

# Freedom First

The Liberal Magazine



IN THE CHURNING  
OF INDIAN POLITICS  
WILL 2014 PROVE A  
MILESTONE OR A  
MILLSTONE?

*Freedom First* believes in an open society based on minimum government and maximum freedom tempered by a sense of individual responsibility, in which the people's genius has a fair opportunity to develop and grow; we reject any ideology, movement or policy that sets one group of citizens against another be it based on class, caste, religion or envy.

## General Elections

V. B. Karnik

In a parliamentary democracy a general election provides the people with an opportunity to exercise their sovereign rights to determine the shape and character of the country's government. In well established democracies the people make effective use of the opportunity to throw out of office a government which may not have fulfilled their expectations and to place the responsibility in other hands. Thus one government yields place to another and the country passes through a peaceful political revolution. A general election is a device invented by civilised societies to effect, when they so choose, revolutionary changes without dragging the country through the quagmire of a revolution.

Our country is now facing a general election. Having run their normal course of five years Parliament and State Assemblies have been dissolved and the people have been called upon to elect a new Parliament and new State Assemblies in all parts of the country except a portion of the State of Andhra. The entire adult population is entitled to vote. The number of registered voters is over 190 million. These millions of voters will in the course of the last week of February and the first half of March elect the representatives who will in their name rule the country for the next five years.

It is futile to expect the general election to effect any significant change in the policies or composition of the Government at the Centre or in the States. In the conditions that obtain at present the general election is likely to be a mere formality, a formal renewal of confidence in the Indian National Congress. The people will be again overwhelmed by vociferous propaganda about the greatness of their national leaders and the tremendous services rendered by the Congress in the struggle for national independence and stampeded into voting for Congress nominees. The magic names of Mahatma Gandhi and Mr. Nehru will be used to bemuse the electorate and to collect votes for the Congress.

All those who are interested in the development of democracy will regret this inability of our people to make proper use of the general election, the most "ignorance and backwardness, of their habit of hero worship and their surrender before authority. For centuries the Indian people have lived in a state of utter indifference to what happens beyond the village, meekly accepting whatever was decided for them by the officers of the Government or the leaders

of the village. This state of indifference and torpor cannot be shaken off in a day. It will take some time to awaken their interest in the affairs of their country and to create in their minds the democratic urge to reshape them according to their will. The task cannot be accomplished in a short while, but unless it is accomplished a general election will not acquire the meaningful significance that it possesses in a democratic country.

None of the political parties seem to be interested me in the political education of the people and in stimulating their democratic awareness. The Congress is understandably not keen about the job, for it depends for its support mostly on the unthinking admiration and adulation of the people. But the opposition parties are not also enthusiastic about it. They are after quick results. It is easier to defeat a Congress candidate through agitation about some immediate issue than through the political education of the voters which takes a longer time and more patient work. The task will therefore have to be handled by others who are more interested in abiding political developments than in success at the polls.

Congress have creditable achievements to their credit and the opposition parties are very weak. The most prominent amongst the opposition parties, the Praja Socialist Party, has suffered a serious decline through internal split and lack of effective leadership. It has moreover compromised itself by opportunist stand on some issues and unprincipled alliance with the communists in some places just for defeating the Congress. It is not likely to make any strong appeal to the electorate.

The other opposition party is the Communist Party. It is hardly an indigenous party. It is in intent and action an agency of a foreign power. The Prime Minister, Mr. Nehru, said in his speech opening the Congress election campaign in Bombay that the communists had "no opinions of their own" and that they were being guided by "outside forces." He questioned the propriety of their contesting elections in view of the fact that they did not believe in parliamentary democracy...

**What you have just read is an excerpt from the lead article in *Freedom First* on the eve of the Second General Elections to the Lok Sabha and the State Assemblies in February and March 1957 in its issue No.57 of February 1957. For the full article and more visit [www.freedomfirst.in](http://www.freedomfirst.in)**

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# From Our Readers

## The Good News and the Bad News

Your letter\* explains very well the contradictions in politics when in and not in power. You cannot expect the idealism of Swatantra Party or Mahatma Gandhi from Aam Admi Party because the background of some of its adherents is as shady as the political class they would like to replace.

Anna Hazare's three fasts at Delhi and the public outrage on his imprisonment gave a leg-up to Kejriwal. The indifference shown to Nirbhaya episode by those in power at Delhi gave a further boost to AAP. However, since Anna Hazare has refused to have anything further to do with AAP and its political foray, now it is a movement of do-gooders in a ship without a rudder.

No doubt everyone in India would wish AAP and Kejriwal well and pray that he does not end up like either Jayaprakash Narayan or V. P. Singh as leaders of lost causes who failed to achieve their objectives since they could not manage the contradictions within.

Already advocate Prashant Bhushan has raised a storm over his advocacy against Kudankulam Atomic Power Plant and AFSPA in Kashmir. While he has the right to have contrarian views, whether they are also the official policy of AAP does seem to be in doubt. Moreover there have been a number of land deals wherein his family has been involved and doubts have been raised about conflict of interest. The large foreign funds received by AAP is another issue of controversy.

Public and social cause activism can get compromised with power politics. That is why Mahatma Gandhi was not a member of the Congress Party. Let us look forward to interesting days and not live in interesting times (In Chinese metaphor it means you are going to live in troubled times.)

**Prof. "KARGIL" M. Subramaniam, Chennai,**  
**Email: msubramaniam87@gmail.com**

**\*Editor's note:** (In the soft copy (FF559) where the editorial goes out also as a letter, I had added the following paragraph: "I write this on the evening of January 1. The AAP is in power with Congress support. Hence they are in a great hurry to reduce the price of power and provide free water (two of their most prominent promises) before the Congress(I) pulls the rug from under their feet. And for this purpose they have, like most new governments, transferred officers (this certainly is not a good sign). They are exhibiting what one could describe

as 'nervous haste'. Perhaps some of their well wishers should persuade Arvind Kejriwal and his team to talk less. Incidentally Prashant Bhushan and Yogendra Yadav are not visible.

We are heading for some very interesting days!

\*

## The Congress Predicament

The Godhra sail may well have lost its wind but individual Congressmen who have been repeating it across the country for over 11 years seem to feel beleaguered by its ghost in the form of a rhyming name viz., Vadra and now the Party finds itself at the receiving end!

Whatever be the reasons for the Congress Party extending its support to the AAP; whether in order to prevent BJP from coming to power or to avoid going to the polls or by reason of gross miscalculation of assuming that a Party based on such high moral grounds would be just incapable of either governing or even surviving which in any case depends on their own so-called outside support, clearly now everything seems to have gone terribly wrong with this decision as we shall presently see for ourselves. While AAP threatens to take on Robert Vadra, the Congress Party finds itself in a helpless situation indeed!

As things stand, exposing the misdeeds of the Congress regime well within the short little time available between now and the fast approaching elections is crucial to BJP's success at the national level. Even if Harsha Vardhan as leader of the principal opposition party feels tempted and may be more than willing to pull down the minority government, there is no telling if he might come under severe pressure from the party-honchos at the top, not only to refrain from doing that but even worse! He may be forced to extend support to the AAP in the event of the Congress Party threatening to withdraw support! After all what BJP could not have even dreamt of achieving in its wildest imagination, AAP seems to be already doing in double quick time too!

**EKNAATH NAGARKAR, Bangalore.**  
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A lot of people are jumping on the band wagon. The broom may get too heavy to sweep! The breath of fresh air it began with should not get sucked into its own mad rush and internal contradictions. AAP should govern for a year or two before spreading its wings too wide.

**Prof. Ramesh Babu, Hyderabad,**  
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## Editorial

### When Ambition Mocks his Useful Toil

Permit me to begin this editorial on a personal note.

I too am a political animal. I was weaned on the premise that the individual is everything, the collective is nothing. I was fortunate that in my growing up years I had the opportunity of working with an intellectual public figure like Minoo Masani who was passionate about the primacy of the individual and abhorred the collective; who was 'infected' by the Gandhian belief of ends and means – however worthwhile the end, the means to achieve it must be clean.

Today I am the president (pro-tem) of the Swatantra Party, Maharashtra branch. A president of a party without members. This is because my writ petition after being admitted in the Bombay High Court way back in December 1994, awaits a hearing. The judges say they are busy with more important work; they say that our petition is not important. And what have we (I was the second petitioner. The first petitioner who was the General Secretary of the Party died some years ago) asked in the petition? We have asked the Bombay High Court to order the Election Commission of India to register our party without our having to tell a lie that "we owe allegiance to socialism". We cannot do that because we do not believe in socialism. Hence this petition to speak the truth and not sail under false colours.

For many years now I have been associated with another intellectual public figure – Sharad Joshi. While Masani's was an urban orientation, Sharad Joshi's was rural. He was convinced that a farmer can thrive only in a free market economy as much as his counterpart in urban India. And I learnt from him a truth; that farming like any other work, is a profession, a business, and that the farmer is not burdened by a god-given duty to feed the Indian people. He has the right to sell his produce for the best price he can get from the market. He has as much right as his urban counterpart to a good life, be able to feed his family, educate his children and live in reasonable comfort. I have witnessed some of the public meetings in villages and towns in rural Maharashtra addressed by him. Farmers, men and women, thousands of them arriving in bullock carts or even trudging from places within a radius of 50 miles, to listen to him. In some towns the attendance exceeded 100,000

This persuaded him that he could get real farmers into state assemblies and even parliament to get a better deal for rural India if he could convert his tremendous popularity into votes. And so he organised a political party

with a rural base as an extension of his farmers' movement. But it didn't work out and the party's electoral performance was deplorably poor.

India Against Corruption (IAC) was a movement led by Anna Hazare, a person who had dedicated his life to fighting corruption. He was prepared to lay his austere life on the line. An organisation was launched by Arvind Kejriwal and Anna Hazare gave prestige to the IAC as its leader. The movement gathered strength. The people's response was overwhelming, though even this word is inadequate to describe the millions who rallied to his call. It was a *guru-shishya* relationship. Sadly they parted company. The *shishya* converted the movement into a party. The *guru* disapproved and went back to his village. The momentum of the Hazare movement carried the *Shishya* to success. He came second best but manoeuvred to get himself to power. He decided to sup with the devil he had set out to vanquish – even if he cleverly presented it as an offer he had not invited. He went through a sham process of seeking the approval of the public by holding a "referendum" so-called. By doing this he was insulting the electorate which had given him only 28 per cent of the vote. The flotsam and jetsam of Delhi are now crowding around him.

The communists who have been more or less marginalised (while their Maoist comrades are roaming around looting and murdering people) and their fellow travellers including seemingly wise ideologues and socialists who have crores to donate, smelt an opportunity to make a comeback. Sadly well meaning and well-to do decent people too have joined hands with Kejriwal. And we now see a different Kejriwal. He may have rejected the perks that come with power, but arrogance of power sits heavily on his head. Not very long from now, come May or June 2014 he will be abandoned by the devils whose 8 votes keep him in power, as soon as he has fulfilled their purpose (which we can discuss later, perhaps in the next issue of this journal) by which time Kejriwal would have got used to the not so visible perks of office. Not surprising, because his means to get into power were not straight.

At the appropriate time his communist friends which include the professor, the crorepati lawyer and the communist who "resigned" (but likely a 'plant' of his party to join AAP), and of course the newly chosen leader of the Election Committee of the Indira Congress, will dump Kejriwal leaving him to nurse his wounds.

SVR

# Aam Aadmi Party (AAP)

## I. The New Neo-Socialists!

Girdhar Patil

*Indian politics is experiencing a deja vu of the socialist pattern in the form of the Aam Aadmi Party, the new comer to Indian politics. After the traumatic experience of socialism which led to the collapse of the former Soviet Union, followed soon thereafter by the failure of Nehruvian socialism, India had perforce to turn to a policy of liberalization of its economy in 1991. One would have thought that socialists and socialism all over the world were fast becoming obsolete. BUT.....*

.....the metamorphosis of India Against Corruption (IAC) to AAP (Aam Admi Party), from non-political agitation against corruption and mal-governance to a political party, is turning out to be socialist embracing the concept of the collective. Half baked Indian socialists have captured the leadership of AAP and are busy turning it sharply to the Left. The large majority of young and well educated middle class, particularly middle class youth, who rallied to the call of Anna Hazare followed Arvind Kejriwal when he broke away from the former to transform the IAC into the AAP. Being new to politics, these young men and women, bereft of a political philosophy, are finding it difficult to understand and define their positions on a number of politically important issues. They rallied to a cause they understood because they are victims of its ill effects – corruption and mal-governance.

### Old Wine in New Bottle

Barring their demand for a Janlokpal, which they consider as the only panacea for the country's ills, they are innocently unaware of the policies needed to deal with major national issues, especially on the economic front.

The public outcry against mounting scams involving millions of rupees from the public exchequer, courtesy the ruling party in India, could not be addressed in the way it should have been. Sadly the opposition Parties too failed to respond in a manner that would create confidence in the mind of the common man. This vacuum was filled by a non-political movement which actively exposed the scams and scamsters and received huge support from a suffering people cutting across political parties and other vested interests. The leaders of this movement discovered there was plenty of space for a political party which could address the public outcry. The socialists, whose policies had brought India to its knees and had been discarded by the Indian electorate, seized this opportunity for a comeback. They are now busy

capturing the leadership and offering the same old failed populist measures like subsidies and mass political action they are used to.

### More of the Same

The Indian experience regarding subsidies is not a happy one. We have had for a long time subsidies on petroleum products for instance. Indian farmers got used to getting subsidies just to make both ends meet. These subsidies did serious damage to the economy and killed initiative and enterprise, particularly of the rural population. Moreover, these subsidies have eaten into the Indian economy and further impoverished rural India. 10 years prior to liberalization, the Shetkari Sanghatana, advocated a free economy and open markets, rejected subsidies and asked for remunerative prices for agriculture as a basic right. Subsidies and other socialist measures led to grave economic failure and bankrupted India. The country had to pledge its gold to meet its obligations, accept the conditions imposed by the IMF, give up statist policies and accept liberalization and globalization. This gave a massive boost to the Indian economy, the outcome of which we all are enjoying today.

AAP is following the same socialist pattern which had already led India to dire straits. Take for example AAP's policy on foreign direct investment in retail. They oppose it for reasons not known to their rank and file. One can understand the opposition of the Leftists because their main ideological stand is anti-capitalist. Theirs is the philosophy of poverty. AAP is also in favour of strengthening the Public Distribution System (PDS) even though PDS is a major tool of corruption in the name of welfare of the poor. Any reform like food stamps or cash subsidy directly to poor does not enjoy favour with AAP. This party's anti-progressive stand will take the country back 50 years! Indian agriculture is a victim of closed markets by virtue of the APMC Act in force for many years.

This Act has seriously eroded the income of farmers because of which thousands of farmers have killed themselves and many thousands more are on the verge of committing suicide.

### **New Approach Required**

Indian farmers have proved their mettle not only in fulfilling indigenous needs, but are also exporting agricultural products overseas. If we want to boost our collapsing economy, obstacles have to be removed from exporting agro-products and supporting the farm sector with intensives. The first step has to be to free the market from the clutches of the exploitative APMC Act which has monopolized the entire trade, making it prone to artificial rate distortions which benefit neither the producing farmer nor the consumer. The agricultural market is in need of a lot of reforms which in turn require massive capital reserves. Since the availability of such massive capital seems to be a remote possibility, there is need for foreign investment which has the potential of creating millions

of jobs through infusion of technology and management of food chains, cold storage facilities, effective transportation, gradation, packing, processing and distribution mechanisms. This will boost the entire economy by creating a consumer pool which will help revive the stagnated industrial market.

What India needs today is a progressive liberal economy to fulfill the aspirations of millions of Indian youth which is their constitutional right. Anything that obstructs or opposes it should be treated as being inimical to the interests of the common man. This will become possible when the current emotional hype encouraged by a TRP-driven media wanes. This will happen sooner rather than later. For now AAP is proving to be a disappointment.

