

BHARATIYA SAMAJIK CHINTAN

(A Quarterly Journal of the Indian Academy of Social Sciences)

Volume VII, No. 3, (New Series) October-December 2008**RNI Regn. No. WB ENG/2002/7936****CONTENTS***Editorial*

Lessons from the Mumbai Terror Attacks Prashant Bhushan	183
The Roadless Republic K. Raghavendra Rao	188
Reforms and the Republic: Directive Principles to "Directionless" State Policy D. Narasimha Reddy	191
India in a Centrifuge Mukul Sinha	202
The restructuring of the legal profession K.G. Kannabiran	209
Democracy and India Ranjit Sau	214
Political prisoners in the India Amit Bhattacharyya	222
Monopoly capital, the perversion of need and the banishment of nature Suhas Paranjape	227
Publications of the Academy	238
Instructions to Authors	239
About ISSA	240



BHARATIYA SAMAJIK CHINTAN

ADVISORY EDITORIAL BOARD

Prof. Arun Kumar
Centre for Economic Studies and Planning
School of Social Sciences
Jawaharlal Nehru University
New Delhi

Dr. Joginder Singh Puar
President
Punjab Academy of Social Sciences
Literature & Culture
Jalandhar 144001

Prof. Vibhuti Narain Misra
Director
Regional Research Laboratory
Bhubaneswar

Dr. M Chandrasekhar
Director
Indian Institute of Advanced Management
M V P Colony
Visakhapatnam

Prof. S C Bhattacharya
Kolkata

Prof. D Balasubramanian
Director Research L V Prasad Eye Institute
Hyderabad

Prof. Debabar Banerji
Emeritus Professor
Jawaharlal Nehru University
New Delhi

Prof. B M Udgaonkar
Flat No. 705, 'VIGAYAN'
Scientists' Co-Operative Housing Society,
Plot No. 23, Sector 17, Vashi,
New Mumbai 400703

Prof. S K Chaube
SRB-22B, Shipra Riviera, Indrapuram,
Ghaziabad 201012

Prof. K M Shrimali
Department of History
University of Delhi

EDITORIAL TEAM

Professor Vibhuti Patel

Director, PGSR & Professor and Head, Post Graduate Department of Economics, SNDT Women's University, Mumbai
<vibhuti.np@gmail.com> Mobile-9321040048 Tel-26770227 @ and 22052970

Sukla Sen

Member of the Editorial Team, *Peace Now*, & National Coordination Committee Member
of the Coalition for Nuclear Disarmament and Peace
<sukla.sen@gmail.com>

Professor Girijesh Pant – BOOK REVIEW EDITOR

Centre for West Asian and African Studies, J. N. U, New Delhi 110067. Ph : (011)-2617 1275 (Res)
<gpant49@gmail.com>

Dr. Guruprasad Kar – ASSOCIATE EDITOR

Associate Professor, Physics and Applied Mathematics Unit Indian Statistical Institute
203 B T Road; Kolkata-700108. Ph : (033)-2565 9297 (Res), (033)-2575 3029 (O)
<gkar@isical.ac.in>

Debabrata Panda – EDITOR

Ashok Swapna
122/4 Dr. J R Dhar Road, Kolkata 700 028. Ph : (033)-2549 3016, (033)-2547 0481
<pandadebabrata65@gmail.com>

MANAGING EDITOR

Professor P K Sarkar
254, Lake Town, B Block,
Kolkata-700 089
Ph : (033)-2534 4878
<bodhi_fha@dataone.in>

ASSOCIATE MANAGING EDITOR

Dr. Ramanuj Ganguly
Senior Lecturer, Maharani Kasiswari College
Kolkata-700 003
Ph : (033)-2559 3799
<ramanujganguly@yahoo.co.in>

Editorial

Lessons from the Mumbai Terror Attacks

THE recent horrendous terror attacks in Mumbai are obviously totally atrocious. They have woken up our elite citizenry of Mumbai and the country to the dangers of terrorism as nothing ever has. There have been many terror attacks in this country before — several serial blasts in major cities of the country during this year itself. Each of those incidents killed almost as many people as the terror attacks in Mumbai. There have however been worse atrocities in the country, not long ago. In 1993, after the Babri Masjid demolition, more than 1000 persons were killed and tens of thousands of homes and shops were burnt by marauding gangs who raped, burnt and killed at will, while the Mumbai police watched and even connived in those massacres. In 2002, more than 2000 persons were killed, thousands of women raped, tens of thousands of homes burnt, in the most horrific manner by lumpen gangs of saffron hue, who operated with complete connivance of the Gujarat government and its police. Hardly anyone, out of the hundreds who are easily identifiable, who were involved in those massacres have been brought to book till today. Only in the last few months, lumpen gangs terrorised and killed hundreds of persons in Orissa, Karnataka, Andhra Pradesh and even in Kerala. Just last month, gangs of the local mobster of Mumbai, Raj Thackeray terrorised and beat up hundreds of poor and hapless North Indians, in Mumbai itself.

Twenty-four years ago, this month, several thousand persons were killed and tens of thousands crippled for life by the poisonous gas of Union Carbide in Bhopal, let loose because of deliberate and criminally negligent corporate cost cutting. None of those responsible have been brought to book thus far. At the same time in November 1984, 5000 Sikhs were brutally massacred in Delhi and elsewhere with total complicity of the police and the Central government. Those responsible have not been made accountable either.

None of those terror attacks, brutalities and

massacres, evoked the kind of response from the elite citizenry of this country as we are seeing today. Those atrocities did not evoke cries of, "Enough is enough", or, "we will not pay our taxes", or "politicians must be replaced by CEOs to run this country", at those times. Narendra Modi, who presided over the Gujarat massacres still remains in office and has become the darling of the CEOs and the elite classes who have been roused by the Mumbai terror attacks. Dow Chemicals, which bought Union Carbide, is being welcomed into India to set up more plants to manufacture toxic chemicals. It is only when the attacks are directed at five-star hotels that our elite citizenry, and the media controlled by them, come out on the streets to rail against politicians and the security establishment.

This energy can, however, be usefully canalized to achieve many positive reforms in policing, intelligence and the security establishment and for preventing their misuse by the political establishment, if it is done with carefully considered cool deliberation about what measures can be useful and what would be counterproductive. Most of the news channels in their sensational and hysterical 24 x 7 coverage of the Mumbai terror attacks have been encouraging the expression of public anger and even mass hysteria at the attacks. A large section of the media has given a war cry, and is suggesting that India should attack Pakistan or at least what they call "terrorist training camps within Pakistan". The BJP's favourite theme of reviving the Prevention of Terrorism Act (POTA), to deal with terror, is back on the table. There are however some useful and sensible suggestions coming out of this — primarily relating to the revamping and depoliticizing of our intelligence and security apparatus.

"Get tough with terror" is, however, the main battle cry of the elite, goaded by the media. For them "Getting tough" primarily means, attacking Pakistan or bringing back POTA. If India were to

attack Pakistan, even the so called, "terrorist training camps", within Pakistan, would it stop or deter terrorism, particularly the kind of suicidal terrorism that we are seeing today? Apart from running the risk of a war with a nuclear armed Pakistan, such an action is bound to politically destabilise that country, which will only make conditions within Pakistan more hospitable for terrorists operating from there. Already, the US war on Afghanistan (which was the US's tough response to the 9/11 attacks), has destabilised the North-West Frontier Province of Pakistan and made that territory much more hospitable to terrorists. That is why, Pakistan itself has seen so many terror attacks within that country in the recent past, including the attack which killed Benazir Bhutto and the one which killed a large number of US citizens in the Marriott hotel.

There is little doubt that such an attack would only help create the psychological and physical conditions within Pakistan which will only increase the number of terrorists being created and trained, who will attack Indian interests in the time to come. We must understand that this is not a zero-sum game, where our enemy's loss is our gain. Both Pakistan and India stand to suffer severe losses in the event of India using military force within Pakistan. We must learn the correct lessons from the US "War on Terror", which, far from making the US, its citizens and interests safe across the world, has only increased insecurity worldwide and has led to many more terror attacks on US interests and citizens across the world.

It is, however, being said that the US's tough response to the 9/11 attacks has prevented further such attacks within the US. Though there have not been any major terrorist attacks within the US recently, do the US citizens feel any safer now than before the US "War on Terror"? All evidence suggests otherwise. The frequency of terror attacks in the world today is several times of what it was prior to the US "War on Terror". While much of these attacks are in Iraq and Afghanistan (many on US targets), the frequency of such attacks has also increased elsewhere. Many of these attacks are directed at US Embassies, US army personnel and US citizens. The latest "Worldwide Caution" issued

by the US government on July 16, 2008, says that "Current information suggests that Al-Qaida and affiliated organizations continue to plan terrorist attacks against US interests in multiple regions, including Europe, Asia, Africa, and the Middle East. These attacks may employ a wide variety of tactics including suicide operations, assassinations, kidnappings, hijackings and bombings." The Caution goes on to detail a very large number of terror attacks which have taken place after 9/11 on US Citizens and US targets across the world. It advises US Citizens traveling abroad, to "maintain a high level of Vigilance, be aware of local events and take steps to bolster their personal security."

Much of the increase in terror attacks worldwide has been a direct result of the anger in the Arab and Muslim world at the US attacks on Afghanistan and Iraq, the killing and imprisoning of hundreds of thousands of innocent persons in Iraq and Afghanistan, as well as the imprisonment without trial of several thousand Muslims in the US after 9/11. Even if some of those who have been imprisoned were potential terrorists, the vast majority of those held on suspicion under the "Patriot Act" (the US version of POTA), are clearly innocent. Their incarceration for the last 7 years, without any charges and trial is also one of the causes of the resentment and anger against the US, which has fuelled the spurt in terror attacks worldwide against US interests. In fact the Mumbai attack was also an attack on US and Israeli interests apart from being on India.

What about the other costs of "Homeland security" in the US? Homeland Security cost is in hundreds of billions of dollars (rivalling India's total Budget). The costs of the two wars—the US's main thrust of its "War on Terror", are in Trillions of Dollars (more than India's GDP). From the preeminent economic and military superpower prior to 9/11, the US is today a superpower in precipitous decline having a debt equivalent to its entire GDP. It is today the most hated nation in the world, with approval ratings of only 9% in Turkey, 15% in Pakistan and just 30% even in its NATO ally, Germany. According to the report of the Pew Global Attitudes Project, "Since 2002, the image of the US

has declined in most parts of the world. Favourable ratings of America are lower in 26 of the 33 countries for which trends are available." Bush is today the most reviled President in all of US history, with approval ratings now around 20%. All this is part of the price paid by the US for its "War on Terror". And yet the bulk of our media, elite, and our security establishment want India to emulate the US in our fight against Terror.

It is useful to recall the prophetic words of Noam Chomsky, arguably the deepest social and political thinker of our times, in a short article that he wrote immediately after 9/11, on 12th September 2001. He wrote,

"As to how to react (to 9/11), we have a choice. We can express justified horror; we can seek to understand what may have led to the crimes, which means making an effort to enter into the minds of the likely perpetrators. If we choose the latter course, we can do no better, I think, than to listen to the words of Robert Fisk, whose direct knowledge and insight into the affairs of the region is unmatched after many years of distinguished reporting. Describing 'the' wickedness and awesome cruelty of a crushed and humiliated people', he writes, 'this is not the war of democracy versus terror that the world will be asked to believe in the coming days. It is also about American missiles smashing into Palestinian homes and US helicopters firing missiles into a Lebanese ambulance in 1996 and American Shells crashing into a village called Qana and about a Lebanese militia – paid and uniformed by America's Israeli ally— hacking and raping and murdering their way through refugee camps.' And much more.

Again we have a choice: We may try to understand, or refuse to do so, contributing to the likelihood that much worse lies ahead."

Chomsky's sage advice to try and understand the reasons which had created such a large number of terrorists who were determined to harm the US even at the cost of their lives, was drowned out by the jingoistic noise created by the Bush administration, supported by the media, the military and security establishments and the belligerent right wing. They advocated an aggressive "War on Terror", and used

the opportunity to increase the power and funding of the military and security establishment by squeezing out various Civil liberties among other things. Bush's people had wanted to do all this, but could not do this in a country which still valued its democratic and civil rights. They had said in their document "Rebuilding America's defenses" published a year before 9/11, just before Bush became President, that the scrapping the of Anti-Ballistic Missile Treaty, the treaty against Space Weapons, and a 50% increase in Military spending, though highly desirable for them, could not be achieved politically, "in the absence of a catastrophic and catalyzing event like a second Pearl Harbour". 9/11 provided them with such an event which was seized upon to push through their agenda. And with such terrible costs and consequences to the US, its people, and indeed to the whole world.

Naomi Klein, author of "The Shock Doctrine", has written about how such "crisis" has been routinely used by hawks and neocons to push through unpalatable measures (such as the trillion dollar bailouts for private banks and corporations pushed in the present financial meltdown). These responses would not be accepted in normal times and are totally counterproductive in the long run for society, but the crisis is used to scare the people into accepting them at that time. The Mumbai terror attacks are also seen by such hawks here as providing a similar opportunity to push through POTA and an attack on Pakistan.

The terror attacks have brought POTA back on the table. The BJP and the security establishment have been hankering after this draconian law for a long time, but now the chorus for it can also be heard in the candlelight processions at the Gateway of India and India Gate and in the discussions in TV studios. They feel that it is a strong Anti-Terror law, without knowing what makes it tough. They don't even pause to think that no law can stop or deter a suicide terrorist. A law can only help to keep in custody and prosecute those who have been caught. How can the fear of being kept in jail or prosecuted or even hung deter someone who is already ready to die before he is caught? POTA had essentially 2 major provisions which distinguish it

from the normal criminal law. Firstly, there is a provision of not granting bail to a person arrested under the Act, unless the Public Prosecutor consented or the court recorded a finding that the accused was not guilty. Secondly, police confessions have been made admissible. These provisions have only enabled the police to arrest innocent persons, deny them bail and then chargesheet them on the basis of essentially police confessions. Those against whom there is some evidence of involvement in a terrorist act would in any case be denied bail by the courts and one doesn't have to rely on police confessions which are always obtained by torture or threat of torture.

The inefficacy of POTA and its predecessor TADA is clear from the conviction rate of less than 2 percent under these Acts. Obviously the vast majority of persons arrested and charged under these draconian laws were innocent. The provisions for denial of bail and police confessions only encouraged the police to target innocent persons. The people's Tribunal on POTA consisting of eminent jurists like Ram Jethmalani, Justice Suresh, Justice D.K. Basu, K.G. Kannabiran, and other eminent persons opined in their report in 2004, that, "Our review of victim and expert testimony shows that the misuse of the Act is inseparable from its normal use. It is a Statute meant to terrorise, not so much the terrorists as ordinary civilians – particularly the poor and disadvantaged such as dalits, religious minorities, adivasis and working people." It is the targeting of innocent persons as terrorists under these draconian laws which is responsible in some measure for the anger and insecurity which fuels the current terrorism.

So what can be done to address the problem of terror? Revamping and depoliticizing our intelligence and investigative agencies can certainly help. The Supreme Court had issued many directions in September 2006 to implement police reforms which several expert agencies of the government had recommended many years ago but which had not been implemented. They included setting up independent State and National Security Commissions, Police Establishment Boards, Police Complaints Authorities at the State and District

levels, giving a minimum tenure to heads of field police officers at all levels including Police Chiefs etc. The thrust of these recommendations was to make the police and investigative agencies accountable to the law and free them from the strangulating control of the political executive. The Court had also asked the government, the NHRC, the Sorabji Committee and the Bureau of Police Research and Development to opine about the need for a Central Police agency to investigate and deal with Federal Crimes like Terrorism and organized crime. While the rest of the institutions gave their opinions long ago supporting such a Federal Police organization and suggesting how it could be constituted, the Central government has been dragging its feet over it. Most of the States have also not implemented the directions of the Supreme Court about the police reforms. None of the major political parties want to let go of their political control over the police which they have been misusing for partisan purposes. Implementation of reforms within the Police and Intelligence agencies should certainly improve security and reduce terror attacks. That is where public anger and energy needs to be directed – at a public campaign to force the authorities to implement the reforms. That will require sustained engagement with the government, judiciary and with Civil society. It will require time and effort— more than occasional candlelight marches.

But it must be clearly understood that while this can help reduce the danger of terrorism, it cannot eradicate the kind of suicide terrorism that we are now witnessing. The conditions for that kind of terrorism are being created by the enormous injustice that prevails in our country and society. If you allow thousands of persons, women and children to be repeatedly burnt, raped, rendered homeless and killed, and the perpetrators to get away scot-free by enjoying the protection of the Police, the government and the judiciary, then the insecurity, anger and rage among the victims is bound to create conditions which will give birth to terrorists. Several people's Commissions recently have reported that most of the persons arrested, tortured and charged in the investigation of the recent terror offences are

innocent. This too fuels insecurity, anger and rage especially when a particular minority community is targeted. It is not surprising that the Mumbai terrorists are said to have been shown films of the massacres of Gujarat, the demolition of the Babri Masjid and the egregious human rights violations by our 7 lakh strong security forces which have been in occupation of Kashmir for several decades now.

Unless we deal with these enormous injustices in our society, we cannot eliminate such suicidal terrorism. For this, we need to do many things, but most importantly we need to fix our criminal justice system to ensure that such criminal injustices are prevented, and those guilty are swiftly brought to

book. We have a largely insensitive, communal, corrupt and failed judicial system. Neither the political nor the judicial establishment has the political will to fix it. We need a major public campaign for that. That is also where the public anger and outrage over the Mumbai terror attacks needs to be canalized. If we can succeed in doing that, it would be a major political achievement. If that anger only fuels reflexive jingoism, we will, as Chomsky warned, only be creating conditions for more devastating attacks in future.

Contributed by

Prashant Bhushan

Advocate, Supreme Court of India

<prashantbhush@gmail.com>

Dr Basanta Sarkar Memorial Fund has been created by the Indian Academy of Social Sciences with an initial contribution of Rs. 10,000. Members of Academy are requested to donate liberally to the Fund.

General Secretary

Indian Academy of Social Sciences, Iswar
Saran Ashram Campus, Allahabad-211004

<issaald@gmail.com>

Dr Ashok Kumar Maiti Memorial Fund has been created by the Indian Academy of Social Sciences with an initial contribution of Rs. 10,000. Members of the Academy are requested to contribute to this Fund.

General Secretary

Indian Academy of Social Sciences, Iswar
Saran Ashram Campus, Allahabad-211004

<issaald@gmail.com>

Dr. Gauri Shankar Memorial Fund has been constituted with an initial contribution of Rs. 10,000/- from the General Fund of the ISSA. Life Fellows are requested to liberally donate to this Fund.

Dr. N. P. Chaubey
General Secretary
ISSA

The Roadless Republic

K. Raghavendra Rao

The very initial historical momentum to forge a republic was roadless in the sense that it was directionless. Dr Ambedkar had the farsight to realise this. He declared at the time of proclaiming the constitution that the implementation of the new Constitution would involve a serious conflict between political democracy and social undemocracy. So the post-independence political history brings us face to face with the structural contradiction involved in accommodating feudal forces to keep our liberal democracy alive. The Republic has remained largely imaginary and illusory. The Republic is at an historical impasse, in search of a road after more than fifty years of roadlessness.

I AM sure that the theme of this Conference, The Republic at the Crossroads, is well-intentioned but I do think it is misguided. In this brief presentation I shall try to suggest why I think so.

First let us take a quick look at the simplified but not for that reason misleading picture of the history of our great Republic, a Republic vaguely dreamed and hoped for but never really there on the ground. This brief historical journey will confront us with a pattern of the Republic's own journey, a floundering in a roadless darkness! If this is so, then what is the sense of talking about its being at the crossroads? We have first to locate the origin of the idea of a republic based on the conception of a nation-state apparently functioning as a liberal democratic parliamentary polity, in our colonial history. The political ideology of the republic also implied, though never explicitly and boldly stated, a reasonably democratic society and a rational, modern culture expressing a humanistic human vision. This republic was dreamed by a small colonial elite, urban in their habitat and exposed to an imperially mediated and imperfect modernity. It was a microscopic minority which hated British political control but cherished the British ideals of liberal parliamentary democracy. To put it in Gandhi's vivid language, they hated the tiger's skin but loved its nature! As our history of freedom struggle shows, the attitude

of this elite towards this political ideal was riddled with confusions and contradictions. The central ambiguity and contradiction was to combine a life context which was predominantly traditional and non-modern with a political ambition which was modern. For instance, in the early annual sessions of the Indian National Congress, the institution they fashioned to carry on their political aspirations, the members stuck to their caste identities and their caste habits in food and dress. This situation reached a crisis point in the Poona Congress when Tilak challenged the elite's position that political modernization is inextricable from socio-cultural modernization, that political reform was inseparable from social reform. The ideological and institutional weakness of this elite made them impotent not only against the British but also impotent against their internal enemies. Otherwise how to explain their meek surrender to that most bitter enemy of their cherished political ideals, a man called Gandhi who virtually from nowhere attained the status of their saviour? But even here there was fundamental ambiguity. Their adherence to Gandhi's ideas and ideals was never very strong or clear, and Gandhi was shrewd enough to notice in the preface to his ideological manifesto, *Hind Swaraj*, that he was aware that the Congress was not committed to his own ideals. It was a fantastic historical situation in

Plenary address delivered at XXXII Indian Social Science Congress held at Jamia Millia Islamia, New Delhi (December 18-22, 2008).

Dr K Raghavendra Rao is an eminent Social Scientist, Professor (Retd.) of Political Science, ex-Senior fellow of the Indian Institute of Advanced Study, Shimla. Former President, Indian Academy of Social Sciences. Postal address: 7 Cross, Kalyan Nagar, Dharwad-7, Karnataka. Ph: 0836-2793856

which a major political battle was led by a leader whose followers were not committed unequivocally to his ideals. No wonder that at the end of the battle what we got was not a Gandhian India but a non-Gandhian India which was nevertheless riddled with Gandhian complications.

Our very initial historical momentum to forge a republic was roadless in the sense that it was directionless. Gandhi was not able to influence it to take his road but was able only to confuse it enough not to go the other road of modernity. Our nationalist movement was at its very heart torn by a contradiction between on the one hand, a Gandhian negation of liberal parliamentary democracy, and, on the other, a hankering after a republic based on the ideologies of modern nation-state and modern parliamentary democracy. The elite were unable and unwilling to follow Gandhi in his anti-modernist politics but were also conditioned historically not to totally free themselves from Gandhian fads and oddities. In 1946 Gandhi was told bluntly by his political heir, Nehru, the Hind Swaraj was simply not an acceptable ideological proposition. Thus on the eve of independence, we found ourselves stranded in a quagmire of roadlessness. Dr. Ambedkar drew our attention to one serious aspect of this situation at the time of proclaiming the new Constitution in 1950, when he declared that the implementation of the new Constitution would involve a serious conflict between political democracy and social undemocracy in the life of the new independent nation.

