

**Collected Works
of
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(1927-2011)**

Democracy

Rationalist Foundation

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Are we a Democratic Nation?

The question is apparently provocative but I would be able to show you how it is both relevant and timely. You must be thinking that such a question like this should not be allowed to be asked in the year 1978 nearly 30 years after this country achieved independence and when this country has successfully demonstrated that it can run a democratic state. In the world today, if one excludes India, hardly 10% of the world population lives under democratic regimes. In other words, an overwhelming majority of people constituting 60% of the world population do not live under democratic governments. We have been accustomed to talking about democracy so long that we are inclined to believe that every where democracy is flourishing. Two world wars were fought for making the world safe for democracy. Many people died in the cause of democracy. Every person, small or big, in authority, in power or out of it at least publicly swears by democracy. But if you understand the democracy in the way I understand it, viz, a Government by the people and of the people and not merely a government for the people then you will have to agree that there is in this world a large percentage of people who do not know what democracy is. Abraham Lincoln in his famous speech at Gettysburg defined democracy as a government of the people, by the people and for the people.

The word “democracy” is derived from Latin and properly translated means people’s rule. It must be rule by the people and of the people and not merely for the people. A system which gives a right to the people periodically to choose their representatives is a democratic system. A system which shuts out this right cannot, according to me, be called a democratic system. I mentioned that the people must be given a right to choose. So when you are talking of choice, naturally the choice must be between different alternatives. That right must be not merely on Paper. In practice that right must be allowed to choose between competing candidates and competing ideologies which may or may not question the basis of the existing state of affairs. That choice must be a real choice, not a choice between tweedledum and tweedledee and the right to exercise that choice must be capable of being exercised consciously. In other words, the choice must be well informed. For the purpose that the choice must be well informed, it is necessary that there must be freedom of speech and expression, freedom to disseminate ideas which may or may not be to the liking of the people in power for the day. It is a freedom not only to speak but the freedom to be spoken to; it is not a freedom merely to inform others of one’s views but it must be a freedom to be informed by others of their views. There

must be a free exchange of ideas and discussion of ideologies. There must be liberty to question the fundamentals of existing social, political and economic order. In a democracy, two and often more than two, groups which may be called political parties are competing for the loyalty of the people and naturally for their votes, with the object of getting into the seats of power so that according to their pretensions at least, they may serve the people. Broadly speaking I will call that society a democratic society, which has provided for the free exchange of ideas, discussion of ideologies, and freedom to the people not only to know but also to be known, not only to inform but also to be informed. That system also must provide an opportunity to the people periodically to change a government if they so decide.

Bearing this idea of a democratic nation or a society in mind, if you look around the world, you will find that an overwhelming proportion of the people are not in a democratic state or under a democratic system. Look at Europe. In how many countries can you honestly say that democratic system, as I have understood it and as I have explained above exists? Is there in every country, a system which allows its citizens a right to get rid of the government which it does not like? Similarly, you look at the continent of Africa. I do not know whether I can say that there is in that Continent a considerable part at least where democracy exists. In good old days it used to be said that the continent of Africa was Dark Continent because it was shrouded in darkness from the world. The people did not know what was happening into the interior of Africa. Today if you say that, that part of the world is dark where democracy does not exist, I cannot in all conscience say that the continent of Africa has ceased to be Dark Continent. Go to the other side of the Atlantic and see the continent of America. In North America, United States and Canada no doubt have been enjoying a democratic government for a long time. Look at the subcontinent of South America what is called as Latin America. Is it possible to say that in any of these countries democracy, as I understand and as I want you to understand, exists? I have already referred to a speech of Abraham Lincoln at Gettysburg wherein he gave to the world a succinct definition of democracy. That speech was given on the battle field of Gettysburg. The battle was fought between the Northern and Southern States of the United States over the question of slavery. In that memorable speech, Abraham Lincoln said that this country, meaning the United States of America, could not exist half in slavery and half free. What he meant was that some of the people in the country could not remain free and others are slaves. In another sense today, in my opinion, the continent of America is half slave

and half free. There is no democratic system in the proper sense in the southern part of America. Dictatorships are established and toppled as part of the political game. When I see all these various areas on the world map which cannot be said to be illuminated by the lamp of democracy, I remember my school days. In my school days we used to have a world map which showed countries in the British Commonwealth in pink colour and many of you belonging to the present generation or born in the postwar world may not be knowing that in these days the British Commonwealth spread across the length and breadth of the world. Since the Commonwealth countries were shown in pink colour, the entire world used to look pinkish. It was said that the sun never set on the British Empire because God did not trust the British people. Joke apart, if today you mark in black colour those countries on the map in which there is no democracy, the map will show more black areas than pink areas shown in the earlier map. The picture of the world indeed is black.

When this is the picture of the world, it is indeed a matter of pride that India has consistently remained under a democratic regime after it became independent. In Asia almost every country which became independent after the Second World War has at one time or another, if not at all times, lost its democratic character. It is a proud achievement for this country that it has for more than 30 years retained a democratic pattern, a democratic process and the democratic institutions. It is one of the very curious phenomena of the postwar world that almost every country which fought for freedom from foreign domination failed to establish internal democracy in the country after freedom from foreign rule was achieved. It is not necessary for me to give individual instances, for a student of modern history will recognise this fact that almost every Country, if not all countries, had succumbed at one or the other stage of the postwar period to the dictatorship military or otherwise. India, on the other hand, is the only country which has without interruption retained its democratic character. This has been done despite three big wars with Pakistan in 1948, 1964 and 1971. There was also a mini war in 1962 with China which put a tremendous strain on our body politic and shook the faith of this country in the doctrine of five principles or Panchasheel which ought to govern the international relationship. You must also remember that even after the republic was born i.e. after 26th January 1950, we have held successfully six general elections which should be a matter of great pride to every Indian. India is, therefore, an island of democracy in a sea of undemocratic and in some cases despotic regimes. I am not one of those who always bemoan and decry things that are Indian. I do not belong to that category of intelligentsia which rejoices in

quoting foreign newspapers and politicians either in support of or in condemnation of the things that are Indian. It is high time that we stopped looking out for kudos from foreign countries for things we can take pride in. We also should stop worrying about what foreign countries think about us if we are convinced by ourselves that what we have done is correct. I am, therefore, refraining from referring to a spate of articles that have appeared in the foreign press about India and Indian democracy. One article that appeared in the London "Times" after the 1967 elections may, however, be mentioned. It had predicted that the elections of 1967 would be the last elections in India. That prophecy of gloom has been happily belied.

The title of the speech today has been provided by certain experience through which we passed recently. It has been said that during recent years we passed through an era of dictatorship. Being a Judge, I do not want to get involved in any controversies. It might be that there were certain things which normally would not have been done if free flow of ideas had been allowed and the people were free to criticise what was happening or even to know what was happening. It should not, however, be forgotten that the proclamation of emergency has been provided for in the Constitution itself. Certain laws were passed which may sound abhorrent to the democratic sense of the people but we should not forget that such laws were upheld by the highest Court of the land. It is, therefore, not enough that we should have merely a Constitution which has within it the provision relating to elections and the formation of the popularly elected governments. It is ultimately the people, their temperaments, their habits, their reflexes which go to decide whether a particular nation is a democratic nation or not.

It is in this sense I am asking the question to you whether we are a democratic nation. If recently, as some people say, we were on the verge of dictatorship, some day we might be thrown hopelessly into the abyss of dictatorship unless we develop a democratic temperament and certain habits which will make it impossible for dictatorship to be established in this Country. Some people loosely talk of benevolent dictatorship. Let me tell you no dictatorship can be benevolent. Some people at one time have toyed with the idea that a particular person who according to them was the acknowledged or undoubted or unquestioned leader of the people should be asked to take over the reins of government as a dictator for some time. It is a foolish idea. If a dictator wants to take the reins of a government, he does not ask for your permission. He is not like an actor in the wing to come on the stage according to the cue and make an exit from the stage of the nation at an appointed

moment. A dictator, heaven forbid, will take the reins of a government whether you like it or not, whether you permit him to do so or not and will not relinquish them except in favour of another stronger dictator. A country which has gone under a dictator's regime is not likely to return to the democratic path. If at all it does, it will only be for a short period.

Now what was the reaction of the people during the recent months when according to some people our nation went through a traumatic experience. Was there on the part of the people a conscious resistance to the curtailment of liberties that took place? Was there strong expression of the feeling which must have arisen as a result of the loss of liberty? It is said that the people expressed their indignation in the general elections of 1977. In my opinion, the people who are of democratic temperament, who cherish valuable freedom, would not wait for an auspicious day for making known their feelings. I am now reminded of a story of a prisoner. He was everyday with the nails of his hand scraping the walls of the prison. His fellow prisoner asked him what he was doing. The first prisoner said: "Look, I want to be free. No doubt, by scraping the walls it will, take years for me to make a hole in this wall and get out but at least I am making an effort. If I do not do it, I will be in this prison forever". Here is an example of a person with an urge to be free, who does not wait for an appropriate opportunity to see the light of freedom. That light has to be lit and protected constantly. I am only referring to this experience without expressing any opinion on the validity or invalidity or correctness or otherwise of the need to proclaim emergency.

If during the emergency our behaviour was one of calm and inactivity, after emergency it was one of convulsion and feverish activity. When the elections were ultimately held in March 1977, people voted in a manner that was indicative of the fact that they did not approve of the emergency or at least of certain measures taken during the emergency. When there was a change of government for the first time, after nearly 30 years, there was a sort of rejoicing as if something great has been achieved by the people in the elections held regularly as a feature of the democratic process this country has established. Some people called it ballot-box revolution and the people thought as if this country had put some people on the moon-of having achieved something which was impossible. In my opinion, even this air of jubilation about something which should be a normal feature of a democratic pattern of society is also indicative of our immaturity as a democratic nation. If the country did what it was entitled and expected to do in the elections, which is also a part of

the democratic process of this country, I do not see why there should have been large scale celebrations and festivity. I am not belittling or underestimating the importance of what happened. But qualitatively we should not be misled on the significance of what happened.

