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OUR PARLIAMENTARY DEMOCRACY

Now that the election of the thirteenth President of India is over public attention turns, more keenly and intensely than before, to the 2014 general elections. In fact the count-down has already begun with the political parties, national and regional, throwing their hats into the ring. The next general elections assume crucial importance as the threat of a fractured verdict looms ominously on the political horizon. Stability and responsibility which are the main pillars of parliamentary democracy have suffered severe erosion during the last two decades largely because of the volatility of coalition politics.

India abounds in paradoxes. This month sixty five years ago India celebrated with fervor the advent of Independence by hoisting the tricolor in place of the Union Jack on August 15 but opted for the Westminster type of parliamentary form of government. The unwritten English Constitution provided inspiration, to a considerable extent, for the makers of India's Constitution to draft the longest constitution for the world's largest democracy. Walter Bagehot's English Constitution, a brilliant political treatise and a literary masterpiece, came to be read and widely quoted in classroom lectures and public discourse. For Bagehot the cabinet was the keystone of the political arch and the prime minister the keystone of the cabinet arch. In his narrative of the fusion of executive and the legislative branches in British parliamentary government the celebrated author explained how the two swim together or sink together. With the decline of parliament it came to be called cabinet government, prime ministerial government or chancellor's democracy according to the International Encyclopedia of Social and Behavioral Sciences.

Prominent among those who preferred the parliamentary type to the presidential system of government were Jawaharlal Nehru and B.R.Ambedkar and the latter lucidly explained why India opted for the parliamentary system as against the presidential : " Both systems of government are, of course, democratic and the choice between the two is not easy. A democratic executive must satisfy two conditions. It must be a stable executive, and 2) it must be a responsible executive. Unfortunately it has not been possible so far to devise a system which can

ensure both to an equal degree. The Draft Constitution in recommending the parliamentary system of executive has preferred responsibility to stability." Jawaharlal Nehru also was convinced that parliamentary type would be 'more responsible to the people' than the other type.

If India succeeded in the first ten years as a vibrant parliamentary system of government the credit goes not only to Jawaharlal Nehru and his cabinet but also to the members of Parliament for the way they strengthened the system with their work and wisdom. The decline of our parliamentary democracy from then on has been due to a multiplicity of factors which are too well known to warrant any mention here. According to the Encyclopedia parliamentary government needs now " development of a *political culture* favourable to appropriate parliamentary behavior and alternating government." In the Indian context former Prime Minister I.K.Gujral observed that we still have to acquire a culture of coalition politics. That implies respect for conventions and customs and tolerance of dissent as the essence of democracy. As the Encyclopedia put it 'regional assembles will try to strengthen themselves via regional politics at the cost of national parliaments.' The abdication of responsibility by the members of Parliament and state legislatures and the enfeeblement of the executive resulted in the emergence of courts and media as rival power centres.

It is time members of Parliament returned to their 'seats' as representatives of the people and custodians of parliamentary sovereignty. The admonition of Lok Sabha Speaker Somnath Chatterjee a few years ago and the exhortation of former President Dr APJ Abdul Kalam now in his latest book should serve as a reminder to members of Parliament and state legislatures to restore the strength and dignity of Indian parliamentary government, hailed not long ago as the school of Asia. High time Prime Minister Manmohan Singh who is head of the government played the role of steersman as his predecessors P.V.Narasimha Rao and Atal Bihari Vajpayee had done under conditions no less adverse than at present. The success of India's parliamentary democracy will not only benefit the billion plus people of India but will also serve the cause of world peace and global harmony.

The Editor

Working together in unity and harmony for a national vision is the greatest need of the hour for our parliamentarians.

Dr A.P.J.Abdul Kalam (Turning Points)

Two articles of 1939 by Gurudev Rabindranath Tagore and historian Radhakumud Mookerji are reproduced from the book *What India Thinks* compiled and edited by C. Roberts.

RELIGIOUS EDUCATION

- Dr. Rabindranath Tagore, KT., D.LITT..

ATTAINMENTS, which do not have their origin in external habit but are the result of the unfolding of the inner nature of man, cannot be gained by artificial methods. They depend on favourable conditions. If religious feeling is not considered a mere sectarian accomplishment, but rather the fulfilment of humanity itself, then it must have a suitable environment for its exercise, and sufficient leisure for its growth. The surrounding light and air must be so ample that the soul may gain fresh life with every breath it draws. This amplitude is what the forest universities of ancient India offered for the spiritual education of her children. The ideal of perfection preached by the forest dwellers of ancient India runs through the heart of our classical literature and still dominates our mind. The forest Asram was the sacred abode, where human activity, in cadence with that reposefulness which is in universal nature, mingled in the discipline of man's pure disinterested endeavour. The spirit of the universe and the soul of man united to build up a temple for worship. This worship itself was service, unfettered by the bonds of self-seeking. It is this spiritual unity which was set forth so truly and so purely by the great thinkers and teachers of ancient India in their forest Asramas ; and it is this same ideal which we need for our religious growth today.

The religion of the modern time which does not ascribe any particular form to the subject of its worship, nor attribute any special efficacy to particular rites, but rather believes that outward observances carry with them a certain danger to man's intellect as well as to his moral nature,—such a religion cannot be expected to keep a permanent hold over the minds of men by the mere preaching of its ideals. The atmosphere of the Asrama is needed if the religious spirit in the modern age is to find its inner harmony and its living power. For, in the Asrama life, such a harmony exists. There are no artificial barriers between man and nature. Men, women and little children come naturally to regard bird and beast, tree and creeper, as their kith and kin. The subtle allurements and endless appurtenances of worldly comforts do not constantly distract the mind. The search after God is not merely an act of meditation, but is continued throughout the daily

life in acts of sacrifice and compassion. Conscience is not imprisoned by any personal consideration of expediency. Its urgency is ever towards the higher ideal of universal good as the only final sanction. There are truths, which are of the nature of information, that can be added to our stock of knowledge from the outside. But there are other truths, of the nature of inspiration, which cannot be used to swell the number of our accomplishments. These latter are not like food, but are rather the appetite itself, that can only be strengthened by inducing harmony in our bodily functions. Religion is such a truth. It establishes the right centre for life's activities, giving them an eternal meaning ; maintains the true standard of value for the objects of our striving , inspires in us the spirit of renunciation which is the spirit of humanity. It cannot be doled out in regulated measure, nor administered through the academic machinery of education. It must come immediate from the burning flame of spiritual life, in surroundings suitable for such life. The Asrama, the Forest University of ancient India, gave for our country the answer to the question as to how this religion can be imparted. It was in the Asrama where the harvest of religious thoughts, reaped in a great period of Indian history, were garnered in the Upanishads. These had nothing to do with any institution ; they never harboured any creeds, nor built rigid walls round them of logical consistency ;' and therefore people brought up in the atmosphere of some sectarian religion consider the texts contained in them merely as so many seeds of religious philosophy. But there can be no doubt that these seeds came out of the fruit of a true life of religion, fully lived. Such religion, contains the true spirit of liberation in its essence of spiritual truth because it is free from the bondage of sect. What is significant about the religion of the Upanishads is that, though it was worked out by individuals who were not tied to each other by a common bond of conformity, a natural cord of unity nevertheless runs through their different thoughts of all variety of shades. For myself, I believe in such freedom of spiritual realisation, and I feel that the habit of obedience produced by the constant guidance of fixed creeds and ever watchful sects enfeebles the spiritual instinct of man and gives rise to materialistic ideas and practices disguised in religious phraseology. "What is most remarkable in the history of our religion is the fact that the people belonging to the despised community in this country, banished from the barricaded shrines of worship exclusively owned by the prouder castes have reached a religion which with its simple dignity transcends all boundaries of caste arrogance. These people had no scriptures, no schools, no temples, they only had their unfenced atmosphere of freedom kept pure by

the helpful contempt of the learned orthodoxy and their unsophisticated devotion naturally came to the altar of advaitam the one supreme soul comprehending the souls of all beings. Let me conclude my paper with the translation of a characteristic poem by a Baul poet by the name of Madan whose courage to decry the conventional paths of the pious as leading to spiritual futility is made evident in this song :—

