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THE MAKING OF THE CONSTITUTION OF INDIA A HISTORIC ACHIEVEMENT

Republic Day celebration this year is a forgettable experience. In the Capital of India colourful rallies and spectacular parades were marred by violent protests and incidents rendering the policeman's lathi ineffectual before the farmer's stick. January 26 was, however, celebrated all over India with customary fervor. It was on this day seventy one years ago that the Constitution of India came into force. Granville Austin whose books *THE INDIAN CONSTITUTION* and *WORKING A DEMOCRATIC CONSTITUTION* have been hailed by Ramachandra Guha as 'magisterial history of the Indian Constitution', described the drafting of the Indian Constitution by the Constituent Assembly as 'perhaps the greatest political venture since that originated in Philadelphia in 1787.'

No better parallel can be drawn in narrating the ambience in which the Indian Constitution was crafted. The Philadelphia Constitutional Convention met from May 14 to September 17, 1787 with only 55 members without a single lady member taking part in it and 39 members signing it when it was adopted. In contrast the Constituent Assembly of India met for two years eleven months and eighteen days in which more than 300 members, including 15 women participated. George Washington who presided over the Philadelphia Constitutional Convention became the first President of the United States of America. He served for two terms as President and refused to accept a third term. Rajendra Prasad who presided over the Constituent Assembly became India's first President and held the office for two terms. After holding preliminary discussions for 46 days, the Constituent Assembly took up clause by clause discussions. More than 36 lakhs of words were spoken by the members with B.R. Ambedkar topping the list with 2,66,544 words. "There was hardly any shade of public opinion not represented in the Assembly," said K.Santhanam.

Granville Austin wrote that "the ideals were unity and integrity and a democratic and equitable society" to be achieved through 'social and economic revolution with a democratic spirit.' Jawaharlal Nehru moved the Objectives Resolution, Vallabhbhai Patel firmly supported the services emphasizing the importance of stability with continuity. K.Santhanam pleaded for the rights of the states and local bodies while Durgabai (later Mrs Deshmukh) topped the list of female speakers with 22,906 words, championing the cause of women's rights and safety and security of the girl child.. B.R.Ambedkar, Chairman of the Drafting Committee who played a stellar role in crafting the Constitution, declared that "to maintain democracy not merely in form but also in fact we must hold on to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution."

In one of his famous public lectures in Bombay, Nani Palkhivala asserted that the survival of our democracy depends upon the realization that constitutional morality is no less essential than Constitutional legality. Gopal Subramaniam, former Solicitor General of India, in his scintillating address delivered in memory of late D.V. Subba Rao on April 24, 2016, at a meeting organized by Centre for Policy Studies, spoke on 'Constitutional Morality –Is It A Dilemma for the State, Courts and Citizens?' The point he stressed was that "the principle of Constitutional Morality as introduced by Dr.B.R.Ambedkar in the Constituent Assembly is of increasing significance and the Indian society is yet to learn it". The decline of the judiciary marked by the erosion of the credibility of some of our judges, at all levels, is a serious threat to the future of Indian democracy. Alexis de Tocqueville in his book on American democracy famously wrote that "courts of justice serve to repress the excesses of democracy and check and direct the impulses of the majority without stopping it." Courts in India have also enjoyed such a reputation, making bold on several occasions, to check 'democratic despotism.' India's Constitution provides space and scope enough to prevent disruptions and distortions that violate the spirit of the Constitution and the unity of the nation. Therein lies the strength of our democracy and hope for the future.

- The Editor

The greatest of all the means for ensuring the stability of constitutions—but one which is nowadays generally neglected—is the education of citizens in the spirit of their constitutions.

- Aristotle

DEFENDING THE LAST BASTION

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The year 2020 will, no doubt, earn the title of *annus horribilis* on account of the Chinese-origin COVID-19, but for India, it brought a ‘triple whammy’ in the form of the near-simultaneous onset of: an economic crisis, a health pandemic and a military confrontation. As the three crises unfold, their management, by India’s decision-makers, is being closely watched by a concerned populace. Overlaid on this anxiety is a nagging worry that activities like law-enforcement, dispensation of justice and unbiased media-coverage, whose proper discharge undergirds a healthy democracy, are faltering on account of political pressures.

In this bleak scenario, the one institution that has justified public faith, as an apolitical, incorruptible and steadfast upholder of the Constitution, is the Indian military. Therefore, when a recent document, claiming to provide insights into the “Indian military’s organizational culture, doctrine and strategic world-view,” raises some controversial issues, we must pause for reflection.

‘*The Wellington Experience; A Study of Attitudes and Values Within the Indian Army*,’ Is a monograph, compiled by retired US Army Col David Smith. Extrapolating the feedback and personal opinions of US military officers who attended India’s Defence Services Staff College (DSSC) course in Wellington, between 1979 and 2017, Smith offers “analytical insights” into a host of issues, including the College curriculum, calibre of faculty and students, Indo-US relations and nuclear deterrence etc. for the benefit of US policymakers.

While the Indian armed forces are well aware of their strengths and weaknesses, some of the author’s conclusions deserve note by our leadership, civilian as well as military, for two reasons. Given the current and future security challenges that we face, and the prospect of growing interaction with foreign militaries, not only must we take cognizance of their perceptions (even if biased), but we must also, without being excessively touchy, initiate corrective

actions wherever required. I will focus on just three of Col Smith’s observations which, if valid, call for introspection at many levels.

US students, while reporting that the DSSC course syllabus was designed to prepare graduates “to fight world War II,” with re-hashed British-era doctrines, noted a culture, that discourages unorthodox thinking and stresses rote-memorization and regurgitation. An inflexible approach to doctrine, demands answers to military problems compliant with the ‘Wellington solution,’ even if obtained from attendees of previous courses and unethically replicated. Smith’s caustic comment, that ‘Wellington solutions’ will not be available in actual combat situations, bears note.

The Indian army’s use of the DSSC course for evaluating a student’s promotion-potential rather than for imparting high quality professional military education, attracts Smith’s criticism. The desperate quest for high grades has, according to him, led to a widespread practice of cheating in examinations and exercises, which US officers inform him, “must be considered a part of the DSSC’s institutional culture.” This is a devastating comment for this prestigious establishment as well as for the Indian military, whose ethos considers cheating or plagiarizing, as ‘conduct unbecoming an officer’ and, a punishable offence.

Finally, it is disheartening to note Smith’s comment about the “utter failure of DSSC to impart a true sense of jointness in its graduates.” This is ironic, because the very *raison d’etre* of the DSSC is to inculcate inter-service synergy and to produce ‘joint staff officers’ who can hold appointments in any of the three services. US officers have attributed the pervasive “army-centricity” of the College and “a single-service approach to warfare,” to a belief that “the Indian army is not an expeditionary force” and “inter-service liaison at personal level” is an adequate substitute for jointness.

Its merits apart, the timing of *The Wellington Experience* is, because the Indian armed forces stand poised at a crucial juncture, awaiting major restructuring, which would enable them to face 21st century threats. A government directive of December 2019, which created a Department of Military Affairs

Constitutional democracy is one where the majority will and rule are controlled and directed by Constitutional principles. Otherwise, it will sooner or later degenerate into elective despotism and then mobocracy” - M.N. Venkatachaliah

(DMA), headed by a newly constituted Chief of Defence Staff (CDS) enjoins him with “Facilitation of restructuring of military commands...by bringing about jointness in operations, including through establishment of joint/theatre commands.” Even though the government has not stipulated any deadlines, the CDS and DMA seem to be proceeding post-haste with proposals for creation of theatre commands.

While the need for due deliberation and in-depth consultation amongst the three services before embarking on such a momentous re-organization needs no emphasis, there is another critical factor to be borne in mind: the critical requirement to prepare personnel to shoulder responsibilities at all levels of the new joint/unified commands. This calls for a major overhaul of our system of professional military education as well as doctrines. The first step in this process should have been transformation of the DSSC into a genuine Joint Staff College, so that its graduates would emerge qualified to fill billets in a unified/joint HQ. At the top-end, another vital step should have been to revive the long-dormant proposal for a National Defence University.

Today, India alone, among major powers, suffers from lack of an institutional process, which generates defence reviews, policy white papers and national security strategies. This lacuna has inhibited our capacity for prediction of threats, evolution of appropriate responses and funding of vital military capabilities. It is, therefore, unclear whether accurate strategic assessments, both of adversary capabilities/intentions, as well as of our own strengths and weaknesses, are available to the civilian leadership for correct decision-making?

It is in this context that a final word needs to be said about the DMA’s attempt to trim the pension budget, via measures which appear self-defeating and are likely to sap morale. The government’s logic that the MoD/DMA must find ways and means to fund military modernization is seriously flawed on two counts. Firstly, it is universally acknowledged that the ‘first charge’ on a nation’s exchequer is national defence, and if you want security, you must find the money to fund it. Secondly, pension hikes (including

‘one rank one pension’) are, typically, devices used by political parties, to garner votes, and must not become an instrumentality for arm-twisting the military subsequently.

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NOT YOUR AVERAGE JOE: THE BIDEN PRESIDENCY BRINGS HOPE WITH DAUNTING CHALLENGES

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The spectrum of the governance challenges for the new team are complex and multi-layered, beginning with the domestic political polarisation that the Trump constituency had stoked, a public health system in disarray, as well as economic, foreign policy, security and strategic concerns.

On Wednesday, January 20, a little before noon, Joseph R Biden was sworn in as the 46th President of the United States (POTUS) at the US Capitol in Washington DC amidst a heavy presence of armed security personnel. The fact that the presidential baton was handed over a few minutes before the constitutionally mandated time (12 noon on January 20) perhaps symbolised the urgency with which the USA wanted to drop the curtain on the turbulent and tainted Trump tenure.

There was a palpable sigh of relief both in the USA and the world at large that the transition of power in a bitterly contested White House election was peaceful and event free. This sense of relief was not misplaced, for it was only two weeks earlier – on January 6 – that the same venue, where the swearing-in took place, was stormed by supporters of Donald Trump who were encouraged by their ‘leader’ to go down the path of vandalism and violence.

This angry pro-Trump group with its vast support base across the USA had threatened to disrupt the January 20 swearing-in and hence the thin attendance at the Wednesday ceremony, where it was reported that more than 25,000 security personnel were deployed. The Covid pandemic also contributed

All sublime human values have their origin in love. When one is filled with love,
he needs no other spiritual and ritualistic practices.

