

## **Future Of India And Pakistan Lies In Cooperation**

I

1. Is the traditional politics of cold war, followed by India and Pakistan in the post-1947 period, an answer to the problems faced by these two countries? The facts show that it has caused more problems than it has solved.

2. One of the resultant problems has been the problem of armed conflict. The two countries have already fought three wars, while the fourth one seems to be lurking on the horizon. If, despite the international pressure, the two countries happen to go for another armed encounter, it will, with its nuclear dimensions, lead not only to unprecedented human and material destruction but also their destabilisation.

The whole world is worried about the increasing tension between India and Pakistan. Of the nearly eighty actual and potential flashpoints in the world today, the Indo-Pak one occupies the number two position and falls under the most dangerous category. It has the potential of turning South Asia as the most unfortunate region of the world's first nuclear war.

3. The second problem resulting from the Indo-Pak politics of cold war has been the distortion of the development priorities of the two countries. Both have placed militarisation at the top of their national agendas. According to a rough estimate, India has spent about Rs 6,00,000 crore on its defence and the four wars it fought with the two neighbours—Pakistan and China (including Rs 1,000 crore spent on anti-LTTE operations in Sri Lanka, as 100 crore on sending military help to Maldivian government to overcome foreign sponsored trouble and the expenditure on the para-military forces in the past 47 years). Pakistan is estimated to have roughly spent Rs 2,50,000 crore on its defence and its three wars with India, in the same period. It can be imagined how much benefit would have occurred to the people of the two

countries had even the one-third of that defence expenditure been spent on development by each government.

Indian defence expenditure, on an average, formed over 20 percent of the post-1947 budgets (around 3.5 percent of its GDP), while that of Pakistan constituted about 30 percent of its budgets (around 3.5 percent of its GDP) in the same period. India has been daily spending about Rs 5 crore on its military operations in Jammu-Kashmir (including the expenditure on Siachen) for the last 5 years. Pakistan might have been incurring an expenditure of about Rs one crore daily on its Siachen operations and aid to Kashmiri militants. Obviously, this heavy military spending has been a severe strain on their respective meagre financial resources.

As per the 1994 UNDP report, militarisation has been grievously hurting the Indo-Pak people. Funds needed to tackle social problems are diverted to buy arms although chances of dying from malnutrition and preventable diseases are 33 times greater than those of dying in a war of external aggression.

While the two countries have been spending billions of dollars on arms for territorial security, personal and collective human security within their borders has been getting worse. Security has been related more to nation-states than to people. Yet security in daily human lives—security from the threats of hunger, disease, unemployment, crime, social conflict, political oppression and environmental hazards has always been an abiding concern of most people.

Human security is not a concern with weapons, it is a concern with human life and dignity.

India has since been the biggest arms importer in the Third World. Pakistan too comes in the list of big arms importing developing countries. It was arms imports of this extent and the galloping defence expenditure that made it imperative for India and Pakistan to negotiate more and more foreign borrowings and resort to bigger and bigger deficit financing. The burgeoning foreign debt necessitated for the securing of more loans in order to pay the annually rising interest payments. The increasing deficit financing has introduced inflationary spiral in their economies. The chronic inflation has, in turn, made the Indian and the Pakistani economies high cost economies, thus retarding their exports and causing their perpetual balance of payments crisis.

Curtailing the defence expenditure has since become the

essential need of the Indian and the Pakistani economies. According to expert opinion, the defence budgets of India and Pakistan are over-expended and need drastic pruning, taking into consideration their present security needs. But their politics of cold war rules out all options of curtailing their defence expenditures and opts for only perpetuating powerful military machines.

Military expenditure has become an end in itself for India and Pakistan whose policies are, in turn, pushing the neighbouring countries into competitive expenditure on security.

It would not be inaccurate to say that military expenditure has been one of the most important causes for their under-development. Because, it distorts all their priorities—political, economic, cultural, diplomatic, etc.

4. The third problem resulting from the Indo-Pak politics of cold war has been the throttling of their bilateral trade, causing a great loss to their economies.

From 1947 onwards, the trade between the two countries remained almost nil for four decades. A few years ago, it was worth Rs 150 crore. However, the actual trade between them through a third party (via Dubai, Singapore and smuggling, etc.) was to the tune of Rs 5,000 crore.

Pakistan has plenty of sugar and fertilisers to export to India and in turn import from it wheat and cement. At official level, New Delhi and Islamabad together had identified some 400 items for trade purposes.

If normalcy is restored in their tense relations, the Indo-Pak trade can, according to trading circles, go up to Rs 10,000 crore—thus immensely benefitting the economies and peoples of the two countries.

5. The fourth problem resulting from the Indo-Pak politics of cold war has been the neglect of the question of human resources development in both the countries. Nearly bottom 40 percent and 30 percent of the total populations of India and Pakistan continue to live below the poverty line respectively. Perennial unemployment and chronic price rise have been continually increasing their burden. The poor of the two countries have waited too long to see better times. But the grandiose declarations about the poverty elimination made by the leaders of the two countries have always resulted in the diametrically different results. The absolute number of the poor in each country today exceeds its 1947 total population.

With the rising population and the diversion of financial resources towards unproductive channels, the investments in education, health and other social services could not be made up to the desired limits. Whatever meagre amount had been employed, much of it has gone into corruption. All this had resulted in the deterioration of the social services, both qualitatively and quantitatively. Obviously, without the development of social services (i.e., drinking water, food, shelter, education, health, employment, etc.), no dent can be made into the poverty problem.

According to the 1994 report of the UNDP, India ranks 136 and Pakistan 134 among the 173 countries on the "human development index" (a scale of measuring poverty, ignorance and disease) and both come under the category of the least developed countries.

The 1993 UNDP report shows that the number of absolute poor in India was 423 million (or 49 percent), while it comprised 36 million (or 30 percent) in Pakistan. The literacy rate was 48.2 percent in India and 34.8 percent in Pakistan. The literacy rates of India and Pakistan continue to be the lowest in the world. By the turn of the century, India would have the largest number of illiterates in the world. About 70 million children in India and 11 million in Pakistan below the age of 5 years are malnourished. About 750 million people in India and 150 million in Pakistan are without adequate facility of sanitation. The number of those having no access to safe water was about 754 million in India and 60.9 million in Pakistan.

India's expenditure on education and health for the two year period 1988-90, as per the 1993 UNDP report, was 6.4 percent of its GDP, while its defence expenditure for the same period stood at nearly 8 percent of the GDP. The corresponding figures for Pakistan pertaining to the same years were 7.9 percent and 13 percent of its GDP.

Some international agencies have, on the basis of their latest findings, disclosed that 55 percent of the South Asian people are poor as compared to 47 percent in sub-Saharan Africa and 20 percent in China. If the category of 'extremely poor' is taken into account, India's percentage remains as high as 33 percent; China's comes down to 8 percent and sub-Saharan Africa's to 30 percent.

6. The fifth problem resulting from the Indo-Pak politics of cold war has been the criminalisation of the political processes of

the two countries respectively. The various forms of criminalisation include: the entry of criminals in the political process, the increasing politician-police-criminal nexus, emergence of power brokers and extra-constitutional centres, all-pervading corruption, the violation of the rule of law by the people in authority.

About 10 percent of the legislators in the country are estimated to be composed of shady elements of various hues. The entire power is mediated by various types of power brokers and extra constitutional centres at different levels who claim proximity to the ruling party's top leaders.

Most of the political activity is carried out with black money, generated by crime. All legislators begin their careers with an act of perjury so far as they tender their false election expense accounts to the returning officers. In every state, politician-police-criminal bands operate with impunity. In Himachal Pradesh, UP, Madhya Pradesh and Assam, it exists between politicians, police and timber contractors who have illegally felled millions of hectares of forest. In South Bihar, it is run through the coal transport mafias. In Gujarat, Karnataka, Andhra Pradesh, Maharashtra and elsewhere through illicit liquor distillers, in big cities through real estate dealers, drug traffickers and smugglers and in the countryside through dacoits and goondas who use their gangs to rig elections. Almost everyone who can supply money or muscle power to help a politician win an election acquires an honourable position and gets immunity from the law for any wrong doing. The unending series of scams, scandals and swindles have served to reinforce the conviction that those in power are locked in this single pursuit, always trying to lend a measure of legitimacy to fraud and wheeling-dealing.

## II

7. The record of the past 47 years shows that the politics of cold war has, with its damaging implications and imperatives, produced highly negative results for both the people of India and Pakistan. This record is so disgusting that not even the cold war operators of the two countries can justify it by any standard. Each side rationalises it by saying that the confrontationist course has been thrust upon it by the other party and that there is no other option before it. The main opinion makers—the mainstream political parties, media, intelligentsia, fundamentalist forces (religious, economic and political), etc.—continue to

promote this path. The result is that the majority of people in both countries remain influenced by the cold war politics. But unless this politics is eliminated root and branch, the day by day worsening problems of India and Pakistan cannot be resolved.

### III

8. Where does lie the root of the politics of cold war?

9. The underlying cause resides in the national theories of the two countries—the pan-Islamic theory of Pakistan (which makes all non-Muslim groups and all Muslim outgroups—Shias, Ahmadias, Zikris, etc.—like second class citizens as has been the case in Pakistan) and the majoritarian Indian nationalism (which, while verbally conceding equal rights to the minorities, actually discriminates against them as has been happening in India). It were these fundamentally different principles of Hindu and Muslim nation building theories—one propounded by M.K. Gandhi and the other by M.A. Jinnah—that resulted in the disruption of building a common and single national movement in pre-1947 India, put the Hindu and the Muslim communities on a confrontationist path and finally brought about the 1947 partition of India.

10. The short-term cause of the cold war politics rests with the Jammu-Kashmir problem—a problem, which having arisen from the 1947 partition, given rise to the continuous Indo-Pak hostility and caused three Indo-Pak wars, remains one of the biggest flashpoints in the world. India's Jammu-Kashmir case rests on the argument that the state, having constitutionally and legally acceded to India, forms an inalienable part of the Indian Union, while Pakistan contends that, having arisen from the 1947 partition, marked by a Muslim tinge and running as a conflict between India and Pakistan for all the time, it is a dispute.

11. The above stated two opposed conceptions on nationalism and Jammu-Kashmir have generated two different visions of India and Pakistan respectively. The Indian vision has been holding that, due to inter-ethnic and intra-religious tensions, a second version of the Bangladeshi experiment is going to be repeated in Pakistan, sooner than later and hence India should firmly facilitate the ongoing disintegrating process in Pakistan. The Pakistani vision has been maintaining that India cannot, because of its communal, casteist, ethnic and lingual conflicts, hold together for long and that soon its inherent imbalances will torn it asunder and thus Pakistan should necessarily help the

continuing destabilising process in India.

12. It is this vision that has given rise to the policy of cold war on both sides—a policy that knows no bounds and continues unabated. The continuity of this vision and its related policy for so long has resulted in the conditioning of a confrontationist mindset in the two rival countries. If this vision and its related policy continue, it can drag the two countries towards one of the two possibilities—either to a fourth Indo-Pak war with its nuclear dimensions or the destabilisation of the two countries due to accumulated external and internal tensions. Each of the two possibilities is frightening and can extract a very high price from the people of India and Pakistan.

#### IV

13. To part with an old mindset is not an easy task. Because, it has far reaching implications. It means to give up not only an attitude or frame of mind but also its theory, vision, style and structure. If these social factors happen to be ruling phenomena, then it also means to part with the privilege of authority. And in the present consumerist and acquisitive culture, only rare persons would opt for principle instead of power or office.

14. The discarding of an old mindset by a community generally occurs by adopting a whole set of new agenda in place of the old one. This shift is preceded by a change in peoples psyche which forms the basis of a fundamental social transformation. The change in public psyche in favour of a new agenda, sometimes results in systemic collapse (e.g., the Soviet Union), or a leadership change, either peacefully or violently (as in Czechoslovakia and Romania). Thus, in order to end the Indo-Pak politics of cold war, the most important task facing all democratic and sensible people in India and Pakistan is to bring a change in public psyche by motivating and mobilising the masses in favour of a new social agenda.

#### V

15. In the post-cold war situation when the different countries of the world are taking peace initiatives to resolve their internal and external conflicts, both Indian and Pakistani advocates of the cold war politics are, instead of winding up their confrontationist wares, attempting to renew their respective cold war policies by new modifications. A sizable anti-Pak section is, by emphasising India's future with the US, propagating for a

strategic alliance with US. Another faction (mainly Left and its allies) is pleading for closeness with China or with both China and Russia. The fundamentalists are putting forth an independent course of development on traditional lines, claiming to build the country strong through military power.

16. All these viewpoints ignore two international ground realities. One is that no country is, in the post cold war period, likely to adopt a partisan approach on any festering bilateral dispute (contrary to the case in the cold war days) and is generally expected to take a stand on the basis of its own interests. This is why India is not, in view of its image of a cold warrior, considered fit for Security Council membership and why Pak is being discarded by its traditional allies—US, China, Iran, etc.—on the Jammu-Kashmir question. The other is that the economic strength has, in the post-cold war period, acquired relatively more respectability than the military power among the nations of the world.

17. The new world situation is not congenial to any country which resorts to strong arm tactics and military building.

18. Thus, the cold war politics, while harming the internal development of any country, does not help it even on the international scale.

## VI

19. The future of India and Pakistan depends on their adoption of realistic agendas respectively. They need to be based on two prevailing realities.

One is that the post-1947 national processes of both India and Pakistan started from an agenda of confrontation and still that agenda remains to guide them. Thus, the primary task facing the two countries is to rectify the distortion in their respective national processes.

The other is that the newly emerged interdependence of countries and the newly found environmental imbalance caused by the ignorance of man, demands the working out of a new concept of social development.

## A

20. The first reality requires that the politics of cold war pursued by India and Pakistan be ended. Here, the two main questions, i.e., the Jammu-Kashmir problem and the issue of minorities in each country, that have marred the post-1947 Indo-



Pak relations, be properly addressed.

21. As regard the Jammu-Kashmir problem, the most reasonable and viable solution (that takes into account the public aspirations and moods and the present and future interests of the people of India, Pakistan and Jammu-Kashmir) is the granting of full autonomy to each of the eight ethnic-regional groups in both parts of the state under a joint Indo-Pak control which should hold only state's defence, foreign affairs and currency.

22. As regards the problem of minorities, the two countries should for the time being, make a joint pledge ensuring equal rights to the former and to look into and remedy the complaint of discrimination. As a long-term measure, either the SAARC or a joint Indo-Pak-Bangladesh minorities' commission, be created to safeguard the minorities' rights.

A closer cooperation between India and Pakistan on the basis of Jammu-Kashmir would lead to the ending of regional conflicts, stopping of arms race, strengthening of democracy, boosting of economic development, improving of environment, etc., in all the countries of South Asia and open the gate of their social progress.

#### B

23. The second reality asserts that the new concept of social development, basing itself on the fundamental principle of sustainability, should, on the one band, strive to restore balance between nature and man, and on the other establish harmony between different social units of mankind by removing all social barriers (i.e., national, racial, ethnic, religious, lingual, gender, socially unequal).

24. As regards the restoring of balance between nature and man, this would call for a complete change in man's entire approach and practice towards nature. Every type of human activity is to be related to the protection and conservation of nature and any human action causing distortion in nature strictly forbidden. A mechanism from the international down to the village level in which the entire mankind is, in varying degrees, involved, be worked out by the UN Commission on Environment and Development.

25. As regards the establishing of harmony between different human social units, this would require at least five main steps.

The first step is to seek a new concept of economic or material

development which places equal emphasis on the maximisation of productivity within sustainable limits and on its proper distribution.

26. The second step is to establish equity within countries and between countries. But it is an equity in a fair distribution of resources and products and not equity in equal distribution. This would require the ending of all types of inequality.

The third step is to change the concept of security from military to social security. This would require a system of collective armed security for each country either on a regional or global basis, leading to curtailment of expenditure on national defence.

The fourth step is to elaborate a new partnership between the developed and the developing countries on a sharing of world resources on a fair and proper basis.

The fifth step is to update the UN structure for the management of global issues.

27. These steps make it imperative for all the nations to cooperate with each other and solve all disputes through a cooperative spirit.

## VII

28. What we need to keep in view today is the fact that all nations are, in varying forms, moving towards a partnership—finally leading to the emergence of a single world community. The sooner India and Pakistan give up the 1947 mental blockade and the sooner they catch hold of the reality of their common future, the better for the people of India, Pakistan and the world.

29. Some one may ask: Is it an opportune time to take up the issue of Indo-Pak relations which are at their nadir during the past two decades? Perhaps, it is the most appropriate time, because one extreme gives rise to its opposite.

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## **Problem Of Minorities In India, Pakistan And Bangladesh**

### **I**

1. Who are the minorities? Sociologists generally use this term to cover ethnic, religious, linguistic, racial or cultural sections of people within a state which are conscious of their separate identity in these respects from the majority of the citizens. The Encyclopaedia Britannica says: "Minorities are groups held together by ties of common descent, language or religious faith and feeling themselves different in these respects from the majority of the inhabitants of a given political entity." According to another definition, minority constitutes a collectivity which is united by certain common characteristics (such as race, religion, ethnicity, language, tradition, etc.) or a combination of these factors and is numerically non-dominant in a population.

### **II**

2. How did the minorities emerge in history? Mankind has in its historical march passed through various phases of the evolution of its social identity (or unit), the principal ones having been, the clan, tribe, religious (also known as territorial) community, nation and the newly emerging global formation. In each phase, there had been an intermingling of the then existing different types of smaller identities, thus their turning into a bigger social collectivity. This had been happening due to the emergence of new science and technology and social knowledge and their related division of labour, demanding a wider field of operation. The organising principle of different historical identities has gone on changing from one phase to another.

3. For instance, the emergence of the food gathering division of labour brought into existence the first social unit of the human organisation or a group of people with its specific identity. It was formed out of the intermingling of the then existing two or three human herds, each roughly comprising three or four persons who together roamed in search of food but had no sense of any social identity. The clan, hardly consisting of 10-12 persons, later adopted, alongside food gathering, the hunting division of labour. There was intense fighting among different clans. The clan way of life lasted for hundreds of thousands of years. Later, the rise of the pastoral division of labour necessitated the formation of a bigger social unit and the various clans responded to it by uniting themselves into different tribes, each having its distinct social identity. Next, with the origin of the agricultural division of labour at a certain historical stage, the various tribes united to form different religious communities, each with its specific philosophy and social identity.

4. Beginning from the later half of the 18th to the mid-20th century, the development of the industrial division of labour brought forth the integration of various religious communities and the remnants of the clans and tribes into different nations in several regions of the world. Now, with the growth of new science and technology and social knowledge and their related division of labour, a new amalgamation process is under way, forging the various national units into a global community.

5. However, the remnants of all the past social identities, particularly the religious ones, continue in varying strengths to exist today as minorities in each nation-state. There is hardly any nation that is not a collective (including the majority and the minorities) of the past social identities. According to one estimate, there exist, within the domain of 184 nation-states, over 5,000 big or small social identities, each of which aspires for some form of political-cum-constitutional recognition of its distinct social identity.

### III

6. Looking at the ongoing ethnic upheaval in various regions, perhaps no country can today claim to have fully solved the integration problem of its given minorities. As to the developed countries, it is obvious from the black-white question in the US, the Quebec separatist demand in Canada, the Chechen revolt in Russia, the IRA movement in Northern Ireland, the Basque

struggle in Spain, the Nagorno-Karabakh dispute between Armenia and Azerbaijan, the ethnic wars in Bosnia-Herzegovina and former Yugoslavia, the problem of immigrants and refugees in almost every developed country. As to the developing countries, the problems of Tamils in Sri Lanka, Chakmas in Bangladesh, Kashmiris, Sikhs, Nagas, Bodos, Assamese in India, Sindhis, Mohajirs, Shias, etc., in Pakistan, Karens in Burma, East Timorians in Indonesia, overseas Chinese in South-East Asia, overseas Indians in South Asia, Kurds in Iran, Iraq and Turkey, tribal rivalries in every African country, including the civil wars in Uganda, Somalia, Angola, Sudan, Ethiopia, Nigeria, etc., Red Indians and non-European natives in almost all Latin American countries, inter and intra-ethnic conflicts in and among the former Soviet Central Asian Republics, and so on, are posing a challenge to national unity and integration.

#### IV

7. The foregoing facts bring forth the following lessons.

8. The first is that the rejection of foreign domination and the existence of anti-colonial feelings do not by themselves result in a sufficient degree of social cohesion and national integration of the minorities with the majority in any developing country.

9. Secondly, the basis of a common religion does not by itself lead to national homogeneity as is evident from the 1971 division of Pakistan, the present inter-ethnic conflicts between different Muslim communities in Pakistan, the civil wars between different Islamic parties in Afghanistan, the armed upheavals by certain Muslim groups in Algeria and Egypt, the serious dissensions in Iran and Saudi Arabia, etc. It can be seen also from so many other cases. For example, the basis of a common Buddhist religion could not dissuade Japan from attacking China and other Buddhist dominated countries during the second world war. Also, it could not induce the South-East Asian Buddhist countries to unite in even any loose union. The common religious bond of Hinduism did not yield any closer unity between India and Nepal. The adherence to a single Christian religion could not desist the main European countries from waging the two bloodiest world wars of this century against each other. The cultural commonality and the religious singularity had not worked to bring the 21 Arab states into even a confederacy, what to say of a single nation-state.

10. Thirdly, the Communist nation building model, based on

economic fundamentalism (a view which considers economy as the basis of society) and class oriented justice, failed to hold together in the former Soviet Union, Yugoslavia and many other former Soviet Bloc countries.

11. Fourthly, the traditional liberal nation building paradigm, with its free market mechanism, consumerism and individual liberty has also not been able to manage the minority problem on a fair basis as reflected by the dissatisfaction of minorities in various developed countries.

12. The fifth lesson is that national integration means something more than the anti-colonial struggle or religious unity, economic fundamentalism or free market mechanism.

## V

13. What hinders the integration between the minorities and the majority, turning into a homogeneous nation?

14. The main task before a nation is, and has been, the general integration of its diverse categories of people in the national structure through five factors, viz., politics, economy, culture, diplomacy and security. These factors contribute in meeting the three basic human urges—i.e., essential material needs (food, clothing and shelter and sex), security of life and freedom of conscience (of an individual, a social group or a nation). The application of the five nation building factors is relatively less difficult in states with a homogeneous population but highly complex in pluralist societies, like the former Soviet Union and Yugoslavia, India, Pakistan and a lot of other developing countries. In contrast to the homogeneous countries, the ruling majority in the pluralist countries (mainly forming part of the former colonial countries) has generally adopted discriminatory policies in all matters against the minorities. The deprivation of the minorities has naturally throttled the national integration process of the concerned countries and, in certain given conditions, generated ethnic conflicts, sometimes armed and sometimes non-armed.