**DR. GIRDHAR PATIL** is a practicing Homeopath and an agriculturist based in Nashik, Maharashtra. Dr Patil is among the early members of AAP who has left the party in sheer disappointment as the party is being taken over by socialists thereby rejecting the open economy and free markets, which is the need of the hour. [girdhar.patil@gmail.com](mailto:girdhar.patil@gmail.com).

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## **II. Are They The Change?**

**Nitin G. Raut**

*Populism is not a substitute for statesmanship and subsidies are no panacea for economic development. Both have played havoc with the Indian economy.*

**O**n 25th December 1991, in his last address as the President of the U.S.S.R. Mikhail Gorbachev said “The Society was suffocating in the vice of the command bureaucratic system, doomed to serve ideology and bear the terrible burden of the arms race. It had reached the limit of its possibilities. All attempts at partial reform, and there had been many, had suffered defeat one after another. The country was losing perspective. We could not go on living like that. Everything had to be changed radically.”

India also needs a radical change. The change was eagerly looked forward to in the 1977 Janata Party rule. Expectations were raised in 1989 under V. P. Singh. And now it is the Aam Admi Party [AAP]. Every election appears to be a season for resorting to an anti-corruption conundrum.

The emergence of AAP as the second largest party in Delhi in the December 2013 Assembly elections may not have eclipsed the spectacular performance of the BJP but it has certainly created a stir in Indian politics. A corrupt and tainted Indira Congress (IC) will have nothing to lose with AAP's onward march but a resurgent BJP will have

reason to be wary of it. Can AAP's performance in Delhi be an indicator or have a domino effect? And will there be a change?

### **Déjà Vu?**

The formation of the AAP and the Janata Party has some striking similarities. In the early 1970s, the Nav Nirman Movement formed the nucleus of the anti-corruption agitation. Following Jayaprakash Narayan's [JP] clarion call against corruption and for a Total Revolution, the foundations of an apparently invincible Indira Congress were shaken. As JP's movement gathered momentum, the Allahabad High Court judgment unseating Indira Gandhi for electoral malpractices led to the imposition of Emergency. Democracy was crushed. Opposition leaders were jailed, the Press muzzled and Fundamental Rights suspended. Out of such political convulsion and under JP's moral leadership the Janata Party was formed by uniting the fragmented Opposition parties – Congress (O), Bharatiya Jana Sangh, Samyukta Socialist Party, the Bharatiya Lok Dal and the Congress for Democracy. It dislodged the IC in 1997. But what followed thereafter will hopefully not be the script of the AAP.

The AAP is also an inadvertent spin-off of Anna Hazare's anti-corruption crusade. Demand for the institution of Lokpal received massive public support. Coupled with the horrendous rape of Nirbhaya and administrative callousness, it triggered a spontaneous and massive public outcry. Although Anna Hazare had no political motives, his protégés like Arvind Kejriwal, gauging the anti-Congress mood, seized the opportunity to launch AAP by tapping Anna's goodwill and benefited from the momentum generated by the India Against Corruption(IAC) movement..

### **Falling into a Trap**

For AAP which made anti-corruption its political mission, the logical corollary would have been to shun any association with the IC. Following BJP's refusal, for AAP to form a government with IC support – outside or inside, conditional or unconditional – is fundamentally flawed and instantly raises a query: Can corruption be fought with a party accused by the AAP of corruption? Can AAP implement its agenda of instituting inquiries against the former ministers of the IC in Delhi? For AAP to say that any move by IC to pull down AAP will expose the IC is to beg the question whether AAP is so naïve to be ignorant of IC's Machiavellian politics. AAP has mounted a tiger that will be difficult to dismount without being bruised and battered.

The IC has a notorious track record of instigating political instability when not in power. In the post-Emergency years following infighting within the Janata Party, Charan Singh lured by the IC with a Prime Ministership, bit the bait. Allowing him to get the coveted crown and to fulfill his ambition of making a speech from the ramparts of the Red Fort, the next thing the Congress did was to pull the rug from under his feet. The AAP in its quest for power has conveniently overlooked the IC's game plan and has also compromised its core objective of fighting corruption. AAP has not only overlooked the fact that as the second largest party it does not have a mandate to rule, it has compounded its credibility by accepting IC support. As if that is not enough, many discarded and disgruntled elements from other parties are flocking to the AAP.

It is also doubtful if AAP, which is essentially an urban phenomenon, can replicate Delhi where Anna Hazare's crusade and Nirbhaya's rape provided a constituency and a reservoir of foot soldiers for AAP's dramatic debut. In Mumbai the Shiv Sena and the Maharashtra Navnirman Sena have a strong social and political base which even the Congress has not been able to dent. In Tamil Nadu the game of political musical chairs

is the exclusive monopoly of Dravidian parties. The bipolar politics in many other states will also test AAP without Anna Hazare's patronage.

The first act of the AAP in Delhi, to slash electricity tariffs and provide 720 litres free water to each house, has generated the same euphoria that Akhilesh Yadav, as a young Chief Minister had, when he assumed office in Uttar Pradesh. Today UP has become a lawless state where, while Muzaffarnagar burns, Akhilesh Yadav and his Samajawadi Party revel in Bollywood . It appears that modern day Neros are present in every Party.

AAP's economic policy is anybody's guess. Populism is not a substitute for statesmanship and subsidies are no panacea for economic development. Both have played havoc with the Indian economy. Just before the 2009 Parliamentary elections, UPA nonchalantly waived Rs. 60,000/- crore farm loans. Whom it benefited was never disclosed? How its distribution was done or audited, nobody knows. In any event, who gives the elected the right to fritter away tax payers money? In a "Quick Editor" (*Mint*, 2-1-2014), it was revealed that the UPA in the last decade has splurged Rs.11 trillion on subsidies, the beneficiaries of which were the big farmers (fertilizer) and the middle class (fuel). The editorial lamented that if the amount had been invested in roads, schools, hospitals, irrigation and perhaps even in environment and clean energy, the impact on the economy would have been salutary.

The AAP brand of participatory democracy may have been possible in city States like Rome and Athens but cannot work in a large nation like India. Such process will not only be abused, but will lead to chaos and anarchy. Prashant Bhushan, the AAP member's suggestion that a referendum be held on the issue of deployment of the Army is not just trivializing grave issues of national security but also reflects political immaturity. If self-declared results of public opinion and referendum become a practice, it will make a mockery of electoral democracy and degenerate into an instrument to subvert legitimate authority or corner power by undemocratic means.

Delhi may have inspired AAP to go national but can AAP make the change? Can it make a breakthrough in the complex permutation and combination of caste regional and linguistic vote banks? AAP is aping the IC in targeting Narendra Modi but it will lack the cutting edge given the AAP-IC proximity in Delhi. It will lack conviction on the issue of corruption and may even boomerang on the AAP.

The AAP's show has put the nation at a critical

junction. If AAP had the foresight it would not have joined IC. By doing so it has put itself on the cross roads of principles and promises. In Delhi it has clearly compromised on the principles of anti-corruption. The IC which is on an irreversible decline may prove to be a Trojan Horse for the AAP, perhaps its Achilles' heel. For the IC, AAP is merely an instrument to outwit Narendra Modi and the BJP. The chaos at the Janata Durbar of AAP showed

that it is easy to make promises but difficult to deliver. Utopian ideas have their limitations. AAP has trapped itself in the world of Alice in Blunderland.

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### III. Is This India's Spring Revolution?

**H. R. Babu Satyanarayana**

*AAP's voters will have to rise above caste and religion. Ideology has to put to rest the fight over secularism as it is meaningless. For in the ultimate analysis it is truth, honesty and assurance of clean governance that matters*

**A**nna Hazare's movement against corruption and demand for a Jan Lokpal Bill and the many twists and turns it took has been reported in detail in several issues of *Freedom First*. Deadlines for passing the Lokpal Bill (LPB) were getting postponed with a parliamentary committee charged with coming up with their recommendations. Meanwhile a difference in strategy arose between Anna and Kejriwal, his close associate. Kejriwal was convinced that to get the Bill passed it was necessary for the anti-corruption movement to enter the political arena. Hazare disagreed and the two parted company. On 2 October 2012 (Gandhiji's birthday) Kejriwal announced the launch of the Aam Aadmi Party [AAP]. He explained: 'We tried everything and now we will enter politics to fight from within' He clarified: 'Our paths may be different from now on, but our goal is the same'. That is how the seed for revolution was sown which is now showing all the signs of growing into a mighty weapon to shake the system to make it *aam aadmi* friendly, a symbol of true democracy.

#### The Choice of the Symbol

Whoever may have been the inspiration behind choosing the *Jhadu* (the broom) as the party's election symbol, it was a master stroke. It has symbolism that has the potent effect to move the voters. The broom is a symbol of sweeping the dust and its political significance cannot be lost.

#### The AAP Strategy

It was necessary to break the myth that a huge amount of money is needed to fight elections. What better way than to collect money from the *aam aadmi* by selling the common broom for a modest sum and to consider it as a donation to the Party. It created an instant rapport with the people. On top of it his/her name being seen on

the website of the Party acted as a powerful motive, even moral compulsion, to vote for the Party. That is how such small amounts collected from millions of people add up to a tidy sum. It was reported that the whole election was fought with as little as Rs.20 crores! The very novelty of it must have attracted the people. It was no surprise when volunteers in great numbers from various states joined. It is reported that even young employed people from outside India took a sabbatical and came to help the election campaign.

Kejriwal, an IIT graduate resigning from a well paid job where the scope for corruption was great and plunging into the uncertain electoral arena with a message of fighting corruption was seen as a symbol of honesty, courage, sacrifice and personal conviction. Besides, it was an open secret how he was hounded by the administration; but this did not deter him from his goal which proved to be a most powerful motive for the *aam aadmi* and the youth of the country disgusted with criminality and corruption, to voluntarily rally around him. This paid handsome electoral dividends to AAP.

#### Jai Ho AAP

Ever since the Bharatiya Janata Party (BJP) nominated Narendra Modi as the prime ministerial candidate for the 2014 Lok Sabha elections, the political scene in India has been fast changing. The stage is now set for a no holds barred political verbal tirade between Modi and Rahul Gandhi. Modi calls Rahul '*Shahzada*' (crown prince) as all indications are that he is going to be the Congress mascot to turn the electoral fortunes in its favour. It has spurred the mainstream English TV channels to vie with one another to indulge in animated discussions on the results of public opinion surveys and

their respective political fortunes based on the game of numbers. While the surveys till now give a lead to the BJP, the numbers do not add up to the magic figure of 272 for a simple majority. The BJP felt emboldened with the result of the mid-term assembly elections in which the Party scored a decisive victory over the Congress in Chattisgarh, Rajasthan and Madhya Pradesh and winning 32 of the 70 seats in the Delhi assembly. The Congress, on the other hand, suffered the most humiliating defeat after being in power for 15 years, winning just 8 seats. Sheila Dikshit the incumbent Chief Minister was comprehensively defeated by Kejriwal. The stunning showing by the fledging AAP, barely a year old, took everybody by surprise.

Taking a leaf out of AAP's principled stand of fighting against corruption, BJP leader Harsh Vardan when called upon to form the government, declined saying that he does not have the numbers. This was a departure from the attitude of what has come to be known as 'horse trading'. The Lt. Governor next invited Kejriwal, the leader of AAP, to form the govt. Meanwhile, the Congress announced that it would give unconditional support to AAP and BJP said that it would give constructive support. From the beginning Kejriwal has been saying that since both BJP and the Congress are corrupt, his Party will not have any understanding with them. Kejriwal asked for 10 days time to convey his Party's decision. AAP, in an unprecedented step, utilized the period to directly approach the people of Delhi through various means including the electronic media to ascertain their views whether his Party should form the govt. or not. When overwhelming support in favour of forming the govt. was received in the referendum, AAP agreed to form the government. Unconditional support by the Congress must have been a factor too, though the Congress changed its tune saying that the support is issue based. Anyway AAP was unfazed saying that they are prepared to step down if the Congress pulled the plug the very next day. The, general perception, however, was that it is not likely to happen. The reason was obvious: firstly, the Congress had to refurbish its image in time for the 2014 General Elections and if it pulls down AAP it would be badly mauled in the 2014 elections and secondly, by aligning with AAP to facilitate. despite having only 8 seats against 32 seats of the BJP, it felt it was scoring a point. Besides it knew that the BJP was making a virtue of its decision of not indulging in horse trading because there was no scope for it. However, its larger interest was to thwart the ambition of the BJP to make Narendra Modi the next prime minister for it saw AAP as playing a bigger role in national scene in the 2014 general elections.

The perception is that whichever political party wins Delhi would rule in the Centre. Now that both the BJP

and the Congress have been swept aside by the AAP broom, one wonders whether Kejriwal is going to perform another sleight of hand. All developments hitherto appear bizarre and a sense of surrealism prevails. Kejriwal of AAP has emerged as a potential challenger to upset the electoral calculations of both the Congress and BJP. Thus far Modi was targeting Rahul Gandhi but the irony is that now Modi has to target Kejriwal also. As events are unfolding every move of Kejriwal seems to confound and confuse both the parties. Both must be feeling perplexed not knowing how to counter Kejriwal's decision to shun the hallmarks of pomp and power; of the VVIP culture of red beacon on his car; personal security, occupying a modest living house in preference to a sprawling government bungalow and a voluntary cut in his salary. Though Kejriwal's actions are not unique as there are several other examples, he must thank the media for highlighting them.

Kejriwal's personal integrity is unquestionable. He personifies the image of an *aam aadmi* in every respect. Surely, to take on Kejriwal is tantamount to criticizing the *aam aadmi* and obviously both parties cannot afford to do it. AAP has now announced that it is going to field candidates in many states for the Lok Sabha elections and people are flocking to it to get membership. In a TV discussion senior AAP member Prashant Bhushan predicts that they may win 50 seats. It is not unlikely since many influential persons are joining the party and it may even see members of other parties including the Congress to make a beeline to join AAP. Now AAP has to rise above the image of a small fledging party and acquire the stature of a National party to challenge both the Congress and BJP. They will have to gear up to be prepared to face tough questions. Apart from the aspects of development, foreign policy and the economy, the other bone of contention will be secularism. Issues of Hindutva and Muslim appeasement will be freely bandied to prove who is more secular. AAP's voters will have to rise above caste and religion. Ideology has to put to rest the fight over secularism as it is meaningless. For, in the ultimate analysis, it is truth, honesty and assurance of clean governance that matters. With the Election Commission gearing up for the General Elections in April-May the attention of all the parties would be directed towards preparing for the battle. This time around manifestoes of every party will highlight on transparency, good governance, and checking corruption

### **The AAP effect**

The success of AAP in elections and delivering its promise of free water supply up to 20,000 liters and reduction in power tariff within a week of taking over coupled with its shunning of VVIP culture has had a ripple

*(Cont'd. on page 23)*

# Khobragade: The Next Bollywood Blockbuster?

Erich C. Straub

*I will make one judgment at the outset: whatever the facts, the matter was handled very poorly by the U.S. from a diplomatic perspective. A dispute between a single employer and employee never should escalate to an embarrassing international incident between two allies.*

I will make one judgment at the outset: whatever the facts, the matter was handled very poorly by the U.S. from a diplomatic perspective. A dispute between a single employer and employee never should escalate to an embarrassing international incident between two allies.

This American attorney spent part of his recent holiday watching *Dhoom 3*, the latest Bollywood blockbuster. In many ways, the movie presented an updated vision of relations between India and the United States: An Indian detective joins forces with Chicago Police to go after a super-villain. After countless motorcycle chases, plot twists and spectacularly choreographed dance scenes, team India/America solve the crime. In the end, all is well as the two nations make the world safe for democracy.

Art following reality? Perhaps not. Just as *Dhoom 3* was setting box office records, tensions between India and the United States were at their highest level in over a decade. The turmoil was over the arrest and prosecution of Devyani Khobragade, a diplomat assigned to the Indian Consulate in New York City. She was charged in a U.S. District Court with visa fraud and making false statements to the U.S. Government.

The incident caused outrage in India, particularly over how the U.S. handled the arrest. The India Government expressed its displeasure by taking numerous retaliatory measures against the U.S. Embassy in New Delhi. While India's initial response might be dismissed as largely symbolic, the crisis has become more serious with the U.S. cancelling at least two significant diplomatic missions. The controversy has also found its way into the rhetoric of India's electoral candidates, which likely ensures that it will linger far beyond any legal resolution in the U.S.