- Sri Sathya Sai Baba

to the constraints on the number of invitees – but the Biden swearing-in was also scarred by the graceless act of the outgoing POTUS, Donald Trump, refusing to be present at the ceremony.

A defiant Trump, without a protective Covid mask, boarding the helicopter to make his final exit from the White House, symbolised the reckless irresponsibility with which the US had been governed for the last four years. The post-Trump debris and toxicity that needs to be cleaned up is daunting and the Biden team will have its hands full from day one. But the healing process and a return to some degree of decorum, decency and normative democratic rhythms was evidenced in the Biden inaugural speech where he resolved to defeat white supremacy and domestic terrorism and called for an end to an ‘uncivil war’ that had convulsed the USA in recent years.

Political history was also made when Senator Kamala Harris was sworn in as the first woman Vice President of the USA a little before the Biden assumption of office. The fact that she is also the first woman of African and Indian origin to be elevated to this high office in the United States is a case of many glass ceilings being broken and a victory for the celebration of racial diversity and gender that is integral to a robust democracy in the 21st century.

The Trump years were visibly insensitive to both race and gender and this is only part of his tainted legacy that the Biden-Harris team will have to redress. The spectrum of the governance challenges for the new team are complex and multi-layered, beginning with the domestic political polarisation that the Trump constituency had stoked.

The Obama years, when Biden was the Vice President, saw the beginning of a deep alienation and anger in one section of US society that felt marginalised and neglected against the backdrop of globalisation and domestic discontent. Some of the elements that exacerbated the socio-political mood were shrinking employment opportunities and the related rejection of the immigrant and the citizen of colour by a sullen and impoverished white majority.

This has grown to an impressive voter turnout of 74 million US citizens who did not vote for Joe

Biden - many of whom do not support the January 6 desecration of the Capitol Hill. Biden, a consummate politician, became one of the youngest senators in US politics in December 1972 when he had just turned 30, and is considered to be the master of finding consensus in intense political discord.

This trait will be put to test as he leads a divided nation and his call to unity in his inaugural speech hit the right notes. Urging his fellow citizens to shed hatred and intolerance, Biden’s words have a resonance for the democratic temperament globally. He noted: “Politics doesn’t have to be a raging fire destroying everything in its path. Every disagreement doesn’t have to be a cause for total war. And we must reject the culture in which facts themselves are manipulated and even manufactured.”

Politics apart, public health is in disarray in the USA due to the Covid pandemic and the Trump oscillation about the gravity of the virus. On January 20, as the new President was assuming office, the USA had a Covid death toll of over 415,000 and the total number infected was set to cross the 25-million mark. Biden has promised 100 million vaccinations in the first 100 days of his presidency and this will become a critical metric of his leadership.

Economic, foreign policy, security and strategic challenges loom large and the estimated US \$40 trillion deficit will constrain big-ticket Biden initiatives. China will remain an abiding challenge-cum-threat to US interests and the manner in which the Trump administration had packed the troubled bilateral relationship with policy tweaks in relation to Tibet and Taiwan in the last few weeks of its term will have to be astutely reviewed by team Biden.

But to his credit, President Biden brings considerable familiarity about the intricate subtext of the Beltway with him and his list of senior officials is encouraging. The White House will hopefully return to more familiar rhythms and there will be greater predictability in how the USA conducts itself and its engagement with many external interlocutors.

(Courtesy: *News 18*)

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Happiness is when what you think, what you say, and what you do are in harmony.

- Mahatma Gandhi

A TALE OF TWO RETROSPECTIVE LEGISLATIVE AMENDMENTS

Dr. E.A.S. Sarma

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Amendment of any existing law with a retrospective effect erodes public trust in the rule of law and promotes uncertainty. Such amendments should therefore be subject to the strictest test of public scrutiny.

In the recent times, there have been two contentious instances of such legislative amendments, both of which have caused a wide range of public concerns.

The first was when the then UPA government retrospectively amended Section 9(1) of Income Tax Act, 1961 w.e.f April 1, 1962. The implicit objective of this was to “clarify” the ambit of the State’s sovereign right to tax profits/ capital gains arising from the transfer of shares of an Indian company held by a foreign entity to another foreign entity. While the intention underlying this amendment was to safeguard the revenue that should legitimately accrue to India, BJP’s 2014 election manifesto described this amendment as “tax terrorism” and a cause of “uncertainty” for the business class, negatively impacting the investment climate and denting the image of the country. The manifesto promised to revamp the tax regime.

The second instance of such a retrospective amendment was when the present NDA regime, through the backdoor of the Finance Acts of 2016 and 2018, retrospectively amended the Foreign Contributions Regulation Acts (FCRAs) of 2010 and 1976 to open the floodgates to donations to political parties from foreign sources. When judicial pronouncements held that the foreign donations accepted in the past by the BJP and the Congress violated the provisions of the 1976 and 2010 FCRAs, which meant that both the political parties should be prosecuted under the two FCRAs, the NDA government found a convenient escape route by amending the two Acts to “legalise” the illegality. The most extraordinary aspect of the 2018 amendment was that the already lapsed FCRA of 1976 was temporarily revived only to be amended

w.e.f. August 5, 1976! What compounded this further was that the NDA government, in the same breath, also amended the relevant provisions of the Companies Act to lift the cap on corporate political donations and introduced total opacity in political donations through the so-called “electoral bond” scheme. This time, there was no murmur or opposition from the major opposition party, the Congress, as these amendments would help it as much as it would help the BJP. After all, corporate political donations are the lifeline of most of the political parties in India and there are *quid pro quos* that the political parties are ever ready to dole out to the corporates, whenever they come to power.

A quick look at the implications of these two amendments will reveal how such *quid pro quos* between the political parties and the large corporate businesses in India can have far reaching adverse implications for the economy and the well being of the people.

2012 Amendment to Income Tax Act:

The trigger for this was the manner in which Vodaphone Plc made a major foray into the Indian telecom market in 2007 by acquiring a dominant stake in the Indian telecom company, Hutchinson Essar Ltd. through a deal with the Hong Kong-based Hutchison Telecommunication International Ltd. (HTIL). The Indian tax authorities thought that these circuitous transactions were aimed at evading taxes and therefore proceeded to tax the profits/ capital gains arising from the transactions on the ground that, though based offshore, they had implications for domestic tax revenue accruals from the related Indian operations. In the absence of sufficient clarity in the relevant provisions of the Income Tax Act, the income tax officials found it difficult to defend their action in the consequent legal proceedings in India.

It was at this stage that the then UPA Finance Minister stepped in and introduced the necessary clarification of Section 9 (1) of the Income Tax Act, 1961, which in effect not only retrospectively amended the Act w.e.f April 1, 1962 but also empowered the tax authorities to tax profits/ capital gains from offshore transactions, if they amount to tax avoidance in India.

This resulted in Vodaphone invoking the

I will not rest content unless every man, woman and child in this country has a fair deal and attains a minimum standard of living.

- Jawaharlal Nehru

Bilateral Investment Protection Agreement (BIPA) that India had signed with the Netherlands years ago and seeking intervention of the local courts to protect its interests. However, the company was advised to seek arbitration under the UNCITRAL Arbitration Rules, which resulted in arbitration proceedings being initiated before the Permanent Court of Arbitration (PCA) at the Hague. The PCA pronounced its award in favour of Vodafone on September 25, 2020. The PCA came to the conclusion that the investment protection provisions of BIPA should override India's sovereign right to amend the Income Tax Act.

There was another somewhat similar case, that of the UK-based Cairn Group, which was carrying out hydrocarbons exploration and development operations in India.

Before 2006, the India operations of Cairn Energy were owned by the UK-based Cairn India Holdings Ltd (CIHL). CIHL was in turn fully owned by Cairn UK Holdings Ltd. (CUHL), which in itself was a subsidiary of another UK-based company, Cairn Energy PLC (CPLC). In 2006, the ownership of the India assets was transferred from CUHL to a new company, Cairn India Ltd (CIL). CIL acquired the entire share capital of CIHL from CUHL and, in exchange, 69% of the shares in Cairn India were issued to CUHL. Later, in 2011, CPLC sold CIL to the Vedanta group, barring a minor stake of 9.8%. It wanted to sell the residual stake as well but was barred by the Income Tax Department from doing so on the ground that this maze of share transactions involved profits/ capital gains attributable to the group's India operations and are therefore taxable. Since there was a tax demand already raised by the department against the Cairn Group and since it was the Vedanta Group that acquired a dominant interest in Cairn's India operations, the Income Tax department held Vedanta to be liable to pay the corresponding taxes. The government therefore froze payment of dividend by CIL to Cairn Energy.

The tax notices issued by the IT Department led to court proceedings which, as in the case of Vodafone, culminated in arbitration proceedings before the PCA. Thus, there arose two sets of arbitration proceedings, one relating to the Cairn Group and another relating to the Vedanta Group.

The PCA delivered its arbitral order in the Cairn case on December 21, 2020, upholding Cairn's contention that the group is entitled to investment protection under the India-UK BIPA, which in effect meant that BIPA provisions should prevail over India's sovereign right to amend the Income Tax Act retrospectively.

India has since chosen to contest the arbitral order in the case of Vodafone and is likely to question the Cairn order on similar grounds.

There are three public concerns that emerge from the arbitral order in the Cairn case. They are as follows.

- i. Paras 135-140 of the arbitral order reproduced the relevant extracts of BJP's 2014 election manifesto and the first Budget Speech of the NDA government in 2014 which literally questioned the rationale of retrospective taxation. Apart from making such statements which in effect weakened India's stand before the PCA that BIPA provisions cannot override its sovereign right to amend its tax laws, the NDA government which is constantly harping on its ultranationalistic posture could never translate its avowed stand on "tax terrorism" by revoking the retrospective tax amendment. In such matters, to walk the talk is not easy!
- ii. Taxation is never a pleasant task, especially when it comes to taxing the large corporate businesses with whom most political parties in India have a cosy relationship. In the words of Edmund Burke, the 18th Century British statesman, "To tax and to please, no more than to love and to be wise, is not given to men." At the same time, maximising tax revenues is a necessity for political parties that promise expensive populist schemes for which they need to find additional funds. The political parties thus face a dilemma that often results in adversely affecting the public interest.
- iii. The BIPA scheme in itself raises serious concerns about its legality in relation to the domestic laws. The scheme therefore needs to be reviewed. Stable domestic economic policies strengthened by corruption-free, hazzle-free governance is what is needed for attracting investments of the benign kind.