15. The traditional majoritarian justification, based on the logic of the supremacy of the majority in a democracy, worked for long. But, after the break up of the colonial structures, especially in the post-cold war period, it has been challenged more and more by the minorities.

16. The challenge to the traditional theory of majoritarian supremacy has emerged from the post-second world war

development of science and technology and social knowledge and their related social division of labour which, unlike the majority-led democracies, demands equalitarian social structures, based on the equal partnership between the majority and the minorities inside the country and among the different nations abroad.

## VI

17. Turning to the problem of minorities in India, Pakistan and Bangladesh, four main questions—namely, (a) the identification of minorities, (b) their problem and its dimensions, (c) the cause of their problem, and (d) the solution to their problem—need to be discussed.

## VII

18. Taking the question of the identification of minorities in the three sub-continental countries, the position is as follows.

19. In India, neither its Constitution nor any court has even defined the term minorities in a precise form, despite the fact of the Indian minorities having justiciable rights under Articles 29-30 of the Constitution.

20. Article 30, however, indicates two factors, i.e., religion and language, as the criteria for identifying a non-dominant group.

21. Since there is no clear cut linguistic majority in India, the question of linguistic minorities, barring the genuine demand for the rights of smaller linguistic sections, had hardly arisen in the past and may not arise in the future.

22. By this test, the Muslims (11.35%), Sikhs (1.96%), Christians (2.43%), Buddhists (0.71 %), Jains (0.48%), Parsis and Anglo-Indians (0.42%) constitute the Indian minorities, though the Muslims are in majority in Jammu-Kashmir, the Sikhs in Punjab and the Christians in Nagaland, Mizoram, etc. Of these 7 minorities, the first five are religious minorities, the sixth one a religious-cum-racial minority and only the seventh, i.e., the Anglo-Indians, is a social-cum-religious-cum linguistic minority.

23. In Pakistan, the minority question is more complex. Firstly, there are the officially declared religious minorities. Under this category come the Hindus (1.2%), Christians (1.2%), Sikhs and Parsis (0.6%). Next, there are the linguistic minorities—i.e., the Punjabis (60%), Sindhis (30%), Baluchis, Pushtoons, Mohajirs, Zikris, etc. (10% )—with no official minority recognition. Further, there is the legally outcast minority, the Ahmadias, who have

been legally debarred from calling themselves Muslims. More, there is the Muslim outgroup, the Shias (the persecuted part of the Muslim community).

24. In Bangladesh, the minorities form about 11% of its total population, i.e., the Hindus 10%, Buddhists 0.6% and Christians 0.3% and Bihari Muslims 0.1% (who have been officially declared as stateless people).

## VIII

25. Looking at the minorities' problem and its dimensions in the three sub-continental countries, the scenario is highly dismal.

26. The general lot of the minorities presents a woeful picture. They are thoroughly discontented with the prevailing state of affairs and feel uncertain about their future in every respect—i.e., security, development, freedom of conscience and minority group identity.

27. Remembering the past, we find that, in the pre-1947 united India, the core component of the minority problem had been the assumption that the majority may, by its numerical strength, overshadow the distinct identities of the minority groups and the latter may have to live under a psychological fear of being discriminated and overwhelmed. The condition of minorities in the three successor states of united India today testifies to this assumption.

## A

28. In India, its Constitution provides for the protection of the minorities' religious and educational rights. Every post-1947 central government has echoed the slogan of improving their destiny. Now, the state has also constituted a Statutory Minorities Commission. But, in actual fact, the condition of minorities continues to be deplorable all along the line.

29. In the matter of security, the threat of communal violence always looms large over the head. The number of post-1947 communal riots in the country, numbering over 22,000, has broken all past records.

30. In the matter of development, no authentic data is available. But the unofficial estimates suggest that the minorities, especially the Muslims, lag behind in the matter of asset owning in the rural areas, self employment in urban and rural areas, female employment, educational levels, literacy, health facilities, standards of living, child-care, incidence of poverty, etc. In state



services, the share of minorities is about 3%. The Muslims have very little representation in the crucial departments, like the army, police, TV, AIR, etc. However, the creamy layers of the minorities have been continuously accommodated at top jobs (e.g., Zakir Hussain, Fakhruddin Ali Ahmed, Zail Singh, etc.).

31. In the matter of freedom of conscience, the majority of the prisoners under TADA were, according to the Minorities Commission, members belonging to the minorities.

32. In the matter of minority group identity, three facts are worth-observing. One is that the three minorities—Kashmiri Muslims, Punjabi Sikhs and the Naga Christians—have to take up arms for securing their respective ethnic-cultural identities. The other is that the case history of the Babri Masjid—how it started and was slept over and then how it was unlocked and finally demolished—shows the centre’s bias against even an outdated historical symbol of the minority identity. The third one is that the 1984 Operation Blue Star in the Amritsar Golden Temple and the 1984 anti-Sikh riots indicate the centre’s resolve to suppress the rise of every idea of identity by any minority, whatsoever.

## B

33. In Pakistan, the minorities are a persecuted and harassed lot. Blasphemy and other inhuman laws (e.g., Hudood Ordinance) have made them second class citizens, depriving them of even elementary rights what to say of basic rights, like security, development, freedom of conscience, minority group identity, etc. Recently, two Christians (including a teenager) were sentenced to death on bogus charges of blasphemy and only global outrage persuaded the Pakistan Supreme Court to abrogate the sentence.

34. In regard to security, the forces of sectarianism, ethnicity and narcotics are running havoc in Pakistan. They have created harassment all over Pakistan through their terrorist methods. The main victims of this offensive are Muslims rather than the members of minorities. This is, because the non-Muslim minorities, due to their insignificant number, have, in one sense, gone out of sight and out of mind of the majority. Hence, there does not exist any objective basis of Muslim-non-Muslim conflict. The interaction of unity and conflict has now been confined to the majority community. Consequently, the suspicions, hatred and hostility of the majority is now focussed

on various Islamic outgroups—Shias, Zikris, Ahmadias, etc. The tensions and conflicts are now intra-religious within the Pak Muslim community. Shias and Sunnis are gunning each other down in Pak mosques. The armed skirmishes between Mohajirs and Sindhis, on the one hand, and between the two rival Mohajir groups, on the other, have made Karachi, Hyderabad and many other parts of Sind as festering sores. All this is happening 47 years after the establishment of Pakistan whose creators had then pledged to provide paradisaal living to the Indian Muslims on that land.

35. Pak government accuses India as one of the groups involved in terrorism for destabilising Pakistan. It says that terrorist attacks were a reaction of the Muslim separatist movement in Indian held Jammu-Kashmir. India, in turn, charges Pakistan for fomenting terrorism in the valley and waging a proxy war against it.

36. The question of minorities' rights to development, free expression and minority group identity has no meaning in the prevailing social system of Pakistan.

#### C

37. In Bangladesh, the condition of minorities is, despite the state's Islamic character, not as desperate as in Pakistan. There is a lot of goodwill for the minorities in many liberal majority quarters. The human rights organisations are supporting their cause.

38. With regard to security, there are many worrisome points. The Chakama Buddhists have been for the past two decades waging an armed struggle. About 60,000 of them have sought refuge in camps on the Indian side. They accuse the Bangladeshi government for religious persecution. They are claiming for their rights from the platform of the Buddhist Council of India which wants the Indian government to hold tripartite talks. For the Hindus, the disturbances in the post-Babri Masjid demolition—in which 13 lives were, according to the Minorities Council, lost and 3,600 places of worship, according to unofficial estimates, destroyed—were highly painful. According to the Minorities Council, about 5 million people had left the country in the past two decades. About 3 lakh Urdu speaking Bihari Muslims live in camps as stateless people. Pakistan has agreed to take them but continues to dilly-dally since two decades.

39. With regard to development, the level of deprivation is

considerable. In 1954, the representation of minorities in East Bengal Assembly was 72, but it came down to 11 in 1991. In the 80,000 strong armed forces, there are only 500 from the minorities. Out of the 80,000 police personnel, only 2,000 come from the minorities. No senior officer in the ministries of defence, home and foreign affairs belongs to minorities. Ayub's Enemy Property Act continues under a new name, i.e., the Enemy Vested Property Act. It is meant to attach the property of those who migrated.

40. With regard to freedom of conscience, the case of Taslima Nasreen is a pointer to the wind. At present there does not exist any blasphemy law. But the Jamaat-i-Islami has been urging the government to promulgate such a law. And the only matter for anxiety is that the Awami League, the principal opposition party, is conciliating with the Jamaat.

41. With regard to the minority group identity, the minorities do not enjoy any special rights. The minorities have formed a joint platform under the name of Hindu-Buddhist-Christian Unity Council to defend minority rights.

#### D

42. The minorities, however, are quite dissatisfied with the prevailing situation.

43. To get rid of their perpetual trauma, the minorities of India, Pakistan and Bangladesh do not view the alternative of migration to a country dominated by their co-religionists as a feasible and worthwhile proposition, going by the living experience of the migrated Bihari Muslims, some of whom are being daily targeted in Sindh and some still languishing in Bangladeshi 'charity' centres.

#### IX

44. Coming to the question of the cause of the minority syndrome in the three sub-continental countries, the underlying reason lies, as shown by facts, in the misconceived perspectives of their respective nationalisms, while the short-term cause rests with their respective political perspectives.

#### A

45. The misconception of Indian nationalism resides in its fundamental principle (premise) of majoritarian secularism, which has, while tactically conciliating with all sorts of minority

fundamentalisms, consistently upheld the cause of majoritarian one. This is obvious from the following facts.

Firstly, the constitutional perspective of Indian nationalism has pictured the majoritarian interests as identical with the Indian state under Article 25 of the Constitution. It has also constitutionalised the majoritarian ethos as state ethos, namely, the constitutionalisation of Sanskrit (a language not spoken by any group of people in India but considered to be a godly language by the Hindus) as one of the national languages; *Bharat* (a derivative from the Hindu concept of *Bharat Mata* or *Maha Bharat*) as the name of India; the phrase *Satyamev Jayate* (copied from a Hindu scripture the *Mundaka Upanishada*) below the national emblem; *Vande Matram* (a song having a Hindu tinge) as a national song; ban on cow (as venerable as the mother, according to Hindu tradition) slaughter as a directive principle; and so on. Besides, on almost every official ceremony, the performance of *Arti* and *Puja*, blowing of conches and reciting from Hindu scriptures has been a routine affair.

Secondly, the political perspective of Indian nationalism—based on the norm of power politics or corrupt and irresponsible populism (as reflected by the theory and practice of the mainstream parties)—has, through money-cum-muscle power, criminalised our political process and made it violence prone.

Thirdly, the administrative perspective of Indian nationalism, founded on bureaucracy, secrecy and unaccountability (as practised by the Indian Administrative Services), has discriminated against minorities, with their share in services going down to three percent.

Fourthly, the economic perspective of Indian nationalism, based on an inefficient and corrupt methodology (as represented by the public sector and a part of the private sector), has turned our economic activity into a low quality and high cost process.

Fifthly, the diplomatic-cum-defence perspective of Indian nationalism, marked by the style of domination over the weak and subservience to the strong, has followed a hegemonic and confrontationist mode in its dealings with the neighbours.

## B

46. The misconception of Pakistani nationalism is characterised by its fundamental principle of Sunni fundamentalism which has denied human rights not only to non-Muslim religious minorities but also the non-Sunni Muslim sects. Its political

perspective is distinguished by intolerance and confrontation.

#### C

47. The misperception of Bangladeshi nationalism is related to its fundamental principle of liberal theocratic theory which when pressurised by orthodoxy, tilts towards conservatism and sectarianism and when influenced by the liberals, turns towards democratic reforms. Its political perspective too comprises power politics by all means, fair or foul.

#### X

48. Is there any exit to get out of the sub-continental minorities' trauma? This crisis, like every other critical point, constitutes a mixture of threat and opportunity. By realistically responding to it, we can ward off its threat and seize its opportunity.

49. A realistic response generally requires a strict observance of two basics, i.e., to learn from one's experience of the outgoing reality and to renew oneself in accordance with the needs of the new reality. India, Pakistan and Bangladesh each has to evolve its specific response according to its own perception of the two realities.

#### XI

50. Confining our discussion to the Indian reality and its related response, more and more people are now coming round the view that India's post-1947 national model has proved ineffective to integrate our nation, to develop its material life in a sustainable way and to provide security and freedom to our people and that the disturbing minorities problem too is a part and product of this afflicted model. Naturally, without recasting this model, India cannot advance.

51. To recast the old model, the new global reality, characterised by the interdependence of countries and its new social division of labour, demand the upholding of three principles:

(a) A new vision which is pro-nature, on the one hand, and pro-people, on the other, thus putting nature and man at an equal level in contrast to the old rich-centric vision.

(b) A new social organisational principle based on cooperation and partnership in contrast to the old confrontationist method.

(c) A new style of functioning, based on the consensus

method of decision making in contrast to the old method of might being right or majority supremacy.

#### A

52. Proceeding in the light of the above two realities, our agenda needs a two sided response—the short-term and the long-term.

53. The short-term response, concerning the specific minorities' issue, may include the following measures:

#### Concerning India, Pakistan And Bangladesh

(a) To put forth the proposal for the formation of a Supra-National Minorities Commission comprising the representatives from India, Pakistan and Bangladesh to look after the interests of minorities in the three countries and help in resolving the conflicts within and across their borders. The Commission can work out its operative principles on the basis of UN covenants and conventions, such as UN Charter (1945), Universal Declaration of Human Rights (1948), International Covenants on Civil and Political Rights and on Economic and Cultural Rights (1966), UN Code of Conduct for law enforcement officials (1979), Convention Against Torture (1984) and UN Declaration on Minorities (1992), etc.

(b) To demand the settlement of Jammu-Kashmir dispute by proposing full autonomy to each of the eight ethnic regions on both sides of the LOAC under a joint Indo-Pak control, to be entrusted only with matters of state's defence, foreign affairs and currency.

(c) To propose the setting up of a joint Indo-Bangladesh Water Commission to manage and share the water of the three concerned rivers—Brahmaputra, Ganga and Meghna.

These three steps will create a feeling of goodwill among the peoples and the governments of the three countries.

#### For India Alone

(d) To delink religion from the state.

(e) To prescribe the teaching of truthful history in the schools and colleges, emphasising both the positive and the negative aspects of the past developments.

(f) To counter communalism, with focus on the majoritarian communalism, by ideological and political means, suppression of communal riots by all means, denouncing of the revengeful

theory of correcting historical wrongs by putting one social group against another, stopping of official encouragement to fundamentalist leaders, etc.

(g) Resolving of the Ayodhya problem through a legal or political process.

(h) Introduction of the system of proportional representation which, instead of communal reservation or communal electorate, can ensure the sharing of power by the minorities if they desire to poll on the ethnic lines.

(i) To end TADA.

(j) To review the laws and law enforcement agencies vis-a-vis security of minorities and suggest measures to make law enforcement fair and proper.

(k) To undertake effective steps, like the setting up of a composite police and para-military forces, providing adequate compensation to the riot victims speedily, etc.

(l) To take concrete measures to develop Urdu and accord second state language status to it in UP.

(m) To ask the Minorities Commission to prepare authentic data on the condition of minorities and accept its recommendations with regard to the latter's security, educational development and economic betterment.

(n) To make the functioning of the Minority Financial Development Corporations effective and set them up where they do not exist.

(o) To demand the reservation of jobs on the basis of poverty criterion and not that of caste or religion, thus ensuring the representation of poorer sections of minorities.

## B

54. The long-term response, relating to the updating of the old model, may comprise the following steps,

(a) **Aim:** To establish a just and fair social order in India and the world which is nature-friendly, on the one hand, and people-friendly, on the other.

(b) **General Approach:** Scientific realism which bases itself on all sided facts.

(c) **Social Perspective:** Globalism or rational humanism.

(d) **Democratic Order and Empowerment of the People:** To resolve all internal conflicts through dialogue and to establish a fully federal and thoroughly decentralised structure with autonomy to all states and a special status to Punjab within the

Indian Union. To empower the people by evolving a new mechanism involving the people in decision making at all levels and by ending all disparities in society, i.e., between the rich and poor, between the sexes, etc.

(e) **Sustainable Development:** To improve the quality of environment, i.e., natural resources of land, water, air, on the one hand, and of human and material resources, on the other, by globalising the economy through a judicious mix of market mechanism and state planning.

(f) **Regional Security and Development:** To seek a tripartite solution of Jammu-Kashmir question by giving full autonomy to each of the ethnic regions on both sides of the Line of Actual Control under a joint Indo-Pak control to be entrusted only with matters of state's defence, foreign affairs and currency, thus opening the way for the development of SAARC which, in due course, is likely to grow into a Free Trade Common Market Area with a Regional Security System and a Confederal Political Union.

(g) **Value System:** To promote rational humanist thinking and democratic behaviour.

(h) **Foreign and Defence Matters:** To follow international cooperation and friendship, build along with the neighbours a regional security system and pledge together with Pakistan not to manufacture the nuclear weapons and its related delivery system.

## XII

55. The day is not far off when the walls of suspicion and hatred erected between the Indian, Pakistani and Bangladeshi people—with a shared history of common descent, feelings, stock of languages, traditions, struggles, sufferings, etc.—will crumble and their three countries, while each retaining its independence and sovereign identity, will come together on a united platform and work for a better future for themselves and mankind.

28-02-1995



## **Copenhagen Social Summit**

### **I**

1. The first UN Summit on Social Development was held in Copenhagen from 5 to 13 March 1995. By all reckoning, it was a positive move. For the first time, the UN community met to discuss three important social problems—poverty, unemployment and social integration. About 118 heads of states and governments took part in this conclave.

2. A parallel meeting on the same agenda was held for ten days by 2,000 non-government organisations (NGOs), about five kms away from the official summit for failing to address the basic issues governing equitable and sustainable social development.

### **II**

3. The discussion mainly centred on the economic aspect of the social agenda, ignoring its multi-dimensional nature. However, for the first time, the world community, as a whole, considered it as a human issue, mainly concerned with developing countries.

4. The main economic issues discussed at the Summit were: debt cancellation, official development aid, tax on international currency transactions.

5. On debt cancellation, the Danish Parliament set the tone by cancelling debts amounting to \$166 million owed by 6 developing countries, followed by Austria which announced cancellation of debts, worth \$100 million due from many developing states. The other developed countries preferred to remain silent.

6. On official development aid, Japan agreed to bring its contribution to 0.7% of its GNP (a target approved by the UN). France said it was already giving 0.63% of its GNP. The other developed countries kept mum on their 20 year old commitment to raise their official development assistance to 0.7% of their GNP.

7. In regard to tax on international currency transactions, France, Denmark and Canada proposed a global tax on short-term money transfers, a variant of the Tobin Tax, as one way of

raising resources for the Third World development. But, it was not included in the final declaration.

8. Another important point discussed in the Summit was that, in order to achieve the basic needs of every human being in the coming ten years, an additional sum of \$30 to \$40 billion a year is required which could be mobilised through a 20:20 compact under which 20% of the developing country budget and 20% of developed country official aid are allocated to human priority expenditure. Finally, it was left to each interested country's choice.

### III

9. The social question of poverty, unemployment and social cohesion have not fallen from the sky. They are neither an inevitable natural phenomena nor the logical outcome of a developing society.

Basically, they are man generated problems, having arisen from a defective development model.

10. Of the three development models hitherto prevailing in the world, i.e., the Western Liberal, the Communist and the former colonial and the present post-colonial, each has according to its specific features, contributed in the perpetuation of the above three social problems.

11. The Western Liberal model, based on market mechanism, is highly efficient and productive, but socially too much iniquitous and environmentally quite detrimental. Its market mechanism, on the one hand, maximises production at the cost of environment and, on the other, produces a consumerist lifestyle that only hankers after maximising one's self-interests at the cost of social interests. This model was bound to give rise to imbalance in our environment and problems, like poverty, unemployment and social disharmony. All these problems first arose in colonies and post-colonial countries and then, with the emergence of nationally interdependent social division of labour, in its mother countries. Today, all the developed countries are afflicted with low growth rates, high unemployment, and crime and to a moderate extent poverty too.

12. The Communist model, based on totalitarianism, while stressing economic equality and responding positively to tackle the issues, like poverty, unemployment, illiteracy and diseases, lacks efficiency and productivity and often misuses and wastes natural resources. Its totalitarian mechanism, on the one hand, generates environmental disruption and, on the other,

suppresses the political and cultural rights—thus producing a lifestyle that only cares for economic gains and concessions.

13. The former colonial and the present post-colonial model, mainly based on authoritarianism and the traditional forms of subordination has since been under transformation, changing in accordance with the varying samples adopted by different regions in the world. Thus, the East and the South-East Asian sample though environmentally retaining the old defects, has for the past two decades been characterised by high growth and employment rates, resulting in substantial reduction in poverty and unemployment. The Latin American development sample, applied by the majority of the concerned countries, too is moderately tackling the problems of poverty and unemployment, with little improvement on the environmental side. The Middle East sample continues to survive as usual on oil revenues. But the African sub-Saharan region and South Asia still remain dominated by poverty, unemployment, social disintegration and environmental degradation.

14. The prevailing situation of the different patterns of development makes it clear that the world today needs a new development model which, on the one hand, establishes a balance between human society and nature and, on the other, creates harmony between the over-fed haves and the under-fed have-nots as well as the individual and society.

15. Such a two sided development model should, and can, be built on the basis of three fundamental principles:

(a) Placing of both nature and man at the centre of development.

(b) Ending of all social disparities—rich-poor, gender inequality, racial, ethnic or religious, rural-urban, developed countries-underdeveloped ones, etc.

(c) Empowerment of the people, especially the women and the deprived.

16. Though the Copenhagen Summit did not touch the said basic issue it was a step in the right direction.

28-04-1995

*(The following Paper was presented at a Seminar  
in Chandigarh on 7th May 1995)*

## **More On Question Of Human Rights With Special Reference To Punjab & Kashmir**

I

1. The question of human rights, in its common sensical meaning, involves a two sided mode of interrelated rights in human society. On the one hand, it denotes a set of just claims to which every human being is entitled and which must never be taken away by any authority in society and, on the other, it expresses the society's rights which the individual is required not to break in order to smoothly run the complex process of society. Thus, a balance has to be struck between respect for the basic rights of individuals and the obligations of the individuals to society. If this balance is not achieved, there is a possibility that the rights of one side or the other may be denied.