Another great defect in the democratic process of our country is the phenomenon known as “Aya Ram Gaya Ram”. On the eve of elections bargains are struck and people cross corridor of political ideologies. Even if people get elected some of them do not mind changing their loyalties from one party to another or from no party to a party and from one party to none. This is a phenomenon which is entirely peculiar to this Country. It is a hundred per cent Swadeshi product. I can tell you confidently that this phenomenon of “Aya Ram Gaya Ram is unknown to countries like the United States, United Kingdom or even France where multiple party system is working. There is in those countries a dedication to ideology around which a party is formed. There is faithfulness to the principles which are enshrined in the proclamation of a political party. Despite the talk of idealism and spiritual heritage in this country, this country alone possesses the unique distinction of creating a class of politicians known as “*Aya Ram Gaya Ram.*” Winston Churchill who was in active politics for nearly 60 years started as a liberal and only in the early years of the century joined the Conservative Party and thereafter for 50 years his loyalty did not change though in the process he was out of cabinet all the while.

I should also not underestimate the necessity of discipline in a democracy. A democratic society postulates, as I have mentioned earlier, a choice between two or more conflicting or competing parties and after the electorate has given its verdict and a particular party is installed in power, then it is the duty of others whose party has been rejected by the electorate not to put obstacles in the implementation of the programmes for which the electorate has voted. I am not sure whether this discipline has been always followed in this country. Opposition parties have not always allowed the party in power to work smoothly. It is true that it is the function of the opposition parties to oppose but it is not true that their function is to obstruct. Morchas, bandhs and walkouts may have a place in a free society with the object of expressing one’s protests and of giving vent to the discontent but if they become regular feature or if they are inextricably woven into the fabric of the daily life then, I am afraid, it will make nonsense of the will of the people.

Ultimately a democratic society is not sustained by the constitution or by the laws. A constitution of a country may contain the most

solemn declaration about the liberties of the people but in practice worst kind of tyranny may be practiced in that country. It is the democratic temperament; the habits of the people, the eagerness to preserve the liberties and the passion to fight for the same are the real support of democracy. If the government or the other institutions in a democratic society are merely regarded as objects and targets of personal ambitions of a leader or even of a group of people and not as instruments for the service of the people then that society cannot be regarded as a democratic society. I do not know, what is the experience about the working of the local self government institutions and cooperative societies in this part of the country. From somewhat proximate knowledge of working in Maharashtra I can safely say that they are not even working as basic democratic institutions ought to be worked. Corruption and embezzlement of funds are common features of these institutions. It is in these smaller institutions at the grass root level that the people should get lessons in the working of democracy and if these springs of democracies are poisoned by such practices, the fountain of democracy that may be at the top will also give out poisonous water. Therefore, do not underestimate the importance of these local self government institutions and cooperative societies which, if properly worked will give intensive as well as extensive training to the people in a democracy but if they are not worked the way they ought to be worked, then the very foundation of democracy will be weakened.

Being a Judge, I cannot restrain myself from referring to a very important feature of a democratic society. In a federal state where there is a written constitution, judiciary is bound to play a decisive and important role. The quality of democracy, in my humble opinion, to a considerable extent at least, depends upon the status the judiciary enjoys in that society. I am not for moment thinking about the status of the judges. What I am thinking about is the status of the judiciary. It is not enough to tolerate the judiciary as being a necessary feature of a democratic society. Just in the way you install some family deity in your house, it is not enough to pay lip homage to this institution. If one properly understands the judicial process one will easily realise the importance it has in a democratic society. An independent and strong judiciary is necessary not only for the citizens but also for the executive whose credibility will be enhanced when its actions are tested in the open courts.

Some of the things which I have said, may even sound commonplace but I have taken the opportunity of saying these things because I have not forgotten that historically, India has never

been a democratic state. Ramrajya was not a Lokarajya. Panchayatrajya was a government of elders not necessarily elected by or answerable to the people. Historically we were not involved in any great battle for democratic rights. It is only when the fight for freedom was launched under the leadership of Mahatma Gandhi, that we realised that freedom must also have as its content a democratic society. In the years to come we must not forget that in the absence of eternal vigilance and in the absence of proper cultivation of proper qualities and temperament, democracy may not live long. Indeed as it has been said democracies always have tended towards despotisms. It is not enough for a revolution to ask for bread alone. Historically revolutions which have been launched only for the bread have ended in non-democratic regimes. It is not correct to say that bread and freedom are incompatible. It is for this country to demonstrate to the world that both are compatible and it is possible to achieve a higher standard of life without sacrificing democratic value of life.

Democracy in India

Once, an American Professor (of Politics) sarcastically remarked to me that India in fact is not a democracy. Like a true patriot, I retorted that India is a true democracy in as much as India has held every election in time. Even when under the now infamous Emergency, the general elections were held two years late, it was still according to law as the Supreme Court held. Not a single Government, whether of a State or of Centre, has been dismissed. We have a professional army which does not interfere in politics to maintain the secular character of the country as the Army does in Turkey.

Recent developments, however, have disillusioned me due to the somnolent nature of the Lok Sabha. The immediate cause of this disillusionment is the very short duration of Lok Sabha. Not that the Lok Sabha has met in sessions of long duration. In the year 2008 it has met only for 32 days despite the fact that the country is faced with several problems such as terrorism. For the record, it may be mentioned that in 1976 when Emergency was in force, Lok Sabha met for 16 days. In 1999, when N.D.A. was in power, the sittings were of 51 days. Subsequently the duration of the Lok Sabha has gone on dwindling and now so far it is only 32 days. It has been announced that it will meet for 10 days in December.

Often it is criticized that the Judiciary is enjoying too long vacations. The criticism is misplaced as it ignores the fact that Courts work for 5 hours daily continuously without any interruptions. All Courts sit for at least 210 days a year. Vacations are not enjoyed; they are used at least partly, for brushing up law, latest decisions and taking instructions from clients and, sometimes, for discussions with brother advocates.

Nearly two hundred years ago, Abraham Lincoln, in his Gettysburg speech, gave expression to democratic Government as the one by the people, of the people and for the people. It is difficult to give a more succinct definition of democracy. Are we living even in small measure upto this definition?

There are about 50 provisions in the Constitution relating to the Parliament. There are hardly any indications that more than the majority of our MPs have familiarized themselves with these provisions. Unfortunately for the MPs their conduct in the Parliament is exposed by the electronic media. The suspension of

the question hour every day is demanded by the Opposition and the Government is probably happy. The question hour is a very powerful, useful weapon in the hands of the Opposition. The right to information which by law is available to any citizen is eclipsed by suspending the question hour. By useful, probing questions the Opposition can get information which is otherwise not available. The Government can even be rattled.

By constant shouting, getting into the well of the House and interruptions, no Government of the day has been ever shaken. By a question, inconvenient or otherwise, Government can be embarrassed, rattled and this can be seen by the whole country, thanks to the media.

Importance of the Lok Sabha cannot be over-emphasized. It is the voice of the people. The Government of the day should be educated by appropriate discussions. It would then be “for the people”. In the good old days, really good old days, Gokhale illumined a subject by studying it in advance. Nath Pai, Ram Manohar Lohia threw a flood of light on the discussion. If a bill related to a topic in agriculture, the members would come to the house after studying the relevant part of agriculture. Fortunately, today the Parliament of India has an excellent, well-furnished, helpful Library. It is not only a duty but a pleasure to spend some hours in the library, though it may not be as large as that of the U.S. Congress.

Alas, the picture at present is pathetic. It is no answer to this criticism to say that disruptions are necessary because the Government is not responding to the Opposition’s demands or queries. Interruptions do not activate a Government. They cut into the time available for discussions. The Opposition, instead of disturbing, can utilize the time available to it by proper speeches. Protests may be justified, but not disruptions, interruptions and disturbances. The protest can be couched in speeches, question hour, adjournment motions, etc. The country is not impressed by such behaviour. Nor is the Government moved to action. Let it be said that even treasury benches are not free from criticism.

India is the only country where the Prime Minister is not a member of the Lok Sabha. He is not a resident of Assam but has been elected by that State to the Rajya Sabha. By amending the electoral law it has been provided that any citizen anywhere can be elected to the Rajya Sabha from any State. The previous Home Minister of our country was rejected by his usual constituency but was selected

by Sonia Gandhi. Two powerful Ministers, the Prime Minister and the previous Home Minister, are not even members of the Lok Sabha which in effect governs the country.

The Rajya Sabha is the Council of States. It is meant to safeguard the interests of the States, not merely to give a second look at a bill. In America, thirteen States originally came together to form United States of America. The Senate zealously looks after the interests of the States. It is more powerful than the House of Representatives. Treaties must be approved by the Senate; federal appointments must be accepted by the Senate. Bills have to be passed; money has to be provided. In India, the Rajya Sabha's functions are innocuous; Rajya Sabha is practically a replica of the Lok Sabha.

The Supreme Court has held that the bribe-takers of the Parliament cannot be prosecuted, though the bribe-giver, even a MP, can be penalized. So the Narsimha Rao Government survived. The bribe-taker of those days is today the Chief Minister of a State.

Since 1991, we have been having coalition governments. A coalition Government has to accommodate different sorts of persons. Greater transparency is required in such situations. Elections in a democracy must be free and fair. To ensure freedom and fairness, large C.R.P.F. contingents are stationed in the electoral areas. The capture of booths is feared. Large number of people remains away from the booths, thus making the country inadequately represented.

When will real democracy dawn in our country?

