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**DEDICATED TO THE  
MEMORY OF  
RAJNI KOTHARI**



# THE DISCUSSANT

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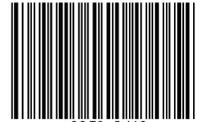
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## STATEHOOD UNDESIRABLE FOR DELHI

*Full statehood would make Centre a tenant of Delhi government.*

**I**t goes without saying that Delhi Chief Minister Arvind Kejriwal is a sharp politician. While the connect he established with people in the last election was largely based on the "freedom" agenda, that is freedom from paying power, water, and wi-fi bills, he has now tried to raise the issue of statehood for Delhi to the centre-stage. In his meeting with Prime Minister Narendra Modi, before being sworn-in, Kejriwal made it clear that the issue of statehood would be the fulcrum of the relationship between the Delhi state and Centre.

Kejriwal reiterated the proposition during the address that followed his swearing-in. He asked the Prime Minister to leave the governance of Delhi to the state government and advised him to focus on rest of the country. Now this is easier said than done. Over the years various chief ministers in the national capital, including the redoubtable Sheila Dikshit, have cried hoarse over the multiplicity of authority and that the elected Delhi government did not have its way in the governing the city.

Elected city governments in Delhi have over the years complained about not being allowed a free run, as in the case of other states. However, it should not be forgotten that the pampered and prime status of Delhi is all thanks to the Centre's intervention. Delhi's annual state budget today is almost Rs 40,000 crore. The sum is much bigger than the budget of several full-fledged state governments.

In addition, the budget does not include the expenditure on Delhi Police, which is part of the Union Budget. Even the responsibility for pension liabilities of former Delhi government employees lies with the Centre. Moreover, the Delhi government's budget only includes part funding of the three municipal corporations. It contributes no funds to the New Delhi Municipal Council and Delhi Development Authority (DDA). These civic bodies raise their own revenues and the shortfall is met by the Central government. Given the situation, if Centre was to give full statehood to the national capital, along with control over the NDMC area, Delhi's Budget outlay would jump to at least Rs 70,000 crore. Where will the additional sum come from?

The Aam Aadmi Party-led government knows that it needs a huge injection of capital to deliver on its promises, which will be difficult to come by. It is not that Delhi is cash-starved, but as former Finance Secretary to Delhi Government, Shakti Sinha says, "If Delhi lives within its means, it has unlimited fiscal autonomy, like any other state, but this state of affairs is dependent on its positive cash balance, which is fast drawing down. Once it tries to spend beyond its means, it loses that autonomy and becomes a

subordinate office of the Home Ministry, like other UTs. If that were to happen, all financial decisions, and effectively all decisions, since you cannot even put security guards on buses without money, would become an authority of the Home Ministry, and the full-time job of Delhi's Chief Minister and his ministries would be to run up and down the Raisina Hill as a supplicant." A more succinct description of the demand for statehood was made by the founding secretary of Delhi Vidhan Sabha, SK Sharma.

"The national Capital should never be made into a state. It is not economically or financially viable at all. If Delhi is made into a state, where does the Capital of India go? With the exploding population here and also extremely sensitive existing constitutional authorities and institutions in Delhi, it is nearly impossible to have the idea of statehood turn into reality," Sharma said. He then went on to add, "Centre cannot be the Delhi government's tenant."

IT SHOULD NOT BE FORGOTTEN THAT THE PAMPERED AND PRIME STATUS OF DELHI IS ALL THANKS TO THE CENTRE'S INTERVENTION. DELHI'S ANNUAL STATE BUDGET TODAY IS ALMOST RS 40,000 CRORE. THE SUM IS MUCH BIGGER THAN THE BUDGET OF SEVERAL FULL-FLEDGED STATE GOVERNMENTS. IN ADDITION, THE BUDGET DOES NOT INCLUDE THE EXPENDITURE ON DELHI POLICE, WHICH IS PART OF THE UNION BUDGET. EVEN THE RESPONSIBILITY FOR PENSION LIABILITIES OF FORMER DELHI GOVERNMENT EMPLOYEES LIES WITH THE CENTRE. MOREOVER, THE DELHI GOVERNMENT'S BUDGET ONLY INCLUDES PART FUNDING OF THE THREE MUNICIPAL CORPORATIONS. IT CONTRIBUTES NO FUNDS TO THE NEW DELHI MUNICIPAL COUNCIL AND DELHI DEVELOPMENT AUTHORITY (DDA). THESE CIVIC BODIES RAISE THEIR OWN REVENUES AND THE SHORTFALL IS MET BY THE CENTRAL GOVERNMENT.

It is difficult to believe that Arvind Kejriwal did not have a fare understanding of these tricky issues, while asking for full statehood. It then begs the question as to why Kejriwal is making statehood into a sentimental issue, as he did in the case of the Jan Lokpal Bill during his earlier 49-day stint as the chief minister in 2013-14. The reason is for all to see. By raising the issue of statehood, Kejriwal is trying to create a safety valve to escape from the people's wrath in case he is unable to deliver on his promises.

I have reasons to doubt the AAP-led government's ability to deliver on its promises. Let us first take the issue of rolling back power-tariff. By rough estimates, Delhi would immediately have to pay a subsidy of Rs 1,600 crore to power distribution companies in its bid to reduce tariff rates. The current subsidy amount stands in the vicinity of Rs 300 crore. Where does that sum come from? It probably comes after diverting it from head of infrastructural development. If that is allowed, what happens to Kejriwal's promise of building 30 new colleges for the national capital? Creating the mere infrastructure for each college, conservative estimates suggest, would cost approximately Rs 90 crore, without taking the recurring expenditure into account. That he should

not look for much relief from the Centre in these matters has been indicated by the Prime Minister. While addressing a function of the Power Ministry sometime back, Modi said, "During every election, political parties promise free power...People need to think about these promises. The parties make these promises in such states, which rely on electricity supply from other states." It is clear that he was targeting the wish list laid out by Arvind Kejriwal.

In asking for more, the people of Delhi may stand to lose the privileges they already enjoy. Statehood may give the elected government control over the police and land but would that be good for the city in the long run?



Sidharth Mishra

25 MARCH 2015

# secretary's desk

It gives a great pride to present before you this volume of The Discussant. With this issue we enter the third year of regular publication as an RNI registered quarterly periodical. We had received the ISSN accreditation a year earlier. In this time and era when publication industry is increasingly coming to be controlled by corporate bodies, it's no mean achievement for a think tank, still in the state of impoverished infancy, to have managed to publish the journal regularly.

Towards this end I am greatly indebted to the body of intellectuals and well-wishers, who have always been forthcoming with their support both intellectually and financially. It's their love and patronage which gives us the strength to move on. I am happy to share with you that our online edition is crossing new frontiers and getting accessed from new territories, which gives our writers a global exposure unthinkable for any journal of our vintage.

This edition is extra-ordinary for contributions by three very eminent intellectuals viz. Professor Mahendra Prasad Singh, Shri Shakti Sinha and Dr Rajiv R Thakur. Their contribution on areas as varied as Indian politics, South Asia and Sustainable Development would go a long way in helping the students and researchers working in these areas.

As mentioned on the cover, this issue is dedicated to the giant among the Indian political scientists, Professor Rajni Kothari. This issue carries public, personal and media obituaries to Prof Kothari.

I wish to thank our advertisers for having been very liberal with their support in keeping this mission going.

With Warm Regards,



25 MARCH 2015

Dr Sanjeev Kumar Tiwari



**PROFESSOR RAJNI KOTHARI**  
**(1928-2015)**

A Personal and Public Tribute  
By  
Professor Mahendra Prasad Singh

# RAJNI KOTHARI

## A PERSONAL AND PUBLIC TRIBUTE

PROFESSOR MAHENDRA PRASAD SINGH\*

I had a rare privilege of working with Professor Rajni Kothari in the Department of Political Science in the University of Delhi for about half a decade in the late 1970s and early 1980s. As a new Reader in the Department, I was overawed by his towering intellectual presence. Yet he had a way of putting anyone in his contact at ease by his unassuming but somewhat serious demeanour partly lightened by a wry smile. One day in the commodious chamber of the Head of the Department in the Arts Faculty Main Building where he was seated on the sofa, I dared to present to him my just published book *Split in a Predominant Party: The Indian National Congress in 1969* (1981) with the inscribed note 'To Professor Rajni Kothari for my love at first reading.' He looked up at me standing by the side and said with a chuckle: 'MP, you are right; I still get letters addressed to Miss Rajni Kothar!'+

He taught the main Indian politics M. A. course and chose to be in charge of the new M. Phil. programme (coursework followed by a thesis) rather than the old Ph. D. (thesis only) programme, probably because the former offered a better opportunity to initiate the young political scientists into research with a more comprehensive training regimen. Since I taught Research Methodology, the more innovative compulsory centrepiece course in the programme, I voluntarily took upon myself the work of organising the joint weekly mid-term seminars led by Prof Kothari, pooling all optional courses of various substantive specialisations. All students presented their draft term papers for comments by all participants - students and various optional course teachers - with Prof Kothari moderating the discussion and offering his own comments at the end. I myself benefited from his encyclopaedic insights and knowledge reminiscent of an Aristotle and the Renaissance intellectuals. Since he seldom sat in his

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Departmental chamber after his lectures or seminars, I had, in course of organising his M. Phil. Seminars, the pleasure of going occasionally to meet him in his chamber in the not too far Centre for the Study of Developing Societies (CSDS, of which he was the founder Director in 1963 and from where he had come to Delhi University as a Professor on special offer in 1977). In going there, I had the added bonus of accessing the rich CSDS Library and running into the Senior Fellows there like D. L. Sheth, Asish Nandy, Ramashray Roy, B. V. Singh, and others.

One morning when I reached the Department, the office assistant, Shri Nandlal, told me that Prof Kothari had resigned from the Delhi University for full time social work. It was a bolt from the blue. I could not keep my usual composure and started crying like a child. I felt ashamed of myself (luckily there was no one other than Nandlal around), as I felt guilty about my absence from his cremation the other day at the Lodi Estate Crematorium.

Prof Kothari became nationally and internationally recognised for his innovative and interpretative works on two structures of crucial importance in society and polity in politics in India, i.e. the party system and caste in politics. His three initial interpretative papers highlighting the characteristically national and universal features of the post-independence Indian party system, what he called the 'Congress System,' were published in the Economic & Political Weekly in a series in the early 1960s and in the Asian Survey in 1964 and 1974. His crowning glory was his magnum opus *Politics in India* published simultaneously in India and the USA in 1970. It was a commissioned standard textbook in a series of country studies in comparative politics launched under the general editorship of Gabriel A. Almond by the Little, Brown & Company in Boston, the USA. His argument, in a nutshell, was that the party system of India, originating from the ideologically middle-of-the-road freedom movement for national independence, was different from both the two-party systems and multiparty systems in Western democracies, on the one hand, and the one-party African states, on the other. It was a veritable 'Congress System' comprising a 'party of consensus' in the Indian National Congress which transcended both the government and the opposition within its own fold dominating politics at the national as well as state levels. In other words, through its multiplicity of factions based on pragmatism, national-regional and urban-rural-divides, castes and communities, shifting coalitions of 'ministerialists' and 'dissidents', the Congress party practically internalised the effective and informal opposition for the sake of governing a consensual democratic polity. On the margins of this party system, there existed a multiple 'parties of pressure' that never really came to power during the phase of Congress dominance, but sought to influence the government by interacting with factions within the Congress which were ideologically or sociologically contiguous and congenial to them. Independently, the British Indianist W. H. Morris-Jones and Italian-American comparativist Giovanni Sartori made a more or less similar formulation about the Indian party system in that phase. The former called it 'one-party dominant system' and the latter, 'predominant party system.'

Equally notable and path-breaking was Kothari's seminal editorial Introduction to a volume of empirical studies *Caste in Indian Politics* (1970). He questioned the prevailing dichotomy between tradition and modernity that puts a cognitive blinder to proper interpretation of dialectical interaction between sociological phenomenon of caste system and democratic politics. He delineated three stages in this process of gradual democratisation of the traditional Indian society. The first phase marked the competition between the 'entrenched castes' in social hierarchy and the 'ascendant castes' in the democratic political order. Economic and political changes slowly but surely began to undermine the *jajmani* system and other socio-economic structures of patron-client relations. In the second stage the competition between entrenched and ascendant castes was 'now supplemented by intra-caste competition and the process of politicisation' (emphasis in the source itself). This process of factionalisation first began in the entrenched caste(s) and rival factions within the dominant strata itself co-opted leaders belonging to castes down the hierarchy to strengthen their relative political power. In this stage there thus emerged more inclusive competing caste coalitions in electoral and legislative politics. This led to a 'still greater diversification of the base of politics, and with factors

other than caste entering into the picture.' As in the case of the party system, in this case too similar interpretative attempts were made independently by the American political scientists Lloyd and Susanne Rudolph.

Rajni Kothari, an early academic ideologue of the Congress system, soon turned critical of it by the time of the gathering storm of the Gujarat Movement led by Morarji Desai and the Bihar Movement that spread across North India down to Karnataka under the leadership of Jayaprakash Narayan (JP) against creeping authoritarianism and corruption within the Congress regime under Prime Minister Indira Gandhi during the turbulent 1970s. *The Politics and the People* (two volumes) (1977) and *State Against Democracy* (1988) represent the new twists and turns in his thought and interpretation. During this phase, even though he had turned critical of Indira Gandhi's Emergency and supportive of the JP Movement, this did not incline him to hold back his incisive and critical interventions as a political scientist in the political goings on. He was also disappointed with the Janata Party experiment but its role in recovery of the democratic process after the authoritarian Emergency regime was recognised.

All along, but specially after the early two books on the party system and caste in politics (both published in 1970), Kothari's writings and activities moved on a wider political canvas. These new explorations moved into two new directions: (1) quest for global equity and justice and sustainable development [represented by his works such, for example, as *Footsteps into the Future: Diagnosis of the Present World and Design for an Alternative*, 1975; *Rethinking Development: In search of Humane Alternatives*, 1975; *Transformation & Survival: In Search of Humane World Order*, 1989] and (2) non-party political processes in NGO as well as social movement modes in post-Gandhian explorations and experimentations articulated in a series of articles in the *Seminar* and the *Economic & Political Weekly*. His increasing involvement in social activism found institutional expression in his launching the Lokayan in 1980 as a common platform for sharing experiences between academics as well as grassroots activists in the Non-Governmental Organisations and social movements from across the country.

His high profile as a social scientist is reflected in his Chairmanship of the Indian Council of Social Science Research (ICSSR) and his association with International Foundation for Development Alternatives. All along, his prolific writings and Memoirs, *Uneasy is the Life of the Mind* (2002) leave behind a glorious trail of academic excellence as well as genuine social and political activism in public interest.

His high profile social and political activism for the cause of democracy was recognised by making him the President of the People's Union of Civil Liberties (PUCL). As its President, he took the initiative of forming a National Council comprising people of diverse backgrounds and ideological persuasion. However, his desire of unifying the liberal PUCL and the leftwing People's Union of Democratic Rights (PUDR) could not materialise.

In 1985, Lokayan was awarded the Right Livelihood Award, popularly known as the alternate Nobel Prize. The citation of this prize underlined the role of the Lokayan in the 'consolidation of democracy, for exploring the possibilities and principles of coherence within the explosion of democratic assertions, for equity and people's control over natural resources, women's empowerment, cultural plurality, health and well-being for all.'

Being a quintessentially liberal, Kothari was probably more concerned about the threat to democracy from authoritarian trends in the state and the civil society. The threat to democracy from corporate capitalist sector does not seem to figure much in his writings. This may presumably be due to the fact that neither in the Indian experience nor in that of the advanced capitalist democracies in the post-World War - II period this danger has become an immediate problem to reckon with. In the post-Cold War period the gradual folding up of the welfare state and the collapse of socialist states had caused the propagation of the idea of the neoliberal state all over the world. The changing contours of relationship between democracy and capitalism is now emerging as a new problematic of political analysis in India as elsewhere. The theoretical framework of analysis is still in the process of formulation that goes beyond history and addresses itself to the newly emerging challenges and opportunities. There is no

reason to believe that Kothari was and would have continued to be committed to the cause of democracy in the contemporary predicaments unfolding before us. We get a glimpse of it in his earlier writings as well. *His Rethinking Democracy* (1989), which looks at its problematique through bifocal lenses in universal as well as Indian terms, views the challenge of democracy as to 'how to relate and join the deeper drives of Indian citizens and communities to the broader challenge of socio-political transformation and emancipation; how to engage in preservation of freedom and autonomy in the face of external confrontation of both corporate and transnational varieties, and the confrontations found within the nation state such as economic divides based on class and caste, and the more threatening communal drives.'

# RAJNI KOTHARI

## MEDIA OBITUARIES

Professor Rajni Kothari's death on 19 January 2015 was widely reported in the Indian newspapers. This was very unusual as the newspapers are not known to give prominent space to a public intellectual and political scientist especially when they pass away. However such was the impact of Rajni Kothari, whose writing touched almost everyone who pursued courses in Humanities especially Political Science during the 1970, 80s and 90s, that the editors in the newsrooms of various newspapers could not help but decide to give him space. This coverage of his death on the news pages was followed with well-crafted obituaries in the editorial columns. These write-ups stand for their erudition.

Many years ago, my news editor had given me a thumb rule while asking me not to mull much over mistakes committed in the edition a day earlier. "The worth of a newspaper is that of raddi after 10 o'clock," he had said. Lest these obituaries get consigned to waste-paper, we reproduce some of them for the posterity and the students of political science.