While he dominated the freedom struggle with his leadership skills and charisma, Gandhi suddenly found himself politically deflated and reduced to the status of a figure-head to be ritually worshipped and virtually banished out of the political arena in free India. Though deliberately ousted from the political agenda of free India, Gandhi's heritage of a negative psyche against modern liberal democracy of the type Western bourgeoisie had historically created, could not be taken to its logical conclusion. Apart from the roadlessness arising from our uncertain and ambiguous relationship to Gandhi, other roads, too, were not easy to identify. As for the democratic socialist road, it flourished in public rhetoric but

perished in practice. The Communist road was at best a minority phenomenon. The socialists marginalized themselves, wallowing in an uncontrolled personal animosity against Nehru while the communists have managed to land themselves in a paralyzing political dilemma – to come to power at the cost of abandoning their ideology. In extreme cases, they have taken to fringe politics of armed struggle against the State.

Thus the post-independence political history of India is a history of roadlessness – accommodating feudal forces to keep alive liberal democracy, thus running into structural contradiction. Nehru's cosmetic socialim tended to bolster up a weak and dysfunctional capitalism, which eventually led to an economic crisis in the 1990s, pushing us towards a neo-liberal programme of globalization, liberalization and marketisation. This new road, in its turn, has taken us towards new crises of globally directed capitalism – increased productivity and GNP but equally towards the problems of inequality, unemployment, poverty and exploitation. On the socio-cultural side, the incomplete and distorted bourgeois revolution and negative modernization, have created a huge vacuum which communal and reactionary forces have invaded successfully, more than hinting at the potential for religious fascism. Electoral democracy, as in Germany, may be employed as a means of promoting fascism. The same logic of electoral democracy, has paralysed the left, driving it to take decisions that tend to strengthen fascist communal forces. The republic has been made further roadless by demonstrating its incapacity to tackle the issues of identity struggles of the people and the terrorist threats.

We must honestly ask the question: where is the Republic in all this messy history and reality? The Republic has remained largely imaginary and illusory, and has never succeeded in finding a road to carry on a meaningful historical journey. If I conclude in this manner, am I then a pessimist? But, in fact, I am a realist and an optimist. Therefore, I assure you that my final position is an optimistic and positive one. I suggest that we must first start thinking afresh on every issue raised by me. We need to engage ourselves in what I call a serious

and creative process of history-making. At the political level, we need to re-channel our imagination and energy away from parliamentary politics which is now in the hands of those who seek power either for its own sake or for the promotion of personal and private interests, and re-invest them in a new politics whose sole aim is to promote the material and cultural interests of the masses. The claim of the ruling elite that the panchayat raj framework can do this is not sustainable. In fact, the panchayats simply transfer power from bureaucracy (not completely, by the way) to the rural elite.

We need new institutional frames in which people are able to generate their own agendas and programmes, with the help of counter-elite, that is, those who are profoundly frustrated with the neo-liberal onslaughts on the bodies and minds of the ordinary people. This means that they are frustrated with own dysfunctional liberal democracy. It is not

that functional liberal democracy is entirely beneficial to the common people, but it does provide some space for genuine people's democracy. In our dysfunctional liberal democracy, even that small space is not available for the functioning of genuine democracy. I am fully aware that the task I am proposing for the revolutionary counter-elite is not an easy one, and that it involves the risk of the unknown and the unpredictable, making us vulnerable to mistakes and wrong turns. But what is the alternative? The alternative is, of course, the good old roadlessness. In short, the Republic is not at any crossroads. It is, in fact, at an historical impasse, in search of a road, after more than fifty years of roadlessness. We need daring and faith in our common folk. Our common folk, the common people, have so far been passive victims of history. Let us make history with them, not against them or outside them.

THE OLD SERIES

The old series of *Bharatiya Samajik Chintan* ended with the publication of Vol XXIII Nos. 3-4 in February, 2001. Those who are interested in buying the back issues are hereby requested to send a bank draft for Rs 100 (for each copy) drawn on Allahabad in favour of Indian Academy of Social Sciences to

Dr N P Chaubey
General Secretary
ISSA at Iswar Saran Ashram Campus
Allahabad 211004.

Annual Subscription Rates for the Journal (inclusive of newsletter and postage)

	India	Foreign Countries
Institution	Rs. 300	US \$80
Individual	Rs. 200	US \$60
Student	Rs. 100	US \$20

Draft drawn on Kolkata in favour of Indian Academy of Social Sciences, should be sent to Dr. Ramanuj Ganguly (Associate Managing Editor) A106, Mall Enclave, 13 K B Sarani, Kolkata 700080. Payment in the form of an outstation cheque requires an extra sum of Rs. 60/-. — Managing Editor

Reforms and the Republic: Directive Principles to “Directionless” State Policy

D. Narasimha Reddy

This paper is divided into three parts. The first part discusses the three aspects of post-second world war state policy that direct towards inclusive development, namely the emergence of Development Economics as a separate discipline, the incorporation of the Directive Principles of State Policy and certain international covenants and conventions, emphasizing development with justice, dignity and sustainability. The second part deals with discontents of the process of globalization which further marginalizes the poor, causes environmental disaster and destabilize the economies of the Third World countries, thus accentuating uneven development all over. The last part emphasizes the need for correctives to the neo-liberal reforms, the need for nation-state to serve as the focus of identity and help communities to realize their aspirations.

THE three decades following the World War II could be characterized as the “Era of Statutory Regulation”, (Standing 1999) marked by liberation from direct colonial control, evolution of national strategies of development with social justice and emergence of international consensus on the protection of human rights as the basic premises of development. It was a period that witnessed the emergence of not only theories but strategies which emphasized inclusive development that would improve the conditions of living of the poor and underdeveloped by assigning central role to the State. The Republic of India with its Constitutional guarantees is an outcome of the spirit of these times. Perhaps, the major problem of that era was in the failure to realize the objectives set for development. But, the present phase of economic globalization, beginning with 1980s is characterized by features which include minimizing the role of nation-state in the arena of economic and social concerns; undermining differentiation of national economies into developed and underdeveloped countries; overplaying the differentiation of economies into efficient and inefficient ones; and attributing all forms of economic intervention as market distortion and “rent seeking”, resulting in inefficiencies. These neo-

liberal ideas constituting the core of the “Washington Consensus” have constituted the basis for economic reforms in India since 1991. Free market and competition are the imagined panacea. The basic tenet of inclusive development viz. social justice is eroded letting loose a process of extensive exclusion marked by growing inequalities, deprivation and marginalization.

The thrust of this paper is to show that shift from the strategy of growth with social justice with a central role to the state to neo-liberal strategies of with an emphasis on market driven efficiency has been the cause of undermining the process of inclusive development and hence the need for correctives. The paper is divided into three parts. The first part discusses three aspects of post-second world war state policy that direct towards inclusive development. These three aspects include the emergence of Development Economics as a separate discipline, the incorporation of the Directive Principles of State Policy as Part IV of the Indian Constitution and certain international covenants and conventions which emphasize development with justice, dignity and sustainability. The second part briefly discusses the present phase of globalization which threatens to undermine growth with justice

● Plenary address delivered at XXXII Indian Social Science Congress held at Jamia Millia Islamia, New Delhi (December 18-22, 2008)

Professor of Economics (Retd.), University of Hyderabad, Hyderabad-500 046. <reddy_dn2000@yahoo.com>

and instead further marginalize the poor, erode environment and destabilize economies. The last part concludes by emphasizing the need for correctives to the neo-liberal reforms to restore the values envisioned in the Indian Constitution.

I

THE BEGINNINGS OF INCLUSIVE DEVELOPMENT

1.1 Development Economics

Though development was the foremost concern of all classical political economists from William Petty and David Hume, to Adam Smith and David Ricardo, to J.S. Mill and Karl Marx, the origin of modern mainstream theories of Economic Development is traced to 1940s. Beginning with Paul Rosenstein-Rodan's seminal article, "Problems of Industrialization of Eastern and Southeastern Europe" (1943), which, for the first time, argued the necessity of a special field of Development Economics, a number of theories came out to the fore, which we shall call as the 'Mainstream Theories of Economic Development' (MTED). Economic development, as a separate discipline, arose because of the presumed limits of conventional economic analysis in dealing with the problems of developing countries. The differentiation of the characteristics of developed countries and the underdeveloped countries became the basis for the development of a separate theory of Economic Development.

The main contributions to the MTED are much too familiar and a bit removed from contemporary relevance to merit a fuller description. (Reddy 2002) For the present purpose, it is sufficient to summarize the contribution of the mainstream theory of economic development from Rodan to Lewis to Leibenstein that economic development process in developing countries is significantly different from that predicted by the standard economic theory and would require alternative theory and strategy than the market induced growth.

The influence of the MTED during post-World War II period was all-pervasive. The strategies of economic development of most of the Third World

countries were influenced by one or the other of the versions of the MTED. An important aspect of the MTED needs to be highlighted. It is the institutional arrangement that would ensure accumulation. Quite in contrast to the mainstream neo-classical economics, which emphasizes market-induced incentives as motive forces of accumulation and growth, MTED insisted on the need for State playing the role of accumulation and dynamic entrepreneurs. This institutional insistence has become the very basis of the differentiation of 'Development Economics' (DE) as *dirigisme* or State interventionist economics. At the peak of contention, neo-classical economists equate 'DE' as State interventionism.

1.2 The Directive Principles

As is well-known, most of the economic, social and cultural rights under the Indian Constitution belong to Part IV, Directive Principles of State Policy. Some of the relevant provisions are set out in Articles 36 to 51 of the Indian Constitution. For instance, Article 38 is aimed at securing a social order for the promotion of welfare of the people a social order in which justice, social, economic and political shall inform all the institutions of national life; a social order that minimizes inequalities of income and eliminates inequalities in status, facilities and opportunities. Article 39 lays down the principles that should direct the state policy in securing social, economic and political justice. Right to livelihood, fair distribution, check on concentration of wealth, equal pay for equal work, protection of health of workers from hazardous work, creation of opportunities for children to develop in a healthy manner and right to work, to education and public assistance (Article 41) are some of these directive principles. Though these provisions are not justiceable, Constitution of India lays these principles as the very basis of development policy and could be seen in retrospect as the beginning of a rights based approach to development. But all this is in jeopardy. In the name of fiscal constraints and under the pressure of globalization, the State is increasingly distancing itself from these constitutional obligations.

1.3 Rights Based

The challenging task of evolving a normative framework for equitable and sustainable development is set out in the Report of the World Commission on Dams (WCD). Referring to the rootedness of the dams debate in the ongoing debate on development, the WCD begins with an assumption that there is an emerging global vision of equitable and sustainable development that can provide the foundation for the Commission to evolve 'a new framework for decision-making' on large dams, which is universally acceptable. The effort is to evolve a rights-based approach to development. There are internationally acceptable norms on human rights, as enunciated in the Universal Declaration of Human Rights (UDHR) (1947), right to development, as set out in the UN Declaration on the Right to Development (UNDRD, 1986), and sustainability, as provided under the UN Rio Declaration on Environment and Development (UNDED-1992). The effort is to fuse these three major landmarks as the premises for a rights-based development approach. It suggests that decision-making on water and energy management will align itself with the emerging global trends on equitable and sustainable development.

The adoption of human rights framework means the need to respect the rights and entitlements of all. Those policies that deny the rights to some to fulfill those of the others are not acceptable. It emphasizes the indivisibility of civil, political, economic, cultural and social rights. It broadens the range of basic human rights beyond the socio-economic sphere of needs to include right to life, healthcare, education, shelter, food, water, remedy, security, subsistence and livelihood. The UNDRD-1986 is a significant step in developing a normative framework, which specifies responsibilities in applying human rights approach to development. "It moved beyond the sphere of individual human rights to address relations between different interest groups in society and their interaction with the State". The UNDRD-1986 sees development as a comprehensive process aiming at the constant improvement of well-being of the entire population. It sees development encompassing economic, civil, social, cultural and

political rights. It recognizes that promotion of certain of human rights and freedoms doesn't justify denial of other human rights and fundamental freedoms. It emphasizes that the creation of conditions of development is the primary responsibility of the State. The UNDED-1992 evolved a number of principles of sustainable development, the core of which is that human being is central to sustainable development; and it emphasizes the role of indigenous people and other local communities in environmental management and development. The provisions under these three UN declarations together "make up an internationally acceptable framework of norms empowering a concept of development that is economically viable, socially equitable and environmentally sustainable". Such a rights-based approach would enable the premising of development process and its outcomes on certain core values of equity, efficiency, participatory decision-making, sustainability and accountability.

II

COUNTER REVOLUTION AND ITS DISCONTENTS

2.1 Implementation Crisis of Inclusive Development

One of the main reasons for the widespread disenchantment with the MTED was the failure of the strategies flowing from it to deliver the promised results. By mid-1960s, substantial areas of the Third World, including India, were in deep economic crisis. Famines and food shortages apart, there was growing inequality, unemployment and poverty. "For, instead of the kingdom of abundance promised by theorists and politicians in the 1950s, the discourse and strategy of development produced its opposite: massive underdevelopment and impoverishment, untold exploitation and oppression..." (Escobar, 1995). Even before these nations recovered from the consequences of the distorted development; in the 1980s in the name of correcting distortions, the Structural Adjustment Programme (SAP) became the panacea under the aegis of the Counter Revolution in development theory. With the SAP, the devastation of the Third

World economies and people deepened by the end of the decade.

Gunder Frank describes graphically what he saw in India at the 1988 Congress of the International Society for Development, attended by as many as 1000 delegates from different parts of the world. The whole Congress was dominated by the theme of crisis—a crisis in the very process of development! “There was a sensation of total bankruptcy in development policy, thinking, theory and ideology. Little wonder, in Latin America, per capita income and/or product had fallen by 10% - 15%, equivalent to the level of more than a decade before. In Africa, per capita national income had fallen to more than 25% to a level below that at the time of independence. These averages also hide the worsening distribution of resources, as “the poor pay more” of this decline” (Frank, 1996).

Ironically, the Eastern Europe, which could insulate itself from the influence of MTED, could not retain that privilege by the time it was the turn of the SAP in the 1980s. “The social sectors first seem to do well, but then they are also caught in the vice of crisis. Socialist national product and income had also fallen to 25% in a four-year period in Poland. Economic and political crisis went very bad to worse in Stalinist Romania (lights out), worker management Yugoslavia (threat of army intervention), not to mention liberated Vietnam (chaos and reprivatization). Twenty five percent of Hungarians lived in poverty. The Brezhnev period in the USSR was rebaptized as one of ‘stagnation’ but happened after 1989. Many economic sectors and social indices deteriorated”.

“In the short run, not development, but rather crisis management, has become the order of the day in the much of the South and the East...” Neither the advocates of neoclassical capitalist stabilization and adjustment nor neo-structuralist advocates of reformist structural change or even *Perestroika* and *Glasnost* promised a credible solution to the crisis, much less for development” (Frank, 1999).

What has been observed by Gunder Frank is, perhaps, a very sober description of the crisis of development process. What actually has been happening is much more shocking. One could not

have a better sample of this shock treatment than what is observed by a post-developmentalists: “The idea of development stands like a ruin in the intellectual landscape. Delusion and disappointment, failures and crime have been the steady companions of development and they tell a common story; it did not work. Moreover, the historical conditions, which catapulted the idea into programmes, have vanished; development has become outdated” (Sachs, 1992). One may not entirely agree with the notion of ‘development becoming outdated’ even before a vast majority of humanity coming anywhere near a decent life, but the delusion and disappointment, as a result of lack of development, is a reality.

2.2 Emergence of Counter Revolution

The present phase of globalization is built on the growing disaffection with the state centred strategies of development. Implementation failures of the earlier strategies of growth with social justice are sought be made out as theoretical and foundational weaknesses. The resulting alternatives suggested on the basis of ‘Counter Revolution’ in development theory have been the cause of widespread concern.

The ‘Counter Revolution’ (CR) in development theory based on regrouping of bits and pieces of neo-classical critiques of *dirigisme*. The very expression ‘CR’ is intended to contrast with the Keynesian notion of ‘revolution’ in economics by way of bringing State intervention. An excellent summary of the antecedents of ‘CR’ in development theory is provided by Toye (1987). We shall briefly summarize here the nature of the ‘CR’ critique of MTED. The strands that are drawn from the so-called New Political Economy (NPE) to constitute the ‘Counter Revolution’ are essentially the theory of ‘rent-seeking’ (Krueger, 1974) or ‘directly unproductive profit-seeking (DUP) activities’ (Bhagwati, 1982). The basic proposition of ‘rent-seeking’ theory is that State intervention by way of controls or restrictions on the economic activity generates a variety of rents—some legal and many illegal. And people often compete for these rents. For instance, State intervention by way of licensing may provide monopoly advantage to the one obtaining a license and thereby enable earning of

profits, which have substantial unearned or rental element. In the face of State intervention by way of quantitative restrictions or regulations, rent seeking may take other forms, such as bribery, corruption, smuggling, and black markets. These rents are likely to generate competition for unproductive activities associated with rents and thus represent the inefficient utilization of resources. It is generalized that the poor performance of developing countries is due to the pervasive State intervention inspired by the strategies flowing from MTED. Krueger's analysis was restricted to the competitive rent seeking arising out of quantitative restriction upon international trade in India and Turkey. Bhagwati (1982), with some modifications, extended rent-seeking as a generalized theory. He introduces the concept of 'directly unproductive, profit-seeking (DUP) activities', which include rent seeking and other forms of premium and revenue seeking. DUP activities represent ways of making a profit by undertaking activities, which are directly unproductive. They yield pecuniary returns but do not produce goods or services. When resources are devoted to DUPs, these resources are diverted from productive activities and to that extent, represent inefficient use of resources. He refers to DUPs of different types like policy triggered (rent-seeking), policy evading (smuggling) and policy influencing (demanding tariffs on certain imports) (Dasgupta, 1997). All these DUPs are described as State intervention induced and cause welfare loss. The generalized 'economic reform' strategy has, thus, found 'rent seeking' and DUPs proposition as the central theoretical arguments against the intervening State, *dirigisme*.

Thus equipped, by mid-1980s, the 'Counter-Revolution' paradigm tried to equate the mainstream development theory and development economics with State intervention or *dirigisme*. The extreme formulations under 'Counter Revolution' like that of Deepak Lal (1983) go to the extent of suggesting that all ills of developing economies are due to the interventionist policies of the State and suggested that the demise of 'development economics', meaning State intervention, is good for economics and developing economies (Toye, 1987). The

'Counter Revolution' is an effort to restore the markets, the role of efficient allocation of resources and with that, pave the way for structural adjustment from the primacy of State towards market-oriented economic reforms.

2.3 Neo-Liberal Reforms and Violation of Right to Development

The neo-liberal approach apparently emphasizes the 'universal human rights' as a 'fact of the world' but promotes a biased version of these rights. A particular aspect of human rights, based on an individual's civil and political freedom, is being prioritized, while another, equally valid, the economic and social, is being marginalized (Thomas 1998). "Under international law, it is the duty of states to secure the human rights of their respective citizens (though not of non-citizens apparently – see Article 2(3) of the Economic, Social and Cultural Covenant) but the global economic structure increasingly renders the state less able to fulfill this duty. Globalization is privileging the private over the public sphere and over the commons. It is eroding the authority of states differentially to set the social, economic and political agenda within their respective political space. It erodes the capacity of states in different degrees to secure the livelihoods of their respective citizens by narrowing the parameters of legitimate state activity. The process of globalization is rendering it impossible for many states to exercise a basic minimum control over the domestic economy, and therefore it is directly undermining the state's ability to deliver social and economic rights to citizens". (Mittelman 1996 as referred in Thomas 1998).

With the erosion of the regulatory capacity of the State, the other global actors like the G-7, World Bank, IMF and Transnational Corporations directly influence the States which affects their capacity to deliver economic, social and cultural rights. These global actors advocate the current development orthodoxy: that global welfare is maximized by economic growth, and the latter is best achieved through economic and political liberalization. (Thomas 1998)

There is broad agreement that structural adjustment programme (SAP) as a part of the globalization process has resulted in contradictions in ensuing patterns of entitlement that have strained political systems and affected the fulfillment of social and economic rights. Those who have been rethinking development as expanding people's choices to lead the lives they value, have been highly critical of the consequences of SAP and globalization and their impact on social and economic rights. "The UN Commission on Human Rights Special Rapporteur, Danilo Turk, reporting on the human rights implications of SAPs, has taken a strong line. He notes that states have legal obligations to move towards fulfilling the economic, social and cultural rights of their citizens, but the increasing integration of the world economy undermines their ability to fulfill these obligations. In particular, he suggests that harm is done to the rights to work, to food, to adequate housing, to health, to education and to development" (Khor 1996).

"The overarching policy of global economic integration via free-market policies, of which structural adjustment forms a part, cannot satisfy the economic or social rights of the majority of human beings or of states. The elevation of the private sphere, at the expense of public sphere or the commons, is a direct attack on these rights". (Thomas, 1998). These critics regard the transformation of social and economic structures as essential to delivery of economic and social rights to humankind. Broadly speaking they prioritize a conception of sustainable development based on self-reliance, respect for nature, diversity, the local community, appropriate technology and so forth (Thomas 1998).

2.4 Discontents of Globalization

There is voluminous and growing evidence of the discontents of globalization. What is attempted is a brief and cursory account of exclusionary impact of the process. The experience of economic globalization on employment, wages and income distribution has been devastatingly different from the promise of decentralized development. Under the spell of globalization, through casualisation,

informalisation, flexibilisation, feminisation, growing wage disparities and reduced opportunities for employment are felt in developed countries as well, the present analysis is confined to some of the experiences in the Third World countries.

Privatization of public sector, decentralized production through sub-contracting and home-based production, deregulation of labour markets, transfer of jobs from the formal to the informal sector undermined the position of labour as a factor of production and labour as a class. The process of sub-contracting with the exception of early Japanese experience, has been highly exploitative as in Southeast Asia where sub-contracting has been widely prevalent. Due to fierce competition among small and informal supplying firms, the large firms can choose their sub-contractors. The formal sector exploits the existing sharp differentials in job security, wage levels and safety standards by sub-contracting to smaller and informal firms and thereby avoiding costs of social security and high wages. With the emergence of dual production structures, the major proportion of risks, hardships and uncertainties of small enterprises are, in turn, transferred to hapless workers in these sweatshops (Thomas et.al. 1994).

The forces shaping globalization seem to affect women in ways which suggest increasing feminization of employment, which may not always mean improved employment status for women. Though globally the importance of agriculture for employment is diminishing for women as well as for men, women are moving out of agriculture at a slower pace than men. As a result, women's representation in the agricultural labour force of developing countries is increasing (Mehra and Gammage, 1999). During 1980-90, for the developing countries as a whole, it rose from 41.6 to 43 percent. There has also been an increase of women's employment in manufacturing, particularly in Asia, but only in certain low-paid and low-skilled areas. Standing shows that it is the spread of more flexible and informal employment that accounts for much of the upward trend in the female share of the labour force. The decade spanning the late 1980s and 1990s is one of feminization of flexible labour in industries where profit margins are protected by

reducing labour costs, extending hours and decreasing the numbers of formal production workers (Standing 1999). The greatest increase in female share of manufacturing employment is in countries, which adopted export-oriented low-technology high-labour based industrialization, especially by setting up export processing zones (EPZs) for textiles, garments, shoes and electronics. Women seek employment in these activities, though wages are lower and working hour longer, because alternatives are not much better. Employers, seeking to gain and maintain competitiveness in global markets, are inclined to substitute female for male workers. Governments, seeking employment and foreign exchange gains, exempt them from labour regulations. Often unions are not permitted in EPZs and women have little bargaining power (Mehra and Gammage, 1999). There has been fastest growth of women's employment in the South-East Asian export-oriented industries, especially in EPZs, and FTZs and newer industries. But these are also the locales of widespread sex-based segregation of jobs. The forces of free trade and technological change that divide workers into a small groups of highly-skilled highly-paid workers at the one end and a large number of low-skilled low-paid workers and the resulting organizational changes in the form of sub-contracting and home-based production have driven women into the low-end jobs.