Mutiny or War of Independence

On 29th of March, 1857, Mangal Pande called upon his fellow sepoys to rise up and he himself shot and wounded two officers; he was promptly tried and hanged. Mangal Pande was not alive in May 1957 and yet Amir Khan could make a hero of him in the film “The Rising”. The incident of Pande took place in Barrackpore in Bengal and yet nobody claims the Indian people rose in revolt against the British in Bengal. It was actually the sepoys in Meerut who headed the revolt.

William Dalrymple’s book “The Last Mughal” is an admirable book of details of the time but, unfortunately, fails to sustain the interest of the readers. Bahadur Shah Zafar was a direct descent of Timur and, alas, last of the rulers of Delhi. He came to the throne at 65 years of age and was in no condition to impress the country with any degree of imperial power. The British had won the Punjab war and the Sikhs had become mostly soldiers in the army. Zafar himself, despite his 17 wives, was on pension from the British. He had no power to tax or to make laws. This was done by the British.

Yet, Delhi, which was mostly Shahjehanpur, was an interesting place. There was no Lullyen’s Delhi. Only area around Jumma Masjid and Chandni Chowk were known to the public. Yamuna River, of course, flowed by Delhi and Brahmin women took their baths early in the morning in the holy river. The city abounded in the number of people. Ghalib is famous as an inhabitant of Delhi and composed innumerable poems. He lived on the pension given by the King and he lived beyond the mutiny.

It all started in Meerut. Despite what V.D. Savarkar wrote, it was not a war of independence. As Dalrymple’s book, which is not unsympathetic to Indians, shows, the uprising started in Meerut not as a movement of independence. It was the result of grave apprehension of the sepoys that Christian officers were spoiling them. The ban against Evangelicals had been lifted and they were free to recruit converts to Christianity. The rulers were Christians, though not well liked by the ruled.

The British moved freely among the populace. Many of them married Indians and had children from them. Number of officers had concubines – a fact not disliked by the locals. In the camp, as the author says, the officers hobnobbed with the Indian officers and raped their (unmarried) sisters. The picture of order under British rule always given seems to have been exaggerated.

In such atmosphere, the British did not expect any trouble – least of all in May which is the hot season in the North. The new Brown Bess muskets unlike their predecessors, had smooth grooves and more accurate. But in order to load and to get the bullet down, quantities of grease had to be applied. Both Hindu and Muslim soldiers disliked this. The British were both pork eaters and beef eaters. For the Hindus, beef was almost sacred and pork a taboo to the Muslims. The grease, whether of beef or of pork, was a forbidden item to Indians. Suspecting that the British were secretly spoiling their religious sensibilities, the sepoy refused to obey the officers. To make matters worse and the situation even more combustible, the army was already on the verge of mutiny over quite a few and separate issues of pay and allowances.

Issues were common to Hindus and Muslims alike. But the rebellion took place elsewhere. Maybe in Meerut there were, among the locals, effective leaders or that Meerut was nearer to Delhi – the seat of power, mutiny first took place in Meerut.

Sepoys from that town invaded Delhi. It is surprising that Dalrymple does not give any details of the rising elsewhere. The sepoy invading Delhi started looting shops and houses, irrespective of whether they belonged to Hindus or Muslims. It is here in the book the scholarship of Dalrymple is visible. His knowledge of old Delhi is remarkable. It is as though he and the mutineers knew every lane and by-lane of Delhi. In the book itself only the events in Delhi are described.

Zafar was distressed by the uprising. He was convinced that it must fail in a couple of months. He, with the limited resources, tried to put it down but could not succeed. The book under review does not disclose that the mutineers had any leaders – perhaps they had none. In the absence of any leader, it was impossible to stop or help the mutiny. Zafar knew that the mutiny would fail and in that case he will pay a very heavy price, his life, at least his pension. But ultimately without realizing the consequences, he blessed the uprising and the British were aware of it. It is a pity that Dalrymple has not given the details of Zafar's trial that took place after the uprising was down in September.

Late Dr. B.R. Agarwal, a lawyer from Delhi, has written a book on the trials of freedom. In this he has shown how cowardly Zafar, who was hiding in Humayun's tomb, behaved. Not only did he disown any role in the uprising; he wept and begged for mercy at the hands of his British prosecutors. That was of no avail. Ultimately he was convicted and banished to Burma with only two wives.

He died in 1862 and has been buried in some unknown place – kept unknown. But India honoured him by naming the longest road in Delhi as Bahadur Shah Zafar Marg.

The story of the mutiny has long remained untapped by even Indians. There is huge material in official record as well as in Nehru Museum. The Scot, Dalrymple, has unearthed lot of material and given the details of the mutiny. The defects of the book are that it is mostly confined to Delhi and Hindu participants' names are ignored. Otherwise, it is a great work.

The Last Mughal: The Fall of Dynasty,
William Dalrymple,
Penguin Book

Freedom of the Press

On May 3, 2008, the United Nations observed the Freedom of the Press day. Every year in May that day is observed. The UN recognizes the dangers faced by the press all over the world and the observance of the day is reminder to the world that freedom of the press must be preserved. In every democratic country, freedom of the press is indispensable.

Freedom of speech and expression is guaranteed by the Constitution and press freedom is an aspect of that freedom. It is now well recognized that freedom of the press is freedom of speech and expression. If the freedom of the press is limited or restricted, it amounts to curtailment of the freedom of speech and expression. What a person wants to say, he may say it orally or he may say it through the press. That is how one cannot separate freedom of expression from the freedom of the press. It means that in India at least a law cannot be made infringing Article 19(2) of the Constitution. The said Article protects the freedom of the speech and expression. Under this Article, freedom of the press is also protected. It is now well settled that freedom of speech and expression includes the freedom of the press. Press is owned by individuals and the freedom of individuals is guaranteed by Article 19. That is so held by the Supreme Court in *Sakal Newspapers Ltd. v. Union of India*, (AIR 1962 SC 305). This case also held, in effect, that what cannot be done directly cannot be done indirectly. An order prescribing the price of a newspaper, on the basis of advertisements in that newspaper, was not a reasonable restriction and hence void. India is having a written Constitution and a Supreme Court which can invalidate a law ensures the freedom of the press.

Freedom of press is beneficial not only to the citizens but also to the Government. During the period of internal emergency from 1975 to 1977, a very strict censorship was imposed on the press which was unfortunately upheld by the Supreme Court of India. During that, the powers that be, especially the Prime Minister, never came to know the wrongs committed by the Government. It was partly because of this that the Government was defeated in 1977.

East European countries, which were under the tutelage of USSR for more than 50 years, ought to have known the value of press freedom. No paper was allowed to air the grievances of the people then. Probably after spending more than 50 years, those countries

and the people in those countries had developed “fear of freedom”. That is what is seen even after 1989 when those countries became free. The history of these countries does not show that they have realized the freedom of the press. In recent years the regimes in some of these countries have almost become dictatorial. Or at least they have developed a dislike for press freedom.

In Slovakia, which has become a separate, free country after the Bosnian war, the loss of press freedom is conspicuous. Some papers have been appearing, in recent years, with blank pages, showing that they have been the subject of censorship. A new law relating to the media has been passed which requires the publication of rebuttal of a story about an individual in as prominent a manner as the original story. The excuse for this law is that it will make the media responsible. A refusal to print the media entails a fine – a punishment. The Culture Minister, however, says: “It does not jeopardize freedom of the press. It merely upgrades the interest of the public above the interests of the publishers”. The press has in recent years harried the Government for its inertia.

In Bulgaria, defamation of public figures is a crime punishable with a fine. Public figures include prominent businessmen. Journalists can be sued for infringing “honour and dignity” of individuals. In the year 2007, as many as 100 cases had been filed. Rumania was probably the worst affected under the erstwhile Soviet rule. It had great opportunity to be free and to have press freedom. But, alas, it has enacted draconian laws. Most of the mainstream media are owned by three political active tycoons. The defamation law in existence criminalizes ordinary insult. “The legislators should strengthen their own accountability rather than hamper the efforts of free media”. This was the comment of American Ambassador.

Freedom House, a New York based N.G.O., has opined that ex-Communist countries have the biggest relative decline in media freedom in the world. Latvia and Poland have also shown deep aversion to political freedom as propounded by the press. It has been said that politicians think that the public broadcasters should toe their tune. Readers will remember the case of a Russian newspaper which published widespread rumours about the supposed relationship of erstwhile President Putin with a comely gymnast. Remember Putin himself was a gymnast. Putin lambasted the paper which closed down.

In 1993, the United Nations created World Press Freedom Day. It was intended to create awareness of press freedom all over the world. The day is also intended to remind the Governments to respect freedom of the press. Article 19 of the Universal Declaration of Human Rights says:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas **through any media** and regardless of frontiers” (emphasis supplied)

The United Nations Economic and Social Council (UNESCO) give a World Press Freedom Prize to an individual, organization or institution which has upheld and defended the right of free journalism throughout the world. This prize is named after Guillermo Cano, a journalist of Colombia who was assassinated in 1986. A Committee of 16 journalists chooses the winner of the prize. In 2007, the prize was posthumously given to Anna Politkovskaya, a Russian reporter, who reported on the conflict in Chechnya. She was shot dead in October, 2006. Thus the press freedom has a sad story.

Despite the Universal Declaration of Human Rights, all the countries in the world respect press freedom. Governments are the primary means through which a journalist's freedom is quelled. The extent of censorship varies from country to country. Many countries prevent criticism of the Governments, or the countries' religious or political tenets. In theory, journals are allowed to exist; but in practice they exist precariously. Detention and imprisonment are not unknown in many countries. The Committee to Protect Journalists, an NGO of New York, has estimated that 127 journalists were detained in 2007 and of them 17% were not even officially charged, worse still in 2007, 95 journalists and media staff were killed around the world. Majority of the journalists killed belonged to their own countries such as Iraq and Afghanistan.