—Sidharth Mishra

## RAJNI KOTHARI - MEDIA OBITUARIES

### A HOMEGROWN LIBERAL

By Partha Chatterjee\*

I first met Rajni Kothari in 1973 when, as a callow researcher with a recently secured doctorate, I went to Delhi looking for a job. He was in his office in what was then a single-storied bungalow on Rajpur Road that housed the Centre for the Study of Developing Societies, known to academics as "Kothari's institute". I knew Kothari from his book, *Politics in India* (1970), which I had used to teach a course on Indian politics at the American university where I had done my PhD. The prevailing orthodoxy at the time among American political scientists writing on what was called political development - that is to say, the politics of developing countries - was that the modernization of State institutions and laying the foundations of capitalist enterprise must come first; democracy could wait. The preference for authoritarian modernization was barely concealed in the writings of influential political scientists such as David Apter and Samuel Huntington. Although Kothari's book appeared in an American series on Comparative Politics dominated by such views, his approach had struck me as significantly different.

He described the Indian political system as one of consensus-building, marked by a federal state structure as well as a federally organized ruling party. Even though the Congress party thoroughly dominated the system, it allowed for the articulation of a variety of contradictory interests within its own organization and had evolved democratic mechanisms for arriving at decisions that reflected a broad consensus.

Even though I had my reservations on what seemed to me Kothari's overly optimistic consensual model of the Congress system, I was pleasantly surprised by his generosity in listening to my undoubtedly poorly formulated and perhaps dogmatic criticism of the entire history of Congress rule since Independence. He asked me, in the kindest of

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\* The writer is honorary professor, Centre for Studies in Social Sciences, Kolkata and professor at Columbia University

tones, a few searching questions on my plans for further research on Indian politics. I said something about working on modern Indian intellectual history. I doubt very much that what I said made much sense to him - justifiably so, since I did not then have too many sensible research ideas myself. He didn't have a job to offer me but asked me to talk to Ashis Nandy who, he said, was a young man doing interesting new work. Nandy was not around. My first visit to CSDS came to a rather uneventful end.

Over the next few years, as I settled down to a life in Indian academia, I became acquainted with the wide range of Kothari's writings. More importantly, I developed an enormous respect for his ability to build institutions and lead large projects of collaborative research. He had already established himself as the pioneer of election studies in India, building a team at CSDS that included D.L. Sheth, Bashiruddin Ahmed and Ramashray Roy - all major analysts of electoral behaviour - and starting the first data bank in India on electoral surveys that would in time grow into the Lokniti data unit - the most important resource today for deciphering the mysterious doings of the Indian voter. As part of this project, Kothari led a team of scholars who set out to study the phenomenon of caste in the evolving democratic politics of different states and regions. The volume he edited, *Caste in Indian Politics* (1973), still remains the most influential book ever published on the subject. In his introduction, Kothari argued that India's electoral democracy had extracted caste from its traditional ritual and religious moorings and turned it into a modern and malleable form of mobilizing social and economic demands. This became a foundational formulation for all subsequent studies of caste as a political phenomenon.

In the early 1970s, Rajni Kothari was known to be close to the ruling establishment in New Delhi. He was involved in the founding of the Indian Council of Social Science Research as the premier funding body for social science research. He was regularly consulted in matters of planning and development. By 1974, however, it became clear to him that the Congress system he had described so meticulously was being systematically destroyed by the centralizing thrust of Indira Gandhi's regime. A new group of Indira loyalists spouting fiery leftist rhetoric now began to attack Kothari for his allegedly bourgeois-liberal theories and American academic connections. I remember some of these virulent and sometimes abusive criticisms of Kothari that were published in the social science journals of the time. Despite my own pronounced Marxism, I found these diatribes shallow, irritating and, considering the deeply authoritarian strain that ran through much of their anti-imperialist and socialist verbiage, utterly insincere. Kothari's disenchantment with the Indira regime led him and many of his CSDS colleagues to embrace Jayaprakash Narayan's Navanirman movement, doubtless confirming every suspicion that his leftist critics held against him. CSDS came under a cloud and, in one of those arbitrary acts of petty retribution that characterized Emergency rule, its funding from the ICSSR was drastically slashed.

With the dramatic elections of 1977, however, the tables were turned. Kothari had had a hand in drafting the manifesto of the Janata Party. He now became a member of the Planning Commission and chairman of the ICSSR. Needless to say, in the academic world no less than in politics, the knives were out for those who were believed to have been close to the Emergency regime. But Kothari supervised the new dispensation at ICSSR in the most impartial and gracious manner imaginable. He even refused to restore the unfair cut in the ICSSR grant to CSDS, arguing that with him at the head of both bodies, the move would amount to an unacceptable conflict of interest. For those used to the goings-on in Indian cricket today, Kothari's position might seem like something out of a fairy tale. CSDS had to wait for the end of Kothari's term, and the coming of Sukhamoy Chakrabarty as the new chairman of ICSSR, before the anomaly could be rectified.

The 1980s marked a distinct turn in Kothari's thinking. He set up Lokayan as a platform for the coming together of a whole range of new social movements and virtually became their mentor. He now argued passionately for the broadening of democratic participation by launching radical movements outside the rigid control of party

organizations. He was at the forefront of the civil liberties movement, being a founding member of the People's Union for Civil Liberties, and was one of the authors of the historic report, Who Are the Guilty? that named the Congress politicians responsible for organizing the Delhi pogrom against Sikhs in 1984. It is during this phase of his life, from the late 1980s, that I met him a number of times and came to know something of the depth of his commitment to a life of the mind.

I discovered that Kothari had been born in 1928 in a wealthy Jain family of Gujarat. When, as a young man just out of college, he declared his intention to go to London for further studies, his uncle arranged for a visit to an astrologer who predicted that the young Rajni would never secure admission to a British university, and even if he did, would fail his exams. But Kothari defied the stars, secured a London degree, dissociated himself from the family business and, in 1953, took up the low-paid job of university lecturer in Baroda. Ten years later, he set up CSDS as a venue for creative and critical thinking. Perhaps as a protest against the domination of Indian social science by a pedestrian variety of economic technicians, he introduced the unwritten rule that CSDS would never employ an economist in its faculty.

Liberalism in India has a long history going back to the 19th century. But in its utilitarian, Gladstonian and Fabian phases, it always carried in both content and style the marks of its Western origin. It routinely repeated the doctrines of individual right and private property without seriously examining the conditions of their importation into a land with a completely different history of legal and political institutions, and quite slavishly imitated the formal practices of Westminster-style democracy or American capitalism, if necessary by keeping out of the hallways of power the unlettered and unwashed representatives of the native masses. Kothari had first-hand knowledge of both British and American liberalism. But he developed a liberal vocabulary and liberal practices that were of a sturdier vernacular make.

In his Memoirs (2002), he describes the intellectual circles of Baroda where he first encountered the rough and tumble of Indian political debate. It was characterized by a conversational style that could be combative, sometimes acerbic, but always patient, unhurried and generous. Every debate would be adjourned to the next day; no argument was ever finally clinched. Not for him the Powerpoint presentation with 15 slides in 15 minutes. His death, I feel, marks the end of an era in India's intellectual life.

*(Courtesy: The Telegraph)*

## CHALLENGES OF KOTHARI LEGACY

By Rajni Bakshi\*

**R**ajni Kothari, the renowned political scientist who passed away on 19 January, is being hailed as a public intellectual who made a mark on the world stage. Yet his defining achievement was that he was equally if not better known at the grassroots of Indian political life, among those struggling to deepen and widen democracy.

Kothari's life and work demonstrated the creative potential for intellectuals, activists and people from diverse domains to collaborate in building democracy from the ground up. This is poignantly ironic at a time when the mainstream of business and politics sees much of India's activist community as being at odds with the goal of exponential economic growth. From the late 1970s Kothari saheb, as he was fondly known, kept in close touch with a wide array of village level

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social and political activists across India. In 1980, along with D.L. Sheth and other colleagues at the Centre for Study of Developing Societies (CSDS), Kothari launched an initiative called Lokayan, Dialogue of the People. Over the next 10 years Lokayan became a platform through which grassroots activists and scholars learnt from each other. Enabling and leading this two-way learning is the enduring legacy of Kothari and his colleagues-Sheth, Ashis Nandy and the late Giri Deshingkar. Kothari's greatest achievement as founder of CSDS was in nurturing this dynamic team of peers who together built up a think-and-do tank that engaged with political practitioners with as much gusto as it gave to pure intellectual enquiry. Through the 1980s Lokayan served as a platform for multi-dimensional dialogues and writings on what came to be known as the non-party political process. It thus brought together a wide range of people, from welfare-delivering non-governmental organizations (NGOs) to radical people's movements protesting the destructive impacts of development and demanding instead an alternative development. In 1985, Lokayan was awarded the Right Livelihood Award, often known as the alternative Nobel Prize. The citation stated that Lokayan was being honoured for its role in the "consolidation of democracy, for exploring the possibilities and principles of coherence within the explosion of democratic assertions, for equity and people's control over natural resources, women's empowerment, cultural plurality, health and well-being for all". The articulation of this critique in India became part of a growing global discontent with the limits and dangers of development as it had been defined by the Western world. Voices of the kind that the Lokayan platform highlighted lent weight to this global discourse and indirectly informed the path breaking World Commission on Environment and Development, better known as the Brundtland Commission. This in turn led to sustainable development being declared a universal goal at the UN Earth Summit in Rio in 1992. Global academia will remember Kothari for his theoretical insights about the early stages of Indian democracy and the role of caste. His book Politics in India, first published in 1970, remains a classic. But in many small towns and villages of India, Kothari will be remembered as a scholar who helped them to do more than just question why they were being left out of development. He went further and amplified perspectives about attaining well-being that did not conform to the model of development that had dominated since Independence-centralized planning deploying big dams and other mega-projects that concentrated economic power while also displacing millions of people without adequate relief or rehabilitation. Both intellectually and as an activist with an ear on the ground Kothari's work is a mission that will need nurturing for a long time to come. As the CSDS website says, Kothari's crucial insight was that there is no easy translation of West-centred categories in the Indian social and political setting nor can those categories be applied to fully understand and explain our complex reality. The work of crafting categories that are not entirely euro-centric has gathered momentum. Three years ago, CSDS co-hosted the 40th World Congress of the International Institute of Sociology on the theme After Western Hegemony: Social Science and its Publics. Work in the activist domain grows increasingly more acute. The People's Union for Civil Liberties (PUCL) in Rajasthan is currently challenging a new law that prevents anyone who has not passed 8th class in school from contesting panchayat elections. The National Alliance of People's Movements, a network that Kothari once supported, is struggling to defend the rights of people who are being displaced without full compensation. At such a time it is worth recalling that when Kothari was president of PUCL he set up a National Council into which he drew people of diverse backgrounds-rural and urban, old and young, men and women. But the mission of creating a truly broad-based civil liberties movement remains unfulfilled. Both electoral democracy and economic democracy depend upon a civil liberties movement whose members come not only from diverse social and class backgrounds but also political perspectives. Only then can we dissolve the false divide between social activism and economic growth. The best tribute to Kothari would be a vigorous and expanded dialogue of the people which includes not just activists and scholars but business people, together seeking to find a model of economic growth that asks no one to pay the price for progress.

*(Courtesy Mint)*

## RAJNI KOTHARI, THE POLITICAL SCIENTIST OF INDIA

By Yogendra Yadav\*

Where did he teach you? I mean in school or college, or where?" The question came from my son, curious about this old gentleman we would meet at the gate of our housing complex. I had told him that I touched his feet because he was my teacher. His question was a natural follow-up.

My mind wandered to my undergraduate days. I had found an untouched Hindi translation of Rajni Kothari's book, *Politics in India*, in the library of my college, Khalsa College, Sri Ganganagar. Despite its tough prose, made worse by a heavy Sanskritic translation, the book was a breath of fresh air. I didn't quite understand the complex argument. But somehow, the book taught me to think about politics in a radically new way. It also made me decide to study politics.

Kothari was not a favourite author for my Marxist teachers at the Jawaharlal Nehru University. But they encouraged us to study him so as to critique his "liberal bourgeois" reading of Indian politics. So I reread his book, this time the English original. I appreciated him better now and was convinced that his reading of Indian politics was far more illuminating than the crude Marxist reading that we learnt in classrooms. I never got to meet him or communicate with him at that stage of my life. But I read everything he wrote and fancied myself as an Eklavya who learnt from his guru in his absence.

As I look back at all that I have learnt from his books, what stands out for me is his intellectual and cultural self-confidence. He resisted two tendencies prevalent among students of Indian democracy prior to him. He refused to treat Indian politics as a re-enactment of the script written by Western democracies. At the same time, he debunked the idea that the democratic experiment in India was culturally unique. He made it possible to think of India as yet another "normal" democracy, distinctly modern and specifically Indian at the same time. I have learnt that it is easier to acknowledge this agenda than practise it. Theorising Indian democracy in these terms is still an unfinished intellectual agenda for our times.

Unlike most academics, Kothari evolved with the times and had the courage to change his formulation, and even position. *Politics in India* was an instant classic when it was published in 1970, when he was barely 40 years old. Kothari then expanded his horizons to think about the globe and joined a group of thinkers in reimagining the future of the world order. This led to the journal *Alternatives*. Then came the Emergency, which shook the democrat in Kothari.

He had the courage to revisit his formulations and chart out fresh directions for his intellectual pursuits. His writings thereafter, especially *State Against Democracy*, were a critique of the Indian state. His search for alternatives now took him towards the people's movements that operated outside mainstream politics. He brought together many leading Indian intellectuals to formulate an agenda for India. He was more sympathetic now to the critique of the very idea of development. By the mid-1980s, Kothari had anticipated most of the key ideas that continue to dominate our democratic imagination today.

In this phase, Kothari was a public intellectual, not just an academic. He never made a sharp distinction between academic and popular writing. Many of his well-known articles appeared in *Seminar*. He wrote regularly for newspapers as well. His emphasis on a new brand of non-party politics led him to a unique research-cum-action project, *Lokayan*. Along with Dhirubhai Sheth and Vijay Pratap, he discovered and taught to my generation a new vocabulary to make sense of this new form of politics.

His intellectual engagement with movements often led him to direct activism. He had helped organise resistance to the Emergency outside India. It is well known that he was among the writers of the manifesto for the Janata Party

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in 1977. He was among the founders of the People's Union for Civil Liberties (PUCL) and went on to become its president. In the aftermath of the anti-Sikh massacre in 1984, he was among the authors of the path-breaking report, "Who are the guilty?", which dared to name some of the guilty Congressmen. Kothari was a friend, philosopher and guide to all people's movements. I was involved with many of these - Samata Sangathan, Samajwadi Jan Parishad and National Alliance for People's Movements. My colleagues there were not very fond of Kothari or Lokayan, but I found his frame to be very helpful in making sense of this new and exciting political practice. Above all, I learnt from him that the boundary between academic and popular writing, between intellectual and political work, is not watertight.

My limited direct learning from Kothari began after I joined the Centre for the Study of Developing Societies (CSDS) in 1993. This institution was founded by Kothari in 1963 - when he was just 33 years old - and was known as "Kothari's Centre". After joining the CSDS, I came to appreciate Kothari's approach to institution-building. He gathered a group of exceptionally talented social scientists and turned the place into a school of thought. Legend has it that he recruited a faculty member who demanded a higher salary than Kothari himself. Unlike most Indian institution builders, he stepped aside from the leadership of his own institution when he turned 50. That is one of the key reasons why the CSDS made a generational transition and is still a leading intellectual centre after completing its golden jubilee.

My mind went through all this as I turned to my son and said: "He was the teacher who never taught me." Somehow, he understood.

*(Courtesy: The Indian Express)*

## POLITICAL SCIENTIST OF INDIA

By Suhas Palshikhar\*

It is not often that an academician has potentially something to offer for well over half a century. In the realm of political analysis, longevity is even rarer. It will therefore be a fitting tribute to Rajni Kothari if we note how his rather forgotten but oft-quoted political analysis resonates with our contemporary political moment - and how, by taking it forward, the enterprise called Indian politics could be better grasped.

Since last May, not a week goes by without reports about the resolve or lethargy of the Congress party to rise from the debris of its defeat. Analyses of the 2014 election were also marked by jubilation over the demise of caste - making way for "development-oriented" politics. Ever since the BJP rose to prominence in that election, the discipline of political science has been struggling to make sense of the development. Is Kothari's political science helpful in resolving these puzzles?

Not that he explicitly answers all these puzzles. Some emerged only after Kothari ceased to be intellectually active due to age and illness; some failed to attract him since he chose to move away from analysing politics to critiquing it. And yet, if there was one Indian political scientist with some insight to offer on the contemporary political predicament, it was Kothari.

In a discipline short on theorisation and bold conceptualisation, this must be regarded as a Herculean contribution. And if India's political science is still famished for analytical frameworks, it only shows the weakness of

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receptivity and creativity in the discipline.

Kothari is associated with the coinage of the term "Congress system". Sure, he was talking of the Congress of the 1960s, but that analysis still throws light on the "un-Congress"-like politics that the Congress party steadfastly conducted for more than four decades thereafter. In one sense, that analysis implicitly posited that there is a model and a deviation, or an idea and the practice. (Kothari was critical enough of the practice to invite the wrath of the government, but he remained convinced about much of what constituted the idea called "Congress".)

