncertainty in executing judicial pronouncements owing to the President's procrastination in deciding on mercy petitions (September 9).

We continue to abide by the Anglo-Saxon legal system inherited from our British rulers, which in many respects is anachronistic in the present milieu. There is an urgent need to revamp many of our laws, including the Indian Penal Code. There should be a rethink on the death penalty, which is a barbaric form of punishment.

Going by the crime data, the death penalty has not acted as a deterrent on criminals. As Mahatma Gandhi said, the policy of an eye for an eye will make the whole world blind.

B. RAJASEKARAN
BANGALORE
THE Union Home Ministry has advised the President to

turn down the mercy petition filed by Afzal Guru, who is convicted in the Parliament attack case, not long after she rejected the mercy petitions of three convicts in the Rajiv Gandhi assassination case.

It goes without saying that there needs to be a strong deterrent against heinous crimes, especially acts of terror. An attack on Parliament certainly qualifies as one of the rarest of rare crimes. A terrorist must be forced to think hard before waging war against the state.

Now, this mercy petition will, of course, reignite the debate whether the death penalty is desirable in a democracy like India. To be fair, the decision on mercy petitions should be taken within a reasonable time frame.

J. AKSHOBHYA
MYSORE

THE delay in deciding on mercy petitions gives some reprieve for the convicts. It also calls into question the accountability of the President's office. The President has to take decisions in a reasonable time frame otherwise citizens will lose faith in democracy.

K.V. RAMANA MURTHY
SECUNDERABAD

NOW that the decks have been cleared for implementing Afzal Guru's death sentence, President Pratibha Patil should not delay the decision on the mercy plea. Mercy should be shown only to those who have mercy on others or those who repent.

This is no ordinary case. It is a case of waging war against our nation, and the judgment has been upheld by the highest court of the

land. Had Afzal Guru acted in such a manner in China, Pakistan or Saudi Arabia, he would have been executed in full public view in 2001 itself.

Had the Indian legal system not been merciful, the Mumbai terror attack convict Ajmal Kasab would not have been treated so kindly for so long. The Indian judicial system exhibits great patience and gives the accused all possible opportunities.

S. BALAKRISHNAN
JAMSHEDPUR
JHARKHAND

Anna Hazare

TO first vilify and then incarcerate, a frail, peaceable 73-year-old anti-corruption crusader in Tihar jail, along with corrupt politicians, rapists and terrorists, was utterly foolish ("Rallying forces", September 9). But at the core of Anna Hazare's protest is an undemocratic demand. He wants Parliament to accept his version of the Lokpal Bill. This means he wants to be a lawmaker and thus erode the supremacy of Parliament.

In spite of the availability of constitutional means of protest, Hazare chose an unconstitutional route that B.R. Ambedkar had called the "grammar of anarchy".

K.S. JAYATHEERTHA
BANGALORE

Oil spill

INCIDENTS of oil spill are becoming too frequent ("Floating danger", September 9). The mile-long oil spill caused by a leak from an ONGC pipeline off the Mumbai coast and the mv

Rak Carrier's sinking off the same coast are standing examples.

To safeguard marine ecology from the threats of oil spill, countries of the world should come together to chart out strict rules regarding the movement of ships carrying dangerous cargo and laying of oil pipelines through sea routes.

P. SENTHIL SARAVANA
DURAI
VAZHAVALLAN
TUTICORIN, TAMIL NADU

Surrogacy

POVERTY should not be exploited to make women surrogate mothers and risk their health ("Wombs for rent", September 9). All the women in the report came from poor backgrounds and were probably told that they could make a few lakh rupees by becoming surrogates. In the past, people used to sell kidneys and now they rent wombs.

Lawmakers need to work on this issue. As pointed out in the article, there are no proper laws in this regard and that is why childless couples are flocking to India, and to Anand. Those who make money out of this situation need to do some introspection.

PRAVEEN SESHABHATTAR
LOUISVILLE, KENTUCKY
U.S.

Uniform syllabus

I APPRECIATE the Supreme Court decision directing the Tamil Nadu government to implement uniform education ("Uniform & equitable", September 9). Education is a liberating force, cutting

across the barriers of caste, class and culture. In our country, we have numerous boards whose syllabi and pattern of examination force students to hanker after numbers rather than knowledge. Uniformity in syllabus should bridge the gap between private schools and government schools.

The quality of education and better teacher-student ratio have to be emphasised.

SYED KHAJA
NEW DELHI

Aarakshan

GENERALLY films hold a mirror to what is happening in society ("Flawed perceptions", September 9). In this case, the director went beyond his mandate by delving into the sensitive issue of caste. Directors should therefore make movies in a focussed manner, and the decision of the Central Board of Film Certification should be final.