Many of the South-East Asian countries have not even ratified the ILO Convention No.100 on equal pay for equal work'. While feminization of employment is in increasing evidence, the experience has been varied. In India, like Bangladesh and Pakistan, there has been higher growth of female employment compared to male, especially in agriculture. It is happening in the face of stagnation in non-agricultural work, unlike the rapid growth of manufacturing employment in South-East Asian NICs. Much of this female employment is distress-induced supply of female labour than the demand-driven (Ghosh, 1999). 'Home workers' is yet another category of degraded labour dominated by female share that is rapidly growing. Employers choose employment contracts with home workers because they are cost-minimizing. These workers

actually subsidize capitalist growth by providing infrastructure, tools, equipment and often work below minimum wages (Chen, et.al 1999). Most of these informal labour markets, under the pressures of the so-called competitiveness as a apart of the globalization, are constructed on gendered basis because all the burdens of reproductive economy will be borne largely by women (Elson 1999). Of course, it is true that "the impact of globalization on women's paid labour is far more complex than generally assumed. While it may open up certain opportunities for 'elite' women, it tends to drive many other women into destitution. The economic polarization resulting from globalization sets the dynamics for labour migration as well as its feminization" (Cheng, 1999).

During 1980-91, under the influence of globalization, the minimum wages actually declined in several Latin American countries. It fell by 40 percent in Venezuela, by 60 percent in Mexico and by 85 percent in Peru. Besides inflation and weaker union bargaining power, the main reason behind the declining minimum wages is the deliberate policy to abandon minimum wage legislation for the sake of stabilization and adjustment (Tokman, 1992). In Africa, real wages became downwardly flexible (Collier, 1995). The inequality in income within the countries and across the countries have increased drastically. The wage ratio between developed and developing countries stood at 70 to 1 in 1990. The share of the poorest 50 percent of the world population in the global income decreased from 7.3 percent in 1960 to 6.3 percent in 1986 while the richest 20 percent of the world improved their share from 71.3 percent to that of 74.1 percent.

Increasing unemployment as a consequence of globalization has been one of the major causes for concern all over the world. Among the Latin American countries, there was a surge in unemployment towards two-digit level by 1994-95. Though there is a problem of direct data on unemployment in Africa and parts of Asia, the indications are that there has been persistence of underemployment and poverty in many of these countries (ILO, 1996). A review of the employment effects of economic reforms in South Asia (Islam,

1996) shows that except for Sri Lanka, the entire South Asian region experienced declining employment growth, especially in the organized private sector, during 1980s and 1990s. Textile, garment, shoe and electronic plants that have spearheaded the 'economic miracle' of Taiwan began to shut down one by one in the 1980s when globalization took off and capital shifted abroad. Between 1993 and 1995, more than 1,74,000 companies and plants ceased to operate, many leaving their workers without jobs, severance pay or even back wages. More than half of them were women, and due to age-sex discrimination, had to seek low wage work further down the 'flexible' work or remain unemployed (Cheng, 1999). There is no wonder that one of the major evaluations of the impact of SAP on the Third World, comes to a very caustic conclusion that it has resulted in growth which is "jobless, ruthless, voiceless, rootless and futureless" (UNDP, 1996).

III

TOWARDS CORRECTIVES

The present gloom cast by the growing celebration of death of 'Development Economics', role of State that is, and the accompanying market-led globalization and structural adjustment may create an atmosphere of despondency about the prospects of salvaging 'development'. But there are clear indications of alternative voices. The brazen WTO regime and the 'Washington Consensus' have sown the seeds of a 'Southern Consensus' (Gore, 2000), as could be evidenced by the Annual Reports of the UNCTAD. The trampling on the rights of the tribal population and destruction of environment has shaped the thinking on the need for rights-based approach to development (WCD, 2000). The efforts of Samir Amin to provide general criteria for constructing alternative development orders within the capitalist world economy in terms of auto-centric accumulation, though viewed skeptically, has sparked-off rethinking development in terms of cycles in comparative advantage (Frank, 1996).

There are more concrete evidences of the emergence of a salvaged theory and practice of

development. It may sound ironical, but nonetheless, apparent that 'Counter Revolution', the very paradigm that imposed itself with echoes of 'end of history' and the din of 'there is no alternative' (TINA), should hold in its womb the embryo of hope for an alternative, a development alternative. There are two clear indications of this prospect. First, and more significant, is that by denying that there are no 'developed' countries and 'underdeveloped' countries, and by asserting that there are only 'efficient' economies and 'inefficient' economies, 'Counter Revolution' has unwittingly elevated 'development' problem from the geographical space to economic space. This metamorphosis has, in a sense, globalized the 'development' problem. This is quite different from the single world economy notions of Frank and others. Let me elaborate a bit. The developed 'us' and the underdeveloped 'they' are no longer divided between the North and South but the privileged 'us' and the underprivileged 'they' cohabit within the North as much as within the South. This paradigm shift has an immense potential of shifting focus to the 'underdevelopment' and the 'underprivileged' wherever they exist and holds a bright prospect of emergence of an entirely rethought out development strategies. Only the development space will be different but it will acquire space much beyond narrow disciplinary confines of economics alone. A beginning in this direction could be seen in the recent work of Amartya Sen (1999). The significance could be observed from the following passage in the 'introduction': "If development analysis is relevant even for richer countries (*it is argued in this work that this is indeed so*), the presence of such intergroup contrasts within the richer countries can be seen to be an important aspect of the understanding of development and underdevelopment" (Sen, 1999, emphasis added, p. 6).

Second, the outcome of the misery of the Third World that is attributed to the failure of strategies flowing from 'Development Economics', meaning State interventionism, if at all could be seen as a result *dirigisme*, took decades to unfold. But the structural adjustment programme (SAP), under the Counter Revolution, has unleashed within a very

short span, a market-driven growth which is "jobless, ruthless, voiceless, rootless and futureless". It seems to be true that SAP is space-neutral but not class neutral. For instance, in the United States of America, during the period of the so-called 'golden age' of 1947-1973, the incomes of all the quintiles of the workers increased by more or less by the same level but the incomes of fourth to sixth quintile, the middle classes, rose a little higher. This is heralded as the age of growing equality or even the 'period of blue collar'. But during the age of SAP of various hues during 1974-1994, the family incomes of the poorest 20 percent declined by 40 percent, while the incomes of the richest 20 percent rose fastest and at the end, was 3.6 times higher than the average of 1947-73 (Krugman, 1999). True, the growing inequality in the USA is not the same as in less-developed countries and 'make no mistake' (sorry for the language and allusion), it could be worse! If it sounds unbelievable, here is the evidence: "... the point is often made that African Americans in the United States are relatively poor compared with American whites, though much richer than people in the third world. It is, however, important to recognize that African Americans have an *absolutely* lower chance of reaching mature ages than do people of many third world societies, such as China, or Sri Lanka or parts of India...." (Sen, 1999).

There is need for nation-state to serve as the focus of identity and help communities to realize their aspirations. Globalization indeed has undermined the autonomy of nation-state but the promised spread of unbundled post-Fordist decentralized development is nowhere in sight. On the contrary with the erosion of state regulatory authority, the influence of other global actors like the multinational corporations, the international financial institutions and the powerful capitalist countries like the G-7 have been increasingly affecting the social, economic and cultural rights. These agencies are the active promoters of globalization. Global accumulation in all its aspects undermines the value of local diversity and legitimizes the dominant liberal agenda, presenting it as universal, natural and common sense. Yet it is rooted in a different kind of local, essentially Western,

capitalist world view (Thomas, 1998). The game of globalization in a world of unequal partners and asymmetrical rules has been accentuating uneven development all over. The need is for nation-states to undertake appropriate policy correctives. The importance of the role of the State lies more as a guarantor of social contracts but *not* as much as a monopoly law-maker with monopoly of means of violence. Under the globalization the role of upholding rule of law is relatively independent of those other elements of authoritarian traits that go with it. There are no signs at all of the development of global or local social contracts. Protection of legitimate rights of the citizens and ensuring of equitable development needs states intervention.

REFERENCES

- Amin, Samin (2001) "Imperialism and Globalization", *Monthly Review*, June, Vol. 53, No. 2.
- Bagchi, A.K. (1999) "Globalization, Liberalization and Vulnerability of India and Third World", *Economic and Political Weekly*, 34(45), 6 November.
- Baker, Chris (2000) "Opportunity and Danger: Globalization, States and Politics in 1990s Asia", Conference on 'Globalization, Income Distribution and Structural Change', Chennai, 14-17 December.
- Becathini, G and E. Rullani (1996) "Local Systems and Global Connections: The Role of Knowledge in Cossentino (1996)
- Bharati, S. (1997) "The Impact of Structural Adjustment on Women: A Governance and Human Rights Agenda", *Human Rights Quarterly*, Vol. 19, pp. 630-665.
- Bhagwati, J.N. (1982) "Directly unproductive, Profit-seeking (DUP) Activities", *Journal of Political Economy*, Vol. 90, No. 5.
- Bianchi, P (1996) "New Approaches to Industrial Policies at the Local Level" in Cossentino.
- Brusco, S (1996) "Global Systems and Local Systems" in Cossentino.
- Chang, Kyung - Sup (1993) "The Peasant Family in the Transition from Maoist to Lewisan Rural Industrialization" *Journal of Development Studies*, Vol. 29, No. 2, Jan., 220-244.
- Chakravarthy, Sukmoy (1986) "Development Dialogue in the 1980s and Beyond", Presidential Address to 69th Annual Conference of the Indian Economic Association, New Delhi.
- Chen, M. et. al. (1999) "Counting the Invisible workforce: The Case of Homebased Workers", *World Development*, Vol. 27, No. 3, March, 603-610.
- Cheng, L (1999) "Globalization and Women's Paid Labour in Asia" *International Social Science Journal*, (UNESCO) No. 160.

- Collier, Paul (1995) "On African Labour Markets" in "round Table Discussion on Employment and Development", *Proceedings of the World Bank Annual Conference on Development Economics 1994*, World Bank, Washington.
- Cossentino, F. et. al. (eds.) (1996) *Local and Regional Response to Global Pressure: The Case of Italy and Its Industrial Districts*, Geneva, International Institute for Labour Studies.
- Cox, Robert (2000) "Political Economy and World Order: Problems of Power and Knowledge at the Turn of the Millennium" in *Political Economy and Changing Global Order*, ed. By Richard Stubbs and Geoffrey, R.C. Underbill, Oxford University Press, Ontario.
- Dubois, M. (1991) "The Governance of the Third World: A Foncauldian Perspective on Power Relations in Development", *Alternatives*, Vol. 16, No. 1, Winter.
- Elson, D (1999) "Labour Markets as Gendered Institutions: Equality, Efficiency and Empowerment Issues", *World Development*, Vol. 27, No. 3, March 611-627.
- Escobar, A. (1995) *Encountering Development*, Princeton University Press, Princeton, N.J.
- Foster, J.B. (2001) "Imperialism and Empire", *Monthly Review*, Vol. 53, No. 1, December.
- Foster, J.B. (2002) "Monopoly Capital and the New Globalization", *Monthly Review*, January, Vol. 53, No. 8.
- Frank, Andre Gunder (1996) "The Underdevelopment of Development" in Chew, S.C. and R.A. Denemark (ed.), *The Underdevelopment of Development*, Sage, London.
- Frank, A.G. (1996) "The Underdevelopment of Development" in Chew, S.C. and R.A. Denemark (eds.), *The Underdevelopment of Development*, Sage, London.
- Gore, C. (2000) "The Rise and Fall of the Washington Consensus as a Paradigm for Developing Countries", *World Development*, Vol. 28, No. 5.
- Gosh, J (1999) "Macro-economic Trends and Female Employment: India in the Asian Context" in Popola, T.S. and A. N. Sharma (eds.) *Gender and Employment in India*, Vikas Publishing House, New Delhi.
- Haggblade, S et.al. (1989) "Farm-Nonfarm Linkages in Rural Sub-Saharan Africa", *World Development*, Vol. 17, No. 8, 1173-1201.
- Hart, G (1998) "Regional Linkages in the Era of Liberalization: A Critique of the New Agrarian Optimism", *Development and Change*, Vol. 29, 27-54.
- Harvey, David (2000) *Spaces of Hope*, Edinburgh University Press, Edinburgh.
- Hirst, Paul and G. Thompson (1996) *Globalization in Question*, London, Polity Press.
- Hooshand Amirahmadi (1987) "The Non-Capitalist Way of Development", *Review of Radical Political Economics*, Vol. 19(1).
- Islam, R (1996) "Economic Reforms, Employment and Labour Market in South Asia", *Indian Journal of Labour Economics*, Vol. 39, No. 3, July-September.
- ILO (1996) *World Employment 1996/97: National Policies in a Global Context*, ILO, Geneva.
- Khor, M (1996) "Globalization: Implications for Development Policy", *Third World Resurgence*, No. 74.
- Krishna Kumar, T. (1993) "Fund-Bank Policies of Stabilization and Structural Adjustment: A Global and Historical Perspective", *Economic and Political Weekly*, April 23.
- Krueger, Anne (1974) "The Political Economy of the Rent Seeking Society", *The American Economic Review*, June.
- Kurien, C.T. (1994) *Global Capitalism and the Indian Economy*, Hyderabad, Orient Longman.
- Mc Grew, A.G. (1998) "Human Rights in a Global Age: Coming to Terms with Globalization" in Tony Eavans (ed.), Op. Cit.
- Mehra, R and S. Gummage (1999) "Trends, Countertrends and Gaps in Women's Employment" *World Development*, Vol. 27, No. 3, March 533-550.
- Naqui, Syed Nawale Haider (1984) "Development Economists in Emperor's Clothes?", *The Pakistan Development Review*, Vol. XXIII, No. 2 & 3.
- Naqui, S.N.H (2002) *Development Economics – Nature and Significance*, New Delhi, Sage Publications.
- Oi, J.C (1993) "Reform and Urban Bias in China", *Journal of Development Studies*, Vol. 29, No. 4, July, 129-148.
- Panitch, L. (2000) "Reflections on Strategy for Labour" in Panitch, L. and Colin Leys (ed.) *Working Classes – Global Realities: Socialist Register 2001*, Merlin Press, London.
- Pieterse, J.N. (2001) *Development Theory: Deconstructions/Reconstructions*, Vistar, New Delhi.
- Rahnema, M. & Victoria Bawtree (eds.) (1997) *The Post Development Reader*, Zed Press, London.
- Reddy, D.N (2002) *Development Economics in Disarray*, Presidential Address, XX Annual Conference, AP Economic Association, S.K.R. Women's College, Rajahmundry, 9-10 February.
- Reddy, D.N (2002a) "Economic Globalization and Labour Movement: The Challenge and Response" paper presented at the SEPHIS Conference on 'Globalization and Its Discontents, Revisited', Kaula Lumpur, 14-16 June, 2002.
- Rodrik, D. (1997) *Has Globalization Gone Too Far?*, Institute for International Economics, Washington.
- Schuurman, F.J (1997) "The Decentralization Discourse: Post-Fordist Paradigm or Neo-liberal Cul-de-Sac?", *The European Journal of Development Research*, Vol. 9, No 1, June, pp. 150-166.
- Schuurman, F.J. (2001) *Globalization and Development Studies: Challenges for the 21st Century*, New Delhi, Vistar.
- Schuurman, F.J. (2001 a) "Introduction" in Schuurman (2001).
- Schuurman, F.J. (2001 b) "The Nation-State, Emancipating Spaces and Development Studies in the Global Era" in Schuurman (2001).
- Sen, Amartya (1989) "Food and Freedom", *World Development*, Vol. 17, No. 6, June.
- Sen, Amartya (1999) *Development as Freedom*, OUP, New Delhi.

- Slater, D. (1992) "Theories of Development and Politics of the Post-Modern – Exploring a Border Zone", *Development and Change*, Vol. 23, No. 2.
- Standing, G (1999) "Global Feminization Through Flexible Labour: A Theme Revisited", *World Development*, Vol. 27, No. 3, March, 583-602.
- Stiglitz, J.E. (1996) "Role of Government in Economic Development", *Annual World Bank Conference on Development Economics*, World Bank, Washington.
- Stiglitz, J.E. (2000) "Development Thinking at the Millennium", *Annual World Bank Conference on Development Economics*, World Bank, Washington.
- Taylor, Lance (1997) "Editorial: The Revival of the Liberal Creed – The IMF and the World Bank in Globalized Economy", *World Development*, Vol. 25, No.2.
- The Economist* (1994) "The Global Economy – Survey", October 1.
- The Economist* (1997) "The World Economy – Survey", September 20.
- Thomas, H. et. al. (1994) "Three Highly Differentiated Trajectories" in Thomas, H (ed.) *Globalization and Third World Trade Unions: The Challenge of Rapid Economic Change*, Zed Books.
- Thomas, C. (1998) "International Financial Institutions and Social and Economic Human Rights: An Exploration" in Tony Eavans (ed.), *Human Rights – Fifty Years: A Reappraisal*, Manchester University Press, Manchester.
- Tokman, V.E (1992) "On Freman's Paper" in *Proceedings of the World Bank Annual Conference on Development Economics 1992*, World Bank, Washington.
- UNDP (1996) *Human Development Report 1996*, UNDP, OUP, London.
- Wallerstein, I. (1996) "Underdevelopment and Its Remedies" in Chew and Denmark (ed.) op. cit.
- Wilkin, P (1996) "New Myths for the South: Globalization and the Conflict between Private Power and Freedom", *Third World Quarterly*, Vol. 17, No. 7, June.
- World Commission on Dams (WCD) (2000) *Dams and Development: A New Framework of Decision Making*, Report of the World Commission on Dams, Earthscan, London, November.
- Xu, Wei and K.C. Tan (2001) "Reform and the Process of Economic Restructuring in Rural China: A Case Study of Yuhang, Zhejiang", *Journal of Rural Studies*, vol. 17, 165-181.

National Symposium on Planet Earth : People, Society and Science

The Indian Academy of Social Sciences will organise this Symposium in the month of January 2009 with Professor Vinod Gaur as its Chairperson and Dr. Pamposh Kumar as its Convener. Interested persons and members of the Academy may get in touch with Dr. Pamposh Kumar for details of the programme.

— Dr. N. P. Chaubey
General Secretary, ISSA

All enquiries pertaining to renewal of subscriptions, non-receipt of any issue of the Journal should be addressed to the Associate Managing Editor:

Dr. Ramanuj Ganguly
A 106, Mall Enclave,
13 K B Sarani, Kolkata 700080
<ramanujganguly@yahoo.co.in>

No such query should be
made with the Editor.

Enquiries relating to the status of publication of a paper/article should be made with the Associate Editor :

Dr. Guruprasad Kar
Associate Professor,
Physics and Applied Mathematics Unit
Indian Statistical Institute
203, B T Road,
Kolkata 700 108
<gkar@isical.ac.in>

India in a Centrifuge (The Secular Nation in Danger)

Mukul Sinha

INDIA perhaps is now going through the most severe socio-political crisis in the post-Independence period. Never before has the moral and intellectual content of the Nation dipped so low. Never before has the Nation been so deeply inflicted by corruption, communalism and terrorism, tearing apart the social fabric of the nation. Never before has the ruling class of the Nation so brazenly aligned with the imperialist powers of yester years under the banner of Globalization, pauperizing its own citizens. Never before have all the democratic Institutions like Parliament, including the entire political establishment of the country faced such a crisis of faith. Never before has the Nation been sabotaged from inside by its own political establishments. INDIA is indeed facing a crisis that threatens its sovereignty, unity and integrity.

Yesterday: When the Indian nation state was born in the midnight of 15th August, 1947, was it baptized into any religious order? With Jawaharlal Nehru at the helm of affairs, it was unthinkable that the new born state would pick up a non-secular credential. Contrary to the common belief, the founding father of Pakistan did not also push the new born Pakistan to become an Islamic state. In fact, in his inaugural speech as first governor general of Pakistan, Jinnah had said:

'You will find that in the course of time, Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense because that is the personal faith of each individual, but in the political sense as citizens of the state.'

The India of yesterday (1947), despite the partition, had far more tolerance and compassion than today. The leaders of yesterday had, in fact, the foresight and courage to opt for a secular constitution that laid the foundation of an unusual nation-state. In spite of the enormous diversities of the country, they managed to stitch together a national fabric that even had the space for the cultural and religious rights of the minorities under articles 25, 29 and 30 of the constitution. While most parts of the country, despite its ethnic diversity came together at a stage of very low level of economic

development, the divisive forces gained momentum with the uneven and inequitable economic development. In fact, as the country integrated with the global economy and emerged as a substantial capitalist power, it also entered the era of perennial political crisis. The coalition politics representing the regional imbalances has never permitted a stable central Government in the past two decades!

Will the Indian "nation-state" survive the centrifugal forces of capitalist development in the era of Globalization? The multi-ethnicity and caste-class contradiction would only exacerbate with time and may generate enough pressure threatening the unitary structure of the country itself. But over and above all these contradictions in the infrastructure, the communal politics of the past two decades would perhaps prove to be the proverbial last straw on the camels back.

The secular constitution that the country had adopted in 1950 has never been the ideal charter for the RSS or any of its variants. The Hindu Rashtra that was conceptualized way back in 1925 had specifically excluded the persons belonging to any other religious group or race from being the primary citizens of the Rashtra. After the partition, the Muslim minority therefore became the natural target for derision, especially because within the bourgeois

democratic frame work, the minority votes became the main stay for their opponent political organizations. The ingenious manipulation of the Babri Masjid controversy however catapulted them towards central power.

A little known Babri Masjid-Ramjanmabhoomi dispute was ingeniously resurrected in 1984 by the formation of the "Sri Ram Janma Bhoomi Mukti Yagna Samiti" and a 130 kilometer march was organised by VHP from Ayodhya to Lucknow in October, 1984 to voice the demand for liberating the site on which the Babri Masjid stood. The controversial handling of the Shah Bano case by the Rajiv Gandhi Government in 1985, gave just the stick the BJP was waiting for to beat the Congress. The Sangh Parivar's 'National Thinkers Conferences' held across the country in 1987 and the BJP's Palampur Resolution on Ayodhya in June 1989 finally put Ram Janma Bhoomi on the political agenda of the Sangh Parivar.

The November, 1989 general election thus saw the worst ever communal violence in which over 800 people died in the Hindi belt. V.P. Singh became the Prime Minister with the support of BJP which won 88 seats. To push its own agenda, BJP/ VHP combine first declared February 14th, 1990 as the date to begin the temple construction which was changed to 8th June and later to 30th October, 1990. As a last ditch effort to keep away the other backward classes from uniting with the upper caste BJP, V P Singh introduced the "Mandal Bill" in the loksabha on 7th August, 1990. That's is when the LK Advani hit back with his Ram card, his Rath Yatra from Somnath to Ayodhya. The arrest of Advani in Bihar on 23rd October, 1990 and the collapse of the V P Singh Government on 9th November, 1990, forever altered the course of Indian politics. The demolition of the Babri Masjid on 6th December, 1992, the repeated instances of communal violence and the hate campaign unleashed by the Sangh Parivar gave them good dividend in terms of votes and seats in the Parliament and since 1998, the NDA Government functioned with almost two dozen local parties supporting the BJP to reap their own local benefits.