In the more than half-century since the formulation of the "Congress system" came into being, it is waiting to be decoded at the disaggregated level. We do not have accounts of how the Congress system evolved and dissolved in different states. For instance, what was the Congress system like in, say, West Bengal, and how that was different from Uttar Pradesh. If we had such accounts, we would have been in a better position to understand the demise of the party. Soon after Kothari's *Politics in India* (1970) appeared, he moved on to become a critic of the new Congress that had emerged, and also a critic of the prevailing democratic theory. As important as this role was, the analysis of Indian politics lost a political scientist who had the capacity and inclination to engage with real-world political processes. With Kothari departing for a different zone of intellectual pursuit, political science in India conveniently forgot his analysis by iconising rather than expanding it.

The same thing happened in the case of Kothari's analysis of the interaction between caste and politics. Here, Kothari refused to be cowed by the then dominant modernist tendency of looking upon caste, religion and the like as "pre-modern" factors, hindering modern, secular, democratic politics. Instead, he draws attention to the dynamic interaction between caste and politics, whereby caste becomes a political resource and, in the process, loses its traditional nature. The caste that we encounter in politics is thus different from caste as a hierarchy-based social formation that divides. It becomes a formation capable of uniting as much as dividing; and as post-Mandal developments have shown, of redefining itself.

Thus understood, caste does not become a hurdle in the process of democratisation. Instead, it becomes a factor - like many others - shaping the nature of democracy and political competition. In the process, caste also does not remain a permanent and assured explanatory factor of politics. Those who were surprised by the rise of caste-based politics in the 1990s and, again, those surprised by the decline in the salience of caste since 2009, have a lot to learn from the way castes entrench themselves through electoral competition and the political economy of the region in which they operate.

In his formulation of the Congress system, Kothari does not go to the state level; he confines himself to the grand narrative of the "all-India". But in dealing with caste, he and his collaborators focus on the states. That focus helps explain region-specific expressions of entrenchment and possible frictions, as they existed in the late-1960s. The 1970 study of "Caste in Indian politics" thus frames the agenda for further study and it has been waiting to be revisited for over four decades now.

Since the BJP rode to power in 2014, we have been preoccupied with the question of whether this was a one-time stroke of luck coinciding with the rise of a new plebiscitary leader. In his famous formulation of the Congress system, Kothari presciently says: ".the question remains whether the new party... provides us with another consensus or is an expression of accumulated protest... which is likely to wither away after a short time in office." This summary observation encompasses the possibility of analysis of the post-Congress polity since 1989. As Kothari suggests, that phase went through short-term eruptions of public disappointments. Have we finally reached a "new consensus"? That would be the single-most important intellectual agenda for political scientists for the coming decade in understanding the final collapse of the Congress.

But above all, Kothari's analysis of Indian politics will be remembered for its deep engagement with democracy.

This is evident in both his pre-1975 scholarship and his post-1980 introspections. What is common to both is a firm belief not only in something fuzzy called democracy, but also in our capacity as a society to chart a democratic path, as well as his confidence that India (or any other "new democracy") does not have to adopt the received models of democracy because, just as American - or any other Western - democracy, with all its idiosyncrasies, is an instance of democracy, India's democracy can also have its own trajectory, with all its deficits and faults.

It was with this confidence that Kothari dealt with the Congress system, not as an aberration but just another way of doing politics - and hence, "an interesting addition to the present typology of party systems". This confidence was not about his formulation, but about India's democratic politics being another normal way of conducting politics, rather than a queer animal in the zoo. Apart from the creativity of his conceptual formulations, this understated assertion about different expressions of democratic politics sets Kothari apart as India's political scientist par excellence.

*(Courtesy: The Indian Express)*

# AFGHANISTAN 2014: AN UPDATE

SHAKTI SINHA\*

**D**evelopments in Afghanistan have been fast-paced and ever changing for the past year, so has been the situation in India though of course, the two situations are not comparable. In the circumstances, India-Afghanistan bilateral relations seem to have dipped below the horizon. While many Indians are dismayed about this and see it as a failure of India's policies towards Afghanistan, this essay argues that this is an incorrect reading of the situation based on incomplete understanding.

## POLITICAL DEVELOPMENTS - A BACKGROUND

The major part of 2014 in Afghanistan was consumed with the ups and downs of successfully conducting presidential elections. The first round in April saw the former foreign minister Dr Abdullah in the lead but short of the plurality required for victory. A former lieutenant of the legendary Ahmad Shah Massoud, Dr Abdullah was backed by substantial sections of the erstwhile Northern Alliance (NA). However, Massoud's younger brother Ahmad Zia Massoud, a former Vice President (2004-09) and some other NA leaders had rallied around ex-World Bank staffer Dr Ashraf Ghani Ahmadzai, finance minister in the initial years after the fall of Taliban. Both Dr Abdullah and Dr Ghani were colleagues in Hamid Karzai's first cabinet and had contested against Karzai in the contentious 2009 presidential elections. Dr Ghani votes then barely registered on the scorecard while Dr Abdullah emerged as the main challenger to Karzai, ultimately withdrawing from the second round complaining about electoral fraud.

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Over the five years between the presidential elections of 2009 and 2014, various opposition formations were formed but none emerged as a cohesive alternative since they were plagued by personality-driven politics. Most, in fact, were short-lived, often collapsing as they were not able to neutralise president Karzai's policy of blandishments and coercion. Dr Ghani was tasked by Karzai to lead the Inteqal (transition) process by which the Afghan National Security Forces (ANSF) took over security responsibilities all over the country in a phased manner from NATO. The National Front, a broad coalition of anti-Karzai forces seemed the most promising and included some who had been co-opted by Karzai in his cabinet.

A short detour into the Afghan electoral system is required to understand both the inability to develop viable political alternatives to the ruling dispensation and the regular complaints about the failure to deliver fair results. Afghanistan has 34 provinces with each province forming one electoral district/constituency. Though there is a law to regulate political parties, all candidates have to contest as independents. There is no list system and the Single Non-Transferable Vote (SNTV) is used, i.e., a voter marks a single candidate of her/his choice out of those contesting, often 70-80, and though a province would be electing multiple members of Wolesi Jirga (WJ), the lower house of the National Assembly. This leads to massive distortions e.g., Kabul province elects 33 MPs and the last of the successful candidates polled 1% or less of the valid votes. Similarly, in Ghazni, a mixed Pashtun-Hazara province all 9 successful candidates in the last elections to the WJ were Hazaras since the Pashtun areas has low voting due to insecurity. Another missing piece in the puzzle is the failure to demarcate district boundaries, a politically charged issue in the volatile South East provinces. Further, voters are registered for the province as a whole and are not 'attached' to a particular polling station, as is the norm. The numbers and locations of polling stations itself remains in flux. There are also large scale irregularities in voter registration process, particularly with 'proxy' registration of women voters being the most acute. Conducting credible elections in these circumstances is for all practical purposes a non-starter, a situation that the raging insurgency only makes worse.

## **PRESIDENTIAL ELECTIONS 2015**

Karzai's second and final term was to end in mid-May 2015, and political manoeuvring started months earlier, though many were sceptical that he would actually step down. But as elections drew near, it gripped the country and became the most important issue. In the absence of a healthy party system, and lack of ideological issues, people's affiliations are fluid. Labels like NA etc are now meaningless, as mentioned earlier. People's affiliations are fluid, it is not a party based democracy, and there's no noticeable ideological difference anyway. This becomes clear when one looks at the candidates who finally contested the presidential elections.

An influential Hazara leader (Mohaqq) besides a Pashtun notable & vice chairman of Hezb-ul-Islami, Muhammad Khan, was on Dr Abdullah's ticket as vice-presidential nominees. Dostum, notable Uzbek leader, anti-Taliban fighter was one of Dr Ghani's VP nominees. Karzai's foreign minister, and reported his pick as successor, Dr Zalmay Rassoul had Ahmed Zia Massoud besides former Bamiyan governor, the popular Dr Surabi. And the veteran jihadi leader Abd-al-Rasoul Sayyaf teamed up with the 'Amir' of Herat, Ismail Khan, who was in Karzai's cabinet as energy and water minister. The jockeying for power, while a source of much amusement, also reflected that the Afghan political process was in a state of turmoil. To quote Martine Van Bijlert<sup>1</sup>, a very perceptive observer based in Kabul,

"The National Front, that had long announced the fielding of a unity candidate, is now divided between three tickets: (1) Dr Abdullah who was joined by Mohaqq as second running mate; (2) Ahmad Zia Massoud who joined the ticket of Zalmay Rassoul (and seems to be trying hard to outshine him); and (3) Dostum who has joined Ashraf Ghani. The fact that Ismail Khan joined the ticket of Sayyaf further fractured the Tajik and Jamiati network. The remarkable and unlikely Jamiat-Hezb-e Islami agreement,

that led to the inclusion of Hezb's vice chairman Mohammad Khan on Dr Abdullah's ticket, had already been shaken by considerable criticism from the fringes of both parties. It was further challenged when Outbuddin Helal, prominent member of Hezb-e Islami Gulbuddin, registered his own candidacy."

There were a number of other nominees including Kandahar strongman and formerly promoted/ seen as challenger to Karzai, Gul Agha Sherzai who was Governor of the eastern province of Nangarhar. In fact he was the only prominent Afghan invited to Obama's first inauguration.

The campaigning was vigorous and violence got relegated to the back seat. Around 68% of votes cast, with male voters predominating as expected, 64% of total votes, and only 36% by women. The latter is actually an exaggerated number caused by men voting proxy for their wives in parts of the south east.

Dr Abdullah polled 29.73 lakhs or 44.94% of the votes cast. Dr Ashraf Ghani came in second polling 20.82 lakhs, or 31.47%. Dr Rassoul picked up 11.48%, Sayyaf 7.08%, Helal 2.73% and Sherzai 1.61%. The election therefore went into the second round between the top two vote-getters.

There were around 2000 complaints, around half directed at the staff of the Afghan Independent Election Commission (IEC). The Independent Electoral Complaints Commission (IECC) had to deal with these complaints. The IEC and the IECC, particularly the former have had their share of controversies with lack of preparedness as reflected in ballots running out, lack of neutrality in specific areas as seen in complaints of ballot stuffing/ candidates observers being thrown out of booths/ officials directing voters how to vote etc, as well as allegation of opaqueness in functioning. And many polling stations did not open in many areas or no votes were cast. Despite this the overall conduct of elections for the first round was credible and came in for praise. Critically, the executive as a system did not interfere in the conduct of elections.

Voting was on ethnic and sectarian line but not limited to it, in factor these factors were much less present than most foreigners expected them to be.

The Hazaras threw weight behind Abdullah, unexpectedly, though his campaign was slow to take off. Karzai's vice president and Mohaqeq's rival in Hazara politics, Khalili and Dr Surabi just could not stop the rout in Bamiyan. Dostum brought in Uzbeks but not enough of them and Abdullah too got their votes.

So Ghani took Dostum's home province of Jowjzan and Faryab, but not Sar-i-Pul, Samangan or Kunduz. Interesting, leader of his faction of the Hezb-ul-Islami, former favourite of ISI and present Taliban ally, Gulbuddin Hekmatyar is from Kunduz, which voted for Abdullah and Ghani and not for Hekmatyar ally Helal. Pashtuns voted for in the East and South East voted for Dr Ghani and Dr Zalmay Rasoul was able to sweep Karzai's base, Kandahar and Uruzgan; Sherzai could not stop Zalmay Rassoul sweep in Kandahar (52% vs. 16.5%) demonstration of Karzai's continued clout. The veteran jihadi Sayyaf did well some Pashtun areas and Abdullah too pulled in votes. The limits of old-style control were further seen in Herat, where Ismail Khan could not deliver Herat to Sayyaf; Abdullah took 61% votes in this key western province bordering Iran. Subsequent developments too showed the limitations of both old Northern Alliance loyalties and ethnic affiliations. Even as Zalmay Rassoul endorsed Abdullah for the second round, his first VP nominee, Ahmed Zia Massoud held back and finally went strongly for Ashraf Ghani, presumably as he wanted to displace Abdullah as the leader of the broader non-Pashtun forces. And Sherzai, though a Kandahari Pashtun backed Abdullah.

The real mess started in the second round, which had to be delayed since the IEC could not organise itself. Large scale irregularities were alleged, interestingly by both sides. There was a surge in voting in the Pashtun areas, particularly the South East but also elsewhere. Anecdotally a province had three times higher voting than the first round, and reportedly more than its estimated population. When the IEC released the preliminary figures showing Dr Ghani as the winner, there was uproar with Dr Abdullah crying foul and threatening to form a parallel government. For him, it was a case of twice being denied a fair chance and the pressure from his supporters to not compromise was considerable.

## NATIONAL UNITY GOVERNMENT

Many attempts were made to sort out differences including by auditing votes polled in many areas. But this process made little headway as there was no real agreement on criteria for invalidation of votes. This political deadlock threatens to deteriorate into a full-fledged collapse, which would have put the entire US strategy of confronting terrorism in question. Therefore, as former Indian Ambassador to Afghanistan, Rakesh Sood wrote in the Hindu, “the USA had to do a lot of heavy lifting. Secretary of State flew into Kabul twice.”<sup>2</sup> The first was on July 12 when some kind of general agreement was reached, and again on August 8th because the earlier agreement was long on intentions but short on details. Both sides tended to read into the agreement what suited them. This time a more detailed agreement to set up a national unity government (NUG) was signed by both candidates though details were not shared at that moment of time. Finally, more than a month later, all details were sorted out and on September 21st, 2014 the final agreement was signed and sealed. The IEC declared Ashraf Ghani elected though no voting figures were released. Ghani immediately after his swearing-in appointed Dr Abdullah as the chief executive “with the functions of an executive prime minister” and swore him in at the same function along with two vice presidents and two deputy chief executives.

With the details of the agreement and subsequent presidential decree of December 11, 2014 released, it is clear that the expected shift to a more prime ministerial system has not happened. The President is both the head of the state and head of government, and the CE is clearly subordinate, tasked with being responsible for implementation. A Constitutional Loya Jirga would be convened within two years that would consider moving to a more parliamentary system of government.

The NUG has been plagued with problems and it took the president and his chief executive over four months to filially agree on the appointment of ministers and others of ministerial rank - the heads of intelligence (NDS) and of the central bank. However this was not the end of the troubles and 8 of the 27 nominees had to drop out due to holding a second passport, conviction in a criminal case, forged qualification claim and in one case, to try and assuage Ismail Khan who objected to the lack of representation to Herat. Of the rest, the national assembly approved only nine nominations and rejected ten others. Clearly political stability is some way off.

## TALIBAN AND THE ELECTIONS

The narrative would suggest that the Taliban have become irrelevant, and that they ignored the elections. In fact, they did express themselves about the elections and their views changed over the course of the process, as the situation evolved. (This part is largely based on Borhan Osman’s very detailed paper on the subject for Afghan Analyst Network).<sup>3</sup>

Before the polls the Taliban had on its website two articles attacking the elections process. In effect it said that to take part in these elections is to be an apostate. It cursed democracy as a western practise, which was anti-Islam as it did not distinguish between the votes of good and evil people. It called participants as “slaves and western educated dog washers.” Democracy was equated with *jahilya*, a *kufr* conspiracy to divide the *umma*, the Muslim community joined together by Islam. They gave many reasons why democracy was not compatible with Islam -e.g., of secular laws overriding sharia, fornication, alcoholism, prostitution etc.

However post the first round of elections, these two articles were taken down, possibly as they reflected sentiments that were too extreme and as the voting percentage made clear the contents of the articles were considerably at variance with the choice of the people. The focus then shifted to showing democracy as a cover for western injustice/ double standards. The new articles talked about democracy being inherently un-Islamic, a duplicitous exercise seeking to do away with sharia. Democracy, after all, allows individual rulers to become lawmakers, placing them on par with the sharia maker! The Taliban was also upset that the election date was set for April 5th, an insult to them as it was the anniversary of Mullah Omar taking on the mantle of Amir-ul-momenin (leader of the faithful). They used this opportunity to talk about

how Mullah Omar was so chosen, by a gathering of 1500 pious ulema. This was a not-so-subtle hint as to how they view elections, in contrast with insurgencies and movements in Iraq, Syria, Egypt etc which did not follow this 'election' route.

What was the most interesting in the new discussions was the point that since Afghanistan was under occupation, election could not produce legitimate leadership. The Afghan elections were portrayed as an "imported conspiracy" that aimed at creating "false legitimacy", a "sham show". In other words, there was nothing wrong with democracy per se. Similarly, the Taliban spokesperson and channels talk about widespread fraud, and showed ballot stuffing operations in two places. They mentioned many such specific incidents, and accused the media, not entirely unfounded, of not reporting accurately, of being "badly biased and pro-western". Again, their criticism has moved into the realm of actual practise of democracy.

The next question is whether the Taliban was totally ineffective in disrupting the election process? And to understand this, one would also have to look into the role of the media. Quite surprisingly, the media came to a decision, by and large on their own and again by and large stuck to it, that it would not publicise Taliban and other spoilers attempts to disrupt the process, create insecure circumstances and launch attacks. It was not so much of self-censorship as delayed reporting and low priority reporting. Consequent to the Serena attack where a journalist and his family were killed, the Taliban was under boycott in any case. To that extent the media dropped its independent hat and became a partisan for democracy. The net effect was that though there were considerable attacks with at least 29 security men dying, there was no panic situation created. This encouraged voting even in areas in Loya Pakhtia where in 2009, there was none. The Taliban on its side exaggerated their attacks, and made it out as if voting was limited to a few cities.