*Thy path, O Lord, is hidden by mosque and temple.
I hear thine own call, but the guru stops the way.
What gives peace to my mind, sets the world ablaze,
The cult of the One dies in the conflict of the many.
The door to it is closed by many a lock, of Koran,
Purna and Rosary.
Even the way of renunciation is full of tribulation,
Wherefore weeps Madan in despair.*

- From *What India Thinks*, compiled and edited by C.Roberts, National Literature Company, Calcutta, 1939



THE HISTORIC FITNESS OF INDIA FOR DEMOCRACY

- Prof. Radhakumud Mookerji

INDIAN polity through the ages has shown a distinct tendency towards democracy. There were democratic elements in kingships to limit their absolutisms, while there were also full-fledged democracies co-existing with kingships from very early times. The Rigvedic kingship was, from the first, limited by the assemblies called the Sabha and the Samiti which were organic parts of that earliest Indian constitution. The Vedic king was further checked by a powerful entourage of ministers called Bajakrits or "king-makers" including such officials as the commander of the army (Senani), the finance minister (Samgrahitri) and so forth. Advantage was also taken of the necessary religious ceremony of the king's coronation to impose on him certain oaths to emphasise the limits to his autocracy. Violation of these oaths was punished by his expulsion. This practically made Vedic kingship elective. There are also declarations that taxes are voted to the king as the protector of his people. The Vedic precedents fixed the plan and pattern for the subsequent development of Indian polity. The limitation to absolutism became more and more developed and defined in the epics and the smritis. The sovereign is described as Danda, the instrument (or the executive authority) to enforce Dharma, the law and constitution, the supreme consideration of the state. The sovereign is

thus not the source of law but its sanction. The sources of law are enumerated as (1) Sruti (Veda) (2) Smriti (3) Sishtachara (approved customs) and (4) decisions on doubtful points of the Parishad (Judge-made law). Law or Dharma was, on principle, not centralised. It varied with groups and communities which legislated for themselves. The state, whether monarchy or democracy, stood for the self-government of the group. The groups which were recognised for self-government by the state were known and arranged in an ascending order as follows :— Kula (class), Jati (caste), Sreni (guide), Puga, Gana. Samgha, or Samuha (corporation). These were self-governing as regards legislation, justice and executive functions. The state subserving the ends of dharma believed in the free and natural groupings of individuals and encouraged all kinds of association, voluntary, local or functional. Thus, India became a land of groups and communities, and of local self-rule, limiting the absolutism of the central government. It was also physically impossible in those pre-mechanical ages to have much of centralised government over a large area. Government had to be multi-central. Local liberty and not over government was the rule. This feature of ancient Indian indigenous polity also belongs to some of the most modern democracies, especially Soviet Russia. As pointed out by Miss Follet in her work *The New State : Group Organisation—the Solution of Popular Governmental* "One of the characteristics of present day political theory is its reaction against the State and a silent political fact to-day is the increasing amount and power of group-life. The study of the group-process shows us that politics cannot be founded on representative or electoral methods but must rest on vital modes of association". But apart from the limited monarchies, and the latitude they gave to local liberty, there were in ancient India full-fledged democracies. Panini (seventh century B. G.) mentions as many as 80 republics called Ganas or Samghas some of which, like the Yaudheyas, the Malavas (Greek Malloi) or the Kshudrakas (Greek Oxydrakai), had survived for centuries, resisted Alexander's campaigns in the Punjab and issued their own coins and inscriptions. The U. P. (along with Behar) at the time of early Buddhism was the chosen home of republican peoples like the Sakyas, Mallas, Lichchhavis or Vrijis, details of whose constitutions are given in Pali canonical works and the Jatakas. We have also in these Pali works remarkable details about the forms and methods of democratic procedure inseparable from a live democracy which is fundamentally a 'government by discussion'. As early as the 5th century B. C., democracies of ancient India had developed a complete set of regulations for the conduct of their business by their assemblies or parliaments (called Samghas) touching such topics as (1) quorum (2) notice of

meeting (3) notice of motion (Jnapti) (i) resolutions (Pratijna) to be proposed (5) arrangement of seats (under an officer called Asanaprajnapakd) (6) the whip (called the (Gana-pziraka) (7) vote (called Chhanda) (8) methods of recording and correcting votes by issue of tickets (Salaka) (9) vote by ballot (10) decision by vote of the majority (Yad-bhuyaaika-kriya), (11) teller of votes (Salaka-grahapaka), (12) reference to select committee called Udvahika Sabha, (13) representation and (14) referendum. The principle of local self-government led to the growth of self-governing village communities, to a system of social self-government functioning apart from the state as distinct political entities within defined spheres. This has helped India through the ages to preserve her soul, the integrity and independence of her cultural life and civilisation, against political revolution and foreign domination, up to very recent times, until the British system of centralised government supplanted the indigenous local institutions all over the country. This fact was very well explained by Sir Charles Metcalf (Report of the Select Committee of House of Commons, 1832, Vol. III, App.84, p.33) : "The village Communities are little republics, having nearly everything they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. This union of the village communities, each one forming a separate little State by itself, has, I conceive, contributed more than any other cause to the preservation of the peoples of India through all the revolutions and changes which they have suffered." It is thus that we can explain how the period of Moslem rule in India, not a thorough-going system of centralisation and over-government, was also the period of remarkable progress in Hindu literature, religion and culture. During this period nourished some of India's greatest religious leaders like Basava, Ramanuja and Madhva in the south ; Ramananda, Kabir, Chaitanya, Vallabhacharya and Nanak in the North ; men of letters like Bhavabhuti, Shri Harsha, Rajashekhar, Jayadeva, Kalhana, Sayanacharya or Vedantadesikachar of the South, Vidyapati, Chandidasa or Mirabai, Tulsidas and Dadu and Tukaram ; or legists like Kulluka, Jimutvahana, Vijnanesvara, Vachaspati Mishra and Raghunandana who tried to adopt to the new times old customs and regulations of Hindu society as a measure of its protection against alien influence. (See for fuller references my Local Government in Ancient India, Oxford, 1919.) It is to be hoped that in the present serious and comprehensive attempt to reconstruct self-government in India, proper attention will be paid to the rich historical material and heritage that can be utilised for the structure. In the words of Lord Haldane (in his letter to me)

"The History of ancient India (as indicated in my work cited above) shows how organic -growth solves questions that are not capable of treatment from any mechanical point of view alone. The life of a nation consists in growth and not external causation."

- From *What India Thinks*, compiled and edited by C.Roberts , National Literature Company, Calcutta, 1939



THE NUCLEAR GENIE-3

SOVIET UNION JOINS THE ARMS RACE

Prof. M.N. Sastri

In one of his meetings Truman asked Oppenheimer "When will the Russians be able to build the bomb?" "I don't know," said Oppenheimer. "I know" "When?" "Never" Truman said.

This optimistic statement by Truman was based on the briefing by Groves that uranium is rare in the earth, that the US has done a great job by acquiring most of it from Belgian Congo and that world's supply of uranium could last only till 2000. There was, in addition, a strong confidence that the uranium enrichment process was too complex for the Soviet scientists to master.