In the days of French Kingdom, there were three estates viz. the nobility, the commons and the King. In democracy, the press is called the fourth estate. It is as important as the other three estates in a democracy. Indeed, in India, the free press is regarded as a basic feature of the Constitution. In a country like India, the three estates are the Parliament, the Executive and the Judiciary. The free press can be and is regarded as the fourth estate. A free press maintains checks and balances and keeps the Government on its

toes. Of course, the freedom of the press is subject to law of crimes, libel, etc.

Reference to the history of freedom of the press is in order and freedom of the press is a necessary corollary of freedom of speech and expression. Examples of suppression of free speech can be found even in ancient times. Socrates provides a good example. Even a champion of the liberties of the people such as Cromwell placed restrictions on the press. Erasmus argued that in free State the tongues should be free. John Milton pointed out that freedom of the press is essential not merely to citizens but also to society. Unfortunately, both Milton and John Locke did not allow any freedom to the atheists. Milton fought against the system of licensing what should be printed. The Great Revolution of 1688 recognized the press freedom. By and large, the press in U.K., U.S.A. and India enjoys freedom. However, during certain periods such as wars, or emergencies, freedom is curtailed.

National Anthem

From time to time, controversy arises and has arisen over the status of “*Vande Mataram*” as a national anthem. Most of the people know that it is a national song though many do not know the exact words. At least the present generation does not know the hoary history of the song. I hope that people at least know that a nation must have and has a national anthem which is to be sung or played on occasions.

National anthem, hymn, is a song which expresses, at least supposed to express, patriotic sentiment. It is generally authorised by the Government of the country. It should not be too long; it should be small enough which can be sung in chorus; still better can be sung in a march. Its ‘singability’ is a merit. Normally, a national anthem is associated with an occasion important in a country’s history and usually has an inspirational value for the people. Any song, whatever its poetic value, cannot be a national anthem. It is not necessary that it should have been composed or written by a prominent composer or a poet. *Encyclopedia Britannica* says that the oldest national anthem is that of Greeks In Britain. it is “God save the Queen (or King)”. It has been regarded as a national anthem since 1825. Subsequently several European countries have developed their own national anthems.

The best known national anthem is that of France. It was composed and put in Music by an army engineer and was sung by army volunteers from Marseille as they stormed Tulleries on August 10, 1792 – three years after the French Revolution. It became known as a song of revolution. The U.S. national anthem “The Star Spangled Banner” was composed by one Francis Scott Key in 1814 while watching the British bombarding Baltimore. He was at that time held in custody in a British ship. The melody was taken from a song then popular. Sometime changes are made in the national anthems to suit the “singability”. Normally a song will not become a national anthem because it is composed by a great poet or because it contains poetic qualities.

What are the origins of *Vande Mataram*? It is a song in the novel written in Bengali by Bankim Chandra Chatterjee, a celebrated writer and a poet of Bengal. “Anandmath” written by Bankimda was a very popular novel. It was Bankimda who gave Bengali the status of a classic language. Earlier Bengali was a stale and poor language. It was Bankimda’s ambition to uplift the level of that

language which he did by, among others, “Anandmath”. Those who know Bengali speak of it as a beautiful language.

Originally *Vande Mataram* was not a part of “Anandmath” which was published in instalments in a Bengali magazine. Subsequently it was introduced in the appropriate place.

The novel is set in 1771 in famine stricken Bengal. The novel revolves around a Sanyasi and his organization of *santans*. There is a controversy as to whether it is against Muslims or British. The Muslims have expressed their opposition to it on, at least, the ground that it is anti-Muslim. It is not necessary to now go into that controversy.

There is an interesting story on how the poem came to be written. On 7th November, 1875, Bankimda was quietly meditating on the bank of Ganga when suddenly he heard a fisherman’s song (in Bengali). The song said that Ganga was mother Durga, a goddess. The song was in the right tune which Bankimda was looking for. And thus was born the *Vande Mataram* on 7th November, 1875 – Kartik Suddha Navami, Bengali Year 1797.

If you read the translation of the song in English, you will notice that this song is not a song of the nation as a whole or for the nation. (Translation by Basant Kumar Roy, published by Orient Paperbacks). In the first part, Chapter 10, the song is reproduced. It speaks of Durga, the goddess dear to Bengalis and three crores of people (that was the population of Bengal at that time). The opening stanza of the song hails the mother who gives good water, good fruits, and cool breeze from the mountain, green corn crops. These words appealed to Bengalis who were reeling under famine. But the novel as a whole does not or did not inspire patriotism, though it is said to have certain great literary qualities.

The song was rehearsed in the sessions of the Congress. Even Tagore, sometimes his niece Sarladevi, sang the song, thus raising its status. D.V. Paluskar, the well-known musician, often sang the song at Congress sessions at the invitation of the organizers.

In 1923 at the Kakinada Conference, Maulana Mohammed Ali was the President. When Paluskar rose to sing, Maulana Mohammed Ali objected. Paluskar, without paying heed, sang the whole song. Mohammed Ali pointed out that the song, intending to worship a goddess other than Allah, was anathema to Islam and Muslims.

Originally Muslims' opposition to *Vande Mataram* was not consistent. Khilafat movement conferences used to be started with *Vande Mataram*. Muslims oppose the song on the ground that it depicts the portrait of a Hindu Goddess. Some of the prominent Muslim writer-thinkers have absolved *Vande Mataram* from this accusation. Maulana Mohammed Raza wrote a book called "*Vande Mataram*" in Bengali. He says that "certain elements amongst us deny simple facts of life (nation as mother) by portraying it as idol worship. Many simple things like touching the feet of parents or to hang a frame of a national leader on the wall or to pay respect to a national leader ... cannot be idol worship." Even today Jinnah's portrait hangs in every Government office in Pakistan. Another Muslim writer, Mustapha Charit (Biography of the Prophet) describes the land of Arabs as Hey Arab Manav-er adi Matribhoomi. Be that as it may, it must be conceded that the bulk of the Muslims are opposed to the song, especially with Durga in it.

Overseas in 1907, at Stuttgart in Germany, Madame Cama unfurled India's first national flag with *Vande Mataram* inscribed on it in the centre in Devanagari script. Mahatma Gandhi said that whatever the origins of the song, it has captured the imagination of the people who are stirred by it. The song was sung in conferences, processions. Records have been made of the song. Jawahar Lal Nehru commended it except that it has no "singability". Master Krishnarao, a great musician, attempted to show that it can be sung in a rhythmical manner. Tagore, in conversation with Mulk Raj Anand, said; "I hope it becomes the national language some day". Such, in brief, is the story of *Vande Mataram* which has been given the same status as "*Jana Gana Mana*", which is the national anthem. "*Jana Gana Mana*" was composed by Rabindra Nath Tagore. It is a beautiful song addressed to "dispenser of India's destiny". It tells of the provinces of India (though not all because of the limitations of space). It tells how this country has received from time to time people from all religions and races. It is however to a God. Sometimes it was thought by some people that it was an eulogy of the emperor of India. After examining the dates, inconsistent accounts in the press and the meanings of the words in the poem, it is now recognised that Tagore did not write for the emperor. "Dispenser of India's Destiny", "King of Kings", "Eternal Charioteer" could not have been addressed to King George V who happened to come to India in 1911. The song has been recited as one of the songs in meetings where the King was felicitated. Thus the confusion was caused and then Anglo-Indian press reported that Rabindra Nath had composed it in honour of the King-Emperor. It

was not as popular as *Vande Mataram* though it was recited in many meetings. Rabindra Nath himself thought it below his dignity to rebut the imputation. However, in a letter to a friend, he wrote: “I should only insult myself if I cared to answer those who consider me capable of such unbounded stupidity to sing in praise of George the Fourth or George the Fifth as the eternal charioteer leading the people on their journey through countless ages of timeless history of mankind.”

Bharat Vidhata was the title under which the song was first published in January 1917 issue of “Tatvabodhini Patrika” of which Tagore was the editor. Gurudev himself translated it into English in 1919 under the title of “Morning Song of India”. Subhas Chandra Bose’s Azad Hind Government rendered the song in Hindustani and adopted it as their anthem. They said that “Tagore’s song ‘Jaya He’ has become our national anthem”. It was a good marching song when properly composed. *Vande Mataram* was not. In the good old days, people used to say *Vande Mataram* when greeting each other. Subhas Chandra Bose popularized “*Jai Hind*” as a greeting. “*Kadam Kadam Badhaye Ja*” was the song adopted by the Indian National Army.

At some stage the prominent position of *Vande Mataram* was emphasized. In 1937 a Committee was appointed by the Congress to examine the suitability of *Vande Mataram* as a national anthem. The Committee recommended that only first two stanzas should be sung, with liberty to the organizers to sing any other suitable song. This decision was exactly the reverse of what was decided in 1950. *Jana Gana Mana* was adopted as the national anthem, with equal status to *Vande Mataram*. The difficulty with *Vande Mataram* was that it did not lend itself to harmonization.

The Constitution of India does not mention anything about national anthem. The law does not say that *Jana Gana Mana* is the national anthem. It is recognised as the national anthem on a statement made by Jawaharlal Nehru in the Constituent Assembly on 15th August, 1948. The people had not regularly sung it. There was no debate or discussion in Constituent Assembly or anywhere else. Absurdity of having two national anthems was ignored. Anyway, today we are with two national anthems.

Zenda Uncha Rahe Hamara with its suitability as a marching song was not considered. *Sare Jahan Se Achha Hindustan Hamara* with its “singability” was overlooked. *Zenda Uncha Rahe Hamara* was

familiar to people of our generation. *Sare Jahan Se Achha Hindustan Hamara* is recognised by its melodious nature by the Armed Force which regularly plays it. The latter talks of our country and it do not address itself to Durga or any dispenser of destiny. It reminds you that religion does not teach enmity among people – a factor which is relevant today. Both are in Hindustani. There has never been any controversy about them. Today at least the Government should encourage people to sing these songs. BJP will not object; Muslims will accept them.