Overall, there was a loss of face for the Taliban, which shocked them. The people of Afghanistan reacted with self-righteous aggression and clearly showed that they believe that democracy is the way in governance and in solving disputes. But that is easier said than done. Powerful forces continue to operate in the Afghanistan, some supported by outside powers that cannot afford to see an Afghanistan at peace with itself and with the outside world. The road is going to be a long and a difficult one.

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# DERAS: EMPOWERED BY INEQUALITY

VANDANA SINGH\*

## INTRODUCTION

From promoting superstition to sitting on heaps of unaccounted wealth, there is nothing that the deras have not been blamed for and accused of in the recent past. And yet when you see the mad rush of people lining up at deras to catch a glimpse of their gurus you cannot find any apparent logic to justify the allegations in the face of the widespread and unflinching support they enjoy.

The shenanigans of 'Sant' Rampal of the Satlok dera are fresh in public memory. Similar misdemeanours by babas, sants or gurus and their disciples, and the studied silence of the political class across party lines, have come to light recently. They point to the growing influence of the deras, which feel emboldened to defy the law of the land.

But the big question is where do deras draw their strength from. Deras or sects are new neither to Punjab and Haryana nor to the Sikh religion. Rather it is as old as the Sikh faith itself. The history of deras in Punjab is older than the Sikh Panth. The number of followers of deras seems to far exceed that of the Golden temple based clerical establishment itself. The recent standoff between the Haryana establishment and the followers of Sant Rampal, who the police wanted to arrest from his 12-acre ashram in Barwala in Hisar district of Haryana, is a case in point. Rampal's followers held ground till the very last moment as devout lieutenants risking their lives making everyone stand and question how these godmen came to enjoy the unbridled devotion of Gods themselves and why the dera land is so pious and important for its followers.

## THE SPREAD OF DERAS

There is no statistical figure on how many deras exactly exist in Punjab. But according to rough estimates given by Sikh scholars, there are more than 9,000.<sup>1</sup> However, there are about 300 major deras across Punjab and the

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neighbouring state of Haryana and they are popular in both states. Out of these almost a dozen have over one lakh devotees each.

Radha Soami (Beas), Dera Sacha Sauda (Sirsa), Nirankari, Namdhari, Diya Jyoti Jagran Sansthan (Nurmahal), Dera Sant Bhanjarwala (Ropar), Dera Sach Khand (Ballan) are some of the prominent Deras of Punjab.

Though all these deras have followers among every caste, yet most followers are Dalits and backward caste people, who are often economically weaker too. Punjab has been witness to the emergence of a large numbers of deras due to prevailing inequality in social and economic order and the marginal position of the Dalits in society.

## **DALITS AND DERAS**

“The rise of these deras to seat of power is primarily due to the fact that Sikh religion in its modern form didn’t accept the Sikhs of lower castes,” says Dr. Neeru Verma,<sup>2</sup> who teaches at a government elementary school in Jalandhar. Verma has done extensive research on the issue of Dalits flocking to Deras.

“As the Sikh religion and their leaders failed to propagate equality, these deras rose to fill the vacuum, where all were invited with open arms equally. Thus the ever increasing numbers of Deras all over Doaba, Majha, Malwa regions of Punjab is widely attributed to the denial of a respectable place to the Dalits and backward caste people in religious places and Sikh Panths. The major factor for the marginal position of the dalits in the state is the monopoly of the land in the hand of Jat Sikhs. As the Jat Sikhs of Punjab are primarily an agriculture community, the Dalits in Punjab were deprived of land. In the absence of other job opportunities, they were forced to depend upon the land of Jat Sikhs for livelihood. So the confrontation between these communities can be described as a struggle of landless agriculture labour versus the landlords. This in turn, often led to caste clashes between these two communities, the Jats and the Dalits,” Verma adds.<sup>3</sup>

Dalits constitute about 30 per cent of Punjab’s population and that happens to be the largest proportion in the country. However, they occupy the lowest share in land.

The Dalits and backward classes in Punjab also feel excluded from making the political and economic choices for the state. On the other hand, the Jat Sikh population not only own 60 per cent of land but also control the politics and economy of the state.

Ashutosh Kumar, professor, department of political science, Panjab University says, “In politics, however, the rise of the deras may be attributed to the fact that in Punjab and Haryana, the social basis of political power has not changed over the years, favouring higher castes and communities. The political participation of the numerically significant Dalits and other backward castes has remained confined to mere presence in party forums or legislative bodies. The inability of these groups to emerge as a powerful electoral category to assert their claim as stakeholders in the power structure and to have a credible political party or even state-level leader from within the fold has made them vulnerable to the influence of deras.”<sup>4</sup>

“Parties are unwilling to share political power, yet compelled to seek the support of numerically strong and economically mobile lower-caste voters in a region that has seen not only rising electoral participation but also high electoral volatility. So political leaders have resorted to cultivating deras, which can deliver these votes en masse to them. That is why dera chiefs like Rampal consider themselves above the law and have established virtually a state within a state, besides collecting vast, unaccounted-for property,” he adds.<sup>5</sup>

## **EXCLUSION AND INCLUSION**

Ardent supporters of deras had at one point in time taken recourse to Sikhism to escape the caste atrocities and social exclusion that came coupled with Hinduism. But the same caste hierarchies soon became apparent in Sikhism too.

The fissures of caste differences once again marginalised and socially excluded people. Disempowered and disenchanting at the same time, these groups found refuge in deras.

“The rising salience of caste hierarchy within the Sikh panth (society) has disillusioned the dalit Sikhs, who at one point of time had embraced Sikhism in the hope of escaping social exclusion imposed on them by the Hindu ‘varna vyavastha’ (social order). This seems to push them towards the deras and other non Sikh socio-religious organisations that promise dignity and social equality. The majority of the followers of various Sacha Sauda-type deras come from the dalit families,” says Ronki Ram.<sup>6</sup>

Dr Pramod Kumar, director Institute of Development and Communication, Chandigarh echoes Majit Singh’s views, “Religion gets institutionalized and there are certain people who are always left marginalized in the process. In search of inclusive and harmonious environment they flock to the deras. For poor and needy deras are a one-stop-solution to all miseries from stomach aches to business ideas. Those who cannot afford alternatives this is an opportunity to be lapped.

It is precisely this movement towards deras and the growing power of the deras thereupon which has led to a conflict between dalits and established orders be it religious or social in nature.

“This near-exodus of Dalits from Sikhism towards the alternative socio-spiritual space provided by the deras invite the hostility of clerics of the established mainstream religious order, who see it as a serious challenge to the Sikh-Khalsa identity. Moreover, the politicisation of the deras and the accompanying pontifications further complicate the issue,” says Ram.<sup>7</sup>

“If deras are now displacing temples and gurdwaras, and their followers are blindly believing in the myths and miracles of godmen, it is largely because discrimination has become prevalent in other places of worship. This has impelled the culturally assertive and now economically empowered lower castes to look for alternative spaces. In search of their own cultural roots, they have constructed separate monuments and places of worship, even their own gurdwaras or devasthanas, or become followers of some. The tradition of the Bhakti and Sufi movement in the region has also familiarised the practice of looking for salvation through gurus or babas who claim to be messengers of god.”<sup>8</sup>

## **THE CONFLICT**

New movements have their detractors just as they have their followers and the build up to any new social structure is preceded by social churning and resistance to the emerging structures. Rise of deras and the challenge they posed to the Sikh faith have therefore not gone unnoticed.

“This alternate movement in Punjab with its loose syncretistic practices throws a formidable challenge to Sikh-Khalsa identity. Modernity and apostasy are its two other main adversaries. Modernity is considered to be corrupting the young Sikhs who become lackadaisical in their observance of the Khalsa principles advocated by the 10th master. Though Bhindranwala tried to assert the Sikh-Khalsa identity by taking up the cudgel with a dissident sect of the Nirankaris and preaching hatred against the Hindus, he could not prevent the movement of dalits towards non-Sikh deras. These deras, in fact, pose an even more serious challenge to mainstream Sikhism. The number of followers of these deras seems to far exceed that of the Golden temple based clerical establishment.”<sup>9</sup>

Over the years, Dalits have strengthened their economic position through hard work and enterprise and acquired political consciousness to secure their interests. Although state-based affirmative action, provided under the constitution of independent India, has been an important factor in the uplift of the Dalits, the Ad Dharm movement<sup>10</sup> of the 1920s and Ravidass Deras (religious centres or compounds) played a historic role in the formation of Dalit

consciousness in Punjab. The Ad Dharm movement is widely accredited with sowing the seeds of Dalit consciousness in the state. It was during this movement that the image of Ravidass, a Dalit nirguni (devotee of God without attributes) saint of the medieval North Indian Bhakti (loving devotion) movement, was projected systematically to concretise the newly conceived Dalit cultural space in Punjab. This movement used his pictures as its emblem, his poetry as its sacred text, and legends about him as illustrations of the power and pride of the socially excluded.<sup>11</sup>

## **OFFERING EQUALITY**

The ideology of egalitarianism that deras stand for is just the succor that marginalised and historically wronged groups such as dalits had been looking for. It is this sense of equality that makes dalits feel empowered and makes them staunch followers of deras and the dera chiefs.

The deras emphasise ending caste-based discrimination and an egalitarian philosophy, invoking scriptures like those of Ravidass and Kabir, and exhort followers to shun liquor and drugs and to protect the environment. This appeals to socially marginalised castes as well as other social groups in the region. The deras' clout is increased by the material resources at their command. In order to counter the dubious deras and their babas, mainstream parties and their leaders need to shun tokenism and be willing to address the substantive issues relating to the empowerment of marginalised castes and communities in the region. The responsibility also lies with social and religious organisations. They must go back to the teachings of the original gurus, swamis and sants, and practice what they preached about human values. Until that happens, the deras are likely to continue flourishing with the tacit support and protection of vote-seeking politicians.<sup>12</sup>

## **CONCLUSION**

It can thus safely be said that dalits flocked to deras to escape caste marginalisation. In one place as one group under the roof of deras, these groups found a united voice and a new sense of identity. They also managed to escape the social hierarchies thrust upon by the order of institutionalised religious order which relegated them to insignificance in more ways than one - politically, socially and economically.

Deras tend to take care of the marginalised by making caste irrelevant. They make the group politically relevant by speaking in one voice. Politicians have of late started lining up at deras to garner their support. By making caste irrelevant and the need to follow traditional occupations obsolete, deras also indirectly help in economic empowerment of its members.

Though Sikhism does not acknowledge caste hierarchies within the followers of the faith laying stress on egalitarianism and brotherhood of all in practice, unfortunately, Sikhism remained far from a casteless society.

In the Punjab censuses between 1881 and 1931, more than 25 castes were recorded within the Sikh community, including jats, khatri, aroras, ramgarhias, ahluwalias, bhatras, ainis, labanas, kambohs, mahatam, chhimbas, nais, ramdasias, jheers and mazhbis among others. The marginalization of lower castes within the community pushed them to the alternative religious order set by deras.

With an improved economic position and a sharpened sense of social consciousness, dalits in Punjab started demanding a concomitant rise in their social status that has also probably pushed them closer to the dignity and social equality. In the process, they also challenged the dominant caste and its claims to represent true Sikhism.

The allegiance a large section of population of people in the Punjab and Haryana belt owe to the deras is a reflection of the craving for alternative identity and a life of dignity.

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# THE INDIAN EMERGENCY OF 1975-77: AN ERA OF DISCIPLINE IN A DEMOCRACY

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## INTRODUCTION

The Indian Emergency of 1975-77 is the dark troubling phase of India's political history. It is popularly considered as the proliferation and manifestation of coercive sovereign power. However, in terms of the developments during the Indian Emergency of 1975-77, it is interesting to consider, if, besides coercive nature of the hard state prevailed during Emergency, India also witnessed the proliferation of 'power of discipline' simultaneously and its effects on human lives in particular and the society in general. This paper attempts to argue that the 'power of discipline' is another modality of power which made individuals docile subjects during Emergency in the Foucauldian sense. It would not be wrong to suggest that during that time, India witnessed an 'era of discipline'.

## KEY WORDS

Discipline, Foucault, Emergency, Subject, Docile, Political Anatomy.

## INTRODUCTION

The period from 1975-1977 in India is remembered today, as one of the most troubling dark, and for some, periods of autocracy in the history of Indian democracy. The most dominant understanding of the Indian Emergency during the two years from 1975-77 is in terms of draconian laws, curtailment of the given fundamental constitutional rights and freedom, arbitrary political arrests, severe press censorship, forced sterilisations, detentions without trials of opposition party leaders all of which created an impression of fascist type of state. The Emergency could be seen as a degeneration of

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ordinary democratic set-up of the government of the Indian nation- state. The vulnerability of India's institutions of governance and how effectively the institutions and agents of governance were manipulated by the diktats of the then Prime Minister Mrs. Indira Gandhi, which completely disrupted the fabric of Indian democracy. Besides, the proliferation and manifestation of the coercive sovereign power India also witnessed simultaneously, the effects of 'power of discipline' with subtle coercion. 'Power of discipline' in the Foucauldian sense had enormously contributed to sustain Emergency in a democratic India.

### **EMERGENCY AND POWER OF DISCIPLINE**

Foucault demonstrates the 'power of discipline' in terms of making docile subject bodies through application of certain techniques and methods. He talks about power relation as a hold upon body and forces it to carry out tasks. The body becomes a useful force, only if it is both a productive body and a subjected body (Foucault 1984: 173). This leads through the work of disciplining, to a transformation of free bodies into docile bodies. Foucault emphasised upon the use of techniques or methods to control the behaviour and thoughts of the docile bodies. There was the scale of control on individual body. This involves from subtle coercion to the differently graded restraints on gestures, attitudes, rapidity, movements of body (ibid). Therefore, these techniques or methods controls the operation of the body which derives the utility of body the way power wants. These methods Foucault explains made possible the meticulous control of the operations of the body, which assured the constant subjection of its forces and imposed on them a relation of docility-utility, might be called 'disciplines' (Foucault 1995: 137). Thus, discipline works to produce subjected and practised bodies, 'docile bodies', in order to derive its utility without any use of violent punishments. A meticulous observation is needed to control the operations of the individual body. A new technique of gaze or surveillance is useful and necessary to observe and control the operations of the body.

The Indian Emergency of 1975-77, witnessed precisely such techniques of realizing constant utility of the body, whether in political domain or in the domain of economy. Apart from coercion, the administration can be seen to have adopted the techniques of strict surveillance, to control the behaviour and turns an individual body into a docile body in order to end up the attitudes of disobedience and violent behaviour of the masses. These actions can be made sense of as implementing in practice Foucault's concept of the 'political-economy' of the body, in terms of deriving the utility of labour force to improve the economy, and the use of 'political- anatomy' in terms of deriving the utility of body in the political domain. In the political domain, it was used to make the government officials punctual and to work effectively in order to create an efficient administration without disobeying the state's order.

### **DISCIPLINE AND DEMOCRACY**

Mrs. Indira Gandhi, intended to establish a progressive society devoid of violence as it appeared that India was going through a tough time when there was not only a political upheaval but also economic backwardness at the same time. In the broadcast to the Nation on November 11th 1975, she spoke about the outrage of the opposition leaders and their negative attitude against her. It was not a question of her personal self but the question of the Prime Minister of the country. She said in all, such an atmosphere was created that discipline became a casualty. She emphasised the need of the hour was to maintain 'a strict discipline' to restore everything back to order. She believed as we have noted before in order to achieve a progressive society, it is necessary to be disciplined and united. She remarked let us be strong, tolerant and disciplined for tolerance and discipline are the foundations of democracy (Venkatasubramanian 1985: 37). In her text, My Truth, Mrs. Indira Gandhi recalled, 'this is the time for unity and discipline. I am fully confident that with each day, the situation will improve and that in this task our people in towns and villages will give us their full support so that the country is strengthened' (Gandhi 1981b: 162).

It was true that the state was repressive in nature during the initial stage of Emergency but it also cannot be denied that there was a stream of persuasion flowing under the leadership of Mrs. Indira Gandhi and her long speeches, who desperately longed for a progressive democracy. Wherever it was not necessary to make use of coercive state power she applied the tactic of persuading people to maintain peace and discipline. A sense of discipline and order was imposed everywhere. By discipline, she meant that one has to understand one's duties and responsibilities. It is the realisation that the social interests are larger than the individual interests and the focus should be more on duties rather than on rights. The important thing is to concentrate on what one should do without indulging in violence, hatred and not with selfish means.

Moreover, the Emergency also witnessed the state apparatus disciplining the society at large, breaking the confinement of enclosed structures and becoming a generalisable mechanism of panopticism. The public space during Emergency was under strict surveillance that can be better explained under Foucauldian sense. The police were deployed in plain clothes to keep an eye on Sunday picnickers in places like- Nehru Park, Buddha Jayanti Park and Suraj Kund in Delhi (Kalhan 1977: 11). There was a general sense of fear among the people. Private conversations were not encouraged in public places. For that matter, conversations came to be directly discouraged. It was like the big brother-is-watching-you atmosphere settled like a shroud on ordinary people (ibid).

The Indian Emergency of 1975-77, made possible a mechanism of power that would feed the authority with every detail of what was happening in the country. It seemed Mrs. Indira Gandhi wanted to know about the smallest event that took place in the state she governed by the means of a strict discipline imposed on every countryman. It implied a meticulous observation and at the same time an awareness for the control of individual body and its use as a docile subjected and productive body by applying techniques of discipline that can be explained through Foucauldian sense of 'power of discipline'.