P. RAMAKRISHNA REDDY
KURNOOL
ANDHRA PRADESH

Shammi Kapoor

SHAMMI KAPOOR, hailed as the Elvis Presley of India, had no enemies in the film industry ("Epitome of energy", September 9). The legendary singer Mohammad Rafi's voice had played a great role in moulding the film career of Shammi Kapoor.

BIDYUT KUMAR
CHATTERJEE
FARIDABAD, HARYANA

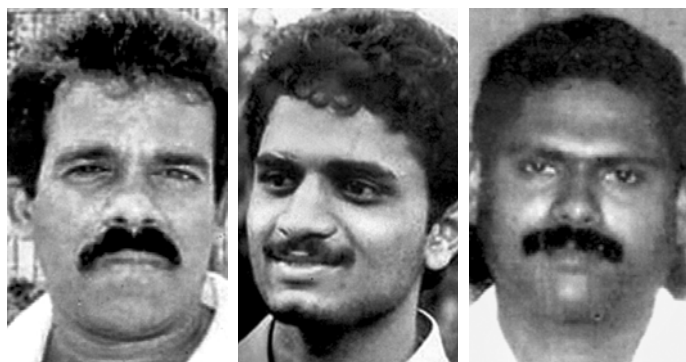
ANNOUNCEMENT

Letters, whether by surface mail or e-mail, must carry the full postal address and the full name, or the name with initials.

Reprieve from death

The delay of over 11 years by the President to decide the mercy pleas of Rajiv Gandhi's killers dominates the debate on the issue. BY T.S. SUBRAMANIAN

The senior advocates who appeared in the Madras High Court on behalf of the condemned men said the delay made the death penalty illegal and unconstitutional.



FILE PICTURES OF the three convicts on death row (from left), Murugan, Santhan and Perarivalan.

WHY was there a delay of more than 11 years before the President of India decided on August 11 to reject the clemency petitions of Murugan, Santhan and Perarivalan, who had been sentenced to death in the Rajiv Gandhi assassination case? The question came to the fore after it became known that the President had rejected their petitions. Officials of the Central Prison, Vellore, subsequently decided to hang them on September 9, but on August 30 the Madras High Court stayed their execution.

The Supreme Court reconfirmed the death sentences awarded to Nalini, Murugan, Santhan and Perarivalan in October 1999. On April 24, 2000, M. Fathima Beevi, Governor of Tamil Nadu then, commuted the death sentence awarded to Nalini, wife of Murugan, on the grounds that she was a woman and had a daughter; but she rejected the clemency petitions of the other three. The three sent separate clemency petitions to the President on April 26,

pleading that they had undergone solitary imprisonment for eight years, which alone could be a mitigating factor for commuting their death sentences. The President's decision came after 11 years and four months.

Following this, Vaiko, leader of the Marumalarchi Dravida Munnetra Kazhagam (MDMK) and N. Chandrasekaran, advocate, filed petitions on behalf of the trio in the Madras High Court. Senior Advocates Ram Jethmalani, R. Vaigai and Colin Gonsalves, who appeared for Murugan, Santhan and Perarivalan respectively on August 30 before a Division Bench comprising Justices C. Nagappan and M. Sathyanarayanan, argued that the 11-year delay made the death penalty illegal and unconstitutional. The sentence of death after the three had spent 20 years in jail was "unjust and inhuman", they said.

"Unless the delay is properly explained or justified," Jethmalani argued, "it makes the death penalty immoral, illegal and, according to me, unconstitutional." He told the judges: "You must start with the assumption that more than two years' delay is, *prima facie*, wrong." Jethmalani quoted from various Supreme Court and High Court judgments, including the apex court's ruling in the Chinnappa Reddy case, to argue that the 11-year delay could be the sole ground for commuting the death sentence.

Vaigai and Gonslaves argued that the delay was "unconscionable". By no yardstick could a government sit on a mercy petition for so many years. The delay made the execution of death sentence unconstitutional, Gonslaves argued. He said Article 21 of the Constitution made it mandatory that no person should be deprived of his life or personal liberty except according to the procedure established by law. Taking 11 years to dispose of the mercy petitions was not a procedure established by law, he said.

The arguments were heard in a courtroom packed with a couple of hundred advocates. The judges said in their brief order that the main contention raised in all the writ petitions was the delay in the disposal of the mercy petitions. "Since the matter involves consideration of question of law, the petitions are admitted and there shall be an order of interim injunction. Counter by eight weeks." Addi-

THE HINDU ARCHIVES

tional Solicitor-General M. Ravindran and Advocate-General A. Navaneethakrishnan took notice for the Union government and the State government.

ASSEMBLY RESOLUTION

As news of the stay spread, the several hundred advocates gathered on the High Court premises rejoiced. Arputhammal, mother of Perarivalan, thanked Jethmalani with clasped hands as a beaming Vaiko stood by. There was more rejoicing when news came in on the same day that the Tamil Nadu Assembly had passed unanimously a resolution urging President Pratibha Patil to reconsider the clemency petitions.