2. Historically, the issue of human rights has varied in different social phases, each characterised by its given level of social development. Thus, while in old times, the food gathering society denied every human right to a war prisoner and ordained him either to death or slavery, in modern times, such a prisoner enjoys, like other human beings, the right to life and security. Only a few centuries ago, the hands of a thief were amputated in order to teach him a lesson in physical torture, but now all types of physical torturing is legally prohibited to worst offenders and criminals with a view to transform them into good citizens.

3. The reason for the changes in the pattern of human rights lies in society's constantly varying scientific, technological and social knowledge which results in continuous alterations in the social division of labour, constituting the conceptual, practical and organisational mode of a given society.

## II

4. The new phase of the human rights historical process began only after the end of the second world war when the mass revulsion, especially in Europe, against the pre-war savagery and war time horrors of nazism, fascism, militarism and totalitarianism in the name of the nation-state, demanded a restructuring of the world and the nation-states on a humane basis. The result was the emergence of UN and its affiliate bodies on the basis of a humane charter in 1945. Three years later, the UN adopted, without any dissenting vote, the 1948 Universal Declaration of Human Rights, including both the socio-political and socio-economic rights. In 1966, the UN approved two covenants on human rights—one concerning the norms of equity and social justice and the other relating to the civil and political rights. So far, the UN has, with a few in their final stage, endorsed twenty two covenants in regard to human rights. The UN Declaration and many of the UN covenants have been now ratified by nearly all countries, with only a few exceptions.

5. With the termination of the cold war phase, the issue of human rights has become one of the principal concerns of the world community. The human rights movement has gained a new momentum the world over. Hardly any country can today ignore its call.

6. However, the actual state of human rights in the world as a whole and in each country is not very satisfactory, though better than in the past. Some countries (primarily the developed ones) lay stress only on civil and political rights, while the others (mainly the developing ones) emphasise the economic and cultural rights alone. Authoritarian and centrist regimes are oblivious to both, attending neither the one nor the other (of the two).

7. Over half the world population still suffers from deprivation of human rights—access to food, safe water, health-care, shelter, education, etc., and freedom from torture and corrupt law enforcement agencies and judicial system. The US which preaches human rights to the world and sheds tears about the deprivation of human rights in other countries spends only one percent of its GDP on what is termed welfare, while fourteen percent of its population still lives below the poverty line. Many of the Third World countries use nationalism and development to loot the public resources and attack human rights.

8. The 1948 UN Declaration and the two 1966 covenants constitute the basic programme of human rights for all members

of the human family. Accepted universally, this programme should become the international gauge to measure the human rights performance of each country and each human organisation.

### III

9. The record of human rights in India has been quite discouraging in the post-1947 period. Despite having been one of the earliest signatories of the UN Human Rights Declaration and covenants and having been a pioneer among the developing countries in the granting of certain human rights in its Constitution, India has consistently followed a policy of human rights violations all through this period.

10. Today, the human rights scene in the country is highly dismal. Tens of thousands of political prisoners, including prisoners of conscience, are languishing in Indian jails. Prisoners are routinely tortured and scores of people die of torture in police and military custody. Beating, kicking, blind-folding, raping and subjecting to electric shocks and cigarette burns remain the pet torture norms. Persons held in custody are humiliated, intimidated and frequently made to pay money to their inquisitors. If victims or their relatives attempt to lodge complaints about human rights violations by the law enforcement personnel, police generally refuses to register complaints and sometimes even threatens or punishes complainants and tries to implicate them into false cases. If the courts order the police to register the complaints, the former obstructs and delays the proceedings.

11. Even the Chairman of the National Human Rights Commission (a pro-government body both conceptually and organisationally), Ranganath Mishra, had recently stated that human rights are grossly misused in India, particularly in Kashmir, Punjab and the North-Eastern states. There have admittedly been glaring instances of violation of the right to live in dignity all over India. Stories of murder, rape, the use of third degree methods to make a person confess his or her guilt and the denial of elementary facilities to the detainees fill the files of the judiciary as well as the executive.

12. Figures compiled by the National Crimes Records Bureau show that, between 1990 and 1992, as many as 258 rapes and 197 deaths in police custody were reported from all over the country. The National Police Commission (1977) analysed complaints of police torture and custodial deaths in eight states and found that the police were blamed in 11 out of 17 judicial

enquiries, 37 out of 82 magisterial enquiries and 23 out of 430 enquiries by other agencies. The Commission recommended that, in all cases of custodial deaths, there should be mandatory judicial enquiries.

13. In February 1994, the Supreme Court observed: "This Court is determined to show to this country what type of police force they are paying taxes for. If these police officers serve a sentence, then only they will learn lessons." A few years ago, a judge of the Allahabad High Court remarked that the Indian police is the largest organised gang of criminals in this country.

14. History shows that the police was an organ of terror and suppression in the middle ages. The British colonial rule kept this police pattern alive to maintain their reign by mass intimidation. But the post-1947 rulers have excelled all their predecessors. By criminalising the political process, they have created a politician-police-criminal nexus which has virtually turned the police into an armed gang with the licence to terrorise and fleece the people and even to kill them at will. That is why there is awful fear of the police in the country. According to modern parameters, it is the conduct of police that most appropriately reflects the civilised level of any society. In developed countries, the people in trouble often go to police for help, but our countrymen fear the police more than criminals and gangsters.

15. The January 1995 report of the London based Amnesty International says that "torture remained a pervasive and daily routine in every one of India's 25 states." The 1994 report of the Amnesty International had alleged that between 1958 and March 1992, about 455 custodial deaths have occurred in India, excluding Jammu-Kashmir and Punjab. Only in 1993, as many as 36 custodial deaths occurred in the country. Ten of these unfortunate persons lost their lives in the Union capital. Coupled with the human rights violations, 50% of our people go to bed half hungry, 48% remain illiterate and 30% sleep in the open, without any shelter over their heads.

16. The state of human rights in India is a glaring expression of the inhuman attitude of the ruling elite towards the common people in the country who mainly constitute the women, minorities, poor and all those who have no clout in the political parties, establishment, business, etc. According to a survey conducted by the *Times of India*, 70% of its readers, who mostly constitute the Indian elite, have favoured the continuance of the brutal TADA. Because they know that TADA is not meant for 5-star

criminals—securities’ swindlers, bank money embezzlers, smugglers, polluters, adulterators, black marketers, and so on. They are well aware that the criminalisation of the political process, while protecting the privileged few, only victimises the deprived lot. Who does not know the fact that it is impossible for any VIP in India to walk without police protection in any part of this country, including his home town. The VIP security expenditure which was hardly a few crore rupees in the 1950s had shot up to rupees 500 crore, an amount five times more than rupees 88 crore annual plan outlay for the Union Territory of Chandigarh.

#### IV

17. The magnitude of human rights violations in Jammu-Kashmir and Punjab is seriously disturbing. Jammu-Kashmir is virtually under the undeclared military rule, while a political process, based on the security forces, operates in Punjab.

#### A

18. The latest report of the Amnesty International, released in January 1995, is a severe indictment of human rights abuses by India in Kashmir. Two appendages to this report list 715 people who died in custody of the security forces from 1990 to 1994 allegedly from torture or shooting after arrest. The report factually refutes the government claim of improving its human rights performance in Kashmir.

19. The report also deals with the human rights abuses by the armed militant groups and condemns the militants’ acts of kidnappings, killings and torture of the innocent people.

20. In its report, the Amnesty expresses the regret that the Indian government continues to dodge the demand for impartial investigations into past human rights violations and concrete action to prevent torture and deaths in custody in future.

21. The Amnesty demands that the government should now take urgent action to investigate all reports of torture and custodial deaths listed in its report, to bring those responsible for torture and deaths in custody to justice, to establish a commission to protect detainees and to respect and strengthen safeguards for detainees. The government should invite the UN Special Rapporteur on extra-judicial, summary or arbitrary executions, the UN Special Rapporteur on torture and the UN Working Group on Enforced or Involuntary Disappearances to visit Jammu-Kashmir. Grave human rights violations in Kashmir amount to a consistent pattern. The



Indian government and the international community should no longer be allowed to ignore them.

22. Referring the government's claim of greater transparency in dealing with Kashmir, the Amnesty asks: "if the government has nothing to hide, why does it always sweep calls for impartial investigations under the carpet and drag its feet on effective steps to prevent human rights violations?" The government's consistent refusal to allow free access to human rights organisations in Kashmir disproves its claim to openness in the valley.

23. The New York based Human Rights Watch, in its annual report released in December, 1994, said that abuses in the "disputed territory" of Kashmir continued to mount, particularly deaths of suspected militants in custody.

#### B

24. The situation in Punjab continues to be volatile and unstable, despite the suppression of the Khalistani militancy. To a casual observer, the K.P.S. Gill enforced peace in Punjab may give an impression of usual normality and for the P.V. Narsimha Rao regime, the security forces based Beant Singh government in Punjab may be an electoral trump card. But the basic situational factors in Punjab—staying on of the army and other para-military forces, the raising of ten new battalions of the Punjab police force, the continuation of illegal detentions, harassment of citizens, torturing of suspects, extra-judicial killings, use of third degree methods, the largest tally of TADA detainees from Punjab—show that the prevailing situation in Punjab is neither a normal nor a happy one. This is because the military led peace movement in Punjab has restored a fragile law and order. The fundamental cause of the Punjab crisis remains as forceful as ever.

25. The Punjab police depredations—e.g., the killing of a suspected militant and his wife in a Calcutta suburb by the Punjab police, without even intimating the West Bengal government, the tattooing of four women pick-pockets, the beating of two journalists in Delhi by the Punjab police, etc.—stay as vulgar as during the heyday of the militancy.

26. The National Human Rights Commission in its November 1994 report on Punjab has cautioned the government that the delay in tackling human rights violations could be a factor in any possible revival of terrorism in Punjab. It has suggested a number of steps to end the arbitrariness of police in arresting, detaining and even killing of the suspects.

27. During the 10 years of the Khalistani militancy, about 21,119 people, were, according to official figures, killed in Punjab, while the unofficial estimates vary from 45,000 to 1,88,000.

The number of missing persons, whose whereabouts still remains untraceable, stands, according to Human Rights Watch, at 10,000. The other estimates suggest from 20,000 to 50,000. The government version is that they had gone to Pakistan for military training and are still awaiting infiltration. There is widespread impression that they have been liquidated by the security forces.

#### V

28. Why, in the existing gloomy state of civil liberties, is the public response to human rights violations muted and indifferent? This may be due to a variety of reasons.

Firstly, the government consistently turns its spotlight on the militant violence and not its causes. But the question is what impels some persons to turn to militancy? Is it foreign incitement or a genetic motion? The whole historical experience shows that the group militancy has generally grown as a reaction to the vindictive policy of a given establishment, while the individual terrorism has often originated from the self-seeking and revengeful motivational pattern of a specific system. The Indian majoritarian nationalism is primarily responsible for general communal violence in the country and the minority militancy in Kashmir, Punjab and the North-East, while the politics of opportunism upheld by all the mainstream parties is accountable for criminalising the Indian political process. By hiding the real cause of the militancy, the government always tries to mis-orientate the masses.

Secondly, the government constantly emphasises that since the militants violate the human rights, the security forces should be given a free hand to deal with them and that the violation of human rights by the latter is inevitable, thus concealing its constitutional and legal obligations.

Thirdly, the government continually reiterates that the humane and compassion based Indian traditional culture and human rights are synonymous, thus posing itself as the inheritor of a humane legacy. But the bequests of our hoary past—casteism, infanticide, *sati*, etc.—consigning more than half our people to a miserable living, nullify its claim.

Fourthly, the government repeatedly highlights that the deep

regard for human rights is the cornerstone of the Indian Constitution, thus assuming a humanist image of it as the Constitutional operator. But the authoritarian and the centralised nature of the Indian Constitution and its working through the brutal laws, like TADA, NSA, and the Armed Forces Special Powers Act, disprove the official assertion.

Fifthly, the daily repeated official catch phrase of danger to our national security by militancy conditions the people to believe that, having been under threat from militancy, the state should not be bound to uphold the peoples fundamental rights—thus justifying the police for resorting to torture, custodial deaths or extra-judicial punishments and vindicating the government for human rights violations.

Sixthly, but importantly, the passive public reaction to human rights violations is due to the peoples lack of faith in the politics of opportunism as practised by all the mainstream parties. The non-availability of any political alternative to get out of this tricky situation is liable to generate mass apathy.

## VI

29. The following initiatives may help us to halt and then change the worsening state of our human rights.

(a) To bring about an attitudinal change among the people by cultivating their scientific rationalist outlook and developing their democratic behaviour.

(b) To give up the sectarian historical approach of imagining ourselves as the only torch-holders of the world civilisation and accepting the reality of all peoples contribution to the evolving of international culture.

(c) To transform our authoritarian and centralised constitutional arrangement into a fully federalised and decentralised system, with maximum autonomous powers to the states, decision making power to the people from top to bottom, plugging of all constitutional loopholes, emphasis on genuine secularism (which delinks religion from the state), and social justice and equality, etc.

(d) To resolve all social conflicts (including the armed movements in Kashmir, Assam, North-Eastern states, Punjab etc.) through dialogue and shun the politics of confrontation and intoleration.

(e) To adopt a sustainable approach on development which upholds the preservation of nature, on the one hand, and of

human rights, with particular emphasis on the deprived people and the giving up of the consumerist attitude and lifestyles, on the other.

(f) To spend less money on armaments and more on education, health-care and other basics needed to advance economic and cultural rights.

(g) To bring all detention laws in line with the international human rights standards.

(h) To allow human rights bodies access to Jammu-Kashmir and Punjab and increase cooperation with the rational and international human rights organisations.

(i) To improve the law in all respects, namely, ensuring adherence of all law-enforcement agencies to their concerned constitutional and legal obligations, making of judicial enquiries mandatory into all allegations of torture, including rape and deaths, in custody within a reasonable time and their immediate publication, making of medical examination of detainees before their admission to the place of custody and regularly thereafter, producing of all detainees before a magistrate within 24 hours of arrest, with prompt information to the former of their grounds of detention, informing of the relations of a detainee immediately, granting of prompt access to a detainee's relatives and lawyers, termination of the practice of keeping detainees in prolonged police or para-military custody, trial of the perpetrators of torture in custody, compensation to the victims and their rehabilitation, and also to the families of the victims of disappearances, releasing of all those political prisoners against whom there are no charges of violence.

(j) To appeal and urge upon all armed militant groups to respect basic standards of humanitarian law (which require that all people taking part in hostilities shall at all times be treated humanely), uphold Article 3 of the Geneva Conventions, release all hostages held because of their beliefs, follow the international norm of not torturing the captives and not deliberately killing those with differing political or religious views, or the relatives of the security forces.

30. All the above initiatives, if properly implemented, can enable us to get out of our human rights crisis.

30-04-1995

*(Statement issued at IDP's Press Conference in Chandigarh)*

## **What Type Of Future Awaits Our Nation?**

### **I**

Never before in our post-1947 history had this question been raised with such force as it does today. Gone is our old national confidence that whatever happens, India's "timeless" and "unique" cultural values can survive all odds.

### **II**

Why things have come to such a pass? This is, because our cold war Nehruvian model has not proved viable to evenly develop our national process. On the one hand, it has proved ineffective to deal with the 1947 problems, such as poverty, unemployment, price rise, illiteracy, diseases, corruption, etc., and, on the other, given rise to many new ones, i.e., criminalisation of politics, mess in the economy and a double-dealing-cum-sycophantic behaviour pattern, armed minority militancy, a continuous cold war with Pakistan, ecological imbalance, over-population, and so on. This cold war Nehruvian model has been an amalgam of an authoritarian (or centralised) system and an irresponsible populism or unscrupulous vote bank politics as practised by all the mainstream parties up to 1989.

### **III**

What is, and should be, our answer to the difficult situation existing in our nation building process? A review of this process shows that our national problems are primarily modern. So, we cannot react to them in the classical way as proposed by the BJP's medieval sample of Hinduisation of our nationalism and the NF-LF's primordial brand of the Mandalisation or casteisation of our nationalism. Nor the renovated Nehruvian model (as

whitewashed by Manmohan's free marketism) can, or will, meet our national need.

Also, the various old existing, but in a decaying condition, national models can be of use to us. For instance, the market based Western consumerist model, having created the highly threatening environmental crisis, on the one hand, and a distorted world economy (divided into a few privileged and many under-privileged), on the other, is already, in the throes of a crisis, trying to restructure itself through the formation of regional common markets, collective defence mechanisms and supra-national political institutions. The totalitarian Communist model, based on regulated thought and material life, has already proved unviable and is trying to update itself with new devices. The theocratic model (which uses religion to achieve its political and economic aims), based on religious fanaticism, has not worked even in a single area. Because the parliamentary and financial institutions cannot be run by the methodology of faith. The few theocratic countries, while uttering religious catch-phrases, actually pursue realpolitick. No doubt, the East Asian model has somewhat established its economic worth, but it too has neglected the environmental aspect.

Naturally, while learning from the varied international experiences, we will, in cooperation with all SAARC brothers, have to grope in the dark for a new sustainable development model.

#### IV

The working out of a new sustainable (cum regional) development pattern requires the taking into account of 3 basic realities: (a) the 48 year experience of the politics of opportunism, mainly practised by yesman party, the Congress, under a dynastic leadership, (b) the newly emerged national interdependence or globalism, and (c) the lately made threats to mankind, i.e., the environmental degradation and the population explosion.

The three realities demand three types of response, first, the immediate response to the politics of opportunism, second, the medium-term systemic response, and third, the long-term response to the environmental and population challenges.

#### A

The immediate response to the politics of opportunism means to free our political process from money-cum-muscle based politics, always sprinkled by communal, casteist and populist

colours. The reforming measures may include:

- (i) State funding of all types of elections.
- (ii) Barring of all parties and candidates from incurring any election expenditure.
- (iii) Granting of the right to recall.
- (iv) Making of the securing of more than 50% of polled votes by a successful candidate.
- (v) Making of the parties accountable to the people by their public acceptance to delink their respective politics from religion, caste, etc., holding of free election of their office-bearers every two years and getting of their accounts audited under Chief Election Commissioner's supervision.
- (vi) Introducing of the system of proportional representation for 50% of Lok Sabha and Assembly seats.
- (vii) Prescribing of strict legal punishment for all those violating the electoral law, rules and code.
- (viii) Setting up of an autonomous Vigilance Commission (Lok Pal), empowered to probe into allegations of graft against any central or state level elected representative, including the Prime Minister, along with the establishing of such state level commissions, with powers to enquire into allegations of corruption against Panchayat and Local Bodies' members.
- (ix) Enactment of law requiring all contesting candidates to submit a statement of assets held in their names as well as in the names of their relatives along with their nomination papers.
- (x) Setting up of a commission of jurists to investigate into all complaints of corruption against the judges from the lowest to the highest rank.

## B

The medium-term systemic response means to update our national model in the light of new realities, national and global. The essential elements of this model may be as under:

- (a) **Aim:** To establish a just and fair social order in India and the world which is nature-friendly, on the one hand, and people-friendly, on the other.
- (b) **General Approach:** Scientific realism which bases itself on all-sided facts.
- (c) **Social Perspective:** Globalism or rational humanism.
- (d) **Democratic Order and Empowerment of the People:** To resolve all internal conflicts through dialogue and to establish a fully federal and thoroughly decentralised structure with autonomy to all

states and a special status to Punjab within the Indian Union. To empower the people by evolving a new mechanism involving the people in decision making at all levels and by ending all disparities in society, i.e., between the rich and poor, between the sexes, etc.

(e) **Sustainable Development:** To improve the quality of environment (i.e., natural resources of land, water, air), on the one hand, and of human and material resources, on the other, by globalising the economy through a judicious mix-up of market mechanism and state planning.

(f) **Regional Security and Development:** To seek a tripartite solution of Jammu-Kashmir question by giving full autonomy to each of the ethnic regions on both sides of the Line of Actual Control under a joint Indo-Pak control to be entrusted only with matters of state's defence, foreign affairs and currency, thus opening the way for the development of SAARC which, in due course, is likely to grow into a Free Trade Common Market Area with a Regional Security System and a Confederal Political Union.

(g) **Value System:** To promote rational humanist thinking and democratic behaviour.

(h) **Foreign and Defence Matters:** To follow international cooperation and friendship, build along with the neighbours a regional security system and pledge together with Pakistan not to manufacture the nuclear weapons and related delivery system.

## C

The long-term response to environmental degradation and population explosion requires two elaborate action plans whose success will ultimately depend on how much the people, especially the women and the poor, are made aware of the serious implications of the said two threats and the most urgent and essential need for sustainable development and lifestyle, on the one hand, and how far they are motivated and involved in the carrying out of the two action plans, on the other.

## V

From the afore-mentioned facts, it inevitably follows that sustainable development, a pro-nature and pro-people process, places nature and man at an equal level, on the one hand, and establishes a humane, just and fair social order, on the other. The new order, by replacing the old nature neglecting structure, improves and protects the environment and fully empowers the people, particularly the women and the weaker sections. 08-05-1995



## **Eighth SAARC Summit**

1. The seven member South Asian Association for Regional Cooperation (SAARC), representing 1.3 billion people or one-fifth of mankind, held its eighth summit at New Delhi in the first week of May 1995.

2. The previous seven summits having been marked by mutual differences among its members, have hardly produced any tangible results. The bilateral conflicts between India and Pakistan mainly over Jammu-Kashmir state, between India and Bangladesh primarily over sharing of Ganga waters, exchange of enclaves and problem of migration from Bangladesh, between India and Nepal chiefly over 1950 Indo-Nepalese treaty and the recent joint agreements on power projects have continued to cast their shadows over the decade old process of the SAARC.

3. However, the recent Summit was remarkable for invoking new awareness among its members of the organisation's shortcomings, resulting in certain definite decisions on regional cooperation. Its agenda included 2 major items: poverty eradication and bringing the South Asian Preferential Trading Arrangement (SAPTA) into operation.