Vigil for Democracy

When Suu Kyi daughter of General Aung San, the hero of Burma's freedom struggle and Michael Aris fell in love and married in 1972, they must have dreamt of pursuing their studies in philosophy together, Michael in particular, of Tibetan studies. Aung Suu Kyi was, however, not an ordinary person. Her father was the leader of Burma's fight for freedom - first from the British, then from the Japanese, and then again from the British. Aung San was, right from school and college days a political animal, driven by a spirited nationalism and with a mission of freeing his country from foreign rule. Like many of his contemporaries, in his younger days, he was attracted by Marx and thought theoretically at least, that communists' way led to national freedom.

There are some, though only some, similarities in the lives of Subhash Chandra Bose and Aung San. Soon after the outbreak of the war, he thought, like Bose thought, Colonialism's difficulty was Freedom's opportunity and founded the "Freedom Bloc", as Bose founded Forward Block in India. The Freedom Bloc's stand was that the people should support the British war effort if there was an assurance of freedom; if there was no assurance, the people should strenuously oppose the war effort. This stand was not unlike that of the nationalist leaders of India, who did not, as Aung San did not, see the question in the world's perspective.

In August 1940, Aung San travelled to Tokyo, via China, to meet Japanese leaders to enlist their support for Burma's freedom struggle. During the war years, Aung San collaborated with the Japanese army by forming his own Burma Independence Army (i.e. Indian National Army of Bose). Aung San was made a Major-General and hence thereafter the reference is to General Aung San. In course of time, the Japanese army occupied Burma. Aung San made an attempt, doomed to failure, to organise the masses to prevent the Japanese from consolidating their position.

'The story of Japanese occupation is one of disillusionment, uncertainty and suffering. Those who had believed that they were about to gain freedom from the British were shattered to find themselves ground under the heels of their fellow Asians instead. The soldiers of Nippon, whom many had welcomed as liberators, turned out to be worse oppressors than the unpopular British. Ugly incidents

multiplied daily Disappearances, torture and forced labour conscription were part of everyday existence”

(Suu Kyi in *My Father*)

Fortunately, the war did not last long enough and Subhash Chandra Bose did not live to see a similar experience for India. In Burma, disillusionment with liberators inevitably led to the split between the occupation forces and the freedom fighters who organised themselves into resistance groups. First, as Anti-Fascist organisation (AFO) and later as Anti-Fascist People's Freedom League (AFPFL). Aung San's Army negotiated with and helped the British, under the command of Lord Mountbatten, to get rid of the Japanese. It is not necessary to trace the subsequent developments leading to Burma's independence. Only the tragic assassination of Aung San and his close associates on 19th July 1947 by an army clique jealous of Aung San's popularity needs to be mentioned. (Similar was the case of Mujibur Rehman's assassination by Army members). Hence 19th July is observed as Martyrs' Day in Burma. Suu Kyi was barely two years old when her father was assassinated - her mother being Ma Khin Kyi, a senior staff nurse in a hospital where General Aung San was being treated. They were married in September 1942.

Aung San Suu Kyi was educated in Rangoon, in Delhi (when her mother was Burmese Ambassador) and later in Oxford University. In 1969, she went to New York where she was employed in the United Nations Secretariat.

In another development of history is the life of Michael Aris whose death on 27th March 1999 has prompted me to select this topic for this editorial. He was a student of philosophy and after graduation; he took up an appointment as a tutor to the royal children of Bhutan. His range of subjects covered Oriental studies and in particular Tibetan Buddhism. On his occasional visits to Oxford he met Aung San Suu Kyi - meetings facilitated by Sir Paul Gore-Booth, former British Ambassador to Burma. Married in 1972. Suu Kyi and Michael lived at different places and have two sons. The story, does not end with: They lived happily thereafter.

Michael Aris knew that Suu Kyi was a woman of destiny: she was the daughter of the national hero of Burma. She herself was acutely aware that she was the daughter of Burma's national hero and that some day, she may be called by her people to the country of her birth. In his introduction to *Freedom from Fear* by Aung San Suu Kyi (Penguin, New Delhi; 1995 Edition pp.xxxi + 374: Rs.200),

Michael Aris mentions that she constantly reminded him that one day she would have to return to Burma and that she counted on his support at that time:

“I ask only one thing, that should my people need me, you would help me to do my duty by them.”

That day came in 1988 when she returned to Rangoon to attend to her mother who was on deathbed. The mother died on 27th December 1988 and any normal daughter would have, thereafter, returned to her husband and children. In the meantime, Gen. Win had resigned from the Presidentship in July 1987 but had, however, continued to be the real authority behind the military *junta* which he himself had installed in power. Aung San Suu Kyi had by then realised that her continued presence in Burma was necessary for the country's return to democracy.

She met people in different walks of life, addressed large gatherings of the young and the grown-up alike and floated ideas of how to reintroduce democracy in Burma. There were demonstrations, clashes, police firings, resulting in many deaths. The second struggle for the national Independence had begun.

What is remarkable about Aung San Sui Kyi's movement is her insistence not merely on the removal of a government but also on the establishment of democracy with positive content. Earlier in a publication she had written:

‘A revolution which aims merely at changing official policies and institutions with a view to an improvement in material conditions has little chance of genuine success. Without a resolution of the spirit, the forces which produced the iniquities of the old order would continue to be operative, posing a constant threat to the process of reform and regeneration’. (Quoted *Freedom from Fear* p330).

Aung San Sul Kyi's role and activities increased as the military *junta's* vicious grip steadily increased. In order to give a fig leaf of respectability to its image, the government announced multi-party elections to the Burmese parliament in 1990. Political analysts have commented that the army expected that elections in which many parties contested would result in a fractured parliament which would give the government an excuse not to have democratic government till the country is ripe for the same.

When the elections were announced, Sui Kyi was in detention. The government solicitously asked her whether she being in detention, would like to contest the election. She said yes and the government said no - by invalidating her nomination paper. Elections held in May 1990 returned to the National Assembly, 392 candidates of Suu Kyi's National League for Democracy (NLD). There were 485 seats at stake. NLD won 72 per cent of the 13 million votes cast. The military government's own party scrambled to get ten seats. The military refused to hand over power by saying that it could transfer power only when a new constitution is written which would meet with its approval.

In this context, it is necessary to remember that Sui Kyi does not profess animosity to the army. She envisages a positive constructive role for the army as the protector of the Burmese people. In the meantime, Sui Kyi's saga had attracted the attention of the world. *Amnesty International* has been agitating for her release. The military government, under the pompose name of State Law and Order Restoration Council, continues its vicious grip on the country, Suu Kyi, in detention, has been awarded 1990 Sakharov Prize for Freedom of Thought. In 1991. She was awarded the Nobel Prize for Peace. In the speech delivered by her son Alexander accepting the Nobel Prize on behalf of her mother, said:

'I know that she would begin by saying that she accepts the Nobel Prize for Peace not in her own name, but in the name of all people of Burma. She would say that this prize belongs not to her but to all those men, women and children who, even as I speak, continue to sacrifice their well-being, their freedom and their lives in pursuit of a democratic Burma'.

It is for these people that she continues to remain in Burma. The military regime deprived her two Sons of their Burmese passports - so that they cannot visit her. Her husband suffering from terminal prostate cancer was not allowed to come to Burma to visit his wife. The Burmese government suggested that it would be more appropriate for a dutiful wife (aren't Burmese wives dutiful) to rush to her ailing husband. Moreover, his visit to Burma would put strain on the country's slender medical resources.

Despite these devastating personal tragedies, why is Suu Kyi persisting in remaining in Burma?

Her presence in Burma is the vigil for democracy.

Corruption, Crime and Democracy

“Corruption impedes economic growth, weakens democratic institutions, disrupts social order, destroys public confidence and undermines the rule of law. It fosters organised crime and help terrorist groups to finance their brutal attack. No country - rich or poor - is immune to this phenomenon. Both public and private sectors are involved. And no matter when, where or how corruption happens, what always suffers is the public good.” (From U.N. Secretary-General Kofi Annan’s message to the Fourth Global Forum on Fighting Corruption and Safeguarding Integrity, Brasilia. 7th June. 2005.)

Corruption has become universal. It is no longer “Made in India” though India is among the ten most corrupt nations in the world. That is the finding of Transparency International, a non-governmental organization established in 1993 which monitors the levels of corruption by using the best reliable indices. Transparency International focuses on corruption in “international business transactions and points out that the givers of bribe are those who used to be called first world countries and the receivers the third world countries.

Corruption inside the countries is of course the ‘*gangotri*’ of pollution of public life. Recently, in 2000 AD. 189 countries have signed the historic Millennium Declaration setting ten goals beginning with eradication of extreme poverty and hunger. For the realization of this and other goals, another goal, the eighth goal, of developing a global partnership has been envisaged. Corruption has been recognized as one of the factors that obstructs the realization of this goal of global partnership. A study team that has examined the efforts in the direction of the realization of millennium development goals reported in February, 2005 that considerable part of the aid given to poor countries does not reach the intended beneficiaries. This is an illustration of the phenomenon of the vicious circle of poverty and corruption. The Global Summit meeting in September 2005 was to review the situation. The outcome of the discussions of the Summit is awaited.

Let us concentrate on India. What is corruption? How is it that India, the ancient land of Rishis and saints, has become one of the most corrupt nations of the world? “Corruption” has many ugly faces but basically it means the abuse of public power for private profit or

gain. The extent of corruption is in direct proportion to the power vested in a public servant - whether it is a minister or a civil servant. The very nature of governance gives rise to corrupt practices. Corruption is not a post-independence phenomenon. Even in ancient India, corruption was rampant, especially where officials of the State had access to the public funds and had power to favour or harm the citizens.