Despite making astronomical gains within a very

short period by playing the Hindu card, BJP's political hold kept sliding down equally fast in the year 2001 and by the end of which it had lost power in three states. The entire efforts of VHP to resurrect the Ram Janma Bhoomi issue had also stopped paying the dividends which it did in 1990s. *And that is when the Godhra incident happened.* 59 passengers of the Sabarmati Express, some of them being the Ramsevakhs who were returning from Ayodhya, died in a gruesome manner near the Godhra station on 27th February, 2002. The premeditated murderous attacks that followed, left hundreds of innocent muslims dead all over Gujarat. Dozens of women were brutally raped and burnt alive. Even the children were not spared and scores of them were burnt alive. Most of the commercial establishments belonging to the minority community were burnt and destroyed and the entire Muslim population of Gujarat left bewildered, helpless and insecure. The entire state machinery either connived or kept aloof when such heinous crimes were being perpetrated. The fascist trappings of the Sangh Parivar was completely exposed by their own acts.

Godhra incident gave rise to a new phenomenon called "Modi". He actually 'modi'fied all previous concepts of communalism and refined the hate campaign against the minorities by identifying and projecting the entire Muslim community with "Islamic terrorism" and posing to be the savior of the Hindu community even when no such terrorism existed in Gujarat!

Instead of cooling the spontaneous anger of the majority community at the death of 59 passengers including several Ramsevakhs in the burning inferno of the S6 coach of the Sabarmati Express near the Godhra railway station, Shri Narendra Modi, the Chief Minister of Gujarat rushed to the press in the evening of 27th February, 2002 to blame the entire Muslim community to be responsible for the fire that had burnt down the S6 coach and he described them as "terrorist":

"The abominable event that has occurred in Godhra does not befit any civilized society, is not a communal event but is an one sided collective terrorist attack by one community... He further said that this incident is not a simple incident of violence

or communal event but is a preplanned incident...." (This statement as reported in SANDESH on 28.2.2002)

In the next few days, thousands of innocent Muslims were killed and crores of their property was burnt down systematically by the storm troopers of the Sangh Parivar. BJP led by Modi won the the 2002 state elections in Decembers riding the wave of hatred created by the sustained propaganda against the Muslims and dubbing "Congress" as a muslim party!

Interestingly, the same day, i.e. 27th February, but in the year 1933, the German Parliament (the Reichstag) had been burnt down, though later it was established that Hitler's own storm troopers had burnt down the Reichstag to instigate the Germans against the communists. When informed about the arrest of the arsonist, Van der Lubbe, whom he immediately dubbed as a "communist", Hitler had declared, "The German people have been soft too long. Every Communist official must be shot. All Communist deputies must be hanged this very night. All friends of the Communists must be locked up."

Hitler had thereafter left the fire scene and had gone straight to the office of his newspaper, the *Völkischer Beobachter*, to oversee its coverage of the fire. He stayed up all night with Goebbels putting together a paper full of tales of a Communist plot to violently seize power in Berlin. Over 4000 communists were killed thereafter. Hitlers' party, the National Socialist Party (Nazis) thereafter won a landslide victory in the elections...

History do repeat and not necessarily as a farce in the second occasion but with the same uncanny resemblance!

The comparison does not stop here. The Gujarat experiments' obvious goal is to create a political system which will do away with the "soft democratic belly" of the Indian capitalist system and replace it with an aggressive jingoistic political machine which will match with the dream of the Indian Capitalism to be the fountain head of globalization. Call it "hindu rashtra" or anything you like, the Gujarat experiment wishes to create a State structure that will rule like the old days; total dominance by the upper caste with the working

people once again deprived of any democratic right. Perhaps the only modification that would be made is to add and include another "varna" to the existing ones- the minorities! It is building a new fascist state by combining the frame work developed by Madhav Sadashiv Golwalkar, the RSS ideologue and the necessities of the monopoly capital in the era of Globalization. It would be interesting to find out what Golwalkar was advocating as the ideal state. This is what he said in "We or Our Nationhood Defined":

WHAT IS "NATION OF HINDUTVA"?

Nation: Whilst seemingly simple in meaning, this is a word which is often misunderstood. However, understanding of this one word is the key to the comprehension of the whole idea of the "Nation of Hindutva". The fundamental point to note here is the difference between a "Nation" (or "Rashtra") and a "State" (or "Rajya"). If this distinction is understood, then all the rest falls into place. In essence, a "Rajya" is a geo-political designation, based on lines drawn on a map and little bits of paper signed by some (allegedly) important people. In contrast to this, a "Rashtra" is an entity that has as its basis a cultural, philosophical and ideological consciousness, a shared heritage and background and a common ancestral or inspirational root...

Hindutva: Hindutva is what is now commonly known as Hinduism. The basic reason for insisting on its being called as Hindutva rather than Hinduism is that any -ism suggests a (relatively) narrow, limited ideology or set of beliefs, which follows set rules, guidelines and definitions.

As for what exactly Hindutva is, it is the Dharma. The reason for saying "the" Dharma, as opposed to "a" Dharma, which many people would say, is because there can only be one Dharma, since Dharma has implicit within it, all the aspects which make up life. The main reason for this misconception is that Dharma is often translated (wrongly) as "religion". Whilst religion makes up a part of Dharma it is only a part and not the whole of it. Dharma takes a holistic view, and covers the whole spectrum of human experience.

The question arises, if this Dharma is Universal as is implied by the name "Vishwa Dharma"

(Universal Dharma), then why is it that it is given the name "Hindutva", since this implies that it is relevant only for Hindus and for none else. To explain that, it is necessary to look at why it is actually called Hindutva, and where the name Hindutva came from. In Vedic times, there were many names for the country, one of which was "Sapta Sindhu". Nowadays, "Sindhu" refers just to one particular river the River Sindhu (Indus), now in Pakistan. But in those times "Sindhu" was a general name for all rivers, so the name "Sapta Sindhu" (literally Seven Rivers) was used as the country consisted of seven great rivers - Ganga, Yamuna, Saraswati (which has been proven, on the basis of NASA satellite evidence, to have ACTUALLY existed - many people earlier claimed that it was purely mythological), Kaveri, Sindhu, Narmada and Godaveri. According to Sanskrit grammar, S and H are often interchangeable, and so "Sapta Sindhu" was actually pronounced as "Hapta Hindhu". The Persians adopted the same name for the country, but with time dropped the "Hapta", and were left with Hindhu, from which is derived Hindu. Hence, the people of the country were called Hindus, and the country itself Hind, or Hindustan (Hindu Stan meaning Place of the Hindus). Thus, the way of life followed by the people of that country came to be known as Hinduism...or Hindutva...

Nation of Hindutva: Having now defined the two individual words, it now becomes immediately completely obvious as to exactly what is meant by the phrase "**Nation of Hindutva**". This is not, as it may at first seem, a vague, general concept, but an absolute, defined entity, which refers to the Nation - i.e. all those people throughout the world, regardless of official "Nationality" (i.e. what appears on the passport, etc.) - of people belonging to the cultural, philosophical, and ancestral background and heritage that is Hindutva.

**COMMENTING ON THE GERMAN EXPERIENCE,
GOLWALKAR WROTE:**

"German Race pride has now become the topic of the day. To keep up the purity of the Race and its culture, Germany shocked the world by purging the country of the Semitic Races-the Jews. Race

pride at its highest has been manifested here. Germany has also shown how well-nigh impossible it is for Races and cultures, having differences going to the root, to be assimilated into one united whole, a good lesson for us in Hindustan to learn and profit by".

"It is worth bearing well in mind how these old Nations solve their minorities problem. They do not undertake to recognize any separate element in their polity. Emigrants have to get themselves naturally assimilated in the principal mass of the population, the National Race, by adopting its culture and language and sharing in its aspirations, by losing all consciousness of their separate existence, forgetting their foreign origin. If they do not do so, they live merely as outsiders, bound by all the codes and conventions of the Nation, at the sufferance of the Nation and deserving no special protection, far less any privilege or rights. There are only two courses open to the foreign elements, either to merge themselves in the national race and adopt its culture, or to live at its mercy so long as the national race may allow them to do so and to quit the country at the sweet will of the national race. That is the only sound view on the minorities problem. That is the only logical and correct solution. That alone keeps the national life healthy and undisturbed. That alone keeps the nation safe from the danger of a cancer developing into its body politic of the creation of a state within a state. From this stand point, sanctioned by the experience of shrewd old nations, the foreign races in Hindustan must either adopt the Hindu culture and language, must learn to respect and hold in reverence Hindu religion, must entertain no idea but those of the glorification of the Hindu race and culture, i.e., of the Hindu nation and must lose their separate existence to merge in the Hindu race, or may stay in the country, wholly subordinated to the Hindu Nation, claiming nothing, deserving no privileges, far less any preferential treatment not even citizen's rights. There is, at least should be, no other course for them to adopt. We are an old nation; let us deal, as old nations ought to and do deal, with the foreign races, who have chosen to live in our country".

The nation state model in practice: While

Golwalkar was being more charitable than Hitler by allowing the Muslims to stay alive albeit as a second class citizen in a 'single state of Hindutva', the concept of the modern nation state did not necessarily coincide with such fascist formulation. The term "nation state" is frequently misused simply to mean a sovereign state, even if its political boundaries do not coincide with ethnic boundaries. The state is a *political* and *geopolitical* entity; the nation is a *cultural* and/or *ethnic* entity. The term "nation state" implies that they geographically coincide, and this distinguishes the nation state from the other types of state, which historically preceded it. If successfully implemented, this implies that the *citizens* share a common language, culture, and commerce and business — which was not the case in many historical states.

The idea of a nation state is associated with the rise of the modern system of states — often called the "*Westphalian system*" in reference to the *Treaty of Westphalia* (1648). The "Westphalian" doctrine of states under which legitimate *states* were assumed to correspond to *nations*—groups of people united by language and culture.

Characteristics of the nation state: The nation state promoted economic unity, first by abolishing internal *customs* and *tolls*. Nation states typically have a policy to create and maintain a national transportation infrastructure, facilitating trade and travel. However, the most obvious impact of the nation state, as compared to its non-national predecessors, is the creation of a uniform national *culture*, through state policy. When the implied unity is absent, the nation state often tries to create it. Language and cultural policies then become negative, aimed at the suppression of non-national elements.

Language *prohibitions* were sometimes used to accelerate the adoption of national languages, and the decline of *minority languages*.

Minorities: The most obvious deviation from the ideal of 'one nation, one state', is the presence of minorities, especially ethnic minorities, which are clearly not members of the majority nation. The nationalist definition of a *nation* is always exclusive: no nation has open membership. In most cases, there

is a clear idea that surrounding nations are different, and that includes members of those nations who live on the 'wrong side' of the border.

The founder fathers of the Indian nation state had ofcourse firmly rejected the concept of a state based on any religion and had chosen to adopt a modern, secular, socialist and democratic state structure. They wrote down a constitution that still remains a path breaking law.

The secular, democratic structure of the constitution is non-negotiable as it reflects the basic principles on which the constitution of the nation state was drawn up at the dawn of its creation. Starting from the *Keshavananda Bharati's* case, the Supreme Court has thus carved out the basic structure of the constitution that includes the "fundamental rights" which cannot be altered even under the amending powers conferred on the parliament to amend the constitution under Article 368 of the Constitution. 34 years after the pronouncement of the judgment in the *Keshavananda Bharati's* case, a bench of nine judges of the Supreme Court in the I.R.Coelho's case has once again reaffirmed the principles laid down in the *Keshavananda Bharati's* case in the year 1973. A few paragraphs from the later judgment reiterate those principles:

(This extract is taken from *I.R. Coelho v. State of T.N.*, (2007) 2 SCC 1, at page 97)

I.R. COELHO (DEAD) BY LRS.

...Appellant

Versus

STATE OF T.N.

...Respondent.

(BEFORE Y.K. SABHARWAL, C.J. AND ASHOK BHAN, DR. ARIJIT PASAYAT, B.P. SINGH, S.H. KAPADIA, C.K. THAKKER, P.K. BALASUBRAMANYAN, ALTAMAS KABIR AND D.K. JAIN, JJ.)

106. Parliament has power to amend the provisions of Part III so as to abridge or take away fundamental rights, but that power is subject to the limitation of basic structure doctrine. Whether the impact of such amendment results in violation of basic structure has to be examined with reference to each individual case. Take the example of freedom of press which, though not separately and specifically guaranteed, has been read as part of

Article 19(1)(a). If Article 19(1)(a) is sought to be amended so as to abrogate such right (which we hope will never be done), the acceptance of the respondent's contention would mean that such amendment would fall outside the judicial scrutiny when the law curtailing these rights is placed in the Ninth Schedule as a result of immunity granted by Article 31-B. The impact of such an amendment shall have to be tested on the touchstone of rights and freedoms guaranteed by Part III of the Constitution. In a given case, even abridgement may destroy the real freedom of the press and, thus, be destructive of the basic structure. Take another example. The secular character of our Constitution is a matter of conclusion to be drawn from various articles conferring fundamental rights; and if the secular character is not to be found in Part III, it cannot be found anywhere else in the Constitution because every fundamental right in Part III stands either for a principle or a matter of detail. Therefore, one has to take a synoptic view of the various articles in Part III while judging the impact of the laws incorporated in the Ninth Schedule on the articles in Part III. It is not necessary to multiply the illustrations.

110. The history of the emergence of modern democracy has also been the history of securing basic rights for the people of other nations also. In the United States the Constitution was finally ratified only upon an understanding that a Bill of Rights would be immediately added guaranteeing certain basic freedoms to its citizens. At about the same time when the Bill of Rights was being ratified in America, the French Revolution declared the Rights of Man to Europe. When the death of colonialism and the end of World War II birthed new nations across the globe, these States embraced rights as foundations to their new Constitutions. Similarly, the rapid increase in the creation of Constitutions that coincided with the end of the Cold War has planted rights at the base of these documents.

125. The question can be looked at from yet another angle also. Can Parliament increase the amending power by amendment of Article 368 to confer on itself the unlimited power of amendment and destroy and damage the fundamentals of the

Constitution? The answer is obvious. Article 368 does not vest such a power in Parliament. It cannot lift all restrictions placed on the amending power or free the amending power from all its restrictions. This is the effect of the decision in *Kesavananda Bharati* case¹ as a result of which secularism, separation of power, equality, etc., to cite a few examples, would fall beyond the constituent power in the sense that the constituent power cannot abrogate these fundamentals of the Constitution. Without equality the rule of law, secularism, etc. would fail. That is why Khanna, J. held that some of the fundamental rights like Article 15 form part of the basic structure.

Despite all such pronouncements of the Highest Court of the land and the pious desires of the founder fathers of this nation, the culture and temperament of secularism has systematically eroded with time from all spheres of life. As we have said earlier, the growth of the Sangh Parivar and all its variants like Shiv Sena etc have openly challenged the very concept of a nation state that could be secular. There was a time when seeking votes in any election in the country in the name of any particular religious would have been considered a severe offence and no body ever dared do resort to such tactics. The provisions under the representation of peoples Act would strictly prohibit such misadventures in past.

Unfortunately however, in the last few elections, the so called national party BJP quite openly campaigned in the name of Hindutva. In the 2002 Gujarat Assembly elections, the star campaigners for Modi were people like Sadhvi Ritumbara, Acharya Dharmendra Maharaj, Pravin Togadiya etc who rubbished the Muslims in relation to Godhra and spread hatred all across Gujarat and won handsomely! The most sinister aspect of this destruction of the secular fabric of the society is the erosion of the secular norms and culture in the Judiciary, the last pillar of democracy. The denial of legal justice to the Muslim victims of the post Godhra violence was so conspicuous that the Supreme Court had to step in and reorder the trial in the *Best Bakery* case by transferring the trial outside the State of Gujarat!

In this article, while I do not propose to deal with the rising communal-terrorism in the country, it would be impossible to overlook the phenomenon altogether. We have to take notice of the fact that incidents of violence against unarmed non-combatant civilians by organized groups (we may call it "terrorism" for want of any other word) have increased qualitatively after the demolition of the Babri Masjid in Ayodhya. There have been riots in past in which people of different religious communities have butchered each other but never before have members of any one community have planned and executed the killings of the members of another with such diabolic precision as they are doing after the Godhra incident. We ofcourse should not lose sight of the fact that the terrorist activities in India have three distinct currents: (1) The violence perpetrated by persons belonging to the organized Hindu rightist groups- through communal riots and/ or by using IEDs, like in Malegaon (2) incidents of bomb blast specially after the post Godhra violence by organized Muslim groups primary as revenge attacks like in the serial blasts of 1993 and 2006 in Mumbai and (3) the well trained mercenary type of attacks that are linked to conflicts in the international sphere between the American-Zionist on one hand and the Taliban-al-Qaeda on the other hand but spilling into the Indian soil because of growing American-Indian axis, like the terrible event in Mumbai on 26/11/2008. The first two are obviously indigenous and intertwined and historically nothing to do with the third current save and except the fact that the Muslims are the common target.

As we have noted earlier, V P Singh had used the "Mandal Bill" in the August, 1990 to stem the growing rightist influence but LK Advani had hit back with his Ram card, his Rath Yatra from Somnath to Ayodhya. The arrest of Advani in Bihar

on 23rd October, 1990 and the collapse of the V P Singh Government on 9th November, 1990, forever altered the course of Indian politics. The demolition of the Babri Masjid on 6th December, 1992 and the Hindu-Muslim divide have only helped saffronise the country more than ever before. Thus the Mandal has failed to make much of a dent in the march of the Kamandal, though it did weaken the polarization within the country.

The modified Hindu Rashtra of Narendra Modi is perhaps the ideal model of the nation state that Modi wishes to present to the monopoly capitalist of not just this country but the world which totally safe guards their interest and at the same time disarms the population in the name of religion and disables them from defending their fundamental and democratic rights. Secularism ofcourse has to go altogether as the minorities have to be reduced to a second class citizen. The manner in which more than a 1000 acre of land was transferred to Tatas for the Nano project just in one day proved what Modi can do for the rich!

The secular state, therefore, is in serious danger. It needless to point out that secularism, equality and democracy are completely intertwined and dependent on each other and the destruction of one ensures the destruction of the others. To save democracy therefore we have to save secularism. No amount of social engineering can however guarantee the safety of the secular state except a determined and resolute struggle against communalism and communal politics which is already having all the trappings of fascism. The need of the day is, therefore, a widest coalition of the secular democratic forces which is conscious of the danger faced from the rightist forces and the global monopolist. Let us expose them and defeat them and save our constitution.

The next issue (January-March 2009) of *Bharatiya Samajik Chintan* will be a special issue on **Mathematical Sciences and Education**. Contributions from some notable persons in this field are likely to appear.

The restructuring of the legal profession

K.G. Kannabiran

After the Constitution was brought into force, the lawyers who were entrusted with the task of interpreting the Constitution, started functioning with the usual colonial vision in the matter of liberty and began championing the interests of the propertied classes and upper caste privileged people. The organs of the State—the judiciary, executive and legislature are yet to be restructured in terms of the Constitution. At one stage all laws enacted by the British for containing freedom struggle were adapted without even discarding the statement on object of these laws. The administrative system still continues the tradition of the British days when allotment of cases to various judges still vest with Chief Justice of the Court. Not only that the appointment of judges of the High Court and their elevation to higher positions is done neither through a selection process nor through the process of election. Even though the one-million strong legal profession supplies all judicial officers and judges of the High Court and of the apex court, the profession has got no role to play in staffing the judiciary. It is high time that the Bar Council Act was amended and the All India Bar Association was given a statutory consultative status in the appointment of judges.

ALEXIS DETOCUEVILLE, in his *Democracy in America* wrote "If I were asked where I place the American aristocracy, I should reply without hesitation ... that it occupies the judicial bench and the bar. Though a couple of centuries separate us from this statement it has, yet, a very contemporary ring. More so after the arrival of globalization which is currently having an untrammelled run despite the Constitution or the judicial system which is presumed to aid governance towards the limited social transformation the Constitution has mandated. Our Constitution was born at the time of capitalist system's initial collapse leading to great depression of 1928 that pushed leading Western economies into a crisis. It was then that John Maynard Keynes the great economist of bourgeois persuasion in his *General Theory* argued successfully that ensuring of full employment would provide the necessary scaffolding that would prevent repeated collapse of the capitalist system. It was from then on all the western countries adopted deficit financing and planning. America's New Deal, Marshal Aid were the consequence more or less of the Keynesian

theory that ruled the field then, and as imagined by some ill informed intellectuals that the country adopted socialism coming under the influence of communist countries. Out of these principles emerged the theory of a welfare state and the concept of public planning to keep up the employment level so that such employment might put the purchasing power in the hands of the people so that the level of effective demand is maintained and so on. Sir William Beveridge wrote in those days that war alone can provide full employment in western societies. The Indian National Congress at that time wrote in its manifesto at the Avadi congress that their objective is to work for structuring a socialist pattern of society. Socialism was included by the 42nd. Constitutional Amendment after twenty five years of our Constitutional politics

A very indigenous objective in the Preamble tells us the state of the country and its people and what needs to be done to better their lives. The problems were debated and they made untouchability, bonded labour and child labour constitutionally declared offences. For proper enforcement they passed laws

for their enforcement in the subsequent years. These were included in Part III to provoke us into action for eliminating the system which permits these practices and promotes them as well. The Constitution provided us with philosophy of equality to be worked out in all facets of life. The society which the Constitution found on the day it received the approval of the Constituent Assembly was unequal socially, culturally, economically and politically. There was total absence of human dignity to majority of people. The caste system and intolerance towards the other faiths in the sub continent destroyed the flowering of equality. What was given us was only political democracy That is to say, we have been given mechanics hand book to govern our selves. Our governance is intended to enable us to proceed towards constitutional objectives it listed out in the Preamble, the Fundamental Rights in Part III, Fundamental obligations of governance in Part IV of the Constitution and to A new Part on Fundamental Duties in Part IVA of the Constitution was added and a reading of it will tell us how much we progressed. It is, in fact, a quarter century progress report of our society.

When the Constitution came into force we had lawyers practising in the British Indian Courts as private practitioners and lawyers engaged in courts on behalf of the colonial rule. With the commencement of the struggle for independence from its earliest stages lawyers assumed a dual character— the anti people professional responsibilities, directly defending the colonial political and economic interests and operating the colonial laws intended to strengthen the exploitative order set up and strengthened by British laws. They were formed into an elite class set apart from the struggling people. It is a different thing that some out of them joined the freedom struggle. This they did after giving up practising law. The lawyers were subjected to biting criticism by Gandhiji for their role in an interview with *Hind Swaraj* in the early twentieth century. They came mainly from propertied classes, very feudal and obscurantist in their outlook

and habits of thought. Whatever might have been its role in the freedom struggle after Independence and after the Constitution was brought into force, the profession and the institutions of justice ought to have been totally restructured with a view to play a role in bringing about Constitutional governance and creating a jurisprudence of interpretation to realize the Constitutional Objectives. That did not happen.