Civilization is based on a dream. Its codes and conventions, its ways of life and habits of mind are poised on a dream. When the dream prevails, civilization advances; when the dream falls, civilization goes down. - S. Radhakrishnan

FCRA amendments:

In a Parliamentary democracy like ours, it is important that the political parties have the opportunity to contest on a level playing ground and there is little scope for money power to influence the elections. Unfortunately, over the last seven decades, a cosy relationship has developed between the political parties and the large business houses. This in turn has resulted in electioneering to become more and more extravagant, which in turn has rendered the political parties more and more dependent on their business cohorts. While domestic corporate donations to the political parties are bad enough, the entry of foreign funds could pose a serious threat to the integrity of the electoral system and the security of the nation. This was the background against which the 1976 FCRA was enacted by the Parliament. It was replaced later by its 2010 counterpart, which strengthened the prohibitive clauses further. Despite prohibition on foreign donations, several political parties had resorted to accepting foreign donations in outright violation of the FCRA provisions. It was the civil society that sought judicial intervention on the legality of such foreign donations and had been able to secure favourable orders from the courts. Instead of respecting the court directions, the present NDA government, as already pointed out, resorted to amending both the 1976 and the 2010 FCRA. Coupled with the corresponding amendments to the Companies Act and the introduction of a highly non-transparent Electoral Bond scheme, these FCRA amendments paved the way for unfettered inflow of foreign funds into India's electoral system through opaque instruments and with little public accountability. Instead of reducing the electoral expenditure of the political parties, these legislative changes have encouraged profligacy in expenses, detrimental to the integrity of the electoral processes. These are highly regressive measures that have distorted the level playing ground for the political parties further and bestowed a greater leverage on the corporate houses to influence the government policies to their advantage. For example, during 2018-19, the party in power i.e. BJP received 80% of the total corporate donations as a result of these questionable measures. In the long run, such reforms will weaken

our democracy and erode the well being of the nation.

These two retrospective legislative amendments raise the following serious public concerns.

- i. In its anxiety to attract foreign investments, India had signed BIPAs in the past with several countries without providing the necessary safeguards to prevent abridgement of the State's right to legislate on important aspects of investment such as taxation, environmental conservation etc. BIPAs and other bilateral agreements tend to restrict competition and inhibit satisfactory price discovery. There is therefore an urgent need to move away from this concept altogether.
- ii. Globalisation has opened up many new areas of investment routes and tax avoidance opportunities through tax havens easily accessible to digital financial systems. India needs to be vigilant and update its laws on a continuing basis to address this concern.
- iii. The Vodafone and the other arbitration matters show how the political executive is caught between its anxiety to be friendly with the corporate entities and, at the same time, maintain its ultranationalist posture that has provided it considerable mileage in the elections. It reminds one of the often quoted line from Shakespeare's Hamlet, "I must be cruel only to be kind". For the Indian political parties, it perhaps implies, "I must be *outwardly* cruel only to be *inwardly* kind". The political parties play to the gallery by putting up a facade of being stern with their corporate friends but, in their heart of hearts, they quietly grant undue benefits to them, as it is the corporates that fund their elections and provide the support facilities. Unless there is a concerted civil society movement against this nexus, the integrity of the electoral system in the country will further get eroded.
- iv. The FCRA amendments have clearly highlighted that there is a conflict of interest in the party in power manipulating the laws to further its own interests. There is need for a wider public debate on this.

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God sees the world through the eyes of the most oppressed.

- Barack Obama

LAW TEACHERS FOR THE BENCH

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Law teachers are “a little known tribe outside the precincts of the Law College”. In a well-meant and critical assessment of the proper role of a law teacher in the development of law and society, this description amply demonstrates and aptly epitomises the state of affairs today. I have borrowed this observation from the speech of one of the most worthy personalities that served as Judges of the Supreme Court, Justice O. Chinnappa Reddy, a person who showed sustained interest in the developments in legal education and the Andhra University College of Law in particular (now renamed “Dr. B.R. Ambedkar College of Law”). The occasion was the Silver Jubilee Address of the College delivered by him at Visakhapatnam on 28th April, 1972.

It may be a little known fact, but it is a fact indeed, that while the founding fathers not only did not mean to exclude but on the other hand positively included a provision in the Constitution that the Qualifications for appointment as Judge of Supreme Court shall include that the person “is, in the opinion of the President, a distinguished jurist.” (Art. 124 (3) (c)).

What is more worthy of note is also the fact that an identical provision was inserted for purpose of prescribing qualifications for appointment as Judge of a High Court. This was done in 1976 by the insertion of clause (c) in Art. 217, subarticle (2) in identical language, that is, who is “in the opinion of the President, a distinguished jurist.” But, alas, some ill-intentioned forces could work their way and the said clause (c) was deleted in 1978 by the Constitution (44th Amendment) Act 1978. Thus during this brief interregnum the law of the land was that one of the sources of nomination to the High Court Judgeship was the category of distinguished jurists. (The insertion was done with effect from 3 January 1977 and the subsequent deletion was from 2nd January 1979). Nothing obviously has happened during those couple of years just as nothing happened at all for the preceding Twenty eight years in the matter of

nomination to the Supreme Court. No regrets, on that score!

It would be apt and essential to quote at some length from the very insightful and enlightening remarks made by Justice Chinnappa Reddy on the very same occasion:

“I am aware that status accorded to a law teacher is not, in our country, the same as that accorded to a professional lawyer or a Judge.

One reason is the arrogance of the successful lawyer and the judge who think that the law teacher teaches law because he is not a success at the bar. It is, of course, not true. It is a question of aptitude.”

In a thoughtful observation Justice Reddy says: “Who can blame a Professor if he prefers the quiet debate of the class-room to the din of contention in the court room. A more important reason is that academic lawyers have cut themselves off from the mainstream of the profession of law and have ceased to think of themselves as lawyers. They tend to regard themselves primarily as professors and, if at all, secondarily as lawyers. “The learned judge went on to suggest that “one method of improving the status of academic lawyers is to make appointments to the Bench from distinguished academic lawyers.” Justice Reddy lamented that “no one is going to bestow any thought to amending the Constitution for this purpose.” That was in 1972. But the desired amendment was made in 1976 but got deleted in 1978. What to say of this topsy-turvy exercise? Who was behind all this drama? I cannot guess.

“Why should India deny herself the advantage that the United States has found in occasional appointments of outstanding professors of law to the various Benches of the Law Courts of that country including the Supreme Court?”, a forceful argument indeed from the address of Justice Reddy.

One such worthy professor of law indeed came to be identified by Professor Upendra Baxi in a memorial tribute (2001 (5) SCC (Journal) Page 1), namely, Professor P.K. Tripathi of the Delhi University Law Faculty. “For fifty long years”, says Baxi, “the constitutional provision, which entitles the elevation of a jurist to the Supreme Court of India has

Today we are experiencing the struggle between two opposed ideals – that of the subordination of the individual to the community and that of his intrinsic superiority.

- Julian Huxley

been consistently ignored. This has deprived India of its best prospect of conversion of a law Professor into a Justice. The prospect of having our own equivalent of a Felix Frankfurter has been willfully squandered". And adds, "Indian citizens thus remain unaccountably deprived of potential judicial contribution of Indian jurists."

I feel it pertinent and useful in this context to refer to an earnest effort made by a small bunch of law professors in this behalf way back in the year 1980., namely Professors I.C.Saxena, C.G.Raghavan, K.Gupteswar, M.L. Upadhyaya and K.D.Gaur. Gupteswar was asked to prepare the Draft by way of a Letter to be presented personally to then Union Minister for Law. Shri A.K.Sen, and led by Professor Saxena, the Letter was indeed

Presented to the Law Minister, a very distinguished lawyer himself. This group (perhaps being highly academic) did not try to seek political sponsors and, naturally, nothing came out of it! But I would consider it worthwhile to reproduce the complete text for the benefit of readers.

Respected Sir:

There are full-time Professors of Law in the University Law Colleges in the country who have made significant contribution to legal scholarship and the training of lawyers for entry into the profession of law. Both by teaching of law and by juristic writings, the professors have proved themselves worthy of a respectable place in the world of law. But, for some reasons, full-time law Professors in the Universities have not been made eligible to be considered for appointment as Judges of the High Courts.

The only provision under which such a professor may be considered is for a judgeship in the Supreme Court, and that provision has not been utilised by the Government of India so far, and no professor has been appointed. In this respect, the legal position and practice in other countries such as USA and France stands in contrast.

It is well known that distinguished professors such as Frankfurter, occupied the Supreme Court Bench and also Benches of the Court of Appeals and State Supreme Courts in USA. Their record on the

Bench has been no less distinguished, if not more.

It may be pertinent to mention in this context that the Constitution (42nd Amendment Act, 1977) introduced a new clause (c) in Article 217(2) to the effect: "is, in the opinion of the President, a distinguished jurist." This provision was intended to cover university professors as well, but unfortunately this clause was deleted by the Constitution (44th Amendment) Act 1978.

Therefore, we the following University Professors of Law wish to submit, on behalf of the whole fraternity, and in all earnestness, that the time has come when the Union Minister of Law. Shri A.K.Sen, may be pleased to consider the following proposal formally and lend all the weight and support of his high office for purpose of initiating necessary action. A Constitutional amendment would be necessary and it should not be difficult, given the good understanding and appreciation of the Chief Justice of India and the Government of India, to have the amendment.

We earnestly plead the university law professors should be included as persons qualified for appointment as Judges of the High Courts. Accordingly, we request that in Article 217 (2), a new clause, clause (c), may be inserted to the following effect:

"Or, (c) has for at least five years been full-time Professor of Law in a University Faculty." We also submit that full-time University Professors be also recognized as qualified for appointment as Members of the Administrative Tribunals and other statutory Tribunals which are in operation or which may be created from time to time. Necessary statutory amendments may also be made in this behalf.