In a passage of remarkable precision, Kautilya, in his celebrated Arthashastra, states:

“Just as it is impossible not to taste the honey (or the poison) that finds itself at the tip of the tongue so it is impossible for a government servant not to eat up, at least a bit of the King’s revenue. Just as a fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money (for themselves).” (*The Kautilya Arthashastra*”, Ed. by R.P. Kangle, Part II, p.91.)

The present day public servants may not have made a deep study of Kautilya who has enumerated forty ways of embezzlement, but learning is not difficult when one is, like a fish, in a sea of governance. In Kautilya’s time, there were forty ways - limited as it was the role of the government. Let it not be understood that in later years there was no corruption, let it also not be understood that under the British rule the public servants were all of clean hands. The trial of Warren Hastings exposed the corruption under the rule of East India Company in the 18th Century. There were scandals in later periods also. The phenomenon of corruption in recent years, especially after Independence, has pervaded every walk of life, every level of public life and every branch of administration. The causes of this phenomenon are: The immense political and economic power vested in politicians and public servants in a regime of permits and licenses;

The intensity and ferocity with which elections are being fought, especially after the rise of Indira Gandhi to power (though corruption is not confined to her party); Criminalization of politics which itself in turn is the result of corruption.

The regime of permits and licenses which was envisaged as a means of planning -avoiding wastes of competition and efficient utilization

of scarce resources - degenerated into a corrupt regime. The public servants and their masters like Kautilya's character could not help tasting the honey. Our businessmen and industrialists are, of course, not angels. They competed for the loaves and fishes of economic development and in the process provided the fertilizers for the growth of corruption. Sometimes they justified the practice of bribery by rationalizing that it was for lubrication. The Santhanam Committee, appointed by the Government of India (1964) pointed out that the corrupt official may, instead of speeding up, actually cause administrative delays in order to attract more bribes (cited in *Asian Drama* by Gunnar Myrdal. Vol. II: 1968 - Pub: Random House).

The cunningness of Indian administrators is illustrated by an instance of a high official in Delhi who is reported to have told an applicant: "If you want me to move a file faster, I am not sure if I can help you; but if you want me to stop a file, and I can do it immediately." (Cited by Pranab Bardhan in *Corruption and Development: A Review of Issues*" - Journal of Economic Literature: September 1997, p.1324). This case also demonstrates the versatility of the official.

It is needless to give more instances. But the role of electioneering in generating and nourishing corruption in India is ably summarized by Sunil Khilnani:

"The centrality of elections, and the desperate value staked on winning them, made for engrained political corruption in the public arena; the scandals that tumbled over one another in the 1980s and 1990s were evidences of this. In previous decades, the Congress leadership could safely leave fund raising to local 'briefcase' grafters; the routines were dispersed throughout the many branches of the party. ... But with the concentration of power, the procedures of moneymaking were also centralized, they became more invisible, and they also attracted more attention: their inflated scale had produced 'suitcase politicians'.

(*The Idea of India*, Penguin Books. 2003 edition, p.54).

You could not have failed to notice the advance from "briefcase" to "suitcase".

Sometimes in the discourse on corruption a view has been expressed on the “beneficial effects” of corruption. This view is too absurd and has not been, happily, repeated. At this stage, let me state clearly why corruption is bad politically, economically and socially. It is bad politically because it distorts the entire democratic system. The government is required to meet the requirements of the citizens under a particular paradigm. Peoples’ representatives are elected on certain assumptions. The bureaucracy is, under democracy, obliged to give disinterested, expert advice to the ministers who are naturally expected to take decision in the light of such advice. Throw a spanner of corruption in this well-balanced scheme; the result is distortion. A corrupt bureaucrat will not give proper advice; proper advice, if given, will be ignored by a corrupt minister. Decisions are taken or not taken on improper irrelevant considerations. Often such decisions are challenged in courts of law which are constrained to invalidate such decisions - resulting in loss of people’s faith in the government. Today a politician has become synonymous with a corrupt person. It is now generally accepted that politicians, including ministers, take money for winning the ‘next’ election.

Democracy is meant for the welfare of the citizens - for the improvement of the quality of their life. Such improvement can take place by economic development, among other things. Evidence, from around the world, shows that corruption has a significant, negative impact on economic development. James Wolfensohn, the previous President of the World Bank, has opined that corruption was the biggest inhibitor to economic development and to the inflow of funds for domestic development. The World Bank will not naturally give aid to countries having corrupt regimes. The World Bank suspended, in the 1990s, loans worth \$300 million to Kenya on the ground that, that country had failed to tackle high level of corruption.

Corruption has impact on economy in several ways. It raises the cost of capital and therefore limits the level of investment - domestic and foreign - in the economy. It reduces the return on investment, thus acting as a disincentive to honest investors. A study of Harvard University has estimated that the level of corruption in India has the effect of additional taxation of 20 per cent. Corruption by its very nature generates black money, establishing a parallel economy. This has the effect of discouraging savings. In fact, it encourages wasteful, unproductive expenditure.

Socially corruption distorts the value system. Honest persons suffer; they develop cynicism, with the risk of them themselves being corrupt. The undeserving ones live in luxury. The young persons are tempted to imitate them. These are the persons who take to petty crimes to begin with, graduating later into higher more serious crimes.

The Supreme Court of India has compared corruption to cancer, plague and HIV leading to AIDS. "It has also been termed as Royal thievery. ... Corruption is opposed to democracy and social order, being not only anti people, but aimed and targeted against them. It affects the economy and destroys the cultural heritage." (*State of Madhya Pradesh vs Shri Ram Singh*, AIR 2000 SC 870 @ 873).

People do not realize that a nation, an economy, a society in which corruption is rampant alienates the country's people, who do not feel that they have a stake in the country. A country outwardly prosperous, but inwardly corroded by the cancerous growth of corruption, will have its defenses weakened. In case of external aggression, such a country cannot ready itself quickly. In times of war, our people will not become suddenly honest and patriotic. Indian traders are notorious for their black-marketing in times of war and scarcity.

We have been talking and debating corruption too long and have become reconciled to its existence. Can corruption be controlled, if not be eliminated? I think it can be, provided we go about in the right way without being discouraged by some setbacks. The common man in the country will be ready to help and join the efforts to fight against corruption, if the fight is led by credible people.

In all the atmosphere of despair and cynicism, there are two institutions in this country which enjoy the confidence of the people - the judiciary and the armed forces. Former members of these institutions who have not been or are not members of any political party or members of any organization associated with any political party can contribute significantly to the anti-corruption campaign. In each region or State of India former members of the armed forces and judiciary with a reputation for integrity can form small committees which will act as watchdogs who will raise a hue and cry when credible information is available regarding corrupt acts. They will fight against corruption; they will also fight for the

protection of the honest who are penalized for their honesty. In this, the help of the judiciary can be availed of.

One instance of Maharashtra serves as a good example. Appointments for jobs, including jobs in the police department, had been cleared by the Maharashtra Public Service Commission by its Chairman and some members taking hefty bribes. The police officer who was investigating the case with pronounced success and who arrested the high-ups in the establishment was transferred by the Government. I must point out that the corruption racket had taken place during the regime of one political hue; investigation started during the time of another political regime. Yet the latter thought it fit to shunt off the honest police officer. On a public interest petition filed by a former Chief Secretary of Maharashtra with a record of outstanding ability and reputation, the High Court of Bombay set aside the transfer of the police officer concerned who was left free to pursue the investigation. In the ongoing investigation, a former Director General of Police, who was a member of the Public Service Commission, has been identified as a participant in the scandal.

We should agitate for the appointment of Lok Ayuktas in all the States. At present in only 14 States the institution of Lok Ayukta is functioning. There is, apart from institutional help, enough room for action by the citizens. Ordinary citizen is fully aware or should be aware of corruption zones, as a motorist, for his own safety, should be aware of accident-prone zones. Registration of a document is impossible without bribing the official concerned. Institutionally the Government can computerize the whole process, as it has been done in Maharashtra, eliminating almost entirely the scope for corruption. When such administrative or institutional facility is not available, a group of citizens or citizens committee should take up the case of an individual - whether it is a matter of registration of a document or obtaining of a license or permit. It has been suggested by a former Chief of anti-corruption department of Maharashtra that Chambers of Commerce and Industry should take up the cases of individual industries or businessmen. Collective approach, it is found, acts as a deterrent to a prospective bribe taker.

Maximum use of the Right to Information Act should be made. Such use is easier when citizens' committees get involved. An individual cannot fight effectively against a system. To fight an evil system, you must have a systematic approach. Immunity and protection should be given to whistle-blowers. Despite the cynicism and the feeling of helplessness prevailing in the country, I am sure

that a movement for fighting corruption can be successful if sufficient number of people is persuaded that fighting corruption is a moral and patriotic duty. I wish to stress again that former members of the judiciary and armed forces can lead such a movement. The India Chapter of Transparency International is headed by a former admiral of the Indian Navy. His hands need to be strengthened.

To a great extent, corruption and criminalisation of politics are interconnected. There is not enough space in this article to dilate on this at length. Criminalisation consists of two types. Pursuing political activity by criminal methods is one. Bribing the voters, booth capturing are the obvious examples of this type. The second type is of criminals entering politics and of their being endorsed by political parties of all hues. An attempt at controlling the second type was made by the Election Commission by asking the candidates to disclose their criminal record while filing the nomination papers. This was done by a notification dated 2nd June 2002.