The President should take into account the sentiments of the people of Tamil Nadu and the opinions of the political parties, the resolution said. The Congress members did not oppose the resolution. The Dravida Munnetra Kazhagam (DMK) members were not present in the House.

The resolution, piloted by Chief Minister J. Jayalalithaa, marked a significant change in the ruling All-India Anna Dravida Munnetra Kazhagam's (AIADMK) stand. Only the previous day had she told the Assembly that as Chief Minister she had no powers to stop the executions after the President had rejected the mercy petitions. This had been made clear in a Union Home Ministry Communication dated March 5, 1991, which said: "In case of death sentences where a petition for grant of pardon, etc., has earlier been rejected by the President of India in exercise of his powers under Article 72 of the Constitution of India, it would not be open for the Government of a State to seek to exercise similar powers under Article 161 in respect of the same case. However, if there is a change of circumstances or if any new material is available, the condemned person himself or anyone on his behalf may make a fresh application to the President for reconsideration of the earlier order. Once the President has rejected a mercy petition, all future applications in this behalf should be addressed to and

would be dealt with by the President of India."

Jayalalithaa also accused the DMK of adopting "double standards" and enacting "a deceitful drama". Several political parties, Arputhammal and DMK president M. Karunanidhi had appealed to her to stop the executions. Jayalalithaa recalled that it was under Karunanidhi's chief ministership in 2000 that the State Cabinet recommended rejection of the mercy petitions of Murugan, Santhan and Perarivalan. (The Cabinet took the decision on April 19, 2000, and the Governor, accepting its advice, passed the order on April 24.) If, after recommending the rejection of the mercy petitions of the three to the Governor, "Mr. Karunanidhi issues a statement that their lives should be saved, people of Tamil Nadu should ponder whether it is not tantamount to adopting double standards and performing a drama?" Jayalalithaa said.

Karunanidhi, however, turned the tables on Jayalalithaa. He said that on April 27, 2000, an AIADMK member opposed in the Assembly even the commutation of the death sentence awarded to Nalini. Jayalalithaa, too, had objected to the commutation. In a statement published in the AIADMK party organ *Namadhu MGR* (Our MGR) on October 23, 2008, she had attacked the delay in executing the death sentences awarded to the trio.

Karunanidhi said: "The three persons have spent more than 20 years in jail, which is virtually tantamount to death sentences. So the DMK wants the [death] sentence to be reconsidered. Since Murugan, Santhan and Perarivalan have spent more than 20 years in prison, it should be treated as if they had fully undergone the punishment awarded to them and they should be freed. The DMK appeals to the Centre to take steps in this direction."

THE ASSASSINATION CASE

On May 21, 1991, former Prime Minister Rajiv Gandhi was assassinated at Sriperumbudur near Chennai by Dhanu, a belt-bomb assassin belonging to

the Liberation Tigers of Tamil Eelam (LTTE). After a meticulous investigation, the Special Investigation Team (SIT) of the Central Bureau of Investigation (CBI) headed by D.R. Karthikeyan charge-sheeted 41 people in the case. The SIT said the LTTE was behind the assassination. Of the 41 accused, three were absconding and could not be tried. They were the LTTE chief V. Prabhakaran, its intelligence wing chief Pottu Amman, and deputy chief of the LTTE women's intelligence wing, Akila. Twelve among the 41 died, and so charges against them abated. The remaining 26 stood trial in the designated court at Poonamallee near Chennai. In his judgment delivered on January 28, 1998, the designated judge, V. Navaneetham, pronounced all 26 guilty under Section 102-B (murder) read with Section 302 (murder) of the Indian Penal Code and provisions of the Terrorist and Disruptive Activities (Prevention) Act, or TADA.

The charge against Prabhakaran was that he ordered the assassination. Pottu Amman conspired with Prabhakaran to carry it out. The charge against Akila was that she, in tandem with them, planned the assassination and arranged for its execution. Dhanu, an LTTE cadre, was to carry out the assassination along with Subha. Sivarajan, LTTE intelligence wing member, led the nine-member assassination squad, which reached Kodiakkarai in Tamil Nadu from the Jaffna peninsula on May 1. Sivarajan and Subha committed suicide at Konankunte, near Bangalore, on August 19, 1991, when cornered by the SIT.