Thanking you,

Yours Sincerely (Signed): Prof. I.C. Saxena, Professor, University Law College, Jaipur Prof. C.G. Raghavan, Head P.G.Dept of Law, Nagpur University, Nagpur Prof.K.Gupteswar, Professor Law, Andhra University, Waltair Prof. M.L. Upadhaya, Dean, University Law College, Calcutta Prof.K.D.Gaur, Head,P.G.DeptofLaw,UtkalUniversity,Bhubaneswar.

In India, one of the qualifications, prescribed by

Chinese leaders have believed for decades that the United States is a waning power.

- Julian Gewirtz

Act.217, for appointment as Judge of a High Court is that the person “has for atleast ten years been an Advocate of a High Court or of two or more such Courts in succession.”

The Explanation to the provision states that the said period shall include “any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or State, requiring special knowledge of law.” Therefore there is no strict requirement that the person must have held judicial office at any time nor be actually practicing as Advocate at the time of his or her appointment as High Court Judge. And it is, further, not necessary that he shall be practising in the High Court but not in the District Court for the prescribed period of ten years.

A mofussil lawyer’s appointment to the bench as High Court Judge is also probably unheard of.

Recently in 2017, two events have been brought to light. A distinguished political historian, Prof.A. Prasanna Kumar of Andhra University, has made a perceptive observation that the elevation of D.V.S.S.Somayajulu, an Advocate (belonging to the District Bar Association of Visakhapatnam, AP State) as a Judge of the High Court, speaks volumes. It’s a great progressive step forward in this direction. The Professor, in his weekly column in Deccan Chronicle newspaper, wrote that Somayajulu’s father Sri D.V.Subba Rao blazed the trail as chairman of the Bar Council of India by his election successively for two terms. These are indeed refreshingly remarkable developments.

This would only make it clear that while he should be an Advocate in the first instance, he might not be serving thereafter in any judicial post but it is enough if he works in any post in Government which requires “special knowledge of law”, whatever that might mean. Perhaps .. working in the Law Secretariat or legal wing of the Legislature or Parliament or even being attached to the office of Advocate General or Attorney General would be considered as sufficient compliance.

The point I wish to drive at is that a law teacher who otherwise fulfils these criteria concerning special

knowledge of law would still be outside the scope since he does not work under the Union or State Government. It is an open question if he is a law professor in a Government Law College!

However, these provisions amply make it clear that a University Law Professor is not as such covered by these provisions concerning eligibility to be considered for Judgeship of High Court. At the same time, a person who maintains his name on the rolls of the Bar as an active practitioner but engages himself substantially as a law professor on part-time basis in two or more law colleges, is considered eligible since in a sense he can never be regarded “academic” at all.

These are some of the individuous and incomprehensible distinctions which do not convince.

Professor Lawrence Tribe, Professor of Constitutional Law in Harvard University Law School was engaged as Attorney by the Democrat Presidential candidate. Mr. Al Gore and I had the pleasure of watching his brilliant presentations before the Supreme Court in Washington, DC (in USA, the full court of nine Judges is what is meant by Supreme Court in each and every case). The issue concerned mainly the jurisdiction of the federal Supreme Court to sit in review over the Judgment of the Florida State Supreme Court in the matter of declaring who polled the greater number of valid votes in that State and, as we know, the Supreme Court declined jurisdiction and refused to sit in review. Al Gore had to lose the battle. One of the Judges dissented and openly declared that if at all any one really lost in this entire judicial process it is the Supreme Court of the United States!

Another pleasant experience I had was when I met Prof. J. Keith Man, my former teacher, at the Stanford Law School in August 2000, now Professor of Law Emeritus, and he recalled the astounding strides made by the law school and the heights to which many of its alumni rose in later life. He mentioned to me, with the closeness of a beloved teacher towards his student, that he served as Special Master of the Supreme Court at the friendly behest of and official appointment by the Chief Justice Rhenquist of U.S. Supreme Court. He was asked to hold thorough and extensive investigation into the

Hard work never kills, worry kills. I want to work till my last breath.

Better to work out than rust out.

- Mokshagundam Visvesvaraya

factual and legal matrix of the Inter se claims over oil reserves in the State between the Government of Alaska and the Federal Government of US. For nearly two years (of course at interval he heard presentations (arguments) by the Solicitor General of US and the Attorney General of Alaska and that he submitted a Report (a volume indeed. Apart from Annexures) which received the unreserved approval of and adoption by the Supreme Court. It was a thrill and an experience. Incidentally, he' mentioned that due to paucity of time to be away from the Law School for long periods, several sessions were held in the Law School Moot Court Hall itself! Nothing more delightful and stimulating to hear for an Alumnus!

Other colleagues in the law colleges in our country must, no doubt, be having quite a few such incidents and experiences in their own lives to recall and narrate to us. Let us hope that law schools will invigorate themselves, that law professors will not shy away before judges out of a sense of complacency or complex, and that many more well-meaning and forward-looking Judges with a vision will continue to do their very best in the cause of legal education and in affording all their support for the due recognition of the potential of the law professors as Judges. That will motivate and spur into the needed effort on the part of the democratic forces in the Parliament and the Union Cabinet.

* * *

PRESERVATION OF TANGIBLE CULTURAL HERITAGE - II

Dr. R.V. Vaidyanatha Ayyar, I.A.S.(Retd)
Former Secretary, HRD, Govt of India &
Prof. IIM, Bengaluru

In the slanging match that followed Cole combined principled arguments with ad hominem attacks. The point that Cole made, namely that the interests of archaeological research and conservation are not congruent is now universally accepted. Recognition that archaeologists have an ethical obligation to care for and conserve the sites they put to danger through excavation had come late and is the driving force behind the development of the discipline of archaeological conservation. As

awareness of their obligation to conserve even the sites excavated by them came only by mid-twentieth century it is not surprising that seventy years earlier Burgess and Cunningham were offended by Cox's vehement assertion that archaeologists were not competent to offer advice on preservation as they tend to cart away the excavated objects as well as loose art objects they find near a monument to the premises of museums where archaeologists and historians can study them and expand their understanding of the past. What deepened the offense was his assertion that Cunningham and Burgess had no right to offer an opinion about the preservation of the objects as neither cared to keep anything in situ, and go about searching for objects to enrich museums, and illustrating his assertion with specific acts of omission and commission by Burgess and Cunningham. As far back as 1843 Cunningham had wanted to remove the Sanchi gates to England, and 'has ever since been active in damaging buildings and monuments by extracting their most valuable parts'. Cole did everything possible officially to block the shifting of the objects to Madras, and when he lost he wrote to the Government that 'the province of the Archaeological Survey is to write ancient history and not to go about the country pilfering tons of sculptures from well-known monuments'. As it turned out, Cole not only lost the battle of Amaravati but also his war with archaeologists. On the eve of his retirement, Cunningham could persuade the Government to accept his view that it was a mistake to divide the responsibility for offering technical advice on conservation between the Curator and archaeologists, and that 'the trained and experienced archaeologist who had examined and measured and described the buildings of different ages was naturally the best authority to as to the style of all the repairs that may be required for any ancient monument'. After the abolition of Cole's post, the Local Governments were required to consult officers of the Archaeological Officers for technical advice, and after it was reconstituted by Curzon ASI was entrusted with the technical supervision of the conservation of protected monuments. Be that as it may, it is now accepted that conservation is a specialised discipline by itself with

The heaviest penalty for declining to engage in politics is to be ruled by someone inferior to you.

- Plato

different branches like architectural conservation, chemical conservation and so on.

Before moving on, let me pose and answer the question whether there is a way to put together all the Amaravati sculptures at one place in Amaravati, and the Amaravati Stupa reconstructed. The answer would have been a resounding 'No' before the advent of digital technologies. To expect that the objects could be physically assembled in Amaravati is a wild dream, and to pursue the return of the objects by the British Museum a wild goose chase. After decolonisation, many erstwhile colonies were keen to get back the art objects carted away to metropolitan museums, the most celebrated demand being the demand for restitution of 'Elgin Marbles', marble sculptures stripped from the Parthenon (a historic landmark of Western Civilisation), Athens and shipped to London by Elgin, and later sold by him to the British Government which deposited them in the British Museum. While little restitution of objects 'looted' in the colonial era took place, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970 came into being; however, it has only prospective effect. Fortunately, three-dimensional digitalisation of Amaravati sculptures scattered in different museums can help the creation of a virtual museum with all the available Amaravati sculptures. With artistic ingenuity the Stupa can be virtually reconstructed using Mackenzie's drawings. It is pertinent to point out that the Arthur D. Mellon Foundation is helping the Chinese Government to virtually reconstruct the paintings and Buddhist art objects of Dunhuang Caves in Gansu Province, Western China. The paintings in these caves were inspired by the paintings in the Ajanta caves; it is also pertinent to point out that India got a quite a good collection of the Dunhuang art objects as Sir Aurel Stein explored the Dunhuang Caves; Aurel Stein was an employee of the Indian Government and Indian government financed the exploration. Consequently, India got a share of the art objects collected by Aurel Stein, the rest sent off to United Kingdom. During the last years of the British Raj, a Central Asian

Antiquities Museum was proposed to be set up; that eventually became the National Museum, New Delhi. The Aurel Stein collection is a precious treasure of the National Museum.

To come back to Cole, in spite of the seeming high ground occupied by Cole in situ preservation does not offer a cut and dried solution to the problem of preserving 'moveable antiquities', that is to say dismembered parts of a structure such as sculpted pieces and architectural panels or artefacts excavated from an archaeological site. Economies of scale operate even with museums. The maintenance and supervision of far too many small museums would be costlier and administratively burdensome, and from the point of view of research it is undesirable to scatter objects of interest among hundreds of museums. And Cole's argument notwithstanding, museums and the viewing public would not be satisfied with a display solely of casts and reproductions. Suffice to say, a policy of preservation cannot address only a single concern, and trade-offs among competing concerns are inevitable. Even if it is decided that a particular set of objects is better moved from a site the question that policy needs to address is whether the entire set should be located in one museum, and if so what should be that museum. During the Raj there was a hierarchy of museums- museums in England, the Imperial Museum in Calcutta which was the central museum for the country, and Provincial museums. Before it was disbanded in 1879, the Indian Museum, London laid claim to the best pieces; thereafter the Imperial Museum, Calcutta as the central museum of the country, laid claim to the best pieces. There was conflict of interest between the Indian Museum and the Provincial Museums; Provinces which financed investigation and were responsible for preservation were unwilling to allow the best pieces to be sent away to far away Calcutta. Provincial museums mushroomed in the second half of the nineteenth century, and consequently the scramble for collections became more intense. And further, there was conflict of interest between museums on the one hand and archaeological/historical research on the other. Every museum would like to have a 'piece of the cake' - good

Politics is not merely about elections every few years. It is about determining the choices your country makes, which ultimately affect your daily lives wherever you live and work.

