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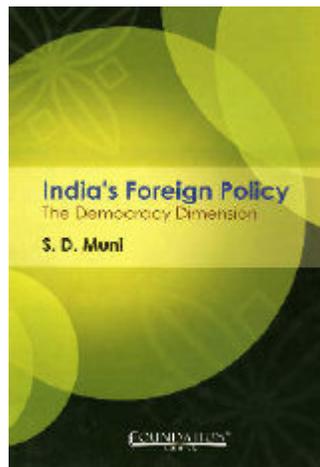
# **BOOK REVIEW**

## HINDU 16.2.10 BOOK REVIEW

### **Democracy and diplomacy**

A. MADHAVAN

A review of the phases where the democratic factor stood out as the leitmotif of India's foreign policy



**INDIA'S FOREIGN POLICY** — The Democracy Dimension: S. D. Muni; Foundation Books, 4381/4, Ansari Road, Daryaganj, New Delhi-110002. Rs. 495.

A country's foreign policy is determined by its basic interests as an entity in the international arena contending for a place in the sun. Foreign policy is often presented in terms of lofty values, which are however put behind whenever security imperatives acquire

overriding precedence. Security is a nation-state's core concern. It is sought to be achieved through alliances that may, sometimes, warrant compromises, apart of course through strengthening of defences to deter aggression. How far has the security factor influenced India's foreign policy in relation to its democratic advocacy and its interest in pluralistic, participative governments prevailing in and among the nations of the world?

S.D. Muni, a respected academic known for his expertise on India's relations with neighbours — particularly Nepal — with a diplomatic stint as Ambassador to Laos, examines this theme in the monograph under review.

### Low priority

Muni concedes that democratic norms are given a low weightage in the formulation of foreign policy. Yet “the democracy dimension,” as his nuanced and well-ordered analysis brings out, does have a salience in India's relations with its neighbours, besides enhancing its image as an Asian power with a global appeal. After outlining the theory behind democracy as an ideological undertow in diplomacy, he gives a historical review marking the phases where democratic preference stood out as the leitmotif of India's foreign policy. The section where he discusses democratic values, in different degrees, as the drivers of its relations with the neighbouring countries in changing contexts is perhaps the most valuable part of the book.

He marks out three phases in the evolution of Indian foreign policy. First, the Nehru years, during which the newly independent India backed the anti-colonial movement and avoided the two Cold War alignments. India's defence and security imperatives obliged it to conduct bilateral relations without overdoing the solidarity of democratic values. The country also distanced itself from the democratic zealotry of the West vis-a-vis the communist countries.

Secondly, the Indira Gandhi era that saw India “balancing democracy with strategic interests.” Its military intervention in the Bangladesh war of 1971 was a prime example of democratic preference segueing into strategic necessity.

In Muni’s words, “The democracy factor was compromised as and when it came in conflict with immediate security interests. And secondly, the democracy factor was vigorously pursued when it was seen to be conducive to the perceived security interest.”

### Strategic ally

In the third phase, beginning approximately from 2000, India is forging a “strategic partnership” with the United States, the democratic superpower. The common interest of the two countries in defeating international terrorism (despite the frustrations associated with fighting an intangible enemy) prompted the United Progressive Alliance government to sound the chord of democracy to harmonise the strategic potential of the relationship. But in the process it has produced some discordant notes. The broad consensus across the political spectrum that was built over foreign policy during the earlier phases has broken down on the strategic partnership with the U.S. The author pinpoints the differences between the U.S. and India in their approach to developments in Nepal and Myanmar. India never subscribed to the American agenda of “encouraging pro-American systems and regimes around Russia,” nor to the induced regime changes in West Asia. But India did sign up for the Community of Democracies when it was founded in Poland in June 2000. It also contributed \$10 million to the U.N. Democracy Fund in 2005.

Does “the democratic wave” in South Asia hold promise for warmer relations with our neighbours? When insecurity and distrust prevail, democracy can do little to aid diplomacy. The case studies of India’s

relations with neighbours, cited by the author, reveal the poor convergence between the democratic factor and strategic perceptions. The state-inspired cross-border terror attacks on Indian targets subvert all efforts at improving the Indo-Pakistan relations. There has been no change in this policy line even after the return of civilian rule in Pakistan. As for relations with Nepal, as Muni explains, India's record is inconsistent, with its interests coming under threat due to the growing Chinese influence and the spread of Maoist insurgency. In Myanmar, India has subordinated its sympathy for Aung San Suu Kyi's democracy movement to its perceived interest in wooing the military regime as a strategy for securing the northeastern border and offsetting Chinese domination of that country. Bangladesh now offers hope for improved bilateral ties under Sheikh Hasina's leadership, based on mutual trust, respect, and cooperation.

But for some annoying stylistic changes in printing and spelling errors — for instance, “Karan” for “Karen” and “statuesque” for “status quo” — the book is handsomely produced, with an index and footnoted references.

HINDU 16.2.10 BOOK REVIEW

## **Secularism & the role of the Supreme Court**

SHAIKH MUJIBUR REHMAN



**ARTICLES OF FAITH** — Religion, Secularism, and the Indian Supreme Court: Ronojoy Sen; Oxford University Press, YMCA Library Building, Jai Singh Road, New Delhi-110001. Rs. 675.

As the contemporary Indian political folklore suggests, secularism as state ideology has become contentious ever since Hindutva emerged as a major political plank. For the academia, the history of the contentious nature of this debate is somewhat older, and intriguing. What is, however, striking is that the political and academic streams of discourse have employed two different connotations of secularism. The political strand focussed on the fairness of the way the concept is applied in practice, with one section even accusing the state of being biased towards the minorities, particularly Muslims. On the other hand, the academic discourse stressed mostly on its genesis and on questions such as whether it is Western or Indian in origin. While both allude to the part the Supreme Court of India has been playing in this area, citing its

different verdicts wherever necessary, there has been no systematic research into its proactive role. This book fills this vacuum quite comfortably.