In this article, I will analyze the Khobragade case with an emphasis on the American legal process in both the immigration and criminal context. In doing so, I will not take the side of either Khobragade or her maid, Sangeeta Richard. However, I will make one judgment at the outset: whatever the facts, the matter was handled very poorly by the U.S. from a diplomatic perspective. A

dispute between a single employer and employee never should escalate to an embarrassing international incident between two allies. Rather than simply placing blame, however, I will attempt to answer the more important question: why did the U.S. manage it so badly? I believe the answer will be found in the actions, motivations and agency cultures of the U.S. officials involved.

## U.S. Immigration Law

As an employee of the Indian Consulate in New York, Khobragade had an A-1 visa, which is granted to diplomats traveling to the U.S. to engage in official business. She also applied for an A-3 visa for an Indian maid, Sangeeta Richards, to live and work for her in the U.S. The A-3 visa allows a diplomat to hire a personal attendant, employee or servant from his or her own country, but the diplomat is required to comply with all U.S. labor laws, including wage and hour requirements. The actual employment agreement must be submitted as part of the A-3 visa application, which is scrutinized by the U.S. Department of State (DOS) before the visa is issued.

Khobragade submitted the necessary employment contract, and the A-3 visa was approved. The U.S. prosecutor, Preet Bharara, alleges that Khobragade then executed a second employment contract with Richards, which did not comply with U.S. labor laws. Bharara further claims the first contract was fake, and the second contract actually governed the employment relationship with the maid being paid below the required wage and working beyond the maximum number of hours allowed.

## Federal Criminal Law

Khobragade has been charged with two felonies in a U.S. District Court. There are two major classifications of crimes under U.S. law: Misdemeanor and felony. A felony is the more serious by far. Felons can be sentenced to lengthy terms in prison and even lose some constitutional rights. So why was Khobragade charged with such a serious offense in a situation which seems, to many Indians, like a fairly common employment dispute? The answer lies in the criminal charges and the culture of the

two government agencies involved: the U.S. Departments of Justice (DOJ) and State (DOS).

Preet Bharara is the federal prosecutor for the DOJ in New York City. Federal prosecutors have a long history of using false statements as one of the primary tools in their arsenal. One of the most celebrated examples is the prosecution in 1931 of the notorious gangster, Al Capone. While Capone was far more infamous for smuggling, prostitution, bribery and murder, federal prosecutors finally got their man on the rather mundane charge of lying on his tax forms. Thus, in charging Khobragade with false statements and visa fraud, Bharara was following a time-honored strategy of federal prosecutors.

There is a similar sensitivity to false statements and fraud at the U.S. Department of State (DOS), particularly in the consular sections that are responsible for issuing visas. Like DOJ, the culture has a long history, but it has been amplified since the terror attacks of September 11, 2001. The federal law enforcement agent investigating Khobragade's case was from the DOS, which is significant given the culture of his agency.

Does this mean that Khobragade was treated like Al Capone, or that she deserved to be so? My emphatic answer to both questions is no. However, the culture biases of both agencies must be considered. When examined, they begin to offer an explanation (not an excuse) for how U.S. law enforcement was so blind to the international political firestorm that it was about to unleash. Preet Bharara's news conference is a perfect example. One of the strongest reactions from India was to the strip search of Khobragade. Bharara's response was telling: "this is standard practice for every defendant, rich or poor, American or not . . ." While Bharara's explanation certainly would satisfy a DOJ checklist of standard operating procedures, it is utterly devoid of the sensitivity that is expected when one ally criminally charges the diplomat of another.

### **Preet Bharara – The Indian-American Prosecutor**

It is also critical to examine the background of Bharara, who is perhaps the primary actor in this drama in his role as prosecutor. In an almost delicious, Bollywood-esque bit of irony, Bharara was born in India. He moved to the U.S. at the age of 3 and is a naturalized U.S. citizen. His father is Sikh and his mother is Hindu. His wife has Pakistani/Muslim and Jewish roots. It is difficult to imagine an American who is better equipped to understand the political and cultural complexities of India and bring diplomatic sensitivity to a case like Khobragade's.

Given Bharara's background, Indians can be forgiven

for hatching elaborate conspiracy and revenge theories. Such theories are only fueled by the complicated relationship between India and its diaspora. Typically, the Indian diaspora are extremely proud of their Indian heritage but are sometimes embarrassed at aspects of the culture that they view as backward. Conversely, Indians are often extremely proud of the accomplishments of their Indian diaspora but are sensitive to any signs of arrogance.

I am not a fan of conspiracy theories. As an attorney with 20 years experience in the federal legal system, I see a much more plausible explanation for Bharara's conduct.

First, prosecutors are usually extremely passionate about the justness of their cause, but that can sometimes blind them to other important factors in a case. Other than the claims of fraud, Bharara has made very significant allegations against Khobragade including the following: She grossly underpaid her maid; she made her work long hours; she refused to allow her to return to India and kept possession of her passport; and she retaliated against her in the Indian court system. Again, there are always two sides to every story, and Khobragade has not yet been given an opportunity to tell her side. To an American prosecutor, however, these allegations are unmistakable signs of human trafficking and a very serious crime. I am convinced that Bharara is primarily motivated by what he sees as a grave injustice against Richards.

But the path to hell can be paved with good intentions. I have no doubt Bharara still believes in the justness of his cause, but if the Khobragade drama has not created a bit of hell for him, it most certainly has become a major headache. To this point, Bharara has enjoyed an almost storybook rise to the pinnacle of the American legal system. He is not just *any* U.S. Attorney. He is *the* U.S. Attorney for the Southern District of New York, which is sometimes mockingly referred to by those in the federal system as the "Sovereign" District of New York. Thomas Dewey and Rudy Giuliani are some of his predecessors. Behind Attorney General Eric Holder, he is arguably the most powerful prosecutor in America. He has been on the cover of *Time Magazine* and is certainly being groomed for greater things. Even the powerful sometimes make seemingly obvious and avoidable mistakes.

Finally, is it possible that the Khobragade incident is some greater message from the Obama administration to India? That is highly unlikely in my opinion. No hypothetical foreign policy message emerges from the mess. Further, nothing that Bharara did prior to Khobragade's

*(Cont'd. on page 14)*

# Point Counter Point

*Ashok Karnik*

*Every issue has at least two sides. A wise person examines all sides before coming to a conclusion. This is an attempt to present various sides of an issue so that a considered opinion can be formed.*

## Diplomatic Indignity

1. The humiliation of the Indian Dy. Consul General in New York threatened to spoil the cordial relations between India and the US. The US was adamant that the Indian diplomat had contravened US law in paying less than minimum wages to her maid. She had allegedly committed visa fraud too. The Indian diplomat, Devyani Khobragade, had only limited diplomatic immunity and had to face legal action. She had an ongoing problem with her domestic help who had fled her employer's house in June 2013 and wanted to stay put in the US under the guise of being a victim of human trafficking. The maid's complaint was taken with great alacrity by the US authorities. India had a broader objection to the visa fraud allegation; it claimed that the affidavit obtained by the US Embassy in Delhi for the maid's visa was itself uncalled for under the Vienna Convention. Not accepting any of these contentions, the US went ahead, got Devyani arrested and, worse, got her handcuffed and cavity searched like a hardened criminal. Human Rights groups argued that the US laws had to be observed by diplomats too. All very true, but that is only half the story. The US does not understand that in all probability it has been taken for a ride by a domestic help who had planned to settle in the US and used the Indian diplomat to this end. Obama administration's desire to come down heavily on human trafficking is understandable but the State Department's refusal to see this as a matter affecting relations between two countries created a problem. Its ham-handedness in converting India's different socio-economic perception into a human trafficking offence was what led to an avoidable diplomatic row. It was not a matter of an individual delinquent diplomat but a clash between two cultural ethos. Why deal with a delicate matter so crassly?

1. A possible wage dispute and a maid's ambition were thus turned into a great diplomatic row. Low wages became a crime equated with murder and rape. It was forgotten that for an Indian domestic servant a job in the US is not only a handsome earning but an opportunity of a life time. Invisible benefits are what take the Indian help abroad. They are not forced into any kind of slave labour. Agreed that the US laws do not accept these calculations; but there was enough scope to resolve this issue amicably. Devyani Khobragade may not be a paragon of virtue in this episode and the right course would have been to get the Indian embassy to withdraw the offending diplomat and also send back the maid. However, the US acted bull-headedly and gave the go-by to normal courtesies and diplomatic protocol. It went to extraordinary lengths to evacuate the maid's family from India. It was like an espionage drama akin to political victims being extricated from behind the iron curtain. In the face of this, India retaliated (too strongly?) and threatened to withdraw all special privileges to the US diplomats in India. With our traditional hospitality, we extend unprecedented courtesies to our foreign guests. Departing from this, some suggested prosecution of the US Consular officials for the tiniest transgression of law now onwards. Ultimately, diplomacy prevailed and Devyani was granted full diplomatic immunity and asked to leave the US. India in turn asked an American diplomat to leave India. For the sake of appearances, her trial would continue in the US. Wish this, diplomatic finesse had been worked out a month earlier. India should now learn to stick to diplomatic reciprocity and the US should learn to respect the sensitivities of its guest diplomatic missions.

## AAP's Triumph

2. The Aam Aadmi Party's (AAP) success in Delhi was spectacular; it was evidently the result of the pent up anger of the common man against all that was wrong in the governance of Delhi (really at the Centre). It was an emphatic rejection of a Government that was opaque and deaf. The romance of the underdog knocking out a bully was riveting. It did not seem possible for a ragtag campaign to uproot well entrenched politicians. AAP broke the barriers of caste and creed. Those who had no connection with politics left their jobs to mobilise people and cleanse politics. Is it a paradigm shift where politics can be clean?

2. Arvind Kejriwal carries the hopes of politically unaffiliated people all over the country. He has now secured the blessings of Anna Hazare who initially seemed at odds with the AAP. The expectation that Delhi could become a template for the rest of the country is exciting but daunting. The enthusiasm of the middle classes makes it look as if the country is on the verge of a non-violent revolution. However, remember the post-1977 Total Revolution, the euphoria and the disillusionment? – And VP Singh's crusade against corruption? AAP's own promises have no built-in practical mechanisms. Will those

The singular achievement of the AAP is that it eradicated the disenchantment of the educated middle class with politics, their belief that their opinions did not count and raised the conviction that they could indeed make a difference to national politics. The AAP is sincere in its pronouncements but will it be effective in converting its promises into reality? The earnest wish of its well wishers is that it should not fail. Its ambition to become a national force is receiving enthusiastic support but will populism be its pitfall?

be fulfilled? Can the anti-corruption platform serve to resolve all national problems? Will its freebies stand the test of economics? Self-righteousness can be the enemy of men in public life. Doubts persist as Kejriwal's leftist tilt and populist slogans come in the way of pragmatism. His and Prashant Bhushan's attacks on the rich are worrying for the Industry too. The lack of cohesion on national issues has already become a problem with Prashant Bhushan voicing his well-known divergent views on J&K. What about Naxalism, terrorism, liberalization, farmers' demands, power shortages, environmental issues, foreign relations?

## The Adarsh Riddle

3. The Adarsh Housing Society scam that started in 2002 is a never ending saga of deceit. What started as suspected theft of defence land in Mumbai went on unraveling to disclose the all and mighty, dipping their hands in the till of Mumbai housing. Every one who could, made a grab for a flat by giving the society some concession or other at a price (of a flat). The list of its members is a who's who of Ministers' relatives and Mantralaya bureaucrats. The housing society which was meant for the Kargil heroes ended up housing relatives of Babus who handled the society's file in the corridors of power. There were benami owners, favourites of Ministers but very few deserving members as the flat prices were out of reach of Kargil heroes. The Maharashtra Government appointed an Inquiry Commission to douse the initial fire, hoping that all would be forgotten soon. Instead, the Commission found that there were 22 benami owners, 28 ineligible members, 12 senior bureaucrats had dispensed favours and 4 former CMs and two Ministers had a dubious role to play. With this kind of indictment, the State Government decided to reject the report. This created a furore in the Assembly and the Congress was as usual having to defend the indefensible.

3. In stepped Rahul Gandhi (belatedly) in his persona of an anti-corruption crusader and declared that it was wrong to reject the report. The State Government went into a spin and reconsidered the report. However, it played a sleight of hand. It decided to initiate action against the indicted bureaucrats but found that the indicted ex-CMs and Ministers had not indulged in any *qui pro quo*; they were absolved of all guilt. The only ex-CM who was to be prosecuted, Ashok Chavan, has been saved with the Governor refusing permission to prosecute him. In the convoluted morality of the Congress, Rahul Gandhi should now be happy that corruption is being eradicated! This kind of legalistic arrogance and jugglery has been the bane of the Congress. Prithviraj Chavan, CM, who had a clean image, has lost his aura in the process. To bring further ridicule to the Government, Chavan left the CBI to take action against the delinquent officials forgetting that his Government has gone to Court challenging the jurisdiction of the CBI in the Adarsh case. His Government has argued that since the Adarsh land does not belong to the Ministry of Defence, CBI has no role to play in the investigation. The Adarsh scam will continue to be an albatross around the Government's neck.

**Readers are invited to email their points of view on serious issues of the day to [ashokkarnik2001@yahoo.co.in](mailto:ashokkarnik2001@yahoo.co.in).**

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## Khobragade: The Next Bollywood Blockbuster? *(Cont'd. from page 12)*

arrest would have required the approval of higher officials such as Secretary of State John Kerry, let alone Obama. Historically, U.S. Attorneys exercise tremendous discretion, particularly in criminal prosecutions. The Department of State has also taken steps to repair relations by granting full diplomatic immunity to Khobragade. The criminal charges still stand, but the Obama administration likely is very reluctant to scold their star prosecutor from New York in public. In the end, the U.S. and India have common enemies on the world stage and need each other too much.

Certainly, both countries will soon take their cue from Dhoom 3, and team up once again to go get the bad guys!

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# Cornucopia

Firoze Hirjikaka

## India Tit for U.S. Tat

*On the positive side, India's uncharacteristic boldness in expressing its outrage against a powerful ally was as welcome as it was surprising.*

So l'affaire Devyani Khobragade has escalated into a full blown diplomatic kerfuffle! India's Deputy Consul General in New York was hauled off to a police station in handcuffs, strip searched, with a cavity probe thrown in gratis. Her alleged crimes were underpaying her Indian domestic help and also a visa fraud. Showing surprising spine, the Indian government retaliated by reducing security cover for the US embassy and consulates; depriving the US diplomats and consular officials of the special privileges they have been enjoying for decades and - horror of horrors - preventing them from importing their Christmas booze. At the time of writing this, the impasse remains.

Those are the apparent facts, but I suspect the real story is being played out behind the scenes. Khobragade's nemesis is an Indian-origin US Attorney named Preet Bharara. It does not take a genius to figure out that this gentleman has higher political ambitions; and that he is displaying disproportionate toughness in this case to demonstrate that he is a no-nonsense, strictly-by-the rules upholder of US law. He also seems to have a penchant for prosecuting fellow Indians - he has put three in the dock in recent months - no doubt figuring that this enhances his impartiality. Bharara forcefully argued that Khobargade was not entitled to any sort of consular immunity; and if she broke the law - allegedly - in the land of the free and the home of the brave, she had damn well better face the consequences. I may point out that there is also a clash of cultures at play here, if not overtly. In India with its entrenched VIP culture, it would be unthinkable that someone of Khobragade's status and connections would be subject to the same police procedures as the common man. In America however, once an individual enters the criminal justice system, the cops will follow the standard procedure. Unlike in India, the do-you-know-who-I-am gambit cuts no ice in the US.

Amidst all the furor, what should not be lost sight of is that Khobragade did allegedly break a US law. Apparently in her visa application to take an Indian maid with her to New York, she did specify that the maid would be paid the US minimum wage. This was wildly impractical of course and I'm sure she had no intention of honouring the declaration. It was a time-honoured ploy to expedite

the maid's transfer. Later she is said to have signed a separate agreement to pay about a third of what was originally committed, which technically constitutes visa fraud. Most Indians would not consider this transgression a big deal; and in fact, Indian diplomats and consular officials have probably been following this practice for decades. Why the US State department chose to make an example in this case is not clear. Whatever the reason, Khobragade was unlucky to be in the wrong place at the wrong time.