4. On poverty eradication, the Delhi Declaration committed the seven concerned countries to achieve their aim by the year 2002. This was in keeping with the spirit of past SAARC pronouncements on the topic and of the recent Copenhagen UN Social Summit Declaration. But, it was empty of an agenda for coordinated action on the subject, despite the fact that South Asia contains the largest number of poor in Asia. The essential point it asserted was the agreement on setting up of a forum for exchange of information on poverty related technologies. The heads of states and governments, agreed to declare 1995 as the SAARC year of poverty eradication. They reiterated their commitment to empowering the poor for enhanced growth consistent with human development and equity.

5. On the operationalisation of SAPTA, the seven countries, being aware of no real progress due to their mutual distrust, have

committed themselves to something more than expected of them. A start has been made in the matter of mutual tariff concessions. India has offered concessional customs duties on 106 items and Pakistan on 53. Sri Lanka too acted in a more positive way.

6. The framework agreement on SAPTA was concluded at the April 1993 Dhaka Summit. But the progress achieved so far can by no means be considered as satisfactory.

7. According to a UN estimate, the SARRC trade amounts to little over 3% of the total world trade of its 7 members in contrast to 80% for European Union and 20% for ASEAN. A common market in South Asia can boost the total trade potential to five fold (i.e., \$15 billion) by the turn of the century from the present level of 3 billion, says the Centre for Global Trade Development.

8. While SAARC remained bogged down in intra-regional conflicts in the first decade of its existence, the regional cooperation became a passion all over the world. New regional groupings—EC, NAFTA, ASEAN, APEC—have been established in various parts of the world. New international trading arrangement under the GATT has come into force. A new assertive role for the NPT has been decided. New programmes for managing population, poverty, unemployment, gender equality, social cohesion are being put into place. In the post-cold war period, new power equations are emerging in the world.

9. Enmity and suspicion between the SAARC's two largest members, India and Pakistan, is one of the biggest obstacles to the economic growth of this area.

10. Clearly SAARC cannot grow unless India and Pakistan resolve their dispute on Jammu-Kashmir, followed by resolution of Indo-Bangladeshi and Indo-Nepalese conflicts. India, being the biggest country of the SAARC enterprise will have to attain peace, even at the cost of certain concessions to its neighbours.

11. A majority of the SAARC members—the Prime Ministers of Nepal, Sri Lanka and Bangladesh and the President of Pakistan—had, in one way or the other, raised the question of bringing bilateral issues within the SAARC framework. But India still continues to dodge this question.

12. Economic cooperation and common market needs partnership and free trade. It cannot be built through the politics of cold war which generated militarisation and arms race, mode of confrontation must be substituted by the mode of cooperation.

13. It is clear that, despite its intense desire and great efforts, India is not welcome in ASEAN, APEC or Central Asian Islamic

Economic grouping. Pakistan is now trying to promote a new Islamic Economic Formation of Pakistan, Afghanistan, Iran, and Turkey, having close links with Central Asian Muslim states. It has also invited Bangladesh to join this newly proposed formation.

14. In the meanwhile, Bangladesh, disappointed by the SAARC's little economic impact on the region, discussed the proposal of forming an Islamic Economic Association of Malaysia, Indonesia, Brunei and Bangladesh. Malaysia's response was very positive.

15. India too is trying to explore new alternatives. A few months ago, it sponsored the idea of Indian Ocean Trade Bloc, consisting of India, South Africa, Sri Lanka, Mauritius, the Maldives, Oman, Singapore, Indonesia and Australia. But it seems to be illusory concept. There is no reason why Malaysia and Indonesia part with the flourishing ASEAN grouping and join a heterogeneous economic bloc, with an uncertain future. Nepal and Bhutan would naturally tilt towards China.

South Asia was an economic unit under the British. Besides geographic and economic factors, it is also characterised by an almost similar ethnic feature. With about 1,500 million people, 700 million effective consumers, second largest railway network (a total of 92,256 kms) after the US, the largest irrigated land in the world (67 million hectares), a large number of scientific and technical personnel in the world, etc., the region has no parallel in the world. But regional confrontations and internal ethnic conflicts have turned it into the second poorest area in the world, after the African sub-Saharan countries.

The rationale of economic formations has emerged from the newly arisen division of labour of our nationally interdependent world which demands regional economic integration in the form of common markets, collective regional defence systems and joint regional response to the new global issues, like environment, population, poverty, unemployment, gender equality, child labour, human rights, drug trafficking, etc. Regional economic formation is the first phase of the development of global order. There is no other way to improve the national economy and the international bargaining power of a country. If the SAARC fails to take off, the consequences may be disastrous. It may keep not only South Asia as the world's poorest region, but also cause, as a consequence of economic deterioration in India and Pakistan, coupled with their cold war and internal ethnic conflicts, the destabilisation of these two countries.

09-05-1995

## An Uncertain Future

I

1. Within a year, the eleventh general election is likely to take place in our country. On the basis of what has happened in recent Assembly elections (i.e., the reflection of peoples desire for change, without any special liking for some party) and what is happening today (i.e., the subtle scheming by the major national parties to gain maximum success in the coming general election by all means, foul or fair), it seems that no mainstream party is in a position to come to power on its own after the next general election. It means that the country is heading towards a hung parliament. Some politicians and commentators have already started talking of an era of coalitions.

2. The coalition politics has already been tested twice at the centre (once during the 1977-79 Janata Party regime and the next during the 1989-90 National Front (NF) government, supported by an undeclared united front of the Bhartiya Janata Party (BJP), Left Parties and the NF). On both these occasions, it has been found wanting. The incessant petty squabbling had projected its image in no sense better than the Congress.

3. The 48 year long historical experience, both at the central and the state levels, of the four mainstream forces in our country, i.e., the Congress, BJP, Janata Dal (JD/NF) and the Left Parties, reveals that there was nothing much to choose between them. All of them have no basic difference on the general objective, i.e., their respective aims of lust for power and wealth. All pursue the political methodology of money-cum-muscle power, communalism and casteism, differing only in emphasis on one of these three characteristics. The Congress mainly depends on the politics of money-cum-muscle power, supplemented by all types of communalism and casteism, the BJP primarily uses the politics of militant Hindu communalism, reinforced by casteism and money-cum-muscle power and the Janata Party as well as the Left chiefly rely on oppressed casteist militancy, supported

by minority communalism and money-cum-muscle power.

4. Their strategic objective of always staying in power impels them to do anything, wrong or right, to serve their specific purposes. If the public management record of the Congress had been bad enough, that of the NF-LF and the BIP was gloomy. The 1989-90 NF-LF-BJP alliance was rejected only within ten months of governance at the centre by the people. The CPM and other Left Parties could not make any headway outside of their few traditional spheres of influence during the past five decades, the BJP was severely thrashed by the public in the 1984 general election when it could hardly return 2-odd members to the Lok Sabha and again in 1993 Assembly elections when it lost majority in three of the four states where it held office for over two years. It was only in Rajasthan that it could retain power in 1993 by using merely the traditional Congress technology of political corruption. Many a times, its politics of communalism has been censured by the judiciary which has disqualified several of its elected members on ground of resorting to communal propaganda during elections.

5. None of four mainstream parties have any clear-cut national agenda. While the Congress, the BJP and the Left Parties stand for a strong and powerful centre, the JD sometimes talks of a federal polity. But the latter's federal fickleness is evident from its close alliance with the strong centre oriented LF, an alliance without which none of the two partners can retain the status of a mainstream force. While the Congress' new economic policy puts its main stress on market forces, neglecting the deprived part of the Indian human resources, the BJP, the LF and the JD, when opposing economic liberalisation (which means the globalisation of capital, technology, market, labour and competition), offer no economic alternative. In actual fact, it only amounts to defending of the old Nehruvian economic strategy—a strategy based on an inefficient public sector, foreign debt, deficit financing, politically dictated investment, militarisation, etc., which they had earlier denounced as anti-poor and anti-national. Their respective past economic strategies—the Communist model of regulated economy and the BJP's borrowed cue word of free economy—have since proved unworkable. On the foreign capital, while the Congress opts for its indiscriminate import, the BJP, LF and the JD, despite their respective internal rhetoric of *Swadeshi*, favour its selective import and their specific state governments negotiate deals with

the MNCs. None of the four major national forces has a concrete economic policy, touching both the issue of material productivity and the problem of human resources development, especially the poor and the deprived people.

## II

6. How does the political scenario unravel itself. At this moment, the things are in the melting pot. The basic political indicators—i.e., the infighting within the Congress, the revival of the NF-LF alliance, the attitude of various regional groups (such as Mulayam Singh Yadav's SP, Kanshiram's BSP, AIADMK, the newly formed Akali Dal, the Assam Gana Parishad, Manipur, etc.), the state of the Kashmiri militancy, the cold war between India and Pakistan, the likely impact of the new central budget, the attitude of the US, Japan, EU, etc., towards Indian policies concerning Jammu-Kashmir, human rights, NPT, Indo-Pak war, etc.—have not yet entered the maturity phase.

7. The Indian situation is so fluid that anything is possible. An oppressed militant casteist-cum-minority communal formation, with NF-Left Front as its nucleus and various regional groups as its constituents, may emerge as a dominant fact. But, lacking any charismatic personality, the casteist-minority communal front is riddled with inner leadership struggle (the main players being Jyoti Basu, Laloo Prasad Yadav, N.T. Ramarao, R.K. Hegde, Ram Vilas Paswan, Sharad Yadav, etc.). The other possibility may be NF-LF's alliance with the anti-Narsimha Rao Congress faction. A third possible course may take shape in the form of Rao-led Congress' united front with certain regional groups—like Mulayam Singh's SP, Kanshiram's BSP, DMK, Jharkhand Party, Bodoland Front, etc. The fourth option may be the BJP's emergence as a variant of a West European Christian Liberal Party. There may emerge some indiscernible combine. Even the now incredible Congress may become acceptable to the electorate.

## III

8. The reason for the public re-acceptance of the same discredited political forces lies in the prevailing general outlook which, on the one hand, considers the perspective of opportunist power politics as the sheet anchor of distinguishing right from wrong in society and, on the other, upholds the consumerist orientation of maximising the self-interest as the primary aim of one's life. Perpetuated by the mainstream parties' criminalised

politics of money-cum-muscle power, communalism and casteism, and coupled with the persistence of the feudal approach of worshipping authority, this two sided general perspective calls the government as the peoples guardian (*Mai-Baap*), regards any official concession as a charity from the government to the people, considers any idea of social change through principles and values as mere humbug and sticks to a lifestyle of serving one's own interests, without caring for the others. This perverted perspective constitutes today a great threat to India's national unity and social life. As long as this general outlook is not changed, the motion of Indian society will continue to move back and forth, bringing about mere quantitative changes in the old balance of forces. That is, as soon as the people are fed up with one of the opportunist political forces, they opt, in the absence of any alternative, for the second one. In case of mass dissatisfaction with all of them, the people may turn to more dreadful negative forces, threatening the very existence of our country.

#### IV

9. To change the general perspective of political opportunism and consumerism, two things are needed. The first requirement is to have an appropriate social agenda comprising the solutions to the immediate, medium-term and long-term problems of society, an agenda which changes the present authority-worshipping-cum-consumerist society into a pro-nature, pro-people oriented sustainable society.

10. The second requirement is to build a new type of democratic party-cum-movement which, guided by scientific realism or rational humanism, brings about a change in each of its members and also itself through persistent integration of theory and practice, on the one hand, and cultivates a rational humanist consciousness and a democratic behaviour and sustainable life-style (i.e., a style which balances the interests of an individual with the public interests) among the people, on the other.

11. To transform its members and also itself, the democratic party-cum-movement will have to raise the motivational level of each of its members, to help him freeing from opportunist parties consumerism, and inculcate in him the habits of opening to learning from all questions, proceeding from facts and not pre-conceived notions and more importantly managing his ego in a rational way at every moment.

12. To change the authority worshipping-cum-consumerist general consciousness by a rational humanist mass consciousness and a democratic behaviour and lifestyle, the democratic party-cum-movement will have to take varied initiatives corresponding to the given conditions.

The first initiative should be to identify the people among whom one has to work and know their ideological, political, economic and cultural situation in general and the priority problem, if any, in particular.

The second initiative should be to involve the people in the discussion of approach and policy on every important issue related to a village, block, district, state, country and the world, namely, sustainable development, environment, population, human rights, minorities, poverty, unemployment, price rise, caste reservation, education, women, industry, trade union, agriculture, rural uplift, communal riots, caste oppression, judiciary, panchayati raj, media, law enforcement, constitutional issues, war, cold war, NPT, GATT, MNCs, UN, etc., at rural and urban seminars, group meetings, indoor sittings, social functions, cultural occasions, or any other activity.

The third initiative should be to involve the people in the discussion of cause and solution concerning different types of social evils, such as criminalisation of politics, money-cum-muscle power dominated electoral process, corruption, scams, frauds, black money, smuggling, drug trafficking, public harassment by *goondas*, tax evasion, theft of public property, unhygienic conditions, women and child beating, arrogance, sycophancy, double dealing, etc., in various types of gatherings.

The fourth initiative should be to involve the people in the management of various types of constructive activities, like water protection, prevention of land degradation, forestation, combating of pollution, literacy campaign, organising of health-care centre, arranging of mass help to poor, orphans and destitute.

The fifth initiative should be to involve the people in the discussion and the formulation of their area development plans concerning the advancement of environmental, human and material resources, like water supply, education, health, electricity, transport, postal service, telecommunications, agriculture, agro-industry, rural credit, combating floods, desertification, develop traditional technologies, and invite the concerned MP, MLA, government departments, technicians and specialists, etc., for interaction with the masses.



The sixth initiative should be to involve the people in the discussion of traditional authoritarian culture and its traditional forms of subordination and develop them into a rational humanist culture and a democratic behaviour by holding cultural conferences on the issues relating to the history and development of the ethno-regional, national and international art (language, music, drama, architecture, literature, science and culture).

The seventh initiative should be to involve the people in the electoral process by setting up voters associations which should cultivate the people to put up any proper candidate if available among the people and broadly acceptable to the voters and cast their votes on a programmatic basis, covering issues like corruption, criminalisation of politics, human rights, openness of candidate's wealth and assets, public service record, contribution to society.

The eighth initiative should be to organise the masses, particularly women, poor, deprived, unemployed, minorities, etc., according to their inclination either in some mass organisation, cultural body, trade union, etc.

The ninth, but more important, initiative should be to achieve constitutional and legal empowerment of the people, giving them a final say in policy framing and decision taking by (a) the holding of plebiscites at different levels—i.e., village, block, district, state and country—on every important issue related to that level, (b) the making of whole state machinery accountable to the people, (c) the providing of peoples right to information, (d) the ending of Official Secrets Act, Contempt of Courts Act, special privileges to legislators, army power of Court Martial, detention laws, etc., (e) the federalising of the state structure and the decentralising of power from top to bottom, and so on.

10-05-1995

## **Cherar-e-Sharief Tragedy Reiterates Need For Trilateral Talks And Not Elections**

I

A wave of shock and anger has run through the entire valley and the country as a whole as also the countries of South Asia over the destruction of the 535 year old historic shrine of Sheikh Noor-ud-Din Noorani, the great humanist saint of the 14th century in the Kashmir valley. Over 1,000 houses of the Cherar-e-Sharief township have also been gutted.

The great Saint had consistently preached for serenity, religious tolerance, social harmony and universal brotherhood which, having ever been the most fundamental principles of humankind, are urgently needed by the present day world and which are being flagrantly opposed and violated by all varieties of fundamentalism (religious, economic, political, cultural, etc.). The Saint was and is revered by all sections of people, including the Muslims and the Hindus of the valley.

The shrine symbolised the ethos of *Kashmiriat*. It belonged to all Kashmiris. It was venerated and visited by people belonging to all communities. Its destruction was an immeasurable loss not only to the people of Kashmir and India but the entire world.

The grief of the residents of the Cherar-e-Sharief township knows no bounds. Having been deprived of their precious shrine and hearths and homes, they have no place to live. Their stay with relatives and close friends for the last one month has already depleted the meagre common resources of their friends and their own. Except from official verbiage, there has been no practical move by the administration to help them with essential supplies.

The entire valley is in mourning. It has been placed under curfew. Even the government employees are on strike, despite the official threat of 'no work no pay'. There is shortage of essential supplies. The people are totally alienated and look

down upon the administration as colonial rule.

It seems that the Indian government has not learnt even a bit of lesson from its series of clumsy actions against minority shrines, such as 1984 Blue Star and 1989 Black Thunder in Swarn Mandir, 1993 operation Hazarat Bal and 1995 charge of Cherar-e-Sharief all of which had contributed in the strengthening of alienation of minorities and thus proved disastrous.

In the Cherar misadventure, its blanket ban on the media during the siege and after the shrine demolition and denying the media even the facility to view the Cherar township from any of the surrounding hillocks, its failure to resolve the crisis through dialogue with the Hurriyat leaders and its resort to the politics of armed solution, only helped in the precipitation of the crisis further.

Following the Cherar disaster, the jingoistic and highly chauvinistic remarks of Rajesh Pilot (threatening Pakistan of dire consequences and of forcibly accomplishing the unfinished task of vacating Pak-occupied Jammu-Kashmir) and soon after Jaffer Sharief's war ultimatum to Pakistan, despite Prime Minister's contradiction a little later, have not only increased tension in South Asia but also vitiated the international atmosphere further. The Carnegie Endowment for International Peace in its latest report released this month has warned against an "escalating nuclear arms race" between India and Pakistan because of their "seriously strained" relations over Kashmir. Indian ministers' war threats, by pouring oil on the raging fire, only undermine India's national interests.

## II

The destruction of the great shrine of humanity is the highest criminal and shameful act. The circumstances in which the shrine and the township had been torched remain shrouded in mystery. The people of Jammu-Kashmir, India, Pakistan and the world have the right to know who had committed this vandalism and why.

The only voice resounding in the valley is that it were the Indian security forces who had burnt the shrine as well as the Cherar-e-Sharief township. The residents of the township, including women and children, are crying that army planes around 11 PM had sprinkled gun powder over the shrine and the surrounding houses and then set them ablaze by mortar firing. The Union Government and the Jammu-Kashmir Governor claim that it had been the handiwork of the "Pakistani mercenaries".

Obviously, the valley's public perception and the government assessment are two diametrically opposed versions of the Cherar reality. What exactly happened can be known only through a credible probe.

The proper way in which the truth can be ascertained, the prevailing doubts and suspicions cleared and consequently justice done is to have an enquiry, conducted into the Cherar disaster by an independent agency, such as UN Human Rights Commission, NAM or a mutually agreed panel, to which the Kashmiris' main spokesperson, the Hurriyat Conference, also agrees.

### III

At a time when the people in the Cherar township need immediate help, the whole valley requires a soothing touch, the overall situation has become too hot and when even the ordinary common sense demands the lessening of tensions and lowering of the temperatures, New Delhi's insistence on holding of Jammu-Kashmir Assembly elections in the tense and volatile Kashmir situation shows the bankruptcy of the centre's Jammu-Kashmir policy.

One has been constantly hearing of New Delhi's election agenda concerning Jammu-Kashmir during the last three years. The Union Home Minister and the Jammu-Kashmir Governor, each, in turn, has, off and on announced the time limit during which the Jammu-Kashmir elections were to be completed. But each time the government had to make a retreat with the meek admission that the situation on the ground was not conducive for the holding of such elections. In this respect, the government had proved wrong at least six times.

Has the ground reality changed after the shrine demolition? The facts speak for themselves.

The public mood in the valley is more bitter against India than ever. The political and moral credibility of New Delhi and the Indian mainstream parties, including the pro-India Kashmiri leaders, has become totally non-existent in the Kashmir region and the adjoining border areas of the Jammu region. Also, there is no shift in the aspirational goal of the Kashmiris. Despite having been divided by two political perspectives (pro-independence and pro-Pakistan) and despite the occasional ego outbursts among certain newly emerged leaders, the Kashmiris in general and their Hurriyat Conference have remained united on a single anti-India platform. The degree of

Kashmiri disenchantment from the Indian mainstream has attained a new level.

The striking power of the militancy, despite heavy losses, has increased in both operation and extent. The 1994 official figures about the militants and the government's casualties bear out militants field capacity, while its extension to certain pockets in Doda, Poonch, Rajouri and Udhampur districts in Jammu Division and the continuity of its entrenched position in the valley show its widening net. So far, the Kashmiri militancy, with its writ running in the whole valley, remains the mass movement of the Kashmiris.

#### IV

In the meanwhile, New Delhi and its representative state government have continued to increase their reliance on gun powder. Consequently, the security forces are using excessive force in the valley, committing excesses on the common people and violating human rights with impunity.

The Indian national reality itself is highly confusing on Jammu-Kashmir election. While the ruling party continues harping on the Jammu-Kashmir election now and then, the other mainstream parties—the BJP, JD and the Left Front—go on stressing the unsuitability of elections in the existing conditions.

In Jammu and Ladakh, the people in general (barring the committed Congressites), having been more near to the Kashmir ground reality and victims of continuous bomb blasts (a fall out of the militancy vs counter militancy) are not very much enthusiastic about the electoral process at this time.

Taking the state as a whole, no real development has taken place here for the last five years. A major portion of the development funds have been eaten up by corruption, inefficiency and deteriorating law and order. No attention has been paid to agriculture and horticulture. The issue of agro industry has remained neglected. The small scale industry has been facing serious difficulties. Some of these industries have already closed down and some are on the verge of collapse. All recruitment to the services has been stopped. Prices have continuously gone up. Poverty and unemployment have increased. Poor have become poorer. Nothing concrete has been done to tackle the problems of poorer migrants, living in rented accommodation. The promise of the so-called package remains an empty assurance.

The basic pre-requisite in any election has always been an agreed electoral code among the contesting parties and the

electorate's general willingness (mood) for participation in the electoral process. Without the fulfilment of this pre-condition, no election can have any sanctity. In the valley, hardly any one accepts the electoral game plan under the Indian Chief Election Commission as a valid course. Even many of the pro-Indian Kashmiris are doubtful about the pertinence of elections at this time.

Compromise on elections in May be possible by an agreement between New Delhi and the Hurriyat Conference on the supervision and the terms of reference of the electoral process. New Delhi, however, categorically rejects the idea of any external observer to observe the electoral process what to say of any foreign role in the supervisory category or any change in the terms of reference though Nepal, Sri Lanka, Bangladesh and Pakistan had all invited foreign observers (including the Indian ones) to supervise even their respective national elections.

Obviously, the official perception of the valley's ground reality growing in India's favour due to the fatigue of the Kashmiris and the internecine conflicts among the militant outfits is a mere over-exaggeration of the reality.