### On landmark cases

How the Supreme Court has been addressing the issues related to Hinduism and minority religions such as Islam is discussed extensively under different heads. In each chapter, considerable space is devoted to analysing the landmark cases that have a definitive bearing on Indian secularism. Among the significant points the author makes in his multi-layered argument is that the judicial verdicts are, in some measure, reflective of the dominant personalities of the court at a given time. In fact, the chapter titled, “Judging Religion: A Nehruvian In Court,” is entirely about P.B. Gajendragadkar, who served as the Chief Justice of India during the 1960s, and his was a dominant voice in matters of religion. Going by the manner in which the public debate and political campaign have proceeded in the area of secularism, there is a perception that the state’s relationship with minority religions, particularly Islam, needs to be grasped sensibly in order to make sense of its practices. In an attempt to depart from this dominant perception, the author devotes two chapters to discussing how the Supreme Court has been shaping the country’s political portrait and, in the process, created a lot of confusion about the connotations of ‘Hinduism’ and ‘Hindutva’. According to him, the confusion is partly due to the absence of Gandhian view of Hinduism in judicial discourse. He needs to have also noted that Hinduism in non-Hindutva sense is not completely compatible with the idea of tolerance. In fact, Dalit scholars such as Gopal Guru, Kancha Ilaiah, and Gail Omvedt consider that the idea of Hinduism in its brahminical construct is as pernicious, if not more, as it is in its Hindutva avatar.

Deviating from the conventional path, the author suggests that secularism needs to be visualised in a broader relationship not just with

Islam but also with Hinduism. He devotes substantial space to the issue of minorities and Islam, with one chapter dealing exclusively with the question of Uniform Civil Code, one of the most contentious issues figuring in the secularism debate. This well-written chapter, however, could have profited from a discussion on the drafts that various civil society groups based in New Delhi, Mumbai, and Pune have been working on since the later part of the 1980s.

### Insights

Viewed in the context of the vicious communal attacks witnessed in Kandhamal recently, where Christians were the target, the valuable insights offered into the way the courts have handled conversion-related issues acquire special relevance. How the Indian state grapples with religious conversion is, as the author says — and rightly so — “in many ways very central to the constitutional experiment with secularism.” Equally noteworthy is the chapter that deals with minority rights in running educational institutions.

### Scholarship

This book, however, is not about the “unfettered role of religion and religious practices.” While discussing the core dimension of Indian secularism, he suggests that the court “rethink its language of uniformity in favour of one accommodative of religious and legal pluralism.” Otherwise, he warns, religion and faith could be hijacked by religious fundamentalists. The book, the core of which is a product of the author’s doctoral work, has further enriched the wealth of scholarship on secularism. In addition, it should serve as a valuable source for students of law and Indian politics.

# **ECONOMIC DEVELOPMENT**

## **Bihar's economic miracle: real, but fragile**

S A Aiyar

When this column revealed in January that Bihar had averaged 11% growth in the last five years, many people asked “Do you really believe this?” I visited Bihar last week to check. My conclusion: Bihar's economic boom is indeed real. But it is fragile and dependent on chief minister Nitish Kumar getting re-elected in the state assembly elections in October-November. If instead Lalu Prasad wins, all bets on Bihar are off. Can we really believe Bihar's data? The Central Statistical Organisation guides the states collecting and processing data, but does not check whether the job is done correctly. Cynics think Bihar's notoriously manipulative politicians must have fudged the data for false publicity.

The data show enormous swings in agriculture from year to year. Because of this, Bihar's growth averaged 11% over the last five years, but only 8.3% over the last six years. Still, we can say that it has been growing at 8-11%, and that is miracle growth.

Second, politicians are uninterested in fudging the state domestic product. No politician can win an election by claiming that economic growth is 11% rather than 6%: such statistics go over the head of voters, for whom personal experience is what

matters. Bihar's politicians did not fudge the data and then hold a press conference to announce record growth. Rather, I was the first to dig out the 11% story from the CSO data bank, and Bihar's politicians were manifestly surprised to hear about it. Nitish Kumar is reported to have said, "If Swaminomics says so, I think it must be true."

Third, if you add up the state data on gross domestic product, the sum is well below national GDP. So, any errors by the states seem to be on the low side rather than the high side. Fourth, most states, not just Bihar, showed strident growth in the last five years. This fits well with the boom in national GDP in 2004-09, so the state data look plausible.

Fifth, state governments usually want to claim that they are in dire straits and so merit additional funds from New Delhi. Back in the 1970s, I found that Kashmir was for some time the fastest growing state in India, and went to Srinagar to ask what accounted for fast growth. To my surprise, state officials and politicians were dismayed at my questions. They were used to moaning and groaning about their poverty and the need for more central hand-outs, so they looked on me almost as an enemy.

For these reasons, I believe that the economic boom in Bihar is real, not a statistical fudge. A visit to Bihar provides plenty of anecdotal proof. In Lalu's time, anybody building a house or booking a new car promptly got a ransom note. Today home construction and car sales are booming. Traffic jams have replaced deserted streets.

In Lalu's time, swaggering goons showed off their guns in

public. Today no gunman is visible. The Nitish administration has convicted 38,000 people, including dozens of politicians, some from the ruling party itself — for violating the Arms Act.

The old cloud of fear has been replaced by peace and confidence. Safety has allowed small businesses to burst into activity. Women say they are no longer afraid to walk the streets. Sunil Mittal of Bharti Airtel says Bihar has the fastest growth of talk-time in any state.

The economic miracle has been led by construction, which has averaged a colossal growth rate of 47% per year for the last five years. Government development spending has zoomed from Rs 2,000 crore to Rs 16,000 crore per year. Most impressive has been the rise in road construction, from 384 kilometres in 2004-05 to 2,417 kilometres in 2008-09. Security plus road and telecom expansion have incubated a boom in small business and domestic construction.

However, large-scale industry remains on the sidelines. Organized sector output actually fell in the Lalu era from Rs 1,150 crore in 1999-00 to Rs 790 crore in 2004-05 at constant prices, and has stagnated under Nitish. Many large industries have proposed big investments, but these will be pursued only if Nitish is re-elected. He swept the polls in the parliamentary elections last May, but then won only five of 18 seats in assembly by-elections, while Lalu and his allies won nine seats. Optimists theorise that if Lalu returns, he will come back a changed man, full of the efficient technocracy he displayed as railway minister in 2004-09. But most people fear that he will release his goon-friends from jail, and that Jungle Raj will return. Hence the future of Bihar's economic miracle remains in doubt.

# **EDUCATION**

## HINDU 22.2.10 EDUCATION

### **A project to secure autonomy and excellence**

N.R. Madhava Menon

*The National Commission on Higher Education and Research Bill aims, in letter and in spirit, to secure the true autonomy of universities and institutions of higher learning.*

The Member-Secretary of the Kerala State Higher Education Council, in an article published in these columns on February 6, 2010 on the draft National Commission on Higher Education and Research (NCHER) Bill, argued that the Bill “does not allot appropriate levels of autonomy to States and universities, and in the process violates the principles of federalism and autonomy in the governance of higher educational institutions”. As one associated with the Task Force which prepared the Draft Bill, I felt that the article was written either without a proper understanding of its provisions, or with a motive to prejudice the public mind against true autonomy of higher academic institutions.