The lawyers who are entrusted with the task of interpreting the Constitution were functioning as before, with the usual colonial vision in the matter of liberty and in other cases they were championing propertied interests and the caste privileges of the upper castes. Nobody ever thought that their role under the Constitution needs a fresh look and a redefinition. It is necessary now to rethink these issues. When Benjamin Franklin was asked by the people who were watching Constitution making “what sort of Constitution are the constitution makers giving them”, he replied “A Republic if you can keep it.” They were not beset with the problems which we were beset with. They solved the problems of the indigenous population of American Indians by physically liquidated them. The Blacks they never thought was a problem because they considered them as chattel. Like Franklin, Ambedkar told the members present in the Constituent assembly that the Constitution gives them only political democracy, and they will have to work the Constitution for bringing about economic and social democracy. That we utterly failed to work the Constitution in the manner it was intended is evident. If the country is to be prevented from breaking up into a wilderness of arbitrariness we have to culturally and socially transform the society, We have a history of thousands of years with religions equally ancient and a caste system which has been with us for a few thousand years and a host of obscurantist practices which divided us to our detriment. Our Constitution took account of the inadequacies that hindered our progress and decided that we must commence to reverse the process.

When the Constitution came into force we did

not restructure the judiciary, the executive and the legislature in terms of the Constitution. The Parliament continued the habits of the federal legislature, the executive continued the colonial administration and the courts continued the tradition of the colonial courts. They were all institutions set up or continued by the Government of India Act 1935. We never noticed the transition made by the subjects of the British India into Citizens of free India. Justice Vivian Bose of the Supreme Court thought and wrote about the transition made by the British Indian subject into Indian Citizens, In *Virendra Singh vs. State of UP* {(1955) 1 SCR 415} he pointed out the consequence of the coming into existence of the Constitution very eloquently. "Every vestige of sovereignty was abandoned by the Dominion of India and the states and surrendered to the peoples of the land who through their representatives in the Constituent Assembly hammered out a new Constitution in which all were citizens in a new order having but one tie, and owing but one allegiance: devotion, loyalty, fidelity to the Sovereign Democratic Republic of India. At one stroke all other territorial allegiances were wiped out and the past obliterated except where expressly preserved; at one moment of time the new order was born with its new allegiance springing from the same source for all grounded on the same basis; the sovereign will of the peoples of India with no class, no caste, no race, no creed, no distinction no reservation." This vision no other judge of the court had and in fact they discarded this vision and preferred the reality, namely, continuation of colonial practices in all the institutions of governance and the courts. In 1964 Justice Shah of the Supreme Court dealing with the same question said that nothing had changed at the stroke of twelve on the midnight of January 26th 1950 and the same continued and later in *Ummaji* (1986 SC) this reality was reiterated and the earlier views of Justice Shah in *Fideali* (1964 SC) was confirmed. By whatever means when power was transferred by the British there was a qualitative difference between colonial rule and Constitutional governance. The break with

the past was and is Perceptible and EVEN if such assumption is a misdepiction it has its uses. In this connection I'm reminded of Karl Llewellyn's words in the Common Law Tradition. He points out : For in all the work of men one major road to get needed things done right has always been, it always must be, the building of a faith that the work can be done as it should be done, that any right craftsmen can indeed come close to adequacy; and in order to maintain such a faith to maintain itself it seems to be well-nigh necessary for the ordinary individual craftsman, as well, that the ideal picture, in fact, is approached most of the time by many of his brethren, even if not by himself. In this aspect a complete misdepiction can have value. It can have value not only as an ideal and a symbol but as providing stimulus and spur by the very fact of its inaccuracy". If the Court recognized this as a break from the past then the debate as to how should one reorder things after the break would have taken place and would have resulted in a re-look at the Constitution. The failure at a crucial stage led. the President to adopt all laws enacted by the British for containing freedom struggle and adapted without even discarding the statement object of these laws which specifically state which stage of freedom struggle it was intended to be against. The Parliament was not able to author their privileges in terms of the Constitutional value system. Even today we have not reset the administrative system within the higher judiciary. The same colonial practice in the power of allotment of cases to various judges of the High Court still vest with the Chief Justice of the Court. In the British days the Chief Justice was invariably a British Judge. It was in the interests of Imperialism that such extraordinary power was vested in the Chief Justice. Is the continuation necessary? Should not the administration of the judiciary be democratized and made more transparent?

I think the process of reversal to sanity and sense should come from the legal profession. They have to play a key role to rid us of the tyranny of interpretation by the courts in favour of privileged classes and castes, the propertied and the wealthy

classes and in favour of the dominant community as against the poor and the minorities in the plurality of our society. The restructuring the profession will provide better men and women to the judiciary.

The strength of the legal profession as of today is ten lakhs. It is a huge and growing constituency. For many who join as lawyers the profession has become a substitute for employment. This factor has to be taken into account for purposes of regulating the profession. One has to bear in mind that the profession has been supplying all judicial officers and judges of the High Courts and the Supreme Court and all presiding officers of bodies constituted under other Acts. Despite this fact this profession has no role to play and it has not even a consultative status in staffing the High Court and the Supreme Court. For the lower judiciary there is a process of selection. For the appointment of judges of the High Court, the constitutional appointments there are neither a selection process, nor is there an election process. They are just appointees with enormous powers and are accountable to none. These have been debated perhaps more frequently from V Ramaswamy's impeachment. It was then realized how difficult it is to rid of High Court Appointee. We encountered these when the members of Chennai Bar started lobbying with political parties to launch the impeachment proceeding against him. Rejection of couple of names sent to the President for elevations were over ruled quite summarily. The accusations made against Mr. Anand by Sundaram or against Sabherwal the recently retired Chief Justice all tell us that if at the appointment stage it cannot be checked they become the hunter (VETHAL) riding on the backs of the people.

All the methods of reforming the judiciary have been till now non-starters. From the Method evolved in the Second Advocates on Records case to M N Venkata Chaliah's Constitution Review Committee's suggestions for reforming the judiciary have entrusted the power of appointment to an exclusive oligarchy and these small committees with secretive decision-making process will always turn into oligarchies exercising arbitrary powers. Even Mr.

Justice H R Khanna when asked by Morarji for his suggestions recommended yet another oligarchy. I think, lawyers who represent the litigant population of the country are best suited to select the Constitutional appointees as judges of the High Courts and further elevation. We are finding the difficulties of the people and the government for managing the errant judges. A bad judge once appointed is not amenable to any disciplinary jurisdiction. The only way found is to deport him to the neighbouring State. Is it politically ethical to transfer 'a not very good judge' and saddle him upon on unsuspecting litigant population on some other state? What evidence is there to verify whether his brokers are not brisk in the state to which he is transferred? This problem cannot be solved unless you devise a method by which principles of democracy and transparency inform these institutions.

In fact, Harold J Laski has examined in detail the matter of judicial appointments from the perspective of integrity and independence in the chapter on Judicial process in his *Grammar of Politics* from various angles but not from the angle in which we are looking at now. He found that judges in England and US were hardly independent. We have in the brief period of six decades found the Court to be very conservative, very casteist and anti-labour and have been championing the rights of the propertied classes. We are now examining it from the population of lawyers. When he wrote about it, population of lawyers would not have been as large as it is now and the scope of judicial review would not have covered so large a field as it is covering now. Judges' power rises along with the expanding areas of judicial review.

The burgeoning lawyer population which is an integral part of the judiciary—one of the wings of the State—is a factor that has to be reckoned with primarily on account of its numerical strength; secondly, because it is highly literate and has quality of strengthening the judiciary; thirdly, it provides judges of all categories; fourthly and more importantly, entrustment of this responsibility will

lead to its discipline and that will lead to rejecting all litigation which is destructive of Constitutional values. Fifthly, the profession and its members will not look at the Constitution as an adversarial document! Sixthly, I do believe that it will come to realize that Constitution was evolved by consensus, by a social understanding and the dogfight we witness in courts whenever reservations are made in favour of the backward classes or minorities will come to an end. Most of them may work for an all pervading equality etched out by the Constitution.

It is possible by debates at various levels to evolve method of consultation of this large constituency which has undoubted interest in a competent judiciary which may help the country in the realization of the

Constitutional objectives. It also will help harnessing these highly literate people to work for a cultural and social transformation as mandated by the constitution.

By restructuring the existing Bar Council Act by amending suitably converting it into a deliberating body in the matter of appointment of judges or give the All India Bar Association a statutory status and constitute a council from out of this body who will have a consultative status in the appointment of judges. The Bar associations may debate about the structure and the necessary framework for a statute. To ignore the claim of this population in the matter of structuring or staffing the judiciary would be a very undemocratic attitude.

Second Peoples Education Congress

Peoples Council of Education in association with the Homi Bhabha Centre For Science Education, Tata Institute of Fundamental Research will hold the **Second Peoples Education Congress on Science Education from October 2 to 5, 2008 at Mumbai** to critically appraise the state of science education in our schools, colleges and universities, and deliberate on the ways and methods of making it more universal, democratic, creative and people - orientated. The Peoples Council of Education has constituted a Core Group and a National Academic Advisory Committee for the purpose. Prior to the Congress, the Core Group will hold a series of regional and state wise workshops in association with universities, research institutes, and NCSTC – Networks and State Councils of Science. The details will be put up on the website <http://www.peoplescouncilofeducation.info>; <http://www.pecindia.info> and URL: www.hbcse.tifr.res.in from time to time.

Researchers, teachers, science communicators/popularizers and all others concerned with the theme of the Congress are hereby most cordially invited to participate in the Congress. Young scholars, teachers and grassroots workers are especially welcome to it. Request for participation in the Second Peoples Education Congress may be sent by post or email to the undersigned; with the following particulars as name, age, sex, place of work, residential and mailing address, telephone number and email, if any and title of the paper. Please also include a brief description of the nature of work in which you are involved.

Those interested in presentation of a paper/poster at the conference should submit the abstract of the same by May 15, 2008. The full text of the paper/poster should be submitted by June 30, 2008. All papers will be printed well in advance of the Congress. All abstracts/papers/posters must be submitted with three hard copies along with a CD.

Length of the abstract should be about 500 words and that of the full paper within 7000 words or 20 A-4 pages typed in 10 fonts. Papers can be either in Hindi or in English. The paper can be written either in Hindi or in English.

Abstracts of all accepted papers will be put on website by August 15, 2008

All participants will be required to pay the stipulated registration fee by June 30, 2008. All the registered participants will be provided free boarding and lodging, and the literature of the Second Peoples Education Congress. Since arranging accommodation in Mumbai is quite difficult, interested scholars are advised to register as early as possible.

Please write to the Local Secretary Dr. K.K. Mishra, Homi Bhabha Centre for Science Education, Tata Institute of Fundamental Research, V.N. Purav Marg, Mankhurd, Mumbai 400088 (Tel:)(O) 091-22-25555242, 25567711, (R) 022-22783204; e-mail: kkm@hbcse.tifr.res.in; Fax: 091-22-25566803; M: 9867210755 for accommodation well in advance.

We are happy to cordially invite you and your colleagues to the Second Peoples Education Congress. We shall be grateful to you for giving it wider publicity in all the departments of your university/college/institute and making this event known to your colleagues and friends. Let us try to ensure the participation of every creative thinker from your university/college/institute/ organization. (Contd. See page 237)

N. P. Chaubey, General Secretary, Peoples Council of Education, C/o ISSA, Iswar Saran Ashram Campus, Allahabad 211 004

The restructuring of the legal profession

Democracy and India

Ranjit Sau

Liberty, equality, and fraternity are the essence of democracy. But they are in part mutually contradictory. Liberty may obliterate equality and rebuff fraternity; equality may result in loss of liberty and render fraternity unwelcome. Fraternity may impinge on both liberty and equality. Hence an optimal trade-off is necessary.

India is a country of long survivals where people of the nuclear age rub elbows with those of the Neolithic. Once the vast social and economic distance among the people is removed, an immense source of vitality would emerge.

Democracy does not stand alone. Society and economy are the driving forces of history, of which polity is an outcome. Democracy in India has to be accompanied by social reform, economic advancement, as well as inculcation of the universal civilization.

‘But the social order is a sacred right which is the basis of all other rights. Nevertheless, this right does not come from nature, and must therefore be founded on conventions,’ — Jean-Jacques Rousseau.

THE banner of the French Revolution had scripted three pillars of democracy, namely, liberty, equality, and fraternity. This triad in turn would set the performance standard for democracy. But, it so happens that they are, to an extent, mutually inconsistent, if not conflicting. Hence there is a scope for trade-off among them. And an optimal combination of them may be derived in the context of a given country. Or, at the least, better it is if they are arranged in a scale of priority.

Now, upon what foundation do these pillars stand? The extant theory of democracy, formulated by Immanuel Kant during the closing years of the eighteenth century, was built upon the singular axiom that all human beings possess the faculty of reason, uniform for all. And this faculty by itself emits rationality, autonomy, freedom, dignity, equality, all; thereby reason becomes the sole author of democracy. That is to say, reason is the foundation of liberty, equality, and fraternity. Clearly, this deduction glosses over man's another compelling faculty, i.e. passion. Kant's contemporary, David Hume thought, ironically, that ‘reason is a servant of passion’. If the kernel of Hume's insight is acceptable, the Kantian theory gets reduced to the

fantasy of ‘a servant’; and the triad lose their base. To be meaningful, therefore, democracy needs a foundation that builds on man's power of reasoning as well as his prowess of working, prompted as it is by passion. Reason and passion both deserve our attention: Aristotle and Marx complement one another.

India is a young democracy, somewhat different in form from the European model. It is a country of long survivals where people of the nuclear age rub elbows with those of the Neolithic. While its universal aspects are to be duly acknowledged, the particulars too must be remembered. This essay begins with an exegesis on links between liberty, equality, and fraternity. It proceeds to discover the basis that would support the democratic trio. In that light, it explores the pattern of democracy in India.

LIBERTY AND EQUALITY

Liberty is a celebration of the individual, and of his individuality. Liberty is the freedom to do or be what a person is able to do or be, subject to certain constraint. The only freedom which deserves the name is that of pursuing our own good in our own way, without causing harm to anyone. Three spheres

of liberty have been identified in the literature: the freedom of thought including its expression through the medium of speech or writing; the freedom to materialize the plan of our life; and the freedom of association. Another way of saying it is this: To individuality should belong the part of life in which it is chiefly the individual who is interested; to society, the part which chiefly interests the society.

This conception of liberty is cumbersome to say the least. What a person can do or be is contingent on his social or economic position, which varies across individuals. Exercise of liberty by the strong can well obliterate that of the weak. Moreover, drawing the line of demarcation between one's private and public spheres of life is not simple, if not impossible. We in society are so interrelated that whatever one does may possibly affect others, favourable to some and adverse to someone else. That makes the notion of liberty elusive.

But why is liberty generally valued so much? Because without liberty, it is thought, civilization cannot advance; the truth will not come forth; there will be no scope for spontaneity, originality, genius, for mental energy, for moral courage. Individual has an innate urge to realize his potentialities to full bloom, which benefits not only him but also the civilization at large. Self-realization is the first step towards collective progress. Otherwise society will be crushed by the weight of pervasive mediocrity. Whatever is rich and diversified will be swamped by custom, by men's constant tendency to comply, which breeds only 'withered capacities', 'pinched and hidebound', 'cramped and warped' human beings. Furthermore, no one knows the whole truth; only unhindered discussion and debate among people of diverse opinions can unveil a greater degree of truth, if at all.

But all do not rate liberty so high. A nineteenth-century Russian radical writer declared: boots are superior to the works of Shakespeare; individual freedom is not everyone's primary need. 'Freedom for an Oxford don,' others have added, 'is a very different thing from freedom for an Egyptian peasant.' The Egyptian peasant requires clothes or medicine before, and more than, personal liberty. However, the minimum freedom that he needs today,

and the greater degree of freedom that he may need tomorrow, is not some species of freedom peculiar to him, but identical with that of professors, artists, or millionaires. Again, liberty is not the only goal of men. As the Russian critic Belinsky said: if others are to be deprived of it — if my brothers are to remain in poverty, squalor, and chains — then I do not want it for myself. I reject it with both hands and infinitely prefer to share their fate. To avoid glaring inequality or widespread misery I am ready to sacrifice some, or all, of my freedom; I may do so willingly and freely. I am giving up liberty for the sake of justice or equity or the love of my fellow men. Finally, in the past, political regimes showing scant respect to liberty, had nevertheless recorded the rise of genius, progress of civilization, and all the rest; liberty had been neither necessary nor sufficient for social development. Nor is democracy any guarantee for liberty.¹

There is no organic link between individual liberty and democratic rule. Liberty is not the exclusive feature of democracy; equality is. Liberty has appeared in the world at different times in various forms; it is easily lost unless upheld firmly with steady vigilance. It offers exalted privilege to a selected few. Equality, by contrast, is meant for all; once established it lasts longer than liberty, for extinguishing equality involves a long process of changing opinions, laws, habits, manners. We live in the age of democracy, whether liberty or not.

In the event, equality of conditions comes through protracted conflict between different classes of the previous society, pride and exaggerated self-confidence seize upon people's mind. Everyone now pursues his own path; he begins to inquire into everything for himself which is an endless task. Sooner or later he turns to draw upon the judgment of the public, to which he would have unbounded confidence because of the resemblance of them all, and the belief that the greater truth should go with the greater numbers. This trend results in the tyranny of the majority.

The principle of equality has two tendencies: the one leads the mind of everybody to untried thoughts; and the other prohibits it from thinking at all. In the first case, soon he would lose the liberty of mind

as he feels the heavy burden of millions of men breathing down his neck. In the second, his mind would be closely fettered to the perceived general will of the absolute majority. In a country the government is virtually the greatest employer, biggest industrialist, largest landowner, kindest capitalist. Especially, in a country with weak economy, having political power could be a lucrative instrument for manifold achievement. Politics, therefore, draws ample leaders to forge parties, innumerable candidates to contest in election, countless cadres to join the ranks of political foot-soldiers; thus a mammoth political industry is born. Every party conducts its own particular agenda, often regardless of the nation's consideration. The individual is reduced to a cog in the mighty wheel of political machinery; and the tyranny of parties comes to descend upon the people. In effect, equality and liberty become contrary to each other, except at the extreme point of complete universal equality.²

FRATERNITY AND LIBERTY

'Love thy neighbour' is a familiar precept of ethics; love within the neighbourhood is not uncommon. But not so easy as it sounds; we are not sure how to go about it. Who are the ones whom to love, and who are the others not to be so treated? What is to do for them? In the wake of the French Revolution, fraternity was attached alongside with liberty and equality as the third creed of democracy; disparate, it has an ambiguous existence in that milieu, ethics being mixed up with politics. To the extent fraternity may be understood as 'benevolence', it was part of a system of moral sentiments constituting a form of virtue, a notion of great antiquity, going as far back as the teachings of Plato and Pythagoras. Morality and politics do not always mix well.

Happiness is a putative objective of all human beings. Benevolence to a person means contribution to his happiness, by enhancing his pleasure or alleviating his pain. For which we need to know his interests, plans, preferences, and sensibilities; in the absence of authentic information on such intimately personal matters we cannot be truly benevolent to him. What we think as good for him might not be so to him, nor will it be consistent with his liberty

to impose our judgment on him, he being the sovereign of all matters related chiefly to him. That is to say, fraternity might clash with individual's liberty.

We have seen above that liberty may be incompatible with equality; now we realize that liberty and fraternity too could be mutually antagonistic. Hence, by the rule of transitivity, equality and fraternity may impinge on one another. Also, directly, fraternity among the strong is not likely to be conducive to equality of all. A democratic country, therefore, has to determine a feasible combination of liberty, equality, and fraternity. For the very existence of a society, fraternity is indispensable. And equality is the hallmark of democracy. The country, therefore, has to adjust the domain and degree of liberty in accordance with the given context. In other words, the triad of liberty, equality, and fraternity being interrelated, and universal equality and fraternity being essential for democracy, the remaining variable, i.e. liberty, is the one which has to adapt itself to the given environment. Disproportionate liberty would strain the stability of society.³

SOCIAL COHESION

Jawaharlal Nehru in his book, *Discovery of India*, uses the term 'synthesis' to convey what is meant by assimilation of races or tribes into one people with a common denomination of cooperative sentiments. Social synthesis is synonymous with cohesiveness, fellow feeling, group feeling, group consciousness, solidarity, assimilation, or fraternity. He identifies two episodes of synthesis: one between the Aryans and the indigenous tribes of India, and the other between Hindus and Muslims. The country is now, in our perception, going through a third synthesis.

Fusion of tribes has been a common experience of all countries, but their methods differ. Among all comparable countries, China is the closest to India, an old civilization of a large population in a semi-continent size of territory. They are common in many respects, while their modes of social integration are not similar. A brief sketch of China may be in order as a frame of reference. China had

met repeated invasions from the nomads of Inner Asia. During the last thousand years greater parts of China have been ruled more than half the time by alien invaders. Its history is an eloquent anthology of remarkable social and political synthesis.

In the early third century BC, precisely one century after Chandragupta Maurya had ascended the throne in India, the first Imperial dynasty unified China and created a monarchy-bureaucratic system which would endure and hold the country together for two thousand years. The first emperor declared Confucianism as the state religion. Four factors seem to have contributed most to China's integration of diverse tribes into one civilization. One: despite numerous spoken dialects, the *written language* for the greater part of China was uniform. Two: the *public examination* to recruit imperial officials was an open door for all, leading to the highest echelon of aristocracy. Three: the imperial and popular ethos, *Confucianism* taught that though all men possess the same human nature, they are not yet all equal. But when men, any men, acquire virtue through classical scholarship, they also gain authority, the basis of political rule — no discrimination there. Four, and above all: the concept of the *Mandate of Heaven* began way back during the reign of the Zhou Dynasty (1000-771 BC) that introduced an ethical idea into China's society. The term 'Heaven' in China's cosmology represents Nature itself, not a transcendental entity like God. Heaven's mandate to rule over the people might be conferred on any family that was morally worthy of the responsibility. The emphasis on moral behaviour and right conduct led to an idea of 'government by the goodness'. The important concept of the Mandate of Heaven was at once a source of ethical sanction for benevolent and effective government, and a source of legitimacy for rebellion against bad government. This subtle combination of stability and the right to rebel was China's strength and was indeed a great political invention.

Ancient China had two distinct regions: arid steppe in the North and fertile plain in the South, demarcated by the Yellow River, whose basin was the cradle of Chinese civilization. Internal integration of various cultural traits inaugurated the classical

era of Chinese philosophy, to be enriched in due course with influences from abroad. Confucius — virtual contemporary of Buddha, Socrates, Plato, Aristotle — had laid the foundation. Chinese thought is *humanistic*. Confucian ethics is about the improvement and humanization of human relationship. Its categorical imperative is this: *The only purpose man can have and also the only worthwhile thing a man can do is to become as good a man as possible*. It has to be pursued for its own sake and with complete indifference to success or failure. On the question of rebirth, Confucianism is agnostic; it does not assure a reward in this life or in the next, if any.

A major Confucian principle is that man is perfectible. By nature, he is good, and has an innate moral sense. He can be led in the right path through education, especially through his own efforts at self-cultivation, and also through emulation of examples set by sages. Confucianism places filial piety high among human virtues. 'Do not impose on others what you yourself do not desire', is a salient part of the code of conduct.