Lastly, but more importantly, the basic nature of the Jammu-Kashmir tangle—as reflected by its origin out of 1947 partition, its having been an issue still pending in UN files (expressed even today by the presence of UN observers in Jammu-Kashmir), a question involved in three Indo-Pak wars, continuous post-1947 Indo-Pak discussions about Jammu-Kashmir's future, failure of all bilateral agreements between India and Pakistan or between New Delhi and Kashmir, 1972 Simla treaty's acceptance of its having been an Indo-Pak dispute, Kashmiris armed struggle to re-change their present political status, Jammu-Kashmir state having been a multi-ethnic entity, world people's view of Jammu-Kashmir as a bilateral problem to be solved with the involvement of its people, etc.—is, and has been, that legally, it is a bilateral problem but, politically, a trilateral one.

## V

What effects are likely to flow from this imposed electoral move? Firstly, contrary to New Delhi's claim of restoring normalcy in the state, it is likely to further antagonise the overwhelming majority of the Kashmiri people.

Secondly, it will intensify the state of cold war between India and Pakistan.

Thirdly, it will further strengthen the criminalisation of the Indian political process.

Fourthly, it will further hamper the implementation of the decisions of the eighth SAARC summit and thus adversely affect the growth prospects of the South Asian countries.

Fifthly, the dominant possibility of the absence of any serious takers for the nomination papers, non-existence of any open or secret campaign by any candidate and the near no turn out in the valley and certain areas of Jammu region (reflecting the disenchantment of Jammu-Kashmir Muslims irrespective of their ethnicity or sect), coupled with fake polling will expose the hollowness of New Delhi's democratic professions and its new technology of staggered elections thus tilting and turn the world public opinion in favour of Pakistan and against India.

Sixthly, it will unite the different militant groups to thwart the electoral process.

Seventhly, the military led electoral plan will only complicate matters. It is likely to intensify the contradiction between Jammu and Ladakh, on the one hand, and Kashmir valley, on the other, or between the Hindus and the Muslims in the state, thus intensifying not only the Jammu-Kashmir crisis but also harming the national strategic interests of India. And, eventually, it may result in the destabilisation of the two adversaries themselves, i.e., India and Pakistan.

It will, and can, benefit none and harm all.

## VI

Why New Delhi is adamant to pursue its politics of election in contravention to ground realities and the basic nature of the Jammu-Kashmir problem? Obviously, the primary reason is that the ruling party aims at using the Jammu-Kashmir poll "victory", to be achieved along the 1991 Punjab election model, to boost its future electoral prospects in the country and soften the critical public opinion abroad.

This clearly means that New Delhi wants to play the farce of one more fraudulent election in Jammu-Kashmir. Already, it itself had admitted that the false elections in the valley had contributed a lot to the alienation of the Kashmiri people.

If this is not the case and the electoral process is really a democratic exercise to reverse the adverse ground realities and resolve a serious crisis, then why does it reject the demand for foreign observers to supervise the process, ignore consultation

with Pakistan whom it accepts as a party to the Jammu-Kashmir dispute under the Simla Pact and induce the Kashmiris to participate in this democratic process and why did it not administer this prescription at any time in the past five years during which thousands of people had been killed in the valley on both sides and lakhs of Kashmiris subjected to miserable conditions due to armed confrontation.

## VII

What alternative option, if not election, can be pursued to resolve the Jammu-Kashmir imbroglio.

A genuine option in this regard should logically emerge out of the post-1947 historical facts related to Jammu-Kashmir problem.

The first fact is that neither the three Indo-Pak wars nor the continuous Indo-Pak cold war, nor New Delhi's immense military power and nor the armed Kashmiri militancy has been, or will be, able to resolve the Jammu-Kashmir problem on the terms of a single party—thus showing the futility of any unilateral armed solution.

The second fact is that all bilateral agreements—whether between India and Pakistan, e.g., 1947 ceasefire agreement, 1965 Tashkent Treaty or 1972 Simla Pact, or between New Delhi and Srinagar, e.g., the 1952 Nehru-Abdullah, the 1975 Indira-Sheikh and 1986 Rajiv-Farooq Accords—have not proved viable.

The third fact is that neither the maximum autonomy embodying original Article 370 of the Indian Constitution nor the present eroded one have been able to work—resulting in one crisis after another, either between India and Pakistan or between New Delhi and pro-autonomy Kashmiri leadership or between New Delhi and anti-Indian forces.

The fourth fact is that in the present day world reality, no country, however powerful, can keep unwilling people under subjugation for long. This is because the world does not and cannot tolerate the military suppression and human right violations of given minority people for long, while the long-term cost of even a low key forcible occupation is unbearable for any country, including a rich one.

The fifth fact is that, while the Indian people are determined to keep Jammu-Kashmir as a part of the Indian Union, the Pakistani people are equally resolved to bring Jammu-Kashmir to its national fold. Within Jammu-Kashmir, while the Kashmiris want



to opt out of India, the Dogras, Paharis, Ladakhis, etc., have their own aspirations and concerns.

The sixth fact is that the continual Indo-Pak cold war has resulted in the all-round impoverishment of the two countries, keeping them only marginal players in the world.

The seventh fact is that the new reality of the interdependence of countries has made the future of India and Pakistan common and together.

### VIII

Given the above-stated facts, a genuine and viable option of Jammu-Kashmir is, and can be, the one that adopts the strategy of trilateral talks between India, Pakistan and the Jammu-Kashmir people in order to sort out the future of the state. The trilateral path befits the international, national and the ethno-regional dimensions of the Jammu-Kashmir problem.

The core of the trilateral strategy is, and should be, the taking into account of the interests of the three concerned parties, giving satisfaction to each one that its aspirations and concerns have been met within the limits of possibility. The trilateral spirit rules out the idea of veto power for anyone. Obviously, it needs the balancing of the interests of India and Pakistan, on the one hand, and the harmonising of the interests of Jammu-Kashmir's eight ethnicities, i.e., Kashmiri, Dogra, Pathwari, Pahari (Gujjars and Bakarwals), Ladakhi, Kargili, Gilgiti and Balti, on the other.

The national interests of both India and Pakistan should, and can, be balanced by establishing a joint Indo-Pak Condominium over the entire state which will handle only Jammu-Kashmir's defence, foreign affairs and currency, leaving the rest within the jurisdiction of Jammu-Kashmir state.

The interest of Jammu-Kashmir's different ethnicities should be harmonised by adopting a federal Constitution of the state which, on the one hand, gives maximum autonomy to each ethno-region with a provision for further devolution of power to the district, block and village councils and, on the other, stands for a single Jammu-Kashmir state having a common Head of the State to be elected by the ethno-regional councils, and a common High Court, common Election Commission and a common Public Service Commission, all to be appointed by the ethno-regional councils with one representative from each.

Obviously, the trilateral strategy does not reconcile with the themes of state's independence or its autonomy or merger within

the framework of one country.

The Indo-Pak Condominium would be a new experiment of the model in the world. It will not only benefit India, Pakistan and the Jammu-Kashmir people, but also provide a powerful impetus to the development of SAARC enabling the latter to build a pro-nature, pro-people oriented sustainable development model—thus strengthening the world development process.

#### IX

The trilateral process can be well-served if New Delhi and Islamabad initiate and carry it forward. But, fettered by their past (i.e., the 1947 mindset and the post-1947 politics of cold war) and negligent towards their future (i.e., the growing interdependence of countries and the interrelated interests of India and Pakistan in the period ahead), India and Pakistan, now dominated by the politics of opportunism, are not interested to undertake this course.

The responsibility for conducting the trilateral process logically falls on the Jammu-Kashmir people whose various ethno-regional groups on both sides of the line of actual control should, after agreeing on the trilateral perspective and its fair and just solution on the Jammu-Kashmir problem form a united platform. This platform will, firstly, motivate and mobilise the Jammu-Kashmir people on the trilateral perspective, and, secondly, forge close relations with the peace-loving and democratic forces in the two countries.

It is high time for the Jammu-Kashmir people to act as a connecting bridge between the people of India and Pakistan—thus averting the threat of an Indo-Pakistan nuclear confrontation on Kashmir and stabilising the process of peace, democracy and progress in South Asia and the world. 16-05-1995

## **NPT—An Unjust Pact, Needs UN Assembly Control**

### **I**

1. The Non-Proliferation Treaty (NPT) has been extended unconditionally for an indefinite period without a vote by 178 countries after the conclusion of one month NPT Review Conference. Only twelve countries now remain outside its purview. Of these, three (i.e., India, Pakistan and North Korea) have nuclear weapon capability. This implies that now there are five nuclear weapon capable countries, with the rest voluntarily pledged non-nuclear ones.

2. The NPT has three objectives: nuclear disarmament, non proliferation of nuclear weapons and international cooperation in peaceful uses of nuclear energy (recognised by the Treaty as an inalienable right).

3. How do the matters stand with regard to the Treaty? What is its rationale? It is necessary not only to examine the Treaty's text but also the intention behind it.

### **II**

4. As regards the Treaty's rationale or the five nuclear weapon states' declarations of good faith in pursuing nuclear disarmament, the following facts tell their own tale.

Firstly, the aggregate number of nuclear warheads possessed by the five nuclear weapon states today is greater (49,900) than what it was (41,055) when the NPT was signed in 1968. Though the US and Russia did scale down their nuclear stockpiles, at the end of the cold war, but even their 1994 figure is higher than their totality in 1968.

Secondly, the five nuclear weapon states, especially the US, are constantly developing new generation of nuclear weapons with 'low yield' and capable of exact hit at the target. Despite 1993 US law outlawing research on 'low yield' nuclear weapons,

clandestine research continues even by the US Air Force and Navy, apart from various MNCs, dealing in armament production, and trade. Developments in other nuclear weapon states are on the same pattern, with the only difference that, while the US has a global concern, others in the main are, for the time being, related to regional matters.

Thirdly, the five nuclear weapon states still refuse to give a firm assurance, that they will not use nuclear weapons against non-nuclear weapon states. The much trumpeted 'nuclear security assurance' provided by nuclear weapon states on the eve of the NPT Review Conference, i.e., the Security Council Resolution 954 of April 11, 1995, is too inadequate. It makes not only a discriminatory distinction between NPT signatories and non-signatories but is, also unviable in regard to enforceability. True, the Security Council Resolution assures that: "in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear weapon state—party to the NPT—any state may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance in accordance with the charter, to the state victim of an act of, or object of a threat of such aggression". But since the five nuclear weapon states, who alone can pose a nuclear threat to any non-nuclear weapon state, are also veto holders in the UN system, the Security Council would be ineffective to take any action against the transgressor possessed with a veto.

Fourthly, the Treaty legitimises a weapon of unprecedented mass destruction for an unlimited time, giving absolute monopoly to five nuclear haves without any accountability to the rest of the 173 signatories. The monopolisation of such a weapon of terror by a few without any guarantee of safety to the world people violates the UN Human Rights Code which stands for freedom from fear for all nations, groups and individuals.

Fifthly, the Treaty has brought forth a double role of the non-aligned countries. While they had voted in the UN General Assembly to refer the legality of the use and threat of use of the nuclear weapons to the International Court of Justice on December 15, 1994, all of them did not raise it at the April-May 1995 NPT Review Conference and later signed for the Treaty's indefinite extension and the unconditional use of this weapon by the possessor.

Sixthly, the NPT has no verification mechanism for checking the fulfilment of obligations made by the nuclear weapon states,

thus containing the possibility of the outflow of nuclear material and technology from the nuclear weapon states. This increases the security risks for all types of countries.

Seventhly, the Treaty will cause the wastage of the world material resources by the nuclear haves on nuclear weapon proliferation and research, because, according to most of the senior military commanders, nuclear weapons are militarily unusable against other nuclear weapon states and that their use against a non-nuclear weapon state would be genocidal and a war crime.

Eighthly, India's statements before the signing of NPT that the majority of countries are not in favour of an indefinite extension and after the signing that the 178 member consensus on NPT extension for undefined period as a result of the US pressure only shows India's wishful perception and its isolation from world public opinion.

Lastly, but more importantly, each of the five nuclear weapon states, particularly the US, oriented by its given nationalism, wants to establish its national hegemony over the world. While collectively they take a common stand against any attempt to dilute their privileged position in the UN and various other international bodies, they are also in contention among themselves, with everyone trying to emerge as the real supremo. That is why their military strategies actually envisage the use of nuclear weapons against all states, nuclear armed or otherwise. The US strategy fully contemplates to deal with any contingency from global rivals, like Russia and China and even Japan and Germany, while taking full measures to firmly handle all regional challenges, particularly from certain authoritarian regimes in the developing countries.

### III

5. The nuclear weapon challenge constitutes a great danger to bio-life. Under the international laws, the manufacture and use of nuclear weapons is inhuman and illegal. The scientists of all countries have been opposing these weapons of mass destruction from the very beginning (i.e., 1940s) and demanded their complete prohibition and destruction. But the limitless lust for personal power and prestige by the practitioners of corrupt politics under the signboard of national interests has refused to listen to any saner advice.

6. The interests of mankind demand and human logic dictates

that the proper path for human society today is, and should be, to entrust the all-sided control of the nuclear weapons to the UN General Assembly which alone should, corresponding to the changing world reality and without any interference from the Security Council, decide the entire future process of the nuclear weapon regime—thus, leading finally to their total elimination. Without UN General Assembly's control, the NPT becomes an unjust and irrational treaty.

Taking into account the national hegemonic mindsets of the nuclear haves, the promised Comprehensive Test Ban Treaty (CTBT) in 1996 by the five nuclear weapon states can be no guarantee for verifiable ban on nuclear weapons.

7. India's opposition to the NPT is highly irrational internationally and greatly damaging nationally. It transforms the post-1947 Indo-Pak cold war and arms race into the nuclear cold war and nuclear arms race which may result in either a nuclear war or the destabilisation of the two countries due to the worsening of their respective economies (an inevitable consequence of militarisation).

8. The national interests of India demand that India should first come to a fair agreement with Pakistan on Jammu-Kashmir (e.g., a joint Indo-Pak control over the state, with maximum autonomy to each of its eight ethnic regions) and then, together with Pakistan, sign the NPT and raise the demand for handing over nuclear weapons control to the UN General Assembly, both inside the NPT community and outside. 18-05-1995

## **Supreme Court Directive On Common Civil Code Real Issue Is Gender Equality**

### I

1. The recent Supreme Court observation blaming “the successive governments till date” for having been “wholly remiss in their duty of implementing the constitutional mandate under Article 44 of the Constitution” (enjoining upon the state “to endeavour to secure for the citizens a uniform civil code”) and directing the Union government to state on an affidavit by August 16, 1995, the steps taken and efforts made by the government towards securing a uniform civil code, has evoked diverse responses from the different sections of the people. Some hold that the directive is binding on the government, while others believe that it is mere recommendatory in nature.

### II

2. Looking at its context, this directive was given by the Supreme Court in a recent judgement which held that the second marriage of a Hindu husband after conversion to Islam, without having his first marriage dissolved, would be illegal and the husband could be prosecuted for bigamy.

3. The Court decided that marriage solemnised under the personal law governing the parties cannot be dissolved under the provisions of another personal law simply because one of the spouses had changed his or her religion. The Court ruled that, conversion to Islam and subsequent marriage would not, by itself, dissolve Hindu marriage solemnised under the Hindu Marriage Act and until that marriage was dissolved on any of the grounds specified under that Act, none of the spouses can contract a second marriage. The Court further held that the second marriage during the subsistence of the earlier marriage would be void being in violation of the Hindu Marriage Act and consequently the same would amount to bigamy as defined in the Indian Penal Code.

The judgement would also be applicable to cases where, despite an earlier conversion, the marriage, performed under the Hindu marriage law, is later sought to be dissolved under the Muslim Personal Law and that unless the first marriage performed under law has not been validly dissolved,

his conversion would not give him the right to enter into a second marriage.

### III

4. Obviously, the above judgement emphasises two points.

Firstly, it forbids only those marriages in which one of the spouses, earlier married under the monogamous Hindu Marriage Act, used to marry a second time by conversion to Islam, despite the legal continuity of the first marriage. In this respect, the judgement, by preventing the gross abuse of religion for the purpose of bigamy, was a step in the right direction.

Secondly, it does not affect the rights of the members of the Muslim community existing under the Muslim Personal Law, allowing a Muslim husband to have four wives at one time. Here, the judgement did not break any fresh ground.

### IV

5. Turning to the Supreme Court directive, its recommendatory nature is reflected by the fact that the court has refrained from enforcing any constitutional directive principle and simply requested the government through the Prime Minister to take “fresh look” at Article 44 of the Constitution.

6. Justice Sahai in his judgement said that the government would be well advised to entrust the responsibility to the Law Commission which may in consultation with the Minorities Commission examine the matter and bring about the comprehensive legislation in keeping with the modern day concept of human rights for women. It was not the first time that the Supreme Court has underlined the need to have a uniform civil code. In 1985 Shah Bano case, the Court had expressed similar concern over government’s inaction on a uniform civil code.

### V

7. However, anxiety has arisen on certain remarks made by Justice Kuldip Singh to the effect that while the “Hindus along with Sikhs, Buddhists and Jains had forsaken their sentiments in the cause of national unity and integration, some of the communities have not, though the Constitution enjoins the establishment of uniform civil code for the whole of India, that those who preferred to remain in India after the partition fully know that the Indian leaders did not believe in two nation or three nation theory, and that in the Indian Republic there was to be only one nation—Indian



nation—and no community could claim to remain a separate entity on the basis of a religion.” Obviously, these remarks, without reflecting any legal sense, carry several political implications.

## VI

8. Firstly, the above remarks give an impression as if the adoption of a common civil code has been a major factor in cementing national unity. But this in no way represents reality. For example, the common Sharia Law for all Muslims in Pakistan could not forge national unity between the Bengali Muslims and the West Pakistani Muslims. Have a common Indian Criminal Code and 80% of civil transactions already governed by Common Indian Laws—i.e., laws relating to rent, transfer of property, contract, sale of goods, FERA and customs—applicable to all irrespective of community resulted in more national integration? Has a common civil code for Hindus, Sikhs, Buddhists and Jains brought these communities nearer to each other? The answer to all these questions is in the negative. There has never been so much inter-community gap in India as it exists today. Even the Hindus are fighting more among themselves as is evident from the number of cases in the courts. The national situation cannot be otherwise. Because it is the logical outcome of our national model, based on a centralised polity, criminalised and corrupt politics, inefficient economy and decrepit standards of behaviour.

9. Secondly, the above remarks also give rise to a notion that some communities, who have not yet abandoned their personal laws in favour of a common law, do not fully qualify for being part of the Indian nation. But minorities in many countries, e.g., Russia, China, etc., having been governed by their personal laws, constitute as important segments of their respective nations as other groups.

10. Thirdly, the above remarks create the feeling as if the only issue of social justice and human rights for women is the adoption of common civil code or the atrocities against women can be prevented only by the adoption of a common civil code. But, the fact that all existing personal laws as also the other laws in India as well as abroad are biased in favour of men. To stress uniform civil code alone means to frame a uniform civil law with all the biases against the women intact.

What we first need to do is eliminate gender bias in our existing personal laws. Else the government would give us a uniform law,

full of prejudices against the women. But the male mindset dominated institutions only talk of the common civil code which gives woman the equal matrimonial right and nothing more.

The following initiatives may help in establishing gender equality: (a) Social empowerment of women by the ending of the patriarchal system and the adopting of the principle of recognising parenthood in the joint names of father and mother; (b) Economic empowerment of women by legalising the joint ownership of the husband and wife, of all the family property—both moveable and immovable; (c) Political empowerment of women through 50% reservation for them from the lowest to the highest level of political institutions for 10 years, with 10% of this reservation to go to those below the poverty line; (d) Cultural empowerment of women by the providing of proper education, health-care, effective role in population control and environmental management, free education and health-care to those below the poverty line, raising the limit of marriage age, etc., and (e) Domestic empowerment of women by the adoption of a Domestic Violence Act which should, by incorporating the concept of marital rape, give a woman the right over matrimonial home. The existing marriage laws do not make the sexual abuse of wife punishable.

## VII

11. The question of a common civil code does not mean much to the gender equality agenda. It only implies the banning of polygamy and liberalising of divorce. And this right alone, without woman's political, economic, cultural and domestic empowerment, does not help much as can be seen from the four decade operational experience of the Hindu Marriage Act.

12. However, the question of a common civil code has come to be interpreted as a measure which can rob the Muslim minority of its religious identity. Obviously, it has adopted an emotional overtone which needs a full national debate and careful handling.

13. Any decision in this regard should be arrived at through only persuasion and not coercion. And a meaningful persuasion requires a proper atmosphere. No logical person can accept that the prevailing situation—vitiating by the demolition of Babri Masjid (when Gurdwara Shahid Ganj, a pre-1947 issue of armed clashes between the Sikhs and the Muslims, stands intact in theocratic Pakistan), the daily demands on Muslim to prove their loyalty to motherland, the latest Bal Thackeray threat to wipe out

entire community if any mischievous person indulges in the declared criminal act by falsely using a Muslim name, a record of 22,000 post-1947 communal riots, throttling of the legitimate rights of Urdu, etc.—is fit for such a dialogue. Obviously, an explosive situation in which a feeling of insecurity to personal life and religious identity pervades the minorities is not the proper occasion to initiate a discussion on any emotional topic.

14. The only ground for a common civil code should be the condition in which all minorities feel secure about their future. Every minority concern should be resolved through a consensual approach. Any imposition by the majority only alienates the minority. Indeed, every minority reform movement must come from within the community itself. There should be no rushing the matter by any state institution. 20-05-1995

## **“An Undeclared Indo-Pak War In Kashmir”; Jammu-Kashmir People Can Be The Best Mediators**

I

1. “An undeclared war is on between India and Pakistan in Kashmir.”—thus spoke the Indian Army Chief, S.R. Chowdhari to a group of journalists on May 21, 1995. Though the Indian official spokesmen have often been playing down the actual border reality, the whole Indo-Pak border has today become a flashpoint. Anything can flare up anywhere at any time. The events of the past two months suggest that the Indo-Pak relations have continued to show a downward trend and that something serious is boiling up between the two countries.

2. Two months ago (April 2, 1995) the Indian Prime Minister, while addressing combined Commanders’ Conference, alerted the participants to “remain on guard” against any misadventure from Pakistan.

