



Vivek

Issues & Options

March - 2013

Issue: III No: II



Budget Plays With Fiscal Fire

Slandering The Indian Army

Afzal Guru's Execution

Indophobia and its Expressions

and many more

Published By: Vivekananda International Foundation

3, San Martin Marg, Chanakyapuri, New Delhi - 110021, info@vifindia.org, www.vifindia.org

Contents

ARTICLES

India's Compass On Terror Is Faulty

- *Kanwal Sibal*

3

Stop Appeasing Pakistan

- *Satish Chandra*

6

Slandering The Indian Army

- *PP Shukla*

10

Hydro Power Projects Race To Tap The Potential Of Brahmaputra River

- *Brig (retd) Vinod Anand*

15

Defence Acquisition: Urgent Need For Structural Reforms

- *Brig (retd) Gurmeet Kanwal*

21

The Governor, The Constitution And The Courts

- *Dr M N Buch*

25

Indian Budget Plays With Fiscal Fire

- *Ananth Nageswaran*

34

Afzal Guru's Execution: Propaganda, Politics And Portents

- *Sushant Sareen*

41

What Does The Chinese Take Over Of Gwadar Imply?

- *Radhakrishna Rao*

46

Reforming The Criminal Justice System

- *Dr. N Manoharan*

51

'Indophobia' And Its Expressions

- *Dr. Anirban Ganguly*

62

Pakistan Looks To Increase Its Defence Footprint In Afghanistan

- *Monish Gulati*

69

Political Impasse Over The Caretaker Government In Bangladesh

- *Neha Mehta*

76

EVENTS

Vimarsha: Security Implications Of Contemporary Political Environment In India

80

India's Compass On Terror Is Faulty

- *Kanwal Sibal*

Afzal Guru's hanging shows the ineptness with which our political system deals with the grave problem of terrorism. The biggest challenge to our security, and indeed that of countries all over the world that are caught in the cross currents of religious extremism, is terrorism.

Traditional military threats can be assessed on the basis of the size of the armed forces, equipment and logistics available to the adversary. A militarily weak country would normally hesitate to attack a stronger one as defeat is never honourable and the price could be loss of territory. A *casus belli* has to be established to negate any charge of unprovoked aggression; the laws of war are applicable. The international community can intervene through the UN or otherwise against a state resorting to military aggression.

Challenge

Terrorism has a different logic. It is asymmetric warfare by non-

state actors outside any law. The numbers involved are small and the targets are unsuspecting and unprepared individuals in the street, in public transport, hotels or restaurants or peaceful public spaces. Suicide bombers and car bombs can cause substantial casualties indiscriminately. Shadowy groups with leaders in hiding orchestrate these attacks. The involvement of state institutions through groups nurtured by them is on the basis of the practiced art of deniability. The international community cannot even agree on the definition of terrorism. The extraordinary challenge that terrorism poses to societies, has to be dealt with at exceptional levels of alertness, discipline, training of personnel, technical capacity, policing and organisational response.

India's problem with externally supported terrorism is amongst the severest that any country faces. Our next door neighbour has been long using terrorism as an instrument of state policy. Even if

* *Kanwal Sibal - Member, VIF Advisory Board*

some countries like Libya were accused of supporting terrorism, the acts imputed to them were not so blatant, wide-spread and persistent as those of Pakistan-based terrorists against India. North Korea has been accused of sporadic terrorist acts and Iran has supposedly targetted political opponents abroad and supported terrorist groups attacking Israel, but the Israeli-Arab confrontation has no parallel with the reasons for Pakistan's animosity towards India. As for North Korea and Iran, they have no territorial claims that they seek to advance through terrorism. Pakistan supports terrorism to destabilize India, to make governance in Kashmir as difficult as possible, to nourish separatism there, and to cause a communal divide in India. It is also a consequence of the deepening Islamisation of its society.

To meet the enormity of such a threat India needs political consensus and cohesion within the country. We have, instead, political bickering and confused thinking in the civil society and sections of the media. Afzal Guru was sentenced to death by the

To meet the enormity of such a threat India needs political consensus and cohesion within the country. We have, instead, political bickering and confused thinking in the civil society and sections of the media.

Supreme Court, his review petition was rejected by the same court and yet the government took well over 6 years to decide on his mercy petition. To claim that this delay was not political in character is being disingenuous. Because the delay was motivated by political considerations, the decision to hang him is being inevitably attributed to political calculations. Action against terrorists should not be vitiated by competition between government and the opposition for political or electoral advantage. With those responsible for killing Rajiv Gandhi and Beant Singh escaping hanging so far, the question of selective decisions arises. Sections of our mainstream press consider it appropriate to present Afzal Guru as a victim of the Indian judicial and political system rather than a brutal terrorist deserving condign punishment.

Travesty

The dictum "better late than never" would have provided adequate social catharsis if the delay in hanging was actually for reasons beyond government's

control. If some members of the National Advisory Council could plead with the President to save Kasab - a Pakistani who personally killed hapless, innocent Indians - from the gallows, one can imagine the resistance within the system to hang Afzal Guru. If the milk of human kindness flows within our society for terrorists like Kasab, who were actually waging a proxy war by Pakistan against us, it is hard to imagine how we can steel our will and hone our organizational responses to combat terrorism zealously.

Blunder

We have voluntarily confused the debate over Pakistan's culpability for terrorism against us by declaring that both countries are victims of terrorism. We have damaged our case further by not resisting Pakistan's attempts to equate the Mumbai terror attack with the attack on the Samjhauta Express. By playing up of disclosures about terrorist attacks by right wing Hindu extremists we are bracketing Pakistani abetted terrorist attacks in India and local acts of terrorism that have nothing to do with Pakistani territory. The previous Home Minister blurred the focus on externally supported terrorism by highlighting domestic

religious extremism. His successor has scored a self-goal by speaking of Hindu terrorism and RSS/BJP run training camps. The External Affairs Minister, whose words have more echo outside because of his position, has endorsed the Home Minister's accusation, no doubt adding to the confusion abroad about the ground realities.

There is no parallel between the highly deplorable but isolated terrorist activity of vengeful Hindus and the terrorist industry in Pakistan and the Islamic world sustained by oil wealth and pernicious religious thinking. There are no NGOs or Hindu preachers in India publicly advocating religious violence against Pakistan on the basis of religious texts. There is no state support for such activities. If we think our domestic jockeying for political advantage can be insulated from the external dimension of the terrorist threat facing us, we are committing a costly error. We let the Kashmiri separatists, who are de facto political accomplices of the terrorists, travel to Pakistan to meet even the Army and ISI chiefs there without reaction. Our compass on terrorism is faulty.

[Back to Contents](#)

Stop Appeasing Pakistan

- *Satish Chandra*

The anger in India at the recent mutilation of its soldiers by Pakistani forces in J&K is natural and understandable.

Quite unwarranted, however, are the calls for revenge and of internationalisation of the issue as also our feelings of surprise. The idea of a tit-for-tat response to the mutilations is an obvious non-starter given the Indian ethos which militates against such atrocities. Moreover, unlike the Pakistani Army which is essentially a jihadi outfit in uniform the Indian Army is much more professional with a code of conduct that makes such reprehensible moves unthinkable.

Going by our historical experience, calls to haul Pakistan before the bar of international opinion, while more meaningful, do not hold much promise. In this context, one need only recall the manner in which the international community failed to address Pakistan's aggression in Kashmir, its blatant involvement with nuclear proliferation, and its

aiding and abetting several terrorist outfits. Moreover, today when the West needs Pakistan in order to facilitate its disengagement from Afghanistan it is most unlikely that the international community will bestir itself in order to address our concerns about Pakistan's unacceptable behaviour, particularly when we continue to engage it.

There is no reason for Indians to be surprised at the acts of barbarism committed by the Pakistan Army and its modus operandi when confronted with them. These have been committed by it from time to time most notably in August 2011 and earlier during the Kargil conflict. Its propensity to engage in them arises from its affiliations to terrorist outfits since its very inception. Its standard operating procedure when confronted with its behaviour is to flatly deny the same. Lies, deceit, and subterfuge are second nature to it. This should only be expected of an army and a nation that has

* *Satish Chandra - Distinguished Fellow, VIF*

engaged in Mumbai like terror attacks on India for decades.

Quite clearly Manmohan Singh's policy of engagement with Pakistan has failed in reducing the trust deficit with the latter and in securing India from the latter's inimical designs. This is reflected not just in Pakistan's recent acts of barbarism against our soldiers, but also in frequent breaches of the ceasefire, infiltration of terrorists into J&K, repeated terrorist attacks against other parts of India even after 26/11, refusal to shut down the infrastructure of terror and to bring to justice the perpetrators of 26/11, efforts to revive the Khalistan movement, the induction of fake Indian currency, etc. This falls into a pattern as over the years all Indian endeavours to establish a meaningful relationship with Pakistan, most notably the extraordinarily generous Indus Waters Treaty, the return of over 90,000 Pakistani POWs as well as the over 5,300 square miles of territory captured by India in the 1971 conflict, and the unilateral grant of MFN treatment, did not

Quite clearly Manmohan Singh's policy of engagement with Pakistan has failed in reducing the trust deficit with the latter and in securing India from the latter's inimical designs.

succeed and must go down as grave errors of judgments.

Engagement and generosity with Pakistan have failed because its armed forces, which have all along called the shots, have had a vested interest in maintaining an inimical relationship with India. An Indian bogey has been critical as a means of keeping their hands on the reins of power. The expectation that civil society could weaken the grip of the Pakistan armed forces on power is totally misplaced as not only is it too weak but has over the decades been brainwashed into an anti-Indian mould and, to an extent, co-opted into the establishment. This is borne out by the insensitive statements coming from Hina Rabbani Khar. Given the fact that anti-Indianism is a part of the Pakistani DNA the latter will continue with trying to bleed us no matter what gestures India makes towards Pakistan.

In view of the foregoing, India needs to undertake a paradigm shift in its Pakistan policy. Policies of engagement and unilateral concessions have got us

nowhere and, indeed, have proved to be counterproductive as they have only encouraged Pakistan to continue with its efforts to hurt us. Accordingly, we need to evolve a holistic approach designed to bring home to Pakistan that its pursuit of inimical policies vis-a-vis India will not be cost free and, in fact, persistence with the same could jeopardise its very existence.

Some elements of such a policy, which should be short on rhetoric but strong on action, are: the composite dialogue process may be abandoned. It has not succeeded in bridging the trust deficit and only maintained an illusion of improving ties between the two countries. Abandoning it would, moreover, be in keeping with our PM's initial assurance, which he reneged upon, that it would only be resumed when the perpetrators of 26/11 would be brought to justice; trade liberalisation with Pakistan may be made contingent upon its according us MFN status and providing us overland access to Afghanistan; visa liberalisation should not be implemented till

Some elements of such a policy, which should be short on rhetoric but strong on action, are: the composite dialogue process may be abandoned. It has not succeeded in bridging the trust deficit and only maintained an illusion of improving ties between the two countries.

such time as Pakistan addresses our concerns relating to terrorism as it would open us up to all manner of undesirables from that country; India should exercise full rights over the Indus waters as legally permitted under the Indus Waters Treaty. For starters, the release of Indus water to Pakistan should be minimised by maximising the use in India of these waters as permitted under the Indus Waters Treaty. Building of storages as permitted under the treaty should be accelerated in Kashmir. Notice should be served on Pakistan for renegotiation of the treaty under which we get only 20 per cent of the waters while having 40 per cent of the catchment area; Pakistan's faultlines must be ruthlessly exploited particularly in Balochistan. Since it already accuses us of such activity it would do us no harm to engage in it covertly; covert action, and if need be focused strikes, should be undertaken to take out terrorist elements and their supporters operating from Pakistan. Contingency plans for such action should be developed expeditiously so that following another terrorist

attack on us or any unacceptable behaviour these are undertaken within a matter of hours; the armed forces may be given full tactical freedom to militarily address any Pakistani adventurism across our borders; and, at the diplomatic level India should relentlessly expose Pakistan's involvement with human rights violations, nuclear proliferation, and terrorism. In addition, we should oppose its efforts at securing any office in international bodies.

The pursuit of such a policy alone would lend reality to the PM's assertion that it cannot any longer be business as usual with Pakistan.

It goes without saying that such a policy must be accompanied by measures designed to tighten up internal security, ensuring that the needs of our armed forces both in the conventional and nuclear sphere are met, and ending alienation in Kashmir through our endeavours.

[Back to Contents](#)

Slandering The Indian Army

- *PP Shukla*

Since the recent episodes on our side of the Line of Control in January 2013, there has been a spate of articles seeking to justify and somehow explain the Pakistani actions, even if many are prefaced with the pro-forma demurrals that the beheadings – this time and in the past - were condemnable. Many of the spurious arguments used by the appeasers of Pakistan have been disposed of in earlier writings; one of the newer ones has been that the Indian Army has done similar things. Happily, Raksha Mantri Antony has denied these allegations, and so has the former Army Chief, Gen Malik. But this has not settled matters. Proof of the culpability of the Indian Army, as adduced in some sections of our media, is that Pakistan has lodged several such accusations against the Indian Army with the UN Military Observers Group for India and Pakistan [UNMOGIP] over the last decades. This latter body has, in turn, taken this up with India,

but has received no reply.

There is a history to all this, and it would be important for the unbiased reader to be aware of this and draw the correct conclusion regarding these kinds of arguments. There was a time when UNMOGIP played an active role along the Cease-Fire Line, as it was called before the 1972 Simla Agreement, and India was dealing with this body on a continuing basis. The last time that it played a substantive role was in 1965, especially in the run-up to the war that broke out in the autumn of that year. The events that led to war were, as usual, precipitated by Pakistani action in sending infiltrators across the LOC, while denying any role in this. By now, this is Standard Operating Procedure, but then it was relatively new, having been done only once before, in September-October 1947.

Accordingly, both sides complained to UNMOGIP in August 1965. That body was then headed by an Australian, Lt Gen

* *PP Shukla - Joint Director, VIF*

Robert Nimmo, who had been its head since 1950. He enquired into the charges made by both sides and submitted his report to the UN Secretary General, U Thant. The latter made a report to the full Security Council on 3 September 1965, and reported as follows.

“UNMOGIP received an Indian complaint of Pakistani shelling, on 1 September, of pickets and a battalion Headquarters in the Chamb area of the Jammu-Bhimber sector of the Cease-Fire Line. The complaint stated that at 0230 hours on that date one and a half Pakistani tank squadrons crossed the Cease-Fire Line in this area supported by artillery. Pakistani artillery was also said to have fired on a battalion Headquarters in the Punch area from 1630 on 1 September and on an Indian battalion Headquarters in the Jangar area. The substance of these complaints was subsequently confirmed by United Nations Military Observers. A Pakistani complaint reported that Indian soldiers had crossed the CFL in strength in the Kargil,

Pakistani artillery was also said to have fired on a battalion Headquarters in the Punch area from 1630 on 1 September and on an Indian battalion Headquarters in the Jangar area.

Tithwal, and Uri-Punch sectors as reported above. Pakistan, in this complaint also affirmed the crossing of the CFL by Pakistan troops in the Bhimber area on 1 September as a defensive measure to forestall Indian action, asserting also that in this sector the Indian Air Force had taken offensive action against Pakistan troops. Also on 1 September armed infiltrators ambushed an Indian convoy at Gund north-east of Srinagar on the Leh road and both sides sustained casualties. On 2 September the Jammu team of UNMOGIP received an Indian complaint that Pakistan aircraft had attacked the road between Chamb and Jaurian during the morning of 2 September and that Jaurian village was in flames. The air attack on Jaurian village was confirmed by UN Military Observers. [Emphasis added].