- Shashi Tharoor

specimen of cultural objects moved from a site but dispersal among many museums is undesirable from the point of view of students of history, archaeology and art; it is better that all the objects which are 'part of a series' are located at a single place.

Given that public policy has to balance competing concerns, its evolution might follow a zig-zag course; even when a policy falls in place it may appear to the purist as a patchwork quilt, or to use another imagery, like remix or fusion music. It jars the sensibility of the aesthete and appears to be 'muddle instead of music'. Further, the weightage that the policy gives to each of the different considerations that it took note of may not be accepted by all. Consequently, the policy could be unsatisfactory to many. It is in the nature of public policy that it is an argument without an end. But it cannot be helped. This ineluctable condition of public policymaking is displayed by the policy that the Imperial Government tried to evolve in respect of conservation and collections by museums in the 1880s. In 1882, the Government issued a resolution which endorsed the principle of in situ preservation. However, an exception was made in respect of isolated figures which were lying loose and neglected, particularly Buddhist figures which are relics of an extinct religion and stood in danger of being mutilated by local Hindus; such figures should be moved to the Imperial Museum, Calcutta. The pre-eminent right of Imperial Museum to acquire objects was questioned by Local Governments, with the result that in 1883 Government modified its earlier resolution, and vested discretion in the Local Governments to decide where moveable antiquities in their jurisdiction were to be deposited. Consequently, the Imperial Museum came to be one of the many claimants to Indian antiquities, and there is no single museum which has a representative collection of antiquities of the country as a whole; even the National Museum established after Independence is no exception. The absence of a formalised link between the archaeological surveys and museum had been a perennial feature.

* * *

THE NEW DHARMA SHASTRA- CONSTITUTION OF INDIA @ 71

Prof. R. Venkata Rao

Chairperson, VSLLS

Vivekananda Institute of Professional Studies(VIPS)

Former Vice-Chancellor NLSIU, Bangalore

The Constitution of India is 71 years young. It is only human beings who become old but Institutions always continue to be young.

Whereas a number of countries in this part of the world became independent along with us and whereas all of them have drafted constitutions, it is only the Constitution of India which has grown from strength to strength in its odyssey of the last seventy-one years to such an extent that it is considered today reverentially as 'the New Dharma Shastra' by every Indian.

Three score plus eleven years is an appropriate time for us to share particularly with the younger generation, the constitutional ethos and constitutional values that permeate this venerable document.

Dignity is the *summum bonum* of the Constitution of India and it cannot be traded off under any circumstances.

The Preambular aspirations:

“to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and opportunity;

and to promote among them all

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation....”

rightly focus on *securing* to its citizens 'Justice, Liberty, Equality' and *promoting* among them all 'fraternity assuring the dignity of the individual'.

What does Fraternity mean?

According to Dr. Ambedkar:

Fraternity means a sense of brotherhood of all Indians- of Indians being one people. It is the principle which gives unity and solidarity to social

One third of humanity is governed from two capitals, Beijing and New Delhi.

- William Antholis

life. Without fraternity, equality and liberty will be no deeper than coats of paint’.

The Constitution is assailed by critics as ‘a lawyer’s paradise’ but the working of the Constitution has shown that the common man is the central theme of the Constitution. The golden thread of ‘Humanism’ permeates the Constitution. It is built on a solid edifice that has stood the stresses and strains of our myriad problems. It is the document through which many mini revolutionary changes were brought about with thrust on ‘social justice’.

The ‘Sage without Age’ Granville Austin judiciously observes that the constitution has the following strands:

- i. Protecting and enhancing national unity and integrity
- ii. Establishing the institutions and spirit of democracy
- iii. Fostering the social revolution to better the lot of mass of Indians.

All the above strands are interdependent. They must prosper together or they would not prosper at all.

Now, a reference to two of the important words that have found frequent mention in the constitutional lexicon in recent times: (i) Constitutional Morality and (ii) Transformative Constitutionalism

Constitutional Morality is the soul of the Constitution. Dr. Ambedkar has first made a reference to Constitutional Morality (4th November, 1948) while defending the detailed structure of administration being incorporated into the Constitution. Ambedkar stated that the text of the Indian Constitution is ‘only a skeleton’ and its ‘flesh’ is to be found in constitutional morality. He further clarified that the conception of constitutional morality is similar to that of Constitutional Conventions in England, which political leaders follow while in office or in opposition.

There is nothing much novel about transformative constitutionalism.

Mark the following words of Justice. Krishna Iyer:

‘The Constitution of India is more than a legal parchment. It is a Fabian socio-economic instrument with a revolutionary thrust. Indeed, the high purpose and the wealth of human rights which inhere in the citizens of India by virtue of the Constitution are condensed, with delicious brevity and precious dignity, in the Preambular passages. We can never forget that the people of India as a whole, not the elite nor the upper strata nor, indeed, the power-brokers and the creamy layers but *all the people* are title-holders under the Constitution. That is why Justice Vivian Bose once stated that the Constitution was meant for the butcher, the baker and the candle-stick maker; may I add, also for the tortured prisoner, the bonded labourer, the discriminated gender, the marginalised dissenter and the disabled, deprived human.’

The letter and spirit of our constitution speak about the supremacy of Human Rights. The Constitution unequivocally states that human rights are not a gift from the state which any government at its discretion may choose to distribute or withdraw at its whim. Human rights are essential prerogatives of a civilised and a democratic society, it reaffirms.

Let us preserve and strengthen our sacred Constitution by inculcating constitutional values, by spreading the constitutional culture and by focusing on Preambular aspirations.

* * *

INDIA THE CRADLE OF SCIENCE, LITERATURE, AND ART

Shri V.S. Ravi I.P.S. (Retd.)

“If I were asked under what sky the human mind has most fully developed some of its choicest gifts, has most deeply pondered over the greatest problems of life, and has found solutions of some of them which well deserve the attention even of those who have studied Plato and Kant, I should point to India. And if I were to ask myself from what literature we who have been nurtured almost exclusively on the thoughts of Greeks and Romans, and of the Semitic

Indian politicians have a dilemma. The economic energy is in urban areas while the electoral strength is in rural areas.

- Narayana Murthy

race, the Jewish, may draw the corrective which is most wanted in order to make our inner life more perfect, more comprehensive, more universal, in fact, more truly human a life... again I should point to India.”

Max Müller, (German philologist and orientalist)

Today the world is poised to usher in a major scientific revolution. However, some historians particularly in the west have distorted facts to make everyone believe that India had been and still is a country of poverty and illiteracy and hence incapable of advances in science and technology. It is conveniently forgotten by them, that India was the most civilised country in the world long before the Moghul and British invasions, and even centuries before the birth of Christ. It is necessary to reveal to the world the triumphs in science, literature, music, art and architecture achieved by India centuries ago.

The first Indian University(the first in the world) was established in 700 BC at Takshashila (now in Pakistan about 40 km west of RawalPindi). It could impart learning in 60 subjects to about 10,500 students from all over the world. The great royal advisor, astute Politician, and philosopher, Chanakya (the Bismarck of ancient India) the grammarian Panini and the great Ayurvedic physician Charaka were on the faculty of Takshashila. The University of Nalanda, established in the fourth century BC was also a great centre for education.

It is believed that there is a root language, related to Sanskrit, to which the origins of almost all European languages can be traced. The metrical grandeur of Sanskrit, the language of the Ramayana, the Mahabharata, the Bhagavat Gita and the Vedas and the excellence of rhyme and metre in Telugu, the sweetest Indian language, which Max Muller referred to as “The Italian of the east” are unmatched by any other language except English.

In fact, Telugu is so sweet that Italian should be described as the Telugu of the west. Tamil is the oldest language in the world, older than even Sanskrit, Latin or Greek, and Hebrew. India can boast of great literary achievements. Homer’s Iliad and Odyssey pale in comparison to the Ramayana and Mahabharata. In fact, the Mahabharata is eight

times bigger than the Iliad and Odyssey put together the Vedas, the Upanishads, and the Bhagavad Gita are not rivalled by poetry in any other language with the exception of English. A mention must be made of the poetry of Rabindranath Tagore of the previous century, the first Indian Nobel Laureate. The impact of his genius and influence is felt in various fields, including music.

In addition, he has become part of the Indian psyche because he composed India’s national anthem.

Coming to music India’s two great systems of classical music, Carnatic and Hindustani, based as they are on Raaga and Swara are unrivalled by other systems of classical music in the whole World. Saint Thyagaraja, the great composer of Carnatic music has no equal in classical music- not even Beethoven and Mozart of western classical music.

India’s achievements in architecture are revealed in the splendour of India’s great palaces, temples, (Amaravati, Ajanta, Ellora, Khajuraho, and Konark) the beauty of Chola bronzes and the original Nataraja statue.

Let me revert to Sanskrit- many believe that it is the most suitable language for computer software today! India was once the centre of the world for astronomy and mathematics. The number system was invented by India. Aryabhata, mathematician and astronomer, not only invented the concept of zero, but also introduced many other vital concepts such as the alphabetical system of expressing a number, rules relating to square root and cube root, and construction of trigonometric sine tables.

He wrote about the rotation of the earth and gave the most accurate value of Pi (symbol) as 3.141. The decimal and place system was known to Indians by 100 BC.

The word “Navgathi” is the mother of the word “navigation”. The first evidence of navigation can be traced to the river Sind 6000 years ago. Bhasker Acharya calculated the time taken for the Earth’s revolution as 365.2575648 days long before the age of Copernicus.

Branches of mathematics such as algebra and trigonometry came from ancient India. Sridharacharya

University should be a place of light, of liberty and learning.

- Benjamin Disraeli

discovered quadratic equations in the tenth century AD. Greeks and Romans could only conceive of 106 as the largest number whereas Indian mathematicians used the number as big as 10 to the power of 53 with specific nomenclatures as early as 5,000 BC.