3. On May 7, 1995, the newly released annual report of the Indian external affairs ministry stated that Pakistan’s unabated support to subversion and terrorism directed against India, its intransigence on the resumption of a bilateral dialogue, coupled with its persistent negative approach, have, vitiated the atmosphere and prevented any meaningful progress in bilateral relations. It expressed serious concern over Islamabad’s clandestine nuclear weapons oriented programme and its acquisition of sophisticated weapons and arms technology far beyond its legitimate defence requirements. Pakistan on its part has been going round declaring that India “is fighting the war of Kashmir in Karachi” and that “New Delhi’s decision to hand over Prithvi missiles to its forces for deployment constitutes a threat to Pak security.”

4. Immediately after the burning of the Cherar-e-Sharief shrine

(May 12, 1995), the Minister of State for Home affairs, Rajesh Pilot, threatened Pakistan of dire consequences and of forcibly accomplishing the unfinished task of vacating the Pak occupation of a part of Jammu-Kashmir territory, if it didn't stop its subversive intervention in the state. Only three days later, the Railways Minister Jaffer Sharief, issued a war ultimatum to Pakistan. Responding in the same tone, Pakistan said that its armed forces were fully prepared to meet any challenge to its security.

5. In the last week of May, many Rajya Sabha members called upon the government to raise its military allocations in order to meet the modernisation needs of the Indian forces. Also, a number of defence analysts—Jasjit Singh, Raja Menon, J.D. Aggrawal, L.C. Jain, Brahma Chelani, etc.—demanded the apportioning of more funds for the defence sector even at the cost of cutting down the expenditure on civilian side. Pakistan is reported (*Gulf News*, May 24, 1995) to have increased its budgetary defence allotment by 14% in order to keep it at the current year's level. In a high level pre-budget Islamabad meeting, there was consensus that the budget allocation for defence was insufficient in view of the tense border situation but maintained that more funds for defence were not possible given the current economic constraints.

World Bank has since been impressing upon both India and Pakistan to reduce their arms spending and other expenditure not linked to development.

6. On June 14, 1995, some newspapers reported that, according to the Indian Army Chief, clashes had taken place between the forces of India and Pakistan on the Siachen Glacier.

7. On June 19, 1975, a Jammu daily revealed that Pakistan has moved its troops near the border and that, according to senior officers of the Northern Command, Indian forces were in full readiness to meet any kind of threat from Pakistan.

8. Hardly a day passes when there is no exchange of fire at one or the other point on the Jammu-Kashmir border between the forces of India and Pakistan.

9. The Carnegie Endowment for International Peace in its latest report (May 1995) had warned against an escalating nuclear arms race between India and Pakistan because of their seriously strained relations over Kashmir.

10. Now, the G-7 Summit has after the conclusion of its Halifax meeting (June 22, 1995), called upon India and Pakistan "to pursue a peaceful settlement of the potentially conflictual

Jammu-Kashmir problem, support international arms control norms, accede to the NPT and refrain from taking further steps towards ballistic missile deployment or any other measures that might precipitate a regional arms race”—thus helping in lowering tension and building confidence on the sub-continent.

11. Obviously, India and Pakistan have reached a point where a mere accident can plunge the two countries into yet another bloody encounter—thus turning South Asia into the world’s most dangerous conflict prone area.

## II

12. Where do India and Pakistan go from here? Three main options are open before them, i.e., (a) to go to war against each other, (b) to continue the existing cold war stalemate, and (c) to sort out a political solution of the Jammu-Kashmir problem.

## A

13. The first option is a totally suicidal proposition. It is harmful from every angle.

14. Rationally, in the post-cold war global era, the war is not, and cannot be, a proper method of dealing with inter-country disputes, especially when almost all countries, including the nuclear powers, have been advocating the way of dialogue and discussion instead that of conflict and confrontation.

15. Historically, the experience of the three Indo-Pak wars rules out the effectiveness of war as a technique to sort out even a single bilateral Indo-Pak problem or some other particular issue of either of these two countries.

16. From the humanitarian standpoint, a fourth armed Indo-Pak round, with its nuclear dimensions, will, if it ever takes place, be a highly tragic event for both India and Pakistan. According to experts, the loss of human life, both during and after the war, will be unimaginable. The past three Indo-Pak wars had taken a toll of about 10,000 lives on the Indian side and more or less a similar number on the Pakistani side. The injured on both sides totalled near about 60,000. The mass miseries, during and after the war, had grown much bigger in the two countries.

17. Economically, a new Indo-Pak war will cause a terrific material loss to the two countries. There will be a destruction of material resources worth billions of rupees in each country, apart from the operational economic cost of war each has to bear. According to one expert estimate, such a war will cost India

alone Rs 35,000 crore. Only the 1971 Indo-Pak war had charged Rs 400 crore from India, besides other material deprivation running into crores of rupees. Also, the developmental activities in the two countries will come to a stop.

18. Psychologically, the new Indo-Pak war will administer a great shock to the people on both sides. No body wants war. There is not any war hysteria here or there. Both the Indian and the Pakistani people yearn for peace and friendship between them. But, contrary to peoples wishes, the pre-1947 modelled majoritarian-cum-chauvinistic nationalisms, as adopted by the diehard leaderships of the two countries, coupled with the opportunist politics of their respective parties, logically lead to cold war, conflict and sometimes even to a shooting war.

19. The hawkish supposition of an easy Indian victory over Pakistan, due to the former's military edge ignores the recent world experience which shows that, in given conditions, even a weaker side had dealt a serious blow to the much more powerful adversary, e.g., the humbling of the US by the Vietnamese guerrillas in the 1960s and 1970s, the withdrawal of the US forces from Somalia under pressure from the local guerrillas, the failures of the former Soviet Union in Angola, Mozambique, Ethiopia and Afghanistan, to contain local uprisings, the failure of military superpowerism to change the world according to its own plan in the cold war period, etc.

20. Obviously, the facts reject the feasibility of the war option. To aspire for this option—with its unprecedentedly damaging consequences for the Indo-Pak people in particular and the world people in general—is a sheer madness and an unpardonable crime against humanity, especially for these two countries whose half of the population remains hungry, 1/3rd houseless, 3/5th illiterate, 1/10th unemployed and 2/5th under-employed.

## B

21. Turning to the second option (i.e., to continue the existing cold war stalemate), both India and Pakistan had, hardly during the past 48 years, lived tension free. Since 1971, they may not have fought a war, but remained in a war-like relationship.

22. The over four and a half decade Indo-Pak stand off, necessitating militarisation at the top of the national agendas of the two countries, has pushed their respective development priorities to the secondary place and throttled their bilateral trade (which can be of the order of about Rs 10,000 crore annually

according to the trading circles)—causing a great loss to their respective economies.

23. Having been the top military players in South Asia and the biggest arms importers among the third world countries, both India and Pakistan have been incurring crores of rupees on military wares every year, a sum that could have been utilised for bettering their peoples lot. Increasing military spending has forced the two countries to negotiate more and more borrowings (external as well as internal) and indulge in ever-growing deficit financing. The rising interest payments have required the securing of more and more foreign and domestic loans, while the continuing huge deficit financing has caused inflationary spiral in their economies, making the latter high cost economic units, thus adversely affecting the peoples purchasing power, on the one hand, and their export and import trade (causing their perpetual balance of payments problem), on the other.

24. The distortion of their national priorities has resulted not only in the undermining of their national economies, but also in the criminalisation of their respective political processes and the neglect of their human resources development (due to the meagre investments in education, health, social services and infrastructure).

25. The 48 year record of the two countries shows that the Indo-Pak stand-off has, with its harmful implications, produced highly negative results for both the Indian and the Pakistani people. This disgusting record disproves the pre-1947 Gandhian claim of establishing a *Ram Raj* in India where “truth, *Ahimsa* and prosperity” were presumed to prevail on the one hand, and the pre-1947 Muslim League assertion of setting up a “holy land” where the Muslims of the sub-continent were supposed to enjoy a prosperous life, on the other.

#### C

26. Coming to the third option (i.e., to sort out a political settlement of the Jammu-Kashmir problem), it can be seen that the negotiated conflict settlement has become a general norm in the world today. In the post-cold war period, many of the trouble spots in various parts of the world have been defused. Some of them—i.e., South Africa, Israel-Palestine dispute, etc.—have been compromised through bilateral talks, while others—i.e., Cambodia, Angola, Haiti, etc.—have been negotiated through multi-lateral mechanism. In every deal, there has been some give



and take. Even in the cold war phase, a number of quarrels—i.e., the US-Vietnamese, Sino-Soviet, Sino-Vietnamese had been settled through dialogue.

27. Both India and Pakistan had also resolved some of their disputes, in the past through peaceful means. The immediate post-partition problems—concerning population movements, financial matters, etc.—were tackled by the joint meetings of the Prime Ministers of the two countries. The Indus river waters dispute was dealt with the mediation of the World Bank, while the Rann of Kutch dispute was handled through the decision of an International Arbitration Tribunal. The 1965 Tashkent Agreement was arrived at with the mediation of the Soviet Union. The 1972 Simla Pact was a consequence of the bilateral diplomacy.

28. The Jammu-Kashmir problem, despite having been a highly complicated issue, is also not beyond solution, provided the Indian and the Pakistani people become aware of the two general facts: (a) the negative results of the 48 year long cold war, with its three main lessons (i.e., neither of the two countries can solve the Jammu-Kashmir problem on its own terms or at the cost of the other; the cost of the unceasing Indo-Pak confrontation—whether in the past 48 years, at present or in future—far outweighs its gains; and the continual Indo-Pak cold war has resulted the all-round impoverishment of India and Pakistan), and (b) the new global reality of the interdependence of countries has made the future of India and Pakistan common and together.

### III

29. The main obstacle blocking the process of peoples consciousness is narrow nationalism as practised by the mainstream parties of the two countries. Holding aloft the banner of majoritarian nationalism (under various labels, such as secularism, socialism, *Mandalvad*, cultural nationalism or *Hindutva*, etc.), the Indian mainstream parties stress that the separation of Jammu-Kashmir from India would spell disaster for the country, while, waving the flag of Sunni Muslim nationalism (under the cover of Islamic Republic or pan-Islamism), the Pakistani ones emphasise that, without securing the control of the entire Jammu-Kashmir, Pakistan would remain incomplete. Thus, in the entire post-1947 period, whichever mainstream party might have come at the helm of affairs, the problem of Jammu-Kashmir stayed on at the top of the national agendas of the two countries, with each trying to justify its case by all means, fair or foul.

30. Taking an illogical position, New Delhi, on the one hand, has continued to declare Jammu-Kashmir as an integral part of the Indian Union, and, on the other, swear by the 1972 Simla Accord whose clause 6 mentions Jammu-Kashmir as a dispute. Concealing the reality of Kashmiris' total alienation from the Indian mainstream, it has been projecting the Kashmiri militancy as Pak sponsored and backed terrorism. Violating the human rights in the valley, it has been characterising its armed action in the valley as a step to defend a secular and democratic order.

31. Similarly, proceeding from an irrational premise, Islamabad has continued to owe its allegiance to the Simla Accord (which prescribes a peaceful settlement of the Jammu-Kashmir problem through bilateral talks), on the one hand, and to demand the invocation of 1948-49 UN resolutions (which stand for plebiscite in Jammu-Kashmir as a solution to this problem and which require the withdrawal of the Pakistani forces from the Pak occupied part of Jammu-Kashmir before the holding of plebiscite). Violating its own earlier declarations on resolving the Jammu-Kashmir problem through unconditional bilateral talks, it has now been imposing certain preconditions for starting such a dialogue.

32. So long as the above dual postures, adopted by both India and Pakistan, continue to prevail, the Jammu-Kashmir problem cannot be earnestly dealt with.

#### IV

33. The reason why the dual posturing of the ruling elite in India and Pakistan remains to dominate so long lies in the public lack of information about the two basic features and the three ground realities of the Jammu-Kashmir problem.

34. The first basic feature of the Jammu-Kashmir problem is, and has been, that it is, and has been, as accepted by India, Pakistan and the world, a disputed issue. Its origin out of the 1947 partition, continuation as an Indo-Pak dispute on the UN agenda for the last 47 years, presence of UN observers in Jammu and Srinagar since 1949, having been the chief question involved in the three Indo-Pak wars and the only issue of discussion in most of the post 1947 Indo-Pak high level talks, acceptance as a bilateral issue between India and Pakistan by the 1972 Simla Accord, considered as an Indo-Pak dispute by almost all countries of the world (including India and Pakistan), etc., make it a bilateral dispute between India and Pakistan on the legal basis. But the political facts—i.e., Kashmiris' armed

struggle to change their present political status, the world peoples view of solving this problem with the involvement of the Jammu-Kashmir people, the multi-ethnic entity of Jammu-Kashmir (requiring consultations among various ethnicities), etc.—turn it into a trilateral question.

35. The second basic feature of the Jammu-Kashmir problem is, and has been, that this state is, and has been, a multi-ethnic regional entity, containing at least eight identities namely, the Kashmiri community in the valley, the Dogra community in the districts of Jammu, Kathua and Udhampur with a fair sprinkling in Doda and Rajouri districts, the Ladakhi in Ladakh, the Kargili in Kargil, the Pathwari in the districts of Rajouri and Poonch and Azad Kashmir, the Gilgiti in Gilgit, the Balti in Baltistan and the Pahari (comprising Gujjars and Bakarwals) in the districts of Rajouri and Poonch and in certain areas of the Kashmir valley.

36. As regards the three ground realities concerning the Jammu-Kashmir problem, the first one is that all the countries in the world, while accepting Jammu-Kashmir problem as a bilateral issue between India and Pakistan, at the same time demand the involvement of the Jammu-Kashmir people in any future settlement of the state—thus virtually transforming this problem into a trilateral question.

37. The second ground reality is that, at the Indo-Pak level, while the Indian people are determined to keep Jammu-Kashmir as a part of the Indian Union, the Pakistani people are equally resolved to bring Jammu-Kashmir to their national fold. Both countries have put their national honours at stake on this question and are ready to pay any price in defence of their respective national prestige.

38. The third ground reality is that, at the state level, while the overwhelming number of Kashmiris wants to opt out of India, the other ethnic identities have their own aspirations and concerns.

## V

39. From the afore-mentioned two basic features and the three ground realities follow certain conclusions as given below.

40. The first basic feature (i.e., Jammu-Kashmir problem having been a trilateral dispute) demands that the interests of all the three concerned parties be balanced on an equal basis so as to give satisfaction to each one of them. It rules out a unilateral or bilateral solution to the Jammu-Kashmir problem. Thus, all options favouring one side or the other cannot be viable solutions.

For instance, the option of accession with one country goes against the national interests of the other. It does not help in making Indo-Pak relations tension free. It keeps the cold war alive.

Again, the option of an independent Jammu-Kashmir will not be to the liking of the two countries. It may, like Afghanistan, turn the valley into a 'bone of contention' between India and Pakistan. It can also make it a contentious issue among the big powers, with each trying to extend its sphere of influence in various areas of the world.

Next, the option of placing the entire Jammu-Kashmir state or the valley alone under the UN trusteeship for a period of ten years will not help in creating the spirit of friendship and goodwill between India and Pakistan and bringing about a conflict free South Asia. Lacking a single political centre, the basically divergent political forces representing various social and ethnic aspirations will vie among themselves for gaining supremacy, despite the presence of a loose and ineffective UN force.

Similarly, the option of the division of Jammu-Kashmir state on the LOAC or according to the Triest model being more advantageous to India is unacceptable to both Pakistan and the Kashmiris.

41. The second basic feature (i.e., Jammu-Kashmir state having been a multi-ethnic entity) requires that the aspirations and the concerns of all its identities be harmonised on equal terms in order to provide them a sense of fair play.

42. The three ground realities of the Jammu-Kashmir problem emphasise the factual logic that the Jammu-Kashmir problem can only be resolved through a peace process of dialogue and negotiations, rejecting the politics of gun by all sides.

## VI

43. In regard to the balancing of the interests of all the three concerned parties (as demanded by the first basic feature), the respective national interests of India and Pakistan should, and can, be balanced by establishing an Indo-Pak Condominium over the entire state (which will handle only Jammu-Kashmir's defence, foreign affairs and currency), while the interests of the Jammu-Kashmir people should, and can, be reconciled by giving the maximum possible autonomy to the state under the Indo-Pak Condominium.

44. With regard to the harmonising of the different aspirations and, concerns of Jammu-Kashmir's various identities (as

required by the second basic feature), these should, and can, be reconciled by adopting a federal Constitution of the state which should, on the one hand, give maximum possible autonomy to each ethnic region, with a provision for further devolution of power to the district, block and village councils, and, on the other, stand for a single Jammu-Kashmir state, having a common Head of the State to be elected by the ethno-regional councils, and a common High Court, a common Election Commission, a common Public Service Commission, a common Environmental Commission and a common Human Resources Development Commission, all to be appointed by the ethno-regional councils, with one representative from each.

45. The Indo-Pak Condominium will be a new experiment of a new global-oriented development model in today's world—showing how the divergent national interests of various nations be reconciled and the different aspirations and concerns of various ethnicities be harmonised.

## VII

46. The most appropriate starting point of the trilateral peace process is that it should be initiated jointly by New Delhi and Islamabad. But, fettered by their 1947 partition mindsets, dominated by their post-1947 cold war politics and constrained by their weakened mass positions, both India and Pakistan are unable to undertake this course.

47. Thus, the circumstances have naturally placed the responsibility of starting and carrying forward this peace process on the shoulders of the Jammu-Kashmir people.

48. The first step in the trilateral peace process should be the carrying out of a series of talks among the representatives of different ethnic identities on the Indian side of Jammu-Kashmir. This should, after a general consensus on the trilateral perspective and its imperatives and implications, be followed by the setting up of a programme based united platform. This platform should, on the one hand, strive to motivate and mobilise the Jammu-Kashmir people, and, on the other, try to forge close and fraternal relations with the democratic forces on the other side of Jammu-Kashmir. Following due consultations with all concerned and proper preparations, the united platform should convene a representative conference of all ethnic identities living in the two parts of Jammu-Kashmir so as to thrash out an agreed solution to the Jammu-Kashmir problem.

49. Such an agreed solution will give a big impetus not only to the rallying of the Jammu-Kashmir people on a common basis but also to the active involvement of all the just and fair minded people in India and Pakistan and to the acceleration of political and moral support from the international community in its favour.

So far, all efforts, whether bilateral or multi-lateral, have failed to break the perpetual Indo-Pak deadlock. May be, the history has assigned this task to the Jammu-Kashmir people who can, under the present circumstances, be the best mediators in “the undeclared war (or the proxy war) between India, and Pakistan”.

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## **Forging Cooperation In South Asia —Problems And Prospects**

I

1. The question of forging regional cooperation has become a buzzword in every part of the world today. This is, because the emergence of new problems—namely, environmental degradation, over-population, poverty, unemployment, minority discrimination or ethnic troubles, human rights violations, authoritarianism, consumerism, etc.—has necessitated the creation of a new mode for their management. Having arisen from the old models of development, they cannot be dealt with old administrative techniques.

2. The new mode of management itself is arising from the fast developing scientific-technological mechanism (i.e., the new sciences and technologies of space, energy, matter, biology, cybernetics, etc.) and its social division of labour which requires a wider operational field, crossing national boundaries and requiring inter-country or regional cooperation. This cooperation has been appearing in the form of regional groupings, being formed on the basis of common markets, collective defence systems or joint water management schemes and power projects.

3. Regional grouping is one of the forms of the newly emerging global order. A number of regional groupings—such as EC, ASEAN, NAFTA, ANZUS, APEC, etc.—have already come up in various parts of the world.

4. The other cooperative form of the newly emerging global order has appeared in the shape of multi-lateral bodies, like WTO, Bio-diversity, NPT, UNHRC, UN Commission on Population, UN and its various Agencies, WB, IMF, ILO, etc.

5. The regional groupings and the multi-lateral bodies

represent the elementary forms of nationalism's transformation into supra-nationalism.

6. Obviously, the main trend in the world today is towards integration, particularly economic cohesiveness. Integration is needed in order to overcome constraints on development. Nation-states cannot, on their own, manage the different integrationist processes. The gap between the world integrationist processes and the disintegrated national managements constitutes the basic restriction on the world evolution today.

## II

7. South Asia (a seven country based region), despite having been characterised by geographical contiguity, one of the world's ancient civilisations, rich natural resources and one-fifth of mankind with shared history and socio-ethnic affinity, lags behind in regional cooperation. With about 1,500 million people, 700 million effective consumers, second largest railway network (a total of 92,256 kms) after the US, the largest irrigated land in the world (67 million hectares), a large number of scientific and technical personnel surpassing even certain developed areas, the region has no parallel in the world. But, despite all these positive characteristics, it remains the second poorest area in the world, after the African sub-Saharan region.

8. It is worth noting that today all the countries in South Asia have been passing through very difficult times.

9. Pakistan presents a picture of a battlefield where the fighting lines are drawn between the ruling Pakistan Peoples Party, on the one hand, and the main opposition Pakistan Muslim League (Nawaz Sharief group), on the other. Despite Benazir Bhutto's tough line, there is no end to the bloody confrontation between the government and the Mohajir Quami Movement—with Karachi, the commercial capital of Pakistan, rotting as a festering sore. On the external front, it continues to treat India as its enemy number one, with Jammu-Kashmir problem as the core issue of its national agenda.

10. Bangladesh is marked by a bitter confrontation between the ruling Bangladesh National Party, on the one hand, and a multi-party opposition combine, including the main opposition Awami League, on the other. In external matters, its relations with India are marred by the dispute over the distribution of Ganga waters and other bilateral issues, such as Chakma tribals, trade, common borders, transit facilities to India, Bangladeshi immigrants to India, etc. Recently, Dacca has announced not to



renew the 25 year old Indo-Bangladesh Friendship Treaty.

11. In Sri Lanka, a savage ethnic war is raging in the North between the government and the Tamil Tigers (LTTE). Despite President Chandrika Kumartunge's electoral pledge to bring ethnic peace and the four rounds of peace talks, Colombo has not so far put forward any concrete federal proposal as its negotiation agenda. Naturally, the ethnic strife has re-erupted with renewed vengeance. In the external sphere, Colombo had a chequered relationship with New Delhi. India's mishandling of Tamil militancy—first arming it and then combating it by sending its own armed forces—has not projected a fair Indian image.

12. Nepal, somewhat free from large-scale violence, is again at a political crossroads. In the coming elections, it has to choose from among the four main alternatives—the highly centralised Communist Party, the pro-market Nepali Congress faction led by G.P. Koirala, the pro-centralisation Nepali Congress group led by K.P. Bhattarai and the pro-monarchy Rashtriya Prajatantra Party (RPP). In Foreign affairs, it believes that India has not been fair in its dealings with Nepal. There are serious misgivings about India's intentions concerning 1950 Indo-Nepal Friendship Treaty, Indo-Nepal trade and transit arrangements, water-sharing and power projects, etc.