## **DISCIPLINARY POWER AND ADMINISTRATION**

The effect was most telling on the administration. It consequently gained speed in performing its tasks. There was a constant surveillance on the government officials whether they were performing the tasks or not. In the field of administration, discipline was primarily seen in terms of greater speed. The element of punctuality was made to stand out. No one could take his or her duty casually. It was a commitment to efficiency. Foucault's notion of 'Political Anatomy' of the docile body can be seen here translated in terms of government officers carrying on their duties obeying the orders of Mrs. Indira Gandhi.

She had the habit of writing letters and passing them on to all the chief ministers and cabinet ministers. Her demand in the letters was to tone up the administration at the highest level. She wrote a letter on 10th March, 1975, just few months before Emergency was declared. The letter suggests she was already determined to raise the 'efficiency' of the administration. In the letter she said, 'we are passing through difficult times. It is natural that people should expect more of those in charge of administration. There is no place for indolence, indifference or indiscipline. Everyone should give of his best at his post of duty. Government servants of all ranks have rights. But there can be no question of right without obligation and responsibility. Effective leadership is important' (Nayar 1977: 101). A strong attempt was made to shape the idea of building a committed bureaucracy, which took the shape of the first Administrative Reforms Commission.

It is well known that widespread telephone tapping existed, which ensured 'sincerity' and 'loyalty'. It applied the technique of surveillance on every activity of political leaders and the government officials. Every move of the officials was under observation. Mrs. Indira Gandhi was aware of everything. She knew exactly who said what against her and who had turned her enemies (Kalhan 1977:11). The need of the hour was made simple to carry out the dictates of the Prime Minister and men close to her. It has been said the civil servants acted with fear. The civil servant, its back bone broken, became docile and tractable (Murthy 1977: 114).

Under the pretext of removing corrupt officials and the inefficient ones it was to be seen that thousands of the government officials were retired. Moreover, the outcome did not so deserve because the civil servants could no longer take independent decisions. They had to be dependent on the higher rank officials in order to make policies and implement them. It has been remarked that only those showed personal association with Mrs. Indira Gandhi could enjoy better positions and favours. For instance, Om Mehta enjoyed huge privileges. He was looked upon as the faithful minister of Mrs. Indira Gandhi in the then Home Ministry.

Attempts were made to plant a reliable person-or to be more accurate a spy-in every important office. That is how the non-conforming Chief Ministers were toppled and as a result, the Congress organisation became the handmaiden of some selected people in positions of power and influence (Pandit 1977: 189). Moreover, government officials started arriving for work on time and taking fewer breaks (Malhotra 1989: 173). It shows the element of punctuality of government officials in administration on time.

### **THE ART OF REWARDS AND PUNISHMENTS**

Discipline must offer rewards like higher ranks, promotional avenues as incentives, to the eligible officials those who obey the commands of the authority and act accordingly. Likewise, it must punish the offenders who transgress. Those who did not oblige to Mrs. Indira Gandhi's orders were meted out with punishments like suspensions from duties, premature retirements, income-tax raids, transfers etc. Rather than physical punishments, as meted out to the political prisoners under the wrath of sovereign power, in discipline, punishments meant curtailment of incentives for the officials if they did not work efficiently.

### **DISCIPLINARY POWER EFFECTS AND CENTRALISATION OF POWER**

Moreover, as commentators seem to recall, Mrs. Indira Gandhi herself was so self-disciplined that she never waited for long to take decisions. She took quick decisions and had the habit of implementing things speedily if she was convinced of the usefulness of a particular case. She remained the head for many important portfolios to perform important tasks like Information and Broadcasting, Atomic Energy and Space, and Chairman of Planning Commission. She also decided upon External Affairs, Defence and Economic Affairs. However, it cannot be denied that as a result of Mrs. Indira Gandhi handling many important portfolios, there was a decline of efficiency in team work, and absence of any clear demarcation or delegation of authority. In matters of interests, ministers lost their positions and in their places the bureaucrats powers were enhanced. The bureaucrats then had direct access to the Prime Minister's Secretariat. Discipline invariably accompanied the centralisation of power.

Mrs. Indira Gandhi had efficiently weakened the central ministers and state governments to give more power to her secretariat, which in return controlled the entire government machinery, through special assistants, members of the I.A.S, and private secretaries, attached to ministers and ministries. According to Nayar, they included individuals like- S.K.Misra in the Ministry of Defence, N.K.Singh in the Ministry of Commerce and V.S.Tripathi in the Ministry of Information and Broadcasting (Nayar 1977: 100). Gradually, bureaucrats gained more power and made policies independently without the interference of the ministers of the state. At the same time, Mrs. Indira Gandhi wanted ministers to pay special attention to improve the administration and also invited suggestions which seemed fruitful for the conduct of the administration. The Prime Ministers Secretariat enhanced both in power and position.

### **LABOUR DISCIPLINE AND PRODUCTION**

With regard to working conditions during Emergency, it seemed there was chaos in the industries too. There were demands for higher wages, better working facilities; strikes and lockouts were frequent which severely harmed the growth

of production. Labour discipline was the need of the hour to make workers docile bodies, to understand their duties of producing goods and to create an atmosphere of punctuality to carry on the tasks of economic production. There was emphasis on cordial employer-employee relationships to create a work friendly atmosphere, to raise productivity and also offer rewards to the workers for obeying the management. It was the preferred way to control the labour force to fulfil the task of higher productivity without applying any coercive measure or violence. The workers were given the benefit of bonus by the then Bonus Act. It was the reward from the government in return for higher productivity and for the welfare of the workers.

As a measure of tightening the economy, the central government promulgated an ordinance that the bonus for 1974-75 was to be paid at 4 percent and in future will be paid only on the basis of profits, production or productivity, and no bonus if there is no surplus. However, as a measure of relief, the minimum bonus rates in absolute terms are raised for an adult from Rs. 40 to Rs. 100 and for non-adults from Rs. 25 to Rs.60 (Frank 1977: 353). The U.S big business newsletter Bussiness Asia a subsidiary of Bussiness International informed its readers and commented:

‘Progress under Emergency Rule is claimed to include better labour discipline, increased productivity, and a revival of the stock market..... Much of the recent improvement- in fields such as for example, industrial relations- is simply due to fear’(ibid : 465)

Strikes were firmly brought under control and there was a decline in the number of the man days lost due to strikes. While in 1975, they remained high at 17 million during the first half but after the imposition of Emergency it was found that man- days lost declined drastically to only 2 to 4 million in the second half. This low strike rate that illustrated high ‘labour discipline’ was also maintained during the first months of 1976 (ibid). In public sector enterprises, which employed twice as many workers as large private sectors ones, the ‘improvement in labour discipline’ was even more dramatic with only 1.4 million man days lost out of total of 17.9 million in all of 1975 (ibid). The government set up two control rooms; one, to monitor round- the- clock production efficiency of public sector undertakings and two, to take remedial action whenever necessary to maintain uninterrupted production (Gandhi 1976 : 349). Hence, the technique of governmental surveillance was pressed to service.

## **PUNCTUALITY IN RAILWAYS**

Another important visible change was in transportation, especially the fast movement of the railways. The railway strike of April 1974 was unceremoniously crushed by the government. The message was clear. Trains must run precisely on time. Railways were expected to carry more specific bulk of goods like- coal, food grains, fertilisers, petroleum products and raw materials for steel plants. Strict vigilance was deployed to maintain discipline. The then Railway Minister issued instructions on immediate action against unauthorised reservation agencies, ensuring punctuality, curbing alarm chains pulling, ticketless travel and theft of railway property ( ibid: 342). Since, railways were meant to carry bulk goods the government focused on road transportation to carry on commodities over short and long distances and transport it to consumer centres. The larger motive behind this was, of course, to boost the economy. There should be no waste of goods due to lack of transportation. Equal emphasis was given on road transportation along with the fast freight railways.

Therefore, the railways made possible movement of goods easily and the railway workers displayed total discipline without any strike like they did in 1974, only a few months before the declaration of Emergency. On July 14th, 1975, Northern Railways reported higher sale of tickets following a fortnight of mass checking of ticketless travellers (ibid: 344). Northern Railways said train punctuality had improved since 1st July from 69 percent to above 90 percent (ibid:345).

## DISCIPLINARY POWER AND ECONOMIC OFFENCES

The Indian Emergency of 1975-77 also witnessed a concerted attempt to uproot the economic offences like smuggling, tax evasion, food adulteration, black money, misuse of import-export licences and foreign exchanges. Mrs. Indira Gandhi appeared determined to combat these menace of economic offences. She created an entire network of surveillance to stop these illegal activities. These economic offences were severe blockages against the progress and economic development of the country. A strict surveillance was conducted to check economic offences by the government officials. Extra staff was deployed in sensitive areas exclusively during Emergency to keep an eye over such illegal activities. The then Minister of State for Home Affairs announced in a television interview that arrest warrants against 1,084 smugglers have been issued; a total of more than 800 smugglers arrested and 254 went absconding; 19 gazetted and 23 non-gazetted officers retired for connivance with the smugglers (Gandhi 1976 : 342). The then Union Finance Ministry similarly announced that the unaccounted money invested in luxury houses would be checked by special income-tax squads, appointed in accordance with the Twenty Point Economic Programme ( ibid: 343).

Special squads were set up in big cities to get information on illegal properties. Surveys were also conducted on big cities like- Delhi, Calcutta, Bombay and Madras. In most cases, illegal property was found. Cash rewards were given to those who provide information about the smuggled items in the suspected areas. In order to avoid tax evasion, the income tax authorities begun simultaneous searches in palaces, villas and business premises, including that of a former ruling family at Gwalior, Poona, Bombay and Delhi. A new customs collectorate was organised along the Indo-Nepal border (ibid). To keep a constant vigil on the coastline states, coast guard mobile preventive parties were also deployed in both the western and the Tamil Nadu coasts. Such operations were also conducted in places like- Mumbai, Ahmedabad, Madras, Cochin and Madurai.

At the same time, moreover, road checking parties were also deployed at check points to stop the illegal movement of smuggled items into state and from states in the country. There was strict observation. An intelligence machinery was set up with zonal units of the Directorate of Revenue Intelligence at Bombay, Calcutta, Madras and Delhi.

## CONCLUDING REMARKS

Indian Emergency of 1975-77, witnessed an interesting, combined effects of 'sovereign power' and 'power of discipline'. The Foucauldian sense of 'power of discipline' paves a new insight to analyse the possibility of dwelling on the techniques, methods or processes to control the behaviour and thoughts of the individuals during Emergency in a democracy. Although, the Emergency was largely based on the effects of a coercive power mechanism yet we cannot deny the existence of the simultaneous effects of a 'power of discipline' characterising it. For many, the element of discipline is a positive aspect of the Emergency. It made one conscious of responsibilities and duties, for example, to work punctually and efficiently. A sense of discipline and order appeared necessarily where people felt confident of the accountability and efficiency of governance. Some point out that there was less crimes and a sense of fear developed among the perpetrators of violence. However, to critics, this discipline could not do away with the menace of corruption.

## NOTES

- Foucault argues that "power relations are exercised, to an exceedingly important extent, through the production and exchange of signs; and they are scarcely separable from goal-directed activities that permit the exercise of a power (such as training techniques, processes of domination, the means by which obedience is obtained), or that, to enable them to operate, call on relations of power" (2000: 338).
- Foucault argues a body is docile that may be subjected, used transformed and improved (1984: 180).
- Foucault argues in discipline, 'subjects' were presented as 'objects' to the observation of a power that was manifested only by its gaze.

## THE INDIAN EMERGENCY OF 1975-77: AN ERA OF DISCIPLINE IN A DEMOCRACY

They did not receive directly the image of the sovereign power; they only felt its effects---in replica, as it were---on their bodies, which had become precisely legible and docile. (1995: 188).

- Foucault argues that “a ‘Political Anatomy’, is a mechanism of power, was being born; it defined how one may have a hold over others bodies, not only so that they may do what one wishes, but so that they may operate as one wishes, with the technique, the speed, and the efficiency that one determines”( 1984: 182).

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# JUDICIAL LAW MAKING IN INDIA : A CRITICAL APPRAISAL

**DR. SUDHANSHU RANJAN MOHAPATRA\***

“The judge is the living oracle working in dry light of realism pouring life or force into the dry bones of law to articulate the felt necessities of the time...”- Justice K Ramaswamy<sup>1</sup>

## INTRODUCTION

The role of the judiciary in the modern times has been immense. Now a day, it has become ultimate resort due to the malfunctioning of the other organs of the government namely legislature and executive. Through its articulation judiciary has been trying to prove that it is the real protector of the rights of the people and the constitution. However, judicial articulation has been subjected to severe criticism from various parts . The judicial articulation is not the result of one day; it is the transformation of several years. During the initial stage of its functioning, judiciary acted as mere adjudicator keeping in mind the letters of law and the social realities of the time was not looked into by the judiciary. In other words, there has been a transformation of judicial decision making from positivist to sociological approach. The transformation of judicial decision making from positivist approach to sociological approach has a great impact upon the socio-political conditions of the countries of the world. During the course of interpretation whether judiciary creates law or not has been a centre of debate among the schools of law. Here an attempt has been made to analyse decision making process of the higher judiciary. In the first part of the paper attempt has been made to outline the concept of decision making from the perspective of legal formalism. After this it has been endeavoured to outline the outlook of the different schools of jurisprudence on judicial law making. The factors influencing the decision making of the judiciary have also been discussed in a little detail.

Basics of Legal formalism:-Formalism signifies the denial of the policy-political and ideological components of law. It treats law as if it is a science or math. It further states that the law consists of a body of rules and nothing more and judges should merely apply the law. The judges have no authority to act outside it. The growth of formalism

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can be traced back to the 1870 and 1920's America when theorists like Gilmore, Horwitz, and Kennedy "lawyers and judges saw law as autonomous comprehensive, logically ordered, and determinate and believed that judges engaged in pure mechanical deduction from this body of law to produce single correct outcomes" They term it as heyday of legal formalism in United States of America. In contrast to this concept Tamanaha has classified two types of formalism .i.e., "First, there was a "formalist" "theory of the nature of law (the common law, in particular)" according to which "in new situations judges did not make law (even when declaring new rules) but merely discovered and applied preexisting law" (p. 13). Second, there was a "formalist" theory about judicial decision, about 'how judge mechanically apply law (precedents and statutes) to the facts in particular cases' "<sup>2</sup>. The opposite thought of formalism grew in a pragmatic way which is fashioned as realism. The realist school promoted by Wendell Holmes, Roscoe Pound, and Benjamin Cardozo showed "that the law is filled with gaps and contradictions, that the law is indeterminate, that there are exceptions for almost every legal rule or principle, and that legal principles and precedents can support different results."<sup>3</sup> Judges, according to these realists, "decide according to their personal preferences" and come up with post-hoc legal rationales for the decisions so reached." perhaps, the best expression on formalism is found in the words of Guthrie, C.; Rachlinski, J. J and Wistrich, A. J. According to them, "According to formalists, judges apply the governing law to the facts of a case in a logical, mechanical, and deliberative way. For the formalists, the judicial system is a "giant syllogism machine," and the judge acts like a "highly skilled mechanic." Legal realism, on the other hand, represents a sharp contrast. ... For the realists, the judge "decides by feeling and not by judgment; by 'hunching' and not by ratiocination" and later uses deliberative faculties "not only to justify that intuition to himself, but to make it pass muster."<sup>4</sup>

### **JUDICIAL LAW MAKING: A PRELIMINARY IDEA**

Traditionally, the legislature of a country is assigned the task of formulating legal rules governing the relation of its subjects with state or between subjects. The task assigned to the judiciary has been to interpret law and to settle disputes between the parties. But often it happens that the legislative enactment cannot cover all the aspects of human life. So, the vacuum created by the legislature and executive comes before the judiciary for adjudication. Sometimes, the letter of law does not fit the changing circumstances of time and it needs renovation. In these circumstances, the judiciary being a protector of the fundamental rights of the people and constitution steps in and makes a judicial law. The world is governed by at least two legal systems, i.e., common law system and civil law system. The common law system of which Indian legal system is a part and parcel is characterized by active role of the judiciary. In common law, the judiciary plays a vital role by formulating, developing and re-modeling the law. Commenting upon the role of the common law judiciary it has been commented by a learned author in the following way "common law is predominantly judge-made law. Under it the judge is the creator, interpreter, and modifier of laws. Even when he merely "interprets" law, he may well be creating it"<sup>5</sup> James L. Houghteling, Jr. has lucidly expressed his idea on judicial decision making or law making. In his words "they do so every time they decide as case that no existing rule quite fits. They make law when, in order to determine what rule applies to case, they interpret a statute or a constitutional provision. They also make law when, in the absence of either an applicable legislative rule by building on precedents established in analogous cases." In the common law tradition, judicial law making can be seen in some of the important areas like contract. In these aspects of law, judiciary played a vital role and the precedents evolved by it are still in use. The history of judicial law making in England may be traced back to the 11th century. When Normans conquered England in 11th century, there was absence of any systematic legal rules which compelled the Norman kings to send Royal judges to decide the disputes. They decided the disputes based on the customs, traditions, business usages and oral standards of the people. The body of rules framed by these judges came to be known as 'common law' in due course of time. Although, judicial law making or creativity of the judges can be traced back to the post Norman Conquest of England, yet in the modern sense it is related to the concept

of judicial review. Through the power of judicial review, the judiciary exercises a commendable control upon the lives of the people. Though the power of judicial review the American Supreme Court in the case of *Marbury v. Madison*<sup>6</sup> declared that "it is for the court to say what the law is". Perhaps the role of the judiciary in law making can better expressed in the words of Charles Evans Hughes " we are under a constitution, but the constitution is what judges say"<sup>7</sup>

In contrast the view expressed by the scholars, the Supreme Court of India recently expressed the view that court only adjudicates and not legislates. The Supreme Court through Justice Katju said that "Once we depart from the literal rule, then any number of interpretations can be put to a statutory provision, each Judge having a free play to put his own interpretation as he likes. This would be destructive of judicial discipline, and the basic principle in a democracy that it is not for the Judge to legislate as that is the task of the elected representatives of the people."<sup>8</sup>

### **SCHOOLS OF JURISPRUDENCE AND JUDICIAL LAW MAKING**

Various schools of jurisprudence have expressed different views on role of the judiciary on law making. Here an attempt has been made give a summary of the views expressed by the schools of jurisprudence on law making.