The charge sheet said Nalini, an Indian national and wife of Murugan, accompanied Sivarajan, Dhanu, Subha and Haribabu to the assassination site. Murugan, a Sri Lankan Tamil and LTTE intelligence wing cadre, acted as a conduit between Sivarajan and Nalini's family. According to the charge sheet, Murugan knew that Rajiv Gandhi was the target; Santhan, also a member of the LTTE intelligence arm, was a member of the squad; and Perarivalan, an Indian citizen, helped Sivarajan and Murugan in planning and



R. SENTHIL KUMAR/PTI

MOTHER AND SISTER of Perarivalan, one of the three convicts on death row in the Rajiv Gandhi assassination case, thanking the noted lawyer Ram Jethmalani, as MDMK leader Vaiko looks on, in Chennai on August 30 after the Madras High Court stayed for eight weeks the execution of all the convicts.

executing the conspiracy. He bought two battery cells on Sivarajan's instructions and gave them to him. They were used by Dhanu in her belt-bomb. Perarivalan also bought a battery to operate an illegal wireless set, which was installed in Vijayan's (another accused in the case) house to send messages to Pottu Amman. Perarivalan bought the Kodak film used by Haribabu, photographer, to film the assassination. Haribabu died in the blast.

After the designated court awarded death sentences to all the 26 accused, they appealed in the Supreme Court. On May 11, 1999, Justices K.T. Thomas, D.P. Wadhwa and Syed Shah Mohammed Quadri confirmed the death sentences awarded to Nalini, Murugan, Santhan and Perarivalan but "altered" the death sentences awarded to Robert Payas, Jayakumar and Ravichandran to life imprisonment.

Justice Thomas disagreed with Justices Wadhwa and Quadri on confirming the death sentence awarded to Nalini. In his dissenting judgment, Justice Thomas said, "She became an obedient participant without doing dominant role. She was persistently

brainwashed by A-3 [Murugan] who became her husband and then the father of her child.... She realised only at Sriperumbudur that Dhanu was going to kill Rajiv Gandhi. But she would not have dared to retreat from the scene because she was tucked into the tentacles of the conspiracy.... She knew how Sivarajan and Santhan had liquidated those who did not stand by them..." (*Frontline*, November 5, 1999). Justice Thomas added that it could not be overlooked that she was the mother of a little girl who was born in captivity. Since the death sentence had been confirmed on the father Murugan and the child had to be saved from "imposed orphanhood", the judge said, "the sentence passed on her is altered to one of imprisonment for life".

Of the 19 other accused, the judges absolved 18 of taking part in the conspiracy. Although the judges confirmed the sentences awarded to them by the lower court under the Arms Act, the Explosive Substances Act, the Passport Act, and so on, they were freed because they had already served out their terms. S. Shanmugavadivelu, who was charged only under TADA, was acquitted.

Nalini, Murugan, Santhan and Perarivalan filed petitions in the Supreme Court, seeking a review of the death sentences awarded to them. On October 8, 1999, Justices Thomas, Wadhwa and Quadri reconfirmed the death sentences. Justice Thomas, who gave the dissenting judgment with regard to Nalini, said her review petition "should be allowed and her sentence should be altered to imprisonment for life".

After the Supreme Court ruling in October 1999, Fathima Beevi accepted the recommendation of the Karunanidhi Cabinet in April 2000 to commute the death sentence awarded to Nalini to imprisonment for life. Congress president Sonia Gandhi met President K.R. Narayanan and conveyed her family's view that Nalini's life should be spared. "It is my personal feeling, keeping in mind a child's need for a mother," Sonia Gandhi said (*Frontline*, May 26, 2000). Fathima Beevi rejected the petitions of Murugan, Santhan and Perarivalan. They sent clemency petitions to the President on April 26, 2000. President Pratibha Patil's rejection of the petitions led to protests across Tamil Nadu. □

Profits of war

NATO member-states that scripted the takeover of Tripoli by rebel forces make a mad scramble for profits in post-Qaddafi Libya. BY JOHN CHERIAN

Libya has the largest proven reserves of oil on the African continent. The rebels, who are poised to take over power, say they will dishonour old contracts and sign new deals with countries that funded their fighting.

THE “fall” of the Libyan capital Tripoli to the rebel forces fighting under the cover of the North Atlantic Treaty Organisation’s (NATO) bombs and missiles has signalled the disintegration of yet another sovereign country. If the mayhem and butchery currently being witnessed in Tripoli are any indication, then Libya is all set to follow Afghanistan and Iraq into chaos and anarchy. Tripoli has been experiencing a wave of looting and destruction similar to the one witnessed in Baghdad, the Iraqi capital, after its occupation by the United States.

The NATO intervention in Libya was done on



HUSEYIN DOGAN/REUTERS

MUAMMAR QADDAFI, WHO was dislodged after 42 years at the helm in Libya. A March 8, 2011 photograph. (Right) Libyan rebel fighters drive towards the Zawiyah oil refinery in the strategic coastal town of Zawiyah on August 17.



grounds more spurious than those cited in the cases of Afghanistan and Iraq. It was allegedly engineered to stop the massacre of civilians in Benghazi. The NATO forces used the now-ousted Libyan leader Muammar Qaddafi's threat to use force in Benghazi, after law and order had completely broken down in the city, as an excuse to interfere in the North African country.