Devyani's father Uttam Khobargade, on the other hand, is the wrong man at any time. His outraged father avatar was perhaps expected, but his bombastic attempts to portray his pure-as-the-driven-snow daughter as a tragic victim smacks of hypocrisy. She is hardly a paragon of probity. Only someone childishly naive would believe that he has not in the past used his position as a powerful IAS officer to influence out-of-town favours for his daughter. The Adarsh Commission's report has stated conclusively that she procured a flat in the upscale building by means that were far from above board. There is also a news report that the Ministry of External Affairs bent rules to grant Devyani the foreign language of her choice over the claims of more qualified colleagues.

Uttam Khobargade's over-the-top threat to go on a hunger fast if the US does not drop all charges against his daughter Deviyani does not do him credit. In the first place, Americans have no concept of hunger fasts; so the attempted blackmail was bound to fall flat on its face. If he is trying to pressurize the Indian Government, his method is equally excessive and unnecessary. The Indian government's response to Devyani's arrest has already been uncharacteristically tough, with condemnation from the seniormost government officials, including the PM. In diplomatic parlance, the point has been made and India's honour has been upheld. It is now time for diplomats on both sides to work behind the scenes and make the unpleasantness go away. Applying relentless pressure on the US is likely to prove counter-productive. The Americans will not take kindly to being pushed into a corner; and it then becomes a matter of pride and saving face. The end result may be unpalatable to India. Let it rest for now and give diplomacy a chance. The latest insanity by the senior

Khobragade is his allegation - which he later credited to Ramdas Athavale, leader of the Republican Party of India (RPI) - that his daughter's vanishing maid, Sangeeta Richard, is probably a CIA agent. When will the old man realise that he is making an ass of himself and only hurting his daughter's cause.

Speaking of Ramdas Athavale, he has once again displayed his complete lack of political acumen. The unwarranted attack on a Domino's outlet in Bandra by his lumpen followers will only enhance the stereotype of Indian political parties as a compendium of mindless and opportunistic thugs who will stoop to any level for perceived political advantage. It probably did not even occur to the "great leader" that Domino's is a wholly owned Indian franchise; and the only connection they have with the US is the name. If he imagines that this utterly stupid action has harmed American interests in any way, he is even more delusional than he appears to be. Athavale is an old school politician of the most venal kind. He has no sincere political ideology, as is evident in his scrambling attempts to ally with any party that will have him. Thanks to his opportunistic leadership, the RPI on its own has virtually no standing; and antics such as this only make the electorate more disgusted. The voters have grown up Mr. Athavale. They are mightily unimpressed with such empty gestures.

And what of the other "victim" for whom Bharara's heart is publicly bleeding? I am speaking of the maid Sangeeta Richard. Here too, things are not entirely what

they seem. On a television programme, the senior Khobragade enthusiastically waved a page from the purported diary of Richard, where she heaps praises on Devyani as a benevolent and generous employer. Then reminiscent of an early Hitchcock classic, the maid vanishes; only to resurface as an injured victim of human trafficking. The US Immigration department, with uncharacteristic alacrity, whisks off her husband and kids to the US on a special visa and places them in the Witness Protection programme.

While the method of Khobragade's arrest and the subsequent humiliation heaped on her was beyond the pale, some of the Indian reaction was churlish and bordering on the ridiculous. Yashwant Sinha's threat to imprison American citizens with homosexual partners was one such example of bombastic nonsense. Even more absurd was Mayawati's claim that Khobragade's mistreatment had something to do with her being a Dalit. Such pettiness only diminishes the rectitude of India's response. Removal of security barricades outside the American embassy could also be regarded as excessive and vindictive. On the positive side, India's uncharacteristic boldness in expressing its outrage against a powerful ally was as welcome as it was surprising. A lot of it was posturing of course, but this is the ballet most governments perform for the benefit of public opinion. At the end of the day, it would be unrealistic to expect Indo-American ties to be seriously impaired because of this episode; and they won't be. A reality of global politics is that the stronger partner will always prevail in the end.

## **The New Avenger: Rahul Gandhi**

*It is becoming apparent that the Queen Mother has decided to allow the soon-to-be-anointed King a free hand. After all, the Grand Old Party is in such tatters that even a desperate gamble is preferable to inevitable defeat*

Almost three decades after the demise of Indira Gandhi, the staid and hide-bound Congress party has created a new superhero. His name is Rahul Gandhi. Sometimes clean shaven, sometimes sporting a designer stubble, but always boyishly appealing, he rolls up his sleeves and lets fly, whether in Parliament, at a press conference, or addressing a mass public gathering. Some cynics may argue that the mass public generally stays away from his gatherings, but that would be churlish. If I may be permitted a little aside here, this whole hoopla around mammoth crowds at rallies addressed by the current political phenomenon needs to be put in perspective. Consider the gathering held in Mumbai in December, addressed by Narendra Modi, where an attendance figure in excess of three lakhs was quoted. Among other measures, the BJP chartered 22 trains to ferry people from

far flung villages and small towns. They found willing participants - and why not? If offered a day trip to Mumbai with free transportation and meals, not to mention the opportunity to do a bit of sightseeing in a big city, who wouldn't be eager to oblige? The true test of a national leader's popularity would be the attendance of common people without any extraneous inducements being offered, but of course our politicians would never risk that. With them it is always more about show than substance.

But I digress. This is about Rahul Gandhi. It is becoming apparent that the Queen Mother has decided to allow the soon-to-be-anointed King a free hand. After all, the Grand Old Party is in such tatters that even a desperate gamble is preferable to inevitable defeat. It looks very much like the defeat is inevitable anyway, but the

Gandhi scion seems determined to go down fighting. The Gandhis do not fall on their swords. Unfortunately the stars are not with him. Indeed, the stars have not been favourable to the Congress for the past four years. It seems that the most damaging exposes' - particularly involving corruption - pop up at times when they can do the maximum harm.

A case in point is the infamous Adarsh Commission report. The report came like a bombshell just when Rahul Gandhi was winding himself up and gaining momentum as an anti-corruption crusader who seemed to appear frank and forthright and damn the torpedoes – even if some of them were aimed at members of his own party. There is nothing at all in the Adarsh report that has not been public knowledge ever since the scam was revealed. The *quid pro quo* of bestowing luxury flats in one of Mumbai's most exclusive neighbourhoods in exchange for winking at irregularities in granting the necessary licenses and permissions was so glaringly obvious, that it should have been an insult to the intelligence of the honourable judge who chaired the Commission. A five year-old child would have arrived at the same conclusion.

The Maharashtra Government made a valiant effort to delay the inevitable for as long as possible by generously extending the term of the Commission again and again. The Commission members were quite happy to oblige, since it prolonged their perks of free transport, telephone, secretarial staff and so on: not to mention very generous emoluments. Then in a shocking instance or poor timing, they allowed the report to come out just a few months before the 2014 election. Since Part 1 of the report found that the Adarsh plot belonged to the state and not to defence, they were probably lulled into believing that the second part would be equally sympathetic. It was not. The report damningly confirmed in black and white what had long been speculated. There was no way the indicted ministers and bureaucrats could talk their way out of this one.

Since so many of their top dogs were implicated, the Congress came out with a knee jerk reaction and shot itself in the foot. In an act of imperious arrogance and unbelievable stupidity, the state government simply rejected the report without assigning any reason. Surely they must have known that this denial would not stand. Predictably, it laid them open to a vicious attack from the opposition; and confirmed the public perception of Congress ministers as a thoroughly venal and shameless lot. Furthermore, if the Congress believed that their mindless action would bring them a reprieve, they should have realized that it would be short lived. It is almost a foregone conclusion that the party's days in power are

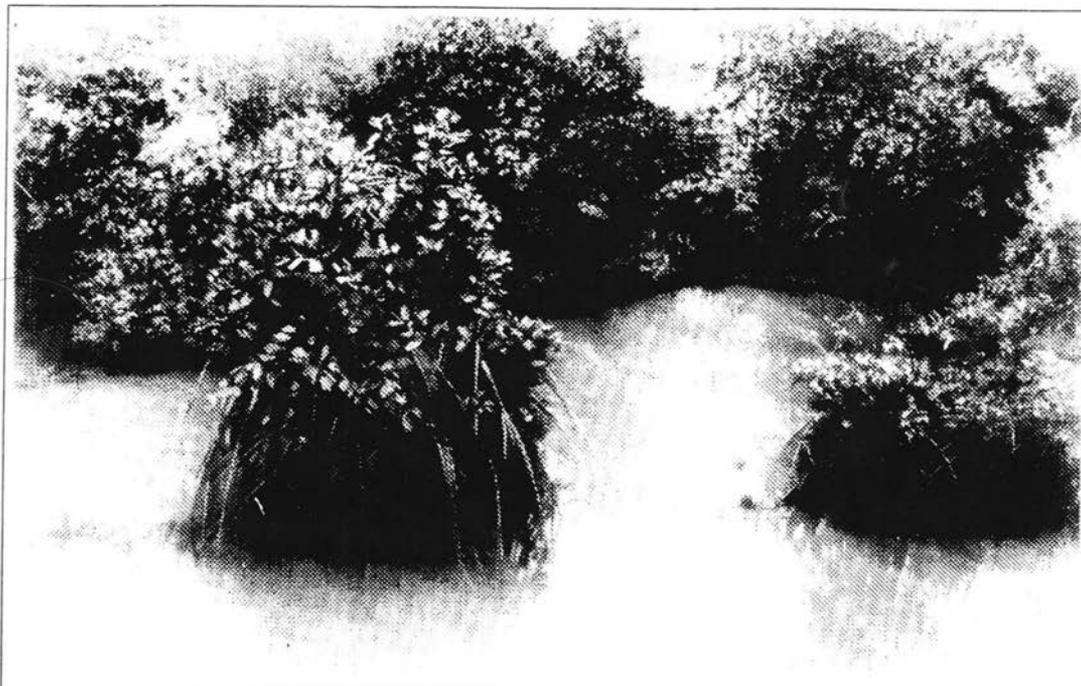
numbered. After the BJP forms the next government, it is certain that they will embrace the conclusions of the Commission report with enormous zeal and use them to humiliate their old rivals to the maximum extent possible.

I am sure there was lot of lobbying and heartburn among the top echelons of the Congress, but in the end Rahul Gandhi probably convinced them that the Maharashtra Government's mulish attitude was not only harming the Party, but destroying his own newfound anti-corruption credentials. At a high profile conclave of Congress Chief Ministers, he distanced himself from the decision. He would have served his party and himself much better if he had cracked the whip before the Maharashtra Government got egg on its face, but the damage had been done. As it was, his outrage proved to be short lived. The Maharashtra Government half-heartedly agreed to "take action" on the indicted bureaucrats, but declined any further prosecution of the ministers. One can understand the dilemma of the ministers involved. For the past half century, they have indulged in blatantly unethical and illegal activities, secure in the knowledge that the people of India were too docile and overawed - compounded with the traditional feudal mindset of their primary vote bank - to question the perceived high and mighty. At the time of writing this, Gandhi has been maintaining a discreet silence. He would serve himself and his Party much better if he displayed some boldness and put his foot down without fearing the consequences. The need of the hour now is to concentrate on redemption and regeneration of the Party.

If I was presumptuous enough to counsel the Gandhi scion, I would advise him to accept the inevitability of a Congress rout in 2014; and utilize the next five years to clean out the Augean Congress stables. As a first step, he can instruct his Party men in Maharashtra to stop protecting the NCP ministers involved in the massive irrigation scam. The NCP is likely to desert the sinking Congress ship anyway. So this molycoddling will prove to be self defeating. He needs to tear down the entrenched self aggrandizement, greed and sense of entitlement among senior Congress satraps; and rebuild the Party from the ground up. He will undoubtedly face a lot of resentment from the old guard, but he has nothing to lose. In fact, he can leverage the party reverence towards the Gandhi name to push through his agenda. I realize I may be in a minority here, but I wish him success.

**FIROZE HIRJIKAKA is a retired civil engineer, a blogger and a freelance writer and a member of the Advisory Board of Freedom First. leonardo8\_99@yahoo.com.**

## CONCERN FOR THE ENVIRONMENT



A unique feature of the Industrial Garden Township, Pirojshanagar, is a large expanse of swamp, one of the very few such areas existing in the city under original mangrove forests.

At a time when mangroves are being destroyed at an alarming rate in the process of excessive and damaging reclamation..., Godrej has taken steps, at considerable care and expense.

to preserve and protect this Nature's gift in the awareness that mangrove destruction leads generally to loss of food, breeding grounds and shelter for numerous forms of life.

It is almost unbelievable that, like the Sanjay Gandhi National Park in Borivli, such a mangrove still exists in the excessively congested and polluted megapolis that Mumbai is

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**WELFARE : ENVIRONMENT / POPULATION NEXUS...**

## **Spare the Armed Forces**

**Suresh C. Sharma**

*Freedom First organised a seminar on December 14, 2014 in Mumbai at Godrej Bhavan on the need to keep the Armed Forces out of politics. It arose out of an article in Freedom First by Ashok Karnik "Spare the Army". Gen. (Retd.) V. K. Singh talked about the Army's role in Kashmir which had political overtones. It was followed by the news that the Army's Technical Support Division was charged with electronic snooping to bring down the J&K Government. Karnik's paper expresses concern over the fact that "one by one, institutions are being denigrated in this country, and now the Army is suspect". This is a summary of the proceedings of the seminar by Brig. (Retd.) Suresh Sharma, followed by a presentation by Cdr. Ravindra Pathak. The Seminar was chaired by Brig. (Retd.) Dharam Prakash.*

*"Politicians enjoy power without responsibility, bureaucrats wield power without accountability and military assume responsibility without any direction".*

*– K. Subramanyam.*

**T**he Indian Armed Forces are well admired and respected for their professional excellence and integrity. They suffered humiliation in 1962 and soon recovered their old élan in 1965. The saga of the 1971 War is being studied the world over. The Armed Forces have protected the unity of India against subversive and secessionist elements. Their treatment of Pakistani prisoners was humane and just. The exploits of young officers in Kargil 1999 and in Siachin are shining examples of valour unmatched anywhere. They did not display any doubts or hesitation, just a steely resolve and self confidence. The Army and the Air Force carried out death defying feats to evacuate stranded people in Sikkim and Uttarakhand. They stood firm in evacuating people according to priority and did not accede to the request of some state governments to give priority to their citizens. "India is one" was their reply.

Recent news of charges of corruption, controversy of date of birth of General V K Singh, scare of a military coup and deliberate leaks to media of classified information has cast a doubt about the integrity of these institutions. The finger points to the bureaucrats in the Prime Minister Office [PMO] and the Ministry of Defence [MOD] for these leaks. The PMO without any constitutional authority is interfering in every sector it chooses to, be it date of birth or procurement of equipment or promotions of senior officers in the Armed Forces. The net result of bringing down the standing of the Army in the eyes of the public can have serious adverse consequences on national security. The intelligence organization has been weakened and classified information made public, much to the delight

of our hostile neighbours. Yet no attempt has been made to investigate the source of these leaks.

### **Political Control of the Armed Forces**

Prior to Independence, all authority over the military was vested in the Viceroy. The Indian political class inherited the sovereignty from the Viceroy and added to it the legitimacy of the struggle for freedom. Due to lack of experience of the political leaders and bureaucrats in defence matters, Nehru asked Lord Ismay to recommend a structure for higher defence organization. He suggested a political committee comprising of political leaders and bureaucrats and a military committee of the Defence Services Chiefs. The recommendations of the military committee were subject to approval of the political committee. The Chiefs of Staff Committee [COSC] had no authority even on issues of military strategy. There is no institutional interface between the political and military leaders. Due to ignorance on military matters, the political class allowed the bureaucracy to be effective rulers in defence matters.