The author also invoked the concept of federalism to attack the Bill, presumably to say that the Union, without competence to

legislate on the subject, is attempting to take away the States' authority. Is it his case that the Acts in respect of the University Grants Commission (UGC), the All India Council for Technical Education (AICTE) and the National Council for Teacher Education (NCTE) which the NCHER is to replace, were also passed by Parliament without constitutional authority? What does he make of Entries 63 to 66 of the Union List and Entry 25 of the Concurrent List in this regard? If the argument is for consultations with States before a law affecting the States and the Union is adopted, that precisely is what the Union government is doing by putting the draft Bill in the public domain and asking the Task Force to visit each State to gather views and comments from the stakeholders. Of course, based on such feedback, the Bill may undergo changes before it is submitted to Parliament for consideration.

Reforming higher education is the common interest of the Union and the States and there is no room for dispute in this regard. The Yash Pal Committee recommended that the key reform needed is restoring the autonomy of universities (not the autonomy of the State governments, which is the function of the Constitution) by avoiding multiple regulators and preventing politicisation of university administration. Autonomy of universities involves autonomy from Central and State governments as well.

The Preamble of the NCHER Bill says it is an “Act to promote the autonomy of higher education institutions for the free pursuit of knowledge and innovation, and for facilitating access, inclusion and opportunities to all... and to provide for an advisory mechanism of eminent peers in academia.” One would expect critics to give reasoned arguments on how the provisions of the Bill contradict these objectives, or in what manner it

could be better achieved.

### Centralisation

The attempt to unify the multiple regulators and standardise the norms and procedures in a transparent manner is interpreted by the author of that article as centralisation of powers. Yes, the Bill seeks to vest the standard-setting and policy-planning functions in the NCHER. However, the delivery of educational services is a decentralised activity at the institutional level, and the NCHER plays only a facilitatory role in it. It is therefore wrong to say that an “authoritarian system” is being put in place.

Entrusting education in the hands of educationists is what is proposed. In this, they have to function democratically under legislative mandate and on the advice of acknowledged experts in different fields of knowledge. The NCHER cannot be seen as a “benevolent dictator” under the provisions of the draft Bill, as it is to function through various bodies set up with educationists in different branches of knowledge. Its functioning is to be reviewed once every five years and it is to report annually to the President or the Governor on the state of higher education in the country or State as the case may be.

### Collegium

The Collegium of Scholars and learned men is indeed an innovation proposed for advising reform on the structure and content of higher education. They are to be Nobel Laureates, Fellows on learned societies of international repute, Jnanpith Award winners and people of similar distinction. Respecting the federal and democratic principle, the Bill seeks to have nominees of States also in the Collegium. Utilising the expertise

and experience of learned men and women settled within and outside the country to promote standards of higher education is the intended objective of the Collegium proposal. If there are suggestions on how the objective can be achieved by changing the composition and constitution of the Collegium, these are to be welcomed. It is an idea with a purpose. It is not intended to give a subordinate status to the nominated members, though the core members are expected to serve the Collegium for a longer period for obvious reasons. All Collegium members serve in an honorary capacity without having to be present physically at one place.

The States and Union Territories have their nominees in the Collegium. The nominees are also expected to be educationists or eminent persons of equivalent status. The core members are not the nominees of the Union government. They are there by virtue of their accomplishments in higher education and research and are invited because of their expertise, experience and status in higher education. If it is desirable to limit the term of the core members also, it can be recommended on the basis of cogent reasons. It is the anxiety to keep the government out in constituting the Collegium that led the Task Force to recommend the method of inviting persons on the basis of their accomplishments in education and research. It is not to be seen as an assault on federalism or democracy. It is the concern for the autonomy of the institution that elections or nominations in the usual course cannot accomplish. Leaving the Union or State governments to “nominate experts of their choice,” as contended in the article, may not serve the objective for which the Collegium is put in place. The Collegium members are not to be government employees; nor can it be assumed that they would agree to become members of the Commission, as suggested in the article.

The State governments' power to set up universities will not be taken away or eroded by the NCHER. As it happens today with the UGC and the National Assessment and Accreditation Council (NAAC), the authority to accredit universities, determine standards and finance them will be regulated by the new Commission. Academic clearance is not to be given by the Commission on its own. Accreditation is to be done by an independent accreditation agency recognised under law on the basis of credible evidence gathered according to objective parameters. Towards this end, the NCHER may authorise the academic operations of new universities on the basis of norms and standards set for the purpose. How does the authority of the AICTE or the Medical Council of India (MCI) or the Bar Council of India (BCI) to accredit institutions erode the States' authority to set up universities, as argued in the article?

### Vice-Chancellors

An innovative measure to secure academic autonomy that is proposed in the Bill relates to the selection of Vice-Chancellors. Many ills of higher education, at present, can be traced to corruption and manipulation involved in the appointment of Vice-Chancellors. The Bill empowers the Collegium to prepare a registry of suitable persons with expertise and experience after a worldwide search and to keep it updated from time to time. It is not necessary that only persons who figure in the registry be appointed. Whenever the Central or State governments want to appoint Vice-Chancellors they can ask, if they so like, for a panel of names from the Commission as per their requirements, and the Commission may provide it. This is to facilitate the search and to present available candidates of distinction within and outside the country. There is no infringement of autonomy in the process; rather, it enhances autonomy by removing potential risks to such autonomy. The States' choice of the

person and the right to choose one from outside the registry is in no way compromised by the provisions in the Bill.

Let there be no confusion or misunderstanding that the Bill, in letter and in spirit, aims to secure the true autonomy of universities and institutions of higher learning. The autonomy proposed will, hopefully, percolate down to each department and each member of the faculty so that teaching and research tend to innovate, experiment and compete for academic excellence and inclusive development. Looked at from this perspective, the NCHER Bill provides a framework and a strategy for securing autonomy of academic institutions and providing an environment for competitive excellence in higher education.

( Professor N.R. Madhava Menon was a Member of the Yash Pal Committee and of the Task Force which drafted the NCHER Bill.)

TIMES OF INDIA 15.2.10 EDUCATION

### **Innovation and research to steer India's knowledge economy**

Surbhi Bhatia

In order to be part of the future world order India is working towards a knowledge economy. In keeping with its mission, the government has set a target to create a critical mass of people that would propel the knowledge economy. This critical mass is envisaged as the wealth of the nation and needless to say education will drive this wealth creation.