After the rebels and their NATO military advisers marched into Tripoli on August 21, the capital has been without essential supplies, including drinking water and electricity. Places of worship, including the oldest Greek Orthodox Church in North Africa, have been ransacked. Hundreds of bodies have been left rotting on the streets and in hospitals. Hospitals have been bereft of essential equipment and medicines. The rebel forces have gone

on a looting spree while NATO helicopters and planes continued attacking pro-government holdouts in the capital until late August. As of September 2, the Benghazi-based National Transitional Council (NTC), which has been recognised by the West, has not found it safe to shift to the capital.

Many of Tripoli's residents preferred to flee when the Berber fighters from the country's western mountains, armed by Qatar and trained by NATO Special Forces, swooped down on the capital. Massive NATO bombardment of Libyan army positions had cleared the road to the capital for them. There were only small crowds welcoming the so-called liberators when they entered Tripoli. The fault lines that existed between Benghazi, the former capital under the deposed king, and Tripoli are widening. The assassination on Ju-

ly 28 of Abdel Fatah Younis, the NTC's top commander, by rogue rebel fighters highlighted the disunity among the forces that seek to fill the vacuum left by the larger-than-life persona of the "Brother Leader", Qaddafi.

Radical Islamists, many of them owing allegiance to Al Qaeda, were in the forefront of the six-month-long NATO-supervised fight to overthrow the government of Libya. Abdelhakim Belhadj, the founder of the Libyan Islamic Fighting Group (LIFG), an Al Qaeda affiliate, led the fighting in Tripoli and openly talked about the key role his group was playing in the ongoing war. Belhadj, who was on America's wanted list after 9/11, was caught in Malaysia in 2003 and subjected to "extraordinary rendition" and torture by the U.S. in a secret Bangkok prison. The U.S. deported him to Libya in 2004, where he was promptly incarcerated.

In a fit of magnanimity, Qaddafi had released Belhadj along with 211 "terrorists", most of them veterans of the jihad in Afghanistan and Iraq. The move to release them was the brainwave of Qaddafi's son Saif al Islam, who wanted to democratise Libyan politics; his efforts were applauded by the West. Belhadj and all those released had signed a document pledging their allegiance to the Libyan government. At the first opportunity, they turned the government and, that too, under the tutelage of NATO. Jihadis from Libya constituted the largest segment of foreign fighters for Al Qaeda in Iraq. Belhadj and his militia have also announced that they will settle for nothing less than "Sharia law" in a post-Qaddafi Libya. His group is also suspected to have been behind the assassination of Abdel Fatah Younis, a close associate of Qaddafi's, who had defected to the rebel camp.

MANHUNT FOR QADDAFI

Qaddafi, who was in power for 42 years, has repeatedly vowed not to surrender and to die fighting for his homeland. Speaking from an undisclosed location on September 1, to mark the anniversary of the military



BOB STRONG/REUTERS

coup that toppled the pro-Western monarchy of King Idris, Qaddafi said that there was no question of surrendering and called on NATO and the United Nations to stop interfering in the internal affairs of Libya. He squarely blamed the international community for plunging the country into a civil war. "Imperialism is hated by the Libyan people. Who can accept it? All the people will fight against imperialism," he said. He urged the Libyan people to be prepared for a "long fight".

He had warned the international community before the war started that NATO military intervention would turn Libya into another Somalia.

NATO forces are supervising a manhunt for the Libyan leader and are orchestrating the push to capture Sirte – Qaddafi's hometown and the heartland of his tribe, the Gaddaffis. Many of the tribes, especially in the South, continue to swear loyalty to the government. Qaddafi's wife and three of his children had taken refuge in Algeria in the last week of August.

The Algerian government said that the temporary asylum was given on humanitarian grounds and that the group would soon move to a third country. The NTC described the Algerian government's gesture as a "warlike" move and demanded the immediate return of Qaddafi's family members to face trial. One of Qaddafi's sons, Saif al Arab, and two of his grandchildren were killed in a NATO attack on his residence in May. The rebels repeatedly claimed that they had either killed or captured Qaddafi's two sons who were most politically active, Saif al Islam and Qamis.

Even after the cap-

ture of Tripoli, NATO continued with its "humanitarian" bombing. It pounded civilian centres like Sirte, which are still under the control of the Libyan government forces, making a mockery of the U.N. Security Council resolution that allowed a "no-fly zone" over the country on the pretext of protecting the civilian populace. The compassion that was shown to Benghazi is not being shown to the hapless citizens of Sirte, who are now being bombed and blockaded by NATO and its local allies.