During the Potsdam Conference Truman casually mentioned to Stalin on June 24m 1945, that the US has "a new weapon of unusual destructive force." He did not say that it was an atom bomb. Stalin replied in a cool way that he hoped it would be used against Japan. Truman, in an interview on a later occasion said he was certain that Stalin knew nothing, "he knew no more than the man in the moon." The Soviet Archives however clearly indicate that Truman misjudged Stalin. The Soviet Union was getting information on the Manhattan Project through its spy network operating in the US. Marshal Zhukov, the most successful Russian General of World War II, who led the successful assault on Berlin in April/May 1945, noted in his memoirs that on the evening of Truman's casual conversation Stalin took Molotov, the Soviet Foreign Minister, aside and said, "We need to discuss with Kurchatov the acceleration of our work."

The Soviet nuclear research programme actually began in 1942 under the leadership of I.V. Kurchatov, a

distinguished physicist, in the wake of intelligence reports of the Soviet spy network about the rapidly progressing Manhattan project. The spy network could infiltrate the project gather and pass on vital information because of the weak US security screening necessitated by the time targets set for the vast project. Klaus Fuchs, a Germany born British theoretical physicist working at the Los Alamos unit with the British team was by far the most important channel for the transmission of data on the technology of the atom bomb to the Soviet Union. He was later sentenced to fourteen years imprisonment and stripped of his British citizenship. The other notable spies were the Rosenbergs, the American couple involved in coordinating and recruiting an espionage network. They were sentenced to death and executed. Another name that recently came to light is that of George Koval, an American-born Soviet spy. He gained wide access to America's atomic plants, a feat unknown to any other Soviet spy. According to a US scientist Koval "had access to everything." He fled the US after the war and Washington kept this a secret. Koval was posthumously honoured by President Putin of Russia in 2007. In the citation Koval was described as the only Soviet intelligence officer "who helped speed up condensing the time it took for the Soviet Union to develop an atomic bomb of its own." President Putin also revealed on a Larry King Live Show on September 8, 2000, that American scientists cooperated in the Soviet bomb project. But he did not reveal any names. Ironically even Robert Oppenheimer, the Director of the US bomb project, who was a long time member of the Communist party, was accused of acting as a Soviet spy! It is speculated that the technical data smuggled by the spy network helped the Soviet nuclear weapons programme gain by as much as a decade.

On hearing about the bombing of Hiroshima, Stalin was reported to have told the leaders of the Soviet nuclear weapons programme, "Hiroshima has shaken the whole world. The balance has been destroyed." He then made the development of the atom bomb the highest national priority. Lavrenti Beria was given overall charge of the project with Kurchatov as the Scientific Director. Based on intelligence data, the Russians initially adopted the complex gas diffusion method for enriching uranium for bomb production. But on learning that plutonium produced in a nuclear pile could be a less complex path, they proceeded to build nuclear reactors using the stolen Hanford reactor designs for producing plutonium. The first prototype nuclear reactor with a small power output became operational in December 1946. This was followed by larger plutonium-producing reactors, which provided the plutonium required for the Soviet bombs.

The major problem for the Soviet Union in the initial

stages was the procurement of uranium ore. The fuel for the first reactor was obtained through confiscating the remains of the aborted German bomb project. This uranium, mined in Belgian Congo had fallen into the hands of the Germans when they overran Belgium. Another source of uranium was the St. Joachimsthal deposit. After Germany's surrender Stalin pressurized the Czechoslovakian Government to sign a secret treaty to supply all the uranium ore in St. Joachimsthal mine and also provide the labour force required for its mining. Unaware of this secret treaty, Jan Masaryk, the Czech Foreign Minister, declared in the United Nations General Assembly that the Czech uranium would never be used for mass destruction. He was reprimanded for this speech. Two weeks after the Communists captured power in Prague in 1948, Masaryk was found dead. He is believed to have been murdered. The Soviet Union also sent its prisoners of war to bring back the St. Joachimsthal mines into operation. As their number was not sufficient, the locals rounded up on ideological grounds were forced to work in the mines.

Shortly after the Red Army moved into Ore Mountains in the Schlesma Valley in occupied East Germany, prospectors identified some of the richest deposits of uranium ever found outside of Africa. Forming a state-controlled mining company under the name Wismuth, the Russians started uranium mining operations, using forced labour as was done in St. Joachimsthal. Eventually rich uranium sources were identified inside the Soviet Union itself. The early Soviet nuclear weapons related activities were located in several cities. Some important cities are: Arzamos 16 (now Sarov), Svedlovsk-44(now Novouralsk), Chelyabinsk-40, later -67 (now Ozyorsk), Sversovsk-45 (now Losnoy), Tomsk-7 (now Seversk), and Krasnoyask-26 (now Zeleznogork). The first Soviet bomb – an implosion type using plutonium, named Joe-1, was exploded at the Semipalatanisk Test Site in Kazakhstan at 07.00 hrs on August 29, 1949. The bomb had an explosive power of 26 kilo tons. It took more than two years before a second bomb Joe-2 was exploded on September 24, 1951. This bomb had a yield of 38 kilo tons.

The 1949 Soviet test thus ended the American monopoly over nuclear weapons. This event also marked the beginning of the Cold War era. Ironically it was just about this time that the American intelligence reported that a Soviet nuclear weapon explosion would not take place before 1953! The American response to the Soviet Union was to launch a crash programme not only to build a big arsenal of atom bombs but also develop the more destructive thermonuclear weapon - the hydrogen bomb.



THE ROLE OF THE COURT IN PROTECTING RIGHTS

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There are few issues in contemporary constitutional law that are as controversial as the role the Supreme Court of India has assumed over the past three decades. There is consensus on the fact that its role has changed, and deep division on whether the role is appropriate for the court. Justice VR Krishna Iyer calls the Court the "sanctuary of humanity", while critics have gone so far as to predict that the activist jurisprudence of the court represents the "*first footprints of an impending constitutional lawlessness*". The Supreme Court's activism has been primarily in the area of protecting rights. In this essay, I propose to discuss three facets of the Court's rights jurisprudence: expansion in "substantive" terms, expansion in "procedural" terms, and finally, an analysis of where this has taken the court, and the path ahead.

I. SUBSTANTIVE RIGHTS - ART. 21 OF THE CONSTITUTION

A. Introduction

Substantive rights have been traced to Art. 21 of the Constitution, and particularly to the expression "life and personal liberty". In *AK Gopalan*, the question was whether a preventive detention law contravened the petitioner's rights under Arts. 19 (fundamental freedoms including the right to freedom of movement), 21 (the right to life and personal liberty) and 22 (the right against preventive detention). The majority held that though Art. 22 is not a complete code, Art. 19 does not apply to a prisoner whose liberty has been curtailed through valid legal procedure under Art.21. Thus, after *Gopalan*, Arts. 19 and 21 operated in distinct spheres. This began to change in *Kharak Singh*, where the right to privacy was held part of Art. 21. In *Maneka Gandhi*, however, Bhagwati J. held that since fundamental rights; are "*indelibly written in the sub-conscious memory of the race which fought for well-nigh thirty years for securing freedom from British rule*", they should be construed widely. *Maneka Gandhi* further held that Courts must "*expand the reach and ambit of the fundamental rights rather than attenuate their meaning and content by a process of judicial construction.*"

There is no doubt that the courts have done so. In cases after *Maneka Gandhi*, the Supreme Court has read innumerable rights into Art. 21. On the other hand, these include rights which have far-reaching impact on the Indian

society, such as the right to shelter, the right to privacy and the right to medical care; however, Art. 21 has also been used to enforce public health standards against Municipalities, tackle the mosquito menace, determine the conditions of service of subordinate judicial members, appropriate regulations for blood banks," adequacy of precautions at the Army Firing Range, shortage of chemicals, management and control of *road-traffic and pedestrian movement*, construction of a *new bridge* etc. These developments make it necessary to undertake two exercises- *first*, to examine the scope of the court's rights-jurisprudence, and *secondly*, to assess the court's institutional competence in discharging these functions.