The purpose of this long quote and the added emphasis is to demonstrate that the Indian complaints were confirmed by Gen Nimmo, while the Pakistani complaints were not. This is important, because, as mentioned above, the charges against the

Indian Army in recent years rest on the record of Pakistani charges against it, and lodged with the UNMOGIP. It is another of Pakistani SOP's to make such false charges, and the events of 1965, which were subjected to comprehensive scrutiny by UNMOGIP and the UN Security Council, testify to this.

Gen Nimmo died in January 1966 in Islamabad, apparently of a heart attack, this being the very day that the Tashkent Conference began. Prime Minister Shastri died at the end of the Conference.

There is more: this may be seen in the statement made by Secretary General U Thant, which again deserves to be quoted at length.

“In mid-June of this year [1965] for example, Gen Nimmo reported that during the five months, a total of 2231 complaints from both sides charging violation of the Cease Fire had been submitted to UNMOGIP. Most of these involved firing across the CFL [Cease Fire Line], although some concerned crossings of the Line by armed men. As of that date, 377 violations in all categories had been confirmed by the Observers...”

The point to note is that there was a gross exaggeration in the number of incidents alleged to have taken place. This was at a time when India used to maintain contact with UNMOGIP, and there was the danger that charges would be proved false, as did indeed happen regularly. Today, when India no longer deals with that body's complaints, it would be tempting for Pakistan to make even more charges than in 1965. It is safe therefore to conclude that the charges being purveyed in the media today are wild exaggerations.

The Nimmo Report itself was never made public. The records show that Prime Minister Shastri wanted it made public, but found no support among the principal actors – USSR, USA and the UK. He acknowledged that the Report had some negative things to say about the conduct of India too, but its conclusions were unequivocal and placed the blame on Pakistan. It is probably not too late even now for our Ministries of Defence and External Affairs to upload these on their websites, and fulfil Shastri's wishes.

To sum up, what the record shows is that Pakistan has been habitually misrepresenting the

facts to the international community, and it should not surprise anyone that this continues today. Both in terms of the number of charges, and, more importantly, in terms of the veracity of the allegations, the historical record shows that reports made by Pakistan to UNMOGIP were just not true. The dishonesty was taking place right from the start, of course, but they were being made even at a time when there was the serious risk of their being challenged and proven false. Today, India no longer has any truck with UNMOGIP, and it is therefore much safer to trump up charges against it. For Pakistan, it is a safe bet: India will not answer, and so the appeasers in India can repeat and endorse the allegation. Alternatively, India is forced to answer, and thereby brings UNMOGIP – and by extension, the UN – back into play on the Kashmir issue.

There is an important tail-piece to the 1965 episode described above. The Security Council meeting of 3 September was followed by a debate on 6 September at which the Indian Foreign Secretary, CS

Jha, [and a representative of Pakistan] was also present. The speech of the Indian representative contains the following passage. He was responding to the Pakistani charge that India was in Kashmir as a colonial power.

“If there is colonialism, it exists in Pakistan. The Pashtuns, the Baluch, and the East Pakistanis, are being ruled without any regard to their civil rights, to their fundamental human rights and freedoms. This is colonialism as the world understands it.”

Events since then, with the emergence of an independent Bangladesh and the on-going resistance in Baluchistan, certainly provide a ringing endorsement of the Indian Foreign Secretary’s judgement.

Events since then, with the emergence of an independent Bangladesh and the on-going resistance in Baluchistan, certainly provide a ringing endorsement of the Indian Foreign Secretary’s judgement.

As to UNMOGIP itself, the fact is that Shastri wanted its numbers to be increased in 1965, so that it could do a more thorough job of monitoring. This did not happen, unfortunately, and after 1972, India stopped all dealings with UNMOGIP. The important thing is to see this to completion, and

wind up the operations of the body on the Indian side, even if Pakistan will not agree to this on its side.

There remains the question of why the appeasers and pro-Pakistan elements are so gullible as to buy into any allegation against the

Indian Army. The motive behind such reports requires examination and understanding, so that the public at least is not misled.

[Back to Contents](#)

Hydro Power Projects Race To Tap The Potential Of Brahmaputra River

- *Brig (retd) Vinod Anand*

For the past many years while China has been in the news for its efforts in exploiting the vast hydro power potential of Yarlung Tsangpo River of the Tibet Autonomous Region, India has also been attempting to tap the potential of this river, known as the Brahmaputra in India. Recent reports indicate that China has approved the construction of three new hydropower dams on the middle reaches of Yarlung Tsangpo. Work on an older 510 MW hydro project in Zangmu in Tibet had commenced back in 2010. The capacity of the two new projects coming up at Dagu and Jiacha would be 640 MW and 320 MW respectively while the capacity of the third new dam at Jiexu is yet to be confirmed. These projects have been planned to be completed in China's 12th Five Year Plan period i.e. 2011-2017. China has, as usual, given the assurances that these are run of the river projects and in no way affect the downstream flows. In

addition China has also built at least six smaller projects on tributaries of Tsangpo which again according to the Chinese would not affect waters flowing into India.



Earlier assertions by China that it has no plans to construct a massive dam at the Great Bend on Tsangpo (at Metog) to divert waters to the arid North have been met with a certain degree of skepticism in India. The proposed project has the potential of providing 38 gigawatts of energy. Chinese engineers have been claiming that technical difficulties in construction of the dam can be overcome. In fact, Yan Zhiyong, the general manager of China Hydropower Engineering

* *Brig (retd) Vinod Anand - Senior Fellow, VIF*

Consulting Group stated in May 2010 that "The major technical constraints on damming the Yarlung Tsangpo have been overcome."

According to a well known Chinese science forum, the Great Bend was the ultimate hope for water resource exploitation because it could generate energy equivalent to 100m tonnes of crude oil, or all the oil and gas in the South China Sea. Zhang Boting, the Deputy General Secretary of the China Society for Hydropower Engineering has claimed that such a project will benefit the project by marked reduction in carbon footprints.

While upper riparian states have an upper hand in controlling the water flows to the downstream states and therefore the lower riparian states usually raise objections to any damming activity upstream it was rather surprising



when China raised objections to India's Siang Upper hydropower project in Arunachal Pradesh.

Siang is the largest river of Brahmaputra river system which originates from Chema Yungdung glacier near Kubi in Tibet. While in Tibet it is known as Tsangpo, and flows in a West – East direction, and turns south before entering Indian territory in the Upper Siang district of Arunachal Pradesh.

As part of realizing the hydro power potential of rivers in Arunachal Pradesh the National Hydroelectric Power Corporation (NHPC) had completed the pre-feasibility study of the Upper Siang hydro power project last year.

The river then flows in a North – South direction, passes through the Upper Siang and East Siang districts of Arunachal Pradesh and is known as

Siang River. Further down, the Siang is known as the Brahmaputra.

As part of realizing the hydro power potential of rivers in Arunachal Pradesh the National Hydroelectric Power Corporation (NHPC) had completed the pre-feasibility study of the Upper Siang hydro power project last year. The output of the dam was originally planned for a massive power generation of 12, 000 MW.

Because of the environmental and rehabilitation concerns the project was converted into two twin dams further downstream and given the name of Siang Intermediate dam. The earlier location being about 60 km from the border, the Chinese had also expressed concerns about their areas being submerged.

Now the project is targeted to produce 9,750-MW which is supposed to be the second biggest project after China's Three Gorges dam. The project involves an investment of nearly Rs. 1,00,000 crore over a 10 year period. The Central government also plans to compensate Arunachal for any submergence. Arunachal had held up the plan for the past few years, mainly because it feared the project would submerge the town of Tuting in Upper Siang district. The dams' reservoirs are expected to store 10 billion cubic meters of water, collected from the Siang and smaller rivers in the area, which can be released into the Siang if China plans to divert water massively.

Further, the overall hydropower potential of Arunachal Pradesh has been identified to be over 50,000 MW; in fact in the entire North East Region the potential is over 58,356 MW. When compared

to the overall hydro-electric potential of India of around 150,000 MW Arunachal Pradesh has one third of the potential due to rivers and tributaries flowing into Brahmaputra. As of now only less than two percent of the capacity has been developed, that is only 405 MW; the capacity that is under construction is 4460 MW. This means that only about 8% capacity is under development. A number of factors like environment and forestation concerns, geographical and seismic conditions, rehabilitation and availability of funds, besides poor implementation of the planned projects have affected the realization of the full potential of the State's hydropower resources.

So far as the mega dam of 9750 MW to be developed by NHPC on Siang Intermediate is concerned, it has not progressed beyond the stage of pre-feasibility report. The state government has demanded from National Thermal Power Corporation an upfront payment of about Rs 4 lakhs per megawatt before it can start work on the project (i.e. a total of about Rs 400 Crores). This demand is believed to be based on existing State policy on the issue. **This project has been termed as a strategic project to establish lower riparian rights but**

evidently there is a little to show that the Government is seized with the urgency to construct it in the requisite time frame.

In the 12th Five Year Plan i.e. from 2012-2017, Siang Intermediate project does not find any mention and no funds have been allotted for the purpose so far. This is despite the fact that in July, 2012 the Planning Commission had assured that the State would be provided with special funds even as Asian Development Bank had denied

development funds to Arunachal Pradesh based on China's objections. Obtaining funds for infrastructure projects in Arunachal Pradesh has been a difficult proposition.

On the other hand, when the Chinese 12th Five Year Plan has included the aforementioned four dams for construction on Yarlung Tsangpo it is a given that these hydro-power projects will be completed in time.

On the other hand, when the Chinese 12th Five Year Plan has included the aforementioned four dams for construction on Yarlung Tsangpo it is a given that these hydro-power projects will be completed in time.

However, in the 12th Plan (2012-17) for Arunachal Pradesh, the central government has proposed to develop three dams with a total

capacity of 1610 MW and the Private sector has been given 23 projects with a total capacity of 7969 MW; thus total capacity to be developed during the five year period is expected to be 9579 megawatts in Arunachal Pradesh. Most of the high capacity projects are planned to be developed in stages in more than one plan period. But what is of particular interest is construction of two hydro power projects known as Siang Middle and Siang Lower on the Siang River. Out of the 2400

MW capacity planned for Siang Lower only 600 MW is proposed for capacity addition in the 12th plan while full capacity of 1000 MW for Siang Middle is proposed to be developed in the plan period.

Environmental clearance and approval for construction of Demwe Lower Hydro Electric project with a capacity of 1750 MW on Lohit River in Arunachal Pradesh was given in February last year. Lohit originates in Tibet and is one of the main tributaries of Brahmaputra. Environment Minister Jayanthi Natarajan, who is also the chairperson of the standing committee of the

National Board for Wild Life (NBWL) was instrumental in granting the clearance. There is some degree of awareness among government circles that dam construction has to be speeded up to get the 'first user rights' as per international norms before China does it on its side of the river.

If India is able to harnesses the hydro-power of Brahmaputra in Arunachal Pradesh through the proposed projects, it will strengthen its case against China's building of a reported mega-dam at Metog (in Tibet). But this would have to be done before China completes its projects as under the doctrine of prior appropriation, a priority right falls on the first use of river waters. Exploiting the full potential of Arunachal Pradesh would have the added benefit of making us less dependent on proposed hydro-power schemes of Nepal and elsewhere.

The future will tell whether India will be successful in completing its projects within the scheduled time as its record of executing such projects in a time-bound manner has not been very encouraging.

Last year, there were reports of Siang River suddenly drying up

and 'some patches of sand' even being visible near Pasighat town of Eastern Siang district. According to the State officials diversion of water or blockage of water upstream by China was suspected. Disruptions in water flow by China by damming/blocking the rivers originating in Tibet, is a recurring concern voiced by many analysts and experts.

The above problems are further compounded by a number of protests in Assam which is a lower riparian state about the damming activity and construction of hydro-electric stations in Arunachal Pradesh. These protests are by environmentalists as well as farmers and fishermen who would be affected adversely by reduced flow of water to Brahmaputra. According to an opposition party leader "Arunachal Pradesh is set to gain revenue from these projects, but Assam will be the victim if anything goes wrong". Larger interests of the nation are however, glossed over due to parochial considerations.

The environmentalist lobby in India has been gaining ground and some of the decisions for such projects have been affected by environmental concerns. Chinese

objections to damming activity may cause some consternation but the environmentalist lobby and local/provincial politics besides provision of adequate funds are the major causes for causing delay in the realisation of mega-dam plans of Arunachal Pradesh.

There is an urgent need for fast tracking the hydro power projects in Arunachal Pradesh by providing adequate funds and by striking a right balance between the requirements of development and environmental concerns. Safeguards against earthquakes also need to be taken with alacrity as the region falls within Zone 4 and 5 of seismic sensitive zones.

There is an urgent need for fast tracking the hydro power projects in Arunachal Pradesh by providing adequate funds and by striking a right balance between the requirements of development and environmental concerns.

The strategic imperative of establishing prior users' right should also not be lost sight of. In April, 2010, no less than the then Environment Minister Jairam Ramesh had observed that "India needs to be more aggressive in pushing ahead with hydro projects (on the Brahmaputra) - that would put us in better negotiating position (with China)". China, as is its wont, would continue with its hydro power plans all the time assuring that water flows to the down-stream nations would not be affected. It would be dangerously naïve to believe in such banalities.

[Back to Contents](#)

Defence Acquisition: Urgent Need For Structural Reforms

- *Brig (retd) Gurmeet Kanwal*

Allegations of corruption in the VVIP helicopter deal have once again brought to the fore the fragility of India's defence acquisition process. Corruption appears to be endemic in defence procurement and a structural overhaul is now necessary.

India is expected to spend approximately USD 100 billion over the 12th and 13th defence plans on military modernisation. As 70 per cent of weapons and equipment are still imported, there is an urgent need to further refine the defence acquisition process and insulate it from the scourge of corruption. The Defence Procurement Procedure (DPP) being followed now was introduced in 2005. Since then it has been revised and modified several times based on the experience gained in its implementation. The current Defence Production Policy (DPrP) was unveiled in 2011. Its objectives are to: achieve self-reliance in the design,

development and production of, weapons systems and equipment required for defence in an early time frame; create conditions conducive for the private sector to play an active role in this endeavour; enhance the potential of small and medium enterprises (SMEs) in indigenisation; and, broaden the defence research and development base of the country. While the objectives are laudable, the achievement of self-reliance remains in the realm of wishful thinking as most weapons and equipment continue to be imported, the defence PSUs have a stranglehold over contracts that are awarded to Indian companies and defence research and development is the monopoly of the DRDO.

Defence Research and Development

The Defence Research and Development Organisation (DRDO) has been conducting research at all levels of technology

* *Brig (retd) Gurmeet Kanwal - Visiting Fellow, VIF*

development – from the strategic to the mundane. It should actually concentrate its effort only in developing strategic technologies that no country will provide to India. The report of the P Rama Rao committee had reportedly asked the DRDO to identify eight to 10 critical areas which best suit its existing human resources, technical capability and established capacity to take up new projects. Since its inception in 1958, the DRDO has achieved some spectacular successes but also has many failures to its name. The successes include the Integrated Guided Missile Development Programme that produced the Prithvi and Agni series of ballistic missiles and, subsequently the BrahMos supersonic cruise missile in a collaborative venture with the Russians.

Among the failures are the main battle tank Arjun that took inordinately long to meet critical General Staff requirements of the Indian Army despite huge cost overruns. The LCA (light combat aircraft) still appears to be many years away from operational

induction into the Indian Air Force. However, to DRDO's credit, for many decades it worked under extremely restrictive technology denial regimes and with a rather low indigenous technology base. The time has come for the MoD to outsource defence R&D in non-critical areas to the private sector so as to encourage the development of indigenous technologies. In fact, funds should be allotted to the three Services for research aimed at product improvement

during the life cycle of weapons systems and equipment.