13. Bhutan, a tiny Himalayan Kingdom, is highly dependent on India for its security and development. A grave challenge facing it is the problem of 1,00,000 Nepali settlers who have been now pushed out into Nepal. This has worsened the relations between Bhutan and Nepal. Nepal is pressing India for sorting out the issue of Nepali refugees through tripartite negotiations, but India has declined to play a mediatory role between the 2 neighbours.

14. Mauritius, comprising three small islands in the Indian ocean, also relies on India for its security needs to a great extent.

15. India, the biggest country of this region, is engulfed by serious troubles with its political process having become violence prone, criminalised, communalised, casteised, money and muscle based, production process regulated by inefficiency and high cost, distribution process dominated by economic inequality, poverty, unemployment, etc., and cultural process marked by unethical behaviour pattern and degraded norms.

In the foreign domain, its relations with most of its neighbours are far from congenial and in some cases even utterly hostile. With Pakistan, they continue to be of perpetual enmity. With Bangladesh, they are little less than bitter. Sri Lanka and Nepal

remain highly suspicious about India's intentions. Its big brotherly attitude towards neighbours has always revealed the reality of its high sounding assertions about the establishing of a humane, democratic and just global order.

16. Thus, it is obvious that all the South Asian countries are confronted with grim challenges. This challenging situation gets further compounded by the flight of their scientific capital (i.e., the migration of their scientists and technicians to the developed countries) and the hesitation of foreign capital to enter their markets.

17. A pessimistic view of the afore-mentioned situation may draw the conclusion that there is hardly any scope for the forging of regional cooperation in South Asia. But such a conclusion would only mean to ignore the historical experience of the two most flourishing regional groupings the European Community (EC) and the Association of South-East Asian Nations (ASEAN).

### III

18. The historical experience of the EC and the ASEAN shows that both these regional groupings arose from the ashes of the traditional conflicts among their respective members. The EC originated out of the debris of the second world war and the millennium old historical rivalry between EC's two leading players, Germany and France. The ASEAN erupted in the context of a developing conflict between Malaysia and Indonesia in the early 1960s, a conflict that was averted just in time. It took ten years to work out an understanding.

19. The course of regional cooperation has enabled these two regional groupings not only to tackle their bilateral issues but also their domestic concerns, like poverty, unemployment, under-employment, illiteracy, ill health, low living standards, etc. The rising economic prosperity has also helped political and cultural matters improve. The EC has been able to treble its per capita income in the past four and a half decades. In East Asia, poverty has declined from 35% to 10% between 1970 and 1990, with other social indicators such as life expectancy, infant mortality, adult literacy, population control—showing high improvement.

20. It took Britain 58 years to double its per capita output (from 1780). The US took 47 years (from 1780). Japan took 33 years (from 1880). But Indonesia doubled its per capita income in 17 years, South Korea 11 years and China only 10 years in the post-1970 period.

21. In the last 4 or 5 years, the GDP of the major developed countries has barely grown at one to two percent annually. That of the transition economies (i.e., the former Soviet Bloc countries) has actually fallen. In contrast, the East Asian economies grew at more than 7% per annum.

22. Since over a decade, the East Asian countries have been growing more fastly than the developed ones. According to conventional economics, the rich countries are the engine of global growth. But this has ceased to be true of East Asia which has, contrary to the Western market oriented and the Communist centralised models, followed its own “functional model”, blending the market and the state interventions together.

23. The reason behind the East Asian miracle lies in the fact that the countries of this region have, by developing the human resources along with the markets, been able to attract the maximum of global capital. Today, the global capital, unlike its old operational mode of investing at home even at less advantage, rushes to the place wherever it gets the appropriate environment.

#### IV

24. It was the positive experience of the regional groupings the world over, especially the ASEAN and the EC, that inspired the seven South Asian countries to form the South Asian Association for Regional Cooperation (SAARC) at its first Dacca Summit in 1985. But the decade old SAARC process has remained bogged down in bilateral conflicts, particularly the Jammu-Kashmir dispute between India, and Pakistan. So far, it has hardly produced any tangible results.

25. A majority of SAARC members had, at one time or the other, raised the question of bringing bilateral issues within the SAARC framework. But India has continued to dodge this question.

26. Regional cooperation represents partnership in both attitude and action. It cannot be built through the politics of confrontation which generates mutual hatred, militarisation, arms race and clashes. Unless the bilateral disputes and their related cold war politics are properly managed, the question of cooperation remains merely an empty talk.

27. It is now more than clear that the SAARC cannot grow unless the Jammu-Kashmir dispute between the SAARC's two main members, India and Pakistan, gets resolved, followed by the resolution of other conflicts between India, on the one hand, and the rest of the SAARC members, on the other. But who is to

begin this peace process?

28. The responsibility for this conciliatory move logically falls on the biggest party in all these disputes and indeed the biggest power in South Asian region, i.e., India, who should undertake this noble task in order to attain peace in South Asia and inculcate goodwill among its neighbours even at the cost of certain concessions to its SAARC partners. This is quite an appropriate sacrifice for generating an atmosphere of political trust among the countries of South Asia in particular and the world in general.

#### V

29. On the Jammu-Kashmir problem, the proper course is to proceed from its basic nature and the ground realities. Basically, it is a bilateral issue in the legal sense but a trilateral question according to the political criterion. One main ground reality is that both India and Pakistan have put their respective national honours at stake on this problem. And the other main ground reality is that, while the Kashmiris are determined to opt out of India, other ethnic identities have their own aspirations and concerns.

30. Going by its basic nature and the ground realities, a just, fair and viable solution to the Jammu-Kashmir problem is, and can be, the one that reconciles the respective national interests of both India and Pakistan, on the one hand, and meets the aspirations and concerns of all the ethnic groups of Jammu-Kashmir state, on the other. Based on this principle, an appropriate option is the establishment of an Indo-Pak Condominium over the entire state (which will handle only the defence, foreign affairs and currency concerning the Jammu-Kashmir state) with full autonomy to each of the eight ethnic regions of Jammu-Kashmir under a federal set-up—thus creating a partnership of India, Pakistan and the Jammu-Kashmir people, on the one side, and opening the way for the development of SAARC, on the other.

31. All other bilateral issues between the SAARC members should be dealt with through the medium of SAARC.

#### VI

32. Now, it is more than obvious that if the SAARC experiment falls through, India as well as other South Asian countries will have no place to go. Despite India's intense desire and great efforts, India is not welcome in ASEAN, APEC or any other

regional grouping. The same is the case with other SAARC members. Despite their specific moves, both Pakistan and Bangladesh have not been able to build any viable Islamic economic grouping. Similarly unviable is India's idea of the formation of Indian Ocean Trade Bloc, consisting of South Africa, Sri Lanka, Mauritius, the Maldives, Oman, Singapore, Indonesia and Australia—an idea which assumes to unite countries having no geographical contiguity, shared past, common economic problems, similar level of economic development, etc.

33. Obviously, if the SAARC fails to take off, the consequences may be disastrous for all concerned in general and India and Pakistan in particular. In general, it may retard the development process of all the South Asian countries as compared with other regions. In particular, the economic deterioration, coupled with their cold war politics and sharpening internal ethnic conflicts, may lead to the destabilisation of multi-ethnic India and Pakistan.

34. Every sane person earnestly desires that the South Asian countries, especially India and Pakistan, would, by perceiving the existing reality, draw proper conclusions, before it gets too late.

## VII

35. The prevailing world situation, characterised by the utter inadequacy of the old national development models, i.e., the Western Liberal, Communist and Theocratic, to deliver the goods, makes it clear that the world today needs a new global oriented development model which, on the one hand, establishes a balance between human society and nature, and, on the other, creates harmony between the over-fed haves and the under-fed have-nots as well as the individual and society.

36. Such a model should, and can, be built on the basis of three fundamental principles:

(a) Placing of both nature and man at the centre of development.

(b) Ending of all social disparities—rich-poor, gender inequality, racial, ethnic or religious discrimination, rural-urban, developed countries vs under-developed ones, etc.

(c) Empowerment of the people, especially the women and the deprived.

37. Naturally, while learning from the varied international experiences, India will, in cooperation with all SAARC partners, have to carry out an all sided research for shaping a new sustainable development model.

# **An Unprecedented National Crisis And Our Option**

## **I. How Do The Matters Stand**

1. The wheels of our post-1947 nation building process have turned full circle. After 48 years of criss-crossing, they have finally landed us in the midst of an unprecedented national crisis.

### **Politics**

2. The continuous criminalisation of our polity from the day one has today assumed such monstrous dimensions where “Mafia is running a parallel government, pushing the state apparatus into irrelevance”. This sad judgement constitutes the fundamental conclusion of the 1994 official Vohra Committee report—a judgement now accepted by the government, the mainstream parties and the general public.

3. Simply stated, the above proposition implies that our 48 year old national process is run by people who, as law-makers, enforcers and interpreters are either villains or in league with them. There is no way to get at those elements who are ruining our country. The other social vices of our nation building process—such as violence, muscle power, vulgarity, corruption, black money, smuggling, drug trafficking, havala rackets, scams, kickbacks, etc., are only different forms of criminalisation.

4. The first condition of a genuine democracy is that all its power and authority should be subjected to law—law as the given justice or the given truth. But the Indian democracy lacks this basic pre-requisite.

5. All those who have wielded power in the post-1947 India have abused and misused power in one form or the other. J.L. Nehru’s introduction of money and muscle power in the electoral process, encouragement of corrupt politicians in Jammu-Kashmir, Punjab and Orissa, branding of all opposition parties as anti-national, dismissal of opposition ministries in PEPSU and

Kerala, enacting of the 1951 Preventive Detention Act, etc., Indira Gandhi's imposition of 1975 emergency, open encouragement to all sorts of corruption, adoption of dictatorial style and methods, approval of the formation of goon brigades by Sanjay Gandhi, etc., Rajiv Gandhi's maintaining of his mother's authoritarian and corrupt legacy, etc., V.P. Singh's and Chandra Shekhar's continuation of their predecessors' manipulative and money and muscle power-based methodology, etc.—all have resulted in the more and more criminalisation of politics which has, in turn, bred and reared a criminal tribe of politicians.

6. Besides, the entire post-1947 Indian legislation—e.g., the Representation of People's Act and Rules, Anti-Defection Law, the various detention and anti-corruption acts, the corporate, labour and land legislation, the laws pertaining to women, children and other weaker sections, etc.—is full of loopholes, giving opportunities to the executive and the enforcement and interpreting agencies for bending the law according to their convenience. This has resulted in providing the criminals the protection of law, while denying the same to the common people.

The tardy judicial process of imparting justice, backlog of over two crore cases pending before the courts, the complaints of corruption, favouritism and unbecoming behaviour against the judges at various levels have too contributed a lot in the violation of law, increase in crime and the erosion of public confidence in judiciary.

7. Ironically, the pre-1947 British colonial regime hardly ever deviated from the fundamental democratic principle, i.e., the respect for law. No matter how high the position a person occupied, e.g., Clive, Warren Hastings, etc., he had no immunity from the consequences of his wrong acts. Within 48 years, our native rulers under the signboard of *Satyameve Jayate* have buried the legacy of the pre-independence period.

The result is there for everyone to see. Many of the pre-1947 pauper politicians of various political hues, who did not then own even a cycle have today come to possess air conditioned bungalows and cars. All the mainstream parties have, during the last 4.5 decades, talked of the desirability of their ministers and legislators disclosing their financial position. But, none of these parties has seriously tried to get the eight times introduced legislation in Parliament passed that would have bound their legislators to declare their assets and liabilities. All the time, they have, with their politics of money and muscle power, been

engaged in cultivating and rearing a breed of villains.

Now the evil has more or less entered everywhere. Whenever a crime is exposed, the government comes up with loud declarations to punish the culprit. The top opposition politicians indirectly lend help in the official gimmickry to cover up the crime and deceive the masses and thus the criminal game goes on and on, with no end in sight.

### Economy

8. Coupled with the political criminalisation, the economic dimension of our nation building process also presents a pathetic picture. According to the 1995 UNDP report, India has been ranked 134 among 174 countries in the human development index (HDI) which takes into account life expectancy, literacy, combined enrolment and adjusted real GDP per capita. Pakistan has done better than India.

In the gender-related development index (GOI), which takes note of inequality in achievement between man and woman, India has been placed 99 among 130 countries.

9. The Planning Commission's mid-term appraisal of the Eighth Plan (1995) discloses that growth in the manufacturing sector has been only 4.7% against the target of 7.3%. The foreign exchange inflow is not of the stable variety. By way of foreign direct investment, a very large portion is in portfolio investment which is temporary in nature.

The inflation during 1991-1995 has been higher than in the pre reform period. Employment generation has been below the 8th Plan target. Open unemployment has increased from 1.7 crore at the beginning of the plan to 1.87 crore.

In the matter of allocation to states, the over-all plan outlay during 1992-95 is less than before. In social sector, like health-care, infrastructure and drinking water, the allocation has declined. Investment in agriculture has decelerated from Rs 4,595 crore in 1990-91 to Rs 4,567 crore in 1991-92, without taking into account inflation and fall in purchasing power of the rupee.

10. The report of Comptroller and Auditor General (May 1995) says, the total indebtedness (including both the internal and external debts) of the Union government touched Rs 5,58,421 crore on March 31, 1994. The interest payments swallowed up almost 1/3rd of the revenue receipts and 1/4th of the revenue expenditure of the Union government during 1993-94. The CAG Report further said that the fiscal deficit as percentage of GDP shot past the



estimated 4.6% to reach a figure of 7.5% in 1993-94.

In regard to the Public Sector, the government pumped in Rs 2,258 crore more into PSUs taking the total to Rs 44,116 crore at the end of march 1994. The dividend averaged to 1.44% only.

11. In the post-second world war period, while the total world output and commerce has increased by 5.5 and 14 times respectively, our national output had merely a little more than doubled and the external trade slid from 2.5% to 0.6% share in the world trade. While China's per worker per year rate of productivity today stands at \$11,000, India's comparable figure has been only \$900. Even Pakistan is ahead of us with a productivity rate of \$1,500 per worker per year. These three countries were more or less at the same productivity level around 1947. The East and the South-East Asian countries with an average annual growth rate only of 7% for nearly two decades have left us far behind, having crossed even the 4% annual growth rate at few occasions during the past 48 years (although our economy and the economies of these countries were in a similar position around 1960). Hong Kong and Singapore enjoy 30 and 13 times more per capita income than us respectively. With 70% of our population still depending on agriculture, there has been no significant change in the sectoral composition of our labour force. Our total foreign debt has now crossed the figure of \$100 billion with its service charges constituting about 32% of our exports and 40% of the entire central non-planned expenditure. Today about 40% of our population (according to the latest estimates of the Planning Commission) lives below the poverty line, 30% is houseless, 48% illiterate, 5% unemployed and 40% under-employed.

### Culture

12. The cultural dimension of our nation building process, characterised by the use of money and muscle power, the patronising of all varieties of fundamentalism and obscurantism (religious, casteist, racial, economic, etc.), a slow moving and poor quality education, art, literature and science has generated unscrupulous norms of behaviour in all walks of life.

13. The use of money and muscle power has brought in an anti-social environment in which, crime thrives (as reflected by the criminalisation of the political process), corruption dominates (as is evident from the dozens of high political scandals and frauds, like 1949 jeep scandal, 1974 Nagarwala case, 1986 Bofors deal, 1992 Bombay securities scam, 1993 PSUs

disinvestment scandal, 1994 sugar muddle, etc., and the prevailing of general corruption at all administrative levels) and yesman discipline flourishes (as can be seen from the functioning style prevalent in the administration, party organisations, especially the Congress, and the day to day public life).

14. The patronising of all varieties of fundamentalism and obscurantism has led to the strengthening of communalism, especially majoritarian one (*Hindutva*) and casteism, especially militant *Dalit* and militant backward species.

The post-1947 communal riots, numbering about 22,000, the atrocities on the SCs and STs, estimated to be between 5 to 6 lakhs and the countless excesses against the women are an expression of the strength of communalism and casteism.

15. The slow moving and the poor quality education, art, literature and science have, on the one hand, resulted in the halting of the spread of a democratic temper and, on the other, in the flourishing of a self-seeking consumerist temper.

#### Foreign Policy

16. The external dimension of our nation building process, while initially balancing between the two power blocs of the cold war period, later became tied to the Soviet camp. With the disintegration of this camp and the splitting of the Soviet Union, the Indian foreign policy, lacking a clear understanding of the changed nature of the world in the post cold war period, has been groping in the dark, thus failing to react properly to various international developments, e.g., Gulf War, Soviet disintegration, dealings with the US, European Community and Japan, problems concerning the East Asian and the South-East Asian states and other developing countries and above all its relations with the South Asian nations, especially Pakistan.

17. At a time when the entire world is seeking peaceful solutions to all the old conflicts, India and Pakistan still continue to pursue the politics of confrontation with regard to their mutual contentious issues, especially the Jammu-Kashmir problem. The confrontationist politics has as usual kept them tied to a course of militarisation, arms race and clashes—thus throttling the growth of their respective development processes. The responsibility for breaking the 48 year old Indo-Pak deadlock logically falls on India because of its having been the biggest power in the South Asian region and the main sufferer of the post-1947 confrontationist line. But the Indian foreign policy, having been oriented by a

domineering outlook in South Asia since the very beginning, goes on dodging this highly important responsibility.

#### Defence

18. The defence dimension of our nation building process, characterised by a continuously rising military expenditure, has remained a constant drain on the Indian economy. But even in the post-cold war period, there is no official rethinking on this crucial economic constraint. India still continues to be conditioned by a cold war mindset in its defence policy.

19. Our high profile foreign-cum-defence posture has projected a “big brother” image of India, monitoring its smaller neighbours. This posture, in fact, is no less responsible for dragging us into four wars with the two neighbouring countries—three with Pakistan and one with China. The present increasing tension with Pakistan over Jammu-Kashmir contains a strong possibility of a fourth Indo-Pak war, which, with its new nuclear dimensions, poses a devastating threat to both India and Pakistan and a great challenge to the development process in the world, particularly South Asia.

#### Population

20. The population dimension of our nation building process has grown into a serious challenge—rising from 342 million in 1947 to over 920 million now. In 2.4% of the world's land area, India is now accommodating more than 16% of the world population. Burgeoning at the rate of 18 million a year, India is expected to reach a 1,000 million mark by the year 2000 and 1,400 million by the year 2025. The increase of about 50 crore in our already unmanageable 920 million would lead to uncontrollable political and social tensions.

#### Environment

21. The environmental dimension of our nation building process has assumed dangerous proportions—resulting in the degradation of all natural resources.

India's area of degraded land is the largest in the world. Out of its total land mass of 329 million hectares, only 143 million hectares (including 40 million hectares totally unproductive land), constitute the cultivable area.

About half of the 85 million hectare forest area has become denuded to varying degrees, creating a threat for 6% of the world's flowering plant species, while already resulting in the

destruction of 3/4th of India's mangrove swamps. Deforestation and cultivation of marginal lands had caused an estimated loss of over 6,000 million tonnes of soil. Overgrazing by animals has also led to further land degradation. With deforestation, the water holding capacity of the land is decreasing. The result is that a high rainfall results in a flood, while a below normal one leads to draught.

Effluents discharged from industries and urban human wastes are badly affecting the quality of running, surface and ground water. The level of air pollution, caused by the industrial use of toxic chemicals, automobile transport and thermal plants has crossed permissible limits, resulting in increased health risks and larger environmental threats, like acid rains, excessive warming, etc. Deforestation, land and water degradation and air pollution, have created threats for India's 75,000 animal species and 45,000 plant species. Already the excessive use of chemicals in agriculture has resulted in the destruction of many species and creating hazards for human and animal health.

Environmental degradation, accompanied by unchecked population, carries the inherent risk of natural calamities and disasters.

#### Post-1947 Nation Building Model

22. Looking at the different dimensions of our post-1947 nation building process, it is evident that the theory and practice of our original Nehruvian model and its present amended liberalised version have proved ineffective not only by failing to deal with the old 1947 problems, i.e., poverty, unemployment, corruption, etc., but also by giving rise to new national threats—e.g., troublesome population and environmental issues, wars with neighbouring countries, armed secessionist movements, criminalisation of politics, financial indiscipline, degrading norms of behaviour, etc.

#### II. Why Things Have Gone Wrong?

23. What explains the rise at the extraordinary phenomenon of the goon domination in our nation building process? Why has not our country fared well materially and culturally? Who is responsible for the present state of our national affairs?

24. Varying perceptions are in circulation. All are well known, yet they need to be tested again and again in the light of the existing and the changing Indian and the world realities.

### Minorityism

25. One perception is that minorityism or pseudo-secularism, implying the appeasement of minorities, is the main cause of our national debacle. If that is so, it should have, at least been reflected by the satisfaction of the minorities in some form about the prevailing state of affairs in India. But the reality is that the minorities today constitute the most discontented and alienated part of the Indian society as is evident from the following facts. Firstly, all the armed secessionist struggles in India (leaving that in Assam) are being waged by the minorities, viz., the Kashmiri Muslims in Kashmir, the pro-Khalistani Sikhs in Punjab and the Christians in some North-Eastern states. Secondly, it is the minority people who are in the frontline of opposition to the Congress which has wielded power in India for 44 years out of the total 48 years of independence. Thirdly, it is the minority people (excluding its creamy layer) who, along with the SCs and STs, constitute the major deprived section of the Indian society.

Besides, minorityism cannot, by any stretch of imagination, be explained as the fundamental cause of the criminalisation of politics or economic mess or cultural degradation, all of which arise from the mismanagement of political, economic and cultural processes.

### Islamic Fundamentalism

26. Another perception is that Islamic fundamentalism or pan-Islamism is the main cause of the Indian national crisis. But the implication of this formulation—that the Islamic fundamentalism incites the Indian Muslims against a non-Muslim state—is rejected by the fact that nowhere in the present day world, Islamic fundamentalism has proved as a workable basis for national or regional unity. Pakistan, Afghanistan, Egypt, Algeria, Iran-Iraq War, Iraq-Kuwait tussle, Egypt-Sudan conflict, etc., are living examples of Islamic fundamentalism's splittism. Its role in India is exactly the same.

Moreover, the roots of our major problems—criminalisation, corruptibility, economic inefficiency, cultural degeneration etc.—cannot be identified by the parameters of Islamic fundamentalism.