B. Economic and Social Rights

As to the first question, it is useful to notice the major decisions on the point. In *Bandhua Mukti Morcha v. Union of India*, the Supreme Court held that the right to life under Art. 21 includes the right against "bonded labour", particularly in view of certain Directive Principles of State Policy, such as Art. 39(e), 39(f) etc. "*In Consumer Education and Research Centre v. Union of India*" a PIL was filed calling into question the conditions of work and the consequent occupational hazards for workers in the asbestos industry. According to the Court, "*the expression 'life' assured in Article 21 of the Constitution does not connote mere animal existence or continued drudgery through life. It has a much 'wider meaning which includes right to livelihood, better standard of living, hygienic conditions in the workplace and leisure... The right to life with human dignity encompasses within its fold, some of the finer facets of human civilisation which makes life worth living. The expanded connotation of life would mean the tradition and cultural heritage of the persons concerned.*" The Court went on to specifically protect workmen employed in hazardous industries and held that their right to health cannot be sacrificed on the altar of economic necessity. It was observed that a denial of this right violates Art. 21, the Charter of Human Rights and Art. 38 and 39 of the Constitution.

In *Upendra Baxi v. State of Uttar Pradesh*, the Supreme Court similarly intervened to protect the rights of people in protective homes set up under the Suppression of Immoral Traffic in Women Act, 1956. The Court used the tool of continuing mandamus to ensure that appropriate conditions are provided to these residents, observing that Art. 21 includes the right to live with dignity.

A decision that has polarised opinion in *Narmada Bachao Andolan v. Union of India*." Although the Court eventually declined to intervene, it recognised that inhabitants of affected areas are protected by Art. 21

against displacement except in accordance with law. The Court in that decision declined to intervene mainly because of the doctrine of laches and since the proposal had been extensively deliberated by the Government. In that case, the Supreme Court held that it is not a court of first appeal over all policy decisions that the Government takes, and is competent to interfere only when there is non-application of mind, lack of consideration of relevant materials, consideration of irrelevant materials etc. Indeed, in *ND Jayal v. Union of India*, the Court not only affirmed *Narmada Bachao Andolan* on the point of the scope of Art. 21, but reiterated that the right to a clean environment is a part of Art. 21.

Economic rights were most famously recognised by the Court in *Olga Tellis v. Bombay Municipal Corporation*, where the Court held that the right to life includes the right to a livelihood. In its most recent judgment on the point, *PUCL v. Union of India*, PUCL filed a writ petition seeking orders to compel the implementation of the Integrated Child Development Scheme. Recognising that the right to food is part of Art. 21, the Court issued various directions to enforce compliance with its earlier orders, and ensure effective implementation of the ICDS scheme. It directed the Government not to revise the age schemes adversely.

Similarly, the Court recognised the right to health in the landmark decision of *Parmanand Katara v. Union of India*. The case arose out of an incident where a bleeding man who had been injured in a road accident was refused treatment at a hospital on the ground that the hospital in question was not empowered to treat "medico-legal" cases. The Supreme Court held that the State, through a doctor in a Government hospital, is bound under Art. 21, to extend medical assistance for preserving life. The same issue arose in a more recent decision - *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*. In that case, a similar incident exposed the callousness of several State run hospitals to persons in need of emergency treatment. The Supreme Court observed, "*failure on the part of a government hospital to provide timely medical treatment to a person in need of such treatment results in violation of his right to life guaranteed under Article 21. In the present case there was breach of the said right of Hakim Seikh guaranteed under Article 21 when he was denied treatment at the various government hospitals which were approached even though his condition was very serious at that time and he was in need of immediate medical attention.*" In addition, the Court ordered compensation in such cases, and framed guidelines for the admission of patients in State run hospitals. It was also held that the lack of financial resources does not exempt the State from having to fulfil its constitutional obligation.

The right to education was recognised famously in *Unnikrishnan v. State of Andhra Pradesh*. The decision arose out of an earlier case in *Mohini Jain*, and one of the questions in *Unnikrishnan* was whether *Mohini Jain* had been correctly decided. The Court proposed a general test for determining whether a right is sufficiently "fundamental" for it to be regarded as covered by Art. 21. It held that it is the "importance" of the right that matters, and that the right to education is necessary to achieve the objectives set out in the Preamble. The Court even envisaged the possibility of a Directive Principle "crystallising" into a Fundamental Right with the passage of time. The 86th Constitutional Amendment and the Right to Education Bill, 2005 are consequences of this decision of the Court.

C. Rights of Detenu

It is now well-settled that the right to life includes the right to live with human dignity. This propelled the Court in *DK Basu* to declare that the right against custodial violence is part of Art. 21. Specifically, the Court observed that "*using any form of torture for extracting any kind of information would neither be 'right nor just nor fair' and, therefore, would be impermissible, being offensive to Article 21*". In addition to this declaratory measure, the Court formulated 11 guidelines to ensure that persons accused of an offence are not subjected to interrogation except as prescribed by law. Some of these guidelines require the arresting officer to have an arrest memo attested, inform a relative of the accused as soon after the arrest as is practicable, draw up an inspection memo at the time of arrest, medical examination every 48 hours etc. The Court held that failure to observe these guidelines shall render the concerned officer subject both to departmental proceedings as well as contempt of court charges which could be instituted in the concerned High Court.

In *Madhav Hoskot v. State of Maharashtra*, an SLP was filed challenging an order of conviction and sentence imposed by the High Court. The SLP had been filed more than four years after the High Court order, and the accused argued that this delay was mitigated by his lack of legal aid in prison. The issue that tangentially arose was the applicability of Art. 21 in terms of legal representation. The Supreme Court held that at least a single appeal on facts is a necessary component of "fair procedure" envisaged in Art. 21. In addition, the Court held that legal representation is implied in Art. 21. Referring to American jurisprudence on the point, the Court observed that this is particularly necessary in India, since a large number of prisoners are from the poor and illiterate sections of society, with no legal awareness. Consequently, the Court issued six guidelines,

which in essence require the State prosecuting the individual to ensure that he has the right to appeal, that a copy of the judgment is delivered to him by the Jail authorities, that he is appointed counsel if he is unable to engage one etc.

A similar issue arose in *Francis Coralie Mullin v. Administrator*. The Conditions of Detention Order under the Conservation of Foreign Exchange and Prevention of Smuggling Act provided that a detainee could have only a monthly interview with family members, and prescribed onerous conditions for even meeting legal advisers. Holding the provisions of the Order unconstitutional, the Supreme Court, through Bhagwati J., affirmed that the scope of Art. 21 was wide. According to the Court, "... in *Maneka Gandhi case this Court for the first time opened up a new dimension of Article 21 and laid down that Article 21 is not only a guarantee against executive action unsupported by law, but is also a restriction on law making. It is not enough to secure compliance with the prescription of Article 21 that there should be a law prescribing some semblance of a procedure for depriving a person of his life or personal liberty but the procedure prescribed by the law must be reasonable, fair and just and if it is not so, the law would be void as violating the guarantee of Article 21. This Court expanded the scope and ambit of the right to life and personal liberty enshrined in Article 21 and sowed the seed for future development of the law enlarging this most fundamental of fundamental rights*".

The Court also affirmed in *Francis Coralie* that the right to life under Art. 21 is more than "mere animal existence". As to its scope, the Court held that "*the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings*".