The natural law school symbolizes physical law of nature based on moral ideals which has universal applicability at all places and times. However, the phrase natural law has different meaning in different stages of history. The analytical positivists lay stress on the role of the sovereign in law making. Bentham who is considered as the real founder of positivism in modern sense of the term, defined law as "an assemblage of signs declarative of a volition conceived or adopted by the sovereign in a state, concerning the conduct to be observed in a certain case by a certain person or class of persons, who in the case in question are or are supposed to be subject to his power: such volition trusting for its accomplishment to the expectation of certain events which it is intended such declaration should upon occasion be a means of bringing to pass, and the prospect of which it is intended should act as a motive upon whose conduct is in question."<sup>9</sup> According to Austin, law is the command of the sovereign, backed by a threat of sanction in the event of non-compliance. Thus, the positivists lay stress on the sovereign or state as the law maker.

The historical school emphasizes on the organic process or organic development of law. According to Savigny, law develops like language, manners and political organisations, law develops with the life of the people as language. According to historical school, law is not made it is found.

The philosophical school believes that law is the evolutionary products of reason. According to Hegel, both state and law are evolutionary products of reason. According to Immanuel Kant, law is the sum total of the conditions under which the personal wishes of man can be recognized with the personal wishes of another man in accordance with a general law of freedom.<sup>10</sup>

The sociological school of law says that law should be to represent common interaction of the man in social groups. According to Dean Roscoe Pound, "the sociological jurist look more for the working of law for its abstract consent"<sup>11</sup>

The realist school attaches a great emphasis on the judicial law making. One of the exponents of this school Gray believed that law is what judges declare. According to Jerome Frank law is what the court has decided in respect of any particular set of facts prior to such a decision. The opinion of the lawyers is not only a guess as to what the courts will decide and this cannot be treated as law unless the court to decides by its judicial pronouncement.<sup>12</sup> The realist school lays stress on the extralegal factors that have influence on the decision making of the court.

### **IMPACT OF JUDICIAL LAW MAKING IN INDIA WITH REFERENCE TO THE SCHOOLS**

In India, the judicial law making has travelled from positivist approach to the sociological approach or from a literal interpretation to the liberal interpretation. After the framing of the Constitution of India, the approach of judiciary was towards positivism. This traditional approach that judges do not create law but merely declares the law prevailed at that time. In Indian

context, the response of the judiciary towards positivist approach may be found in the words of Justice Mukherjea. In his words “in interpreting the provisions of our constitution, we should go by the plain words used by the constitutional makers.”<sup>13</sup> Commenting upon the positivist approach of the Indian judiciary one author has remarked in the following way. - “the Supreme Court adopted and developed its philosophy and postures trying to determine rigorously the phrase ‘the procedure established by law’ to mean two things. Negatively speaking it was rejection of the American doctrine of due process of law. Positively it meant an emphasis on legality- the enacted law of the legislature in its strict and logical sense divorced from the social context.”<sup>14</sup>

**The positivist approach of Indian judiciary may be highlighted by citing the following cases-**

1. A.K. Gopalan v. State of Madras<sup>15</sup>: This case is a high watermark of legal positivism of Indian judiciary. The Supreme Court was asked to interpret Article 21 of the Constitution of India. The court held that in respect of fundamental right to life and personal liberty, the persons have no remedy against the legislative action. Giving a narrow interpretation to the phrase ‘the procedure established by law’, the court held that it meant ‘according to substantive and procedural provisions of any enacted law.’
2. State of Madras v. Smt. Champakam<sup>16</sup>: The Supreme Court of India struck down government order regulating admission to an educational institution supported by the state. The court guided by legal positivism observed that since there was a conflict between fundamental rights and directive principles of state policy and since the latter were non-enforceable the order should be declared void. The court refused to give a sociological interpretation to the problem.
3. Raja Bahadur Motilal Poona Mills Pvt. Ltd. V. Tukaram Piraj Musale<sup>17</sup>: The Supreme Court gave a narrow interpretation to the term ‘strike’ and restrained itself from entering into the real problem which promoted the strike by workers. The main issue before the court was whether the management of the mill could introduce any change in the running of the looms without giving notice of such change to workers who were forced to go on strike as a result of such alleged illegal change. The court declared the strike as illegal without inquiring into the factors that had promoted the strike.
4. Golak Nath v. State of Punjab<sup>18</sup>: Chief justice Subba Rao in positivist tune remarked that “we declare that the parliament will have no power from the date of this decision to amend any of the provisions of part III of the constitution so as to take away or abridge the fundamental rights enshrined therein”

Due to the abandonment of positivist approach, the Indian judiciary has diverted its attention to the sociological school. Keeping in mind the sociological approach of law, the Indian judiciary has liberalized standing procedure and introduced the concept of public interest litigation. Relying on sociological school, Indian judiciary has been engaging in bring social order based on rule of law. Some of the instances where the supreme court of India adopted sociological approach may be outlined in the following way-

1. Delhi Judicial Service Association v. Union of India<sup>19</sup>: In this case the Court tilted a balance between the power of the police to arrest the judicial officers and judicial independence. The court in this case observed that “Before arrest the District Judge or High Court should be intimated. If immediate arrest is called for by the facts and circumstances, a technical or formal arrest may be effected. The factum of arrest should immediately be communicated to the District Judge or the Chief Justice of the High Court. The Judge so arrested should not be taken to the police station without the order or direction of the District and Sessions Judge. Immediate facilities be provided to the judicial officer for communication with his family members, legal advisers and judicial officers including the District Judge. No statement of the Judge be recorded, punchnama drawn up or medical tests conducted except in the presence of his legal adviser or another judicial officer of equal/higher rank. No handcuffing of the judge be made. But if it was necessary the same should immediately be intimated to the District Judge and the Chief Justice of the High Court. The burden to the

necessity of handcuffing would be with the police officer. If the same was found to be unjustified, the police officer would be guilty of misconduct and would be personally liable for compensation.

2. In *Unnikrishnan P. J. And Others v. State Of A. P. and Others*<sup>20</sup> the Supreme Court of India held that the right to basic education is implied by the fundamental right to life (Article 21) when read in conjunction with the directive principle on education (Article 41). The Court held that the parameters of the right must be understood in the context of the Directive Principles of State Policy, including Article 45 which provides that the state is to endeavour to provide, within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children under the age of 14
3. The Supreme Court of India in paragraph no 12 of the judgement in *Mohini Jain v. Union of India*<sup>21</sup>, observed that “Right to life’ is the compendious expression for all those rights which the courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavour to provide educational facility at all levels to its citizens”
4. In *Olga Tellis&Ors v Bombay Municipal Council*<sup>22</sup>, the Supreme Court of India examined the right to livelihood. The court held that the word life in Article 21 of the Constitution of India includes the right to livelihood. The court observed in the following way “ It does not mean merely that life cannot be extinguished or taken away as, for example, by the imposition and execution of the death sentence, except according to procedure established by law. That is but one aspect of the right to life. An equally important facet of that right is the right to livelihood because; no person can live without the means of living, that is, the means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live. And yet, such deprivation would not have to be in accordance with the procedure established by law, if the right to livelihood is not regarded as a part of the right to life. That, which alone makes it possible to live, leave aside what makes like livable, must be deemed to be an Integral component of the right to life “
5. **Shatrughan Chauhan & Anr. vs. Union of India &Ors.**<sup>23</sup>: The Supreme Court held that execution of sentence of death on the accused notwithstanding the existence of supervening circumstances, is in violation of Article 21 of the Constitution. One of the supervening circumstances sanctioned by this Court for commutation of death sentence into life imprisonment is the undue, inordinate and unreasonable delay in execution of death sentence as it attributes to torture.
6. **Mohd. Ahmed Khan vs Shah Bano Begum And Ors**<sup>24</sup>: The honourable court in this case observed that, a wife who is not maintained by her husband can approach the court under section 125 of the criminal procedure code. The said section includes a divorced woman who has not married again. Religion is not at all a qualification for this section. The reason behind the exclusion of religion from the section is that, the section forms a part of the criminal law and not of the civil laws. Generally civil law deals with rights and obligation of parties belonging to a particular religion, like the personal laws. The appellant in this case has built up his argument on the basis of section 125 and 127 Criminal procedure code (exact texts of the two sections are given in the end of this article), but these two sections are “too clear and precise to admit of any doubt or refinement”. Section 125(1) (b) includes divorced wife within the meaning of the word “wife” and there is no justification for the exclusion of Muslim wife from its scope.
7. **Rupa Ashok Hurra v. Ashok Hurra**<sup>25</sup>: In this case a five judge constitution bench of the Supreme court, has unanimously held that in order to correct the gross miscarriage of justice in its final judgment, which cannot be

challenged, the court will allow curative petition by the victim of miscarriage of justice is entitled to relief ex- debitojustitia to seek a second review of the final order of the court.

### **BASIC STRUCTURE AND JUDICIAL LAW MAKING**

The doctrine of basic structure can be considered as a high watermark of judicial activism in India.. The concept of basic structure of the constitution has not been precisely defined by the Supreme Court. The Supreme Court has only given some examples of basic structure of the constitution. Justice Shelat and Grover have rightly pointed out that the basic structure or fundamental features of the constitution cannot be catalogued but can only be illustrated. The basic features of the constitution given in the KesavanandaBharati case is not exhaustive and is determined by the court on the basis of the facts and circumstances of the case. Starting from Kesavananda, the Indian judiciary has evolved the basic structure doctrine in numerous cases. Some of the basic features of the constitution as held in various cases include sovereignty of India, republican and democratic form of govt, supremacy of the constitution, secular character of the constitution, preamble, judicial review,, parliamentary form of govt, principle of free and fir election, rule of law etc. In KesavanandaBharati case the Supreme Court inventing the basic structure theory made a good mixture between positivism, justice and morality. While restricting the power of parliament to amend the constitution including Article 368 itself forewarned the people of India that amending power can be abused by a political party with two third majority in parliament so as to debar any other party from functioning, establish totalitarianism, enslave the people and after having affected the purposes makes the constitution unamendable or extremely rigid. The doctrine of basic structure not only put some break and fetters on the process of the parliament to alter the basic foundation of the philosophy and principles of our democratic polity but also open the gate of new horizon for the Indian parliament to usher a society according to the need and aspirations of the people from time to time to meet the exigency of the situation. It may safely be concluded by citing the words of Professor UpendraBaxi that “KesavanandaBharatigenerates many paradoxes. Although it is in the ultimate analysis a judicial decision, it is not just a reported case on some Articles of the Indian Constitution ...it is, in some sense, the Indian Constitution of the future.”

### **JUDICIAL DECISION MAKING AND EXTRANEOUS FACTORS**

Legal formalism has asserted the view that judges apply legal reasons to the facts of a case in a rational, mechanical, and deliberative manner. On the other hand, the realist s assert that making certain factors influence the judge which includes social, political and economic dimensions of the cases as well as the idiosyncratic views on politics and policies of the judges themselves. In Indian context, the caste and religion have also pervasive role in judicial decision making. One of the learned authors studying the composition of the Supreme Court of India found the following results- (1) The average age of appointment to the Supreme Court of India has increased, while the average age of appointment to the High Courts has decreased between 1985-2010, and consequently, Supreme Court judges on average have greater High Court experience but shorter Supreme Court tenures. (2) The High Courts of Bombay, Allahabad and Karnataka have been amongst the most well represented on the Supreme Court. Andhra Pradesh and Madras have in more recent times had relatively fewer judges on the court when compared to the states of Bihar and Delhi. (3) The overwhelming majority of judges on the Supreme Court today have served as Chief Justice of at least one (if not more than one) High Court. (4) There is evidence of between 3-4 consistently non-Hindu seats on the court. (5) Educationally, the number of Supreme Court judges who studied law abroad has fallen substantially.<sup>26</sup>

The recent controversy of the way registry allocates the cases in Supreme Court adds another factor to the judicial making process. The acceptance of the chief justice of India that the registry committed mistakes in the allocation of the cases shows the influence of the registry in the determination of the case by the court.<sup>27</sup> It shows the existence of realist schools in Indian context.

## **CONCLUDING OBSERVATION**

Thus it is clear that the judiciary plays a vital role in the process of law making by filling up the gaps created by legislature and executive or when the statute needs renovation due to the changing time. The Indian judiciary by resorting to sociological jurisprudence has been instrumental in bringing social change. The existence of legal realism also can be seen in Indian context. The extralegal forces have influenced the judicial system of India to a great extent. In fine it may be concluded in the words of honourable justice B. Sudershan Reddy that “the independence of the judiciary is jeopardized when courts become embroiled in the passions of the day and assume primary responsibility to resolve the issues which are otherwise not entrusted to it by adopting procedures which are otherwise not known.”<sup>28</sup>

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# **POWER THEFT AND GLORIFICATION OF CRIME BY INDIAN MEDIA-A CASE STUDY BASED ON THE CAMPAIGN ORGANIZED BY INDIA AGAINST CORRUPTION (IAC) IN DELHI**

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## **ABSTRACT**

Power Theft is a social evil causes heavy loss to utility. The spiraling power theft cases make colossal commercial and technical loss and which society is apathetic towards the impact it makes. Perpetrators are often allowed to go scot-free with payment of a paltry sum as fine.

Delhi is notorious for Power theft. Consequent to detection of Power thefts, agitation led by Anti-corruption activist-turned-politician Arvind Kejriwal drew attention of media when electricity was restored by force. The print media though covered the subject well, due to a new and unorthodox way of agitation against the private owned Power utilities, it failed to bring out all facet of the incident viz. abetting a crime and helped glorification of Power theft. This has created a notion of white collar status to Power theft among readers. An attempt is made to study this issue in detail based on content analysis method.

## **KEY WORKS**

Print media, Power theft, Glorification of crime, white collar crime etc

## **INTRODUCTION**

Electricity is a wonderful force powering all human activities. It has helped man scale new heights and realized his

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dreams and continues to serve his various quests. Electricity has a crucial and significant role to play in the economy of any state. The demand of Power and its availability has been established as the unerring index of a country's overall economic growth, since it being the basic inputs for industrial as well as agricultural development. It is a priced commodity and sold after precise measurement. However, some people tend to avoid payment by indulging in Power Theft.

Power Theft is widespread in all countries and notorious in countries with poor governance. It is the major singular cause of all disorders and problems in Power sector and a sad fact that this sector concentrates mainly on increasing Generation capabilities neglecting the vital area of controlling Power theft. The loss in Indian Power Sector is in the range of 30-75% and only a few states have reported a fair range of 15-20% losses. The Indian Power Sector is crippled with Power Theft at one side and misuse on other. Prior to privatisation of power utilities in Delhi, more than half of the electricity was lost by way of this commercial loss. Huge quantity of electricity is still lost in the National Capital by way of Power Theft and even after years of private participation, it is not coming down significantly. Even though the geographical area of Delhi is small, the power consumption is highest in India with a per unit consumption of 1651 units (2009-10) and demand comes to about 6000 MW. This electricity is generated mainly at thermal Power stations and hence costly and has impact on environment also. Media, as a tool for creating awareness against the social evil sometimes even fail to recognize an immorality and by way of out of proportion coverage, it unknowingly changes the social evil to an acceptable one especially to common people. This study based on various reportage of print media will be a trailblazer for media personnel to critically evaluate their role in glorifying a criminal activity performed by an opinion leader.

Power theft and its political angle have come to highlight more during the last Assembly election in Delhi state. Generally, ahead of polls political parties sow seeds which are harvested after election. Usually waiver of loans, announcing more stops to trains, ordering or demanding judicial enquiry for even petty crimes comes in their agenda. Arvind Kejriwal, former activist in Anna Hazare movement, under the umbrella of India Against Corruption (IAC) had re-connected electricity at such premises where it was already disconnected by the power utilities due to issues of power theft. Media covered the incident extensively as the agitation was in an unorthodox mould and ignited all of a sudden. While there is no doubt that it had to be covered, the criminal angle behind this activity also has to be covered, otherwise it may lead to colouring Power theft an acceptable activity. Power theft is a socially frustrating and legally indigestible activity in India as it has been categorized as a criminal activity in India though it can be compounded. Those who steal electricity burden the law abiding citizen as its cost is passed on to the bill payers by way of increase in tariff as no power distributing company will let go of the cost incurred for purchasing the electricity which was stolen. What message has this act of Kejriwal transmitted? Will this not encourage stealing national resources? How easy was it for the Kejriwal to move in tandem with those booked for theft under Electricity Act, 2003? An attempt is made to critically evaluate the role of media in covering incident to study whether they've honoured the criminal activity behind this incident.