Defence Procurement and Production Policies

The policy of self-reliance in defence production has not yielded the desired results. For several decades, the primary supplier of weapons systems was the Soviet Union and, later, Russia. If some MiG-21 aircraft and other weapons systems like tanks were produced in India, these were manufactured under license and no technology was ever transferred to India. The result was that even though India spent large sums of money on defence imports, India's defence

The successes include the Integrated Guided Missile Development Programme that produced the Prithvi and Agni series of ballistic missiles and, subsequently the BrahMos supersonic cruise missile in a collaborative venture with the Russians.

technology base remained very low.

The defence procurement and production policies (DPP and DPrP) continue to pay lip service to public-private partnerships and have so far failed to encourage India's private sector to enter into defence production in a substantive manner – either on its own or through joint ventures (JVs) with multi-national corporations. The large-scale procurement of weapons and equipment from defence MNCs has been linked with 30 to 50 per cent “offsets”; that is, the company winning the order must procure 30 to 50 per cent components used in the system from within India. This will bring in much needed investment and will gradually result in the infusion of technology. However, the MNCs do not find the present level of 26 per cent FDI exciting enough. There is no credible reason why overseas equity investment cannot be raised to 49 per cent immediately for a JV to be really meaningful for a foreign investor.

In all major acquisitions in future, India should insist on joint development, joint testing and trials, joint production, joint marketing and joint product improvement over the life cycle of the equipment.

As a growing economic powerhouse that also enjoys considerable buyer's clout in the defence market, India should no longer be satisfied with a buyer-seller, patron-client relationship in its defence procurement planning. In all major acquisitions in future, India should insist on joint development, joint testing and trials, joint production, joint marketing and joint product improvement over the life cycle of the equipment. The US and other countries with advanced technologies will surely ask what India can bring to the table to demand participation as a co-equal partner. Besides capital and a production capacity that is becoming increasingly more sophisticated, India has its huge software pool to offer. Today software already comprises over 50 per cent of the total cost of a modern defence system. In the years ahead, this is expected to go up to almost 70 per cent as software costs increase and hardware production costs decline due to improvements in manufacturing processes.

Transparency in Decision Making

While the need for confidentiality in defence matters is understandable, defence acquisition decision making must be made far more transparent than it is at present, so that the temptation for supplier companies to bank on corrupt practices can be minimised. For example, tenders should be opened in front of the representatives of the companies that have bid for the contract. Before a contract is awarded, the file should be reviewed by the Chief Vigilance Commissioner (CVC). If the CVC has reservations about such scrutiny, either his charter should be amended or an eminent persons group should be appointed to vet large purchases. Surely, many such persons with unimpeachable integrity can be found in India.

In the past, the selective tweaking of the technical requirements during the procurement process has led to one company being favoured over another. All technical requirements must be frozen when a Request for Proposals (RfP) is issued by the

MoD. It may seem heretical, but the conclusions contained in the reports of user trials must be made public. This step will not only amount to a huge leap forward in transparency, but also insulate the trials teams of the three Services from being unduly influenced to stage-manage trials in favour of any of the contending parties.

The frequent blacklisting of defence companies is having a deleterious effect on India's military modernisation. Perhaps monetary penalties can be built into the contracts instead. The MoD must immediately undertake a structural overhaul of the defence procurement and production process. The aim should be to streamline it so that the armed forces get high quality weapons systems and equipment at competitive costs, preferably from indigenous suppliers. Soldiers must not be called upon to fight the nation's enemies with inferior rifles made by the lowest bidder.

[Back to Contents](#)

The Governor, The Constitution And The Courts

- **Dr M N Buch**

The Supreme Court of India, in a Division Bench consisting of Dr. Justice B.S. Chauhan and Mr. Justice Fakkir Mohammed Ibrahim Kalifulla, has disposed of a civil appeal filed by the State of Gujarat Vs. Hon'ble Justice R.A. Mehta on the question of appointment of the Lokayukta in the State of Gujarat. The sequence of events as narrated in the judgment is:-

- Under the Gujarat Lokayukta Act 1986 the Governor appoints the Lokayukta as per the procedure given in the Act. As per the procedure, as stated by the Supreme Court, the Chief Minister, in consultation with the Chief Justice of the Gujarat High Court and the Leader of Opposition makes a recommendation to the Governor, on the basis of which the appointment is made.
- The post fell vacant on 24.11.2003 and remained so for about three years. In August 2006 the Chief Minister wrote to the Chief Justice, suggesting the name of Justice K.R. Vyas. The Chief Justice concurred and the matter was sent to the Governor, who sat on it for the next three years.
- In December 2009 the Secretary to the Governor requested the Registrar General of the High Court to obtain a panel of names from the Chief Justice for consideration of the Governor. About two months later the Chief Minister wrote a similar letter to the Chief Justice, who replied almost immediately suggesting the names of four retired judges.
- The Chief Minister tried to consult the Leader of Opposition, who replied that

* Dr M N Buch - Visiting Fellow, VIF

the Chief Minister had no power to consult him, especially because the Governor had already initiated the process and the Chief Minister had no locus standi.

- During this period the Gujarat Council of Ministers met and recommended the name of Justice J.R. Vora (retired) for appointment as Lokayukta. This suggestion was forwarded to the Governor, who again sat on it.
- The Governor sought the opinion of the Attorney General about the process of consultation. He also wrote to the Chief Justice asking which of two retired judges, Justice R.P Dholakia and Justice J.R. Vora, the Chief Justice preferred.
- The Attorney General opined that the Chief Justice need

The Chief Justice communicated his preference for Justice R.P. Dholakia, but on the insistence of the Governor he recommended the name of Justice S.D.Dave (retired) because Justice J.R. Vora had been appointed elsewhere. Meanwhile the Chief Minister wrote to the Governor again stating that his recommendation about Justice JR Vora stood as the Hon'ble Judge had expressed willingness to be considered for the post of Lokayukta.

not suggest a panel but only one name. The Chief Justice communicated his preference for Justice R.P. Dholakia, but on the insistence of the Governor he recommended the name of Justice S.D.Dave (retired) because Justice J.R. Vora had been appointed elsewhere. Meanwhile the Chief Minister wrote to the

Governor again stating that his recommendation about Justice JR Vora stood as the Hon'ble Judge had expressed willingness to be considered for the post of Lokayukta.

- The Chief Justice now recommended the name of Justice R.A. Mehta (retired). The Chief Minister, on 16.6.2011, requested the Chief Justice to reconsider his recommendation because Justice Mehta was above seventy-five years of age and was also associated with NGOs and organisations known for antagonism against the State Government. The Chief

Justice rejected this contention of the Chief Minister and again recommended the name of Justice R.A. Mehta. The Leader of Opposition said that he had been consulted by the Governor and approved the appointment of Justice R.A. Mehta. On 25.8.2011 the Governor issued the warrant of appointment.

I have narrated the sequence of events at length because this is a clear-cut case of all the players, but especially Governor of Gujarat, deliberately playing games according to their own set of rules and their own political agenda. For three years between 2003 and 2006 the State Government did not initiate the appointment of the successor of Justice S.M. Soni. Thereafter the Governor sat on the file for three whole years. The Governor then bypassed the Chief Minister and entered into direct correspondence with the Chief Justice and the Leader of Opposition. The Governor also chose to completely ignore the advice of the Council of Ministers and kept the Chief Minister out of the loop for appointment of the Lokayukta. The whole issue, therefore, boils

down to whether the Constitution of India permits this and whether the Gujarat Lokayukta Act 1986 can permit the government to act otherwise than on the aid and advice of his Council of Ministers mandated by Article 163 of the Constitution.

In paragraph 74 of the judgment, which gives the conclusions, the Hon'ble Supreme Court has very rightly pointed out that for nine years the post of Lokayukta lay vacant because only half-hearted attempts were made to fill the post. Regarding the Governor, the Hon'ble Court has said, "The present Governor misjudged her role and has insisted that, under the Act, 1986, the Council of Ministers has no role to play in the appointment of the Lokayukta and that she could, therefore, fill it up in consultation with the Chief Justice of the Gujarat High Court and the Leader of Opposition. Such an attitude is not in conformity or in consonance with the democratic set up of government envisaged in our Constitution. Under the scheme of our Constitution the Governor is synonymous with the State Government and can take independent decisions upon his or her discretion only when he or she acts as a statutory authority under

a particular Act, or under the exceptions provided in the Constitution itself. Therefore, the appointment of Lokayukta can be made by the Governor, as Head of State, only with the aid and advice of the Council of Ministers and not independently as a statutory authority". This statement alone should have been enough for the Supreme Court to have accepted the appeal of the Government of Gujarat and set aside the appointment of Mr. Justice R.A. Mehta. However, the Supreme Court, in its wisdom, has chosen fit to rule that the Governor was wrongly advised that she could ignore the Council of Ministers, but because of the facts in this particular case, the Chief Minister was aware of the circumstances and, therefore, giving primacy to the opinion of the Chief Justice was perfectly in order. This meant that the process of consultation stood complete and the appointment of Justice R.A. Mehta could not be considered illegal.

Under Article 141 of the Constitution every judgment of the Supreme Court is a law declared

Under Article 141 of the Constitution every judgment of the Supreme Court is a law declared by it and, therefore, is binding and must be respected by all. I accept this proposition and respect the decision of the Supreme Court in the instant case.

by it and, therefore, is binding and must be respected by all. I accept this proposition and respect the decision of the Supreme Court in the instant case. The question remains whether this is the final say in the matter of the powers of the Governor and his constitutional position vis-à-vis the Council of Ministers. With utmost respect to the learned Hon'ble Judges who constituted the Bench, perhaps this matter should have gone to a larger Bench, preferably a Full Bench, not on facts but because a very important question of constitutional law was involved. In this behalf I would like to point out that the Gujarat Lokayukta Act 1986 is one of the worst drafted pieces of legislation it has been my misfortune to come across. Under section 3 the Governor is the appointing authority for appointment of the Lokayukta. Such appointment is to be made after consultation with the Chief Justice of the Gujarat High Court and the Leader of Opposition in the State Vidhan Sabha. In the entire Act the Chief Minister and the Council of Ministers and the Gujarat

Government are not mentioned. Under these circumstances could it be interpreted that the Governor has to consult only the Chief Justice and the Leader of Opposition and that the Chief Minister has no role to play? For this purpose we shall have to go to the Constitution itself. Article 124 (2) reads, "Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and the High Courts in the States as the President may deem necessary for the purpose and shall hold office until he attains the age of sixty-five years: Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted". Under Article 217 these provisions apply mutatis mutandis to the appointment of Judges of a High Court. Can the President, in view of the wording of Article 124, ignore the Prime Minister and the Council of Ministers in the matter of appointment of Judges? Under Article 217 in the matter of appointment of a Judge of a High Court the President is required to consult the Governor of the State also. Can the Governor make a recommendation to the President

without the aid and advice of his Council of Ministers?

In order to answer the above question recourse must be had to Articles 74 and 163 of the Constitution. Under Article 74 the President shall, in exercise of his functions, act in accordance with the advice of the Council of Ministers. The provisions of Article 163 are similar. Except only where the Constitution requires the Governor to perform his functions at his discretion he, too, is required to perform his functions on the aid and advice of the Council of Ministers. An Act of the Legislature, such as the Gujarat Lokayukta Act, cannot negate these provisions of the Constitution. Despite the fact that the Gujarat Lokayukta Act does not mention the government, the Chief Minister, or the Council of Ministers, the Governor cannot act otherwise than on the advice of the Council of Ministers unless the Constitution itself requires him to act independently.

In what cases can the Governor act at his own discretion? Under Article 75, whereas the Members of the Council of Ministers are appointed by the President on the advice of the Prime Minister, he has discretion in the matter of

appointment of the Prime Minister. Article 164 has similar provisions regarding the Governor and the Chief Minister. However, because under Article 75 (3) and 163 (2) the Council of Ministers is collectively responsible to the House of the People and the Legislative Assembly respectively, the President or Governor would obviously invite only that person to be Prime Minister or Chief Minister who enjoys the confidence of the House. The only discretion that the President and Governor enjoy is in how best to determine who enjoys the confidence of the House. The President and the Governor having sworn an oath to preserve, protect and defend the Constitution, would obviously reject any advice from the Council of Ministers which calls upon them to act in an unconstitutional manner. I have not come across any instance of such advice having been given by any Council of Ministers in this country. It has been stated that Mr. Fakhruddin Ali Ahmed, the then President should not have approved the proclamation of Emergency under Article 352 because under Article

Another set of circumstances under which perhaps the President and the Governor can return a matter to the Council of Ministers is if the Council is in violation of the Rules of Business framed under Articles 77 and 166.

352 (3) unless the decision of the Union Cabinet, that is, the Council of Ministers consisting of the Prime Minister and other ministers of cabinet rank, has been communicated to him in writing he cannot issue the Proclamation. However, once the Cabinet gives its advice in writing the President has no discretion in this behalf.

Another set of circumstances under which perhaps the President and the Governor can return a matter to the Council of Ministers is if the Council is in violation of the Rules of Business framed under Articles 77 and 166. Of course the Council of Ministers can advise amendment of these Rules and the President or the Governor has to agree.

By stretching the interpretation of the Constitution a bit, which has been done both in the case of Parliament and the State Legislatures more than once, the President or the Governor need not dissolve the House of the People or the Legislative Assembly under Articles 85 and 172 respectively on the advice of the

Prime Minister or Chief Minister who has been defeated in a no confidence motion or has otherwise lost the majority in the House. In Britain, however, the convention is that the monarch must accept the advice of the outgoing Prime Minister who may have lost his majority in the House if he asks for dissolution of the House and holding of elections. However, one has to accept that there is a difference of perception about this issue in Britain and India.

The Constitution itself provides for those matters in which the Governor may exercise discretion under Article 163. Under Article 371 in the matter of the Special Development Boards in Maharashtra and Gujarat the Constitution gives special responsibility to the Governor and here he may reject the advice of his Council of Ministers. Under Article 371 A, the Governor has special responsibility with respect to law and order. Under Article 371 C, the President may give special responsibility to the Governor of Manipur in order to procure the proper functioning of a committee of the Legislative Assembly consisting of Members of the Assembly elected from the hill areas of that State. Under Article

371 F, the Governor of Sikkim has special responsibility for peace and for equitable arrangement for ensuring the social, economical advancement of different sections of people of Sikkim. Under Article 371 H, the Governor of Arunachal Pradesh has special responsibility with respect to law and order in the State. He is required to consult his Council of Ministers, but he can exercise his individual judgment, differing from the advice given to him by the Council of Ministers. In all matters other than those specified by the Constitution, the Governor has no discretion to act otherwise than on the aid and advice of his Council of Ministers. With utmost respect to the Hon'ble Supreme Court I would submit that this is a true representation of the powers of the Governor, including in the case of appointment of the Lokayukta.