The Court has also addressed itself to the question of protecting people endangered by the nature of the judicial process, For example, the problem of undertrial prisoners is a grave one, and it is often the case that undertrials serve prison terms awaiting trial that are longer than the maximum sentence they can receive if convicted. In *Sheela Barse v. Union of India*, the Court passed several orders in this respect. For one, it held that children under the age of 16 cannot be incarcerated like adults, for it has a "dehumanising effect" on their prospects, and that the inability of the State to find juvenile homes is no reason to so incarcerate them. In addition, the Court directed lower courts to periodically inspect jails, rebuked the State for

not discharging its obligations under welfare provisions like Art. 39(f) etc. Another decision on the regulation of prisons is *Sunil Batra v. Delhi Administration*. The Supreme Court issued various guidelines, holding that it has jurisdiction to intervene in the administration of prisons when conditions are so appalling that they constitute a breach of Art. 21. In particular, the Court proscribed the practice of solitary confinement for undertrials or those pending appeals.

II. PROCEDURAL INNOVATIONS - ART. 32 OF THE CONSTITUTION

Art. 32 of the Constitution provides that the Court may issue 'appropriate' orders to remedy the violation of a fundamental right. In 1950, the *locus standi* principle was constructed narrowly, where the Court held that Art. 32 applies only if there is 'injury to the complainant'. A shareholder could therefore not use Art. 32 to remedy injury caused to the company, unless it independently affected him as well. However, Mukherjea J. in that decision observed that an 'exception' to this rule allows any person who is not an 'absolute stranger' to obtain *habeas corpus* for '*liberating another* from illegal imprisonment'. This was to later become a common phenomenon, of which *Sunil Batra* and the *Bhagalpur Blinding Case* are examples.

Locus standi is often misunderstood as a procedural technicality. It serves an important public purpose - that of discouraging what Professor de Smith calls the "professional litigant". The following observations are classic: "*All developed legal systems have had to face the problems of adjusting conflicts between two aspects of the public interest-the desirability of encouraging individual citizens to participate actively in the enforcement of the law, and the undesirability of encouraging the professional litigant and the meddlesome interloper to invoke the jurisdiction of the courts in matters that do not concern him*".

According to Professor S.P- Sathe, the liberalization of locus standi occurred in the following manner; "*The Supreme Court of India is the protector and guarantor of the fundamental rights of the people of India, the majority of whom are ignorant and poor. The liberalization of the rule of locus standi arose from the following considerations: (1) to enable the Court to reach the poor and disadvantaged sections of society who are denied their rights and entitlements; (2) to enable individuals or groups of people to raise matters of common concern arising from dishonest or inefficient governance; and (3) to increase public participation in the process of constitutional adjudication. This litigation came to be known as public interest litigation (PIL). PIL is, actually, a misnomer because all public law litigation is inspired by public interest. In fact, even private adjudication subserves public interest because it is out of*

public interest that people should honor contracts, should be liable for civil wrongs, and should honor rights in property or status. Whereas public interest is served indirectly by private litigation because the main focus is on the private interest of the litigants, public interest is served more directly by public law adjudication because the focus is on the unconstitutionality arising from either lack of power or inconsistency with a constitutionally guaranteed right. Public interest litigation is a narrower form of public law litigation."

This liberalization began with *Fertilizer Corporation's* case. Chandrachud J. held that if public property is affected, the Court would be inclined to hear a section of the public which is directly interested and affected. Krishna Iyer J. went further, and held that judicial 'law-making' is required in this field, since it is in a society where 'freedoms suffer from atrophy'. At this point, PIL still only allowed a third party to file on behalf of the injured party if he himself was unable to do so. Thus, there was a distinction between a 'writ filed in the public interest' and a 'public interest writ'- PIL referred not to whether the subject matter of the writ was in the public interest, but whether the complainant was able to approach the Court. Specific legal injury was still required.

In *S.P. Gupta*, the Court eliminated this distinction. Bhagwati J. held that there may also be a situation "*where the State or a public authority may act in violation of a constitutional or statutory obligation or fail to carry out such obligation resulting in injury to public interest or what may conveniently be termed as public injury as distinguished from private injury.*" In this situation, the Court said, any member of the public having 'sufficient interest' can maintain an action, for otherwise it would be disastrous to the rule of law. The Court disapproved of a decision of the House of Lords to the contrary in *Gouriet v. Union of Post Office Workers*, terming it 'clearly incorrect' and likely to 'stultify public law in England'. By 'sufficient interest', the Court appears to only want to weed out litigants using PIL for private gain. The Court in *Gupta* relied on several decisions of Lord Denning MR to elucidate 'sufficient interest' such as *Ex Parte Blackburn*, where he had held that Blackburn could challenge the order of the London Council allowing the exhibition of pornographic films, contrary to law, because 'he was a citizen of London, his wife a rate payer and his children might be harmed by the pornographic films'. Thus, almost any member of the public will be considered by the Court to have 'sufficient interest' to maintain an action in the public interest. Hence, the law in India today is that any member of the public can maintain an Art. 32 petition if (a) it is on behalf of a complainant who is unable to approach the Court, or (b) if the State has

acted. in violation of a constitutional or statutory obligation. Venkataramaiah J. in that case was more conservative, and does not seem to have accepted Principle (b). However, it is now settled that *SP Gupta* is in fact authority for both propositions. It has been successfully applied in several cases- Swami Agnivesh had locus in *Bandhua Mukti Morcha* (Bonded Labourers Case), as did the petitioners in petitions to order CBI investigations into the flesh trade (Paramjit Kaur), compulsory emergency treatment in hospitals (*Khet Mazdoor Samity*), education of children of prostitutes etc. 'Epistolary jurisdiction' evolved, where the Court would treat letters written to individual judges as writ petitions, waiving procedural formalities. In the *Bhagalpur Blinding Case*, the Court accepted the letters of lawyers and journalists to inquire into the matter. The Court has also, in this manner, dealt with free legal aid, observance of labour laws in relation to the Asian Games (PUDR v. Union), and pension funds for workers, among others.

The growth of public interest litigation has coincided with the Court dispensing with more and more hitherto well established principles of procedure. For example, it was held in *Tilokchand Motichand v. Munshi* that delay or laches can defeat an otherwise maintainable writ under Art. 32. It is important to remember that *Tilokchand* was a tax writ, and no question of personal liberty was involved. Therefore, some of the academic criticism that came its way may not have been correct. In any event, the Court held that laches is of less importance when the writ raises an issue in the public interest. That is not to say that laches is irrelevant in a public interest writ. Indeed, that is one of the principal grounds on which the Supreme Court rejected the writ petition filed by *Narmada Bachao Andolan*.

It is submitted that public interest litigation addresses one very important aspect of access to justice for the poorer sections of society - the procedural aspect. It is axiomatic that if victims of rights violations are in a position where they are unable to even approach the Court, then all the substantive developments and innovative methods of Constitutional interpretation by the Court will be rendered useless." Public interest litigation solves this problem by eliminating the traditional common law requirement of *locus standii*, namely only he whose rights have been violated can approach the Court.

A caveat must be added, however. Of late, there have been numerous complaints that public interest litigation is being seriously misused by both lawyers and litigants, and is adding in a big way to the burden upon the Courts. In order to ensure that in a huge plethora of cases, the plight of those who actually need the assistance of the Court is not drowned out, it is clear that there must be strict

adherence to the two requirements elucidated above. Only then will public interest litigation be able to serve its real purpose, that is, to ensure that the rights of the poorer and exploited sections of the society are actually protected.