To quote Albert Einstein “We owe a lot to the Indians who taught us how to count without which no worthwhile discovery could have been made”.

India’s early advances in the field of medicine were truly remarkable. Ayurveda is the earliest system of medicine known to man. Charaka, the father of Ayurveda, consolidated the discipline 2000 years ago. Another great scientist Sushruta pioneered surgery 2600 years ago. There is evidence to show that many complicated surgical procedures such as cataract, fractures, artificial limbs, and removal of urinary stones, were well known to Indian surgeons and physicians who also had an insight into digestion, anatomy and physiology. Over 125 pieces of surgical equipment were known to them as well as the healing power of many herbs, including some of which could cure insanity, jaundice and various stomach disorders.

For over a century the world had been regarding Marconi as the inventor of wireless communication. Now the US-based IEEE (Institute of Electrical and Electronics Engineers) believes on the basis of strong evidence that the true pioneer was Jagdish Chandra Bose and not Marconi.

The first reservoir and dam in the world were constructed in India at Saurashtra. There is evidence to show the earliest man-made lake was also constructed in Chandragupta Maurya’s time.

No wonder many westerners are beginning to realise that India is the cradle of science, literature and art.

Mathematical genius Srinivasa Ramanujan, who for sheer manipulative ability in tangled algebra, does not have a rival except Jacobi and Abel, was born to poor parents in an obscure town in South India. Ramanujan had to fight adverse circumstances including poverty and lack of opportunity. By sheer luck, his genius was recognised by England’s great mathematician Hardy who invited him to Cambridge, where he created mathematical history. He died young

but in his short life made spectacular discoveries in pure mathematics. Many of his theorems have opened up several new branches in mathematics, that will keep mathematicians busy for a hundred years. His equations will lead to new inventions and discoveries in various fields.

Our greatest contribution to astro-physics was Nobel Laureate Chandrasekhar. He showed, somewhere in the mid-thirties of the previous century that there is a limit to the mass of a White Dwarf star called the “Chandrasekhar limit” which is 1.4 times the mass of the sun. Only if its mass remains below the limit, it will remain a white dwarf star.

Chandrasekhar’s illustrious uncle Sir C.V. Raman, discovered Raman Effect for which he was given the Nobel Prize in 1930. He found that when monochromatic light was passed through a transparent substance some of the light is scattered. The spectrum of the scattered light contains weaker lines in addition to the original wavelength. These lines are caused by the loss or gain of the energy of photons as a result of this interaction with vibrating molecules of the substance Raman sent two papers to the journal Nature positing that the colour of the sea was due to light scattering by the water molecules—a phenomenon he called molecular diffraction.

The Raman Effect has a wide range of uses e.g. it is a powerful tool to analyse the molecular structure.

Jagdish Chandra Bose was an eminent scientist generally known for his experiments explaining the response of plants to stimuli. However, what is not known is the fact that he is believed to have invented a wireless transmission system before Marconi! He was elected a Fellow of the Royal Society in 1920.

Satyendranath Bose put forth a theory explaining the behaviour of subatomic particles. His work on quantum statistics applicable to particles with integral spin is also known as Bose-Einstein statistics because of Einstein’s association with the same discovery.

Meghnad Saha’s work on stellar spectra is very useful in determining either the temperature of a star or the relative abundance of the chemical elements being investigated. The Saha equation explains how the various observed spectra of stars are related to

What is to be feared is not only the corruption of those in high places
but the fact that corruption leads to eminence and high positions.

- N. Vittal

their respective temperatures. Saha ought to have been given the Nobel Prize

Hargobind Khurana was the third Indian scientist to win a Nobel Prize (1968). Crick and Watson, had elucidated the structure of DNA in molecular biology. The four bases guanine, thiamine and cytosine present in the DNA chain are read sequentially in groups of three codons-since there are 21 amino and 4 bases, coding was done in the form of triplets. His synthesis of the gene is of paramount importance in Molecular biology. Khurana succeeded in synthesising all the 64 codons.

Homi Bhabha described the ways of determining the probability of electron-positron scattering in an atom. He explained the phenomenon of Cascade ray showers in cosmic rays. Bhabha was a man of vision who supervised India's nuclear energy programme and was the first chairman of India's Atomic Energy Commission.

Vikram Sarabhai did useful work on the time variation of cosmic rays and set up the space science and technology centre near Thumba. Indian scientists have put satellites in orbit.

Research institutes and universities like Indian Institute of Science and Tata Institute of Fundamental Research, and Raman Research Institute have churned out very good researchers and their work is published in various international journals.

Indian engineers from the Institutes of Technology are making their presence felt in multinationals, and companies that specialise on internet related services from Silicon Valley to New York, in the United States. Also, many of our doctors are scattered throughout the United States as well as the United Kingdom.

In addition, Indian Scientists have achieved significant triumphs in various scientific disciplines.

Venky Ramakrishnan originally from Cambridge shared the Nobel prize for Chemistry with Thomas A Steitz and Ada Yonath, in 2009 for his studies of the structure and functions of the Ribosome. He is currently the President of the Royal Society - the only Indian ever to adorn that chair.

Manjul Bhargava has won the Fields Medal in

mathematics. This is given to 3 or 4 persons below the age of 40, once every four years; it is considered as prestigious as the Nobel Prize.

Vilayanur Ramachandran, who is currently the Head of the Brain and Perception Laboratory in the University of California at San Diego invented a "mirror box" to treat phantom limb pain which people experience in an amputated limb. This is already being used in big hospitals like Walter Reed. The "mirror box" also figures in the popular television series "Grey's Anatomy"

A new generation of Indian novelists has made its mark in literature - e.g Kushwant Singh, Amrita Pritam, R.K. Narayan, Ruskin Bond, Dom Moraes, and Chetan Bhagat, who is the biggest selling English Novelist in India's history.

So then India has to maintain the tempo in all these fields to remain in the forefront as an advanced nation with scientific, literary artistic achievements that will be the envy of less successful nations.

(Shri V.S.Ravi is a distinguished and highly decorated I.P.S. Officer having served both the Government of A.P. and Government of India. He is the grandson of the late Alladi Krishnaswamy Iyer, one of the chief architects of the Constitution of India. Ravi is one of the foremost authorities on Shakespeare in the country. He has also kept in touch with the latest developments in science and technology and has written five highly acclaimed books on science.)

(Courtesy: News Time Now, November 29, 2020)

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CONGRESS BY ANY OTHER NAME?

Dr. Uday Balakrishnan

Indian Postal Service (Retd.)

Former Member, Postal Services Board and
Chairman, Investment Board

The speed at which the Congress Party is imploding it may well disappear as a force in Indian politics. What will endure is the durable Nehruvian Congress model itself which kept the party in power in the country for decades. Any Indian political party

Independent India was blessed at its start with an inclusive, non-majoritarian, talented and forward-looking government.

- Rajmohan Gandhi

aspiring for a national role has to necessarily adopt the 'Congress-Way' of strong centralized control with loyal local satraps in place and a proven capacity to accommodate and manage India's many diversities – all without upsetting the country's Hindu core.

Notwithstanding its claim to be a secular party, in the lead up to freedom, the Congress Party was perceived as a very Hindu one and its professed secularism seen as a mere cover for its majoritarian mind-set. It is in post-independence India that the Congress Party's traditional secular stance scored. There wasn't another party that India's minorities especially its Muslims - much reduced in numbers by Partition and totally insecure - could or would turn to for succour. But ever mindful of its Hindu base, a Congress pulled by Nehru also did everything it could to retain Hindu trust. There is compelling evidence for this.

It was ensured early on that India's affirmative action programme essentially covered only Scheduled Caste Hindus. When it came to legal reforms the only modernization that took place was of Hindu laws, leaving other religious communities, especially their women, stuck in antiquated and stifling tradition.

When they found the ground slipping under their feet, both Indira and Rajeev Gandhi nimbly burnished their Hindu credentials, the latter by practically gifting control of Babri Masjid. It was only during UPA 2 that the Congress began its fatal drift from its Hindu moorings.

The AK Antony report which went into the electoral disaster that had overwhelmed the Congress in 2014 suggested that the perception that the Congress was anil Hindu contributed to its spectacular rout. Since then the party has been scrambling to win back its Hindus. Indicative of that is Rahul Gandhi's well publicised pilgrimage to Kedarnath where at the shrine he announced he felt "some fire power." On another occasion he even publicly proclaimed that he was a Brahmin. Not to be missed also is Sonia Gandhi's highly emotional assertion that her *ashes* "will mingle with my loved ones in India."

Unfortunately for the Congress it is becoming increasingly clear that the 'Congress-Way' of being secular yet Hindu is being adapted by the BJP itself with increasing success. Those who see the inevitability of a fascist Hindu India emerging under the BJP are completely missing this point.

After its victory in the 2019 General election, the BJP once again chose to administer the country as part of an NDA coalition when it had the numbers to go solo. This was a wise move as it paved the way for political parties that would never have previously aligned with the BJP now actively partnering it in several places. An avowedly Sikh party, the Akali Dal was an ally until recently. Incredibly, the BJP even successfully forged a coalition, which for a while administered J&K with the PDP, and that too as the latter's junior partner.

Sadly, the Congress Party is today looking stolid and flatfooted under unimaginative dynastic leadership looks increasingly less of a challenge to BJP dominance of Indian politics. Rahul Gandhi is undoubtedly contributing most to Congress decline through his mediocre leadership. This is being challenged by the best in the Congress Party including the likes of Dr Sashi Tharoor and Kapil Sibal but they are getting nowhere.

Under its now-clueless leadership the party has gifted its secular - yet Hindu USP, the 'Congress-Way' to a rampant BJP determined to make itself indistinguishable from the Congress Party albeit one with a great future under a 'dynamic' leader like Modi. This audacious attempt will go down as one of the most spectacular instances of identity theft in Indian politics and Sonia, Rahul and Priyanka are allowing it.

* * *

SAIBHYA : MOTHER OF SORROWS

Dr. (Mrs.) Prema Nandakumar

How much do early experiences affect the great man in his future work? On the face of it, he becomes so great that there is no time for indulging in

Political equality is never real unless it is accompanied by virtual economic equality.