However, Kapil Sibal, union human resource development minister, pointed out that at the outset it is important to have a precise understanding of the concept of wealth in the context of knowledge economy. "The real success of the knowledge economy would depend on the quality of wealth and not the quantity. And quality can only be achieved by having people who have an orientation towards research and innovation," Sibal said while speaking at a session on 'Changing face of Indian Education System' organised by FICCI Ladies Organisation (FLO).

To promote innovation and research, it is important to improve access and quality at the university level. "We have failed to

understand the basic difference between a college and a university which led to a confusion about deemed-to-be-universities . An institute which is not creating wealth through research, interdisciplinary studies and does not have centres of excellence cannot be called a university," Sibal said. He also alluded to the need of reducing the number of affiliating colleges with respect to individual universities.

Going forward the government will appoint a body to deal with education malpractices. "This body will make sure that the claims made in an institute's prospectus are implemented in reality ," Sibal informed. There will also be a National Accreditation Authority (independent of government representatives) for constant monitoring of quality. But will additional bodies compound the already chaotic situation that is now apparent in our education system as far as regulation is concerned ? "We want to do away with the inspector Raj. We want to create a regulation system where norms and standards are set. Adherence to these norms will automatically determine the players who can survive in the long run," informed Sibal.

Also there is need to ensure access to higher education. "Many people are expecting that the government will create 35,000 colleges and 1,000 universities. This is an impossible task. To achieve this the role of public-private partnership has to come into play. However, we shall ensure that the private sector in higher education does not enter for profit making," said Sibal.

According to Sibal the bill to regulate entry of foreign institutions will also aim at making quality education available to Indian students. "But there are apprehensions about this bill as quality foreign institutions are not yet ready to set up their campuses in India. At present, most foreign institutes are eager to collaborate and

go for joint programmes or research. Hence, we want to create an atmosphere of confidence wherein these institutes feel assured of India's potential to create wealth, which is competitive and accrues to international standards," he added.

For all this to happen, the most important task is to improve quality and quantity at the school level. "Around 93% of investment in school education comes from the government sector. Only 7% of investment is met by the private sector. We need to realise that school education will remain a prerogative of the government for many more years. Along with changing curriculum and teaching methodology, we also need good leaders to run the schools," observed Sibal. "The government is planning to appoint people from IITs and IIMs to run schools. We will also ensure that every university has a centre for education to create leaders in school education," he concluded.

# **NATIONALISM**

## HINDU 23.2.10 NATIONALISM

### **Was Indian nationalism inclusive?**

K.N. Panikkar

*One of the weaknesses of the national movement was that it did not have an effective programme to ensure the inclusion of the depressed and socially excluded classes into the nation.*

Inclusiveness is the catchword in the current political and economic discourse, following the 11th Plan prescription to incorporate those who have remained outside the margins into the mainstream of development. This is a confession of the failure of democratic governance, on the one hand, and of caste-class partisanship in the process of nation building, on the other. It also testifies that a substantial section has not yet come under the 'benevolent' umbrella of the nation. In a highly differentiated society, inclusiveness is indeed a process which takes place in three ways: politically through common struggles, socially by overcoming internal social barriers and culturally by identifying a common past by invoking indigenous cultural consciousness.

The attempt at inclusiveness is riven with internal contradictions, which account for the complexity, weaknesses and limitations of the inclusive process and tensions within nationalism. The concept of nationalism, in the Indian colonial context, becomes meaningful only when looked at beyond the overarching relationship between

colonialism and the people, and the mutual relationship among different segments of society is taken into account. Overcoming these differences was integral to nationalism.

Inclusiveness, therefore, is a necessary strategy of nationalism, even with contradictory interests finding a place in it. The attempts to resolve the secondary contradiction within the umbrella of nationalism do not overlook the primary contradiction with colonialism. In this sense, the aim of nationalism was not limited to the attainment of freedom but, as Gandhiji envisaged, had to lead to the creation of a qualitatively different society, devoid of caste and religious antagonism. To a deputation of students in 1934, Gandhiji said: “The two things — the social reordering and the fight for political swaraj — must go hand in hand. There can be no question of precedence or division into watertight compartments here.” Nationalism was thus conceived as a combination of political freedom and social emancipation.

What nationalism sought to achieve was togetherness. The very first session of the Indian National Congress recognised it by identifying its purpose as providing a platform for people to come together. What brought people together were political struggles and public agitations. The various streams within the movement with different strategies and modes of struggles were efforts to ensure their rightful inclusion in the nation. People, however, consisted of diverse groups, castes, classes and religions with widely differing interests. What was conceived as nationalism, therefore, was bringing the people together, regardless of the differentiations. Although the anti-colonial sentiment ironed out some of these differences and interests, they were so diverse and sharp that the national movement, functioning within a liberal framework, was not able to find an effective solution. Therefore, India emerged not only impoverished due to colonial exploitation but also socially divided.

That India was economically backward was not surprising, but the fact that nationalism did not succeed in ushering in social and cultural solidarity left a deep scar. Dr. B.R. Ambedkar, architect of the Constitution, underlined this failure in 1949: “We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy... What does social democracy mean? It means a way of life which recognises liberty, equality and fraternity as the principle of life ... On the 26th of January 1950 we are going to enter into a life of contradiction. In politics we will have equality and in social and economic life, we will have inequality.” While pointing out the political success of the movement by which ‘people’ became members of a nation-state with democratic rights, Dr. Ambedkar was conscious that nationalism did not succeed in creating inclusiveness in the social, cultural and economic domains.

The roots of this failure can be traced to the early phase of national awakening, which suffered from a disjunction between political and socio-cultural struggles. To begin with, the renaissance which prepared the ground for the emergence of nationalism dissociated itself from political problems and, therefore, was unable to provide a critique of colonialism which warped the nature of Indian modernity. Most of the early renaissance leaders idealised development in the West. Hence, their ability to envision an alternative was limited. Later on, the national movement attributed primacy to political struggles, despite Gandhiji's constructive programme and untouchability campaign. Although both he and Tagore advocated the importance of cultural politics, the national movement concentrated its energies on political mobilisation.