THE FADING PATH TO LIBERATION

-Prof. Manoj Das

*(A seer among scholars the venerable Prof Manoj Das who lives in Aurobindo Ashram, Auroville and teaches at Sri Aurobindo International Centre of Education has graciously permitted the publication of this essay from his book **My Little India.**)*

The pre-sunset mellow light was an invitation to gaze at the expanse of hills and terrains. 'Do you see, on the other bank of the river, that narrow winding path? At many places almost invisible today, in another decade or two that would have completely vanished,' said the young officer of the Border Road Task Force, my guide. 'My grandfather was never tired of narrating his adventures along that path,' he added, but more as a soliloquy. He had as much reason to feel nostalgic about the dying path as had I. Many a grandfather had the same tale of woe and adventure - of braving rains and storms, merciless thugs and bandits, beasts lying in ambush and, last but not the least, sheer exhaustion of trekking along a long long mountain path paved by the pilgrims' feet alone over the countless centuries. Except at tiny temple-towns situated far from one another, there was rarely a shed by the roadside to protect the pilgrims from the vagaries of Nature; no inn providing food, no dispensary to render care to the sick. Even then irresistible was the call of Badri Vishnu. 'Even a car-drive for hours at a stretch tires us. I cannot imagine how they could walk for months, many of them without even shoes, along a path as hard as stone could be and surmounting as frequent ascents and descents which the mountains must offer! And think of it - they did not reinforce their vitality with tonics and vitamin tablets which I carry!' The officer then asked himself, lowering his voice,

'Could faith be a substitute for all that long catalogue of the modern man's needs?' Looking at me again, he said, concluding his exercise in nostalgia, 'Gone is that era!' The era he referred to was gone only in the recent past, after the automobile could push its way up to Badarikashram, but when did that era begin? There was no record to help find an answer. My eyes raced along the opposite bank. The narrow path would appear for a minute and then disappear. That was the path Vyasa, the compiler of the Vedas and the author of the Mahabharata must have used to travel between his permanent cave-abode at

Badarikashram and Hastinapur; Uddhava must have covered that path to pass his last days at Badarikashram, as advised by Krishna, carrying the latter's sandals as his sole asset. Shifting from mythology to history, we visualise Adi Shankaracharya plodding along the path, accompanied by a handful of disciples. In no other country had pilgrimage developed into so strong a tradition as in India. The greater the challenge of the path, the greater was its lure and few paths were more inviting than the one to Badarikashram from Haridwar or Rishikesh. Though for most of the aspirants a visit to this destination remained a dream, countless hermits and ascetics, seekers and mendicants, sadhaks and charlatans undertook it and among them were princes as well as paupers. A pauper Sadhu was the character I remembered while gazing at the elusive path. The Sadhu was extremely exhausted. He saw several pilgrims, riding horses or donkeys, passing by him. He prayed to his deity, 'O Rama, kindly grant me a donkey!' He did not like to pray for a horse lest that should prove more costly or bothersome for his God! A king was on his way to the same destination. He and his entourage rode horses while their luggage were carried by a number of donkeys. Suddenly one of the donkeys stumbled against a rock, fell down and was wounded. But the creature was too handsome, young and promising to be abandoned. The royal servants were looking for a solution to the problem when their eyes fell on the Sadhu. They summarily placed the donkey on his shoulders and ordered him to follow them.

'Ulta bujhii Rama!' (You understood contrary to what I meant, Rama!), muttered the Sadhu as he sighed.

I am yet to decide whether to laugh or to weep at the story. No doubt, the Sadhu wished to ride on a donkey and not a donkey to ride on him. Rama made a slight error. But who does not err! Hence the Sadhu's sympathizing murmur. He had no complaint against his deity! The Sadhu dominated my mind for long. Only if I could swim backward in time! 'Sadhubaba, enough is enough! Get rid of your burden. Let's see who can harm you!' I would have exhorted him. As if I heard a soothing voice floating into my ears from across the river - from across aeons: 'My friend, my foolish dear friend! Could Rama have ever understood the contrary? The donkey you think I carried was symbolic; the weight of my ignorance. My throwing it down at Badarikashram would win me not only my liberation from the donkey, but also liberation proper! If I bear the donkey for these last few miles of my journey, it is to be free from that burden for my soul's journey to my God!'

In the past the pilgrims prayed to Garuda, the bird chariot of Vishnu. His kindness was believed to act as a catalyst for marching forward. There are legends galore of

people who had resigned themselves to a fate of dying by the roadside, suddenly finding themselves at their destination when opening their eyes. Several inns bore Garuda's name. They are still there - serving the fewer people who still believed that pilgrimage not undertaken by foot was vain tourism. The passengers in the army vehicle included a former Major General. He had fought and had trained Jawans to fight. Looking back, he saw the life he had lived a mere Maya. Since our meeting at the army guesthouse at Rishikesh, he was eager to draw me into dialectics. 'I'm out for Himalaya darshan, not for any discussion on darshan (philosophy),' I told him in a lighter vein even though I meant it. 'You cannot escape,' he cautioned me with a Commander's grit. The silver peaks piercing the clouds around Joshimuth (Jyotirmuth) appeared to me like living arguments in favour of gods hiding amidst them. In any case, it was unimaginable that if aerial or celestial beings did exist, they could check their temptation to adopt this sublime sphere as their homes. My humble meditation on the silent mountains from a chair on the lawns of the guesthouse was cut short by the General. 'What are you looking at?' he demanded. Must I answer? I found myself in an utterly unenviable situation. 'For me the topography of this region is as simple as ABCD,' he prefaced his nonstop talk on pure geography. The earliest opportunity for me to interject came after more than ten minutes. 'A masterly grip that you have on geography, why don't you turn to the history or legends of the region?' 'Am I not doing exactly that? Did you know that it was Shankaracharya who gave a new lease of life to Badarikashram?' 'I know.' 'What is your opinion on Shankara's philosophy, Mayavada - Illusionism?' 'What purpose would my opinion serve? Should you not bottle up your thirst for philosophy till you were back at home - at your study?' 'But you wouldn't be available to me as a book on my table! Lately I have begun feeling that Shankara was right. All is Maya!'

'Right.'

'Right, you say?' the General drew his chair nearer.

'Does Sri Aurobindo agree with Shankara?'

'No.'

No, you say? How then do you, a student of Sri Aurobindo, approve Shankara?'

'Sri Aurobindo's survey of human quest is as vast as the Himalayas. He sees a relative truth in every doctrine. What you believe now, at the present state of your consciousness, is true for you at the moment. Tomorrow it may change. Even Shankara, I'm afraid, was vaster than your

concept of him. Shankara probably did not denounce the world as Maya out of your kind of despair or disgust - probably due to your unfulfilled or half-fulfilled ambitions in an otherwise eventful and brave career. He had a qualitatively different perception.' I knew that once I had been obliged to break into speech, I would not be able to let my spirit play hide and seek amidst those citadels of mystery. I had lost a rare opportunity. But I could do nothing about it. The General was in a combative mood. He gave me a shake. 'Brahma satyam jagan mithya - Brahma alone is true while the world is false - this is what Shankara stated clearly. Where is the question of my inability to comprehend it?' 'Had you not failed to comprehend it, why should you argue with me at all? You are as much an illusion as I am. Must one illusion argue with another? And by the way, if Shankara truly believed this world to be Maya as you understand him, what business had he to take pains to travel the length and breadth of India? Was it worthwhile to convince the Maya that it was Maya?'



THE COMMISSAR AND THE APPARATCHIK

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Many refer to the 1991 forced liberalization of the Indian economy as a second independence for India. Perhaps it was not quite that, though undoubtedly it marked the beginning of the end of economic controls of all kind and the unleashing of an entrepreneurial spirit in Indians unparalleled in the country's history. This came at a time when the country was on the mat, with no reserves to speak of and with virtually little chance of reclaiming the gold pledged to raise a paltry amount of foreign exchange. Rajiv Gandhi, a former and possibly future Prime Minister, had been assassinated and the country was on a boil, pregnant with the possibility of communal carnage. A Sikh insurgency was still lingering and a Muslim community's ire was all too evident in the face of a loud and strident Hindutva wave sweeping much of North India. It is now known that a seasoned politician like Dr. Shankar Dayal Sharma had refused the Prime Ministership and that PV Narasimha Rao - better known as PVN - heading into the oblivion of retirement, was called back and asked to be the fall guy.