Immediately all the political parties came together and persuaded the Government of India to nullify the effect of the notification of the Election Commission - which the Government did by issuing an ordinance on 16th August 2002. The ordinance provided that the candidate shall not be required to give any information not necessary to be given under the Representation of the Peoples Act. The ordinance was returned for reconsideration by the President on 23rd August 2002. The Government sent back the ordinance, without any change, to the President on the very next day i.e. 24th August 2002. The Government of India was the NDA Government but it was actively supported by other political parties. No political party wants to shut its door against candidates with criminal record. The President was obliged to sign in view of Article 74(1) of the Constitution. It is a different story that the Supreme Court of India invalidated the ordinance by its judgment dated 13th March, 2003 on the ground, tenuous though, that the Parliament cannot abridge the right of the citizens to know.

It hardly matters. A person with criminal antecedents is not debarred from contesting elections. Such a bar can only be imposed by an Act of the Parliament which the Parliament will not pass because all the political parties do not want such a bar. The effect is that 'criminals' are contesting the elections on party tickets and getting elected with the support of political parties. It is estimated that 26 per cent of the legislators in India have criminal record. Only massive education of the electorate can remedy this situation. If this is not done, the

consequence has been described by Will Durant as long ago as in 1929 in *“The Pleasures of Philosophy”* (Simon and Schuster, New York, p.208). Forgive me for this longish quotation:

“Democracy without education means hypocrisy without limitation; it means degradation of statesmanship into politics; it means the expensive maintenance, in addition to the real ruling class, of a large parasitic class of politicians whose function it is to serve the rulers and deceive the ruled.”

This was Durant’s analysis. Proceeding further, he prophesied as follows:-

“The last stage of the matter is the gang men rule. Criminals flourish happily in our large cities, because they are guaranteed the full protection and cooperation of the law. If they belong to the Organization or have friends in it, they have every assurance that if they commit a crime they will not be arrested, that if they are arrested they will not be convicted, that if convicted they will not be sent to jail, that if jailed they will be pardoned, that if unpardoned they will be permitted to escape.”

Durant then admonishes that if we cannot take steps to cleanse democracy of this villainy, we may as well forget democracy and invite a King to take over. Our generation has to make the choice.

Thoughts on 26th June 2000

26th June is observed as the birthday of the United Nations Charter - the Charter which was signed at San Francisco on this day 55 years ago. Having been born in 1928, I was mature enough to understand the significance of the event. Though India had remained, by and large, outside the theatres of war, we had a reasonable understanding of the horrors and suffering of mankind wrought by the Second World War. Though quite a number of Indians had a sneaking sense of happiness at the ordeal through which our then imperial power was going, I belonged to that small section of Indians who were terrified at the prospect of Hitler's victory or the advance of yellow imperialism of Japan. I must confess, therefore, that Subhash Chandra Bose was not, and has never been, my hero.

Today, this day, is however significant in more than one way. On the morning of 26th June 1975, we woke up to find that the President of India had issued a proclamation of emergency on the previous night when he was woken by the Prime Minister to sign the proclamation - a proclamation which had not been cleared by the Cabinet but which was approved on the next day, that is, on 26th June 1975. It is in this sense that today is the silver jubilee day of what has been declared as the proclamation of internal emergency. It is called the proclamation of internal emergency because it was based on the ostensible ground that the security of the country was threatened by internal disturbance. The proclamation of emergency, which had been issued on 3rd December 1971 was on the ground of the threat to security of India by external aggression (context of Bangladesh War), was still in force on 25th June 1975.

Two points need to be noted in this connection. All the dictatorial powers assumed by Indira Gandhi under the internal emergency could have been, legally at least, assumed under the earlier proclamation of emergency because Article 352 of the Constitution did not then make any distinction between the external emergency and internal emergency insofar as the suspension of fundamental rights was concerned. Indira Gandhi, on the counsel of her advisers, thought that the assumption of dictatorial powers by her nearly eighteen months after the proclamation of external emergency could be legitimized by finding a new ground - and that could be only internal disturbance. The 44th Amendment of the Constitution has, among other things, substituted the words "armed rebellion" for the words "internal disturbance".

I have already mentioned earlier (and this is a fact of history) that the proclamation which was signed by the President had not been

cleared by the Cabinet. The 44th Amendment has now specifically provided that the President shall not issue a proclamation “unless the decision of the Union Cabinet.., that such a Proclamation may be issued has been communicated to him in writing”. This is the second point that I want to be noted.

Today, that is, 26th day of June is also the third anniversary of the day on which the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was signed on the 36th Anniversary of Universal Declaration of Human Rights, that is, on 10th December 1984, came into force on 26th June 1987. The U.N. General Assembly officially proclaimed, on 12th December 1997, 26th June as the U.N. International Day in Support of Victims of Torture (UNGA Res.521149). This year the focus of 26th June is Reparation.

Article 14 of the U.N. Convention against Torture provides: “Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for a full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation”. Reparation is a fundamental prerequisite for the rehabilitation of the individual torture victim. Despite the provision in a Convention, acts of torture continue to be committed with impunity.

These two events associated with 26th June - one in a negative way and the other in a positive way - are concerned with the question of human rights. That gives me the occasion to examine the provision relating to human rights in the U.N. Charter whose birthday falls on 26th June. The Charter of the United Nations is the first international treaty whose aims are expressly based on universal respect for human rights.

To be sure there were two declarations in the 18th Century relating to human rights, though the term human rights’ was not then used. The American Declaration of 4th July 1776 spoke of certain inalienable rights with which all men are endowed. The French Declaration of 14th July 1779 was of the rights of man and citizens. Both these declarations were intra-national in character. However, some developments took place on the international level. The Treaty of Vienna (1815) formally abolished slavery. In practice slavery came to an end not because of the pious phrases contained in the Treaty of Vienna; it came to an end because the trade in slavery was becoming uneconomic.

One great event that took place in the field of humanitarian law was the famous First Geneva Convention of 22nd August 1864 for the humane treatment of soldiers wounded in war and for the protection of the medical staff engaged in the treatment of wounded soldiers. This Convention as well as the Red Cross (born on 23rd October 1863) was almost entirely the culmination of the labours of Henry Dunant, the young Swiss businessman who was moved by the ghastly scene of casualties in the Battle of Solferino in Italy in which several European countries were the combatants. Further developments in this field culminated in the adoption of the Four Geneva Conventions in 1949 for -

'...the wounded in land warfare, the wounded and the ship-wrecked in sea warfare, the prisoners of war, and the civilians under the control of an enemy'.

The Covenant of the League of Nations (1919) spoke vaguely of the principle of primacy of human dignity over the interests of the States. The failure of the League almost in every field is too well-known to need any comment.

As the Second World War progressed, the ghastly picture of human suffering started emerging. There was the holocaust and devastation of civilian life everywhere. The nations which were united against the axis powers were rightly concerned with rights of the human beings in the post-war world. The term, United Nations was used in the Declaration of 1st January 1942 signed by the four powers which were actively engaged in the war against the axis powers. But it was the U.N. Charter that took a qualitative leap towards the cultivation of awareness of the human rights and of the need to protect them. I regard the provision relating to human rights as the most important part of the U.N. Charter. No other provisions of the U.N. Charter have been studied, acted upon, and have led to such a large number of declarations and covenants as the human rights provisions.

A study of these provisions shows that the innovative nature of the Charter is not confined to the simple proclamation of goals. No doubt, the preamble of the Charter speaks of the need for reaffirming faith in the fundamental human rights. Clause 3 of Article 1 of the Charter specifically mentions as one of the purposes of the Charter the achievement in international cooperation in promoting and encouraging respect of human rights. Article 55 proclaims that as an important step in international economic and social co-operation, the U.N. shall promote "universal respect for, and observance of, human rights and fundamental freedom for all without distinction as to race, sex, language or religion".

To put in another way, for the first time a State's treatment of its own citizens officially became the subject matter of international concern. That the nation States should accept the position, grudgingly, some with reluctance, sometimes half-heartedly, sometimes unwillingly because of the need to obtain foreign assistance - the fact that such a position is accepted is not a minor development.

The U.N. Charter created five organs: the General Assembly debates but does not decide; the Security Council often gets into stalemate because of votes and vetoes; the Trusteeship Council has now become irrelevant; the International Court of Justice, unlike domestic Courts, has hardly any work. But it is the Economic and Social Council (ECOSOC) that has done more constructive, more abiding, more exacting (though less exciting) work. Chapter X of the Charter deals with the constitutional functions and powers of ECOSOC. The ECOSOC, by Article 62(2), is empowered to make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedom **for all**. I am emphasizing "for all" because tragically some of the Asian leaders have spoken of the foreignness of the concept of human rights to Asian culture. Are Asians less human?

Towards the end of its function of promoting human rights, the ECOSOC prepares conventions for submission to the United Nations General Assembly. Article 62 empowers, in fact obliges, the ECOSOC to set up Commissions for the promotion of human rights. After some initial problems and debate, the ECOSOC did set up a Commission of Human Rights with the mandate of submitting proposals, recommendations and reports to the Council regarding —

(a) An international bill of rights; (b) International declarations or conventions on civil liberties, the status of women, freedom of information and similar matters; (c) The protection of minorities; (d) The prevention of discrimination.

Pursuant to these parent powers, scores of bodies were set up and over two hundred human rights instruments have been signed and are in force.

The Commission on Human Rights appointed by the ECOSOC reports to the General Assembly. There are several treaties - monitoring bodies, such as, Cultural Rights, Human Rights Committee, Committee against Torture, Committee on the Rights of the Child etc., all appointed by ECOSOC, though reporting to the General Assembly.

I am not unaware of the fact that the language of the various instruments relating to human rights is not couched in mandatory terms. The powers and methods of the instruments and the bodies come essentially under three concepts: “study”, “examination” and “recommendation”. However, the three documents, United Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, all three together constituting International Bill of Rights, have provided a common minimum acceptable standards with reference to which the pretensions, and performances of the Member States can be judged. All this is made possible because of the presence in the UN. Charter of what Gromkyo, the then U.S.S.R. Foreign Minister called the pious words.