There are certain other issues in which we need an authoritative judgment from the Supreme Court sitting in a Constitutional Bench. I refer specifically to the provisions of Articles 111, 200 and 201 of the Constitution. Under Article 111 or 200 when a Bill is presented to the President or the Governor for signature after being passed by the Legislature, the President or Governor is required to give his

assent or return the Bill for reconsideration or amendment. In Parliament both the Houses, as also in a bicameral State Legislature and the Legislative Assembly in a unicameral Legislature, will reconsider the Bill and if it is passed by the Houses or House with or without amendment neither the President nor the Governor may withhold assent. Under Article 1, section 7 of the Constitution of the United States of America the President has ten days time in which to either assent to a Bill or return it to the Congress. In case he does not return the Bill it is deemed as assented to and if he does return the Bill and the Congress once again approves it, then the Bill is deemed to have received the presidential assent. The difference between the United States and the Indian position is that in India no limitation of time is prescribed by the Constitution within which the President or the Governor is required to either assent to the Bill or to return it to reconsideration. When Giani Zail Singh was the President of India and Rajiv Gandhi was the Prime

The difference between the United States and the Indian position is that in India no limitation of time is prescribed by the Constitution within which the President or the Governor is required to either assent to the Bill or to return it to reconsideration.

Minister, a Bill was sent to him for assent which would have virtually brought in postal censorship. Giani Zail Singh considered this as undemocratic, but he also knew that if he returned the Bill, Rajiv Gandhi had a massive majority in Parliament and would have been able to get the Bill passed a second time. Using the provisions of the Constitution which laid down no time limit in consideration of the Bill he argued that he was examining it, he neither assented nor returned the Bill and he sat on it till the term of the House of the People was over. It was dissolved and the Bill lapsed. Governors have also played the same game, for example, in Gujarat to frustrate a BJP led government and in the case of Madhya Pradesh to frustrate first a Congress led government and a then BJP led government. The scheme of the Constitution is that the Legislature has competence to legislate. If a piece of legislation is unconstitutional, then the High Court or the Supreme Court has the power to strike it down. The President or the Governor may, in his or her wisdom, delay a Bill by

sending it back to the Legislature but neither functionary can abort a Bill through delaying tactics. That flies in the face of the mandate given to the Legislature by the people to legislate on their behalf. I would most respectfully submit to the Hon'ble Supreme Court that at some stage it will have to define the words "as soon as possible after presentation to him of a Bill for assent" given in Articles 111 and 200. Even though the Constitution does not provide for a time limit should not the Supreme Court, in exercise of its powers under Article 141, define

what "as soon as possible" means? The President or the Governor who sits unduly on a Bill is acting in violation of his oath to protect the Constitution and, therefore, either by a suitable amendment of the Constitution or an interpretation by the Constitutional Bench of the Supreme Court a time limit must be prescribed for giving of assent or denial of assent and return of the Bill to the Legislature for reconsideration.

[Back to Contents](#)

Indian Budget Plays With Fiscal Fire

- *Ananth Nageswaran*

The budget that the government presented on February 28 had a much higher level of anticipation due to the variety of formidable economic challenges that the country is facing. Redemption from the problems starts with an admission of guilt. However, in its macro-economic framework statement, the government chose to blame the global economic slowdown and the tight monetary policy of the Reserve Bank of India (RBI) for India's economic deceleration.

First, it is factually incorrect. The monetary policy of the Reserve Bank of India is not that tight. Real interest rates in India are negative and second, RBI has engaged in open market operations in sufficiently large quantities to infuse liquidity into the Indian economy. In the process, it has monetised government debt. Therefore, RBI policy intent might have been tight but in practice, it was not tight enough. Second, the document is conspicuously silent

on the many mistakes that this government has made, especially since it took office for the second time in May 2009. If one chose to blame external factors for failures, it is futile to expect corrective action. The budget proves this right. Philosophically, the government has not turned the gaze inward at all. Seers have said that the route to salvation lies in turning the gaze inward. That is as much true of fiscal salvation as it is true of karmic salvation.

Getting the optics right

It is against this backdrop that one should evaluate the budget presented on the 28 February. On the face of it, the government got most of the optics right:

- Anticipated fiscal deficit of 5.2% of GDP vs. target of 5.1% of GDP for 2012-13. Target of 4.8% of GDP for 2013-14. The medium-term fiscal policy statement (MFPS) projects 3.6%

* *Ananth Nageswaran - Visiting Fellow, VIF*

- deficit in 2015-16.
- Revenue deficit of 3.9% of GDP vs. target of 3.4% of GDP and a target of 3.4% of GDP for 2013-14. MFPS projects a revenue deficit of 2.0% of GDP in 2015-16 and an effective revenue deficit of zero per cent by that year! 'Effective Revenue Deficit' is total revenue deficit excluding grants for creation of capital assets.
 - On the three major subsidy heads – food, fertiliser and petroleum – the government might have had to provide for a revised estimate of 2.5 trillion rupees against the original budget estimate of 1.8 trillion rupees for 2012-13 but it provides for about 2.2 trillion rupees in 2013-14. This is still higher than the 2.1 trillion rupees spent on these three major subsidy heads in 2011-12.
 - In nominal terms, on fertiliser and petroleum subsidies, the

government expects to spend lower amounts in 2013-14 than it did in 2011-12. With that, the government can claim that it has arrested the trend of rising subsidy payments.

While these numbers may prove to be good to prevent the rating agencies from pressing the 'downgrade' button in the short-term, the risk of a downgrade remains real because the assumptions do not appear to contain much of a margin for error on the revenue or on the expenditure side.

Before we proceed to examine the assumptions on the revenue side, we have to note a couple of caveats on food and petroleum subsidies. One is that the government has provided for only 100 billion rupees for the implementation of the Food Security Bill for the new financial year 2013-14. The assumption is that the Food Security Bill will begin to be implemented only from January 2014. In a full financial year, costs will be much higher.

Second, on petroleum subsidies, the government has now provided for over 930 billion rupees of

payments to oil companies for their under-recovery. Oil companies face under-recovery because they sell kerosene, diesel and cooking gas at subsidised prices. According to the Ministry of Petroleum and Natural Gas, the under-recovery amounted to 1.248 trillion rupees for the nine-month period ending December 2012. Over the next three months of the financial year ending March 2013, the under-recovery would amount to an additional 389 billion rupees. The under-recovery will thus be a total of 1637.3 billion rupees.

Some assume that the government's share of this must be about 60% only since oil companies calculate their under-recoveries based on a cost-plus formula. Oil companies were guaranteed a 12% mark-up over cost. Hence, some in the government and outside take the view that oil companies should absorb a portion of the loss themselves.

This does not sound very convincing. India's public sector enterprises do not have full control over their costs. There is political and administrative meddling, from the hiring of contract labour, permanent labour to major capital budgeting decisions. Under these

circumstances, the decisions that oil companies take may not be optimal. Therefore, it is hard to know how much and how well oil companies could control their own costs and thus minimise the under-recovery. Second, if retention pricing (cost-plus pricing) is flawed, then it has to be changed. As long as it remains in force, the government is contractually obligated to compensate oil companies fully for their under-recoveries. Viewed in this light, the government has to provide for additional 707 billion rupees for petroleum subsidies unpaid for the current financial year. It is instructive to note that it has provided for 650 billion rupees on account of petroleum subsidies for the next financial year.

Growth potential is much lower because of ...

The nominal GDP growth assumption for 2013-14 is 13.4%. It continues to remain in the footnote in the 'Budget at a glance' statement. With the government projecting a real GDP growth in the range of 6.1% to 6.7% in 2013-14 (the government has adopted the estimate made in the Economic Survey), the implied inflation rate forecast is around

7%, which is not very encouraging. This inflation rate will do nothing to encourage households to save more in financial assets rather than in real assets. To that extent, resources available for investment will remain relatively scarce. Therefore, one has to question the assumed tax revenue growth of 19.1%. That implies a tax revenue to GDP buoyancy rate of 1.4 (growth rate of tax revenues divided by the nominal GDP growth rate). It is close to the 1.5 times seen in the boom years of growth prior to the global crisis. That too is on the high side. Much depends on the realisation of economic growth rate of over 6%. That is far from assured.

That implies a tax revenue to GDP buoyancy rate of 1.4 (growth rate of tax revenues divided by the nominal GDP growth rate). It is close to the 1.5 times seen in the boom years of growth prior to the global crisis.

Revival in investment spending is unlikely in the coming year for several reasons. In the first half of the millennium, India used to claim that it had a far lower Incremental Capital-Output Ratio (ICOR) than China. In recent years, India's ICOR has risen. According to Nomura Research, the five-year average of ICOR has risen to 5.0. In other words, India's investment rate has to be 40% now to achieve a growth rate of 8%. The reason for the rise in the

ICOR to around 5.0 in recent years is the inordinate delay in investments translating into higher output due to delays in land acquisition and in securing environmental clearances. The proposed land acquisition bill is unlikely to make it any easier.

... drastic fall in savings rate

However, the savings rate has gone down to just above 30% from a level of around 35% just few years ago. In the financial year ending March 2013, it is expected to have dropped to below 30% - to around 27%. Assuming that the sustainable external financing is 3.0% of GDP, then the total available savings rate is about 30% of GDP (domestic + external). Applying the ICOR of 5.0 to this amount of capital available for investment yields a potential growth rate of 6.0%. This is the maximum possible potential growth rate for the Indian economy given current savings, investment and capital efficiency rates. Trying to grow above this would require running a higher current account deficit, which then has to be financed

through recourse to external finance (debt or equity). Further, it would also be inflationary.

... and lower capital efficiency

From a bottom-up perspective, Indian companies' ratio of debt to operating cashflows is above 6 times, suggesting very little room to expand debt, and non-availability of internal resources to trigger a revival in investment spending. In fact, by directing investment into areas that have a short-term profitability potential, the Indian corporate sector too has become less capital efficient than it used to be. The return on equity (RoE) for Indian companies has dropped from a high of around 22% before the global crisis of 2008 to below 15% now. Stretched balance-sheets, low RoE and a high ratio of debt to operating cash flows preclude a private sector-led investment revival. Thus, assumptions on real, nominal GDP and revenue growth rates may turn out to have been too high.

The government also expects to raise more revenues from the sale of spectrum to telecom companies and 550 billion rupees from the sale of stake in government-owned companies and others. In 2012-13, the stake sale is expected to net only 240 billion rupees against the original budget estimate of 300 billion rupees.

Non-tax revenue estimates are too high

Similar to the assumption on the growth of tax revenues, the government has assumed a 32% jump in non-tax revenues. In particular, it anticipates substantially higher dividends from public sector banks after its capital infusion. It is very doubtful if their profits would be high enough to meet the government's expectation, considering that they have been grappling with ever-rising non-performing assets. Consequently, they may face pressure to go easy on provisions and on recognition of non-performing assets in order to meet government's dividend expectation. That is a big worry.

The government also expects to raise more revenues from the sale of spectrum to telecom companies and 550 billion rupees from the sale of stake in government-owned companies and others. In 2012-13, the stake sale is expected to net only 240 billion rupees against the original budget estimate of 300 billion rupees.

There are two problems with these assumptions on revenues to be raised from sale of spectrum and from sale of government stake in public and private enterprises. Not only are they too optimistic but they also do not represent genuine fiscal consolidation.

Cuts in Plan expenditure to hurt

If optimistic revenue projections are behind the projection of a fiscal deficit of 4.8% for 2013-14, an equally important question is the source of the achievement of a fiscal deficit of 5.2% of GDP for the year ending March 2013. Just few months ago, all expectations pointed to a deficit of 5.9%, the same ratio as in the year ending March 2012. The government saved 918.4 billion rupees in Plan expenditure. However, it spent 541 billion rupees more than budgeted originally under Non-Plan revenue expenditure. It saved 371 billion rupees in capital expenditure (both Plan and Non-Plan). Overall, it saved about 601 billion rupees in expenditure (revised estimate of 14.3 trillion rupees vs. the original budget estimate of 14.9 trillion rupees).

It is unfortunate that the bulk of the savings had come from Plan expenditure. In fact, Plan

expenditure in health, education and rural roads are now expected to be lower than originally budgeted by about 229.3 billion rupees. These expenditure cutbacks could have adverse implications for the economy's growth potential and performance.

Still waiting for credible consolidation

The impression one gets is that the government could and should have been a lot more serious about genuine fiscal consolidation. The dire state of the economy and public finances provided an opportunity to push through unpalatable changes. Perhaps, the government was not serious after all.

In paragraph 22 of the medium-term fiscal policy statement, the government states that tax projections need to be as ambitious as they have to be realistic so that the fiscal roadmap could be achieved without having to resort to more than the required expenditure compression. That says it all. There is a reluctance to compress expenditure. The government is unable to get it presumably because UPA (or NAC?) politics is a binding constraint. Alternatively, it could

be that the feudal mindset of the rulers and that of the ruled is the binding constraint.

In sum, the government has not done enough to achieve a meaningful reduction in the

probability of the Indian economy undergoing a severe macro-economic adjustment in the near term.

[Back to Contents](#)

Afzal Guru's Execution: Propaganda, Politics And Portents

- *Sushant Sareen*

More than 12 years after the most audacious and outrageous act of terrorism against India – the attack on the Indian Parliament – one of the prime accused in the case, Afzal Guru, was finally executed after he had exhausted all available legal options. Even though there is a lot to be said against the long delay in carrying out of the death sentence in such a high profile and politically sensitive case, delay which needlessly provides ammunition to the legions of India-baiters and India-haters within the country and without to question the verdict and demand relief for a convicted terrorist, the fact that the government gathered the resolve to finally carry out the sentence needs to be welcomed.

Questions of timing are inevitable in the highly surcharged political climate that exists in the country. Perhaps if the government had sent Afzal Guru to the gallows earlier, it would have been accused

of showing unseemly haste. Having delayed the execution so long, it is now being accused of trying to derive political benefit and indulge in damage control to recoup its falling political capital. Clearly, politics cannot be completely divorced in a case of this nature. Apart from legal and procedural obstacles that need to be overcome (including the reluctance of some Presidents to reject a mercy petition and of some Home Minister to push forward with the case because of a moral opposition to the death penalty), the government also has to keep an eye on the political fallout and law and order implications of such a sensitive case. For instance, in 2010 and 2011 the streets of cities in the Kashmir Valley were restive and executing Guru at that time would tantamount to pouring fuel into fire. Before that there were state elections and then the Amarnath agitation. Seen in this light, the timing of the execution makes sense and carping about it

* *Sushant Sareen - Senior Fellow, VIF*

is only that.

This is not to deny that there could have been other political motivations for carrying out the sentence at this time. For instance, one proposition is that the ruling Congress party has been trying to refurbish its anti-terror credentials and steal the thunder of the opposition BJP which has been accusing the government of being soft on terror. Another proposition is that the government was trying to dilute the damage done by the utterly senseless remarks of the Home Minister on 'Hindu Terror' and 'terror training camps run by the BJP and RSS'. If true, then it would signal a dangerous level of desperation in the Congress government to recover lost political ground. On the other hand, it is entirely possible that government was only demonstrating its resolve in the fight against terror and will now hold the feet of opposition parties to the fire on other high profile terrorists who are awaiting death sentence.

Frankly speaking, all political parties have been guilty to some

extent of being soft on visiting retribution on convicted terrorists. Take for instance the BJP which has been clamouring for Afzal Guru's execution for so long. When it comes to carrying out the death sentence on Balwant Singh Rajaona, the murderer of the former Punjab Chief Minister Beant Singh, the BJP very conveniently sides with its ally Akali Dal which is trying to win a reprieve for this unrepentant terrorist. This is so even though the BJP holds the fate of the Punjab government in its hands

This is so even though the BJP holds the fate of the Punjab government in its hands and could easily pressure the Akali Dal to let Rajaona face the consequences of his crime.

and could easily pressure the Akali Dal to let Rajaona face the consequences of his crime. The

Congress too

adopts a deafening silence on the issue of executing the LTTE men sentenced in the assassination of former Prime Minister Rajiv Gandhi simply because of the reservations of its ally DMK. The BJP too is keeping quiet because its potential ally AIADMK is opposing the execution. Similar is the case of the BJP and Congress when it comes to the execution of Devinder Singh Bhullar who was responsible for a series of bomb attacks in Delhi.