Later, the benefits arising out of import of equipment became another reason for the political class relying on the bureaucrats to do their bidding. A few committees were appointed for coordination. The net result of this organization has been a fragmented authority for defence management. No other democratic country has such a barrier between the political leadership and military commanders.

There was a stark difference in the preparations

for the Iraq War in USA and that in India for the 1971 Indo-Pak War. The President of USA was holding discussions with the Chairman, Chiefs of Staff, almost daily. In India, General [later Field Marshal] Manekshaw was called for deliberations when considered necessary. P. N. Dhar, Principal Secretary to the Prime Minister has commented that the Defence Secretary Lal would claim to have the highest IQ only to be snubbed by the Army Chief who claimed a higher IQ. Such lack of consideration due to ego is a serious handicap in conducting the serious business of war. The Chiefs of Staff in USA have a greater capacity to influence political decisions.

In the Indo- Pak War of 1965, a decision was taken not to employ the Navy without any discussions with the Navy Chief and strategically important areas were returned to Pakistan without any consultations with the Army. After the attack on Parliament by militants, the Army was ordered to move troops close to battle locations. When the Army Chief enquired about the aim of concentration, the Prime Minister said “Will tell you later.” These are not war winning attitudes.

### **Nehru’s Aversion for the Military**

Nehru’s apprehensions of military takeover have proved to be totally unjustified. The Armed Forces of India continue to be apolitical. No other group in South Asia is so critical of politicians on particular issues and yet so strong in its support of the political system. Nehru neglected the military and kept their position continuously on the decline not because of fear of takeover alone but also due to lack of appreciation of geo-strategic matters. On taking over as Prime Minister, he told the C-in-C that India had no threats and did not need any army; the police was adequate to meet the requirement. He was being conducted around the Central Secretariat offices by one of the last British ICS officers and saw some officers in military uniform. He immediately went to them and asked as to who they were. The Secretary explained that they were the personnel of the Military Wing of the Cabinet Secretariat. Nehru instructed that they should come in civil dress. Was he so perturbed by the sight of uniformed officers? An American journalist pointed out that Nehru was uneasy while reviewing the guard of honour in Washington and kept a distance.

He thought that military conflicts were outdated and had a misplaced confidence in the United Nations [UN] to keep the peace. Maharaja Hari Singh of Kashmir signed the Instrument of Accession and V. P. Menon accompanied by Colonel [later Field Marshal] Manekshaw returned to New Delhi. Next day, the Army Chief was called to the Cabinet Defence Committee. He

took Manekshaw along. Nehru started talking of the role of the UN in resolving conflicts. Sardar Patel interrupted him, ‘Jawaharlal do you want Kashmir or not?’ Nehru said “yes.” Sardar Patel then asked him to give orders to the C-in-C to send the Army. Nehru remained tongue tied. Sardar Patel then turned to the C-in-C and instructed him to send the Army. Such was Nehru’s misplaced love for peace.

On the issue of budget allotment, Nehru told the Air Chief to dump the planes in the sea and fight with lathis (bamboo sticks) if need be. The Navy Chief faced a similar outburst on navy demands on another occasion. The news of such insults permeates through the staff who show lack of respect to senior military commanders. The principle of supremacy of the civilian authority has been misused to enforce rule by civilian bureaucrats. The promotions and postings of senior officers have to be approved by the MOD.

It is of interest to note that immediately after Independence; Nehru offered the post of C-in-C to Lt. Gen. Nathu Singh in disregard of the seniority of Lt. Gen. Cariappa and Lt. Gen. Rajendrasingh. It is to the credit of Nathu Singh and Rajendrasingh that they declined the offer in deference to the seniority of Cariappa. The MOD has resorted to keep on delaying the proposals of postings and promotions on some pretext or the other till their favoured individuals are rewarded. In a few cases promotions for key ranks have been managed by sanctioning extension of service without reference to Service HQ. General Bewoor was given extension without any logical reasons in order to deprive Lt. Gen. P S Bhagat PVSM VC of this honour. There have been a few more cases like this. Such events undermine the loyalty of officers to the institution and lowers morale. Promotions must be based on a sound system and the rules must be known to the people concerned. There is lack of confidence today in the system which has resulted in a large number of appeals in courts.

### **Importance of Morale**

There are no two opinions about the importance of morale in the armed forces. It is the glue that binds the team in a mission. It is the magic that defeats numbers. Napoleon considered the importance of morale to physical as ten to one. It leads to victory against heavy odds and ensures that a setback does not develop into a panic. It is important to remember that morale is fragile and depends on the confidence of the soldiers in their leaders and their equipment.

Attempts to cast doubts on senior officers by half

truths and lies leaked to media can be disastrous for the armed forces. The lies and false accusations must be exposed immediately. The name of the former Air Chief has been included in the FIR alleging bribes in the procurement of Westland helicopters. The charge is that he changed the specifications. This has been done in spite of the well publicized reports in the media that the specifications were changed by the National Security Advisor. The key to bribes is to be found in the flow of money which is never investigated. Earlier, Admiral Sushil Kumar's name was mentioned in the expose by *Tehelka* in the case of Barak missiles. Admiral Sushil Kumar had to resort to RTI after retirement to give a lie to the claim of the DRDO that indigenous missiles were available. The case has been closed by the CBI after seven years. Can't there be a faster method to nail lies?

The Commander of IPKF stated that they felt humiliated when they were received in Chennai by black flags. A tweet against a politician can lead to threat of imprisonment but the culprits who showed disrespect to an Army contingent returning from a mission assigned by the Government continue to be in the cabinet. It has

not been realized by the Establishment that a commander's morale plays a vital part in war. A battle is a contest between two commanders. A defeatist attitude or even doubts easily passes down the chain of command to the front line soldiers. The controversy of date of birth in order to assure succession of a particular individual should not have been discussed openly. The Prime Minister should have settled the issue through discussion. Every one chose to disregard the principle of confidentiality in personnel matters.

The public has always appreciated the missions carried out by the Armed Forces which can be judged from the large crowds at the funerals of martyrs. They remain ignorant of the manipulations by the MOD or PMO. Serving officers have a handicap of not being allowed to contact the media. The task of publicizing the correct information could be taken up by retired defence personnel. Including a few lessons on the lives of outstanding military heroes in school text books and including some questions on defence issues in the UPSC examination papers would further increase their awareness of the contribution made by Defence Services personnel.

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## Civil-Military Relations

### – A Serious Disconnect

**Cdr. Ravindra W. Pathak**

**I** define institutional destruction as any act that directly or indirectly causes damage to the image of the armed forces and causes its marginalization in the strategic planning of the nation's security. The roots of politicization and hence destruction of the institution of armed forces are to be found in Nehru's hatred for the men in uniform. Soon after Independence the first commander-in-chief of the Indian armed forces, General Sir Robert Lockhart, presented a paper outlining a plan for the growth of the Indian Army to Prime Minister Nehru.

Nehru's reply: "We don't need a defence plan. Our policy is non-violence. We foresee no military threats. You can scrap the army. The police are good enough to meet our security needs."

He didn't waste much time. On September 16, 1947, he directed that the army's then strength of 280,000 be brought down to 150,000. Not only this, but under the pretext of lack of finances also reduced the pay of the Indian Commissioned officers. Even in fiscal 1950-51, when

the Chinese threat had begun to loom large on the horizon, 50,000 army personnel were sent home in keeping with his original plan to disband the armed forces.

After Independence, he once noticed a few men in uniform in a small office the army had in North Block, and angrily had them evicted.

Soon after getting freedom from British rule in 1947, the de-facto prime minister of India, Jawaharlal Nehru called a meeting of army officers to select the first General of the Indian army.

Nehru proposed, 'I think we should appoint a British officer as a General of the Indian Army as we don't have enough experience to lead the same.' Having learned under the British, only to serve and rarely to lead, all the civilians and men in uniform present nodded their heads in agreement. However one officer Lt. Gen. Nathu Singh Rathore asked for permission to speak. Nehru was a bit taken aback by the independent streak of the officer, he

asked him to speak. Rathore said, “You see, sir, we don’t have enough experience to lead a nation too, so shouldn’t we appoint a British person as first Prime Minister of India?” You could hear a pin drop. After a pregnant pause, Nehru asked Rathore, “Are you ready to be the first General of the Indian Army?” Rathore declined the offer saying “Sir, we have a very talented army officer, my senior, Lt. Gen. Cariappa, who is the most deserving among us.” This is how the brilliant Gen. Cariappa became the first General and Rathore the first ever Lt. General of the Indian Army.

Sometime later Gen. Thimmayya submitted his resignation and so did the other two Chiefs. These were subsequently withdrawn at the request of Nehru. Next day, Nehru announced in parliament that “civil authority is always supreme to military authority. Nothing wrong there as that is the norm in democracies but today we are not sure which authority is the civil authority? Elected or Selected?

Over the years the fundamental issue remains the same – a serious disconnect and dysfunction in civil-military relations [CMR], i.e. between the political executive and the armed forces and between the civilian bureaucracy and the armed forces. India has managed to develop a ‘unique system’ of bureaucratic control over the military through civilian bureaucrats in the Ministry of Defence (MoD) resulting in the steady erosion of involvement of the armed forces leadership in higher defence management and policy planning. Vital issues of statecraft and national security are determined by the pattern of institutional interaction between the civil and military components of a Nation’s polity. The ordering of CMR, therefore, lies at the heart of a nation’s security framework. While being rooted in the firm and unambiguous political control of the military, a robust and vibrant relationship produces a polity that is alive to the nuances of national security and wise to the uses of military power.

So the dismantling of the Armed Forces began with Nehru. Can one expect any better from those who carry on the legacy of Nehru and from the civil servants who have latched on to this apathy to ensure that the Armed Forces as an Institution is destroyed through various means like public humiliation, humiliation in offices, downgrading of the Ijgat and prestige of the Armed Forces, deliberate and false leaks of classified information and unfounded public announcements of a coup by the Army Chief using just two Battalions? If the Government believed that the Chief could stage a coup using such a small group I am sure you will agree that the Government had made a monumental error in selecting this person as a Chief and placing the security of the nation in his hands. It is the Government that has systematically started to destroy the

image and prestige of the Armed Forces.

Ashok Karnik has, in his article, touched upon the recently disbanded TDS unit. Let me put the record straight. The unit was sanctioned during the previous Chief’s tenure. I am sure you are aware that not even one man can be inducted into the armed forces without government approval. So how did this so called secret unit get approved and established? Was the government approval not given? If it was not given, then why has the Chief not been court-martialed? This unit was raised to keep a tab on communications across the border so that infiltration could be anticipated and countered. It was a unit for getting tactical information by eavesdropping on enemy communications and movement. Ever since the disbanding of the unit infiltration has gone up. Incidentally electronic eavesdropping is an activity indulged in by all armed forces to gain tactical and strategic advantage over the enemy. This was so well used in the 1971 war both by the army and the navy.

If this unit was misused why has the Government not taken any action against the Chief? Mind you, he is still subject to Army Act. Beside why did the Government allow the leak of such a sensitive inquiry and its findings? In its desperation to paint the ex-Chief in poor light particularly after he shared the stage with Modi, the Congress (yes this time it was the Congress and not the government) leaked the report unmindful of the effects of such a leak on the institution of the army and its image.

Karnik has commented on the disclosure of the use of secret funds via this unit. Let me ask a question. Was this the only intelligence unit that could be used for such funding? Did the government not have other agencies for use in Kashmir, particularly since the army was basically deployed against external aggression and got into internal security due to the failure of not only the forces meant for that, but even due political failure to handle the situation starting with going to the United Nations even when the army wanted to recapture occupied Kashmir. This is how the army is now embroiled in a battle that is not of its making but a result of political personal bungling and is being thrashed by human right activists, no matter the perpetrator of any violation is not from the army but wearing a uniform that resembles that of the Army.

In addition to these internal wars, the Army has been engaged in numerous other internal security duties and aid to civil duties – all consequences of substandard governance – that have ranged from quelling communal riots to maintaining essential services such as water supply, telephone communications and civil air traffic control in the wake of strikes by government staff. Armed Forces

being frequently used for long duration for operations that they are not supposed to be used for, only leads to breeding of contempt for the army. What an irony of fate that the army most sought after by the UN for peace keeping duties is accused of all kinds of misdemeanors within the country leading to lower of its image and damaging the institution.

Let us consider 'Operation Blue Star. The use of Army as an offensive weapon against our own people! The pitfalls of basing military decisions on political rather than operational logic can be seen by one and all today in the action of the Prime Minister of the country going over the head of the Army Chief and ordering the operation based on the advice of Lt. Gen. K Sundarji, a subordinate officer.

There is the case of leak of the 'Top Secret' letter that the Chief wrote to the PM as a routine letter. This was a purely internal government matter that needed greater study but the government decided to use the letter as a means to denigrate a Chief who was fighting his Date of Birth battle. It did not matter to the Government that this vital letter was of immense value to all our enemies. The

image of the Chief and so also of the Armed Forces had to be destroyed even at the cost of feeding intelligence on a platter to the world. What has happened to the individual who leaked the documents or started the rumour about a coup? Is not one punishable under official secrets act and the other for rumour mongering?

How can you save the institution when the nation's ministers claim that men are recruited in the army to die as an IAS officer stated, 'After every soldier dies in the war front, families demand compensation from the government. Why so? After all, it is the duty of the soldiers to lay down their lives in the war front. Have you ever seen American families mourning for their martyrs on television and asking for compensations?' Does he ever stop to think why Indian soldiers have to take to streets and not the American? Surely he has not heard of the respect a dead American soldier gets when he is saluted by one and all when his body is taken off the aircraft in which they are travelling.

**CDR. RAVINDRA WAMAN PATHAK, I.N. (Retd), Member Governing Body and Pension Cell. raviwarsha@gmail.com.**

### **List of Participants at the Seminar**

Sudarsan Behara ● Cdr. (Retd.) T. C. S. Dandekar ● Nadirshaw Dhondy ● Dr. L. N. Godbole ● C. A. Kallianpur ● A. V. Karnik ● Col. (Retd.) D. M. Karnik ● Sanjay Matkar ● Cdr. (Retd.) R. W. Pathak ● Col. S. P. Pathak ● V. S. Palekar ● Brig. (Retd.) Dharam Prakash ● S. V. Raju ● Kashmira Rao ● D. S. Ranga Rao ● Nitin G. Raut ● Brig. (Retd.) Suresh Sharma ● R. Srinivasan ● Chirayush Vakil

### **Aam Aadmi Party** (Cont'd. from page 10)

effect in many states. Besides AAP's pioneering zeal in fighting criminality and corruption and transparency in administration has become infectious raising people's expectations. Anna Hazare who was lukewarm in the beginning has come out in praise of Kejriwal. Definitely, these factors will help AAP in receiving handsome electoral dividends in the 2014 elections. In fact it is AAP's effect that hastened the passing of the Lok Pal Bill in the parliament and many other happenings on the political

front which was unthinkable earlier. In short it is no exaggeration to say that the emergence of AAP has changed the political ethos of the country bringing about a role reversal, for by empowering the *aam aadmi*, it has helped to make a course correction to steer democracy on the right path.

**H. R. BAPU SATYANARAYANA is a freelance writer based in Mysore. Email: what\_options@yahoo.co.in.**

### **Keeping the Faith**

...Will someone please explain to me what it is about Modi that makes so many people believe that he could 'wreck' India?

As someone who believes that democracy is India's greatest achievement since it became an independent nation, I really am curious to know why there are so many people that Modi has the power to so damage the institutions of democracy. For myself I have to say that despite the distortions that have entered the polity, like dynastic succession and political parties being turned into family heirlooms, I have faith that the roots of democracy have grown so deep that anyone trying to tear them out will be felled in the process. It is ironic that the only people who appear not to have faith in Indian democracy are the English-speaking Indians foreign correspondents wine and dine in Delhi's drawing rooms.

**Tavleen Singh writing in her column "fifth Column" The Sunday Express, December 22, 2013.**

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## Farmers Convention in Chandrapur, Vidarbha

*The 12th National joint conference of the Shetkari Sanghatana and Shetkari Mahila Aaghadi was held in Chandrapur (in Maharashtra) on 8, 9, 10 November 2013. The conference was attended by more than 25,000 farmers from Maharashtra and other states in India, and the member representatives of the Kisan Coordinating Council (KCC) from Punjab, Haryana, Karnataka and Uttar Pradesh.*

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Several Resolutions were adopted by this hugely attended conference which are summarised in this Report.