British newspapers have given details about the extensive deployment of British and Qatari special forces in the assault of Sirte. NATO had given the rebels an "air force", tilting the military balance irrevocably against the Libyan government at the outset of the war six months ago. NATO bombings after the fall of Tripoli, according to reports, have killed more than 1,000 civilians in Sirte alone in the last week of August.



QADDAFI'S SONS
SAADI and (below) Saif al Islam.



The "no-fly zone" saw to it that the Libyan air force, navy and most of the heavy weaponry were either destroyed or made unusable. The British and French soldiers on the ground had trained and supervised the rag-tag militias that were formed and provided them with military leadership. Aerial bombardment on a large scale coupled with targeted assassinations by NATO removed the serious military obstacles along the road to Tripoli. In early August, NATO bombs hit a housing complex, killing more than 70 civilians. There were several attempts to target Qaddafi personally. It was one such attempt that killed his son and grandsons.

The African Union (A.U.), formerly the OAU, or Organisation of

African Unity, and many leading countries in the world have not recognised the rump government that NATO seeks to put in place in Tripoli. Only 40 countries have recognised the NTC, which consists of former close associates of Qaddafi's, Western intelligence assets and Islamists, as of early September. The A.U. issued a statement in the last week of August calling for the setting up of an "inclusive transitional government" that would include representatives from the previous government. The A.U. had repeatedly called for peaceful negotiations to end the fighting ever since the NATO-instigated war started. South African President Jacob Zuma said the A.U. would never recognise the NTC as the legitimate government as long as fighting continued in Libya. The A.U. had also expressed its deep anguish at the killings and continuing abuse of black workers by the NATO-backed rebels. Hundreds of them were unjustifiably called mercenaries and lynched. It happened when the war began and has continued as the rebels move on to Sirte.

Thousands of Tuareg tribesmen, who are Libyan citizens, were forcibly pushed into neighbouring Algeria in late August. The Tuaregs and other dark-skinned compatriots belonging to tribes living in areas bordering Mali, Sudan and Niger had been accused by rebels of siding with Qaddafi. The Algerian government had to give asylum to the Tuaregs who were unjustly expelled from their country as their kinsmen are settled along the common border. Qaddafi has said that a majority of the tribes support him and that they are now "fully armed". Governments in the region, such as Algeria's, however fear that much of the sophisticated arms looted in Tripoli and elsewhere will end up in the hands of Al Qaeda in the Islamic Maghreb (AQIM), which started staging bigger attacks in the past few months.

Qaddafi, it should not be forgotten, was one of the architects of the reconstituted A.U. and was also the loudest proponent of African unity and integration. President Hugo Chavez of Ve-



CIVILIANS EVACUATE AS rebels try to flush out forces loyal to Qaddafi in Tripoli on August 26.

nezuela said that his government would recognise only a government led by Qaddafi. “Without doubt, we’re facing imperial madness,” Chavez said after the fall of Tripoli. He once again accused the U.S. and European countries of fomenting internal conflict to seize control of the country’s oil riches. “Getting the dogs to fight. Arming here, arming there, and later bombing the country,” Chavez said. “This destroys international law and takes the world to the Stone Age.”

VIRTUAL PROTECTORATE

A U.N. document leaked on August 30 has revealed that the U.N. already had a blueprint to turn Libya into a virtual protectorate. The 10-page document details plans for the deployment of foreign forces (read peacekeepers) in the country “to contribute to confidence-building and implementing agreed military tasks”. Among the tasks is the stabilisation of the Libyan capital, which would need more “robust military assistance”. The document envisages a continuing role for NATO. “The Security Council’s ‘protection of civilians mandate’ implemented by NATO forces does not end with the fall of the Gaddafi government, and there, NATO would continue to have some responsibilities,” the document stated.

The game plan is now to deploy officially NATO ground troops in Libya.

The Ugandan-born academic Mahmoud Mamdani perceptively noted in a recent article that in the past decade Western powers had used two institutions – the U.N. Security Council and the International Criminal Court (ICC) – to selectively intervene in third countries. “The Security Council identifies states guilty of committing ‘crimes against humanity’ and sanctions interventions as part of the ‘responsibility to protect civilians,’” he wrote.

“Western countries, ‘armed to the teeth’ are then allowed to intervene militarily, without being accountable to anyone. The ICC, meanwhile, in tandem ‘targets the leaders of the states in question for criminal investigation and prosecution,’” wrote Mamdani.