The point simply is that political parties end up playing into the hands of fringe groups which support these terrorists. By pandering to these groups, the politicians effectively shoot themselves in the foot because on the one hand they embolden these extremists and give respectability, legitimacy and credibility to the noise which they make, and on the other hand undermine the justice system and law and order machinery in the country. Worse, while this sort of politics does nothing to change the anti-national positions that these fringe groups take and bring them into the national mainstream, it insidiously lumps even nationalistic and patriotic elements with the extremists even though the latter have absolutely no sympathy or truck with the extremists. Thus, the impression that all Kashmiris and perhaps many Muslims in India would be sympathetic to Afzal Guru, all Sikhs will take umbrage at the execution of Bhullar and Rajaona and all Tamils will be infuriated if the killers or Rajiv Gandhi are hanged.

The ambivalence and prevarication by the political class also plays into the hands of the professional and paid anti-state

elements within the civil society. Using a completely perverted and perverse logic which smacks of intellectual fascism, this class of people has taken upon itself to declare guilty anyone they despise even though no court in the country has convicted the person, and pronounce anyone they sympathise and support as innocent even though he has been convicted after running through the entire due process of law. Like good defence lawyers, they argue the case of their 'client' before the public and try to sow doubts about the fairness of the trial and the quality of evidence on the basis of which someone has been found guilty. With the assistance of their allies in the media, they manage to create 'reasonable doubt' in the minds of the public. The problem for them, however, is that the very same false and specious arguments were thrown in the rubbish bin by the courts which were in a better position than the public to evaluate the quality of their arguments.

Indeed, the fairness of the judicial process and the falseness of the arguments made by the 'Love-Guru' brigade is borne out by the fact that the trial courts verdict was reversed by the High Court which overturned the death

sentence against one of the accused – Shaukat Guru – and acquitted another accused. Of course, acquittal doesn't necessarily mean the man – S.A.R. Geelani, who remains an unabashed separatist – was innocent; only the evidence produced against him was not compelling enough to warrant the sentence pronounced against him.

Despite this if the hate-India brigade has managed to conduct a propaganda

campaign in favour of Afzal Guru then a large part of the blame must rest with the government which should have countered this insidious

propaganda by a robust rebuttal. Instead, the government let the verdict of the court speak for itself. In the process, the 'love-Guru' brigade got a free run to peddle their propaganda in the public domain and create suspicion and doubt in the minds of many people on the fairness of the trial.

Interestingly, the propagandists have found resonance among the jihadists in Pakistan and

Kashmiri separatists, who have found a potent ally in these people to justify their poisonous rhetoric against India and incite hatred and violence against India. Bizarre though it may appear, the 'Republic of one' in India and a certain Hafiz Saeed in Pakistan seem to be on the same page as far as their aversion to everything about the Indian state is concerned. Incidentally, the same Hafiz Saeed who never tires of demanding respect for the

Pakistani judiciary (jihadi judges actually, but let's leave that aside for now) which has acquitted him, isn't willing to give the same respect to the Indian judiciary which sentenced

Afzal Guru after due process.

Be that as it may, the focus over the next few weeks will be on how the execution plays out inside Kashmir and in rest of India. While the separatists are likely to try and exploit the situation to stir trouble in the Valley, how much traction they receive remains to be seen. A lot will depend on how the government in New Delhi and Srinagar play their cards, not only in debunking the false propaganda

Despite this if the hate-India brigade has managed to conduct a propaganda campaign in favour of Afzal Guru then a large part of the blame must rest with the government which should have countered this insidious propaganda by a robust rebuttal.

on the trial of Afzal Guru but also managing the law and order situation in the event of any disturbance. Equally important will be the attitude of the government and other political parties in visiting justice to other sentenced terrorists.

It would be a real shame if after having demonstrated strong resolve in acting against terrorists like Ajmal Kasab and Afzal Guru, and sending out a strong signal to state and non-state actors that on the issue of national security and national integrity there will be no compromise, the government was to fritter away the gains on the altar of politics of appeasing fringe groups. As far as the fledgling

peace process with Pakistan is concerned, the hanging of Afzal Guru really should have no impact, unless of course Pakistan takes ownership of the man and his actions. Normally however terrorists are the most dispensable commodities and are disavowed without much ado and this is what is likely to happen as far as the government of Pakistan is concerned. The Pakistani street is another matter altogether and if this is agitated during election season, thereby tying the hands of the Pakistan government, then all bets are off on the Indo-Pak dialogue track.

[Back to Contents](#)

What Does The Chinese Take Over Of Gwadar Imply?

- **Radhakrishna Rao**

In a development that did not cause any surprise, Pakistan has handed over the administrative control of the Gwadar Sea Port on Makran coast in Balochistan province to China Overseas Ports Holding Company, a move that would provide China the much needed access to the warm waters of the Arabian sea, close to the strategically located Strait of Hormuz which happens to be a gateway for a third of the world's traded oil. Considered Pakistan's biggest infrastructure project, Gwadar port has failed to script a business success story on account of the volatile security situation in the socially turbulent Balochistan where secessionist tendencies and sectarian violence are on the ascendance. Commentators point out that it is the poor security scenario of Balochistan that has prevented China from committing on further investment for the development of the port and off-shore infrastructure. In addition, the reluctance of the Pakistani navy to

transfer 584 acres under its possession to Gwadar port has proved a stumbling block in the way of expanding the port project. When Port of Singapore Authority (PSA) had won the contract for operating Gwadar port for 40 years in 2007, the widely held perception was that former Pakistani President Pervez Musharraf awarded the contract to the Singapore entity to keep the US in good humour.

By all means, for China, Gwadar provides an ideal springboard to further its interests in the Arabian Sea. Situated about 470-kilometres to the west of Karachi at the mouth of the Arabian Sea, Gwadar can be a key asset for China to advance its geostrategic interest in one of most vital sea-lanes of the world. There are meanwhile plans to boost the business prospects of Gwadar port through the creation of new rail and road links.

Indeed, for China, the control of

* Radhakrishna Rao - Research Fellow, VIF

Gwadar port would mean a shot in the arm for its long cherished plan to strengthen its dominance over the Indian Ocean region. China's new naval strategy of 'far sea defence' is aimed at giving Beijing the ability to project its power in the oceanic waters in which both US and India have stakes. But then as a section of defence analysts point out, given the geographical advantages that India enjoys in the Indian Ocean, China will have a difficult time upstaging India in the Indian Ocean region. But China continues to stress the point that the takeover of Gwadar port was "conducive" to maintaining regional stability and would enhance bilateral cooperation. "The transfer of the managing rights is a business project that falls under trade and economic cooperation conducted between China and Pakistan," said a spokesman of Chinese Foreign Ministry. But then the Pakistani offer to develop a trade corridor linking the Muslim-dominated Chinese province of Xinjiang to the Middle East through Gwadar port is presumably meant to enhance trade between China and that

On the seamier side, the plan to link Gwadar with Kashgar could be a potentially troublesome exercise for China. For Kashgar situated in Xinjiang, one of the sparsely populated regions of China,

region. Pakistan could also provide China a tremendous strategic edge to nullify US interests in this part of the world.

On the seamier side, the plan to link Gwadar with Kashgar could be a potentially troublesome exercise for China. For Kashgar situated in Xinjiang, one of the sparsely populated regions of China, happens to be the hotbed of separatist jihadi activities under the banner of the Eastern Turkestan Islamic Movement.

Indeed, there have been media reports to suggest that Islamic separatists from this Chinese province had received training from one of the

Islamic hard-line groups active in Pakistan. There is no denying the fact that Muslim-dominated Xinjiang is China's Achilles heel against the backdrop that it is a breeding ground for the separatist jihadi forces.

To add to the discomfiture of China, the fiercely independent Balochs, who are spearheading a violent separatist movement to free the province from the control of Islamabad, have vowed to defeat attempts at bringing in

Chinese personnel under the ruse of speeding up the development of this largest and resources rich part of Pakistan. In particular, Baloch separatists have not taken kindly to the move of Islamabad to involve Chinese experts in the mining projects of the province. Beijing started its involvement with the Gwadar sea port about a decade ago with an investment of around US\$250-million in the project. In 2004, three Chinese engineers helping to build Gwadar port were killed in a car bombing incident. The same year, two Chinese engineers working on a hydroelectric dam project in South Waziristan were kidnapped and one of them was found dead.

In 2004, three Chinese engineers helping to build Gwadar port were killed in a car bombing incident. The same year, two Chinese engineers working on a hydroelectric dam project in South Waziristan were kidnapped and one of them was found dead.

The Gwadar port, when fully operational, will help Pakistan do away with its near total dependence on Karachi, which on account of its proximity to India could be a sitting duck to the strike force of the Indian navy in the event of a war. Indeed, during the 1971 Indo-Pakistan war, the Indian Navy had inflicting massive damage on Karachi port. 95% of Pakistan's trade is through

the sea, most of which is facilitated through the Karachi port. Even today Pakistan is dependent on Karachi port for as much as 68% of its exports and imports are concerned.

On a larger canvas, the Chinese toehold on the vital Arabian Sea coast of Pakistan could be a serious threat to the US Fifth Fleet in the Middle East. Obviously, the Chinese presence in Gwadar would allow Beijing to

pose an interception threat to the strategic oil trade to the Far East and Europe as Gwadar is very close to the Strait of Hormuz. As it is, the proposal for a pipeline from Gwadar to

transport oil and gas to China, could help China avoid Malacca and Singapore Straits which can be closed during wartime or are vulnerable to piracy. In the ultimate analysis, Gwadar could be a trump card in China's long term energy security plan. This pipeline could perhaps provide synergy to the proposed Iran-Pakistan pipeline. Currently, 60% of China's oil imports transit through the Strait of Hormuz,

located just 180 nautical miles from Gwadar port.

However, from India's perspective, the port could be used by the Chinese navy to jostle for geo-strategic power in the region. Indeed, the Indian Defence Minister during a media interaction on 6 February at the Aero India-2013 show at Bangalore had stated that China's role in operating Gwadar port was a matter of concern. Reacting to Antony's concern, a spokesman of Pakistan's Foreign Affairs Ministry had stated in Islamabad that "We think that this is not something that any other country has any reason to be concerned about." Stretching this argument a bit further, Fazul-ul-Rehman, a former director of the China Studies Centre at the Institute of Strategic Studies at Islamabad, dismisses the possibility of China going to war in the Indian Ocean region and calls the Indian concern a propaganda. According to Rehman, China is now more cautious about big investment projects in Pakistan due to security concerns what with Taliban activities, sectarian violence and separatist movement blighting turbulent Balochistan. As a result, Rehman says, there is a long way to go on China-

Pakistan economic cooperation and emphasizes that Gwadar will be a long term project with Beijing looking for future alternatives to shipping routes for its oil and gas imports. However, western defence experts point out that Gwadar could serve China as a strategic listening post to monitor maritime and naval activities in the region. On another front, the naval strike force of China's People's Liberation Army (PLA) could use Gwadar to deploy its ships and submarines to ensure the safety and security of China's vital energy supplies.

It is widely perceived that Gwadar take over along with the Chinese-built port at Hambantota in Sri Lanka and new terminals at Chittagong and Sonadiya in Bangladesh followed by China's recent forays into Maldives completes the final links in the Chinese "string of pearls" strategy to safeguard its sea-lanes for energy imports and dominate the Indian Ocean region. As things stand now, Gwadar would be the most westerly in a string of Chinese-funded ports encircling its big regional rival India. The US\$450-million deep sea port at Hambantota, close to the vital east-west route, used by around 300 ships a day, built with

Chinese loans and construction expertise, would provide China a platform for furthering its commercial and military interests in the vital Indian Ocean region. Although China has no equity stake in Hambantota, they have taken up to 85% of Colombo International Terminal Ltd, which is building a new container port adjacent to the existing Colombo harbour. According to Dean Cheng, a Research Fellow at the Asian Studies Centre for the Washington based think tank Heritage

Foundation, China is actively pursuing the strategy of cultivating India's neighbours as friendly states, both to protect its economic and

security interests and counteract Indian influence. Not surprisingly, the concern in India continues to mount over China giving a practical shape to the ancient Chinese philosophy of "String of Pearls." For the Chinese move to encircle is unfolding in a dramatic fashion with China forging extensive maritime links with countries in Asia and Africa.

Although China has no equity stake in Hambantota, they have taken up to 85% of Colombo International Terminal Ltd, which is building a new container port adjacent to the existing Colombo harbour.

Significantly, the widely debated "String of Pearls" theory which was originally conceived by a team of experts at the US-based consultancy Booz Allen essentially underpins the Chinese strategy of involvement with countries along its Sea Lines of Communication (SLOC) extending from South China Sea to the Indian Ocean. A section of strategic analysts hold the view that the "String of Pearls" provides China a robust platform to leverage its diplomatic and commercial ties to further its

energy security and strategic interests on a long term basis.

What strategy India would adopt to counteract the aggressive Chinese

move to encircle India through the "String of Pearls" approach, there is no clue as yet. But then the Indian defence strategists should not lose time in figuring out the dimensions of the threat posed by the Chinese "String of Pearls" strategy and formulate an appropriate response to defeat the Chinese moves to dominate the Indian Ocean region.

[Back to Contents](#)

Reforming The Criminal Justice System

- *Dr. N Manoharan*

The Justice JS Verma Committee that recently submitted its findings titled as 'Report of the Committee on Amendments to Criminal Law' has once again brought to focus the urgent need for reforms in the criminal justice system in India. The principal objective of a criminal justice system is to impart a sense of security to the people. However, India's criminal justice system has not been able to deliver on what is expected of it and is, in fact, under immense strain. There are problems in all the three components – law enforcement, adjudication and correction – and, therefore, the need for reforms.