Early Chinese cosmology (theory of the universe as an ordered whole) differs from the Western thought. It had no 'Creation' myth and no creator-lawgiver outside of this world, no 'first cause', not even a Big Bang. The early Chinese assumed 'a philosophy of organism, an ordered harmony of wills without an ordainer', 'a fatherless world'. Though generally regarded Heaven as the supreme cosmic power, they saw it as immanent in nature, not as transcendent.

As a school of philosophy, Taoism came much later than the time of Confucius, and had nothing to do with the sagacious old man Lao Tan whom Confucius had met. This school of philosophy, while trying to reveal the underlying laws of nature, stands for conformity with nature and its laws; hence the doctrine of *Wu-Wei* or inaction. Taoism is an empirical philosophy seeking the truth from natural phenomena and human experience. It flourished more among the common people, while standing most opposite to the elitist stance of Confucianism. Tao literally means the *path*, the *way*. It expressed common people's naturalistic cosmology and belief in the

unseen spirits of nature. Taoism was an enormous reservoir of popular lore. It also provided escape from Confucianism, profiting from revulsion of scholars against the ritualism of the classics. It was a refuge from the world of affairs.

Confucianism and Taoism rivalled one another, but also complemented each other. They exercised a balance of power and interaction between them provided momentum to Chinese thought. A common example of balancing act is as follows. *The Chinese scholar was a Confucian when in office and a Taoist when out of office.*

In the fourth century, nomadic hordes came down Southward from the plateaus in the North to set up many petty kingdoms in the plain. A great exodus of Chinese people, among whom were members of literati, was inevitable. They crossed the Yangtze River and settled temporarily in the South-East. Confucianism suffered a setback. Under the circumstances the literati could no longer bear with the Confucian classical restraint; they turned to Taoism and Buddhism for solace, an escape to mystic ecstasy and an asylum in resignation. By the twelfth century, the three trends — Confucianism, Taoism, and Buddhism — coalesced into one, in the form of Neo-Confucianism. A principle of Neo-Confucianism, for example, reads as follows: 'human mind is a manifestation of the Universal Mind, which is the legislator of the laws of nature.' The modern Chinese family had accepted Neo-Confucianism. Its magnanimous attitude to faith and philosophy could be glimpsed from this: *The father may be a Buddhist, the mother may be a Taoist, the son may be a Christian; and nobody worries about them.*

By contrast with China, clearly India is too much hide-bound with theology, engaged seriously with the afterlife. The metaphysics of its theology is a separatist in the sense that it takes away the individual from the midst of universal humanity to make him stand alone, thereby dipping him in an abyss of loneliness and anxiety with helpless resignation to the unknown and unknowable fate. He loses himself before he comes to realize what he is or could be. Liberty or fraternity resonates little to such an entity.

India's society is so fragmented, wilfully constructed as it was with division and subdivision of the people into imaginary but antagonistic categories, enforced with religious rigour nonetheless. The first two episodes of synthesis, critiqued by Nehru, have left behind a fractured society. Democracy is its own biggest threat. Elections do not guarantee that the elected representatives will be inclined towards democracy. It is conceivable that those who gain control of the legislative process will pass laws which in effect devour the core of democracy. A fractured society like India's is prone to such a denouement.

Eon ago, Chinese pilgrims had come to India for the message of nirvana; they went back home and blended Buddhism with Confucianism. It is time for India to return the compliment — to grasp the value of humanism, to respect human dignity. 'Know your fellow men; ... love your fellow men' — this is the cardinal principle of Confucius, announced over two thousand years ago.⁴ We have to obey this precept and 'become as good a man as possible.' In a family, the father, the mother, and the son may be respectively Hindu, Muslim, and Christian; and nobody should worry about them.

ECONOMIC FREEDOM

An overwhelming majority in India depends directly upon agriculture for their livelihood. Most of them are poor and exploited at multiple levels. Economic freedom of India is contingent upon the emancipation of its peasantry from manifold bondage. When would a peasant be considered free? What constitutes his freedom? The peasant is free (a) if no outside interest — seigneurial, urban or capitalist — comes between him and his land; (b) if he is subject to no bond-service; and finally, (c) if his work is productive enough to feed him and leave a surplus adequate to buy, at the very least what he needs.⁵ In India, the third component, viz. (c), cited above, remains unsatisfied; so the peasant is not free. There is no other way to make the peasantry free but bringing a substantial number of them outside, away from the tiny patch of farmland, into some sufficiently productive activity consistent with a decent standard of living. For true freedom of the

peasantry of India, yet another condition has to be satisfied, namely, no social bondage such as caste code would force a peasant to stick with his ancestral profession.

For their freedom, some of the peasantry have to move to industry, which in turn would claim for its site a small fraction of the country's farmland. This minimal land transfer to industry would not affect our food security. India's farmland is being underutilized in that the possibility of higher productivity through appropriate water management and cultivation has been acknowledged; indeed, a second green revolution is in the offing. Farmers, evidently, had been reluctant to part with their land; their apprehension is understandable. A peasant family receives, not one, but as many as four kinds of benefits from its strip of land, viz. (a) employment of the family members; (b) income from the crops, over and above the wages, by way of rent and profit; (c) guarantee of family security; and (d) social esteem shown to a landowner, however miniscule, as opposed to the derision inflicted upon a landless. Market price of a plot of land cannot reflect the full range of these four facilities that accrue to the peasant owner.

Industry and government ought not simply to compensate the farmer for the loss of land as such. The issue is not merely one of making a farmer a better farmer, but to make him a full human being with all his entitlement to be part of the universal civilization. He is a descendent of those tribesmen whom Chandragupta Maurya herded into labour camps of village settlements, in 321 BC, and the Gupta emperor bound them in social chains, five centuries later. After centuries of deprivation, today he amply deserves to be free. Society should now take life-long responsibility for the material needs of present members of the entire family so that the child of a peasant no longer remains a bonded labour for pushing plough. Industry too would gain by the enhanced supply of trained manpower.⁶

DEMOCRATIC POLITICS

There is certain eerie commonality between political parties and religious sects. All religious sects have begun among the common people, from whom they

have drawn their earliest, as well as their most numerous proselytes. Austere systems of morality have been adopted by the sects almost constantly. For the notion of austerity bears some flavour of religiosity. Many of them have even endeavoured to gain credit by refining the austere system, and by carrying it to some degree of folly and extravagance; and this excessive rigour has frequently recommended them more than any thing else to the respect and veneration of the common people. Likewise, political parties begin with elaborate promises for especially the poor and downtrodden. Religious sects have got their worldviews predetermined and unshakable. So do political parties; their ideologies of society, economy and polity are burnt on solid steel. Put another way using an analogy with computer,⁷ their axiomatic doctrines constitute the hardware of their thinking process, the corresponding software being periodically adapted to the exigency.

'The *general will* [of the people] is always right and tends to the public advantage; but it does not follow that the deliberation of the people are always equally correct. Our will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad. ... When factions arise, and partial associations [e.g. political parties] are formed at the expense of the great association [people], the will of each of these associations becomes ... *partial* in relation to the State' (italics added).⁸ There is often a great deal of difference between the will of all and the general will. The general will considers only the *common interests*; while the will of all takes private interests into account, and is no more than a sum of the partial wills. Take away from the sum of partial wills the plusses and minuses that cancel one another, and the general will remains as the sum of the differences. This perception has the following corollary.

People, as free individuals irrespective of party affiliation, have to continue direct discourse among themselves in a general assembly in every village and town to distil the general will from the sum of partial wills cancelling out the contrary elements.

They come to the assembly with open mind, rising above and beyond party politics. The practice of democracy must be democratic. During the prime formative stage of one's personhood, i.e. up to the age of twenty, students should be acquainted with the universal civilization of humankind, unencumbered by any particular ideology of doctrine, philosophy, faith, or attitude. They would then have a mind of freedom, competent to make reasoned judgment and choice. Only then they could be prepared as citizens of democracy.

Men are not born equal, but they can become perfect through education and self-cultivation, says Confucius; so they all are potentially equal. In modern politics, men are considered equal in the limited sense that they are not discriminated in the eyes of law. Kant deduces the equality of men from their possession of the faculty of reason. With such arguments it appears that the concept of equality has not yet been firmly established. We propose that the dignity of man can be demonstrated by reference to his innate worth; and that would lead us to the equality of men.

We have here three proofs in favour of universal human dignity, based on three empirical observations, namely, the Aristotelian principle, the Ricardian comparative advantage, and Schrodinger's formulation of the evolution by natural selection. First, no one can do everything he might do, nor can he do everything that any other person can do. The potentialities of each individual are greater than those he can hope to realize. Everyone selects which of his propensities he wishes to encourage. Society is founded upon the needs and potentialities of its members so that each person can participate in the total sum of the realized natural assets of the others. The members enjoy one another's excellences and individuality. This shows their social worth.

Human behaviour has two peculiarities. We take greater interest and receive greater enjoyment, in doing something as we become more proficient at it. Moreover, of two activities in which we are equally competent, other things remaining equal, we prefer the one which is of greater complexity. For instance, algebra is more intricate than elementary arithmetic; so a person would rather study algebra

than elementary arithmetic. The factors contributing to such behaviour are as follows. Complex activities give him more pleasure as they satisfy his desire for variety and novelty of experience; they allow room for the exercise of ingenuity and creativity. Efforts to solve a critical problem offer the pleasure of anticipation and surprise. This theory of human motivation is called the Aristotelian Principle.

The principle produces a dynamic equilibrium. At a given period, as a person acquires more capacities, he prefers more complex activities, so that he could utilize his newly realized abilities. And he receives greater satisfaction. The incremental, i.e. marginal, benefit of activities goes up with his increasing repertoire of skill. It has another side, the costs. With rising complexity of activities, learning the required skills tends to be more strenuous and expensive. That is to say, the marginal cost of acquiring skill rises. There is, as it were, a race between the two: marginal benefit and marginal cost. An equilibrium situation is reached where the two forces balance one another: marginal cost and marginal benefit are equal. At this point effort to achieve greater realized capacities ceases, for the given period.

Since the person has added to his store of skill in the given period, the next period would begin with a larger repertoire of his abilities. As a result, the marginal benefit across the board would be higher in the next period compared to that in the given period. The equilibrium point in the next period, therefore, would be at a higher level of complex activities, assuming for simplicity that cost conditions remain as they were before. This is the dynamics of the Aristotelian Principle.

Second, every human being in the economy can make a contribution; that is to say, he has an economic worth. He has *comparative advantage* in certain economic activity, claims David Ricardo. 'Comparative advantage' is distinct from 'absolute advantage'. Consider two persons, *A* and *B*. Person *A* is a lawyer; person *B* is a typist. Suppose *A* is proficient in law as well as in typing, so much so that he excels *B* even in the competence of typing. In that case, *A* is said to have *absolute* advantage in both professions vis-à-vis *B*. Person *B* has no

knowledge of practicing law in court, so he does not have absolute advantage in any of the two areas. Nevertheless, *B* has comparative advantage, relative to *A*, in typing, in the sense that he is less 'worse' in typing than in law. By similar logic *A* has comparative advantage in the practice of law. It would be economically profitable for both if *A* specializes in the job of practicing law, and *B* in typing. The central idea is that everyone in general has comparative advantage in one or the other field of economic activity. Such competence of the individual is another ground of his dignity.

Third, theory and practice show that we are capable of modulating, up to a point, the course of our own genetic evolution. Behaviour of the individuals of a species, according to Edwin Schrodinger, exerts significant influence on the direction of evolution. A change in diet, for example, can affect the genes, within a rather short period. Indeed, our genetic evolution will depend on us and our doing. Human beings are not merely repositories of achievement in the past; they are also creators of their own future, up to a point. Their mastery over nature ipso facto is a testimony of their humane worth.⁹

Since all human beings have threefold worth, they are all equal in society. The triad of democracy, namely, liberty, equality, and fraternity, stand on the premise of universal human dignity.

CONCLUDING REMARK

Society and economy are the driving forces of history, of which polity is an outcome. In the absence of socio-economic freedom and equality, political democracy has little valence. The most compelling challenge before India is to uplift the seven-tenths of the population, who are deemed 'backward' of varying degrees, from poverty and social deprivation. Inculcation of the spirit of universal civilization has to accompany social reform and economic development.

Democracy is vulnerable to misuse and misrepresentation. Civil society is concerned typically

with the state vis-à-vis individuals, not so much with social affairs. Direct movement of all people together, irrespective of political affiliation, has to supplement the efforts of parliamentary democracy.

NOTES

1. John Stuart Mill, *On Liberty*; Isaiah Berlin, *Four Essays on Liberty*.
2. Alex de Tocqueville, *Democracy in America*; Ranjit Sau, *The Foundation of Democracy in India* (forthcoming).
3. This proposition may be formalized thus. Let x , y , and z represent respectively liberty, equality, and fraternity; and f an implicit function showing the relationship among the variables as follows: $f(x, y, z) = 0$. Since equality and fraternity are considered indispensable for democracy, their values are given; that is, y and z are known. Then the value of x is solved from the above equation. In other words, the quantum of liberty is determined by the context.
4. Confucius, *The Analects*, xii:22.
5. Fernand Braudel, *A History of Civilizations*, at 316.
6. Ranjit Sau, 'Second Industrial Revolution in India: Land and the State,' *Economic and Political Weekly*, 42(7) 17 February 2007.
7. Thought or thinking is a function of mind. Brain provides the mind with certain organizing principles and parameters: both are genetic endowments. We know that computers are structured in the image of human mind. For the moment, let us view also the process of thinking in analogy with a computer. Let us imagine that thinking is done by means of an assembled 'hardware' and 'software', as it is in the case of a computer. Hardware of the thinking-process-computer (thinking-hardware, in short) is constituted mostly during childhood and adolescence within the environment of family, school and college. The term thinking-hardware does not refer to any physical part of the brain like tissues or nerves; this hardware is ethereal, impalpable, consisting of a store of certain information as elaborated below. Since 18 is the minimum age for the right to vote or to join army in many countries one might say that by that time the making of thinking-hardware is completed, pending periodic updating. And software is installed in the thinking-computer throughout one's life, e.g. by learning algebra or climbing mountain. The thinking-hardware is made of two kinds of ingredients, namely, (i) on the one hand, a set of discrete, *a priori* concepts such as time, space, quantity, quality, and reality, and (ii) on the other, certain statements relating to, for example, the emergence of the universe, the purpose of human life, and the nature of time. Ranjit Sau, 'Towards Transition to Democracy', *Bharatiya Samajik Chintan*, 7(1) April-June 2008, at 31.
8. Jean-Jacques Rousseau, *The Social Contract*, chapter 3.
9. Sau, 'Towards Transition to Democracy', at 30.

Political prisoners in the India

Amit Bhattacharyya

After the transfer of power it was the big power chauvinism that led to the denial of political rights of small nationalities— like the Nagas, Mizos, Manipuris and the Kashmiris. As a result of "economic reforms", the people of this country— particularly the toiling masses— have become victims of displacement from their ancestral lands and sources of livelihood. The people of this country did not accept these attacks silently. Small nationalities such as Kashmiris, Nagas, Manipuris, Assamese, Bodos, Kamtapuris has been fighting for assertion of their right to self determination or improvement of their living. Far from addressing the root of the problem, the state has come down heavily on the struggling people. Two sections have been made special target of attack— the Maoists and the people belonging to the Muslim community. Every tribal or poor peasant has become, in the eyes of the State, a threat to the politics of the so-called 'development' or 'good governance'. Thousands of people are imprisoned by the state governments of Kashmir, West Bengal, Andhra Pradesh, Chattisgarh, Karnataka, Tamil Nadu, Maharashtra and Orissa. The methods of torture in jails are so brutal and sadistic that they beggar description.

THE year 1947 marked the year of the formal transfer of power by the British raj to "friendly hands"; it did not lead to any basic change in the existing property relations. The newly-formed Indian state, ever since its formation in 1947, had adopted a policy of strong centre and an economic policy and a political programme that were dictated by US agencies as US role in India's planning, Community Development Programme or the 'Green Revolution' would testify. The Indian state wanted not only to have a strong centre; it also wanted to be a super-power. It was this big power chauvinism that led its most ardent representative, Jawaharlal Nehru to refuse to accept political rights of small nationalities. The Naga, Mizo, Manipuri and the Kashmiri people, who wanted to exist as independent political units, were dealt with the gun and the resistance of the people was met with state terror of the most brutal nature. Hundreds and thousands of people were killed, maimed and put behind bars.

The next few decades, particularly the period from the early 1990s, witnessed the renewed invasion of the Indian market by foreign MNCs in a

very big way. Privatization, liberalization, the sell-out of even profit-making concerns at throw-away prices to Indian big capital and foreign capital, change initiated to facilitate the entry of foreign capital without any hindrance and the extraction of the country's mineral and other natural resources—all these anti-people policies brought disaster to the lives of the people. Lakhs of people die in malnutrition, ill-health and poverty every year in India. Displacement from ancestral homeland and the plunder of natural resources by foreign and domestic agencies leads to their loss of land and homes, indebtedness and suicides in large numbers in many parts of the country. It also engenders a mental trauma and imparts a kind of melancholy which one cannot gauge in material terms.

However, the people of the Indian sub-continent did not accept these things lying down. They have been fighting for land, against displacement from their lands, forests, against the plunder of their natural resources by foreign MNCs and domestic big capital. People have been raising their voices against the rise of prices of essential commodities

A slightly edited version of the paper presented by the author at the Third International Assembly of the International League of People's Struggle (ILPS), held in Hong Kong during 18-20 June 2008 on behalf of the CRPP.
Secretary-General, Committee for the Release of Political Prisoners and Professor, Department of History, Jadavpur University.

<amit_bh200405@yahoo.com>

or fee hikes in educational institutions; workers have been struggling against loss of jobs, closure of industries or for higher wages. Such political parties as that formed by the Maoists have been fighting for fundamental social transformation; the dalit and tribal people have been fighting for improvement in their living conditions as also for their rights; small nationalities such as the Kashmiris, Nagas, Manipuris, Assamese, Bodos, Kamtapuris and others have been fighting either for establishing the right of self-determination or for improvement in their lives.

The Indian state, far from addressing the root of the problem, has all along been treating it as a law and order problem, and comes down heavily on the struggling people. Both the central and the state governments have selected two sections as the special targets of attack—the Maoists and the people belonging to the Muslim community. The Maoists or the Naxalites—whom the prime minister, Dr. Manmohan Singh described in April 2006 as ‘the single greatest threat to internal security’ and whom he recently described as a ‘virus’ to be ‘crippled’—have been, like the witch-hunting in medieval Europe, specifically hunted, killed brutally or sent to prison. The other section is the people belonging to the Muslim community. In the wake of the US President George W. Bush’s ‘war against terror’, virtually every Muslim is specifically targeted as a ‘terrorist’, ‘ISI agent’ or ‘SIMI activist’. Whenever there is any blast anywhere, the state and the central governments, before even showing any pretence to conduct any investigation, picked up some people who would inevitably be Muslim and tagged in cooked-up cases. Many black laws such as the Armed Forces Special Powers Act, TADA, Unlawful Activities Prevention Act etc have been imposed in one region or another to crush people’s movements. In Andhra Pradesh, Rajasthan and other areas, in the name of the so-called ‘war against terror’, hundreds and hundreds of Muslim youth have been picked up, detained and tortured in specially made torture cells of the notorious ‘grey hounds’ headquarter in the Gandhipet area of Hyderabad area and other places. The minimum civil and political rights that a citizen enjoys are virtually non-existent in many parts of the Indian sub-

continent. A large number of political, democratic and cultural organizations have been banned by the central and state governments, and in left-front-led states like West Bengal, some are, without any formal ban, are as good as banned. There are many cases when human rights activists, journalists, writers are being attacked, intimidated, tortured in the police lock-ups, jailed and even killed on framed charges for daring to raise their voices against state repression. Secret killers as also privates sponsored by the state have been formed to liquidate political activists and all other dissident voices. ‘Salwa Judum’ has been specifically undertaken to butcher the Maoists in Chhattisgarh.

Every tribal or poor peasant has become, in the eyes of the state, a potential threat to the politics of so-called ‘development’ or ‘good governance’. Members of many political parties—parliamentary or not—or people belonging to different democratic, workers’, cultural, teachers’, scientists’, artists’ or other organizations, who have raised their dissident voices, have also been targetted. All these people have been subjected to severe state repression by governments in various regions. Tens of thousands of people have been imprisoned, killed in the name of ‘encounters’ or in police firings in regions comprising Kashmir, Andhra Pradesh, Chhattisgarh, Bihar, Jharkhand, Orissa, Maharashtra, West Bengal, Karnataka, Tamil Nadu, Uttar Pradesh, Punjab, Uttarakhand and Kerala as also in regions of the north-east like Assam, Nagaland, Manipur, Tripura, Meghalaya and Arunachal Pradesh. Lakhs of people have been picked up by security forces, tortured in the most sadistic manner that would put to shame most of the civilized people and permanent damage had been done both to their body and mind. Many political prisoners—Muslims, Maoists, Tamils are on the death row. Many others have been languishing in jails for years and even decades together without trial; many (Maoists, SUCI activists and others) have been serving life imprisonment; many others have been sentenced and serving different periods of sentence; there are about 34 Burmese freedom fighters languishing in a Kolkata jail.

We cannot say the exact number of political prisoners in different regions. In fact, one of the

tasks undertaken by the CRPP is to prepare a list of such prisoners in different states. And the list, we know it well enough, will always remain incomplete as more and more people are being taken into custody everyday either from this area or that, not to speak of those who are being killed in fake encounters. Very recently, two Maoist peasant-activists have been sentenced to death in a lower court in Bihar. Despite such limitations, we will try to give a rough idea. The greatest number of political prisoners (nearly 75,000 at one time) was lodged in the jails of Kashmir—the majority of whom had been released not unconditionally, but on bail. At present, there are 1,500 political prisoners in Kashmir. The jails of West Bengal, Bihar, Jharkhand, Chhattisgarh, Andhra Pradesh, Tamil Nadu, Maharashtra, Karnataka, Orissa are filled with Maoist, Tamil, 'Greater Coochbehar', SUCI, CPI, TMC and other prisoners. In West Bengal, since 2002, as many as 4000 people were arrested. They were alleged to have connections with the Maoists, Kamtapuris, Greater Coochbihar activists, SUCI, BUPC men who fought against land grab in Singur and Nandigram, TMC, CPI, FB, RSP, Gorkhaland movement, 34 Burmese freedom-fighters and some other political, democratic or cultural organizations. A large number of them were released on bail and at present there are about 450 inside the jails. In Tamil Nadu, there are at present about 200 prisoners comprising Maoists, Tamil Nadu liberation Army, Tamil Nadu Suppressive Liberation Movement, Rajiv Gandhi assassination case, Peasants' Liberation Front, New Democratic People's Front, Muslim prisoners and Sri Lankan refugees. In Bihar and Jharkhand, the number would cross several hundreds. In Andhra Pradesh, there are about 70 political prisoners; the number is small in comparison to the importance that AP because in AP, the Maoists are generally shot dead in fake encounters as the accounts of human rights organizations would testify, and seldom taken as prisoners. For the last few years, a large number of SIMI activists have been put behind bars. There are thousands of prisoners in the other regional jails such as Maharashtra, Assam, Manipur, Chhattisgarh, Orissa, Karnataka, Gujarat, Tripura, Kerala, Punjab and others. According to a modest

and incomplete estimate, there are around 15,000 political prisoners in the jails in the Indian sub-continent. There are many prisoners on the death row also. Although a large number of them have been charged with committing political offences such as 'waging wars against the state', none of them has been accorded the status of political prisoners.