Despite these early limitations, the importance of incorporating the marginalised sections and thus creating an inclusive society was on the agenda of nationalism. The different political formations which participated in anti-colonial struggles with different programmes and

different social base were engaged in incorporating different sections into the mainstream of national life through participation in the anti-colonial struggles. Even when contradictions existed among them, they were struggling for inclusiveness in the nation. The social and cultural inclusiveness was sought through socio-cultural emancipation, economic inclusiveness through class struggles and political inclusiveness through political mobilisation. These three engagements of the national movement cover the history of the liberation struggle which was not limited to a direct confrontation with colonialism, but also aimed at the modernisation and democratisation of society although with limited success.

A major concern of the national movement was social inclusiveness. The divisive and oppressive character of the Indian caste system was antithetical to the spirit of nationalism and it was quite natural that only social awakening could address this question. Gandhiji gave equal, if not greater, importance to social issues and cultural struggles. In Gandhian programme, therefore, abolition of untouchability occupied a central concern. The ashrams Gandhiji set up and lived in became a symbol of social equality and also meant a subversion of the traditional, unequal social system.

The national movement was quite conscious of the importance of inclusion of the traditionally deprived groups for the actual realisation of the nation and initiated steps in social, economic and cultural fields to create conditions conducive for them to identify their interest with the nation. In pursuance of that, a series of struggles was conducted covering social, cultural and economic lives. Each one of them had the effect of creating a community, eventually forming a part of the nation. Although these struggles increased their social consciousness, none of them was sufficiently effective to transform the life conditions of the marginalised, possibly because these efforts were bridled by the interests of the 'upper' castes and classes. The marginalised sections, could not,

therefore, identify themselves with the nation. They were sceptical and distrustful.

The consequence of this marginality was the emergence of movements among the traditionally subordinated groups fighting to gain their rightful place in society. That happened in all parts of the country and among all depressed communities. Satyasodak Samaj in Maharashtra in the 19th century, the Dravida Kazhakam in Tamil Nadu, the Sadhu Jana Paripalana Sabha in Kerala and, indeed, the movement led by Dr. Ambedkar are some examples. Emerging out of the oppressed sections, they did not subscribe to the 'upper' caste urge for reform, of either caste or religion, but stood for abolishing caste and superstitions based on religious sanction. In the vision of Dr. Ambedkar, the annihilation of caste was a necessary prerequisite for social inclusiveness.

One of the weaknesses of the national movement was that it did not have an effective programme to ensure the inclusion of the depressed and socially excluded classes into the nation. Whatever was attempted in this field was very superficial inasmuch as it did not frontally contest the power of the 'upper' castes and classes, the legacy of which continues even today. That anti-colonial Indian nationalism was not sufficiently inclusive is possibly one of the reasons why a substantial section of the population is still not a part of the nation.

The making of the Indian nation, as Surendranath Banerji envisioned, can be complete only when nationalism becomes inclusive on a democratic, secular and socialist foundation. In post-independent India, this has remained an unrealised dream. Given the capitalist hegemony over society and middle-class control over administration, the present urge for inclusion may yet end up as another popular slogan.

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## **JUDICIARY**

## HINDU 19.2.10 JUDICIARY

### **Disciplining the judges**

T.R. Andhyarujina

*There is an urgent need to set up a credible statutory machinery to investigate charges against judges of the superior judiciary.*

On the occasion of the Golden Jubilee of the Supreme Court of India in January 2000, the Chief Justice of India, Dr. A.S. Anand, proudly stated: “It is a matter of pride and satisfaction that the [Indian] judiciary today enjoys credibility far greater than that enjoyed by the other two wings of the state.”

A year later this feeling of self-satisfaction was rudely shaken when the succeeding Chief Justice, S.P. Bharucha, publicly lamented that “80 per cent of the judges in the country” were honest and incorruptible but a smaller percentage of them was “bringing the entire judiciary into disrepute.”

Since then, judges of at least eight High Courts have had charges of misconduct levelled against them. Two of them have resigned and two are facing removal through parliamentary procedure. Even if the charges against some judges remain unsubstantiated, the very fact that these have been aired has shaken public confidence in the

higher judiciary.

The Constitution-makers only provided for the removal from office of Supreme Court and High Court judges by means of joint action by the two Houses of Parliament, for proved misbehaviour or incapacity. The Constitution-makers adopted this method of removal by impeachment by Parliament from the U.K. and the U.S. At that point in time in the U.K. the last instance of a judge being sought to be impeached had occurred two centuries earlier. And in the U.S. only one judge of the Supreme Court had been unsuccessfully impeached, in 1805.

Apparently the Constitution-makers believed that in India too the removal of judges of a superior court would be a rare occurrence. Sixty years later, the conditions are different. In 1950 the superior judiciary consisted of a body of eight judges of the Supreme Court and a few judges in nine High Courts. There are now 31 judges in the Supreme Court and over 750 in 21 High Courts. The winds of falling standards of public life have not avoided the judges of the superior courts. Charges of misconduct against judges of superior courts are now being frequently made. In the only instance in which impeachment was tried in 1993, in the case of Justice V. Ramaswamy of the Supreme Court, the method proved to be cumbersome, dilatory and political.

If the reputation of, and confidence in, the higher judiciary is to be maintained there is an urgent need to set up a credible statutory machinery for investigating charges against judges so that responsible criticism of the conduct of judges is immediately looked into and action taken, and at the same time unfounded allegations against them are nipped in the bud. For over 60 years there has been no such legal machinery. It is paradoxical that Chief Justice P.D. Dinakaran of the Karnataka High Court is facing impeachment proceedings for his removal only because of his proposed elevation

to the Supreme Court, which prompted lawyers in Chennai to level serious charges of misconduct against him. Had there been a statutory body to investigate misconduct by judges, the allegations could have been referred to it earlier and the present fiasco could have been avoided.

Under current practice, to deal with such problems of delinquency the Chief Justice of India appoints a committee of judges to enquire into allegations of impropriety by judges of High Courts. Such committees, which do not have any authority of law to enquire into charges or summon evidence and effectively investigate the matter, have not inspired confidence in lawyers. Even if the committee finds a judge guilty of misconduct, he or she cannot be removed from office by the Chief Justice or even suspended.

A convenient way to avoid disciplinary action being taken against a judge who has come under a cloud has been for the Chief Justice of India to transfer him or her to another High Court. This sometimes results in protests from the Bar of the High Court to which he or she is transferred, which understandably does not want to have a delinquent judge in their court.

Another problem is that at times public criticism of the conduct of a judge by the media runs the risk of action for contempt of the court — as happened in Karnataka a few years back.