It is the tribute to PVN, one of the most silent men in

India's post independence politics, that he could make the best of a position in which he had been put into, to fail. Much to everyone's surprise, he succeeded spectacularly in getting the country out of a morass into which it had sunk. It is to his credit that in the mess he inherited only he could sense an exceptional opportunity to reform an economy paralyzed by sloth and socialist stupor.

PVN was a realist and as his time as Prime Minister showed, not afraid to take unpopular decisions. As prime Minister he had two overriding priorities: a) to last the five years he knew that will be required for economic reforms to take root & b) to get the economy moving again. PVN ensured both.

It was quite clear to PVN that he could not expect to be anything more than a single term Prime Minister with a brief window of possibly five years but no more, to save the country from ruin. As subsequent events showed, he made each one of them count. In this task, one of the ablest deputies he picked was undoubtedly Dr. Manmohan Singh who as Finance Minister became the visible face of a far-reaching economic reform process that was rightfully PVN's to own. Between him and Dr.Singh, a country rediscovered hope and came out of overpowering despondency so unobtrusively that initially the big changes underway went unnoticed.

Not once, did PVN take credit for the terrific turnaround of the Indian economy and he never grudged the adulation and praise his Finance Minister got for it. It is only now that the world is discovering and acknowledging albeit grudgingly, - always holding the demolition of the Babri Masjid against him - that it was PVN who orchestrated a reform process that in economic growth, was and continues to be next only to China's lifting millions out of numbing poverty. It is another matter that millions still endure intense economic misery but this more because of a lack of resolve in a country infinitely better off than ever in its recent history. It is now fashionable to be critical of the economic reforms that PVN kicked off but India undoubtedly would have been much worse off without it.

PVN and Dr Manmohan Singh survived scares to their government by the dodgiest of means and both lacked the stomach to combat corruption. Neither was a publicity hog. There comparisons end. Dr. Manmohan Singh's silences mask his several inabilities and sheer helplessness; PVNs concealed a cunning mind and his silence was a conscious strategy towards getting things done.

The myth of Dr.Manmohan Singh being the father of reforms originated in the west. To attribute India's astounding economic turnaround since 1991 to a man

educated at Cambridge and Oxford was but the work of a moment for western scribes and experts attuned to a belief that a western association even of the slightest kind was great while ignoring its real architect PVN - a brilliant, self-effacing homegrown and homebred genius. India bought into that myth. But is it not the way it has always been?

PVN's claim to greatness can rest solely on the liberalization of the Indian economy he dared to trigger off, but there was much more to him than just that. How many are aware that PVN did things to empower the poorest and the most disadvantaged rather than make them a drain on the State? He was handpicked by Rajiv Gandhi as Minister for HRD and unlike a power hungry Arjun Singh never considered that a slight. Not many know that the Navodaya Vidyalyas established in most districts of the country bringing quality school education to the doorsteps of rural India was entirely his brainchild. No one in Government made more effort to eliminate child labour than PVN did and sadly, a pioneering small savings scheme for rural women introduced by him was shelved soon after his time.

The fact is Dr.Manmohan Singh brought none of PVN's experience in State and national level politics to his Prime Ministership. Where PVN fought and lost and won elections in three states- his own, Orissa and Maharashtra , Dr. Manmohan Singh continues to cling to a Rajya Saba seat that was gifted to him way back in 1991, far, far removed from his native Punjab. The only time he stood in a popular election, he lost. PVN had significant administrative experience. He was Chief Minister of one of India's larger States and held several important ministerial portfolios at the Centre, amongst them Defence, Home and HRD. Dr.Manmohan Singh spent much of his career in the sheltered environs of the UN, the Finance Ministry, the Planning Commission and the Reserve Bank. All this made him no more than a very reliable deputy - a trusted apparatchik - temperamentally incapable of upgrading himself to 'Commissar' as a Deng-like PVN did when he became Prime Minister. Precisely for that reason and none other, did PVN and later Sonia Gandhi give him a place in the sun. He could be relied upon to do as he was told - never more or less.

Dr. Manmohan Singh is neither a bold reformer nor a path breaker and it was naïve of anyone to expect anything better from him. In the absence of a strong and intelligent mentor like PVN, Dr. Manmohan Singh is adrift and ineffective as Prime Minister though he has shown a limpet like capability to cling to that post, sadly almost shamelessly and under repeated humiliations. Such is the lure of high office.

If India today has economic muscle and the means to eliminate poverty of a kind that has blighted the subcontinent for thousands of years let us raise a toast to the much reviled and ignored PVN, one of India's greatest sons. It is great pity indeed that so far not even a lane is named after him. History hopefully will judge PVN more fairly and Dr.Manmohan Singh much less fawningly.



CENTRE FOR POLICY STUDIES PAYS HOMAGE TO DR. ABID HUSSAIN

'ABID HUSSAIN was so fond of the City of Destiny'

(Newspaper Report on the condolence meeting held on June 23, 2012)

"Whatever position he held or wherever he was posted, the city of Visakhapatnam was always there at the back of his mind. And he minced no words to express his fondness for the city and its people."

This was the remark made by the Chairman of Visakhapatnam Port Trust Ajeya Kallam on Abid Hussain here on Saturday at a condolence meet on the latter's sudden demise.

Padma Bhushan Abid Hussain, who served as district Collector from 1964 to 1968, died in London on Thursday. Being a bureaucrat of repute, he held many high-ranking positions such as Member of Planning Commission and Indian Ambassador to the US.

'A humanist'

The meet was organised by the Centre for Policy Studies at Visakha Public Library and was well attended by intellectuals, bureaucrats, and senior citizens. An emotionally charged A. Prasanna Kumar, Director of the centre and a good friend of the former bureaucrat, said:

"The last time I met Abid, he said, 'I want to leave the world without troubling anybody' and he did so. I sum him up - as a humanist of extraordinary courage."

Remembering all that he had done for the city as Collector, Prof. Prasanna Kumar said, "He was responsible for the setting up of Visakha Valley School and the initiation of Dr. V.S. Krishna College.

Not many would know that he was also the first person to submit a blue print for an integrated steel plant in the city to the then Chief Minister of Andhra Pradesh Kasu Brahmananda Reddy and the man behind the appointment of Srinivas Iyengar as the Vice-Chancellor of Andhra University. If the founding V-C of AU C.R. Reddy had coined the sobriquet 'City of Destiny', it was Abid who popularised it."

'A role model'

Commissioner of Police J. Purnachandra Rao modestly put it across, "Though I was not fortunate enough to meet Dr. Abid Hussain, I have heard a lot about him. He should be the role model for all civil servants and bureaucrats, and will continue to live in our hearts." Founder of Mohsin Eye Bank Kasim Mehdi reminisced how Abid Hussain, as district Collector, pacified a huge and violent mob that wanted to burn the Visakh Refinery with folded hands all alone without the support of any police force.

Director of School of Law, GITAM University, Y. Satyanarayana, read out a message from the former Mayor, D.V. Subba Rao. Veteran Gandhian K.S. Sastry, advocate Kandala Srinivasa Rao, chartered accountant V. Seetharamaiah, and MLA Dronamraju Srinivasa Rao spoke.