### Casteism (Mandalism)

27. Still another perception is that the denial of social justice to the backward and the *dalit* castes by the upper castes is the main cause of the Indian national malaise. If that is so, there

should have been no economic and cultural backwardness among the upper castes. But, in actual fact, even the majority of upper caste people fall under the economically and culturally backward category. Caste-wise, Indian creamy strata today roughly comprise 70% from the upper castes, 10% from the minorities and 20% from the backward and *dalit* castes. The basic factor for the rise of this advanced strata (from whatever caste or creed they might have come) has, as the present facts denote, rested with the political or economic considerations.

28. The hard fact that needs to be repeatedly stated is that even the question of special rights (i.e., reservation in legislature or administrative services) to the SCs and STs or the OBCs has arisen as a sequel to the compulsions of parliamentary politics (the universal franchise and its implications) and market economy (competition, consumers choice, cheap labour and their consequences). The upper casteist politician's argument of humanitarian thinking as the basis of special rights to the *dalits* and the OBCs holds no ground, because it failed to work even as an equality demand for the past 2,500 years. Similarly, the so-called pro-*dalit* or pro-OBCs casteist politicians' contention that the special rights to the said castes have resulted from the organised threat by the poor castes loses its rigour because these castes could not unite for thousand of years in the post-Manu period and their present unity (even in the casteist form) and their casteist organisers' program is exclusively based on the exigencies of the parliamentary politics and the market economy.

#### Parliamentary Form Of Government

29. Further, another comprehension that the parliamentary form of government is the main cause of our national ills is contradicted by the practicability of this form in Britain for three centuries and other countries for decades together.

#### Some Other Approaches

30. The precept that the rich-poor gap (a serious flaw of the Indian development model) constitutes the root of our national distress is negated by the fact that the Indian people have not been mainly polarised on the rich-poor basis but on other considerations, like political, communal, casteist, etc.

31. The concept that foreign instigation is the foundation of our national trouble is ruled out by the fact that a foreign power, however powerful, cannot generate the criminalisation of Indian

politics, black marketisation of its economy and degradation of its social values.

32. The idea that India's problems are a reaction to its modernisation process is disproved by the fact that the modernisation processes in other countries (such as European and the East and the South-East Asian countries) did not confront such negative developments which generally flow from a wrongly premised process of modernisation.

#### **System And Its Operational Mechanism**

33. Since a national system is organised by a nation-state on the basis of a given Constitution (which contains the goal, theory and the institutions of a given state), regulated through a legal framework and operated by an elected government formed out of a given party mechanism, it is necessary to closely look at the general direction and the structure of the Indian Constitution, the broad approach of its legal framework and the theory and practice of its operational parties.

#### **Constitution**

34. The Indian Constitution is characterised by a two sided vision, i.e., the vision of a centralised (or unitary) union, on the one hand, and the vision of a majoritarian nationalism (or secularism), on the other. The entire structure of the Indian Constitution is geared to this two sided vision.

35. The centralised aspect of the Constitution bestows immense powers on the Indian State, while allocating merely certain subsidiary powers to the constituents of the Union and only one fundamental supervisory right to the people, i.e., the right to vote (which is exercisable after five years).

36. In the division of powers between the three state organs, the executive, headed by the Prime Minister holds the dominant constitutional position. Its power of appointing, promoting and transferring the judges of the Supreme Court and the High Courts, gives it sufficient edge over the judiciary—thus turning the constitutional principle of judicial independence into a mere formality. The legislature, comprising members picked up by each of the respective centralised party leaderships and each member being legally bound to the party whip, also plays a secondary fiddle, with the ruling majority legislature group owing allegiance to the treasury benches and the non-ruling minority groups to the respective executives of their legislature wings.

Besides, the Union Executive enjoys unrestricted constitutional powers under the provisions relating to the emergency situations, the ordinance issuing powers, the curtailment of fundamental rights, the appointment of all constitutional authorities, the amendment of the Constitution, the taking out of any law from the purview of the judiciary, etc.

37. The majoritarian aspect of the Constitution provides a special status to the majority community through three main provisions, namely, granting of special rights to its weaker sections, i.e., the SCs and STs, and the backward classes, bracketing of all smaller Indian-born religious faiths (i.e., Buddhism, Jainism, Sikhism, etc.) as part of the majority community and adopting the classical and the recent majoritarian ethos, i.e., *Mundaka Upanishada's shaloka* below the National Emblem, *Sanskrit* as one of the national languages, Hindi as an official language of the Union, peacock as a national bird, *Puja* and *Arti* as auspicious ceremonies to be observed at highly important official functions, etc.), while denying all these rights to the minority communities.

38. This two sided constitutional vision is not compatible with India's multi-religious, multi-ethnic, multi-lingual and multi-regional nature which demands rational humanism oriented and a fully federalised and decentralised system.

#### Legal Framework

39. Equipped with the immense constitutional powers, the Union Executive has, as passed by the legislature and upheld by the judiciary, built a legal framework which creates a five tier society each having a particular social position.

40. Firstly, this legal framework creates a privileged ruling stratum by granting the parliamentary privileges to all the legislators in India, the Contempt of Court powers to all the Indian judges, the special powers to the Indian bureaucracy to cover up all its faults and remain unaccountable to the public under the Official Secrets Act, court martial powers to the army hierarchy under the army law, wide ranging powers to the law enforcement agencies under the police and prison legislation, etc.

Secondly, it gives rise to a modern capital owning and high income social stratum by giving special rights to the promoters of the public and the private limited companies, banks, insurance firms, import and export business, etc., under the relevant legislation pertaining to the companies, banks, insurance firms,



import-export trade, etc.

Thirdly, it helps build a broad strata of middle class (with its high, middle and lower layers) by providing sufficient economic concessions to all the Indian state employees under the government service rules, the public sector employees and workers under their concerned regulations, the small scale industrialists, businessmen and landowners under the bank-lending, technology and market facility rules.

Fourthly, it lends support to the flourishing of the criminal tribe by keeping loopholes in the criminal legislation which provide outlets to the criminals to save themselves from the clutches of law.

Fifthly, the Indian legal framework discriminates against the weaker sections, like women, children, unorganised urban and agricultural labour and poor and dependent people as is evident from the specific laws concerning these sections and the general laws applicable to the entire Indian people.

41. Thus, the Indian legal framework, in a nutshell, contravenes the basic democratic principle of equality before law.

#### Parties' Theory And Practice

42. Guided by the general direction and the logic of the two sided constitutional vision, i.e., centralisation and majoritarian nationalism, motivated by an unrestricted hunger for power and money, and free from the constraints of an informed public opinion, the Indian mainstream parties have evolved a highly tricky style of saying and doing. It consists of saying one thing here and another there; speaking one day of upholding the rule of law and another day of keeping one's belief above that of law.

43. This tricky style has, since 1947, remained as the principal ideology and methodology of every mainstream party for the mobilisation of the people. But, as things now stand, this deceptive style has itself come under a cloud, with the mainstream politicians of all hues losing much of their credibility.

#### Ruling Party's Policies

44. Every ruling party, motivated by partisan and selfish ends, pursues national policies which, first of all, serve its political line; secondly, fulfil the individual or group interests of the high power corruption and, thirdly, meet the interests of the upper and middle classes. This three sided formula, with the primacy of the one of the three factors, determines all official policies. But it very often harms the national interests and ignores the interests of the

weaker sections.

45. For example, majoritarian secularism, while helping the ruling party increase its communal influence, alienates the minorities from the national mainstream. Confrontationist (or cold war) line against Pakistan and “big brother” approach towards other neighbouring countries, while providing a chauvinistic mobilising slogan to the ruling party, harms the strategic national interests.

The policy of armed suppression in the valley, while providing a tough national posture to the ruling party, causes long-term loss to the nation by ignoring the negative implications of the festering Jammu-Kashmir problem.

46. Similarly, the budgetary, defence, industrial, agricultural, trade, infrastructural and social welfare (education, health, etc.) policies, while fulfilling the needs of the high political corruption and serving the interests of the upper and the middle classes, pay only lip service to the weaker sections.

47. Thus, the motivation for partisan or personalised power and corruption renders, and has rendered, all our national policies either unproductive or partially productive, with hardly any policy becoming fully productive.

#### **Two Sided Cause**

48. The above-stated facts point out that India’s misconceived constitutional and legal framework constitute the conceptual aspect and its mainstream parties’ corrupt and unscrupulous policies and practices the practical aspect of the two sided cause of the present deplorable state of our national affairs.

#### **III. Realism Demands A New Approach**

49. What is, and should be, our response to the troubled state of our national process.

50. There is no paucity of options but we only require the one that conforms to the Indian reality.

#### **Hinduisation Of Nationalism**

51. One of the recipes suggested for national regeneration is the Hinduisation of nationalism or nationalism, as defined by its propounders, based on Hindu culture. But the international experience shows that neither religion alone nor only culture has been the organising principle of the modern nation-state. The reason is that 2,000 year old, and 4,000 year in case of Hinduism, religious social concepts and ethos cannot befit the

changed social conditions.

52. For instance, a common religion and a similar culture of 21 Arab populated nation-states, 50 Christian populated European states and 20 Buddhist populated East and South-East Asian states could not help establish even a minimum basis of unity between them. Rather many of these co-religionist states had often waged wars against one another, e.g., Japan vs China, South Korea vs North Korea, China vs Vietnam, Iraq vs Kuwait, Germany vs France, etc.

53. Next, there had been even splits in some single religion dominated states due to ethnic, lingual and sometimes regional developmental differences.

54. Indian experience shows that under the *Hindutva* rule, the shrines of minorities will have no sanctity, minority ethos will be replaced by the majority ones and *Hindutva* will be nationally acknowledged as a unique world culture.

55. Obviously, the Hindu card cannot organise a democratically united India. In brief, it is merely a vote bank device to capture the New Delhi throne.

#### **Mandalisation Of Nationalism**

56. Another national prescription is the Mandalisation (or casteisation) of Indian nationalism by legalising the unit of caste (characterised by its basic principle of birth as the source of one's social identity) as the criterion for providing social justice to the socially and culturally backward people. The advocates of Mandalism cite the constitutional provisions and the Supreme Court decision on the Mandalised reservations in justification of their standpoint. But the question is what do the facts denote.

57. The historical experience shows that the principle of defining social identity by birth had always brought forth inequalitarian social system, like the hereditary kingship and the hierarchical caste orders which have always emphasised their divine origin.

58. The historical experience further says that a classical social unit, born out of the old reality, cannot fit in the modern social mechanism, generated by the new reality. That is why the Supreme Court itself had to amend the caste unit by excluding its creamy layer as a valid unit for special rights. The existence of social and cultural backwardness along with poverty among big chunks of forward classes also testifies the operation of new economic, political and cultural laws, which have resulted in the

emergence of new social units (industrialist, big agriculturist, bureaucratic, political, small trader, worker, agricultural labour and so many others) of big and small, privileged and under-privileged, etc., which are playing the decisive role in the ongoing system, with the caste units still operating in a supplementary term, particularly in certain social matters and religious functions.

59. The Mandalism's chief argument (first formulated and still firmly upheld by Lohiaism and now deceptively stolen by the Congress, the Communists and the BJP for ulterior purposes) that the upside down turning or the reverse application of the caste units can lead to the undoing of the present-day social injustice is refuted by the historical experience of its own practice and by the existing forms of social injustice and the present-day accepted forms of justice.

60. The 48 year long Indian historical experience of reverse casteism in case of the SCs and STs shows that, instead of the upward mobility of these castes and tribes as a whole, only 3% of them had been elevated to the privileged stratum (i.e., MPs, MLAs, IAS, IPS officers, judges, petrol and gas agency dealers, etc.) and nearly 10% to the middle strata of different variations. The rest more or less continue to stay at the lower rung of the social ladder.

61. Similarly, the decades long US historical experience of affirmative action in favour of the American blacks shows the emergence of a small privileged and upper stratum alongside the middle strata, with the black majority still continuing to live in the ghettos and below the poverty line.

62. The existing forms of social injustice, as accepted by the reputed international agencies as well as by most of the countries, comprise the gaps between the privileged and the common people, between the haves and have-nots, male and female, urban and rural, developed countries and under-developed ones, educated and illiterate and so on. The March 1995 UN Copenhagen Social Summit, attended by all the countries and the NGOs of the world, adopted a three point agenda—i.e., poverty, unemployment and social cohesion—for rectifying social imbalances and proceeding towards a fair and just world order.

63. All the forms of social injustice, now prevailing in India—gender inequality, rich-poor, urban-rural, privileged-deprived, etc.—exist within each caste and among nearly 4,000 castes. This shows that no caste can be an appropriate unit of social justice. Supreme Court's creamy layer formula cannot renovate it as a modern unit. It was a vote bank device and still remains so.

64. Moreover, the demands raised by Mandalism, i.e., economic, political, cultural and social equality, are not caste issues but modern questions. The conflict on these demands is not only between upper and lower castes but also within each caste and among the lower castes. Also, these demands often take religious, ethnic, regional and lingual forms.

65. From a long-term angle, the establishment of a fair and just system—which removes all social disparities and empowers the people—can alone ensure social justice to all, including the lower castes.

66. From a short-term angle, the deprived, with their majority in the lower and the minority in the upper castes should be helped by the reservation formula on the basis of poverty.

#### **Gandhian *Ram Raj***

67. A good chunk of Indian public opinion regards that Gandhian model can be a way out of our social malady. But three fundamentals of this model are worth-considering.

Firstly, its one-sided stress on Hindu ethos—i.e., *Ram Raj* as a social goal, *Gita* as an ideal for human action, cow worship as a contribution to the evolution of humanitarianism, caste system as a magnificent social discovery, etc.—do not fit in India's multi-religious, multi-ethnic, multi-lingual and multi-regional reality, both in the pre and the post-1947 India. That is why it failed to build an integral Indian nationalism—thus resulting in the 1947 communal partition.

Secondly, its one-sided stress on village self-sufficiency and total dependence on traditional technologies does not correspond with the developmental and the environmental needs of the present day interdependent world.

Thirdly, its wholesale abhorrence of modern science and technology contradicts the universal human urge to understand reality through the human trial-error-learn methodology.

68. However, a vast number of socially useful points—such as unity between ends and means, abstinence from violence and terror, consensus seeking, sympathy with the down-trodden, etc.—can be learnt from the Gandhian philosophy

#### **JP Type Movement**

69. Some people believe that a JP (Jai Prakash Narayan) type movement can deliver the goods. But, as is evident from the 1975 JP Movement, the latter did not demand any basic change

in India's constitutional-legal framework. Accepting the propriety of the existing social system, the well known JP concept of "total revolution" emphasised the need for moral values, improving the quality of persons who operate the system and establishing a clean public life—with leaders themselves setting the tone. The JP strategy of forming a political party by combining the leaders and followers of divergent ideologies on the basis of not any political, economic and cultural programme but only a single anti-Congress plank, did not work for long.

#### **Renovated Nehruvian Model**

70. Still the idea lingers on in some circles that a renovated Nehruvian model may improve the matters. But its four year experiment under Narasimha Rao provides no scope for hope.

#### **Presidential System**

71. A cross-section of pro-stability politicians proposes that a Presidential system can help in the current turmoil. But its experience in the Third World countries, where the mass awakening is low, shows that the presidency under a demagogue often degenerates into a dictatorship. Over centralisation today sometimes leads to political disintegration (e.g., Pakistan, USSR, Yugoslavia, etc.) and sometimes to economic degeneration (as in some African countries). The success of the US presidential system is to a great extent due to its well-informed public opinion.

#### **National Government**

72. Another view propagated by different brands of pro-stability politicians, is that a national government, comprising different parties, can cope with the prevailing difficult situation. But this view overlooks the fact of the divergent agendas and contradictory priorities of the mainstream parties and the various ego conflicts between their respective political leaders—thus making this proposition impracticable.

#### **Some Other Solutions**

73. The notion of an anti-Congress front is negated by its unviability in 1967, 1977 and 1990 experiments.

74. The slogan of an anti-BJP front, without any programmatic basis, may, with the likelihood to deepen communal polarisation, end only in a fiasco.

### Old Successful National Models

75. The two old successful national models—i.e., the Western Liberal and the Communist—while containing many useful lessons for the working out of our new system, are not of much use to us today.

76. The market-based Western Liberal system, having created a serious environmental crisis, on the one hand, and a distorted world economy (characterised by a few privileged and many under-privileged countries and a minority of rich and majority of poor in each country), on the other, is already in the throes of a crisis, trying to restructure itself into a new model through the formation of regional common markets, collective regional defence mechanisms and supra-national political institutions.

77. The totalitarian Communist system, based on regulated thought and material life, has already proved unviable and is trying to remodel itself.

78. The newly emerged East Asian model has somewhat established its economic worth, but it, too, has neglected the environmental aspect.

79. Naturally, while learning from the varied national experiments, including our own, we will have to labour for the building of a new suitable model.

### Our Option: A Pro-Nature, Pro-People Model

80. The working out of India's new suitable model, with every country trying to find out its own, requires the taking into account of three basic realities, namely, (a) the 48 year old practice of the politics of opportunism which has, as constantly practised by the mainstream parties, resulted in the criminalisation of Indian politics, (b) the newly emerged interdependence of countries or globalisation, and (c) the lately arisen two serious threats to the human community and other organic life on our planet, i.e., the environmental degradation and the burgeoning population.

81. These three realities demand a three sided integrated response, i.e., (a) to break the nexus between crime and politics, (b) to fully federalise and decentralise the social system, and (c) to gear all resources for thwarting the twin challenge of environmental degradation and burgeoning population.

#### (A) Breaking Criminal-Politician Nexus

82. Breaking the criminal-politician nexus means to free our political process from money-cum-muscle power-based

politics which sometimes adopts communal, sometimes casteist and sometimes populist colouring. The reforming measures may include:

- (i) State funding of all types of elections.
- (ii) Barring of all parties and candidates from incurring any election expenditure.
- (iii) Granting of the right to recall.
- (iv) Making of the securing of more than 50% of polled votes by a successful candidate.
- (v) Making of the parties accountable to the people by their public acceptance to delink their respective politics from religion, caste, etc., holding of free elections of their office bearers every two years and getting of their accounts audited under CEC's supervision.
- (vi) Introducing of the system of proportional representation for 50% of Lok Sabha and Assembly seats.
- (vii) Prescribing of strict legal punishment for all those violating the electoral law, rules and code.
- (viii) Setting up of an autonomous vigilance commission (Lok Pal), empowered to probe into allegations of graft against any central or state level elected representative, including the Prime Minister, along with the establishing of such state level commissions, with powers to enquire into allegations of corruption against Panchayat and Local Bodies members.
- (ix) Enactment of a law requiring all contesting candidates to submit a statement of assets held in their names as well as in the names of their relatives along with their nomination papers.
- (x) Setting up of a Commission of Jurists to investigate into all complaints of corruption against the judges from the lowest to the highest rank.
- (xi) Reforming of the law.
- (xii) Preparing of the codes of conduct for the executive, judiciary, legislature, administration, parties, media and NGOs.
- (xiii) Granting of peoples right to information.
- (xiv) Repealing of all undemocratic laws such as Official Secrets Act, Contempt of Courts Act, Special Privileges to Legislators, Army's Right to Court Martial, etc.
- (xv) Stopping of political interference in the administration.
- (xvi) Handing over of the broadcasting and the telecasting operations to an autonomous body.
- (xvii) Abrogation of all detention laws.
- (xviii) Reforming of the jail system.



(xix) Reservation of all categories on the basis of poverty and not that of religion and caste.

(xx) Removing of all discriminations against minorities.

(xxi) Pursuing of a non-military development strategy.

(xxii) Sorting out of the mass problems—such as poverty, illiteracy, free education (with a rational orientation) and health-care to the poor, essential items at subsidised rates, gender equality, living wage, etc.—with the active involvement of the concerned sections of people.

(xxiii) Separation of state from religion and caste.

(xxiv) Ensuring of the upholding of the rule of law by all state agencies and their members.

(xxv) Cultivating of rational humanist thinking and democratic behaviour among the masses and encouraging of a sustainable mass lifestyle.

#### (B) Federalising And Decentralising The System

83. Federalising and decentralising the system means to recast our Constitution, law and policies in the light of new realities, national and global. The essential features of this model may be as under:

(a) **Aim:** To establish a just and fair social order in India and the world which is nature-friendly, on the one hand, and people-friendly, on the other.

(b) **General Approach:** Scientific realism which bases itself on all-sided facts.

(c) **Social Perspective:** Globalism or rational humanism.

(d) **Democratic Order and Empowerment of the People:** To resolve all internal conflicts through dialogue and to establish a fully federal and thoroughly decentralised structure with autonomy to all states and a special status to Punjab within the Indian Union. To empower the people by evolving a new mechanism involving the people in decision making at all levels and by ending all disparities in society, i.e., between the rich and poor, between the sexes, etc.

(e) **Sustainable Development:** To improve the quality of environment (i.e., natural resources of land, water, air), on the one hand, and of human and material resources, on the other, by globalising the economy through a judicious mix up of market mechanism and state planning.

(f) **Regional Security and Development:** To seek a tripartite solution of Jammu-Kashmir question by giving full autonomy to

each of the ethnic regions on both sides of the Line of Actual Control under a joint Indo-Pak control to be entrusted only with matters of state's defence, foreign affairs and currency, thus opening the way for the development of SAARC which, in due course, is likely to grow, into a Free Trade Common Market Area with a Regional Security System and a Confederal Political Union.

(g) **Value System:** To promote rational humanist thinking and democratic behaviour.

(h) **Foreign and Defence Matters:** To follow international cooperation and friendship, build along with the neighbours a regional security system and pledge together with Pakistan not to manufacture the nuclear weapons and, its related delivery system.

### (C) Facing Environmental-Population Challenges

84. Facing the twin challenge—environment and population—implies to chalk out two elaborate action plans, based on the three fundamental principles:

(a) To create full awareness among the masses about the serious implications of the said two threats and stress the most urgent and essential need for sustainable development and lifestyle; (b) To actively involve the people in the carrying out of these plans; and (c) To make these two issues as the most important items of the national development agenda.

85. By taking the afore-mentioned three sided initiative, our social system embarks on a sustainable development path which, by improving and protecting the environment, places nature and man at an equal level, on the one hand, and by upholding fair relations between the individual and society and between one person and another, empowers the people, particularly the women and weaker sections, on the other—thus in brief constituting a pro-nature and pro-people order.

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