Law Enforcement:

Indeed, some of the Indian laws have become old, archaic and out dated. Yet, by and large India's laws and regulations are satisfactory; but it is the enforcement of these laws that is sub-optimal. Why? According to Bureau of Police Research and Development (BPRD), the Police

in India “suffer with a variety of organisational, procedural, personnel and behavioural ailments and paradoxes”¹ The 'Draft National Policy on Police Training' identifies major dimensions of change and challenges as regards the police organisation: rise in white collar and organised crimes, economic changes and socio-political instability resulting in public protests, demonstrations and mass violence; social disparities, anomalies, lawlessness and permissiveness, leading to a higher rate of juvenile delinquency, alcoholism, and social disorder; acceleration of social mobility giving birth to new patterns of criminal acts, declining standards of morality and degeneration of ethical values; proliferation of social legislation and increasing burden of social responsibilities of the police leading to gradual decline in respect of law, rampant corruption, increasing materialism at all levels, increased police stress, and an aggressive approach

* *Dr. N Manoharan - Senior Fellow, VIF*

among police officers themselves for solution of their problems; smuggling, espionage, subversive activity along the international borders, terrorism and threat to national security and integrity; increasing communal and caste intolerance; information technology revolution resulting in the growth of cyber crimes; and increasing public expectations.²

However, the numbers of policemen have not caught up with the mounting challenges. Statistically, the number of policemen per 100,000 people in India is 137.8 as against the minimum UN norm of 220. In other words, one policeman is required to look after 761 people. The 'Actual' strength of Civil Police, including District Armed Police in the country during 2011 stood at 1,281,317 against the 'Sanctioned' strength of 1,660,953. The vacancies run over 23 percent.³At the national level, India has an average of one constable for every 1.53 sq kms of geographical area. As a result, there is an extraordinary workload on an average policeman, which has adversely affected his efficiency,

However, the numbers of policemen have not caught up with the mounting challenges. Statistically, the number of policemen per 100,000 people in India is 137.8 as against the minimum UN norm of 220.

performance and morale. When it comes to quality, the functional image of police in India is not satisfactory. Police-Community relations are normally "brief, contextual and even negative in nature."⁴

Poor quality of policemen is partly due to lack of proper training. Not much has changed since the Gore Committee on Police Training observed that "our considered view is that police training, except in some of the central police organisations, is currently in a state of general neglect. The training arrangements in the different States are unsatisfactory qualitatively as well as quantitatively."⁵

There are indeed training institutions for the Indian Police Service (IPS) officers but there is little training for constables and sub-inspectors.⁶

On the average a Police officer is retrained only once in about twenty years. Training of police personnel has been accorded low priority by most state governments for two reasons: (i) the available staff are so stretched

that there is no time for police personnel to be sent for training; and (ii) lack of training infrastructure. ⁷An amount of Rs.709 crores was spent on police training at all India level during 2010-11 which was only 1.43 percent of the total police expenditure of Rs. 49,576 crores.⁸

What India requires is, as the Padmanabhaiah Committee advocated, a “highly motivated, professionally-skilled, infrastructurally self-sufficient and sophisticatedly trained police force.”⁹There has to be conscious and serious effort to strengthen the overall professionalism and capacity of the police. Due attention is required for proper training, development of advanced forensic skills and facilities, and separation within the police of responsibility for conducting investigations from the day-to-day responsibilities for maintaining law and order. As BPRD rightly points out, the procedural quagmire tends to make police an object of social distance and popular distrust. The penal and procedural police aspects will have to be reshaped according to the democratic, secular and egalitarian aspirations of the Indian people and their Constitution. Behavioural reforms

and attitudinal change at the individual and department levels are required to be brought about with a view to developing professionally sound, individually courteous, functionally democratic and morally strong people to man the police organization. A modernized police organization will become progressive in their functioning and democratic in their behaviour.¹⁰

Lack of proper equipment like weapons, gadgets, protective gear and communication devices for police personnel is yet another issue. Police constables are poorly armed and the firemen lack protection. There has to be routine upgradation of equipments as per world standards. Use of the state of the art technology is important to have an edge over terrorists. The Centre has already been assisting states by providing separate funds for police modernization. The ‘Modernization of State Police Forces Scheme’ has been under implementation since 1969-70.¹¹The objectives of the Scheme are to meet the identified deficiencies in various aspects of police administration, and reduce the dependence of states on Central Police Forces/Army. Keeping in view the difficulties

expressed by the states to contribute a matching share towards implementation of the scheme, it was revised on 22 October 2003. The revised scheme includes change in funding pattern after grouping the states into two categories, namely, A and B, on the basis of threats from insurgency/Naxalite militancy/cross-border terrorism being faced by them. The focus has been on fortification/upgradation of police stations in terms of infrastructure, weaponry, communication equipment and mobility in Naxalite-affected districts. Yet, most of the states are found wanting in utilisation of police modernisation funds. They do not even have perspective action plans for modernisation. As a Parliamentary Committee rightly points out,

“... when it comes to the control and superintendence of police forces, the States do not want to yield even an inch of their jurisdiction. But at the same time when it comes to improve and strengthen their police forces, they

simply raise their hands expressing their inability to do so because of financial constraints.”¹²

The Centre also has to share the blame for releasing funds late. Partly the reason for delay is due to states’ failure to submit ‘utilisation certificates’ on time. But, overall the scheme has undoubtedly made some positive impact on strengthening the ‘first responders’.¹³ Apart from insisting on a national standard, monitoring

But, overall the scheme has undoubtedly made some positive impact on strengthening the ‘first responders’.¹³ Apart from insisting on a national standard, monitoring of the modernisation of state police forces should be periodically undertaken by the Central government.

of the modernisation of state police forces should be periodically undertaken by the Central government. In the modernisation, the needs of the local and district levels

should be taken into consideration instead of pushing things from above. This will require updating educational levels in the security forces and developing a technological and scientific temper.

Emphasis should be on capacity building from the police station level itself, so that the police are better equipped. Each police station should aim at being self-

sufficient and needs to be given the required resources in terms of anti-riot gear, better weapons, and the nucleus of a mobile forensic unit and be connected to a networked criminal database management system. Ironically, as on 01 January 2011, 350 Police Stations did not have a telephone facility; 107 Police Stations were without wireless sets; and 38 Police Stations had neither.¹⁴ Rectifying this 'communication gap' is important. Every city should have a modern police control room with digitized maps. Connecting all police stations in the country through an intranet is not a luxury, but an imperative. Currently, the database of each agency stands alone, with its owners having no access to other databases. As a result, crucial information that rests in one is not available to another. In order to remedy this deficiency, the government has decided to set up NATGRID, under which 21 sets of databases would be networked to achieve quick, seamless and secure access to desired information for intelligence/enforcement agencies.¹⁵ But, this ambitious project is yet to get operational.

Adjudication

The main problem in this component of criminal justice system is huge backlog of cases due to resource and manpower constraints. By mid-2012 there were 61,876 cases pending in the Supreme Court. Of these, the number of unresolved cases older than one year has increased to 40,658 from 35,909.¹⁶ The total number of pending cases in the High Court and subordinate courts was around 3.2 crore as on 31 December 2010 of which around 85 lakhs cases were more than five year old. Pendency has increased by 148 percent in the Supreme Court, 53 percent in High Courts and 36 percent in subordinate courts in the last 10 years.¹⁷ There were 3,146,326 cases for investigation during the year 2011 including the pending cases from previous year.¹⁸

Due to this, there were enormous delays in the adjudication, increases in litigation costs, loss of or diminished reliability of evidence by the time of trial, and unevenness and inconsistency in the verdicts that ultimately are reached at trial. Consequently, large numbers of under trials languish in jails while awaiting final disposal of their cases. In many cases, the detention period under trial exceeds even the

maximum periods to which they could be sentenced if convicted. Justice delayed is of course justice denied. Such incapability of the judiciary in delivering justice on time has the danger of reduction of faith in the justice system among the people; low conviction rate has created a perception that crime is a “low-risk, high-profit business”.¹⁹ Presently, compared to China and Japan, where the conviction rate in criminal cases is about 98 percent, the corresponding rate in India is much lower.²⁰ This has resulted in huge numbers of persons under trial and overcrowding of prisons, which in turn, has significantly brought down the deterrence value of the criminal justice system. Two measures are suggested:

i. It is important to increase the number of judges. As suggested by the Supreme Court, the present ratio of about 13 judges per million people should be raised to at least 50 judges per million people in a phased manner.²¹ While working autonomously, better rapport between police and prosecutors could certainly improve the condition.²²

ii. The present Adversarial System is not only insensitive to the victims’ plight and rights, but also

does not encourage the presiding judge to correct the aberrations in the investigation or in the matter of production of evidence before court. The judge in this system is more concerned with the proof. As suggested by the Criminal Justice Commission, some of the good features of the Inquisitorial System²³ can be adopted to strengthen the present Adversarial System of common law to increase the rate of conviction.

Simultaneously, a number of judicial and legal bottlenecks must be removed to improve India’s enforcement regime. In addition to electronic filing systems, India’s courts need more judges, higher filing costs (to discourage frivolous litigation), improved tracking of cases, more alternative options for dispute resolution, pre-litigation measures and plea bargaining. Specialized courts should be set up to replace civil courts in the appeals process. Judges and courts who are trained in specific areas of the law would be better equipped to consistently enforce laws and judgments in a relatively small area than courts which are forced to deal with widely disparate areas of law. Setting up such courts ought to be a joint effort of the government and the bar.

Enforcement could be improved by better training for the police and judiciary; placing a limit on the number of adjournments and injunctions granted; and imposing higher costs on parties that lose commercial disputes. Lawyers are also to a large extent responsible for the lax enforcement regime. Most of the times lawyers not only fail to fix an ailing system but nurture and exploit it.

Correctional System

It is widely known that Indian jails are overcrowded. As on 31 December 2011, the total capacity of jails in the country was 332,782 as against 372,926 jail inmates. The occupancy rate at all-India level works out to 112.1 percent. Ironically, the number of under-trials stood at 241,200, constituting 64.7 percent of total inmates.²⁴ Uttar Pradesh has reported the highest number of convicts (23,910) under IPC crimes followed by Madhya Pradesh (14,434) accounting for 21.4 percent and 12.9 percent respectively of the total IPC convicts (111,987) in the country. There were 48,656 persons lodged

It is widely known that Indian jails are overcrowded. As on 31 December 2011, the total capacity of jails in the country was 332,782 as against 372,926 jail inmates. The occupancy rate at all-India level works out to 112.1 percent.

as under-trial prisoners in various prisons of the country for committing crimes under Special and Local Laws (SLL). The highest number of under-trial prisoners (11,779) was reported under the Narcotic Drugs and Psychotropic Substances Act which accounted for 24.2 percent of the total under-trial prisoners under Special & Local Laws followed by the Arms Act (18.6 percent) and Excise Act (12.0 percent).²⁵

The main objective of a 'correction' strategy is to induce positive change in the attitude of criminals. The emphasis is on the basic trust in the ability of the criminal to rehabilitate himself to proceed towards a re-adaptation of his behaviour. But there are certain issues that require attention. Firstly, are prison conditions good enough for correction? There are two aspects involved in imprisonment: 'imprisonment as punishment' and 'imprisonment for punishment'. In the first aspect, the very confinement and denial of societal contacts is regarded as punishment. In the second aspect, apart from the first

aspect, the added physical, mental and other kinds of humiliation are considered as part of punishment. The latter aspect, by default, gets activated due to poor prison conditions resulting in the counter-productiveness of the whole corrective system.²⁶ This should change; prisons are principally meant for rehabilitation. Secondly, care should be taken that the internment should not become a kind of “Staff College” for the criminals to plan and regroup.²⁷

The Justice Malaimath Committee on ‘Reforming Criminal Justice System’ rightly observes that “The entire existence of the orderly society depends upon sound and efficient functioning of the Criminal Justice System.” Unless it is made sure that the criminal justice system functions with speed, fairness, transparency and honesty, it is difficult to bring down the prevailing “crisis of legitimacy”. Improving law and order requires cooperation across all rule-of-law institutions. Police reform alone would not suffice to quell crime if police capture criminals and then corrupt judges release them and if prisons allow convicts to enlarge their criminal empires while behind bars, or if

laws do not exist to keep them in jail for adequate periods of time.

Endnotes

1. Bureau of Police Research and Development, Bureau of Police Research and Development, Indian Police: An Introductory and Statistical Overview, p. 2, available at <http://bprd.nic.in/writereaddata/linkimages/1645442204-Volume%201.pdf>, accessed on 04 November 2012.
2. Ministry of Home Affairs, Bureau of Police Research and Development, Draft National Policy on Police Training, 14 November 2006, available at <http://bprd.nic.in/index2.asp?slid=361&sublinkid=153&lang=1>, accessed on 06 November 2012.
3. National Crime Records Bureau, Crime in India 2009 (New Delhi: NCRB, 2010), p. 167
4. Bureau of Police Research and Development, Indian Police: An Introductory and Statistical Overview, p. 3. Full report is available at <http://bprd.nic.in/writereaddata/linkimages/1645442204->

- [Volume%201.pdf](#), accessed on 06 November 2012.
5. Ministry of Home Affairs, Gore Committee Report on Police Training, Chapter I, para 2, full report is available at http://bprd.nic.in/writereadd_ata/linkimages/9180652084-THE%20GORE%20COMM... accessed on 01 November 2012.
 6. Interview with GK Pillai, <http://news.rediff.com/interview/2010/feb/15/number-of-policemen-per-100...>
 7. See Finance Commission of India, 13th Report, p. 222, para 12.90.
 8. http://www.humanrightsinitiative.org/postoftheday/2012/Police_Data_File7..., p. 84.
 9. Quoted in Second Administrative Reforms Commission, 5th Report (Public Order), June 2007, para 1.8.
 10. Bureau of Police Research and Development, Indian Police: An Introductory and Statistical Overview, pp. 4-5. Full report is available at http://bprd.nic.in/writereadd_ata/linkimages/1645442204-Volume%201.pdf, accessed on 07 November 2012.
 11. For detailed statistics of fund allocation under the scheme from 1969 to 2010, see <http://www.indiastat.com/crimeandlaw/6/planandbudgetforpoliceforces/4781...>
 12. Parliament of India, Rajya Sabha, Department-Related Parliamentary Standing Committee On Home Affairs, 98th Report on the Demands For Grants (2003-2004) of the Ministry of Home Affairs, presented to Rajya Sabha on 08 April 2003, para 42.2.
 13. Om Shankar Jha, "Impact of Modernisation of Police Force Scheme on Combat Capability of the Police Forces in Naxal-Affected States: A Critical Evaluation," IDSA Occasional Paper No. 7, December 2007, pp. 26-28.
 14. Bureau of Police Research and Development, "Police Communications," available at http://bprd.nic.in/writereadd_ata/linkimages/1027356060-Chapter%20%207%20..., accessed on 08 November 2012.
 15. "War on terror: CCS clears NATGRID project," India Today, 06 June 2011.

16. Kian Ganz, "Supreme Court's battle against backlog in cases," Live Mint, 07 June 2012.
17. PRS Legislative Research, "Pendency of Cases in Indian Courts," 06 July 2011, available at <http://www.prsindia.org/administrator/uploads/general/1310014291~Vital%...>, accessed on 08 November 2012.
18. National Crime Records Bureau, Crime in India 2011 (New Delhi: National Crime Records Bureau, 2011), Chapter 4.
19. Ministry of Home Affairs (Government of India), Committee on Reforms of Criminal Justice System, Vol. 1, March 2003, para 1.3.
20. For details of conviction rates for IPC and Special and Local Laws during 2011 is available at <http://ncrb.nic.in/CD-CII2011/cii-2011/Table%204.12.pdf>.
21. In its judgement, the Supreme Court bench consisting of judges B Kirpal, G Pattanaik, and V Khare observed that "We are conscious of the fact that overnight these vacancies

cannot be filled. In order to have Additional Judges, not only the post will have to be created but infrastructure required in the form of Additional Court rooms, buildings, staff, etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the subordinate Court at all levels should be filled, if possible, latest by 31st March, 2003, in all the States." All India Judges Association and Others vs. Union of India and Others, AIR 2002 SC 1752, 2002 (3) ALD 39 SC, 2002 (4) ALT 41 SC, 08 February 2001

22. R. K. Raghavan, "Reforming criminal justice systems," Frontline, vol. 20, Issue 2, 18-31 January 2003.
23. Inquisitorial system is followed in France, Germany, Italy and other Continental countries. In this system, power to investigate offences rests primarily with the judicial police officers (Police/Judiciare), who draw

- the documents on the basis of their investigation. Exclusionary rules of evidence and hearsay rules are unknown in this System.
24. National Crimes Records Bureau, "Prison Statistics India 2011," available at <http://ncrb.nic.in/>, accessed on 07 November 2012.
25. Ibid.
26. For a detailed exposition on this aspect see Ronald Crelinsten et al., *Terrorism and Criminal Justice* (Massachusetts: Lexington Books, 1978), pp. 35-38.
27. Paul Wilkinson, *Terrorism Versus Democracy: The Liberal State Response* (Portland: Frank Cass, 2001), p. 116.

[Back to Contents](#)

'Indophobia' and Its Expressions

- *Dr. Anirban Ganguly*

The hideous massacre of unarmed Indian *Satyagrahis* who had gathered at Jallianwala Bagh to show their displeasure at draconian laws adopted by the British government in India is much in the news these days. The British Prime Minister's visit and his terming the gory episode 'shameful' has generated debate and has again brought to the fore highly uncomfortable episodes in the British empire's history.