So long as the Constitution is not amended to delete the method of removal of judges by Parliament, there cannot be an alternative method for their removal. But short of removal of judges of the superior courts, there can be a law to investigate misconduct by judges and take appropriate action. The U.S. Constitution has the method of removal by impeachment of federal judges, but there is a supplemental law to consider complaints of misbehaviour by federal court judges and discipline them, short of their removal. The Judicial

Councils Reform and Judicial Conduct and Disability Act of 1980 which was made by Congress in consultation with the U.S. Supreme Court, provides a method by which federal judges can be effectively disciplined by their own peers.

In the U.S. in 1993, a National Commission set up by Congress to consider Judicial Discipline and Removal of Judges reported that with the 1980 Act there was no need to change the constitutional method of removal by Congress as the 1980 Act was a credible supplement to it. The Commission found that the most important benefit of the 1980 Act was the impetus it gave to the informal resolution by the judiciary itself of the problem of judicial misconduct.

Under the 1980 U.S. Act, complaints that a judge “has engaged in conduct prejudicial to the effective and expeditious administration of the business of courts” can be made to the Chief Judge of a Judicial Council of Judges. If the complaint is frivolous it is dismissed. If not, it is investigated by a special committee of judges. Upon receiving their report, the Judicial Council may take one of five steps. It may direct the judge under investigation to take such action as the Judicial Council may deem fit. It may request the judge to retire voluntarily. It may order that no further cases be assigned to him for the time being. It may censure or reprimand such a judge publicly or privately. Or, if the judge deserves removal, his or her case is reported to the House of Representatives for impeachment. The judge has a full opportunity to defend himself or herself and he or she has a right of review by a higher Federal Judicial Conference. The proceedings of the Judicial Council are confidential. Experience shows that a judge who is found guilty resigns on an adverse report being made by the Judicial Council.

This method ensures the independence of the judiciary as the investigation is made by a peer body of judges, and at the same time

it makes a deviant judge accountable to his or her own fraternity of judges. I have strongly recommended that a similar law requires to be made in India by Parliament in consultation with the Chief Justice of India. If made, it will provide a legal way to take disciplinary action against judges of superior courts. It will provide protection to judges against groundless charges being levelled against them, and at the same time satisfy lawyers and the public that complaints against judges of superior courts can be made and will be investigated by a lawful machinery. It will deter irresponsible allegations as heavy costs could be imposed on those who level them.

In 2006, a Judges (Inquiry) Bill was formulated by the Government of India on the recommendation of the 195th Report of the Law Commission. It had the essential features of the U.S. Judicial Council Act, 1980. It received the approval of the then Chief Justice of India in principle. Had it been passed by Parliament, many of the present problems of judicial misbehaviour could have been dealt with. Unfortunately, an adverse report on it was made by a Parliamentary Committee in August 2007, mainly for seeking to entrust the disciplinary action to a body composed only of judges. This criticism was misconceived. Only a peer body of judges should enquire into misconduct of judges. The belief that judges would protect their brethren is mistaken. Judicial Councils have worked satisfactorily in the U.S. and Canada. Such a body was also recommended by a committee to amend the Constitution that functioned under the former Chief Justice, M.N. Venkatachaliah.

The Law Minister has announced that a comprehensive Judges Standards and Accountability Bill is being drafted. Its contents have not been made public but we are told it would include provisions for judges to disclose their assets, lay down standards of conduct and provide for a machinery to investigate charges of misbehaviour. Such an enlarged legislation is bound to be controversial. It would

be better if a simple and focussed bill on investigating the misbehaviour of judges was enacted along the lines of the Judicial Inquiries Bill of 2006. There is an urgent need for it.

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## **POVERTY**

DECCAN HERALD 17.2.10 POVERTY

## **Towards inclusive growth**

### **Lifting the poor**

Alok Ray

*Elected governments cannot afford to wait for the day when growth will eventually pull up the poor above the poverty line.*

Now that the Indian economy has clearly moved to a higher growth trajectory — much above the traditional 3.5 per cent ‘Hindu growth rate’ experienced over much of the post-independence period — ‘inclusive’ growth is the new buzzword. What do we really mean by that? And, how to achieve it?

Suppose, one defines inclusive growth to mean that incomes of the poor (say those belonging to the bottom 20 per cent of the income distribution) should grow faster than the GDP growth. Then the question is: Is GDP growth of 3 per cent plus poor peoples’ income growing at 4 per cent better than GDP growing at 8 per cent with the poor ’s income growing at 6 per cent? Given the choice, many poor people would like to opt for the latter.

It is important to understand the implication of income growing at, say,

6 per cent per year. Suppose, the life span of a poor man is 60 years. If his income grows at an annual rate of 6 per cent, then his income will double in 12 years and over his lifetime, his income or standard of living will go up 32 times! Surely, the man would graduate from poverty much before he departs from this world.

Does this mean that even if we are interested in inclusive growth should we really go all out for a high growth strategy on the assumption that growth will eventually take care of the poor. There are a number of reasons why that strategy may not be adequate.

In empirical studies involving a large number of developing countries over a long period, it has been found that on an average, the income of the poorest 20 per cent grows slightly faster than the growth rate of overall GDP.

So by and large, growth is good for the poor. But then, there are exceptions to this average pattern. In fact, in about 20 per cent of the cases, the poor's average income has fallen when the per capita income of the country was growing. So, growth does not necessarily benefit the poor.

Further, since the absolute income of the poorest may be very low to start with, even when their income grows along with the average income of the country they may still remain poor over a considerable period of time. Democratically elected governments cannot afford to wait for the day when growth will eventually pull up the poor above the poverty line. So, growth has to be accompanied by directed attention to the poor.

This brings us to the next question: what needs to be done specifically to ensure that the benefits of growth go more to the poor? In India, in recent times the pro-poor initiatives include legislations to ensure the right to work (in the form of MGNREGS which guarantees 100 days of

work at minimum wage to at least one member of each poor rural family), the right to education (free and compulsory education up to the school leaving stage), the right to information (to enforce transparency in government and reduce corruption), the right to food (entitling each BPL family to 25 kg of foodgrain per month at Rs 3 a kg) and financial inclusion (greater flow of credit from the banks to the poor entrepreneurs through self-help groups).

Note, however, that none of these initiatives, except for the right to education and financial inclusion, can permanently lift poor people above poverty. Even in education, it is the quality of education which holds the key. Growth will open up new job opportunities but the children of poor families can make use of these opportunities only if they are considered employable in an increasingly competitive and demanding workplace.

### **Space crunch**

However much the ambit of reservations in jobs is enlarged, there is virtually no scope for additional reserved jobs in the government. As for financial inclusion, there are lots of incidents where credit has not been disbursed or has been used for conspicuous consumption, instead of productive investment.