- Harold Laski

private sorrows, childhood deprivations, those little moments of fun and laughter. But the scenes of one's childhood and boyhood never get erased from one's consciousness. They reveal themselves in memory, as through a glass darkly. And they get revealed in classics often as minor characters.

Swami Vivekananda had a life-long regret that he had not helped his mother Bhuvaneshwari Devi and allowed her to fight poverty to bring up her other children. He was not a callous son, but the pull of Vedanta was impossible to resist. Motherhood is holy in India and the Swami knew it well. That is why, as a tiny compensation for her deprivations, he took her on a pilgrimage as soon as he returned from his second visit to the West. He had hardly two more years to live, and he had returned as a conquering hero. But he was a child to Bhuvaneshwari Devi and loved being fed by her. As she desired, he took her to East Bengal where they worshipped in Chandranath and Kamakhya.

How about Sri Aurobindo? He too had remained separated from his mother from a very young age and Swarnalata Devi herself was ill with severe depression. Sri Aurobindo was never one given to externalizing his emotions. But his creative writing gave him a chance to worship motherhood as a gift for future generations. There are, of course, the very well known three mothers – the triple soul-forces in man – in **Savitri**. Such perfect images:

A moon-bright face in a sombre cloud of hair,
A Woman sat in a pale lustrous robe. A rugged and
ragged soil was her bare seat, Beneath her feet a sharp
and wounding stone. A divine pity on the peaks of the
world, A spirit touched by the grief of all that lives,
She looked out far and saw from inner mind this
questionable world of outward things ...

There are many more instances of not only motherhood but those gleams of fraternal togetherness, love and joie de vivre tucked away in Sri Aurobindo's writings as "minor characters". **Savitri** scores by giving us Saibhya.

Saibhya, the queen of Dyumathsena is the very

image of passive acceptance of fate and is a Mother of Sorrows. We see her first in Book VII, canto I:

And the stately care-worn woman once a queen
Who now hoped nothing for herself from life,
But all things only hoped for her one child,
Calling on that single head from partial Fate
All joy of earth, all heaven's beatitude...
And knew not of the evil drawing near."

Savitri is gathering her forces to take a final decision. She decides against ending it all by suttee, for what would the aged Dyumathsena and Saibhya do? The mother-in-law so gentle, innocent, a loving mother to her son Satyavan. She was so selfless that not for a moment did she regret the loss of the Shalwa kingdom. What if royal comforts had been lost? There was the peace of the hermitage and her Satyavan, now grown to manhood, a devoted son. She was content. Savitri is worried: how will her mother-in-law face life if Satyavan dies?

Savitri decides to challenge Death. Yes, for the sake of Saibhya, of Dyumathsena, of humanity. Saibhya has been a loving mother unto her throughout these twelve months. As a woman, Savitri goes to another of her kind, Saibhya, with a request:

At last she came to the pale mother queen.
She spoke but with guarded lips and tranquil face
Lest some stray word or some betraying look
Should let pass into the mother's unknowing breast,
laying all happiness and need to live ...

She has rarely gone out all this year. May she be allowed to accompany Satyavan to the forest? Sri Aurobindo's Saibhya soars to the empyrean as a character, when she utters those few words in reply:

She answered: "Do as thy wise mind desires,
O calm child-sovereign with the eyes that rule. I hold
thee for a strong goddess who has come Pitying our
barren days; so dost thou serve Even as a slave might,
yet art thou beyond All that thou doest, all our minds
conceive, Like the strong sun that serves earth from
above."

A corrupt society can only yield us corrupt government and
each will intensify the rottenness of the other

- C.R. Reddy

19

Such a delicate domestic scene, Saibhya grown old gracefully, Savitri alert, attentive, courteous. So Savitri goes out and the day passes by till the evening gives way to night. An alert is sounded. Savitri and Satyavan who had gone out have not returned home still. Unaware of the cosmic drama being played out in the terrifying spaces beyond earth, a search party from the hermitage spreads out with Dyumathsena and Saibhya joining them. It is amazing that Dyumathsena is able to keep step with them for he has now eyesight that can pierce through darkness, such has been the gift of Grace. Surely this divine sight can see the prodigals in a trice.

But no! Sri Aurobindo shows that there is a soul-power which is greater than the physical. It is the mother's heart that automatically turns towards the child, towards the children:

Her patient paleness wore a pensive glow Like evening's subdued gaze of gathered light Departing, which foresees sunrise her child. Sinking in quiet splendours of her sky, She lives awhile to muse upon that hope, The brilliance of her rich receding gleam A thoughtful prophecy of lyric dawn. Her eyes were first to find her children's forms."

A line that has always made me meditate upon maternal love that transcends the physical, a triumphant touch of the epic poet's unerring attention to detail: "Her eyes were first to find her children's forms."

* * *

REDEFINING THE FREEDOM OF THE MIND: HOW FREE ARE THE WRITERS OF INDIA TODAY?

Prof. Manoj Das

Professor of English Literature
Sri Aurobindo International Centre of Education
Pondicherry

A talk arranged by the Department of English, Visva Bharati, at the Sri Aurobindo Nilaya, Santiniketan. Courtesy : Yearly Shakespeare edited by Goutam Ghosal and Shakespeare the Indian Icon edited by Vikram Chopra.

Summary of a talk by the author who presided over the Kerala Sahitya Akademi Award bestowal function at Trichur.

Posterity will remember
And will burn with shame
Remembering the strange days
When common honesty was
called courage !

Thus spake, poet Yevtushenko, noted in the early sixties (of the 20th century) as the herald of free voice in what was then the U.S.S.R., reflecting several strains of the time that was - or perhaps of the time that still is.

The brutal tyranny humanity experienced under different forms of totalitarianism and ideological tribalism in the twentieth century obliged the thinking man to ask, what is the meaning of life without freedom? Must one struggle and suffer to achieve what should normally be regarded as his elementary right as a conscious creature?

This anguish probably found its most blunt expression in Sartre's observation: "Man is condemned to be free, condemned, because he is not his own creator and yet he is free". He is dumped on this earth without his own consent, yet he is responsible for everything he does.

Sartre of course did not believe in any inner consciousness in man in the process of evolving or unfolding itself and did not subscribe to the faith that an omnipotence in its free-will had become man as well as everything else and man could realise that free-will when he identified himself with his source, call it God or Providence. But the Indian consciousness, since times immemorial, had believed in the existence of a deeper essence in the manifested universe, knowing which man can know all and everything, a concept quite different from the Sartrean concept of essence. In fact, one of the two great streams of human endeavour from the very dawn of his consciousness flows in the direction of discovering this knowledge.

I am referring to man's inner voyage recorded in his long spiritual history, including the experiences

To Gandhi, Swaraj meant more than independence from the British. It meant both national and personal (for all Indians) self-realization; it meant throwing off foreign ways as well as foreign rule, so that Indians could emerge as masters of their own souls as well as of their political future. - Granville Austin

gained by him through Yoga, meditation and various spiritual practices. The second stream of man's endeavour, his exploration of the physical world, his organising the collective living, his pragmatic achievements, too have been greatly influenced by the first stream, consciously or unconsciously.

In India, by and large, the freedom to follow the currents of the inner stream was rarely questioned. That is why we find countless philosophies and doctrines concerning the meaning and the goal of life, some of them apparently contradictory to one another, thriving simultaneously. Even when a powerful monarch was enamoured of a certain faith and he would like his subjects to follow it, he took recourse to the slow path of persuasion and not of coercion. That is how Emperor Ashoka was spreading Buddhism while another contemporary emperor Tsi Huang Ti of China, builder of the great wall, was making a million bonfire of all the books that his soldiers could lay their hands on, because he did not think it necessary for the common man to indulge in as useless a process as thinking or philosophising when he and his wise ministers were there to do that for everybody.

Indeed, India even nurtured the world's first atheists with distinct philosophies - the Charvakas, the Javalas and the Ajivakas - and viewed the founders of these schools as savants. Adventures in consciousness and their expression, for the most part, went together in literature, the freedom spanning remote points from the lofty to the bizarre, from the grand epics to the witty Udvatas, satires and the absurd. In art and sculpture the scope of freedom embraced a breathtaking range from the sublime to the erotic.

Were our ancestors enlightened enough to realise that true growth could be possible only through freedom despite its misuse, that it is only through nursing and protecting a thousand eccentrics that you could let a true genius bloom? Be that as it may, it cannot be denied that it is only a free adventure in consciousness, supported by a conscious commitment to discipline, that could have cultivated the colossal literary heritage of India, the many-streamed splendour and strains of her culture, despite

the curses of a gradually degraded caste system and whimsicalities of occasional potentates. What Einstein said, "Everything that is really great and inspiring is created by the individual who can labour in freedom", (Out of my Later Years, 1950) seems to have been a truism with the consciousness that was India.

Was this mighty tradition of freedom imperiled later? There were periods of oppression and censorship during the British rule and even in free India, as during the spell of Emergency in the seventies (of the 20th century). But such periods of time have never lasted long. If we are thinking in terms of redefining freedom, something more than the elements of mere external freedom is perhaps knocking on our conscience, even though external freedom is a must. Perhaps it is time to remember that the social, political, and legal freedoms are only conditions for a far more meaningful freedom - my freedom to grow into myself, against all the forces which conspire to detain me in the chaos made up of universal impulses and petty exercises of my superficial self, my ego. I may call my resigning to a rule of these trivialities my freedom, but that does not mean much, for to emerge from a prison but to remain a slave of vanities and prejudices which can throttle the freedom of the next man at the earliest opportunity is hardly a glorious condition. Masquerading as exercises in freedom, today a great menace threatens the very soul of freedom. The power and popularity of concepts like democracy, socialism and equality have informed us that I cannot be an autocrat or a tiny tyrant anymore. Hence I change my strategy, unconsciously for the most part. I align myself with a colossal tyrant, a collective ego, formed of common economic or political interest or impulse of a host of others and slay the freedom of someone else, sporting holy face. I forget that if to be a tyrant individually for achieving my desire is bad, it cannot become good simply because a hundred other individuals join me. Perhaps the old lesson from John Stuart Mill is yet to educate us: "If all mankind, minus one, were of one opinion and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, that he, if he had the power, would be

The father of the atom bomb, J. Robert Oppenheimer paid a heavy price for opposing the development of the hydrogen bomb. A genius was thrown to the wolves by the American establishment. - Natwar Singh

justified in silencing mankind.” (*On Liberty*).