METHODS OF REPRESSION

The methods of torture adopted by the Indian central and state governments are so brutal and sadistic that they beggar description. We reproduce below some instances of how all democratic values were trampled underfoot by the governments.

1. *All statutory obligations and Supreme Court directives are violated at the time of arrest.* In almost all cases, persons were taken into custody without the production of arrest warrants, without providing the memos of arrest, without informing the person about the reason of his/her arrest or the charges levelled him, without disclosing the place/police stations where that person had been taken to. In most cases, persons picked up from one place were shown to have been arrested from far-away places.

2. *Illegal searches and implanting weapons.* Premises were searched without the presence of independent witnesses, no seizure lists were produced during searches and in some cases without conducting any search, the police forces simply submitted fake seizure lists to implicate persons in criminal cases. In many a time, weapons have been falsely included in the seizure lists. Even George Thomson's 'From Marx to Mao Tse-tung', works of Romain Rolland, leaflets entitled 'Clinton, go back were not spared. Looting of cash, jewellery, destruction of houses, even pouring kerosene oil into wells so that villagers could not have drinking water (cases in Belpahari villages, district West Medinipur) are integral parts of almost all search operations.

3. *Illegal detention and torture.* Persons taken into custody are not produced in courts within the stipulated 24-hour period and detained illegally at police stations and special torture centres sometimes for days together, resorting to physical and mental

torture and humiliation of all types. Prisoners have been subjected to interrogation for about 18 hours a day for weeks together without allowing them any chance to sleep.

4. *Badli(substitute) arrests.* There are many cases of 'badli' arrests i.e. father in place of son, sister in place of brother, wife—even pregnant wife—in the absence of the husband. Sulekha Soren was picked up from Belpahari in West Medinipur district in the absence of her husband Jaleswar Soren when she was nearly 9 months pregnant and she gave birth to her son in the prison.

5. *Sexual abuse.* Women have invariably been subjected to sexual abuse and molestation during raids and after that while in custody. There are cases in West Medinipur district (WB) where women were forced to strip on open roads by the raiding police party. In Singur and Nandigram, allegations of large scale molestation and rape were established in investigations conducted by various fact-finding teams and medical teams. In the recent period, Drisha Majumdar and Lata Murmu, arrested along with others from Bihar and Nadia, WB respectively and Kalpana Biswas picked up from Kotwali in Nadia were subjected to physical torture and sexual abuse in various forms. In Andhra Pradesh, Chhattisgarh and other regions, tribal women are systematically picked up, raped, humiliated and killed. The IRB 9(Naga Battalion) soldiers have been accused of even piercing the bellies of pregnant women, brining out the foetus and then throwing the dead bodies into the bush.

6. *Re-arrests and 'shown arrested'.* The governments in different states, including the CPM-led government of WB have discovered a novel way showing 'shown arrested' to keep all dissident voices behind bars. When a prisoner got release on bail in one case or more, the judge was not told that there are other cases pending against that person. The person also knew that he/she would be released soon. But then he was picked up from the jail gate after being released on bail and then tagged in other cooked-up cases. In this way, many prisoners have been implicated in as many cases as possible. There is another typical way of keeping dissidents behind bars. In the charge-sheets of almost all cases,

some names are mentioned; after that one can see the word 'others' or 'unknowns' written at the end. These unnamed persons are actually unknown persons whom the police, at the time of framing the charges, did not know, but whom they would name and implicate in future. By so doing, they in fact keep the room open to tag other people to those cases when they take more men into custody.

7. *Eliminating political activists in fake encounters—legal procedures on claims of 'firing in self-defence' not followed.* Fake encounters or what the states gleefully describe as 'firing in self-defence' have become routine matters in areas such as Kashmir, Andhra Pradesh and Manipur, Chhattisgarh, Assam, to name only a few. Countless numbers of people have thus been butchered in cold-blood. Human rights organizations, in course of the fact-finding missions, have found that Maoists had their limbs being cut off by security forces and their cash was distributed by the killers even when they were alive and still bleeding. Many activists or sympathizers have disappeared altogether in this way. Kashmir tops the list of the victims of extra-judicial killings.

8. *Forced extraction of confessional statements.* There are innumerable cases of security forces extracting confessional statements from the prisoners.

9. *Women prisoners are being refused minimum necessities while in police custody and in prison.* Women prisoners have been subjected to indignation of different types, they have also been in many a time denied to receive bare necessities. During menstrual periods, they were neither supplied with sanitary napkins; nor were their visitors and relatives allowed even to give those essential things to them.

The Indian administration boasts of prisons as correctional homes. However, the hard reality is that more than sixty years of history strongly contradicts the above claim. Prisons have become centres of torture, of disciplining those who have dared to disobey the powers-that-be. Prisons have become sites where human beings are converted into animals. There is hardly any concern for the rights of the ordinary prisoner, not to speak of political prisoner. The government of India, till date, does not have a

national prison policy or legislation on the category of political prisoner. Although the WB government had enacted a law in 1992-2000 according the status of political prisoners to those arrested on the charge of committing 'political offences', it is at the same time very much reluctant to implement the law that it itself had enacted. The government of India still continues with the colonial Prisoners' Act of 1894, not to speak about the prison manual meant to deal with the prisoners, thereby leaving the room for the jail authority to deal with the prisoners in the way they deem fit.

The Committee for the Release of Political Prisoners (CRPP) was formed on 31 March and 1 April 2008 at New Delhi out of this pressing social and political need. It was formed by prominent writers, academics, artists, social, political and civil rights activists, lawyers, women activists and many other people who believe that the conditions of political prisoners in particular and those of all prisoners in general expose the real violent nature of Indian 'democracy' and feel the urgency of demanding the unconditional release of all political

prisoners while at the same time demanding the improvement of prisons and prison conditions. The members comprising this CRPP come as individuals and not as representatives of any organization. Those who are opposed to state terror and stand in support of the demand for the unconditional release of all political prisoners irrespective of their political views and their methods of struggle can join this committee. In the opinion of this committee, a political prisoner is a person who has been arrested or detained for partaking in struggles of political, social and economic significance, in whatever form, and were guided not by selfish interest, but by definite political views or ideologies, irrespective of the charges that the state has put on them. And when we demand the unconditional release of the political prisoners, we make it clear that this committee is neither in agreement nor in disagreement with their views and aims. We clearly declare like Voltaire that even if we are totally opposed to the views and aims of the political prisoners, we will fight till the last to see to it that none of them is denied the right to express his/her opinion freely as a free person.

Life Fellows of the Indian Academy of Social Sciences are hereby requested to send by demand draft Rs 500 as their one-time contribution or Rs 100 per annum as their contribution to the Journal Endowment Fund. Otherwise it will not be possible for us to keep on sending *Bharatiya Samajik Chintan* to them. Drafts drawn on Kolkata in favour of Indian Academy of Social Sciences should be sent to Dr. Ramanuj Ganguly (Associate Managing Editor) A106, Mall Enclave, 13 K B Sarani, Kolkata 700080. Payment in the form of an outstation cheque requires an extra sum of Rs. 60/-. Money orders are not acceptable.

— Managing Editor,
Bharatiya Samajik Chintan

Annual Subscription Rates for the Journal (inclusive of newsletter and postage)

	India	Foreign Countries
Institution	Rs. 300	US \$80
Individual	Rs. 200	US \$60
Student	Rs. 100	US \$20

Payment should be made by draft drawn on Kolkata in favour of Indian Academy of Social Sciences. Payment in the form of an outstation cheque requires an extra sum of Rs. 60/-. — Managing Editor

Monopoly capital, the perversion of need and the banishment of nature

Suhas Paranjape

Emergence of capitalism degraded the use value by reducing it to carriers of value and surplus value. The difference that monopoly capital brings in compared to its competitive phases is the re-constitution of use value and the processes of capitalisation of nature. It analyses use value in relation to the need it satisfies and attempts to reconstitute it in a way that it can serve that need in a manner that is more suited to its methods and processes. Hence, in this process, nature as bountiful giver is already potentially expelled from the lives of people specially of developed capitalist countries. Even women, mainly producing subsistence at home, are increasingly separated from nature through introduction of highly mechanized processes, which are profitable to capital. But there is a threshold, crossing which may have consequences over which we must start to think seriously.

USE value, once it has provided the ground for the analysis of value, and once it has been used to distance the analysis from the vulgar identification of use value and exchange value that is implicit in marginal utility theory, is routinely ignored in Marxist analysis. The analysis moves away from use value, nature and concrete labour to the other associated with value, the capitalist economy and abstract labour. While the requirement of transhistorical conditions specifies that commodities must have use value, it does not specify what they might be. However, under capitalism, use values change – indeed, change radically – and also become a medium for modifying need, a continual process of interpenetration and mutual determination between value and use value that we see speeding up after the emergence of monopoly capital and fully flowering in late capitalism. I briefly attempt to trace this story – mainly because it has an importance of its own in connection with nature – that I intend to show is the story of another process of dis-possession of nature that takes place at the heart of capitalised nature and joins up with the processes of dis-possession taking place at its margins that I have described in another note¹. I do not trace it in order to develop a theory of monopoly capitalism or a history of need and use value – that is in any case a task of a very different magnitude – I trace it only to bring out the aspect of dis-possession that

I feel needs highlighting.

Use value is mostly given a presumptive treatment; it is treated as a necessary concomitant of value, its vehicle, presumed as such and left behind as analysis moves on through value and surplus value to accumulations and so on. Rarely does it enter analysis again. Nevertheless, under late capitalism, the surfeit of visible wealth in the advanced capitalist countries presents itself as an unprecedented explosion in the variety, quality and quantity of use values. It also provides the ground for the strong attraction towards the affluent way of life ushered in by late capitalism and an ideological justification of it in terms of the choice and freedom it creates. In other words, it is not a phenomenon that can be simply relegated to the sidelines and presumptively excluded.

THE TRIAD OF USEFULNESS: NATURE'S FREE GIFTS, USE VALUES AND COMMODITIES

Use value, as Kovel, one of the few theorists to have given it more attention, says, 'reflects nature's presence within economic activity'². Kovel goes on to say,

It needs to be underscored (as the point is so commonly overlooked) that use-value is not the same as utility, or the appropriation of the world into human activity, but represents the passage of this utility into the economy.³

While this 'passage into the economy' is an important insight, Kovel's formulation contains an ambiguity that also needs to be resolved. Later context shows, that, largely, the economy that Kovel refers to is the *capitalist* economy, the system of generalised commodity production, its use without the emphasised appellation would imply that use value is an attribute that is specific to capitalism; and that what is relevant on a trans historical scale is not use value but utility. This is a point that needs some discussion. At issue here is how, and whether or not, we situate use value and the economy as transhistorical categories.⁴ Capitalism presents its economy as an independent self sufficient and controlling sphere and postulates all economic decisions as being taken by a virtual Homo economicus armed with the calculus of utilities measured as value, and Kovel is situating his analysis of use value within a critique of this supposed independence, quantification and dominance, so that his struggle for use value is also a struggle against the forms that capitalism imposes on use value and its context. Thus he views the struggle for use value also as a struggle 'against the hegemony of the economic *as such*'. [(Kovel 2000) *emphasis added*.] However, his treatment leaves room for an ambiguous elision of the economic and use value in a transhistorical sense, and the problematic character of this elision appears in the qualifiers he has to append to the term as emphasised above, that indicate the ambiguity of the elision.

While Kovel's distinction between utility and use value as representing its passage into the economy is an important insight, its contrast with appropriation into the world of human activity is problematic.

Let us approach the issue from a somewhat different direction. Consider Kovel's example of air; air has utility but has no use value. Air has utility for us because we are natural beings. We use air 'as found', just as we use sunshine 'as found' to provide us with illumination or the rain to provide moisture to our fields. Humans utilise nature 'as found' in myriads of ways. These are all nature's 'free gifts' to humans. Nature is a free gift for us because we are nature's creatures and we enjoy nature's bounty as much as any other creature and

nature provides us its bounty as much as to all its creatures.

It is beyond this myriad of utilities as free gifts that use values emerge. To the extent that we act on nature – through direct appropriation, nurturing or transformative labour and production processes – to satisfy our needs – at this stage I take need in its wider sense of necessities, wants and desires, without trying to discriminate or distinguish between them – the utilities that we thus create pass into social production, and that surely is the economy, in its transhistorical sense?

In the passage quoted above, Kovel contrasts 'appropriation of the world into human activity' as different from the passage of the utility into the economy. I would suggest that we need, not a twofold but a threefold, distinction here. First we have the appropriation of nature 'as found'. This is unmediated, immediate utility of nature. We utilise air by breathing it as a natural being, as an animal if you prefer – I avoid the term generally for the hierarchical notion it carries around with it – but it is an unmediated use. Second is the economy in its transhistorical sense, this is the sphere of *mediated* interaction with nature that comprises social production. And we have the third sense in the historical form that the economy in its transhistorical sense takes, or is imposed on it – passage into the feudal economy or the capitalist economy.

We then have a triad: utility, not all of which is use value, and use value, not all of which is use value embodied in commodities; and similarly, we have utility, then use value as the utility that passes into the economy in its transhistorical sense, and what use values of these then pass into the economy as *capitalism* defines it, that is as those that have value. And it is in this imposition of form by capitalism that there are exclusions as much as inclusions. In capitalism, since use values are measured by value, or at best, *imputed* value, but value nonetheless, there are many use values and the associated labour processes that are denied any role in the economy or, where allowed, there is often a process of their de-valuation. Thus we have housework banished from production into a sphere of consumption, at most grudgingly accepted as a

sphere of reproduction, consequently women's labour is rendered invisible; subsistence production is not even considered and non-capitalist petty commodity production is treated as a 'backward' sector of the economy. To reclaim them as production, we also need to reclaim what they produce as use values.

We may now see why Kovel's formulation as quoted above is problematic. It reduces the triad to a dyad. And since the two ends of the spectrum are clear – the utility of air and its use for breathing are clearly outside the economy (both in its transhistorical sense and its capitalist sense) and are therefore utilities but not use values; and at the other end, those utilities which effect a passage into the capitalist economy are clearly use values (both in their transhistorical and capitalist sense) – it leaves the status of the middle term of the triad, those utilities that are part of the economy in a transhistorical sense but are denied passage into the capitalist economy, ambiguous. The triad reclaims them as use values and also explains why they are not allowed passage into the capitalist economy. The triad also implies that the capitalist economy as constituted through the value form is necessarily incomplete, in that substantial portions of *both* use values and utilities remain outside it and are also actively externalised by exclusion and de-valuation.

USE VALUES IN PRECAPITALIST SOCIETIES: THE STAMP OF NATURE

So, when capitalism is emergent, it faces the dyad, of utilities – free gifts of nature – and use values, utilities that have passed into the precapitalist economies – the third term of the triad is still to be created. The use values that it faces are mediated – produced and consumed – through the precapitalist social relations of production. It may be safe to say for the most part that commodity production – still assumedly non-capitalist commodity production – mediates a small part of the total use values that a society produces. The bulk of the use values are produced locally, producers and users are close, often the same, and the circulation of social product and material is essentially local. Moreover, the process of production of use values and their use is

closely integrated within the rhythms of nature and together they form the matrix within which daily life takes place. Most use values are derived from local materials, especially biomass and local minerals and only the small part – a part that may be small but may be crucial in many ways – comes from farther off through commodities. The particular mode of production and use of social product is the result of co-evolution and mutual adaptation of humans and their natural habitat over a fairly long period. In a much more direct sense, use values in these precapitalist modes reflect 'nature's presence within economic activity' and that too of nature as bountiful giver.

Let me be clear here. I do not intend to paint any idyllic picture of perfect harmony between nature and humans in precapitalist society. The mention of co-evolution and adaptation over long periods immediately calls up associations of perfection and harmony with which they are often associated in common usage and it is perhaps important to prevent what is being said from acquiring those overtones. Evolution and adaptation are never, by nature, perfect. As Stephen Jay Gould has said on many occasions, it is the *imperfections* that are the give away sign of a process of natural evolution and adaptation.⁵ So it is with this co-evolution and adaptation. Life was not without hardship (and certainly not without exploitation), and in view of that my insistence of the presence of nature as bountiful giver may also need to be similarly placed in context. It is not meant to imply a life of comfort and ease, but to emphasise that nature was considered as bountiful giver, and hardship was associated by nature's withholding of its bounties, by natural or divine caprice. Even within hardship, nature's essential nature as bountiful giver was not questioned, only its contingent capricious withholding was lamented. This is necessary to emphasise because within many environmental movements – red as well as green – the common view of precapitalist communities as evolved and adapted to their natural habitats does not correspond to the more historically grounded conception of evolution – with all its implied imperfections and warts – but to an idyllic view based on the overtones of perfection and harmony that they evoke.⁶

Monopoly capital, the perversion of need and the banishment of nature

It is tempting to draw out further implications of this mutual co-evolution and adaptation, but I shall restrict myself only to one aspect of it. Kovel's ambiguous missing term of the triad that I identify here as the precapitalist economy, is not a separate sphere of life; its separation from other aspects of life is conceptual, not social. All the demarcations and separations that acquire so much significance in capitalism – those between the economic and the political, between civil society and the state, between the public and the private, between the personal and the social – are but interpenetrating continuums, both in form and content and are yet to become formally separate through the social embedment of these separations. The village is as much a workplace as a dwelling place, and the overlord holds economic power as much as political power. In India, caste adds its own cross linkages, but so far as the contrast with the separation of spheres in capitalism is concerned, I think the point still holds.

Use value always signifies more than its immediate utility, but all the stronger when all the separations and divisions that capitalism brings in have not taken effect. Raw mango is associated with the advent of spring in many areas, with the swings tied to the mango tree, when agricultural operations of the previous year have ceased and those of the new year are yet to begin, the harvest is in and there is some leisure, the hard months of the ferocious summer are yet to set in. Raw mango in that society smells and tastes of all these. And if in that season mango is used to flavour the chutney and the curry rather than the usual tamarind, it is not just a fancy for another sour taste but a tribute to all that the mango represents. If in capitalism use values are the vehicle of value, its material carriers, in precapitalist societies use values are as much material carriers of lived ways of material life, of lived interactions with nature. And the recent discovery of use values as signifiers of culture and life styles must truly be seen as a re-discovery of this dimension based on a previous process of de-signification that capital carries out on them. It is to this that we now turn.

EMERGENT CAPITALISM, THE RULE OF ABSOLUTE SURPLUS VALUE AND THE DEGRADATION OF USE VALUE

The emergence of capitalism as a historical event is primitive accumulation, that violent process so graphically described by Marx in *Capital*⁷. In one historical sweep it dispossesses the producers of their means of production, concentrates them in the hands of the capitalists and delivers the now propertyless workers into their factories. Deprived of their means of production, they are also separated from their means of subsistence and must acquire them as commodities. Even as it creates newly acquired property, newly acquired resources and newly acquired means of production for capital, it also creates a new market for its commodities. The favourable relation between these is *always* the advantage that accumulation by dispossession has over the accumulation processes that happen through the medium of relative surplus value later on. There is no mistaking the age that primitive accumulation ushers in; it is the rule of absolute surplus value vividly described in the long chapter on the working day in *Capital*⁸ and even more fully in the *Conditions of the Working Class in England*.⁹ I shall not further elaborate the point I have already made earlier that it is still present throughout capitalism, especially in the developing countries and at the margins of capitalisation of non-capitalist formations and nature.

Of more interest here is the relationship of this state of affairs with use values. The inhuman conditions that the rule of absolute surplus value imposes on the working class degrade use value. They lose all signification of anything but pure physical need. Food is reduced to mere food, any kind of food; similarly clothing and shelter. The struggle is to acquire any kind of food, clothing and shelter that is affordable, anything that helps bridge the yawning gap between the working class and the necessities of life. And here too capital interposes itself in that chasm and makes it a source of profit.

Gone now is the presence of nature as bountiful giver, in spite of hardships, in daily life and in use values. Use values now are more the markers of an absence that they fill and the experience of nature at the workplace and in their habitats is that of

something oppressive that has to be overcome and defended against. The experience of nature here turns into the experience of oppression at the workplace and squalour in the habitat. I do not treat this as an absolute condition, but as a *tendency* that is everywhere imposed by emergent capitalism and that the working classes have to struggle against. And struggle they do, leading, on the one hand to the emergence of relative surplus value and the reconstitution of the working class family and also on the other to a reconstitution of need and use value.

RELATIVE SURPLUS VALUE, COMPETITIVE CAPITALISM
AND THE RECONSTITUTION AND MULTIPLICATION OF
USE VALUE

The explosive growth in use values that relative surplus value has ushered in over the last two hundred odd years is a well accepted fact that does not need description. Of interest here is again the difference that it has made in its competitive and monopoly phases to the re-constitution of use value and its relation to the processes of capitalisation of nature at the heart of capitalism as well as at its frontier with non-capitalist production. I am aware of the somewhat speculative character of the analysis that follows and I offer it more as a possible direction of exploration, to be further corroborated/modified or thrown overboard than as a definitive analysis.

In a sense, it may be said that competitive capitalism takes use value and underlying need as given, it treats them, as it were, 'as found'. It does not yet have the capacity to decisively influence the use value or the need it is inscribed in. However, what it does do is to radically reconstitute it. It decontextualises and de-signifies it and treats in a scientific manner and in its scientific and technological context. Firstly, it attempts to provide the same use values but produced profitably with its methods. Secondly, it identifies those use values that may not as yet have been commodified but are capable of being profitably provided in a commodity form. Thirdly, it analyses use value in relation to the need it satisfies and attempts to reconstitute it in a way that it can serve that need in a manner that

is more suited to its methods and processes.

The first leads to a transformation of the production processes of use values – the classic sequence of co-operation, division of labour and manu- or rather machino-facture that Marx traces in *Capital*. The second leads to the conquest by capital of an expanding sphere of daily life. The third leads to an extensive reconstitution of use values. Synthetic materials and synthetic processes everywhere take precedence over natural materials for the simple reason that synthetic processes are amenable to control in ways which natural materials are not, and for capital, control over the production process is of paramount importance both in terms of materials as well as personnel. It initiates a process of receding of nature that finds its culmination in late capitalism as we shall see below.