### Supporting Candidates of Swatantra Bharat Paksha in the 2014 Lok Sabha Elections

The conference notes with regret that after the retirement of Sharad Joshi from the Rajya Sabha, both the Rajya Sabha and Lok Sabha have no worthwhile representation of farmers. The conference supports the decision of the Swatantra Bharat Paksha (the Political wing of the Shetkari Sanghatana, to contest the forthcoming Lok Sabha Elections of 2014 from Chandrapur and Nanded and decides to field Mr. Wamanrao Chatap in the Chandrapur constituency and Mr. Gunvant Patil Hangargekar from the Nanded constituency in Maharashtra. The SS resolves to help the two candidates with funds and decides to launch a campaign to collect funds for this purpose.

### Droughts and Irrigation Projects in Maharashtra

The fallout of acute drought in Maharashtra last year proves the total failure of the Irrigation Policy of the Maharashtra Government. It is shameful that even after more than 50 years of the formation of

Maharashtra State, nearly 25,000 villages are supplied drinking water by tankers. The conference demands that:

- A CBI inquiry be instituted under the supervision of the Supreme Court to look into the spending of over Rs.70,000/- crores on irrigation by the Maharashtra Government though not more than 1% of agricultural land was brought under irrigation. Those found guilty should be severely punished. Due to current policies, irrigation projects are pending completion. Those projects which are 75% complete should be completed in a time bound manner and people should benefit from those projects.
- Free and subsidized water supply should be immediately *stopped* to ensure the optimum use of water as it is a precious commodity.

### Sugarcane, Soya bean, Cotton, Onion, Paddy Crops

- \* Shetkari Sanghatana protests against the various sanctions and barriers the Government has placed on



the export of sugar, onion, cotton, paddy, and soya bean by way of taxes on exports and announcing minimum export price etc. and demands their permanent removal.

- \* The minimum support price of Rs.6,040/- per quintal of cotton as prescribed by the Maharashtra State Agricultural Price Committee should be adopted by the Central Government as minimum support price.
- \* An advance of Rs.3,200/- per ton of sugarcane shall be paid to the farmers.
- \* Minimum support price of Rs.5,000/- per quintal and Rs.3,000/- per quintal be fixed for soya bean and paddy respectively taking into consideration the rising cost of production.

### **Markets for Agricultural Produce**

The Central Government has recommended a 'Model Act' for farm produce markets. The enforcement of this Model Act will open up the market for agro-products and it will also lift the burden of APMCs from the farmers' shoulders. The Maharashtra Government has not taken any step in this direction. The state government should dissolve all the APMCs with immediate effect to give the farmer the freedom to sell his farm produce to whosoever he wants, wherever he wants and at a price mutually agreed between the seller and the buyer.

### **Electricity Bills of Farmers**

Till the time the agricultural sector gets uninterrupted electricity supply, the farmers should not be charged for electricity and all bills raised on the farmers should stand cancelled.

### **Separate State of Vidarbha**

Shetkari Sanghatana has always supported the view that small states are efficient for administrative purpose - a stand propounded by Rajaji (founder of the Swatantra Party). Because of non-implementation of the Nagpur agreement, Maharashtra is facing a problem of regional imbalance. Thus there is a backlog in Vidarbha's development, compounded by farmers' suicides, Naxalite movement, and environmental degradation. Vidarbha is also

facing a problem of reduction of one Lok Sabha and four Vidhan Sabha seats due to reduction in population caused by migration of people in search of jobs elsewhere thus reducing people's representation in Government. This development backlog will never be cleared considering the deteriorating financial situation of Maharashtra state. In the light of the fact that there is overwhelming public demand and the reports of various Committees/ Commissions confirming Vidarbha's capability to become an economically sound state due to the availability of rich natural resources, the 12th National Conference of Shetkari Sanghatana supports the demand for a separate state of Vidarbha.

### **Food Security and Land Reform Laws**

- \* Shetkari Sanghatana demands the repeal of the Food Security Act which will be a disaster for the agricultural profession. Besides many ill-effects of the law, price collapse for agricultural commodities in the open market leading to change of crop pattern will ultimately result in reduction of food crops and will place a burden on the public exchequer.
- \* Shetkari Sanghatana strongly records its protest against the recommendation of the National Land Reforms Committee constituted by the Central Government which suggested that the land ceiling for non-irrigated land should be brought down from the present 54 acres to 15 acres. In case of irrigated land, it recommends that the ceiling be brought down to 10 acres from the present 36 acres (in case of one crop), 25 acres (in case of two crops), and 18 acres (in case of three crops). The Committee also recommended that the exemptions given to religious, educational, charitable, research and industrial organization as well as plantation and aqua farms should be discontinued. These institutions should not be allowed to use more than 1 unit of 15 acres. Shetkari Sanghatana demands that these recommendations be rejected by the Central Government forthright and the state governments also be directed to reject these recommendations.



## Freedom to Use Technology

This 12th Conference of the Shetkari Sanghatana

- \* Recognizes the responsibility of agriculture in meeting the increasing demand for agricultural products, for food, fuel, fodder, industrial feed and pharmaceuticals even as there is a decrease in arable land due to urban growth, roads, public utility projects, mining and erosion; increasing labour wages and prices of agro inputs leading to increasing losses in agriculture;
- \* Recognizes the need for the rational use of water, fertilizers, pesticides and other agrochemicals
- \* Stresses the necessity of using all available technologies in agriculture to be able to survive such adversities, effect improvement in productivity in agriculture to sustain and improve employment and purchasing power in rural India;
- \* Considers agricultural technologies, particularly biotechnology and recombinant DNA technology, as inseparable components for the rural and agricultural economic reconstruction of India;
- \* Recognizes the necessity of conserving farmers' freedom to use genetic engineering, biotechnology and all such technologies in agriculture;
- \* Remembers the glorious battle of seven long years from 1999 to 2006 fought by farmers under the leadership of the Shetkari Sanghatana for the use of BT technology in cotton;
- \* Decries the various restrictions, controls, bureaucratic methods and delays by the government that continue to block the adoption and use of these technologies under the excuse of extremely exaggerated fear about safety of the GMO crops and products;
- \* Notes with satisfaction the advancement made by the new recombinant technology developing weedicides as also more sophisticated varieties of pest-resistant, drought-resistant, salinity-resistant as also vitamin enriched seeds;
- \* Also notes with concern the fact that technology is increasingly complex and expensive and is going beyond the understanding of the bureaucrats, and further notes that the NGOs' attack on the new technology is becoming increasingly fierce and that the so-called scientific laboratories as also a part of the Judiciary has come to help these NGOs and recognizes the need for the strong political representation for the farmers both at the state and Central levels;
- \* Further recognizing the increasing complexity of both

the pesticides and the seed industries, the Sanghatana demands that their increasingly complex character be understood by the politicians and in view of this, decides to strengthen the political front of the SS at least to a point where the Swatantra Bharat Paksha becomes a recognized political party. This recognition requires at least two members in the Lok Sabha;

## Issues Relating to Women and Women's Security

- \* This conference expresses deep disappointment with the non implementation of various resolutions passed at the Chandwad (1986), Amravati (1989), and Raveri (2001) sessions of the Shetkari Mahila Aghadi.
- \* The conference acknowledges that the problems relating to drinking water, toilets, health and education still persist and therefore emphasizes the need for conducting programmes in the villages to sensitize people about these issues. The conference expects the women who are elected on the Local Bodies to give priority to these problems.
- \* The problem of women's security has become a serious issue. The various laws and legislations are ineffective in curbing the incidences of sexual assaults and other crimes against the women. To make the women self reliant and fearless, this conference expresses the need for imparting training in self defense techniques like Judo and Karate.
- \* To preserve women's respect and honour, the conference gives importance to family ties not just among the immediate/near relations but emphasizes revival of distant relations and harmony amongst the people in the society.
- \* Technology has solved many problems of women and has made their life easier. Therefore this conference extends full support to various research activities carried out in the country as well as outside the country. It demands freedom of access to technology and there should be no barrier on its usage.
- \* Taking into consideration the complexity created by the present laws relating property rights of women, there is a need to review the laws concerning women's property rights.

**Based on the Report in the *Shetkari Sanghatak*, the fortnightly journal of the Shetkari Sanghatana. Summary and English translation by Supriya Panse.**

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***You can't leave a footprint that lasts if you're always walking on tiptoe.***

Marion C. Blakey, *Reader's Digest*, January 2008

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## **Manmohan Singh and India's Foreign Policy, 2004-2014**

### **A Performance Review**

**B. Ramesh Babu**

*Foreign policy is conditioned by the domestic support it is able to win and sustain, and not by personal equations with foreign leaders. The Prime Minister seems to have missed the import of this fundamental reality in his stewardship of the nation's foreign policy.*

As the Sonia-Singh rule of the country draws to its end, it is time to assess the performance of the UPA-I and UPA-II Governments at home and abroad. At the outset, it is fair to say that the popular perception of the duopoly is worse than the actual record of the decade under review. Economic slowdown, inflation, jobless growth, scandals by the dozen, failure to curb corruption, policy paralysis, vote bank politics, ineptitude, etc. have been the commonly used adjectives to describe the working of the Government at the Centre, more so during the UPA-II rule. While it is difficult to apportion the blame between the centre of power without responsibility (Sonia) and the holder of authority without power (Manmohan Singh), it is the latter that cuts a sorry figure at home. However, the Prime Minister enjoyed a relatively more free hand in his stewardship of the country's foreign policy, which is the focus of this interim analysis.

At the very outset it must be stated that Manmohan Singh's innings in external affairs compares favourably with that of Jawaharlal Nehru and Indira Gandhi in longevity and also in importance to the country. According to one estimate, Singh had spent about one-tenth of his near ten years in office abroad; travelled over one million kilometers; and made 72 official visits all over the world so far. It is interesting to note that the top leaders of most countries succumb to the lure of foreign horizons when things get tough at home. Very recently our PM said that he hopes to visit Pakistan before he leaves office. A few months are left before he hands over the baton to his successor and Singh's dream may still come true!

Before going to specifics, it may not be out of place to offer a general observation regarding the Manmohan Singh era abroad. Foreign policy is conditioned by the domestic support it is able to win and sustain, and not

by personal equations with foreign leaders. The Prime Minister seems to have missed the import of this fundamental reality in his stewardship of the nation's foreign policy. This dimension became evident in his third (and probably last) press conference held in New Delhi on January 3, 2014. He rightly claimed that the US-India Nuclear Deal was the most notable achievement of his tenure as the PM. Though much of the ground work was done earlier under the NDA government, former President Bush and Manmohan Singh deserve high praise in this context.<sup>1</sup> They successfully managed the long drawn and tortuous task of getting the Deal through the formidable political jungles at home in the two vociferous democracies and the international institutional barriers (IAEA and NSG). When years of persuading and cajoling the Left parties to accept the DEAL as the best possible deal under the circumstances, he put his Government on the block and prevailed in the end. The "notes for votes" spectacle in the floor of the Lok Sabha before winning the vote of confidence is a sordid story, which need not be told here!

But, the Nuclear Liability Law passed by Parliament subsequently undid everything. Manmohan Singh could not stop it or get it diluted enough to make it attractive to the nuclear reactor industry in America and other countries (including France and Russia). The whole country was not willing to compromise on the issue of the security and welfare of the people. The immense tragedy of Bhopal was on their minds. Irrespective of the merits of the Liability Law, the fact remains that the PM failed to win the critically needed "domestic support" for his most coveted achievement in external affairs. Some leaders from his own party were not very supportive of dilution of the Law, it must be added.

Similar deficiency of over emphasis on personal equation skewed the PM's handling of the country's relations with Pakistan. In fact such an approach was made worse by his keen desire to visit the country of his birth, which was revealed once again during the press conference of third January. He said: "I would like to go to Pakistan [as] I was born in a village which is now part of Pakistan...

<sup>1</sup> Those interested in understanding the intricacies of the Nuclear Deal may refer to the special issue the author brought out after holding a national seminar on the subject. "India-US Nuclear Deal: Hurdle or Gateway?", *ICFAI Journal of Governance and Public Policy*, Vol.2 No.1 (March 2007).

I have still not given up hopes of going to Pakistan before I leave office.” This kind of misplaced sentimentalism influenced his approach to Pakistan more than once. During his election campaign, Nawaz Sharif reiterated the vital need for peace and good relations with India. Soon after winning the elections he declared that he would go to India in search of peace even if he is not invited! He invited Manmohan Singh to come over and grace his swearing-in ceremony! Our PM was more than inclined to go. But, as the Head of the Government, he could not pack his bags and go off to Pakistan just like that! However, soon afterwards he insisted on meeting Nawaz Sharif on the sidelines of the UN General Assembly session. Popular opinion in the country, all political parties, and top officials of the MEA were against it. Such Summit meetings were bound to fail unless there is an agreed agenda and a lot of advance work is done on the specifics of the issues to be addressed, it was pointed out. But the PM insisted on meeting his counterpart in New York and he had his way.

Then at the meeting he was vehement in condemning Pakistan for failing to fulfill its commitment to apprehend the culprits of the Mumbai carnage. Later Manmohan Singh went on to meet President Obama and complained against Pakistani terrorism and so on. Soon after that Nawaz Sharif made fun of the PM by comparing his entreaties to that of “a village woman baring her woes to all and sundry!” Naturally, this was stoutly and officially denied immediately. Our PM did not come off well at this round of dealing with Pakistan. He should not have met Nawaz Sharif in such haste!

Manmohan Singh made a more serious mistake on an earlier encounter with Pakistan. At the meeting in Egypt he was cornered into agreeing to a review of Indian “activities” in Baluchistan. Pakistan had been accusing India of extending clandestine support to Baluchi disaffection against Islamabad. Since we have nothing to hide, our PM naively thought that there was nothing wrong

if somebody wants to look into the matter. He had to face a lot of flak at home after his return from the failed Summit.

The January 3rd press conference is noteworthy for another significant revelation regarding the Kashmir issue. Manmohan Singh publicly acknowledged that “at one time it appeared that an important breakthrough was in sight. However, in Pakistan General Musharraf had to make way for a different set of [leaders]. I think that led to the process not moving properly.” This story of the missed opportunity on Kashmir during the Musharraf regime had been making the rounds for a long while. However, till date, neither the contours of what was agreed nor the constituents of the alleged ‘magic’ solution to the long festering Kashmir issue are in the public domain. Naturally, people and parties are insisting that they have a right to know the details. But, it is not wise to reveal the contents of diplomatic negotiations that ended unsuccessfully. That would lead to a lot of posturing by all concerned, which would jeopardize the chances of agreement in the future.

Fortunately, missed opportunities and overemphasis on perceived personal equations did not figure prominently in most other foreign policy initiatives of Manmohan Singh in dealing with bilateral relations with other countries, global challenges, the UN reforms, and regional international organizations, etc. These and other relevant issues will be discussed in the next article in the of light India’s foreign policy goals and guiding principles as the PM elaborated in his address to the Annual Conclave of Indian Ambassadors/High Commissioners abroad in New Delhi early in November last year.