Thus, given the current implementation deficit, we have to fall back primarily upon growth to create jobs and incomes for the poor — specially low-skilled jobs in sectors like construction, transportation, hospitality, tourism. High growth will also help the poor indirectly by raising tax revenue for the government. This can be used to finance development of rural infrastructure and provision of education, health services, housing and a minimum social safety net for the poor. The development of labour-intensive manufacturing and services, enhancing productivity in agriculture and improving rural connectivity (through roads, transport, electricity and communication) are required for

sustainable poverty reduction on a big scale — not politically convenient easy steps like free electricity or extension of job reservations.

Empirical evidence suggests that when per capita income growth is high (above 5 per cent per annum) almost invariably the poor peoples' income grows, along with that of the non-poor. Hopefully, the current high growth phase of India will be 'inclusive' too, in the sense of the poor sharing the gains from growth.

## **TERRORISM**

HINDUSTAN TIMES 20.2.10 TERRORISM

### **Take the battle into the enemy's camp**

Vir Sanghvi

Last month an 11-member hit team dispatched by Israel's Mossad travelled to Dubai and assassinated Mahmoud al-Mabhouh, a Hamas military commander and number one on Israel's list of most wanted terrorists.

Al-Mabhouh was clearly an unsavoury character, one of the founders of Hamas's military wing, an abductor and murderer of Israeli soldiers and an organiser of terrorist attacks on civilians.

Few tears were shed in Israel over his death but there has been a minor uproar in England over the use of cloned British passports by the Israeli hit team. Normally, the Israelis just fake passports. But on this occasion, they cloned the real passports of Britons who have settled in Israel. The Brits say this is unacceptable. Why couldn't Mossad have just faked the passports as usual?

What's interesting is that very little of the outrage focuses on the assassination itself. By now, the West has accepted that Israelis will track down and assassinate terrorists no matter where in the world they

hide. And, in the post 9/11 era, few people seem to mind. It is widely accepted that terrorists can rarely be brought to justice and convicted by courts of law. So, an assassination often seems like the most effective option.

All this has lessons for India. There are, broadly, four ways of fighting terrorism. The first is that you guard every likely target. This is nearly impossible to do and no matter how many men you deploy, terrorists will slip through the cracks. The second is that you use intelligence to discover terrorist plots and then foil them. This too, is hardly a fool-proof strategy.

The third is that after terrorist attacks are committed you spare no effort in going after the perpetrators so that you deter would-be terrorists. The Israelis travelled the world in the aftermath of the Munich attacks in 1972 and killed every one of the terrorist masterminds.

And the fourth is covert action: you take the battle into the enemy's camp. You infiltrate terrorist organisations, you kill terrorists before they can strike, and you dabble in the internal affairs of your opponents, financing and arming those groups that are likely to create trouble for your enemies.

Pakistan has always shown a willingness to use covert operations against India. Even if you take the line that the 26/11 terrorists did not have official sanction, nobody can deny that the Pakistanis have used assassination as an element of State policy. In Kashmir, for instance, important leaders have been bumped off by the Pakistanis when they refused to follow Islamabad's line.

Equally, Islamabad has traditionally funded groups that are inimical to Delhi. Till the creation of Bangladesh, East Pakistan was used to provide arms and support to the Mizos and the Nagas. Since then, Pakistan has funded Sikh separatists, local jihadis and, of course, Kashmiri militants.

India's record on covert operations has been lacklustre. We have preferred to fight terrorism either by relying on intelligence or by heightening security. When it comes to retribution, we prefer to go through legal channels rather than take direct action. We will wait for the Pakistanis to prosecute Hafiz Sayeed rather than eliminate him ourselves. And while we have funded Pakistani separatists in the past, this assistance has been feeble and more or less dried up after Inder Gujral made Research and Analysis Wing (R&AW) roll up its operations in Pakistan when he was PM.

It is now increasingly clear that Pakistan either cannot (the view of the doves) act against powerful terrorist groups or will not (the view of the hawks) prevent terrorists from attacking Indian targets. A similar lack of strength or willingness is reflected in its failure to effectively prosecute the likes of Hafiz Sayeed.

So what is India to do? Are we to rely on increased security and better intelligence? Or are we to step up our covert operations?

Till recently, many Indians would have been appalled by the idea of covert operations. We reject the idea of moral equivalence with Pakistan and cannot see ourselves financing militants who engage in violence.

I once asked Manmohan Singh why we rejected the covert option and his answer summed up the mood in government: because of the manner in which it would brutalise the Indian State and damage our moral psyche. Indians simply do not do such things.

But I am now coming around to the view that it is time to reconsider. There are two kinds of covert operations. The first is the Pakistani style, whereby jihadis travel to India and kill women and children. The other is the approach increasingly favoured by the West (and pioneered by Israel) in the aftermath of 9/11.

Western nations do not finance terrorism. But equally, they do not consider themselves restricted by the niceties of the law. America infiltrates terror groups, encourages them to fight with each other, kidnaps and whisks away important terrorists ('rendition') and sub-contracts the job of executing terrorists to friendly secret services.

There is a strong case for us in India to follow that example. Let's take the instance of the three terrorists who were freed in Kandahar in exchange for the passengers on IC-814. They traveled to Pakistan where they were welcomed as heroes. Should we not have pursued them and taken them out? Would this not have served as a warning to other terrorists?

Similarly, we know who many of the 26/11 masterminds are and where they live. Should we wait for the Pakistanis to move against them — assuming that Pakistan is so inclined? Or should we just send a hit team? We know where Dawood Ibrahim, the man behind the Bombay blasts, lives. Should we mount a large-scale operation to eliminate him?

Similarly, should we not consider doing to Pakistan what it does to us? There are many Sindhis, Mohajirs, and yes, Baluchis, who have no affection for the Punjabi elite which runs Pakistan. Should we not finance them so that they can more forcefully express their discontentment? The more trouble there is for Pakistan from within, the more distracted the government in Islamabad will be.

Our answer to all these questions, so far, has been an unequivocal 'no'. When Manmohan Singh agreed to include a reference to Baluchistan in the Sharm el-Sheikh statement, we were appalled because the thought of any Indian involvement in Baluchistan was repugnant to us. We did not object on pragmatic grounds: why surrender the Baluchistan option when we can use it to create trouble for Pakistan?