It is at least good that episodes such as the cataclysmic Bengal Famine of 1943 which saw millions of Indians die and the repressive Komagata Maru incident of 1914 which saw firing by the colonial riot police on unarmed Indians is again being highlighted and vigorously discussed. After all it is only correct that in the annals of world history, the violent role of a civilisation which professed to impart modern governance structures, progressive institutions and enlightenment to much of the third world, be

recorded and periodically reiterated for the benefit of posterity.

Creation of Indophobia

It is interesting to read, from colonial records, how India began to be misgoverned once the Company seriously decided to enlarge its role from that of a mere facilitator of trade to an agency for governing and enlightening the 'natives'. It is equally interesting to read the observations of a number of 18th and 19th century European intellectuals and India hands on how the entire societal and cultural structure of India began to be dismantled and decimated in the name of progress, modernity and European enlightenment. But such records and their authors, due to historiographical inconveniences arising out of their habit of challenging conjured notions of the superior and inferior civilisations, have been deftly and systematically ignored, marginalised and silenced.

* *Dr. Anirban Ganguly -Associate Fellow, VIF*

The Indophobic mindset was carefully nurtured and allowed to triumph and the aim of the British policy that hoped to ‘minimize and denigrate the accomplishments of Indian civilisation’¹ succeeded in creating a breed of colonial administrators whose sole purpose, while in India, was to remain aloof and give shape to the myth of an inferior Indian people and civilisation. In this, James Mill’s voluminous History of British India and in it especially his long essays of ten chapters, ‘Of the Hindus’ became the ‘single most important source of British Indophobia.’² Mill’s volumes, apart from heavily influencing generations of British administrators trained to administer India, also ‘solved his financial problems.’³ It was a profitable business to denigrate India and Hindu civilisation regardless of whether the denigrator ever set foot in India or even knew a smattering of the natives’ language.

Reginald Dyer, the ‘Butcher of Amritsar’, his patron Michael O’Dwyer, then governor of Punjab and the majority of their ilk were

representatives of that Indophobic mindset inculcated through a calibrated exposure to, among other things, Mill and his story of India. The inferiority of Indian civilisation, its thought and its achievements thus became an *idée reçue* for generations of youth who came over to India in order to mal-administer her and amass a fortune in the process. Every administrative act that these Indophobes executed was inspired by that misreading of India and it was the dominance of such a mindset that eventually allowed the perpetration of some of the most violent episodes in British Indian history. Whether that mindset has altered for the better today is of course open to debate!

In this, James Mill’s voluminous History of British India and in it especially his long essays of ten chapters, ‘Of the Hindus’ became the ‘single most important source of British Indophobia.’²

Challenging the Indophobic Perception of India

Alexander Walker (1764-1831), a now forgotten figure who had once served in India, took part in the operations against Hyder Ali’s forts and later became Governor General of St. Helena, had watched Indian life and society at close quarters. Walker’s perception and description of

India, which did not quite fit into the colonial-evangelical scheme of denigrating her civilisation, finds no mention today in the mainstream discussion on Indian society and culture. The Indian impressions of some of his other intellectual compatriots too have suffered the same fate of an enforced silence. A product of the Edinburgh enlightenment, Walker has left behind a repository of first hand records of his sojourn in India and among them one finds an interesting description of the exact attitude and habit of the colonial administrator. Putting down his image of India some time around 1820, Walker noted:

“Europeans have formed but very inadequate and imperfect notions of the state of society and of civilisation in India. One great and the only true means of judging, they hardly or ever have enjoyed. This is the conversation and intercourse with the natives in their houses; in the midst of their families and in their private way of life. It is perhaps from the general conversation of the people and their usual domestic habits from which the best judgement can be formed of the state of their society...For want of this advantage they [Europeans] have found only bad qualities and so

many of them...They have forgot also, that the manners of Europeans, and their degrading treatment of the natives, must banish from their company natives of spirit and of high pretensions....In fact it has become the interest and from thence the habit of the Company's servants to misrepresent the natives of India; to hold them forth as men who disregard every divine and human laws; who neglect the most solemn ties and obligations; who cheat and rob and are guilty of the blackest ingratitude.”⁴

Joining issues with Mill over his interpretation of India, especially his representation of the Hindu character, Walker unequivocally argued, that Mill's portrayal was too 'dark and a severe view of the Hindu character' which 'did not agree either with' his [Walker's] 'experience or observation.'⁵ In fact, he displayed remarkable prescience when he wrote to Mill, that the latter's history of India would, if not rectified and balanced, eventually:

“Add to the state of disgrace and reproach under which they [Hindus] already labour with many people; and the authority of your name will be produced to sink them still lower in the scale of

society. The continual association of immorality and vice with their character will only expose them to the further contumely and contempt of our countrymen who are appointed to rule over them.”⁶

This was exactly the negative effect that it created in the understanding of India, not only among generations of Westerners but also among Indians themselves.

When the British talked of a being a superior civilisation, Walker argued, it was a vague idea; the scales were never effectively measured, nor were parameters developed.

Interestingly, while arguing against this unfairness of approach, he made a comparison of Indian and Western civilisations at certain epochs by providing indices of comparisons. He confessed that he was quite at a loss in trying to fix the ‘point of civilisation.’ What could be the ‘discriminative characteristic of a civilised people?’⁷ How could one gloss over huge aberrations during periods which the West marked as its high points of civilisation. How could one rank in civilisational

This was exactly the negative effect that it created in the understanding of India, not only among generations of Westerners but also among Indians themselves.

scale, Walker asked Mill, the ‘Grecians who were in the practice of murdering their prisoners, in cold blood, and who could drag them from the altar and put them, to death after a promise of mercy’, nor was ‘pre-eminence’ in science and literature a criterion for being highly civilised, or else how could one explain the fact that the age of Bacon and Newton saw many innocents being put to death for witchcraft.⁸ The Indophile almost sounded like an Indian nationalist of the early part of the 20th century, when he spoke for adopting a fair yard stick in measuring civilisational heights:

“The vague ideas we have of civilization must render every attempt peculiarly difficult, if not abortive, to fix the precise rank of the Hindus in the scale. In my opinion they are far above the days of Henry the 4th [1399-1413].⁹ He lived in a faithless period, which was distinguished by crimes and civil wars. Property was extremely insecure and the laws but little respected. If the state of civilization depends on commerce it had made little progress in that reign.”

It was extremely rare even in the 15th century for an English vessel to appear in the Mediterranean. In the 14th century we are informed that the manners even of the Italians were rude. The cloths of the men were of leather unlined and badly tanned. We are told by a Spaniard who came to London with Philip the 2nd [1554-1598] that the English lived in houses made of sticks and dirt...Even the art of building with bricks was unknown in England until it came into general use in the time of Henry the 6th [1422-1462]. The people were ill-lodged and not well clothed until the beginning of last century. In Scotland every thing was worse. In short the pride of Europe was quite barbaric until a very recent period and we must come down very low indeed before we can institute any comparison with Hindu manners. ¹⁰

Walker displayed a steady conviction – a result of his empirical experiences in India – regarding the high levels that Indian civilisation had reached. He saw the Hindus standing ‘pretty high in the civilisational scale’ because of their being ‘perfectly acquainted with the arts of regular life’, because of the ‘great progress’ of science amongst them, because of their respect for

and adherence to ‘moral values’ and more importantly, because they have never ‘disgraced themselves neither by sanguinary punishments nor by senseless prosecutions against those who entertain’ singularly opposite opinions. ¹¹ The last was a most important criterion for civilisation in which Europe had repeatedly failed the test. Walker’s persistence, his first hand experience of India, made Mill eventually accept the errors of his own judgment of Hindu civilisation, he replied, ‘Above all you have convinced me that I had drawn the moral character of the Hindus in too dark colours, and this I shall acknowledge.’ ¹² But intriguingly the copies of his volumes were never withdrawn neither were substantial alterations made to ward off the negative effects of that reading. Mill was treated as an authority on India and his descendants never ceased to promote his line. The alternate narrative of India was throttled by the dominant Indophobic mindset.

The Spectre Still Looms

Like his other colleagues of the Edinburgh enlightenment, Alexander Walker displayed a great concern for the adverse

effects of British modernity on India, her people and society. He was worried that the 'conquest and defeat of a civilisation generally led not only to its disintegration' but to the loss of its precious knowledge, styles of living and identity altogether.¹³ He and some others appeared to be convinced that the official British policy in India was working towards facilitating just such a demise of the Indic civilisation by nurturing the growth, consolidation and dominance of the Indophobic mindset, a mindset which would ultimately outlast the empire itself. The resistance to the creation of such a mindset never took off; it remained at best peripheral by refusing to serve the aims of political subjugation and dominance.

Dyer's act was just one of those bloody manifestations of that mindset; he was an administrative mercenary while Mill was an intellectual mercenary with both working to disintegrate a civilisation superior to their own. It is the same mindset which made Philip Duke of Edinburgh find the

figures of those killed at Jallianwala Bagh 'a bit exaggerated' and it is the same mindset which refuses to tender unqualified apologies for historical wrongs, denies the famine holocaust in Bengal, overlooks the creation of the political mess in the subcontinent and refuses to entertain any serious debate on treasures forcibly taken and their possible return to their country of origin.

The spectre of Indophobia thus still looms large and resistance to it is at best marginal!

Dyer's act was just one of those bloody manifestations of that mindset; he was an administrative mercenary while Mill was an intellectual mercenary with both working to disintegrate a civilisation superior to their own.

Endnotes

1. Thomas R. Trautmann, *Aryans and British India*, (Berkeley: University of California Press, 1997), p.113.
2. Ibid., p.117.
3. Ibid., p.118.
4. 'Alexander's Walker's Image of India' (Edinburgh: National Library of Scotland: Walker Bowland Papers) in Dharampal, 'British Narrations on India, Its Conquest, Dominance and Destruction 1600-1900', *Archival Compilation*, vol.9,

- (Sevagram: Ashram Pratishtan, 2000), p.88.
5. Alexander Walker's letter to James Mill dated 24th November, 1819, in *ibid.*, p.75.
 6. *Ibid.*
 7. Alexander Walker's letter to James Mill, dated 21st October, 1819, *ibid.*, pp.73-74.
 8. *Ibid.*, p.73.
 9. Indicates the period of reign.
 10. Letter dated 24th November 1819, *op.cit.*, p.76.
 11. Letter dated 21st October 1819, *op.cit.*, p.74.
 12. James Mill letter dated, February 26th, 1820, p.77.
 13. See e.g. Dharampal, *The Beautiful Tree*, (Mapusa: Other India Press, 2000), pp.15-16.

[Back to Contents](#)

Pakistan Looks To Increase Its Defence Footprint In Afghanistan

- *Monish Gulati*

Introduction

Afghan Defence Minister Bismillah Mohammadi, on 27 January 2013, led a six-member delegation for a five-day official tour to Pakistan for talks on defence cooperation and border coordination. Pakistani Chief of Army Staff, General Kayani during his visit to Kabul in November last year had extended an invitation to the Afghan Defence Minister to visit Pakistan. This visit also came against the backdrop of the trilateral summit on Afghanistan in London.¹ The two-day event (3-4 February) was held to inject fresh momentum to the 'negotiated settlement' on Afghanistan with the active and direct involvement of Pakistan.

Apart from General Muhammadi, the other members of the Afghan delegation were; Major General Afzal Aman, Director General Military Operations, Abdul Manan Farahi, Director General Military Intelligence and Investigation,

Payanda Mohammad Nazim, Inspector General Training Ministry of Defence, Aminullah Karim, Commandant National Defence College and US Colonel Dan Pinnel.²

Agenda

The two sides discussed the 'Peace Process Roadmap to 2015' charted by the Afghan High Peace Council and provided to Pakistan in November 2012. An end to the cross-border attacks and other border management issues were discussed as these have been a source of heightened tensions between the two countries. Afghanistan had earlier raised the matter of cross-border attacks with the UN Security Council in September 2012.³ Defence officials also discussed the proposed Strategic Partnership Agreement (SPA) between the two countries which had hit a roadblock on account of cross border attacks, the Durand line and safe havens for the Taliban on Pakistani soil.

* *Monish Gulati*

Pakistan had handed over a draft of the SPA to the Afghan Foreign Minister when he visited Islamabad in November 2012.⁴ Also on the agenda was the training of Afghan security personnel in Pakistan.

Visit

The first official engagement of the Afghan delegation was a visit to the Pakistani Army Headquarters in Rawalpindi on 28 January 2013 where they laid a wreath at "Yadgar-e-

Shuhada" or martyrs memorial.⁵

A meeting between General Kayani and Afghan Defence Minister was also scheduled.

The delegation during its stay besides visiting various training institutions also met Pakistani Defence Minister Syed Naveed Qamar, and Secretary Defence Lieutenant General (retd) Asif Yasin Malik.⁶ The Afghan Defence Minister also called on the Pakistani President and discussed defence cooperation and counter terrorism issues. President Zardari said Pakistan attached great importance to its ties with Afghanistan and added that the delegation's visit would

help further cement relations⁷. The delegation left for Kabul on 31 January 2013.

Border Management

Implementation of the recently concluded agreement on Tripartite Border Standard Operating Procedures was also discussed by the Afghan delegation. The agreement was directed at improving existing security cooperation and intelligence sharing mechanisms, on both sides

of the Pak-Afghan border. The 36th meeting of the Tripartite Commission had been held in November 2012 in Kabul where a Tripartite Border

Coordination Mechanism for enhanced border coordination and cooperation had been worked out. ISAF is the third stakeholder in the commission. Pakistan and Afghanistan on 31 January 2013 agreed to work out a 'joint security plan' to ensure peace on the border following the withdrawal of US-led foreign troops from the war-torn country in 2014. Under the plan, the border security arrangements would be gradually taken over by Pakistani and Afghan security

The first official engagement of the Afghan delegation was a visit to the Pakistani Army Headquarters in Rawalpindi on 28 January 2013 where they laid a wreath at "Yadgar-e-Shuhada" or martyrs memorial.⁵

forces and the role of the US-led NATO forces would be reduced.⁸

Training of Security Forces

The Afghan delegation on 29 January 2013 visited military training institutes in Quetta; the Command and Staff College and School of Infantry & Tactics (SIAT). The delegation was reportedly briefed about the academic courses being conducted at these institutes. The training programme proposed by Pakistan for Afghan army officers also includes professional training at National Defence University (NDU), Islamabad. The delegation was handed over a 'selection list' containing details of the training programmes being offered at various Pakistani security training institutes.

The Afghan delegation was taken to the main campus of the National University of Sciences and Technology (NUST) School of Electrical Engineering and Computer Science, on 30 January 2013. NUST made an offer of 20 fully funded PhD scholarships for Afghan students in any discipline.⁹ Tour included a visit to the National University of Modern Language (NUML), Pakistan Ordnance Factory Wah and

Special Operational School (SOS) Cherat.¹⁰

The delegates witnessed a military exercise at Tilla Range near Jhelum and appreciated the high standard of training displayed by participating troops. It was highlighted that the operational environment of Pakistan and Afghanistan were identical; hence, Pakistan could ideally serve a 'natural' professional training destination for the Afghan National Security Forces (ANSF).¹¹ The delegation reportedly indicated that the female segment of the ANSF was reluctant to travel outside Afghanistan for training, however, a "brotherly Muslim country could serve as a place of interest for them too".¹²

As per reported understanding reached between the two sides, the officers from the Afghan National Army (ANA) would be visiting Pakistan initially for mid-career courses (MCCs). The training programme would see enrolments of the Afghan officers in Pakistan's military training institutes in three phases. In the first phase, the mid-career Afghan army officers would train at Islamabad and Quetta. In the second phase, the Afghan recruits would receive

training at Pakistan Military Academy (PMA) Abbottabad and Military College Jhelum. “The third and final phase foresees training of Afghan police. The officials said that the plan for training Afghan National Police at the National Police Academy, Islamabad and Police Training College Sihala, Rawalpindi was under consideration.