(Text of a talk given on 26th June 2000 under the auspices of Maharashtra United Nations Association, Mumbai).

“Good Times, Bad Times and Sad Times”

This is the title of the book under review, a collection of writings by a senior radical humanist and eminent lawyer, and that is what strikes one when one picks up the book. There is another thing which catches the eye instantly; the picture on the jacket of the book. The picture of Rane (I am dropping ‘Mr.’, the privilege of having known Rane - again Rane - for over fifty years) against the background of the shelves lined with leather-bound legal tomes - a trademark of successful and industrious lawyer which Rane has been. Rane is in his lawyer’s robes in the picture.

But how does his face look? It does not show the joy of having seen good times. It does not show the anger of a person at bad times. Rane rarely showed anger on his face (though I cannot say that he was never angry). Sad times -the picture shows sadness, the sadness of a sensitive person who has lived through sad times like, among others, the infamous emergency and the decline of judicial standards.

And if Rane had written about the recent times when astrology is being forced upon the universities as a subject of venerable studies, Rane would have added “Mad Times” to the title of the book. I cannot even imagine what expression Rane’s face would have registered?

Returning to the book, it is a collection of Rane’s selected writings which include some speeches he had delivered and reports he had made of some events. The period covers approximately three decades - 70s, 80s and 90s. The book covers a wide range of subjects which show the range of Rane’s interests. Mr. V. M. Tarkunde, Rane’s ‘guru’, says in his Foreword to the book that Rane “has been an active radical humanist. I am sure, radical humanists and those who want to know more about Rane’s humanism, will be benefited by Rane’s writings published in this book” (p.iv). Those readers who seek an exposition of humanist philosophy will not find it in this book. But the book contains writings which show how a good rationalist and humanist would react to events around him. Fortunately - or rather unfortunately - events that would irritate annoy and enrage a sensitive mind like Rane’s have kept happening.

The writings are not arranged chronologically - rightly so. They are grouped subject-wise. Nearly one third of the book is occupied by what Rane has to say about “Law, Lawyers, Judges and Justice Delivery System.” This section opens with an article in the July 1985 issue of *The Radical Humanist*. The article bears the title

“Judicial Independence in Shambles” and marks (and takes note of) the twentieth anniversary of Indira Gandhi’s Emergency, Chief Justice Chandrachud’s retirement, and the announcement of Justice Bhagwati (co-author of A.D.M. Jabalpur) as the succeeding Chief Justice of India.

Non-lawyers will no doubt, read this chapter with benefit. It deals with the first assault made against the judiciary on 25th April 1973 by the supersession of Justice Shelat, Hegde and Grover and the appointment of Justice A. N. Ray as the Chief Justice of India to succeed Chief Justice Sikri. Chief Justice Ray, the lead author of ADM Jabalpur retired in January 1977 (unwept, unsung and unhonoured) to be succeeded by Justice Beg (another co-author of ADM Jabalpur). It was during the Emergency that Justice U. R. Lalit achieved the unsolicited notoriety of being the first Additional Judge in India who was not continued as a puisne judge after two years.

Justice Bhagwati came perilously close to destroying the independence of the Judiciary in conducting the proceedings in the Judges Case (to which Rane has made reference) and by his judgment in that case. Earlier he had tarnished his own image by writing his infamous letter to Indira Gandhi on her return to power in 1980 congratulating her. He was an industrious and intelligent judge who in Khudiram’s case gave a judgment that changed the law in detention matters in favour of the detainees, though Khudiram lay in a coma during the Emergency. Rane seems to be in error ascribing the authorship of Maneka Gandhi (1978) to Justice Bhagwati (it was of Justice Krishna Iyer). Justice Bhagwati blazes a new trail in the field of administrative law (Mills; Ramanna Shetty & Others), though critics might say, not without justification, that though he laid down the law in favor of the citizens, the law to be followed later by other judges on facts, he almost invariably held in favour of the establishment.

Readers should not be surprised to know that during the Emergency Mr. Antulay, the then Law Minister, Maharashtra had drawn up a list of lawyers to be dragged into the net MISA. Mr. Shankarrao Chavan, the Chief Minister, was opposed to the detention of lawyers who were fighting detention cases in courts. It was for this reason that the District Magistrate of Palghat (in Kerala) issued the order of detention of Ram Jethmalani.

While on judge and judiciary, I notice that in the Chapter on “the Judiciary-A Crisis of Credibility”, Rane has somewhat boldly, even courageously discussed the conduct of Justice S. K. Desai in the

context of his friendship with Ms Thelma Menezes. I have not seen anywhere in the book a reference to the four judges who were divested of all judicial work by Chief Justice Chittatosh Mookerjee.

I will not go into the details of some other writings in the book dealing with the accountability of the members of the higher judiciary, the mode of their appointment, their irremovability etc. The appointment of judges of High Courts and the Supreme Court is now governed by the judgment of the Supreme Court which divests the Government of the power of the appointment. I am not expressing my feelings as a former judge when I suggest, disagreeing with some of the thoughts expressed by Rane, that the country and the Parliament should go slow in making any change in the present position of the judges' accountability and their irremovability. Any other arrangement, cooler thoughts will indicate, will do greater damage than the damage, if any, caused by the present position.

In democracy, as in cricket, you have to trust somebody. Why not trust the judges who are selected under the Supreme Court dispensation which is as foolproof as any human institution can be.

Other subjects dealt with generically include 'Human Rights/Civil Liberties, Corruption and Accountability', the Indian Polity, Communalism, Minorities and Economics. The Miscellany section includes 'Are We Ruled by Astrologers & Goddesses?' — Yes, Rane, we are going to be if Murli Manohar Joshi has his way.

Those who start reading or read the serious parts of the book from page 71 onwards will miss the thoroughly enjoyable autobiographical piece in the earlier part of the book. The title of the first chapter is the title of the book, "How Green Was My Valley" which describes Rane's roots, early life in Karnataka, and years of education. Rane was the president of the Appellate Side Bar Association. In that capacity he had to give farewell addresses to several retiring judges. However he could not make a reference to Justice Tarkunde on his retirement because the Bar decided not to give a farewell address to Justice Tarkunde. When Rane says that this was because "there was a difference of opinion in the Bar", those in the Bar in those days are inclined to say that Rane is underplaying the reasons. Incidentally the judges' decision not to accept any addresses of welcome or farewell was taken not after the Tarkunde episode but after Chief Justice Kotwal was denied the farewell address in 1971.

The other pages of the autobiographical part, bring out the intensely human personality of Rane, his happy family life, his devoted wife

Indira (I will not repeat the cliché — “Behind every successful man” etc.), his doting children, and a large number of friends and acquaintances. Tarkunde is justified in certifying to “his amiable nature and faith of his friends in his scrupulous honesty.”

To select articles from the large number of articles Rane had written, to classify them and to see through the printing and the publication of this not small size volume must have taxed the resources and talent of the editor.

One passing thought that I cannot help expressing - though regrettably. The list of Rane Felicitation Committee Members (mentioned opposite to the title page) does not include a single leading member of the Appellate Side Bar to which Rane belongs. Nor does a single radical humanist find a mention there. In the function organized to release this book at the hands of Dr. Indutai Parikh (a venerable radical humanist), an account of which has been given in an earlier issue of the Radical Humanist, not a single, radical humanist or a senior member of the Appellate Side Bar was slated to speak.

Rane has mentioned (on p. 59) that he arranged a function to felicitate V. M. Tarkunde on his completing 90 years and also to release “V. M. Tarkunde-A Restless Crusader for Human Freedoms” at the hands of another venerable radical humanist, D. B. Karnik. Neither in the function nor in the commemorative volume, is there any leading radical humanist. Why?

(Selected Writings of M. A. Rane, Published by M.A. Rane, 75th Birthday Felicitation Committee, Mumbai 2000, PP. 505; price Rs. 300.)

Justice R.A. Jahagirdar (Retd)

Justice RAJahagirdar (Retd) studied economics and politics for his graduation and post graduation. During his college days he took part in dramas, debates, and elocution and Students ' Union activities. He studied Law while in employment and passed Law examinations meritoriously in 1959. Having passed the I.A.S. examination, he chose not to join the Civil Service. He served as Government Pleader, Professor of Labour Law in K.C. College and in the University of Bombay.

In 1976 he was appointed Judge in the Bombay High Court and retired from there in 1990. After retirement he was appointed Chairman of Monopolies and Restrictive Trade Practices Commission but did not continue for long for personal reasons. He was also Chairman of the Committee for Fixing the Fee of Higher Education in Maharashtra.

In addition to his qualifications in Economics and Law, Justice Jahagirdar is a student of Philosophy, History and Religion. A voracious reader, Jahagirdar is fond of Will Durant and his wife Ariel, the famous philosopher-historian couple and quotes them often. His personal library, containing all the volumes of "The History of Civilization" written by this couple, is huge. Recently he has donated all his books toAcademy of Political and Social Studies and SM Joshi Foundation Library, in Pune.

He is connected with free thoughtmovement and organisations and has spoken and written extensively on rationalism and secularism. He had been the Chairman of Indian Rationalist Association, President of Maharashtra RationalistAssociation and Editor of "The Radical Humanist". As a Founder-Trustee of the Rationalist Foundation he has contributed Rs. 5 lakhs towards its corpus.

Dr. (Mrs.) Sharad Jahagirdar, daughter of Late Justice P.B. Gajendragadakar (whom Mharashtrians know very well), is a well known and an extremely successful gynecologist. Together, Dr. Sharad and Justice Jahagirdar have very generously donated to the cause of Rationalism, Secularism, Humanism, Social Justice and Freedom of Expression.



Rationalist Foundation