As the Poona attack demonstrates, the terrorism is not going to stop. Pakistan is going to step up its efforts to radicalise and arm Indian

Muslim groups so that it can then argue that the terrorism is indigenous. Should we just sit back and wait for this to happen while placing our faith in the power of dialogue? Or should we re-think our approach to the battle against terror?

I'm not sure what the answers to these questions are. But the time has come to open the debate on covert operations.

*The views expressed by the author are personal.*

## HINDU 22.2.10 TERRORISM

### **Policing thought, not controlling terror**

Siddharth Varadarajan

*The Home Ministry's policy on visas for foreign scholars attending conferences in India is just as bone-headed as its recent restrictions on the entry of tourists and non-resident Indians.*

As Union home minister P. Chidambaram grapples with the new architecture for counter-terrorism that he says India desperately needs, here's a suggestion he ought to consider: Dismantle the Department of Bad Ideas. Never heard of it? This is the section of his ministry which recommended that preventing foreign tourists and non-resident Indians from visiting India twice in a two month period would somehow protect the country from the likes of David Headley. That the alleged American terrorist travelled here to and from Pakistan multiple times on a business visa — for which the new restrictions do not apply — is a matter of detail the Ministry of Home Affairs seems to have overlooked.

One month on, the geniuses in Bad Ideas have struck again. Scholars from Afghanistan, Bangladesh, China, Iran, Iraq, Pakistan, Sri Lanka and Sudan, as well as scholars from any country who are of Pakistani origin, they reminded us last week, will no longer be given visas to attend conferences, seminars and workshops in India unless the MHA grants them “security clearance” in advance.

### Security vetting

This is what the security guidelines, first framed in 1999 during the paranoid days of the BJP-led Vajpayee government and amended thrice since then, state. Any event that is either (i) on a subject which is political, semi-political, religious, communal or linked to human rights, or which has a bearing on external relations or national security, or (ii) is to be held in an area requiring an inner line or restricted area permit regardless of subject, or (iii) is to be attended by scholars from the eight red-flagged countries, must be referred to the MHA for “security clearance” at least six weeks before its commencement date. As the MHA stated in a recent press release, the lengthy timeline is needed to “ensure that security clearance for the event and for the participants could be suitably assessed ... Security vetting is a time-consuming process”.

Now why is this a bone-headed idea from the security standpoint? Consider the example of a Sri Lankan professor at a small college in Kandy who plans to use an invitation to present a paper at a Pune University conference on food technology to plan an act of terror in India. In Mr. Chidambaram's fantasy world, the university would apply for clearance from the MHA, whose procedure for “security vetting” is so good that it would uncover the professor's terrorist proclivities and deny him a visa. So far so good. But guess what? If the same professor were to simply apply for a tourist visa, he would get it without any security vetting!

It is one thing for Mr. Chidambaram to be wary of visitors from these eight countries but why does he believe scholars are potentially more dangerous than their less educated compatriots and, therefore, in need of “security vetting”? In fact, it is not just scholars from the red-flagged eight who worry North Block but academics from anywhere in the world who may be invited to speak on a “political”, “semi-political”, religious, “communal” or human-rights related subject. Were the recent Nobel-prize winning NRI chemist, Venkatraman Ramakrishnan, to be invited to give a talk on the relationship between chemistry and the Vedas, for example, he would require “security clearance” from the Home Ministry.

Security vetting for scholars is only the most restrictive hurdle that academic institutions need to surmount but there are a raft of other clearances that all conferences with foreign speakers must secure. And it doesn't require a Nobel prize to guess that what the MHA is concerned about is not “security” but ideas and thought.

According to the “liberalized” overall “Guidelines for organisers of international conferences, seminars, workshops etc. being held in India’ — issued by the ministry in 2000 and still in force today — official clearance from a “nodal ministry” is needed to invite foreign scholars and experts for any event “where substantive discussions/deliberations/interaction and exchange of thoughts and ideas will take place on a specific subject matter.” The nodal ministry will then decide whether to permit the event or refer it on to the MHA if any of the three conditions cited above are triggered.

Business and corporate meetings with foreign participants are excluded from the purview of visa restrictions, as are sporting and cultural events. But what is striking about the ministry's guidelines is the attempt to regulate and control every branch of learning. Thus, the rules say that the organizers of an academic event involving foreign scholars must first approach their “nodal/administrative ministry” — defined as that

ministry of the Government of India “which is dealing/regulating framing rules etc. in respect of subject matter chosen for the event”. Now a conference on education can be referred to the Ministry of Human Resource Development but one wonders which ministry the organizers of an international conference on the hermeneutics of Gadamer would have to go to in order to get “clearance” for their event, or one on emergence of nationalism in 19th century Europe! Presumably knowledge isn't knowledge if our omniscient babus are not framing rules for it. A scholar can't be a scholar if she or he has no “nodal ministry”.

At the heart of the home ministry's guidelines on conference visas is the fear of knowledge, ideas, discussion and scholarship. And this in a government headed by a former professor of economics. Which brings me back to the visa rules for tourists announced last month. Another Very Well Known economics professor recently told a very, very important person about the difficulty some equally eminent friends of his were experiencing getting a visa for India because of the new mandatory two month ‘cooling off period’ ‘between visits. The VVIP apologized and indicated that a top official in the Ministry of External Affairs could intervene on their behalf. But surely India has more pressing tasks for its top officials than getting foolish restrictions waived, the professor is said to have replied.

Sadly, all appeals to reason and logic and all attempts to shame have failed as far as the two month rule is concerned. Meanwhile, the travel horror stories multiply. An NRI groom had to turn back from Delhi airport unmarried because he had visited India just a few weeks earlier. A U.S.-based techie who used to visit his ageing mother in Bangalore on his way to and from Singapore can no longer do so. A British couple who left their luggage in a Mumbai hotel and flew to Colombo for an extended holiday were unable to come back to claim their bags. The world-renowned African-American scholar, Henry Louis Gates Jr. of Harvard, couldn't get a visa for the Jaipur Literary Festival in January because he could produce neither his birth certificate nor his 10th grade

marksheet — apparently the only documents the Indian consulate in New York is willing to accept as proof that he was not really of Pakistani origin! Needless to say, none of the mindless restrictions the MHA has imposed will help prevent terrorists from coming to India. Most will come without a visa; the others will have the ingenuity to come up with all the required paperwork. As for genuine tourists and scholars — who care for and love India — many will be scared off while those who brave the absurdity of our rules will be resentful. The organizers of academic events would rather plan their conferences and workshops in Sri Lanka, Nepal or perhaps even Malaysia or Singapore, confident that they would face less restrictions on what they can or cannot discuss than they would in India.