There is also a proposal to train Afghan non-commissioned officers (NCOs); but has not been finalised. In this regard the Afghan delegates are reported to have visited the PMA Kakul, Junior Leadership Academy (JLA) Shinkhari, Mansehra and Military College Jhelum on 31 January 2013. The JLA Shinkhari is a military academy for NCOs and Junior Commissioned Officers (JCOs). Pakistan estimates some 200 Afghan soldiers in the next two years to undergo military training in Pakistan. “There would be six-month, yearly and two-year training programmes depending upon the rank of the officers. Afghan authorities are expected

There is also a proposal to train Afghan non-commissioned officers (NCOs); but has not been finalised. In this regard the Afghan delegates are reported to have visited the PMA Kakul, Junior Leadership Academy (JLA) Shinkhari, Mansehra and Military College Jhelum on 31 January 2013.

get back to Pakistan in course of future meetings with their exact training requirements.¹³

Analysis

Pakistan has been offering Afghanistan to train its security forces for quite some time; however, Kabul had shown little interest, largely due to the trust deficit between the two countries.¹⁴ In fact after the sixth Trilateral Summit meeting

(Afghanistan-Pakistan-Turkey) in Istanbul on 1 November 2011, the Pakistan foreign office had declared that Afghanistan had agreed to let Pakistan train its security forces. It

was indicated by Pakistan that the joint statement of the 6th Trilateral Summit, particularly paragraph six, welcomes the signing of the protocol on conduct of mutual exercises and on training cooperation. The documents adopted were two separate protocols: one for training of police personnel i.e. counter-terrorism/law enforcement and the other for the training of the military personnel.¹⁵ Afghanistan

did not take on the offer as it was said that the proposal was not generous enough in terms of the stipends and other facilities that the Afghan trainees would receive.¹⁶

Pakistan believes that the NATO-led training mission in Afghanistan has been beset with 'serious problems' due to insider attacks as well as the reluctance of Western alliance member states to send their military instructors to Afghanistan.¹⁷ Some observers feel that in the future as NATO forces drawdown, there may well be a formal agreement on the deputation of Pakistani officers to Afghan training institutes including assistance in setting up new ones. Also about 4,500 US special operations personnel presently charged with training the Afghan Local Police (ALP), a force of 18,500 villagers armed, paid and trained to defend their communities against insurgents have been deployed in 94 districts. The US special operations personnel maybe withdrawn on President Karzai's request, made during his visit to US in January this year. ALP was intended to expand to 26,000 members by the end of 2014, with units dedicated to securing remote locations where

traditional Afghan forces are weak or nonexistent.¹⁸

Pakistan has never been in favour of the training imparted to the ANSF by the Indian military.¹⁹ India had planned to train 20,000-30,000 ANA personnel, including about 500 officers, at facilities around the country over the next three years under a bilateral strategic partnership agreed during President Hamid Karzai's visit to New Delhi in October 2011.²⁰

The outcome of the visit of the Afghan defence delegation was being considered vital in connection with the London Trilateral Summit.²¹ This may have been due to the fact that an amicable resolution of the border management issues, especially cessation of cross-attacks, is a part of the peace roadmap and an Afghan condition to signing of the SPA. It is also likely that Pakistan may have been insisting on Afghanistan accepting its offer to train ANSF as a part of the SPA.

Conclusion

The extent to which the Pakistan media has 'read' its own interpretation into the outcome of visit of the Afghan defence delegation is indicated by this

comment; “General Bismillah is a non-Pashtun, a Tajik, by origin. This vindicates the fact that Pakistan is moving ahead with the vision of a broad-based relationship with Afghanistan.”²² The Pakistani establishment has really been upbeat about the outcome of the visit and the Pakistani role in it. With regard to the peace process one analyst commented “the most important point was the reiteration by Gen. Bismillah of Afghan gratitude for the Pakistani release of Afghan Taliban prisoners to facilitate reconciliation.”¹³ A Pakistani spokesperson summed up the mood “It appears that Afghanistan has come to realize the centrality of Pakistan in peace and stability in Afghanistan”.

End Notes

1. Sikander Shaheen, Pakistan, Afghanistan move closer ahead of London talks, *The Nation* January 29, 2013. <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/ed...>
2. Shakil Shaikh Afghan minister sees Pakistan as natural training ground for Afghan army ,*The News* ,February 01, 2013 <http://www.thenews.com.pk/>

3. Sajad Afghan defense minister arrives to Pakistan on five-day trip, *Khaama*, January 28, 2013. <http://www.khaama.com/afghan-defense-minister-arrives-to-pakistan-on-fiv...>
4. Afghan defense minister, Pakistan army chief discuss defense cooperation, *Xinhua*, 2013-01-28. http://news.xinhuanet.com/english/world/2013-01/28/c_132134313.htm
5. Afghan defense minister, Pakistan army chief discuss defense cooperation, *Xinhua*, 2013-01-28. http://news.xinhuanet.com/english/world/2013-01/28/c_132134313.htm
6. Sikander Shaheen. Afghan defence delegation leaves with renewed commitments,*The Nation*, February 01, 2013. <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/na...>
7. Kamran Yousaf. Deal in the making: Pakistan Army likely to begin training Afghan forces, *The Express Tribune*, January 29, 2013. <http://tribune.com.pk/story/5>

- [00094/deal-in-the-making-pakistan-army-like...](http://www.khaama.com/pakistani-army-to-begin-training-afghan-security-f...)
8. Shaiq Hussain Pakistan, Afghanistan to work out joint security plan, Pakistan Today, February 01, 2013. <http://www.pakistantoday.com.pk/2013/02/01/news/national/pakistan-afghan...>
 9. Afghan Defence Ministry delegation visits NUST, Daily Times, January 31, 2013. http://www.dailytimes.com.pk/default.asp?page=2013%5C01%5C31%5Cstory_31-...
 10. Ser 8.
 11. Ser 2.
 12. Afghanistan, Pakistan to enhance border control cooperation, XINHUA, 2013-1-31. http://www.shanghaidaily.com/article/article_xinhua.asp?id=122841
 13. Sikander Shaheen. Pak Army hands over selection list to Kabul, The Nation, January 30, 2013. <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/na...>
 14. Meena Haseeb. Pakistani army to begin training Afghan security forces, 29 January 29, 2013 <http://www.khaama.com/pakistani-army-to-begin-training-afghan-security-f...>
 15. Pakistan to train Afghanistan's army: Foreign Office, Pak Tribune, November 04, 2011. <http://paktribune.com/news/Pakistan-to-train-Afghanistans-army-Foreign-Office-244893.html>
 16. Najmuddin A Shaikh Reconciliation is the key, Dawn, January 30, 2013. <http://dawn.com/2013/01/30/reconciliation-is-the-key/>
 17. Ser 13.
 18. <http://www.ft.com/cms/0/9328f25e-5f2d-11e2-8250-0144feab49a.html#ixzz2...>
 19. Ser 13.
 20. Rahul Bedi India steps up Afghan troop training, 11/29/2011. IHS Jane's Defence Security Report. <http://www.janes.com/products/janes/defence-security-report.aspx?id=1065...>
 21. Ser 8.
 22. Ser 7.
 23. Ser 16.

[Back to Contents](#)

Political Impasse Over The Caretaker Government In Bangladesh

- *Neha Mehta*

The Caretaker Government that was a unique feature of Bangladesh's democracy was in place over the years to oversee elections in a country that has a history of military coups, political assassinations and electoral fraud. Historically, democracy has struggled in Bangladesh with an unstable political environment that has two main political parties at loggerheads at all times with periods of dictatorships and battling the influence of its army in politics. The decision to do away with the Caretaker Government was taken through the fifteenth amendment to the constitution in mid-2011, following the Supreme Court verdict that declared the thirteenth constitutional amendment illegal. This created quite a furor in the political circles leading to the current political stalemate.

Originally, the Caretaker Government system was constitutionally introduced

through the thirteenth amendment to the Constitution after the three main political parties, the Awami League, the Jamaat-e-Islami and Jatiya Party boycotted the sixth general elections in 1996, to press for the demand of a Caretaker Government to oversee the political transition in the country. The thirteenth amendment gave power to an elected government to transfer power to an unelected non-partisan Caretaker Government to oversee new parliamentary election on completion of its term. The system which lasted for 15 years, however held four elections under it viz. in 1991, 1996, 2001 and 2008. The system was first put in place informally in 1991, at a time of critical political transformation, before it was included in the constitution. The aim was to oversee the election process at a time when military dictator Hussain Muhammad Ershad was ousted and electoral democracy was restored in Bangladesh as

* *Neha Mehta - Research Assistant, VIF*

well as to counter any kind of military influence.

Currently, the Caretaker Government issue has become one of the main rallying points for the opposition that has outrightly refused to be part of the elections that would be held under the supervision of an Election Commission at the end of 2013 or early 2014. This has created deep divisions in an already divided political domain. In order to press for the demand of restoration of the Caretaker Government as a pre-requisite to their participation in the elections, the coalition of 18 parties forming the opposition has been mounting pressure on the government over a year and a half through strikes and resorting to violent means to bring home their point. In addition, they have been refusing to be party to any kind of talks to look for an alternative to the issue. Their argument is that the elections held under the incumbent government would not be free and fair. Meanwhile, the

In order to press for the demand of restoration of the Caretaker Government as a pre-requisite to their participation in the elections, the coalition of 18 parties forming the opposition has been mounting pressure on the government over a year and a half through strikes and resorting to violent means to bring home their point. In addition, they have been refusing to be party to any kind of talks to look for an alternative to the issue.

Awami League has also been adamant about not reversing the decision that was taken in 2011 and wanting elections to be held under an Election Commission arguing that is the way parliamentary democracies function.

The current political stance of Awami League and the BNP, however, is diametrically opposite to when the Caretaker system was introduced constitutionally, with the Awami League pressing for the system while the BNP was reluctant to concede such a demand. It was primarily an outcome of lack of trust amongst the political parties as well as the belief that the incumbent government could not hold an election without meddling with the political process which would lead to electoral fraud. This however, is the perception even today.

The controversial Caretaker Government that was installed in

2006 after the BNP rule from 2001-2006 brought to the fore the way the provision could be exploited. Under the system that was introduced through the thirteenth constitutional amendment it was important to install a caretaker government within 15 days of the previous parliament being dissolved which had to ensure that fresh polls were held within 90 days with the help of a commission.¹ The fear of many thinkers that such a system would be misused got materialized when the last caretaker government far extended its time in office and was there for two years. It was a tumultuous time and proved detrimental to any kind of political process in the country. The political rollercoaster that led to a take over by the military only led to more political chaos which put democracy in deep jeopardy.

The Caretaker government being a foolproof system against extra constitutional take-over or being entirely neutral, however, is far from the truth as was seen what transpired from 2006 to 2008. The primary reason for the political turmoil was the lack of neutrality of the Chief Advisor who was seen to have close political affiliations with the BNP. Adding to this, the military takeover of the caretaker

government in 2007 brought into focus firstly, the glaring deficiencies in the Caretaker Government system through which a political process could be hijacked and secondly, it served as a huge setback to democratic progression which engulfed the country in deep political crisis.

Moreover, the advisors that were appointed in a Caretaker Government were an unelected set of opinionated people who had to deliver within a short span of time.² However, it is principally the duty of an Election Commission, the government officials in the secretariats and the law and order agencies who are required to conduct elections in a democratic set up.³ In the current scenario, the Election Commission should be strengthened and made more independent, devoid of any political influences with non-partisan officials to oversee the election process.

Although, there have been international observers who termed the elections under a Caretaker Government as free and fair, that was never the opinion of the party that lost, who always cried foul and blamed the winning party of election fraud. Therefore, no matter what system is put in

place the losing party would continue to have doubts over it. The current opposition had itself rejected the verdict of the elections held under a caretaker government when it lost. Therefore, the stop gap arrangement in the shape of the Caretaker Government that was put in place had definitely outlived its utility as it could not continue to be the solution to the basic mistrust amongst the political parties and the unstable political situation in Bangladesh. Such an undemocratic feature definitely needed to go in order to let democracy take deep roots in Bangladesh.

Therefore, the stop gap arrangement in the shape of the Caretaker Government that was put in place had definitely outlived its utility as it could not continue to be the solution to the basic mistrust amongst the political parties and the unstable political situation in Bangladesh.

The need of the hour is to not let the country go through another round of political mayhem and have a smooth transition by holding parliamentary elections in a free and fair manner devoid of electoral fraud. It is high time that after almost 42 years of independence that there should be a stable parliamentary democracy with solid foundation keeping the influence of the army to a minimum and to have checks for

any kind of extra constitutional take over. The arguments for and against the system have been put forth aplenty but the larger issue is to strike a balance, look for an amicable solution to the problem and shun the confrontationist stance by putting the needs of the nation above petty politics.

Endnotes

1. The Economist (Aug 2012)“Running elections in Bangladesh: Generally trusted”, [Online: web] Accessed: 1 Feb 2013, URL: <http://www.economist.com/blogs/banyan/2012/08/running-elections-bangladesh>
2. Hussain, Syed Muhammad (May 2012), “Thought on an Interim/Caretaker government”, [Online: web] Accessed: 1 Feb 2013, URL: <http://ns.bdnews24.com/blog/en/index.php/syed-muhammad-hussain/1351>
3. ibid

[Back to Contents](#)

Vimarsha: Security Implications Of Contemporary Political Environment In India

Implication of the contemporary political environment in India on matters of national security is critically important, considering all the three factors of internal stability, rule of law and the larger geo-politics of the Indian Sub-continent. For a better understanding and assessment of the ground realities, Dr. Sudhir S. Bloeria, Vice Chancellor of the Central

University of Jammu & Kashmir and Former Chief Secretary of Jammu & Kashmir, delivered a talk on 22 February 2013 in VIF's monthly series of talks, *Vimarsha*. Shri Ajit Doval, KC, VIF Director, began the session with the introduction of the guest speaker and a brief note on the topic, precisely capturing the agenda.

Dr. Bloeria, beginning with the assessment of the contemporary political environment in India, highlighted a remarkable increase of opportunism, political game of

power and upmanship which has been the major cause of pull back in India's success story. While the Legislative and the Executive bodies have functioned poorly, Dr. Bloeria argued that the Judiciary, including the Supreme Court of India, too has failed to live upto the expectations. With a lack of balance between these three pillars of our democratic system and their poor levels of functioning, the security situation has only worsened.

Underlining the dangers of Left-Wing extremism and insurgencies, Dr. Bloeria pointed out that it is the lack of political will and vision today which allows such dangerous elements to live and grow in our nation. Assessing general law and order situation on ground, Dr. Bloeria expressed his concern on increase in the number of assaults on public servants and damage of public properties. On matters of external threat, Dr.



Bloeria asserted that there is no political consensus today which impairs Indian Security and projects us as a soft-state, which is furthermore utilized by separatists to weaken India.

Concluding his talk, Dr. Bloeria stressed upon the urgent need to keep matters of national security above party politics. It was agreed

that an orderly functioning Parliament, fine-tuned with an effective Executive and Judiciary is a necessity today. The session ended with a series of interesting comments made and questions raised by an enthusiastic audience.

[Back to Contents](#)