## LITERATURE REVIEW

The loss of revenue when electricity is consumed by and not paid imposes a heavy burden on the financial viability of the utilities directly. In fact the situation has become all the more alarming as most of the Power utilities in India are on the verge of financial bankruptcy. They do not have the required funds for investment to expand the generation, transmission and distribution system as well as to take steps to lessen loss and theft (Kumar, 2004). The case of Delhi NCT is still worse, even with the help of Government; the utilities are making huge loss every year, thanks to the rampant power theft in the capital city and suburban area. The power theft prevention will be a boon to a country's

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economy in managing the need of power generation. Improving quality power is indeed important requirement of future. (Rengarajan, &Shumuganathan, 2012)

Apart from the material benefit by way of reduction in electricity bill, the consumer is indirectly benefitted by stealing energy. The income tax, excise and commercial tax departments review the consumption of energy as basis to assess the production in industry. Less electricity consumption is directly taken as an index of less production. Thus there is a strong tendency on the part of certain consumers to indulge in theft of power. (Pabla, A.S., 2004) Social and psychological reasons and painting a false image in the public are yet another reason, and thereby giving a white collar status by the society. Pleasure being innovative is another reason and thieves always accept any challenge that comes on their way. (Sreenivasan, 2011) Poor paying capacity is a major reason and the increasing price of electricity is going beyond the paying capacity of low income group consumers. Nearly 25% of Indian population lives in slums. They either tap electricity directly from mains unauthorisedly or have unmetered supply.

The term “white-collar crime” was first used by the American criminologist Edwin H. Sutherland who defined it as the criminal law committed by “a person of respectability and high social status in the course of his [or her] occupation”. No other area of criminological theory has been more plagued by conceptual confusion than that of white collar crime (David Friedrich, 2002) A definition of white collar crime covering all aspect of crime has not been developed. Though the most authoritative study was done by Sutherland, critics have observed that white collar crime was vaguely and loosely defined by him (Robin, 1974)

## **RESEARCH METHODOLOGY**

The action of Arvind Kejriwal in having restored electricity was an unorthodox incident and attracted media attention all of a sudden. This was so quick that even the media experts could not see criminal angle behind the incident, but kept on giving him broad coverage due to mass participation. Content Analysis methodology has been adopted to study this glorification of Crime by print media. This analysis refers to a general set of techniques useful for analyzing and understanding collections of fact. (Eric T Meyor)

## **RESEARCH QUESTIONS**

1. What is the extent of coverage of Power theft related issues and restoration of electricity by India Against Corruption (IAC) led by Arvind Kejriwal, in 2012 prior to the Assembly Elections in Delhi?
2. What are the various types of news on this and what are issues left out by print media?
3. Has the print media directly or indirectly glorified the crime of restoring power supply when power theft detected by utility?
4. Has media reported the criminal activity of performing Power theft in this reportage?

## **METHOD**

Both qualitative and quantitative approach has been adopted in the content analysis technique.

## **UNIVERSE OF THE STUDY**

As the activity of India Against Corruption was centered in Delhi, English print media published from Delhi was chosen for this study. Four print media have been selected based on ABC.

## **SAMPLE SELECTION FOR CONTENT ANALYSIS**

Three stage sample selection have been made for content analysis, as multi stage sampling will give more accurate result.

### **SAMPLING STAGE 1 - SELECTION OF NEWS PAPERS**

The news papers namely, The Times of India, Hindustan Times, The Hindu and The Indian Express have been selected for, being the highest four circulated dailies in Delhi.

### **SAMPLING STAGE - 2**

The goal of this study is to examine whether media has glorified the power theft related Crime during the campaign of India Against Corruption, under the leadership of Arvind Kejriwal. He has reconnected electricity cables at few premises in Delhi, which were earlier disconnected by power utility due to performing of power theft or for other irregularities committed by consumers. As the incident happened on 6th October 2012, the entire one month samples of the selected newspapers (Oct 1-31) were chosen for the study.

### **SAMPLING STAGE 3**

The content regarding abetting a crime by restoration of electricity which were disconnected for committing power theft or non payment of electricity have been selected for the study

### **UNIT OF ANALYSIS**

All the reports, articles etc regarding the above incident during the period of Oct 1-31, 2012 have been selected for study. The variables of the study are frequency of coverage of power sector issues, frequency of coverage of this particular issue, attempts if any made to glorify the act by publishing the crime encouraging photographs of Arvind Kejriwal focusing the activity under study, frequency of abetting, frequency of restoration of electricity connections etc. The coding schedules are prepared accordingly.

### **DATA COLLECTION**

The data collection of content analysis was done by coding each item within a sample into Microsoft Excel Sheet across each of categories of the content analysis. As the samples and data are limited in number, the error expected is almost nil.

### **DATA ANALYSIS**

This is done by descriptive statistical methods of percentage distribution and graphs

### **RESULT**

Table 1.1 shows all the news papers that reported power sector related stories. All the news papers under study have carried power sector related stories though the numbers varied significantly.

Sl. No.	Name of news paper	Total no of reports
1	The Times of India	13
2	Hindustan Times	20
3	The Hindu	3
4	The Indian Express	12

Table 1.1 Frequency of occurrence of power sector related stories.

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Table 1.2 shows all the news papers that published the activity of campaign led by Arvind Kejriwal which covered the topic of the study.

Sl. No.	Name of news paper	Total no of reports
1	The Times of India	8
2	Hindustan Times	15
3	The Hindu	2
4	The Indian Express	11

Table 1.2. Frequency of occurrence of news items

Table 1.3 shows that the angle of coverage like abetting a crime, restoration of power supply, Power theft issue etc..News papers which covered all the three stories have been included in all respective categories.

Sl.No.	Name of news paper	Abetting	Restoration of power supply	Power theft	Projecting Power theft as a crime	Remark
1	The Times of India	6	4	1	0	Power Theft (General)-1
2	Hindustan Times	14	12	2	0	
3	The Hindu	2	2	1	0	
4	The Indian Express	8	10	2	0	

Table 1.3. Frequency of themes in the news items

The table below shows the coverage of the issue with photograph. The photograph shown Aam Admi Party leader and former Chief Minister of Delhi, Arvind Kejriwal climbing on an electric pole and reconnecting cables, once disconnected by the Power utilities due to committing various irregularities including power theft.

Sl.No.	Name of news paper	No. of photograph	Remarks
1	The Times of India	2	One photo not related to the report 2 non relevant photos.
2	Hindustan Times	2	
3	The Hindu	3	
4	The Indian Express	6	

Table 1.4 Frequency of themes of photographs

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The table below shows the nature of reporting by the media

Sl.No.	Name of news paper	By line	Other report	Remarks
1	The Times of India	5	3	
2	Hindustan Times	5	10	
3	The Hindu	1	1	
4	The Indian Express	4	7	One in Editorial page

Table 1.5 Nature of reporting

All newspapers covered the subject in a similar way. They've quoted official sources of the leadership of India Against Corruption and power utilities and hence carry similar view. The reports should have covered the response of all stake holders and regular consumers, who honestly pay electricity charges, but the burden of power theft is thrust upon them. Though all major reports cover remarks of rival political parties, their version with respect to the core issue is missing.

## FINDINGS

The data derived during the study period of one month states that as many as 36 reports about theme appeared in the four major English print media in Delhi. However, it lacks balanced and objective reporting and silent about the opinion of various key stake holders. Though all reports carry the version of India Against Corruption, very few carried the version of Government, Residents Welfare Associations (RWA), Police and Power utilities together. Hence, only one side of the story is projected and the crime perspective of the incident is missing. The Times of India have covered the version of Government in two reports only. The main political parties are sidelined and the story has given full coverage to Arvind Kejriwal and his challenge to Delhi Government with respect to civil disobedience movement. The coverage of Hindustan Times was highest in number (15) but concentric around Arvind Kejriwal only and the 'Burn power bill' protest has been given adequate coverage. Here, the version of other political parties find place in their main reports.

The Hindu carried a report which covered what the actual *modus operandi* was and clearly narrated the background of the incident. The story published by a shadow reporter of this newspaper on 8th October remained as an odd man out. However, the same newspaper published a different story on political issue carried the same photo in which the leader of mass movement is performing a criminal activity. This photograph has nothing to do with the write up. Thus The Hindu stands at two extremes of quality reporting of news.

The Indian Express covered the views of Police, Government and Power utility in a reasonable way. This newspaper published the maximum numbers of photographs (6) of which 4 are relevant and revealing 'heroic activity' by an opinion leader.

The published photographs have given Arvind Kejriwal a heroic status. All photographs thus helped in honouring his attitude towards a crime which invites both fine and imprisonment under Electricity Act 2003. None of the photograph covered the actual theft scenario, though The Hindu narrated the issue in a balanced way. The Indian Express went to the extent of publishing two articles on Edit page, of which one has been directly influenced by this incident.

All the newspapers carried the details of the consumer at whose premises the restoration of power supply took place. This has given a clear message to the society that electricity is a commodity which is liable to be stolen and political leaders are always around the consumer, especially during eve of general elections and gave a message to the society that

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even criminal activity would be supported and performed for developing support of people.

Only one newspaper-The Hindu- has carried the legal sections under which Arvind Kejriwal has committed a criminal activity while others are silent and described it generally as 'restoring power supply'. This points finger towards the fact that reporters themselves are not conscious about important clauses of the punishment under Electricity Act, 2003.

Lastly, the period under study was before the formation of AAP, and the gathering of people was under the banner of India Against Corruption, to which the society designated a respectable and ambitious position. As the gathering represents all mass and not a particular group or party, the media reports went one sided and in favour of Arvind Kejriwal and his followers, though they had performed an anti social activity.

The other media in Delhi like The Pioneer, Daily News Analysis, Tribune News service etc covered the story in a similar way. Delhi media reproduced in verbatim what the India Against Corruption leader Arvind Kejriwal said about the incident and failed to carry the version of consumers, Government, RWA, Police and the Power utilities in their stories.

By doing so, the news media is following a decades old guide line, "if it bleeds, it leads!" Coverage of crime and negative issues in society make us skeptical about the world around. People who are exposed to this news start to feel that that society's problems can never be fixed. By glorifying the actions of criminals, the media tells readers that, they too can make to national news and can imitate what others had done. Media is also conveying a message that similar issues whether it is anti social or not, get public attention and leaders will get heroic coverage. Newspapers have an enormous impact on the view of society on crime and victimization. It is important for journalists to understand the matchless role the media has to play and the impact they have on readers while reporting a crime.

Sometimes crime reflects in important issues of society viz. corruption, famine, subsidy and even in development issues. The readers expect it just a good story with no wider implication and has to be covered based on facts and figures. All news papers have reported the issue with colour photographs and not limited the reports to Delhi-NCT editions, but carried it in other editions also, giving a wrong impression to those who are not exposed to this issue like a Delhi citizen, thus aggravated the issue and deviated from the basic responsibility of rationally covering a crime story. Kejriwal ought to have been arrested and charge-sheeted right at that time itself or media could have explicitly exposed the crime committed and communicate to its readers that the leader will be brought to book. It is not seen to be done.

The citizen of Delhi had expected in Arvind Kejriwal a fresh blood of politician who has been successful in his own field and may change the future of the country by joining politics. Election promises are momentary but the economic compulsion is a reality. If somebody gives a service free now, it will cost us much high later. There is cost to everything and saying not to pay bills of power already consumed, is encouraging a criminal behaviour and the same had been reported out of proportion by media thereby giving the act an acceptable status.Kejriwal, who visited the JJ Colony in Bawana and Satyampura village in Najafgarh, and interacted with consumers on the issue of electricity theft. His remark with regard to blaming of the power utility is an indirect support to those who pilfer. The political immaturity and short sightedness of the leader was not projected by print media, leaving impression among a general reader that leader is nothing but an 'educated goonda' and such activity need not be condemned.

## **CONCLUSION**

Power theft is a criminal offense that invites both fine and imprisonment. All over the world Millions worth electricity is siphoned off due to this social evil and one of the major economic crimes of the contemporary times. Print media in Delhi, in general, while reporting the issues of power theft has not focused on this issue, but gone to the extent of sensitizing and glorifying the criminal activity initiated by a opinion maker, who later became the Chief minister of the state. The content analysis indicates that the themes of the story are one sided mostly, the version of the stake holders are not covered. The photographs, few are close-up in nature, published in all major reports, gave the person who has abetted

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criminal offense and help to drain national resources a heroic status. The criminal activity is not highlighted and only one side version is reported in the coverage. The Indian media, by doing so has glorified the criminal activity of abetting power theft crime by giving out of proportion coverage to the activity of Arvind Kejriwal in this particular issue and sidelined the importance of Power theft issues.

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# **CAPACITY BUILDING IN HUMAN CAPITAL FOR SUSTAINABLE DEVELOPMENT**

*A Case Study of Delhi City*

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## **ABSTRACT**

India is among world largest growing economy now even surpassing China Growth rate in the quarter ending on December 2014. This economic growth is however meaningful only if it helps in poverty alleviation, greater employment opportunity, gender balance and most important without unbalancing the mother Earth and its environment. India has to evolve a development model that leads to sustainable development. Delhi is the capital city of India with largest population density. It has to lead and show the path for whole country to achieve sustainable development. This paper discusses how human capital capacity building will help Delhi city travel to path of sustainable development.

## **INTRODUCTION**

India is one of the world's fastest growing economies as the latest economic forecast data released by Central Statistical Organization (CSO), India on 9th February 2015 estimated that its annual economic growth would accelerate to 7.4 per cent in the year ending in March 2015. In fact its economy grew 7.5 per cent in the quarter ending in December, outpacing China's 7.3 per cent growth in the latest quarter. This achievement will, however, be meaningful only when society at large gains from this economic development. If gaining status of largest economy can help in reducing poverty, generation of employment, and human capital capacity building then it will lead to sustainable development and it will be a real gain for

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India as a country.

While growth is in the center of the schemes of the world - developed or developing nations, they have nevertheless, exploited the Earth with little care resulting in serious environmental issues and climate change. Keeping in mind, impact of climate change affecting everyone on this earth, many discussions and negotiations have started in past, under the aegis of United Nations and at countries level. There have been certain positive developments but a lot still needs to be done and achieved. Sustainable development is not only essential but is the only choice before mankind to live currently and leave a safer and resourceful world for posterity. Six decades ago Mahatma Gandhi first made the statement, "The earth provides enough to satisfy everyone's need but does not provide enough to satisfy everyone's greed", which finds similar or even more relevance in present times. One should extract and make use of earth's resources only to the extent that is necessary and that can be replenished.

## **ECONOMIES AND SUSTAINABLE DEVELOPMENT**

Due to diversity in ecosystems, society and culture, sustainable development issues and challenges are also complex and vary from city to city, country to country and society to society. Extreme poverty still ravages the lives of a quarter of the population in developing countries. Such levels of poverty and inequality raise serious issues of sustainability - of peace and security, of equity and solidarity, and of the environment - at the national, regional and global levels.

India like other parts of the world is also facing these types of problems due to large population, unsustainable growth practices, and other environment related problems like large scale emission of hazardous gases, and rise in pollution level due to fast urbanization. This has resulted in to extreme weather conditions. The land degradation and extreme weather has severely impacted agriculture. Air pollution causes severe health problems particularly for children and old age people, resulting in ever rising medical expenses. It is also facing serious environmental issues viz. deforestation, soil erosion, desertification, air pollution due to industry effluent and vehicles, water pollution from raw sewage and runoff of agricultural pesticides. Tap water is not potable in some parts of the country. The huge and growing population is over straining natural resources.

According to UNDP Human Development Report 2014, India's Human Development Index (HDI) value for 2013 is 0.586- which is in the medium human development category-positioning the country at 135 out of 187 countries and territories. Also, its Gender Inequality Index (GII) value is 0.563, ranking it 127 out of 152 countries. According to this report, women in India still face inequality in education, health and in jobs.

There are three main facets to sustainable development i.e. Social (or community), Environment and the Economy. These facets are in no way mutually exclusive. The integration of and balance between these areas will result in sustainability. Over the long term, social, economic and environmental objectives should be complementary and interdependent in the development process.

### ***Social Sustainability***

Social sustainability embraces the principles of sustainable communities. Any sustainable development initiative needs to tackle issues like social exclusion, poverty, anti-social behavior, crime, and community involvement. For social sustainability, it is essential to have coherence in a society. Indian society is however divided in multiple ways based upon religion, caste, gender, income levels, urban & rural and education etc. leading to access to different levels of benefits of education and jobs. Heterogeneity of Indian society leads to disparity. As a result, India is also lacking the economic rationality to take full advantage of its human capital potential.

### ***Environmental Sustainability***

Natural resources are limited in nature. Their over exploitation put a huge pressure on the environment resulting in climate change. Hence, environmental sustainable development tries to conserve or renew the ecological systems. Human

race long term survival depends upon ecological balance and sustainability. Here also, due to disparity in society and resources allocation, India is facing lot of problems. Millions of people in India do not have access to even potable water or cleaner fuels. Burning of bio-fuels in villages leads to polluting environment to a larger extent.

### ***Economic Sustainability***

Economic sustainability refers to the amount that can be utilized by the society over a period while leaving capital intact and without degrading the future well-being of the society. This is possible only through technological development. Even the Brundtland Commission report (1992) titled 'Our Common Future', ties up economic growth to technological progress. India is slowly and gradually developing, adopting and making use of technology to achieve economic sustainability. Its service sector growth has led India to achieve faster growth rate but much need to be done in other sectors as well especially in manufacturing sector which has immense potential to lead further development.