SPOILS OF WAR

Meanwhile, the major NATO member-states that participated in the Libyan war are engaged in reaping the financial rewards for their efforts even before the casualty figures of innocent civilians killed in the war come in. The Western media is full of reports about the mad rush for profits in a post-Qaddafi Libya. The news agency Reuters

reported that the establishment of a new government in the country would “herald a bonanza for Western companies and investors”. Libya has the largest proven reserves of oil on the African continent, estimated at around 46 billion barrels. The rebels who are poised to take over power have said that they have “political problems” with countries such as Russia, China and Brazil and have strongly suggested that they will dishonour old contracts and sign deals with Italian, French and British companies. Britain and France had to dig deep inside their pockets to finance the costly bombing campaign to dislodge Qaddafi from Tripoli. Now they are openly demanding returns in the form of lucrative oil and defence deals.

India, too, is worried that its small stake in Libya will be jeopardised by the new developments. Oil India Ltd (OIL) had bagged a contract to explore for oil along with Sonatrach, the Algerian state-owned oil company. India, like Algeria, is yet to recognise the NTC as the legitimate Libyan government. Algerian diplomats said that Algeria and the A.U. would extend recognition after a cohesive government was set up in Tripoli. India has already offered to help with relief and reconstruction in Libya. □



ENGAGED IN INTEGRATED INFRASTRUCTURE PLAY

CONSTRUCTION and engineering services provider, Navayuga Engineering Company Ltd., (NEC) is on a high growth path. It has transformed itself into an end-to-end infrastructure player spanning EPC (equipment, procurement and construction) contract work, engineering, development and maintenance of roads, ports and other infrastructure projects and has lately entered into setting up of power projects.

NEC, part of the Navayuga group, which recorded an annual turnover of Rs. 1,108 crore in 2006-2007, closed financial year ended March 31, 2011 with revenues of Rs. 3,500 crore, registering a rapid growth. While contributing to the country's growing infrastructure, be its roads, bridges or ports—all strategic for overall economic growth, it is on course to logging a turnover of Rs. 5,500 crore during 2011-12 and a group turnover of Rs. 7000 crore. With an order book of about Rs.41,000 crore, which includes Rs.10,000 crore worth road projects, Rs.6,000 crore irrigation deals, and other port and power projects, there is clear business visibility for the company, particularly EPC contracts and engineering services, Mr. C.V.Rao, Chairman of Navayuga Group of companies, says.

"Myself and the entire group, which now engages more than 2,500 engineers, we always take pride in contributing to the development of the nation's infrastructure, something which gen-

erations use. Ownership does not matter when it is infrastructure. Infrastructure is developed by one company or the other, but the assets are national and that of the people. Therefore, this is always exciting for us," Mr. Rao, sitting in his chamber in the busy Jubilee Hills corporate house in Hyderabad, believes.

One would even wonder how this inspirational leader of the company manages to extract work from such a large number of dispersed groups of workers for distinctly different projects executed in hostile environments. He hardly raises his voice to communicate and prefers the projects executed by the Group speak for themselves.

The flagship entity of the Navayuga group, NEC has carved out a niche for implementing turnkey engineering and construction projects. The Navayuga group companies include Krishnapatnam Port Company Limited., Krishnapatnam Power Corporation Limited, Krishnapatnam Water Management Company Pvt. Ltd., Navayuga Power Corporation Ltd., and Navayuga Infotech Pvt. Ltd.

The group has now embarked on an ambitious plan to set up power plants with a total installed capacity of 6,000 mw, which includes 1980 mw thermal power plant near Krishnapatnam and 3000 mw power plant along with a port in Orissa along with hydel projects in North East. The first project off the block will be the one at Krishnapatnam. While Mr. Rao has several other aces up his sleeve. He



Navayuga has evolved as gateway in the East Coast with infrastructure, productivity, connectivity and unrivalled cost

just throws a hint at what more is likely to come from the group. But refrains to elaborate saying "we will take this up at a later date. Will provide more insights when we are close to implementation of the project. The NEC project stable includes ports, marine berths and jetties, with sea linkages. The ports portfolio covers mega projects of Krishnapatnam, Astranga and Cuddalore and hydel and thermal power projects now underway. Apart from setting up its own power projects as an EPC service provider, Navayuga is also executing major civil and structural works for NTPC Barh super thermal power project, stage I (3x660 mw), NTPC Barh stage II (2x660 mw), NTPC Farakka, DVC Koderma power station, Bhavanapadu thermal power project, Simhapuri thermal power project,

and sea water intake, 2x800 mw Damodaram Sanjeeviah thermal power plant at Krishnapatnam among others. NEC, through its construction division, has played a role in different aspect of Delhi metro project, building the largest railway station at Pragathi Maidan which can accommodate about two lakh passengers, along with execution of other civil works for the Bangalore and Delhi metro rail respectively.