The Hindu, June 24, 2012



VIZAG CHRONICLE

A. PRASANNA KUMAR

AMBASSADOR OF GOODWILL: The nation has lost one of its noble sons in the death of Dr Abid Hussain in London on Thursday last. It was sudden and shocking as he had never complained of any serious health problem. He was only worried about his wife Mrs Karki's health. " My health is giving me problems and Abid is busy, as usual, travelling and lecturing most of the time," Karki Hussain said over telephone recently. She also went with her husband to London to be with their elder son Sohail when the end came without any hint. A pall of gloom descended over Vizag as the news of Abid's death was conveyed by the media. The city and district owe a deep of gratitude to the charismatic Collector who took charge in 1964 when a severe drought caused deep distress to the poor farming community. Abid swung into action, toured the famine-stricken areas and initiated steps to alleviate the suffering of the people. Political leaders like Tenneti Viswanadham A.V.Bhanoji Rao and Bhadram were impressed by the dynamism and concern for the poor of the Collector. It was Abid who popularized the epithet 'City of Destiny' a term said to have been coined by C.R.Reddy, the Foundation Vice Chancellor of Andhra University. Trade and industry benefited from his innovative leadership skills. He prepared a blueprint for the steel plant and gave it to Chief Minister Brahmananda Reddy for whom Abid had high admiration. In fact, it was on Abid's advice that the Chief Minister sprang a surprise by appointing the eminent but reclusive Professor of English K.R.Srinivasa Iyengar as Vice Chancellor of Andhra University. When war broke out with Pakistan Abid Hussain and Police Superintendent KVV Subrahmanyam took care

of security operations with the help of Commdore Cameron of the Navy. Abid then gave an inspiring lecture quoting extensively from Bhagavad Gita. During the violent agitation for steel plant Abid ensured that there was no major loss of life in police action to maintain law and order. When he was leaving Vizag on completing his tenure a touching farewell was given by the entire city and villagers stopped the train by which he was travelling at a number of places between Waltair and Tuni. Hugging his dafedar Polipalli Abid sobbed like a child. On February 27 this year at a dinner he gave me at his house in Noida Abid Sab said: "My only wish is to exit without giving any trouble to anyone." The trouble he has left behind is to adjust to the fact that he is no more!

Deccan Chronicle, A.P. Edition, June 24, 2012



Newspaper Report on Book Release Function

CPS publication "*Dialogue and Democracy*" was released on June 29, 2012 by Union Minister of State for Defence, Shri M. Pallam Raju. The volume was dedicated to the memory of Dr. Abid Hussain Patron, Centre for Policy Studies.

CALL FOR GREATER ROLE OF PARTIES IN POLITY

Union Minister Pallam Raju releases book 'Dialogue and Democracy'

Union Minister of State for Defence M.M. Pallam Raju on Friday called for greater involvement of political parties in the Indian polity.

Addressing the gathering after releasing a book 'Dialogue and democracy. a compilation of articles by eminent personalities brought out by the Centre for Policy Studies of Gayatri Vidya Parishad, at the Visakhapatnam Public Library, he observed that the Indian polity was inward looking due to many issues and there was a role for political parties to play. In this context, he cited the example of National Defence College where they had large exposure to whats happening worldwide. "That should be the place where our Indian political parties should also work," he opined. Power was not going to last for ever and so all our political parties should contribute to the polity he stated.

Noting that India's greatest strength was its vibrant and active democracy going by the keenness with which elections were fought even at the primary level. the Minister recalled that there was a time when village head told the voters whom to vote. But now it was different.

Dr. Pallam Raju also observed that India was going

through a phase of immense growth after liberalisation and unleashing of economy'.

Right now. Indian society was being carried away at all levels by the prosperity so much so it went by things such as who owned the biggest car. Instead, the generation of wealth should be used for inclusive growth - to reach the lowest strata of people. he felt However. one 'bigger stumbling block its lack of capacity building and we should strive to raising consciousness. Despite excellent research and growth. India was not translating it into product, and there was also no effective delivery system. he remarked, and advised follow up action to achieve results.

The Minister complimented the CPS and GVP for focussing effectively on issues and publishing articles. Earlier, President of GVP and former Mayor D.V. Subba Rao welcomed the guest and Director of CPS A. Prasanna Kumar said so far over 15 volumes were brought out and the present one was dedicated to former Collector Abid Hussain whose article also figured in the book. Flag Officer Commanding-in-Chief of Eastern Naval Command Vice Admiral Anil Chopra also welcomed the Minister who was felicitated by the organisers at the beginning of the function.

The Hindu, June 30, 2012



DRAUPADI - IX

or

(The ultimate Hindu ideal of an impeccable *pativrata*)

- Sri C. Siva Sankaram

The embodiment of courage, fortitude, sense and sensibility, even pride and prejudice had to fit in with this highly precarious ordeal. She is beauty par excellence, self-willed (not obdurate). Her birth, her superb culture, her lofty upbringing, her well-chiselled physical symmetry, her regal demeanour, her refined composure are all poignantly unconducive to camouflage her true identity. Bhagavan Srikrishna is there to protect them perennially. The help of Srikrishna came now to pay determinedly in its destined way. Draupadi, was to assume the pseudonym of 'Sairandhri'. She was employed to serve as "Haremhelper and maid-servant to be within reach of queen Sudheshna. The term Sairandhri was not ignominious. It connotes a chaste woman. Draupadi who had converted the Court hall of Duryodhana to be a pulpit to deliver her righteous indignation in protest against the passive, inanimate posture of Bhishma, the grand Sire, Drona and Kripa the honourable Brahmin Warriors while the ignoble Dussasana blatantly attempted stripping her naked, had to assume the base

position of a handmaid. The wheel of fortune turned full circle, one had to bow low to the decree of Destiny. Virata the king of Matsya Desa was a weakling who sought to maintain law and order of the state with the help and aid of Keechaka the brother of Sudheshna, the queen. As the affairs of the state shaped in his favour, Keechaka became the un-rivalled Chief of Army Staff, -may the unquestioned mainstay of his kingdom. Neither the king nor the queen had guts to question his decisions. He was unscrupulous, anti-people self-appointed monarch of the poor kingdom. Consequently law of the jungle ruled the roost. As autumn clouds fail to conceal the blazing Sun, neither the change of calling nor nature of the service could hide the luminous lineaments of Sairandhri. The lustful Keechaka cast his eye on her. Her peeping winsomeness plundered his soul and heart. He lost control over the lust pervaded sensory organs. A practical prey of lust he was. By hook or by crook, he resolved, she must be won over and share his bed. He sought the good offices of his sister Sudhesna to realize his nefarious intention. Sudhesna upon hearing his sinister desire became dumb-founded. A woman herself unused to this sort of odd predicament she kept tongue-tied. In the interest of security and integrity of the state, to assuage the bubbling sinful heart of Keechaka, she could cook up a scheme to actualize his savage desire. She sent for the

scape-goat Sairandhri the lovely servant-maid, deputed her to go to Keechaka. The queen in utmost amiability narrated the cause of going there all of a sudden. She said, Keechaka was dispirited and downcast and was in dire need of liquor to energize and invigorate him. So, the lowly Sairandhri, the scrupulous servant-maid willy-nilly under duress obeyed to go to the devil's den with hand holding the jar of liquor. Bravery coupled with chivalry was born sterling assets. Nothing earthy daunts her. She was conscious of her benevolent brother Bhagavan Srikrishna spreading wings of protection without cease. She reached the chamber of Keechaka. On seeing her, he became virulently jubilant. The beast of lusty passion within goaded him to begin practical action. He saw Sairandhri's hand holding the bowl of liquor. The lust infatuated Keechaka soon crossed the border of civility and human decency like Saindhava in Dwaitavanam. Keechaka dared violent march forward to have liberties upon her body guised in impregnable shield of noble conjugal fidelity. She was daughter of sacrificial fire, if released it consumes the villain along with his amorous proclivity. She threw the savage on the ground, left the jar of liquor behind, and took to heels. The lioness consoled herself. Thanked Bhagavan Srikrishna. Hid in her, servant quarters. She was biding time to eliminate, the thorn - Keechaka.

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