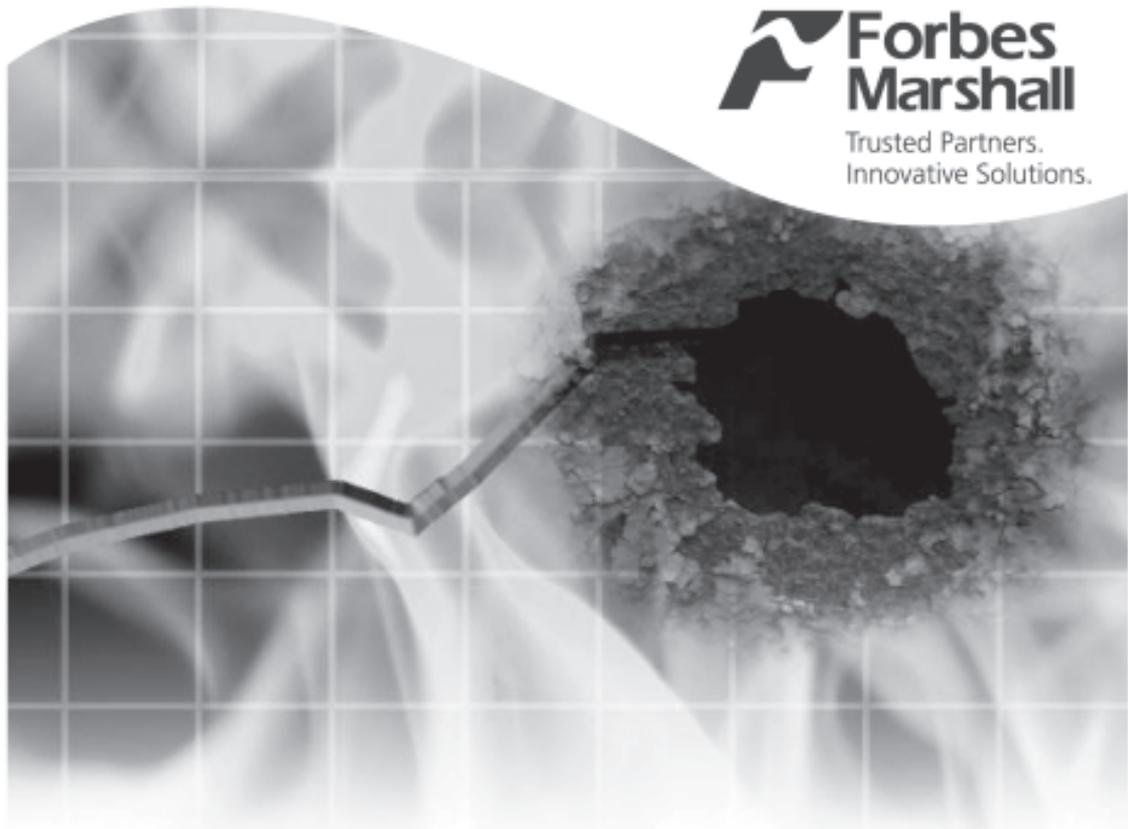
**DR. RAMESH BABU is a specialist in International Relations, American Politics and Foreign Policy. He is a Visiting Professor at the University of Hyderabad, 2013-2014. Formerly he was the Sir Pheroze Shah Mehta Professor of Civics and Politics, University of Mumbai. Email: brameshbabu08@gmail.com.**

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## Funny How Things Go

India has launched a mission to Mars, a technological feat successfully achieved only by NASA, the Russians, and a joint European space program (British, Chinese, and Japanese attempts all failed) India’s effort was met at home with some of the same complaints that NASA faces from critics: The mission is a symbolic showpiece without practical value, some critics said, while others complained about the expense...If India is successful in its Mars mission, it will have accomplished at a cost of \$73 million what the United States had to spend \$671 million to pull off, establishing itself as a credible leader in low cost but highly sophisticated space operations. As late as the 1970s, famine prevention was the commanding issue of the day in India’s public life, and today it is debating interplanetary flight. In the 1950s, the idea that we’d be exploring Mars in the 21st century seemed like an inevitability – but if you’d said that India would be exploring Mars, it would have sounded wildly implausible. Funny how things go.

*National Review, New York. November 25, 2013*



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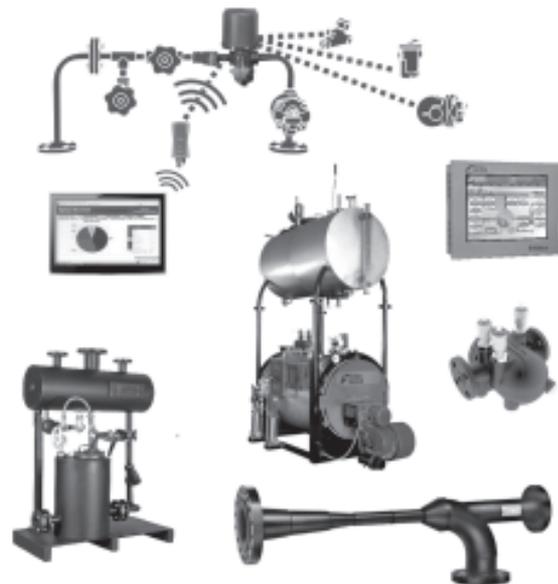
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## Alexander's Failed Invasion of India (Part II)

*(Part I appeared in Freedom First No.559, page 40)*

In part I, we referred to Marshal Zukov's address to the cadets of the Indian Military Academy. We continue where we left off : The Faceoff at the river Jhelum where took place the battle of Hydaspes between the armies of Alexander and King Porus of Paurava

In May 326 BCE, the European and Paurava armies faced each other across the banks of the Jhelum. By all accounts it was an awe-inspiring spectacle. The 34,000 Macedonian infantry and 7000 Greek cavalry were bolstered by the Indian King Ambhi, who was Porus's rival. Ambhi was the ruler of the neighbouring kingdom of Taxila and had offered to help Alexander on condition he would be given Porus's kingdom.

Facing this tumultuous force led by the genius of Alexander was the Paurava army of 20,000 infantry, 2000 cavalry and 200 war elephants. Being a comparatively small kingdom by Indian standards, Paurava couldn't have maintained such a large standing army, so it's likely many of its defenders were hastily armed civilians. Also, the Greeks habitually exaggerated enemy strength.

According to Greek sources, for several days the armies eyeballed each other across the river. The Greek-Macedonian force after having lost several thousand soldiers fighting the Indian mountain cities, were terrified at the prospect of fighting the fierce Paurava army. They had heard about the havoc Indian war elephants created among enemy ranks. The modern equivalent of battle tanks, the elephants also scared the wits out of the horses in the Greek cavalry.

Another terrible weapon in the Indians' armoury was the two-meter bow. As tall as a man it could launch massive arrows able to transfix more than one enemy soldier.

### **Indians strike**

The battle was savagely fought. As the volleys of heavy arrows from the long Indian bows scythed into the enemy's formations, the first wave of war elephants waded into the Macedonian phalanx that was bristling with 17-foot long sarissas. Some of the animals got impaled in the process. Then a second wave of these mighty beasts rushed into the gap created by the first, either trampling the Macedonian soldiers or grabbing them by their trunks and presenting them up for the mounted Indian soldiers to cut or spear them. It was a nightmarish scenario for the invaders. As the terrified Macedonians pushed back, the Indian infantry charged into the gap.

In the first charge, by the Indians, Porus's brother Amar killed Alexander's favourite horse Bucephalus,

forcing Alexander to dismount. This was a big deal. In battles outside India the elite Macedonian bodyguards had not allowed a single enemy soldier to deliver so much as a scratch on their king's body, let alone slay his mount. Yet in this battle Indian troops not only broke into Alexander's inner cordon, they also killed Nicaea, one of his leading commanders.

According to the Roman historian Marcus Justinus, Porus challenged Alexander, who charged him on horseback. In the ensuing duel, Alexander fell off his horse and was at the mercy of the Indian king's spear. But Porus dithered for a second and Alexander's bodyguards rushed in to save their king.

Plutarch, the Greek historian and biographer, says there seems to have been nothing wrong with Indian morale. Despite initial setbacks, when their vaunted chariots got stuck in the mud, Porus's army "rallied and kept resisting the Macedonians with unsurpassable bravery".

### **Macedonians: Shaken, not stirred**

Although the Greeks claim victory, the fanatical resistance put up by the Indian soldiers and ordinary people everywhere had shaken the nerves of Alexander's army to the core. They refused to move further east. Nothing Alexander could say or do would spur his men to continue eastward. The army was close to mutiny.

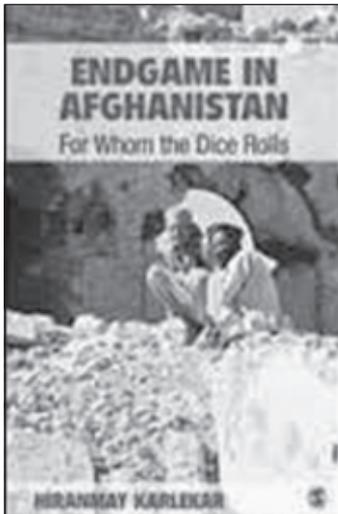
Says Plutarch: "The combat with Porus took the edge off the Macedonians' courage, and stayed their further progress into India. For having found it hard enough to defeat an enemy who brought but 20,000 foot and 2000 horse into the field, they thought they had reason to oppose Alexander's design of leading them on to pass the Ganges, on the further side of which was covered with multitudes of enemies."

The Greek historian says after the battle with the Pauravas, the badly bruised and rattled Macedonians panicked when they received information further from Punjab "where the inhabitants were skilled in agriculture, where there were elephants in yet greater abundance and men were superior in stature and courage".

Indeed, on the other side of the Ganges was the mighty kingdom of Magadh, ruled by the wily Nandas, who commanded one of the most powerful and largest standing armies in the world. According to Plutarch, the courage of the Macedonians evaporated when they came to know the Nandas "were awaiting them with 200,000 infantry, 80,000 cavalry, 8000 war chariots and 6000 fighting elephants". Undoubtedly, Alexander's army would have walked into a slaughterhouse.

*(To be continued)*

# BOOK REVIEW



**END GAME IN AFGHANISTAN** by Hiranmay Karlekar • Published by Sage Publications India, New Delhi • 2012 • Pages 353 • Rs.495

Reviewed by Brig. Suresh Sharma (Retd.), adviser to the telecom industry, freelance writer, and member of the Advisory Board of *Freedom First*. Email: [brigscs@gmail.com](mailto:brigscs@gmail.com).

The book examines the likely developments in Afghanistan after the withdrawal of the US and NATO troops in 2014. The US and Northern Alliance comprising 60,000 Afghans and 15,000 foreigners succeeded in defeating the Taliban at

a cost of one US and several Northern Alliance soldiers. Taliban has suffered a strategic defeat but only temporarily. The West is interested in bringing oil from Central Asia and exploiting one trillion dollars worth of minerals. Afghanistan would be rich and requires peace for development. Taliban's objectives are to end US hegemony, subjugate the West and establish a Caliphate.

The Taliban reject the values, social and political structure associated with modernity. On capturing Kabul on 26 September 1994, they imposed a virtual gender apartheid. Women constituted 70% of all teachers, 50% of civil servants and 40% of doctors. After the Taliban takeover, they were begging to feed the children. Weddings in Kabul used to be accompanied by music and dance. All this disappeared during Taliban rule. This is a repetition of what happened when Turks and Central Asians were converted to Islam. They practiced a violent and intolerant form of Islam.

Efforts are being made to win over the 'good' Taliban to make the task of peace keeping feasible after the departure of NATO troops. Pakistan's ISI has encouraged this approach but has not been able to identify any 'good' Taliban. A conference was held in London on 18 June 2011 with representatives of 'good Taliban'. It is believed that only 1% of the people in the Taliban cadres are hard core. President Karzai held a three day jirga on 3 June 2010 for reconciliation with the extremists. The author believes that groups like Hikmatyar and Haqqani will not give up violent methods. The USA is aware that Pakistan is supporting terror groups but needs Pakistan's support. Pakistan too cannot oppose the USA for long as it is dependent on it for economic survival.

There are quite a few analysts who predict that the USA cannot win this war and will have to retreat just like the Russians. Referring to a book, 'The Bear Trap', by Brigadier Yousuf of the Pakistan Army, the author cites that the cause of Russian defeat was their strategy to occupy towns and roads and not fanning out to the countryside. Yousuf has missed the point that Soviet strategy was to hold towns and roads and leave the task of dominating the countryside to the Afghan Army. They had plans to train and equip four Afghan divisions. Two factors brought about Soviet failure. Firstly, the downturn in the Russian economy did not permit military aid to the newly raised Afghan divisions. Secondly, supply of a large number of Stinger missiles by the Americans to the Taliban neutralized the tactical advantage of Russian gun helicopters.

Initially, USA had plans only to harass the Russians and not oust them. Zia too had given instructions to keep the pot boiling. He had apprehensions that a strong nationalist Afghan government may question the legality of the Durand Line. As an opportunity occurred for a Russian retreat, the goal of the USA and Pakistan enlarged.

The collateral damage on civilians caused by the Drone attacks on the Taliban has led to a loss of goodwill for the West and a corresponding gain for the Taliban. The two major problems for the USA are the duplicity of Pakistan and corruption in the Afghan Government. The key to success lies in the ability of the Afghan Army which has proved its competence in the recent Taliban attacks.

The US belief that Taliban are not capable of carrying out attacks in their country may not hold. They can and will use grass-root extremists already in USA. The liberal laws of the West are a boon to them. Pakistan has been applying for US aid since its birth. Jinnah had realized the need for a big power as a friend and had asked for aid of USD 2 billion which was ignored. Pakistan did not give up. Ayesha Jalal reveals that the Pakistan Intelligence Agency fabricated reports of activity by the fledgling communist party in order to gain US sympathy. Pakistan managed to get massive aid by signing a mutual defence agreement on 19 May 1954. USA was not able to

restrain Pakistan from using this equipment against India. Russian entry into Afghanistan brought the Americans closer. So important was Pakistan's contribution towards jihad in Afghanistan that the USA ignored their nuclear programme and diversion of resources for jihad in Kashmir and help Sikh terror groups

On 21 November 1979, a mob attacked the US Embassy in Islamabad under the belief that USA was behind the attack on the Mecca Mosque. The security services of Pakistan did not respond, yet USA thanked Pakistan for its help. It shows how dependent USA was on Pakistan for the former's Afghan operations. Pakistan's policy has been consistent – extract as much aid as possible, sponsor terror acts against India and support the Taliban. This support for Taliban continued even after the USA and Northern Alliance were at war with the Taliban.

Pakistan had to mount a major operation to establish the rule of law in the Swat Valley. Pakistan is now paying the price for once harbouring and assisting the terror groups who have no qualms of hitting out at those who support them. Pakistan's inability to combat terror has been rightly attributed to their plan to keep the Afghan Taliban intact for strategic depth. It is no secret that fundamentalists have penetrated the army and police which is clear from the militants' attack on Musharraf and defence establishments.

USA has been exploring alternate routes for supplies to Afghanistan. Russia has agreed to the use of their air space and rail network. USA has negotiated arrangements with Central Asian countries for supplies to Afghanistan. Currently 70% of the cargo is transported through this route; the only limitation is that it is open only for non-lethal material. Putin had proposed cooperation with USA against Taliban. USA did not respond since cooperation with Pakistan was more important. An understanding with Russia and Central Asian countries could be the alternate plan to ignore or get tough with Pakistan. The author has investigated this scenario.

The revised strategy of the USA for counter-terrorism does not aim at holding territory but instead works on intelligence driven attacks. The US interests in Asia Pacific may detract from the war on Al Qaeda which has a strong base in Pakistan, North Africa and Yemen. US aid to Yemen has shown some results. It would be a mistake for the USA to ignore threats from Al Qaeda which is acquiring a wider reach.

The book gives a clear narration of the rise of terror groups and progress by US troops. According to press reports, there is a move for an India-China meeting on Afghanistan. Both the countries have made large investments in Afghanistan and are interested in peace there. The two great powers of Asia working together can ensure a conflict-free zone for development. It is difficult to predict the future as there are too many imponderables.

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and the services of teachers terminated. This decision is too mild, perhaps because a large number of these schools are run by politicians. The correct course should be to charge them for fraud.

### **Education Bureaucracy**

The rules and clarifications on various issues were received after admissions had been completed. The authorities in some states insisted on cancelling the admissions and abide by the new rules. This was unfair to children and their parents were at a loss. If the number of seats is less than the number of applicants, allotment is to be made by lottery and not merit. This is unfair.