Several factors, in different regions of our vast subcontinent, threaten the creative writer’s freedom today. Terrorism, for example. But there seems to be a sinister, if subtle, fraternity between terrorism and the general apathy and inertia, the collective violence and corruption we nurture all conveniently fitted into some interpretation of freedom and democracy. Alas, it is difficult to judge who merits a greater claim to devilry between the branded terrorist and the little mob-leader who, during a ‘Rasta Roko’ punctured the tyres of a rickshaw carrying a slum-dwelling woman in the throes of labour pain, or between the terrorist and the doctors walking out of the operation theatres at the call of their federation, leaving the patients hearts and tummies open, or between the terrorist and the officials of a mental asylum suddenly deciding to desert their posts, allowing the insane inmates to roam the roads and get crushed by traffic, or between the terrorist and the mob invading a snake-park and lynching most of its denizens.

In such a climate of confusion it is more necessary than ever before for the writer to differentiate between impulse and inspiration and between anarchy and freedom. Let us remember a statement by Andre Gide in his *Immoralist*: “To know how to free oneself is nothing; the arduous thing is to know what to do with one’s freedom.”

An Indian writer today should also reflect on another danger. Every stride civilization had taken brings its own challenges. Today we are exposed to the literatures of several other countries, to those of the West in particular. This is great, but not unconditionally so. We have the freedom to leap off our native genius, but is that really a freedom? No danger to freedom is more dangerous than the lure of the false freedom. Let us remember one of our own great poets:

Emancipation from the bondage of the soil

Is no freedom for the tree.

-Tagore (*Fireflies*)

* * *

Book Review:

THE COMMONWEALTH OF CRICKET **RAMACHANDRA GUHA**

(FOURTH ESTATE New Delhi 2020 pp 347 Rs. 699)

Ramachandra Guha describes his latest book on cricket as ‘A Lifelong Love Affair with the Most Subtle and Sophisticated Game Known to Humankind.’ This is a fascinating ‘love story’ which the renowned historian and writer on cricket narrates with transparent honesty and objectivity, laced with subtle humour. Cricket is an obsession for millions of people in India and in our neighbouring countries, Pakistan, Sri Lanka and Bangladesh.

The elegantly brought out *Commonwealth of Cricket* begins with a picture of three smiling celebrities, with the author Ramachandra Guha in the middle flanked by the two great spin bowlers Bishan Bedi and Anil Kumble, and the touching two lines on the first page: “In memory of my father, who bought me my first cricket books. And for my son, first reader of this one.” The page that follows carries the words of former Australian cricketer and prolific writer late Jack Fingleton adored by Indian fans, particularly the readers of *The Hindu* for his scintillating style of reporting on test matches between Australia and India. “The longer I live,” wrote Fingleton “I am pleased to say, the less nationalistic I become. The outcome of a match is interesting, but not on the scales of time, of any great moment. What is important is whether a particular contest gives posterity a challenge that is accepted and won, or yields in classical technique an innings or a bowling effort that makes the game richer, so that the devotee can say years afterwards, with joy in his voice.’ I saw that performance.”

Born in Dehradun in 1958, Ramachandra Guha was a four year old boy when he watched a cricket match for the first time in 1962. His father Dr.Subramaniam Rama Das Guha, a scientist and the Officer-in-Charge of the Cellulose and Paper branch in the Forest Research Institute, Dehradun, and his maternal uncle N.Duraiswamy, affectionately called Durai, played in it for the Forest Research Institute Team. Ram Guha began playing cricket at the age of four with a plastic bat and a tennis ball. Encouraged by his father, an ardent admirer of Lala Amarnath, and

The climate crisis is the emergency of our times. The risk we face is nothing less than the downfall of the civilized world, perhaps in the lifetime of today’s schoolchildren.

- Katharine Viner

mentored by uncle Durai, Ram learnt to bowl the leg break and the googly too and as a six year old boy he clean bowled his father once. Ram became 'cricket-mad', hearing the running commentaries, watching local matches and reading books on cricket. At the age of seven, Ram Guha acquired Wisden Cricketer's Almanack and seven years later, he wrote a letter to the editor of Wisden Almanack which was promptly and graciously replied to by Norman Preston, the famous editor of Wisden for 28 Years.

His bachelor uncle Durai shifted to Bangalore where he captained the Friends Union Cricket Club, Bangalore's second oldest club. Ram became the FUCC's youngest member when he joined it as an eight year old. Ram Guha who later studied in Delhi's St. Stephen's College played for it in inter collegiate cricket tournament. He was a leading wicket taker for his side but a tail ender in batting, seldom reaching double figures with the bat. After finishing his Masters in St. Stephen's in Delhi, Ramachandra Guha chose to work for the Ph.D. in Sociology in Calcutta. Serious research work could not dampen his love for cricket. For higher studies he went to the U.S. where he also took up a teaching assignment. Returning to India, he worked for sometime at the Institute of Economic Growth, New Delhi.

From Dehradun where he honed his skills, he moved to Bangalore where he played in league cricket and met well known players on and off the field including E.A.S. Prasanna and G.R. Viswanath. More importantly Ram was overjoyed when his favourite team, Karnataka beat Bombay, the Ranji Trophy champions which Ram described as 'enormously important, not just for me and my side, but for the Indian cricket as a whole'. Bombay's defeat at the hands of Karnataka at Bangalore in that match in 1974 was 'hastened by two misjudgements' according to Ram. Umpire Ganguli ruling Viswanath 'not out' when he 'was palpably leg before' and Ajit Wadekar, the Bombay skipper, stumbling while taking a single and running himself out were mainly responsible for Bombay's defeat. Ganguli, the Calcutta umpire after returning home told the Bengal Ranji Trophy team "I have done what you have been unable to do all these years – make sure that Bombay does not win the Ranji Trophy."

None of the eleven chapters of *The Commonwealth of Cricket* is without delightful anecdotes and insightful observations by the brilliant raconteur on players and matches of the past and the more recent ones. Celebrities of the past like Keith Miller, Ian Botham and Garry Sobers get as much attention as legendary players of recent times like Sunil Gavaskar and Sachin Tendulkar. '*Sightings of Sachin*' is another lively chapter in which Ram showers high praise on the Master Blaster whose 'cricketing achievements were not restricted to batsmanship alone.' Cricket historians will write a lot on the Age of Tendulkar in which Sachin batted and bowled too with grace and rare distinction. At the same time Guha doesn't spare the greatest batsman India has produced for overstaying in the game for the sake of setting records. The great Sachin Tendulkar is, therefore, accorded a place in the company of 'dairying genius Verghese Kurien, the corporate head Ratan Tata and the two former prime ministers, Jawaharlal Nehru and Manmohan Singh. Sachin 'should have taken the cues from Vijay Merchant and Sunil Gavaskar instead,' writes Guha. The chapter titled *Some Favourite Pakistanis* has quite a few amusing episodes. How Hanif Mohammad saved Pakistan from defeat in the Bridgetown test against the West Indies in 1958 by scoring 337 runs in 970 minutes, in the longest innings in first class cricket, and how Hanif Mohammad blushed and apologized to Bradman when the latter congratulated the former in Adelaide on breaking his record score of 452, is another delightful anecdote. Sarfraz Nawaz who earned the nickname Master of Tampering was not only an MT but also MS, Master of Swing and swerve, writes the author. The incorrigible Javed Miandad while playing against Indian spinner Doshi kept asking the bowler what his hotel room number was and 'telling an eavesdropping Sunil Gavaskar' that he wanted to know the room number so that he could hit Doshi's next ball into it! Among the best of these anecdotes is what Geoffrey Boycott said in 1992 when asked to comment on allegations of ball tampering by Waqar Younis and Wasim Akram. "In present form Waqar and Wasim would bowl out the England team with an orange!" Allan Lamb 'went to

Our judges are as honest as other men and not more so.

- Thomas Jefferson

the press with a story of how the Pakistani bowlers had been tampering with the cricket ball almost since the birth of their nation.’ Lamb said that he knew that his teammate Sarfraz (both played for Northamptonshire) was ‘the unholy mentor of all Pakistani bowlers to follow’.

In the chapter *Accidental Administrator* Ramachandra Guha narrates how he became a cricket administrator following the judgement of the Supreme Court. The Apex Court decided to appoint a Committee of Administrators to run cricket administration in India until a new set of officials were appointed as per the recommendations of the Lodha Committee. The Supreme Court chose Vinod Rai as Chairman and Ramachandra Guha, Vikram Limaye and Diana Edulji as members of COA. Ram Guha’s old teacher and cricketing teammate R.P.Devgan remarked that ‘it had been quite a journey from cricket at the FRI, IMA and the Doon School, Dehradun to St. Stephen’s in Delhi and now on to the controller of cricket in India.’ He added “Wonder what Dorai feels about it? A proud Uncle!”

But Ramachandra Guha made his exit from the establishment in just four months following disenchantment with the structure of BCCI and the persons who controlled it. Indian cricket, he felt, had been badly run for decades and had become even worse run since the start of the IPL. More money meant more opportunities for cronyism and corruption, wrote Ram Guha who strongly opposed

the shortened form of the game, the IPL in particular. A few dynasties and persons of dubious credentials running the BCCI and state associations and their role in team selection and players’ selection for special awards were among the issues raised by him at COA meetings. Ramachandra Guha informed the Supreme Court of his decision to quit and his letter to Chairman Vinod Rai reveals his acute displeasure and disappointment with the working of the BCCI and lack of support for his plea for reforms from those who matter. “From my four months in the BCCI, I reached this melancholy conclusion: were the game better administered in India, the Indian team would never lose a cricket match”, he said. He added that “That Indian cricket administrators were corrupt I knew beforehand. What surprised and shocked me more was how amoral India’s top cricketers were.” *The Commonwealth of Cricket* conveys quite a few messages for all—players, administrators, spectators and writers on cricket. It is one of the finest books on cricket released at a crucial time when the *Noblest Game* is under a cloud due to ‘corruption and cronyism’. For this reviewer, a ‘cricket addict’ for the last sixty five years, its charm never fades and the lesson cricket has taught remains relevant till the last breath: The player is important; more than the player the team is important; greater than the team is the country and the greatest of them all is the Spirit of the Game! No matter where, when and by whom it is played!

A. Prasanna Kumar

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