R&D

During the course of execution of several marquee projects, the company's research and development team has played a crucial role. Citing the execution of Yanam bridge across river Godavari, a stretch of 1.8 km, including 9.4 km of access roads between Yanam and Yedurulanka, Mr.Rao says with pride "we managed to

NEC has built over 11000 m of berthing structures covering most major ports in the country

As the Indian ports sector gears up to add fresh cargo handling capacities, the Rs 3500 crore Hyderabad-based engineering firm is on its course to sharpen focus on port-related projects. The Indian ports capacity, which crossed the one billion tonne mark in January this year, is slated to handle about 2.5 billion tonnes of traffic by 2020. Recently the Ministry of Shipping released the maritime agenda 2010-2020, seeking to give a stronger thrust on ports development.



The Navayuga Group, which has already built over 11,000 mts of berthing structures covering most major ports in the country, at presents operates the Krishnapatnam port in Andhra Pradesh, with major plans to expand its ports capacity lined up for the next few years. Ports are a major infrastructure asset to any country. Apart from Krishnapatnam port expansion, the company is setting up port projects

at Astaranga in Orissa and Machilipatnam and Vadarevu in Andhra Pradesh. In a significant development, Krishnapatnam port, which handles bulk cargoes such as coal and iron ore, has unveiled plans to enter into container cargo segment, through a tie-up with Container Corporation of India. The company is setting up two container berths that can handle one million TEUs of

traffic and is currently in talks with shipping lines that can call on the port. Concor, on its part, will deploy container trains at the port to lift cargoes for various destinations. The company is in talks with liners. To start with, it proposes to have feeder services to Singapore and Colombo. With new power projects coming in the hinterland and steel makers on a capacity enhancement drive, Krishnapatnam

port is making significant investments to increase its coal and iron ore handling capacities. It is already investing Rs 4,000 crore under the phase-II development programme, besides proposing an additional investment of Rs 2,000 crore to further mechanise cargo handling operations.

For Krishnapatnam port, both these cargoes will be the mainstay of its cargo basket. The port, which has five multi-purpose berths with a draft of about 15 mts, handles a little over 16 million tonnes, as against the phase-I installed capacity of 25 mt. Mechanisation provides a handling capacity of 120,000 tones per day and a discharge rate of 90,000 tonnes per day, with a back up area of 6,500 acres.



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compress the time for execution. Normally, such projects take about seven years, we took less than three and a half years to execute it, creating new benchmarks. Similarly another three km long bridge including a four km stretch of approach road was developed on the Krishna river. This was completed in a record 11 months as against 36 months normally required to execute such a project."

Longest

Navayuga is developing a 12.90 metre wide, nine km bridge between Dhola and Sadia across river Brahmaputra along with two lane connecting roads in Assam on BOT annuity basis for a total stretch of 25.8 km. This could be amongst the longest bridges in the country. It is also developing one of the longest highway tunnels in the country a four-lane 15.3 km



long stretch between Quazigund and Banihal on NH-1A in J&K. The project involves construction of two tunnels of over 8.45 kms, three major bridges, six minor bridges and one road under bridge. The company team is also developing a 5.2 km long bridge across Dibang river connecting road between Bomjur-Meka (NH 52) covering a length of 18.9 km and development of bridge across river Lohit (2.5 km long) and connecting a 12 km road between Chowkham-Digaru Arunanchal Pradesh. This project spans a total stretch of 31 km taken up on BOT annuity basis. It has a 50 meter span with pre-cast segments and external pre-stressing technology. This is being done for the first time in the country.



Another major engineering feat is being accomplished during development of 5.5 km long bridge across river Ganga connecting NH-31 near Bhakhtiyapur at Southern end and NH-28 at the northern end along with 45 km long approach road also on the BOT mode. Considered to be the longest continuous span bridge ever built in the country, the construction is by precast segmental balanced cantilever method. This includes a proposed span of 125m, which is the longest span adopted for the balanced cantilever construction with precast segments.

Road Deals

"We were among early infrastructure companies to realise the potential of BOT (build, own and transfer) projects. We now have a

portfolio of about 9 road projects with an aggregate investment outlay of Rs.10,000 crore. Most of them are at advanced stage of implementation. Thus far, we have completed about 1300 km and are currently implementing 1100 km," Mr. Rao said.

Some of the road projects executed by the company include Trichy to Padalur four-laning of the National Highway Authority of India (NHAI) project worth Rs.411 crore, Bangalore-Neelamangala six-lane access-controlled highway project of Rs. 719 crore, Khalghat-Madhy Pradesh-Maharashtra border road of 83 km stretch worth Rs.700 crore. The company is engaged in the execution of one of the longest bridges in the country, a stretch of about 9.10 km with an outlay of Rs. 900 crore on the river Brahmaputra in Assam. A quarter of the work has already been executed. This is yet another engineering marvel.

Timely Execution

Operational efficiencies and engineering capabilities and timely execution have been the company strengths from its inception. We do not have even a single project which has slipped beyond the scheduled deadline. This timely execution leaves us with a margin of about 15 per cent and profit after tax of about 9-10 per cent.



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