Schools have to raise funds for various activities and facilities. The Government officers interfere in levying fees for genuine activities. For example in 2012, the Director Education directed a school in Mizoram to refund Rs 1.43 crore collected from 2001 to 2009. He also directed the school to construct toilets on the first and second floors of the school building. According to the school authorities, series of complaints were made by the parents of a child who had failed. The education inspector unjustly referred the matter to the Economic Offences Wing who absolved the school authorities of any fraud. The Director Education did not give up and issued refund orders. The school had to get these orders cancelled by the Court which described it as a “most curious case.” The education bureaucracy which has failed to organize good universal education is being made responsible for administering the ambitious RTE

scheme. We need to change the mind set of the bureaucrats that the “permit raj” is a thing of the past.

### **Compulsory Attendance**

The RTE Act has provision for compulsory attendance in schools. It is mentioned in one of the duties of the management committees to ensure that all children attend schools regularly. There is no direction as to how they can ensure this. Some children cannot attend due to family circumstances, lack of schools in the neighbourhood or lack of interest in studies. Parents will likely cover up for their children when they want to stay home and play video games or perhaps they are are compelled to stay home to be used for childcare. Sometimes parents feel they have no control over their children and allow them to make their own choices.

Schools receive funding per student and as the counts decrease because of absence of students, the budget decreases handicapping the schools’ ability to maintain staffing levels, update technology and textbooks. In Singapore and USA, children and parents can be fined or even imprisoned for continued absence of children from the school. There is no legal provision in India for such measures which is good. To begin with let us provide good education to all those kids who want to attend schools. Compulsory education can follow.

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## ***The Arushi-Hemraj Double Murder Case***

### **Being the Honour of the Family: A Matter of Pride or Burden?**

**Rupali Tyagi**

**T**he verdict in the Arushi-Hemraj double murder case attracted its own share of controversies. Rajesh and Nupur Talwar were convicted primarily on the basis of the “last seen theory” and the investigating agencies say the crime was committed in a fit of rage, when the Talwar couple found their 14 year old daughter, Arushi Talwar in a compromising position with their house-help Hemraj.

Although no strong evidence of this theory has been made public, as of now, let us assume that this is the truth. Under such situations, this conviction raises another set of questions on the way we raise our girls

and the perception we have of their individuality.

Even if Arushi, a 14 year old teenager, was found physically close to Hemraj, was “killing” her the only option? Why was it so tough for the Talwar couple to consider the situation at hand as an act of immaturity on the part of the teenager and hence, forgive and to explain her? And a very important question:

*“Had the Talwar couple reacted in the same fashion if instead of Arushi and Hemraj, it was their ‘son’ who was found in a compromising position with a female house-help?”*

The most probable answer to the above question is a “NO”. In that case, most likely, Rajesh Talwar would have supported and tried to save his son, while putting the entire blame on the female involved.

Why this discrimination? Just because Arushi was a girl, or rather, the “honour” of the family! What kind of “honour” is it? The one that isolates a teenager from the human tendency to learn from mistakes! And why, because of her gender?

At the time of the crime, Arushi was 14 years old, a teenager at the onset of her puberty and a girl at a sensitive emotional stage. She was as vulnerable to hormonal changes as boys her age. She was also equally vulnerable to making mistakes in the flow of peer pressure or emotional and sexual excitement. Something that is very common with “boys and girls” of that age.

What was needed was an open communication between Arushi and her parents, instead she was “killed” by her own parents, because being a girl, she was probably considered the “possession” of her father and the “honour” of the family, and in the opinion of her family, she “disgraced” them.

At the ground level, looking at various aspects, in my opinion, this is also a form of “honour killing”. Arushi was found close to Hemraj, but did anyone ever try to probe the reason for it? Maybe she was a lonely teenager whose doctor parents never had time to have a “talk” with her. The case also brings up the deadly consequences of lack of communication between parents and children, especially teenagers.

And, as I conclude, I would again like to emphasize on the “Honour” aspect. Traditionally, Women/Girls have been considered the honour of the family, which should ideally be a matter of pride, but with such incidents, being the “honour of the family” is now maybe a matter of burden. Do we, as girls and women of this country, desire to have “such kind” of honour? The one that deprives us from learning from our mistakes and might eventually cost us our lives!

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## Shoddy Probe, Flawed Verdict?

**Advaita Lonkar**

Judgement is prejudice made plausible. Gurudarshan Singh, the then IG (Inspector General), Meerut would have had the last laugh. He had caused public furore in May 2008 by arresting Dr. Rajesh Talwar for the murder of his 13 year old daughter Aarushi and 45 year old domestic help Hemraj and announcing he did it in anger on finding his daughter and the help in a compromising position – the “honour killing theory”. What was then seen as crude innuendo has now received legitimacy – the CBI special court in Ghaziabad has convicted Talwar and his wife Nupur, also a dentist like him.

The court said there was a “clinching wealth of circumstance” to prove the Talwars guilty. The judgement has raised eyebrows and will be challenged. Two teams of CBI have been working on this case since 2008. The second has followed a different line of investigation; one that lead to the guilt of Aarushi’s parents. But through the testimony of the witnesses, the second team has also

questioned the integrity of its predecessor. K KGautam, a retired UP police officer took this stand as a prosecution witness in the Aarushi-Hemraj double murder trial. He told the court that “the first CBI team attributed to him crucial things he did not say. It also left out vital information that he had provided.”

K. K. Gautam came into the picture, according to the statement he gave on May 17, 2008. He was instrumental in discovery of Hemraj’s body on the roof of Dr. Rajesh & Nupur Talwar’s Noida flat. This statement was recorded by the first team of the CBI, led by the Joint Director Arun Kumar; which had taken over the investigation within weeks of the murders. Here lies of our first major hook.

In 2008, out of the total 32,481 murder cases that were reported to have happened in the nation, 5480 or 10% of the total murders occurred in Uttar Pradesh. In a

state having one of the highest murder rates in the country, how does a simple as ABC, bourgeois case succeed in grasping the attention of the then Chief Minister so much so that the case is over-diligently transferred to the CBI within 15 days of perpetration of the crime. Was the UP government the adversary in this case? Or was it a run-of-the-mill case which was made bizarre by the media trial?

The first team led by Arun Kumar had claimed that it was close to cracking the case – it was working on the involvement of the other Nepali servants from the neighbourhood who knew Hemraj. But in September 2009, after 1 year 3 months of the crime, Kumar’s team was replaced by one led by Superintendent of Police (SP) Nilabh Kishore, reportedly because evidence had been tampered with.

The case turned with this change and so did many witnesses, including the former UP cop K. K. Gautam. Gautam’s statement to the first team of the CBI has him finding out about the murders on May 17th and also that he did not know the Talwar couple before the incident. But his eye doctor, a friend of Rajesh’s brother Dinesh – insisted that he visits the flat again. There he notices, with his policeman’s eye, depressions on Hemraj’s bed that suggest three people had been seated on it. That there are three glasses on the floor, and the servant’s bathroom is dirty, as if several people have used it and haven’t flushed.

In 2009, Gautam is summoned by the CBI team once again. This time, AGL Kaul, the new IO (Investigating Officer) in the case records a further statement. Gautam now says that he disinterred that Aarushi had been murdered on May 16th and not 17th as he had ascertained earlier. His eye doctor, Sushil Chaudhary had called him and asked if he could use his influence to get the word “rape” left out of the post-mortem reports of Aarushi. Gautam proclaimed the trial court that he told the first team of CBI all of this, but did not know why it wasn’t recorded. He also said that the officer recording his first statement included several things he did not say, the depressions on Hemraj’s bed, for instance. Here lies our second major hook.

There have been radical discrepancies between the statements given by K. K. Gautam to the two respective investigative teams of CBI. The CBI court should have looked into this inconsistency. How can a police officer investigating the case prima-facie distort his statement regarding the “time of death” of the victim? Moreover there was no further inquiry about the three people who were

present in Hemraj’s bedroom on the day of perpetration of crime.

What Gautam effectively told the court was that, a CBI officer from the first team distorted several things he said, added things he did not say and produced a statement that suited the line of investigation at the time.

A couple of questions remain though – Gautam says he read his earlier statement again as he gave his second, and wished to clarify “some points”. In it, he does not mention that there were fabrications or embellishments by the CBI officer recording his first statement. In court, however, he accused the man from the first team of the CBI of doing exactly the same things. Ask anyone in the CBI’s current team about what they think of the first, and they always say – and never with slightest irony – “They did a wonderful job.” Was K. K. Gautam lying about the man in the first CBI team? Are the two teams of the CBI covering up for each other? And most importantly, what about the eye doctor, Sushil Chaudhary who is also evidently under suspicion. What was the motive of K. K. Gautam in distorting his own statement before the second CBI team? Was he lying then or is he lying now? The CBI trial would definitely be looked upon as unfair by many; until and unless these questions go unanswered. These very many unanswered questions have predominantly enhanced the complexity of this case.

This case definitely has been an appalling crime of horror which has raised the eyebrows of the entire nation. All said and done, whether the trial is fair or unfair? Ex-facie it is fair because we live in a democracy and in accordance with the principles of criminal jurisprudence every accused is innocent until guilt is established beyond any reasonable doubt. But whether the judgement is fair? Let us cross our fingers. Wait and watch.

**Advaita Lonkar**  
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Inder Malhotra reports (*The Indian Express*, November 21, 2013) that C. V. Raman who was among the first four to receive the Bharat Ratna in 1954, and also honoured as National Professor, received a letter from a deputy secretary (Education) a year later, asking him to submit a report on the work done by him as national professor.

Raman took a hammer and a chisel and broke the Bharat Ratna to pieces. He wrapped these pieces in the Dy. Secretary’s letter and sent it to Nehru.

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## Arushi Case Judgement: How Fair?

Shweta Chaurasia, Durba Das

**D**entist couple Rajesh and Nupur Talwar were held guilty of killing their 14 years daughter Arushi and domestic helper Hemraj and delivered life imprisonment on 26th November 2013. It was a double murder which transfixed the country when it was committed five and a half years back in 2008. This had bewildered and foxed the investigations and has been referred to as a case of honour killing.

Many also wonder how special CBI judge Shyam Lal convicted Rajesh and Nupur Talwar for the murders of their daughter Arushi and domestic help Hemraj in the absence of any eye-witnesses. The special judge based the couple's conviction on twenty-six circumstantial evidences that point to their guilt, saying that "Law gives direction to the court to presume the existence of any fact which it thinks likely to have happened. According to section 114 'The court may presume the existence of any fact which it thinks likely to have happened regarding the common course of natural events, through human conduct of public and private business...'. However, the court used section 106 to believe that when the accused does not throw any light upon facts within his knowledge the court can deduce an explanation to consider the accused guilty. If there were four people in the house and two of them were found dead and in the absence of any other evidence that suggested entry of any outsider, the court in this case decided against the couple.

There were a number of faults in the probes conducted. Firstly it needs to be noted that the Noida Police did not cordon off the crime scene on the day of

the crime which took place on the night of May 16-17th 2008. Secondly no Dog Squad was called when the bodies of Arushi and Hemraj were discovered on May 16-17th. Thirdly, on May 16th policemen noticed that the lock on the terrace door had blood stains on it. For what of a key the door was not forced open. However, if the police had done so Hemraj's body would have been discovered the same day. Fourthly, on the terrace the water cooler panel which was used to hide the body of Hemraj was never seized for forensic examination. Fifthly, after Arushi's body was taken for cremation the flat was washed and cleaned in the presence of police personnel. Sixthly, for the site plan no draftsman was called to make a map drawn to scale to understand the actual happening of the event. Seventhly, the surgical scalpel of the Talwars was never recovered nor asked for by the investigating team. Eighthly, three glasses found in Hemraj's room with two liquor bottles, were not seized by Noida Police and finally, only four photographs of the crime scene on May 16th were produced in court.

Thus, there are many loopholes in accusing the Talwars and that justice may not have been done to the parents. However, the Talwars have decided to move the High Court at Allahabad and we hope to get to the bottom of the reality.

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### Middle Class a significant factor in 2014 Polls

If middle class means all persons from households with a monthly income between Rs.20, 000 -100,000 its size has grown from a paltry 25 million in 1996 to more than 160 million today...

The national elections of 2014 will be a litmus test for the middle class. Mere display of anger will give it a short term importance; different political parties will fuel this anger for partisan short term ends; they will play to the gallery of middle class angst in the hope that this is all that is needed to seduce this class.

But the middle class must understand that anger and alienation without deliberation and careful consideration of what needs to change and in what manner, will be exploited, subsumed, subverted or derailed. For the first time since 1947 the middle class is a player in national politics. The time has come for it to make its choices carefully.

**Pavan K. Varma, author, former diplomat and currently adviser to the Bihar chief minister.**

**Excerpted from his article in *The Times of India*, November 23, 2014.**

## Section 377 (IPC) is Unacceptable in a Democracy

**S**ection 377 of the Indian Penal Code (IPC) (Unnatural offences) Enacted by the British Colonial rulers in 1863 says:

“Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for term which may extend to ten years, and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section.”

The ambit of Section 377, which was devised to criminalize and prevent homosexual sex extends to any sexual union involving penile insertion. Thus, even consensual heterosexual acts such as *fellatio* and anal penetration may be punishable under this law.

The movement to repeal Section 377 was initiated by AIDS Bhedbhav Virodhi Andolan in 1991. It was revived in the next decade, by the Naz Foundation (India) Trust, an activist group, which filed a public interest litigation in the Delhi High Court in 2001, seeking legalisation of homosexual intercourse between consenting adults. In 2003, the Delhi High Court refused to consider a petition regarding the legality of the law, saying that the petitioners, had no *locus standi* in the matter. Since nobody had been prosecuted in the recent past under this section it seemed unlikely that the section would be struck down as illegal by the Delhi High Court in the absence of a petitioner with standing. Naz Foundation appealed to the Supreme Court against the decision of the High Court to dismiss the petition on technical grounds. The Supreme Court decided that Naz Foundation had the standing to file a PIL in this case and sent the case back to the Delhi High Court to reconsider it on merit.

In May 2008, the case came up for hearing in the Delhi High Court. On 7 November 2008, the seven-year-old petition finished hearings. Eventually, in a historic judgement delivered on 2 July 2009, Delhi High Court overturned the 150 year old section legalising consensual homosexual activities between adults. The essence of the section goes against the fundamental right of human citizens, stated the high court while striking it down. In a 105-page judgement, a bench of Chief Justice Ajit Prakash Shah and Justice S. Muralidhar said that if not amended, section 377 of the IPC would violate Article 14 of the Indian

Constitution, which states that every citizen has equal opportunity of life and is equal before the law.

The court stated that the judgement would hold until Parliament chose to amend the law. However, the judgement kept intact the provisions of Section 377 insofar as it applies to non-consensual non-vaginal intercourse and intercourse with minors.

A batch of appeals were filed with the Supreme Court, challenging the Delhi High Court judgment. On 27 March 2012, the Supreme Court reserved verdict on these. After initially opposing the judgment, the Attorney General G. E. Vahanvati decided not to file any appeal against the Delhi High Court's verdict, stating, *inter alia* that this section was “imposed upon Indian society due to the moral views of the British rulers.”

On 11 December 2013, the Supreme Court of India ruled homosexuality to be a criminal offence setting aside the 2009 judgement given by the Delhi High Court. The bench of justices G. S. Singhvi and S. J. Mukhopadhaya however noted that the parliament should debate and decide on the matter. A bench of Justices G. S. Singhvi and S. J. Mukhopadhaya upheld the constitutional validity of Section 377 of the Indian Penal Code that makes anal sex a punishable offence. The central government has filed a review petition on 21 December 2013. In its review petition the Centre said: “The judgment ... is contrary to well-established principles of law laid down by the apex Court enunciating the width and ambit of Fundamental Rights under Articles 14, 15 and 21 of the Constitution.” The IPC, when enacted in 1860, was justified; but with the passage of time it had become arbitrary and unreasonable. Naz Foundation also filed a review petition against the Supreme Court order on Section 377.

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*(Based on material in Wikipedia)*

**The Indian Committee for Cultural Freedom agrees with the People's Union for Civil Liberties (PUCF) that the effect of the SC ruling has once again relegated LGBT persons to the status of 'second class citizens' because of their sexual orientation and reduced them to what the Delhi High Court evocatively referred to as "unapprehended felons". ICCF supports the demand for the repeal of section 377 IPC before this parliament is prorogued.**

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