India has been an active participant of United Nations' climate discussion and negotiations. It presented its perspective on sustainable development before the World Summit for Sustainable Development (WSSD) in 2002 as a detailed study "Empowering People for Sustainable Development" (EPSD). The four key objectives of EPSD are: Combating poverty, Empowering people, Using core competence in science and technology, and Setting environmental standards: Conservation of Natural Resources, Improving Core Sectors of Economy

The Rio Summit has established norms and every country is aspiring to establish and implement national sustainable development strategies. These sustainable development strategies are intended "to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations".

### **DELHI CITY: CURRENT STATUS OF ENVIRONMENT AND HUMAN DEVELOPMENT**

Delhi is the ancient city of India and has been the capital of many dynasties. The Union territory of Delhi is the capital of the India and has highest population density in the country of about 11000 per square kilo meter. The state is spread over an area of about 1483 sq. km. As per 2011 Census data, population of Delhi is about 16.7 million of which male and female are 8,987,326 and 7,800,615 respectively, making it the 18th most populated state in India. Growth rate of Delhi stands about 20%. Due to migration from other states in search of better living conditions and employment, Delhi's population is continuously rising. Delhi has good literacy rate of about 86%. It houses some of the best educational institutions.

Today, 97.50% population of Delhi lives in urban regions. The total figure of population living in urban areas is 16,368,899 of which 8,761,005 are males and while remaining 7,607,894 are females. Of the total population of Delhi state, currently only around 2.50 percent live in the villages or rural areas. The population growth rate recorded for this decade (2001-2011) was 2.50%.

Un-precedent urbanization and fast growing population due to continuous migration of people from other states in search of employment and better living conditions has taken its toll on Delhi scarce resources especially water, energy and land. Due to scarcity of land, Delhi has grown vertically and majority of Delhi has converted to multi-story concrete jungle. In its recent development policy announced on 16th February 2015, DDA further plans to develop Delhi vertically. It will build further pressure upon its limited resources. Large scale urbanization has also led to drying up of Delhi's water bodies and fast depletion in ground water levels. Delhi has suffered gross damage to natural ecosystems and biodiversity. There is no space to dump and treat vast amount of human and industrial waste generating each day. Delhi's landfill sites have already crossed their capacities. Since Delhi is dependent upon other states for its water and energy needs, the problem has aggregated ever worse. As a result, situation has arisen that large population is chasing fewer resources. This is chaotic and leads to law and order problems in society.

According to the World Health Organization (WHO), Delhi is the fourth most polluted city in the world in terms of suspended particulate matter (SPM). Only about 20% of the industrial units are in approved industrial areas; others being

spread over the city in residential and commercial areas. Road transport is the sole mode of public transport; there has been a phenomenal increase in the vehicle population over last one decade. Noise levels in Delhi exceed permissible levels in all areas except industrial areas. Only river passing through Delhi, Yamuna, is heavily polluted by domestic and industrial wastewater. About 8000 Metric Tonnes' of solid waste is being generated each day in Delhi currently in addition to industrial hazardous and non-hazardous waste.

Problems of Delhi are multifold in the context of sustainability and human Resources. On one side, there is continuous migration of people to Delhi being capital city; on the other hand, Delhi is unable to absorb any further human manpower on a massive scale due to restrictions put by civic bodies and judiciary not to set up new industries in Delhi to protect its already deteriorated environment. Not only this, there is considerable diversity and disparity in Delhi's population based upon age, gender, city of origin, urban and rural population, education level, and income levels and so on. Lack of employment opportunities lead to poverty and wastage of such large manpower. It further leads to law and order problems. Similar to India's demography, Delhi has largest youth population. Currently, large proportion of this youth population is not productively engaged in economic activities due to a 'skills v/s jobs requirement' mismatch. This not only impacts the economy, it also has serious consequences for the society at large. It can lead to social unrest, law and order issues such as insurgency. Nevertheless, it can be a silver lining and an opportunity to have such large availability of educated youth power. Delhi has great potential to become sourcing hub for skilled workforce for whole world. But this requires imbibing right skills to our youth that matches industry requirements.

## **HUMAN CAPACITY BUILDING: STRATEGY FOR SUSTAINABLE DEVELOPMENT**

### ***Capacity Building***

This rapid growth of population in cities causes a large number of challenges especially in the context of human resources. For sustainable development, it is necessary to develop new employment and engagement opportunities for the people. People may be literate but there is need to develop right skill sets to fit in sustainable development strategy. Hence, human capacity building must aim at not only providing basic education but right skills. Developing capacity building can help in poverty alleviation, maintaining law and order as people will be meaningfully and gainfully engaged and it will help in putting check on wastage of manpower. It will help in bringing civil discipline in the society.

Defining Capacity Building, Gabrielle Groves, Program Coordinator, Asian Institute of Technology, Singapore writes, "Capacity building is essentially the development of human capital - that can occur at the individual, institutional and societal level - enhancing skills and knowledge - to achieve sustainable and measurable results". It is also defined as the empowerment which encompasses the ability; will and skills to initiate, plan, manage, undertake, organize, budget, monitor/supervise and evaluate project activities. It is related to the organizational and functional levels as well as to individuals, groups and institutions. Steps needed for capacity building are education for all age groups, skills development, and use of technology, networking and continuous learning and social inclusion of everyone including differently abled people.

Capacity building or development focuses on three aspects viz. Human capacity development, entrepreneurship development and SME capacity development. Capacity building aims at reducing poverty and creating opportunities at grass roots level.

Realizing these facts, a "National Skills Policy" has been formulated in India in 2009 which set a target of imparting skills training to 500 million, by 2022. Government of India has adopted skills development as a national priority. Education can play a major role in developing a sustainable development model. It is an important means for achieving sustainable development. Education develops and strengthens the capacity of individuals, groups, communities, organizations and countries to make judgments and choices in favor of sustainable development. It can promote a shift in people's mindsets

and in so doing enable them to make the world safer, healthier and more prosperous, thereby improving the quality of life. Educated and skilled people will understand the need of environment and resources preservation for posterity.

As per All India State of Higher Education (AISHE) Survey 2014, there is a decisive relationship between quality of education system in a state and its economy. Also the states with high knowledge direction are having the high-level economy. Delhi stands at the highest level among Indian states leading the pack with over 86 per cent literacy rate. This clearly indicates that education and knowledge has key role to play in growth and development of a state and its people.

Delhi, as mentioned above, is the capital city of India with over 86 per cent literacy rate. It houses some of the best education institutions of India. With such large literate population and availability of infrastructure, Delhi can improve its position among world metro cities in terms of growth rate of GDP and employment through right human capital capacity building strategy. Delhi can lead among Indian states as largest hub and provider of skilled manpower to the world. It is to be noted if right steps are not in place, Delhi's demographic dividend may end up becoming a demographic liability. Human capacity building and their absorption in employment world over will also help managing law and order and will reduce pressure on Delhi's shrinking resources.

In its recent initiatives the new government at the Centre has planned to build 100 smart cities along the key infrastructure projects in India, Delhi being one of them. This will provide opportunity to absorb huge number of skilled manpower as these smart cities will provide millions of job opportunities. Being environmentally friendly, smart cities use sustainable materials for building facilities and reduce energy consumption.

Smart cities are an opportunity to harness urban growth to sustainable development, faster development and junking inefficient systems. Smart cities development can easily attract FDI and international talent to help further development in leading sector like IT, finance, services and manufacturing. Smart cities provide a chance to make economic and social opportunity a reality for the greatest number of people. The rising population density in smart cities can boost entrepreneurial energy and efficiency, productivity, reducing extreme poverty and mortality rate, increasing education levels irrespective of caste barriers and to both genders and economic mobility of women and hence eliminating or reducing caste and gender inequality. Smart cities provide opportunity for spurring social change.

Key issues for Indian Government for cities like Delhi are therefore, to develop sustainable smart cities and human settlements, sustainable transport, sustainable consumption and production, climate change and disaster risk reduction, and social inclusion to achieve its mission of sustainable development. A mix of policies will be needed to promote sustainable consumption and production, including fiscal instruments, education and awareness raising, voluntary certification schemes, and regulations, standards and legislation.

## **STRATEGY FOR SUSTAINABLE DEVELOPMENT**

Facing all these climate, diversity and disparity issues requires very large scale planning that not only leads to pollution free environment and sustainable development but simultaneously develop and deploy human power in a constructive way. It is highly crucial to provide livelihood and promote sustainable development. However, there can't be "One Size Fits All" approach possible for devising a sustainable development strategy.

Having a population of over 16.7 million which is continuously growing, Delhi has potential to become the major exporter of skilled manpower. Strategic requirement for this is preparing the workforce for global opportunities i.e. to provide right skills set. India as a whole and Delhi also has already proven their capabilities in providing highly skilled manpower for services sector. It is required now to promote generating employment opportunities in sectors like agriculture, manufacturing sector like food processing, leather products, textiles and other services sectors like trade, restaurants and hotels, tourism, construction and information technology and in small and medium enterprises.

Government alone can't undertake such huge task of developing millions of skilled manpower. It has to tie up and take

private sector along for this huge capacity building. Government can help in framing right policies and in providing conducive environment for private sector. Private sector however has to shoulder equal responsibility in developing and providing industry required skills development programs. Infusing private capital will be crucial to fulfill this ambitious target of developing millions of skilled manpower.

## **CONCLUSION**

World over Government and citizens both have to understand that sustainable development is an unavoidable responsibility for everyone. We have inherited this earth from our ancestors and we owe it to the next generations. Sustainable development is in everyone's interest and is achievable with better planning, stronger policies, and effective execution. To avoid destabilization of the planet, the inclusion of the sustainable development agenda in public and private policy spheres is not only unavoidable, but inescapable.

Delhi, the capital city of India has the right infrastructure in place, has availability of funds for further developing infrastructure capability for human capital building capacity and above all the Government of India intends to make India and Delhi as the largest manufacturing hub and largest exporter of skilled manpower. An immense opportunity emerges for everyone including private sector to put in their efforts and resources for human capital capacity building and to achieve sustainable development.

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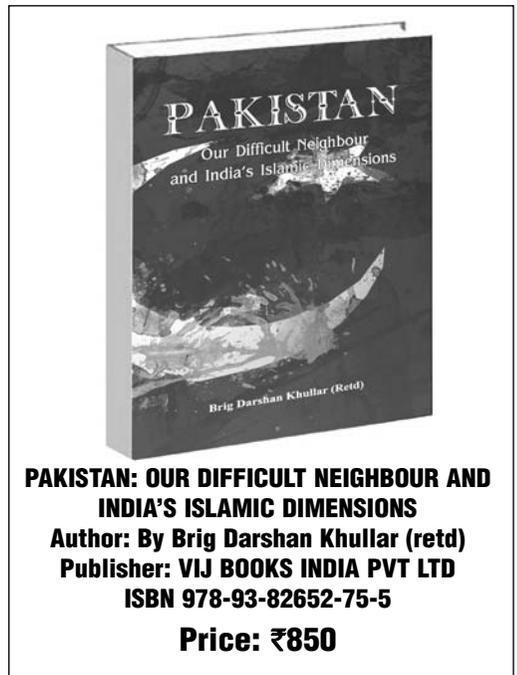
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## LOOKING THROUGH NATIONALISTIC PRISM

**DR SHAMBHU NATH DUBEY\***

**T**he author of this book has had a distinguished career in the Indian Army and has been one of India's leading mountaineers. He was the leader of the Indian team when the first Indian woman climbed Mount Everest in 1984. He is a Padma Shri and an Arjuna awardee. He has lived in different parts of India where he acquainted himself with the customs and traditions of the local people; their desires, apprehensions and fears. What he writes has come essentially through personal knowledge, an unorthodox approach and in his own words as a free thinking Indian.

Khullar has taken a hard look at Pakistan, our difficult neighbor, who at its very inception became India's sworn enemy, born as it was on the basis of a totally flawed and diabolic two nation theory. It only ended up dividing the Muslims of the erstwhile united India and that is the real tragedy. There are more Muslims in India than there are in Pakistan, especially if one considers the presence of nearly 20 million Bangladeshi immigrants in India. Khullar has analyzed the reasons why the two countries have never been friends and will probably not be in the future at least in the near future. There has been a fair amount of delusional thinking in India's Pakistan



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policy motivated mostly by a false sense of nostalgia, common history and culture, little realizing that these are the very aspects that the Pakistani elite would like to distort and forget in order to keep alive the idea of Pakistan. There is a mis-gotten belief that it is the Pakistani military that has a vested interest in the enmity with India. We will do well to recall the role played by the civilian leaders from Suhrawardy to Liaqat Ali to Bhutto. We have fought four wars during the last 67 years and for nearly 30 years now Pakistan has been relentlessly hurting India by aiding and abetting insurgency in J&K and countless other acts of terror in mainland India. Those who talk of the inevitability of dialogue ought to realize that it would be totally counterproductive as long as the terror network remains intact and state sponsored in Pakistan. Pakistan no doubt has been further emboldened after acquiring nuclear parity and the fact that it enjoys the solid support of its all weather friend, China, who is using it as a proxy against India. Despite the turmoil within, Pakistan is resilient enough to keep its tail up vis a vis India to keep delivering its thousand cuts. Our peaceniks and dialoguwallas must surely have observed Pakistan's duplicity and the way it has periodically taken USA, the lone super power of the world for a ride from whom it has taken nearly 40 billion dollars in economic and military aid. Our think tanks must be either naïve, misinformed or overoptimistic to think that with their supreme wisdom and cultural nostalgia they can influence Pakistan and usher in peace between our two countries.

The book devotes two chapters on Kashmir, one of which is a contribution by a distinguished Army general who happens to belong to the state of Jammu and Kashmir. It is the authors' view that India must not compromise on Kashmir in any way and must in fact make its intent clear on retrieving back the areas that are under the illegal occupation. That alone will drive sense into Pakistan. It is a fact that every time there has been an agreement between our two countries, as after the 1965 and 1971 wars, India has ended up giving concessions and surrendering territory and once dust has settled down, Pakistan has had no compunction in reneging on all past promises and commitments and then gone back to being the aggrieved party and persisting with the so called the core issue of Kashmir. Let there be no doubt that the proffered Kashmir solution that was worked out in Musharraf's time was a trap for Pakistan to somehow gain a toehold in Kashmir as part of its agenda to thereafter grab the whole of Kashmir.

The author believes that the future of Muslims in India is bright and that India would be quite a lusterless country without them. They hold the key to India's integrity. However they have been exploited and their affairs mismanaged by their mullahs and unscrupulous and corrupt leaders through vote bank politics and appeasements. It is a matter of time before India has its first Muslim prime minister but this will happen when the latter represents the interests of all Indians and not merely those of the Muslims. His study of Muslims and the multifaceted Islam is spread over a wide range interrelated perspectives. He has held no punches and in fact has blown hot and cold in equal measure but without malice. What is worrisome according to Khullar is the steep rise of the Muslim population in North and NE India. We may in fact be nearing the Pre-Partition level which has the potential of causing a similar catastrophe and mass slaughter of innocents. Come another Gandhi and Jinnah, it could well become a reality.

Khullar has written on the Hindu Pacifist (it is not all flattering) and also devoted a hard hitting chapter on the sins committed by our leaders. He has been particularly critical of Mahatma Gandhi and Jawaharlal Nehru which is bound to anger many of our countrymen but his criticism is based on historical facts which are very much in the public domain. He has been unsparing in his criticism of India's secular intellectuals, for their partisan anti-Hindu and anti-national views and activities.

In the penultimate chapter, Khullar has put forth a solution which is worth going through. The book is by no stretch of imagination anti-Muslim but it is an eye opener nevertheless.

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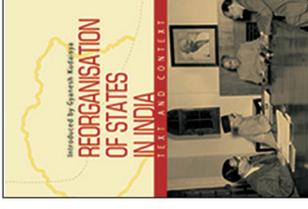
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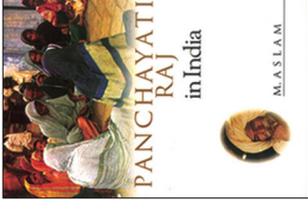
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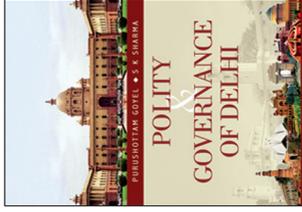
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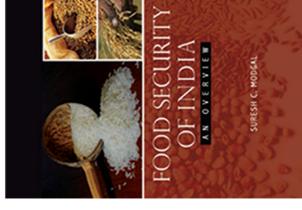
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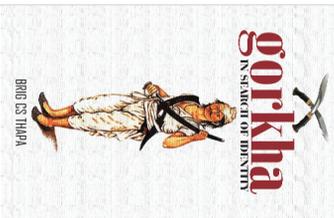
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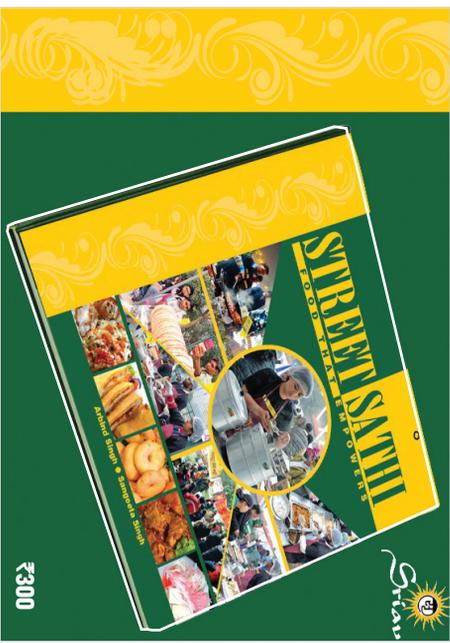
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