The counterpart of this is the reconstitution of the working class family in the heartland of capitalism on the basis of some version of a living wage based on a single earner family, an ideal that is never completely realised, but defines the terms of the discourse. The rights of labour also have to be asserted within capitalism in the form of commodities, and are won in that form, in the form of a wage sufficient to command a basket of necessities bought as commodities. Housework is presumed. Presumed also is the division of labour within the reconstituted patriarchal family. Women take charge of subsistence production and the continuation of production within the family in the form of housework. This has its own implication in respect of nature. While within the factory working class men lose all control over their productive interaction with nature since it is capital which takes over that control, outside the factory too they virtually lose all productive contact with nature as part of daily life, it is the women who retain it. Nature retains its productive presence in the daily life of working class not through working class men but as a rule through women, who despite capital find newer ways to satisfy needs based on whatever meagre means and uncaptialised portions of nature are left at their disposal. In short, it also means that we need to recognise that first because of their incorporation into capital as wage labourers (as

Monopoly capital, the perversion of need and the banishment of nature

variable capital) at the workplace, the degradation and fragmentation of work, and their excluding themselves from all productive work within the habitat because of patriarchy, the workers lose productive contact with nature. Nature as bountiful giver is already potentially expelled from their lives. And it is through women that the bond is maintained. Of course, the situation on the ground is bound to be more complex, but this is the *direction* that capital imposes. This relationship is stronger in the developing countries, where a vast majority of the labouring classes still occupy the frontier of capitalist nature and production and obtain their livelihoods through a mix of wage labour and non-capitalist production forms¹⁰, but the direction here is the same, if anything the women have a much stronger relationship with productive nature.

MATERIAL FACTORS BEHIND THE RISE IN CONSUMPTION

If the process of the receding of nature as bountiful giver from daily life is initiated by competitive capitalism, it is brought to a striking conclusion by monopoly capital. It is customary, especially among green theorists to see consumerism¹¹, a culture of compulsive consumption on part of the consumer, as the driving force behind the exponential expansion of use values and its consequent effects. Lodziak offers a strong corrective to this view, which he calls an ideology of consumerism.

[The] ideology of consumerism is an ideology in the critical, negative sense, precisely because it is highly misleading in... a number of ways. First, the attractions of consumption (whatever these might be) for the consumer are exaggerated. Second, the value of consumption (whether it be that of pleasure, creativity, meaning or identity) is limited to certain groups of people. Third, the emphasis on consumption as a symbolic activity ignores the continuing relevance of need and the material use-value of goods in determining what we consume. Fourth, consumer choices cannot be equated with individual freedom. Fifth, the portrayal of consumption as an outcome of free choices ignores the fact that most personal and domestic consumption is an adaptive response to present day living conditions, and is best seen as obligatory.

Finally, as an explanation of increasing consumer demand the ideology of consumerism misconstrues individual consumption for the reasons already stated, fails to acknowledge that it may be relevant to only a minority, and totally ignores the most obvious way in which affluent societies continuously increase consumption, that is through... 'institutional' consumption.¹²

By institutional consumption, Lodziak here refers to the often feverish consumption spending that characterises consumption by corporate forms of capital, within and without productive consumption. Without necessarily rejecting the importance of the culture of compulsive consumption – for it could be a necessary accompaniment of the other phenomena and not necessarily counter posed to them – one would like to add to this what may appear like a truism, but is not, that the character of present-day capital as a form of dominance of monopoly and finance capital has also an important role to play. In what follows I shall briefly trace Lodziak's arguments and see how they connect up with monopoly capital.

Increasing levels of personal and domestic consumption on the other hand, Lodziak argues, are explained by three major factors. The first of these is the planned obsolescence of products. Planned obsolescence is now a well accepted phenomenon, incidentally, also well linked to monopoly capital.¹³ Gorz adds to this the concept of 'accelerated obsolescence'¹⁴. The second is the structural needs imposed by the changing social and physical environment of self reproduction, or the business of living. This is based on the fact that the new conditions require newer and 'richer means of satisfaction'¹⁵ of survival needs, and these 'structurally imposed or structurally induced needs'¹⁶ then become necessary conditions of the reproduction of daily life. The third is the typical Gorzian argument with respect to the length of the working day – the inflated working hours, the fact that the working day is kept much longer than what it could potentially be brought down to – an argument that I do not propose to engage with in what follows, since it will take us too far afield.

Planned, and later, accelerated obsolescence,

Monopoly capital, the perversion of need and the banishment of nature

presumes monopoly – albeit monopoly in a specific sense. Competitive capitalism takes use value as given, and implies that if one capitalist provides products incorporating obsolescence, the buyer can simply switch to another one which does not. Planned obsolescence presumes that capital has grown to a point where it can affect the market, where use value need not be taken as fully given, but can be moulded. The advertising, the sales effort follows and does not precede or create this obsolescence. Moreover, the specific sense of monopoly here is that arises out of concentration of capital as opposed to centralisation.

MONOPOLY CAPITAL AS GROUNDING THE RISE IN CONSUMPTION

In Marxist theory it is customary to distinguish between concentration of capital and centralisation of capital. The latter refers to aggregation in terms of ownership while the former refers to the aggregation that grows out of the size of an individual capitalist enterprise. It implies that conditions of production are such that because of the very scale of operation of individual capital its product inevitably forms a significant portion of the supply and is then capable of influencing it significantly. Without this power, neither planned nor accelerated obsolescence can be realised. Capital becomes truly dominant in the form of monopoly capital; it now comes to dominate the market more than being dominated by the market.

This dominance is important in both, the accelerated obsolescence as well as in imposing use values in its image on society and transforming need, the process that Offe identifies as structural needs now experienced as needs called forth by the requirement of the reproduction of daily life. And, it must be emphasised that this process is more than a change in ideas. The imposition of structural need is a material force, mediated by what Harvey calls being 'fixed'. The ever increasing separation of the workplace and the habitat that creates the need for transportation is fixed into the space and exists as a material condition that individuals have now to adapt to, to some extent, irrespective of what they think about it.

There is also a process here of individuation of need, that is as important as any other aspect. Individuation of need creates a greater market than otherwise; the market that is created by the individual motor car is much, much greater than the market that a rationalised public transport would create. Redundancy is as much built into newer and newer gadgets. Repair is a word that loses functionality as companies prefer to let repairs and replacements of spares die a silent death. All capital would prefer to thrive on waste but it is in its monopoly form that it can make business out of it because it can impose its will on the market.

Monopoly capital also acquires the size of the capital that gives it monopoly by virtue of its immense productivity, by the very high rate of surplus value. The turn that this involves towards spending on military and other stockpiling activity that can absorb this surplus value, the turn towards spatio-temporal fixes and the recently increasing accumulation by dispossession are one part of the story. The other part is related to the workforce. This affects, on the one hand, its workers, who may be granted 'richer means of satisfaction' of survival needs – and survival needs only – if they also create a sufficient market for those means.¹⁷ Secondly, it cannot visualise a shorter working day (the typical Gorzian argument) or a rise in the value of labour power beyond that required for the reproduction of daily life even with 'richer means of satisfaction' because it would reduce the rate of surplus value, it can however, look towards an increased consumption of goods and services that exchange against surplus value as a new sector of the economy that can provide an additional and expanding market without touching the source of that surplus value, and moreover can pay them differently and better. It can thus create a salariat class that is tied into its circuits and can be tied to a different kind of consumption need.

A POSSIBLE EQUATOR OF NEED

In describing what he calls the 'modernisation of poverty', Illich at one point says,

Beyond a certain threshold, the multiplication of commodities induces impotence, the incapacity to

Monopoly capital, the perversion of need and the banishment of nature

grow food, to sing or to build.¹⁸

Illich's resolute opposition to the disabling qualities brought about by the proliferation of commodities is entirely expected – and though it is often extreme, it has valuable insights to offer, some of which shall be discussed briefly below – what struck me is the rare admission contained in that qualifying phrase – *beyond a certain threshold*, which implies a judgment that a threshold has been crossed.

It brings to mind here a thought experiment described by Sawyer¹⁹ that brings out how thresholds matter. Imagine yourself at the South Pole. You paint a circle on the Earth of 1 km radius centred on the Pole. You are obviously standing outside the circle. Now you paint another 1 km strip outside the circle. You keep adding 1 km wide annular strips to increase the size of the circle. Everything runs all right for quite a while. The circle keeps getting bigger and bigger and you keep standing outside it. But things begin to happen very differently once you pass the equator. Instead of the circle becoming larger, with every addition of an extra strip, the circle now shrinks. You are no longer outside the circle increasing its size, you are now inside it and the circle now rapidly traps you into a smaller and smaller space! A threshold has been passed, and the same iteration now has very different effects.

It is possible to view the exponential multiplication of commodities in this light. It is possible that further expansion of commodities is becoming an entrapment because that threshold has been passed; we have passed the equator that determines the geometrical threshold of the expansion of our economic space.²⁰ These are all metaphors, and determining where the equator, the threshold, lies is of course the crucial question.

I remember myself reading Illich as most Marxists tend to read him, as a preposterous claim that everyone should grow their own food, fashion their own tools, make their own articles of use, should not go to school and abolish doctors. And even more so from the vantage point of a developing country. But there is another way to read him, to look at what he is saying, as something that happens after the threshold is crossed rather than as an absolute.²¹ Over the last thirty years, witnessing what

has been happening in the world, especially in the advanced capitalist countries and their replica vernacular enclaves everywhere in the developing world, re-reading Illich makes me much more alive to this sense of having crossed the threshold.

For it is without doubt, that the first phase of the multiplication of commodities does come as the opening up of new possibilities of reduction in drudgery and increase in well being – even as they are denied to the populace they nevertheless raise hope of a different kind. But as the fever to catch up begins to build up, I can sense this crossing of the threshold. It is impossible for me to pin down the location of the equator which changes my position from being 'outside' the expanding circle to being trapped 'inside' it. But I think I can make out clearly those ends of the spectrum where one or the other predominates. I can definitely make out a broad region where, at least to me, it is clear that we have crossed the threshold.

THE PERVERSION OF NEED

Let us begin with the need to reduce drudgery and hardship and the mechanisation of housework. So we have first the piped water supply instead of fetching water from the stream. In that too we have first the standposts and later on the individual tap in the individual kitchen. We have here a double process: the greater individualisation reduces social contact, that is separates us from other human nature and secondly it separates us from nature. It is still the stream that is the source of water but we have interposed between the stream and us a huge apparatus that makes it disappear from our vision. We begin the process of banishment of nature from daily life. We are now no longer directly involved or concerned with the state of the stream that feeds us with the water we drink. For women, this double separation is often drastic, this 'housewifisation' so to speak lops off a large part of their natural interaction with other women, an interaction that they must now actively seek and secondly, it disconnects them from nature as bountiful giver – disconnects them from the stream that gave them water and reconnects them to the gram panchayat or the municipal council as the provider of the tap

and the water.

Let us pass on to the need to reduce the drudgery of walking. The bicycle and then the tram and the bus and finally the individual motorcar spare us the effort of walking. Let us ignore for the time being the other end of this extension towards the fantastic, towards fast trains, racing cars, supersonic flight and finally, why not, space travel. Assume too that our workspace and home is ergonomically defined and spares us physical effort. Now simply because we have been saved all this effort, we must now devote special time to make effort! We must now carry ourselves in a motorcar to a stretch of open space and run simply because we have been saving ourselves the effort of walking! And we must go to a gym and bend and stretch because we have fashioned a way of life to save us from bending and stretching!

Capital thrives on this. It is happy to provide us with the mechanised workplace and the ergonomic home *and* the gym and the park, all at a profit. It is double business for capital. If in its earlier period, monopoly capital had concentrated on reconstituting of the workplace to suit its needs²², now it extends it to the home refashioning it by structuring the choice of commodities it provides, structuring need. It happens insidiously, by simple iteration, so that one does not notice the passing of the equator and the perversion of need that has taken place. The need for reduction of drudgery insidiously becomes the need to eliminate physical effort. There is an equator here too. Physical effort is a natural need of human beings, it is their connection with nature. Drudgery is imposition of effort beyond what would be natural effort. I do not want to deny the social nature of concepts like drudgery or natural effort, and we shall have occasion to go into some of those issues later, but at this point, I would also like to assert, that this social construct does not hand us the godlike power of infinite malleability of need. Nature asserts itself in the paradoxes it creates when social norms of the natural cross the natural equators that nature itself has set up. The paradox mentioned above, that we must go to a gym and bend and stretch because we have fashioned a way of life to save us from bending and stretching, indicates that

we have at some point crossed that equator, that need has been perverted.

The view is also likely to be very different from the two sides of the equator, the metaphor so conveniently maps on to the difference between the North and the South. The South, excluding its affluent enclaves and including the poorest of the poor and the subsistence sectors in the North, is still, probably, on the expanding side of the equator. One of the greatest problems is in unifying these two views, to find a common language, to assert the need for expansion of the painted circle even while retaining an awareness of the equator where expansion will turn into a contraction. But I over-anticipate. We are entering new territory here. We are entering the territory of need, of what is natural and not, from how we regard capitalism to how we regard nature, though of course the two have always been linked. Let me return to what this insidious perversion of need under monopoly capital has done to the status of nature, through another and, in my opinion, a decisive crossing of the equator.

THE BANISHMENT OF NATURE

Humans have always felt the need for protecting themselves against the extremes of natural climates. Hearth fires have helped us cope with winter, while wetted khus and other fibrous curtains and fans have helped cope with summer heat. Electric fans and electric heaters are an enhanced version of this coping mechanism. But with central heating and air conditioning I think we insidiously cross the equator of needs. I offer this specific location of the equator as a proposition even while fully acknowledging the malleability of need and the interpenetration of need, want and desire, because I think that in respect of nature, it does seem to mark a threshold. Central heating/air conditioning and the individual motor car are now counted among the necessities in the affluent North. They are presumed, and no one need give thought to them. What they do to energy consumption is well documented, what I am more interested here is in what they do to nature.

The hearth fire and the khus curtain and fan, or even the electric heater and the electric fan, even

while coping with nature keep alive our contact with nature. Nature is ever present in the draft that passes through the built space, the seasons and the elements are allowed entry; it is only their felt extremes that are attempted to be modified. With central heating/air conditioning and the heated/air conditioned car, we seal ourselves off from nature. An enclosure takes place. We emerge from centrally heated/airconditioned homes, get into heated/airconditioned cars and travel to centrally heated/airconditioned workplaces. We already live in cocoons, and were it not for total recycling and air locks, we could be on Mars or a space station. Daily life has almost become science fiction.

We lose the sense of living within nature because in the airconditioned affluent society we truly no longer live within nature. The mediated sense in which we still anyway continue to live within nature is no longer part of lived experience in daily life. Nature now appears as 'view', as what we see through thick glass panes outside. And within daily life, nature appears as obstruction, as the weed that over runs the garden or the snow that must be shovelled off to facilitate the movement of the motor car, as the rising or falling temperature which must necessitate an adjustment up or down of the thermostat. Nature as bountiful giver, as condition of all that humans do and create is banished from daily life. It now only can exist far from us – in the wilderness.

ACKNOWLEDGEMENT

This is a modified excerpt from an essay prepared during my time as a Visiting Fellow at the Centre for Interdisciplinary Studies in Environment and Development, Bangalore. I gratefully acknowledge their support.

NOTES

¹ See the note 'Capitalisation of Nature and Accumulation by Dispossession: At the Heart and the Frontier of Capitalism' that I had presented to the Indian Social Science Congress 2007.

² (Kovel 2000). Kovel's analysis is not altogether free of ambiguities some of which are discussed below. Kovel's treatment of the struggle for a prefigurative re-appropriation of use value deserves treatment in its own right and the remarks that follow are not intended to serve that purpose; they are limited to situating use value in a transhistorical context.

^{3,4} (Kovel 2000)

⁵ To quote one of the many instances where he makes this point: '[The] argument—that the imperfection of nature reveals evolution—strikes many people as ironic, for they feel that evolution should be most elegantly displayed in the nearly perfect adaptation expressed by some organisms... Why should all the large native mammals of Australia be marsupials, unless they descended from a common ancestor isolated on this island continent? Marsupials are not "better," or ideally suited for Australia; many have been wiped out by placental mammals imported by man from other continents. This principle of imperfection extends to all historical sciences.' (Gould)

⁶ I would like to describe here my recent experience of watching a well meaning documentary on water issues which depicted some of the practices in severely drought prone areas. I do not refer to that particular documentary by name here because I do not wish to single out that particular documentary for a phenomenon that is so very common. In the film, the women speaking in their own dialect continually talk about their hardship just as much as they talk about how their practices have been adapted to cope with scarcity. In the English voiceover, the hardship disappears from the text! For similar elisions also see (Baviskar 1995) and (Baviskar 2005)

⁷ (Marx 1959) p. 667-724

⁸ (Marx 1959) p. 222-86

⁹ (Engels 1969)

¹⁰ This refers to non-capitalist commodity production, subsistence production and housework.

¹¹ In its non-American sense as specified here. It is used without qualification in that sense in what follows.

¹² (Lodziak 2000) p. 6

¹³ See for example the classic (Baran and Sweezy 1966)

¹⁴ 'Competitiveness demanded maximum mobility, fluidity and rapidity in designing new products and putting them into production. Firms had to be capable of continual improvisation; they had to know how to whip up passing fads, unpredictable and transient fashions) and exploit them to the full. In virtually saturated markets, the only type of growth possible was growth in the variety of taste and fashion, growth in the speed at which these things changed.' (Gorz 1999) p. 27-8 as cited in (Lodziak 2000). It is here that the importance of finance capital also becomes important. Finance capital, the most mobile form of modern corporate capital, has the mobility required to impose this constant frenetic movement on productive capital.

¹⁵ (Gorz 1967) p. 89 as cited in (Lodziak 2000)

¹⁶ (Offe 1984) p. 224-7 as cited in (Lodziak 2000)

¹⁷ The individual motorcar is one such need that monopoly capital has happily granted its workers in the advanced capitalist countries. For a typical Gorzian view, see (Gorz 1980b)

¹⁸ (Illich 1978) p. 10 emphasis added.

¹⁹ (Sawyer 1959). I do not have the book in front of me, but it has left a sufficiently deep impact on me to be able to vouch for the citation!

- 20 Metaphorically, we still tend to think in terms of infinities, when the fact is that of finitude, of most space as a an infinite Euclidean expanse when the fact is more likely that of non-Euclidean closed spaces.
- 21 Gorz reads him differently and consequently incorporates many of his concepts into his own distinctive analysis.
- 22 The classic study in this respect is (Braverman 1974). And the degradation of work may be seen to be paralleled by the anticipated perversion of need.

REFERENCES

- Baran, Paul A. and Paul M. Sweezy, 1966, *Monopoly Capital: An Essay on the American Economic and Social Order*, Monthly Review Press, New York and London.
- Baviskar, Amita, 1995, *In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley*, Oxford University Press, Delhi.
- Baviskar, Amita, 2005, "Tribal Politics and Sustainable Development," in S. N. Pawar, R.B. Patil and S. A. Salunkhe, eds., *Environmental Movements in India*, Rawat Publications, Jaipur.
- Braverman, Harry, 1974, *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century*, Monthly Review Press, New York.
- Engels, Frederick, 1969, "The Condition of the Working Class in England," Transcribed by Tim Delaney in 1998 from the Panther Edition, 1969, from text provided by the Institute of Marxism-Leninism, Moscow, <http://www.marxists.org/archive/marx/works/1845/condition-working-class/index.htm>, accessed on 10 April 2007, 2007.
- Gorz, Andre, 1967, *Strategy for Labour: A Radical Proposal*, Beacon Press, Boston.
- Gorz, Andre, 1980b, "The Social Ideology of the Motorcar," in *Ecology as Politics*, Southend Press, Boston, pp.69-77.
- Gorz, Andre, 1999, *Reclaiming Work: Beyond the Wage-Based Society*, Polity Press, Cambridge.
- Gould, Stephen Jay, "Evolution as Fact and Theory," http://www.stephenjaygould.org/library/gould_fact-and-theory.html last accessed 9 April 2007.
- Illich, Ivan, 1978, *Towards a History of Needs*, Pantheon Books, New York.
- Kovel, Joel, 2000, "The struggle for use value: Thoughts about the transition," *Capitalism, Nature, Socialism*, 11(2): 3-24.
- Lodziak, Conrad, 2000, "On explaining consumption," *Capital & Class*, Autumn 2000, (72): 111-133.
- Marx, Karl, 1959, *Capital I*, Moscow.
- Offe, Claude, 1984, *Contradictions of the Welfare State*, Hutchinson, London.
- Sawyer, W. W., 1959, *Prelude to Mathematics*, Penguin Books,

(Contd. from page 213)

Registration Category

Category	Upto February 15, 2009	From February 16, 2009
Member-Delegate	Rs. 1000.00	Rs. 1200.00
Non-Member Delegate	Rs. 1500.00	Rs. 2000.00
Institutional Delegate :		
(a) Member	Rs. 1200.00	Rs. 1500.00
(b) Non-Member	Rs. 2000.00	Rs. 2500.00
Student Delegate	Rs. 700.00	Rs. 900.00
Foreign Delegate	Rs. 2500.00	Rs. 3000.00

FOR membership, registration, papers and travel support :

Dr. N. P. Chaubey

General Secretary, Peoples Council of Education

Iswar Saran Ashram Campus, Allahabad-211004

Tel : (O) 0532-2544245, Telefax : 0532-2544170

<issaald@gmail.com>

website <http://www.peoplescouncilofeducation.info>; <http://www.pecindia.info>

Papers and bank draft should be sent under a registered post. All payment should be made by an A/C payee DD in favour of Peoples Council of Education payable at Allahabad.

Monopoly capital, the perversion of need and the banishment of nature

PUBLICATIONS OF THE ACADEMY

- | | |
|--|--|
| 1. <i>Recovering Marxism of Karl Marx</i> | Randhir Singh |
| 2. <i>Secularism in India</i> | M S Gore (Ed) |
| 3. <i>Social Justice and Social Process in India</i> | N R Madhav Menon (Ed) |
| 4. <i>Social Implications of Development : The Asian Experience</i> | M S Gore, G Pant & N P Chaubey (Eds) |
| 5. <i>Indian Society at the Turn of the Century</i> | N P Chaubey (Ed) |
| 6. <i>The Myth of Planned Development</i> | E Haribabu, B Sarkar & N P Chaubey (Eds) |
| 7. <i>Regional Planning and Development</i> | |
| 8. <i>Imperatives of Democratic Planning in India</i> | Ranjit Sau |
| 9. <i>Impact of Science and Technology on Indian Society</i> | S N Ghosh & N P Chaubey (Eds) |
| 10. <i>Social Perspective of Development of Science and Technology in India</i> | B V Ranga Rao & N P Chaubey (Eds) |
| 11. <i>Tribal Techniques, Social Organisations and Development : Disruption and Alternates</i> | N P Chaubey (Ed) |
| 12. <i>Emerging International Order and Foreign Policy Options for India</i> | P M Kamath |
| 13. <i>Towards Health Care for All : Some key Issues</i> | Anant Phadke |
| 14. <i>India : Human Development in a Nation</i> | Ranjit Sau |
| 15. <i>Social Perspective in Microprocessors and Information Technology</i> | R Sadananda & B Sarkar (Eds) |
| 16. <i>Knowledge for New World Order</i> | B Sarkar |
| 17. <i>Fifty Years of India's Freedom : State, Nation and People</i> | K Raghavendra Rao, Asok Maiti, D Panda & N P Chaubey (Eds) |
| 18. <i>Terrorism, State Terrorism and Democratic Rights</i> | Randhir Singh |
| 19. <i>Social Cost of Bonded Labour</i> | U P Arora, M K Patra, Ramshankar & N P Chaubey (Eds) |
| 20. <i>Nurturants of Bonded Labour</i> | U P Arora, M K Patra, Ramshankar & N P Chaubey (Eds) |
| 21. <i>Evolution of India's Health Policy</i> | |
| 22. <i>Health for all in 2000</i> | Saumya Panda |
| 23. <i>Political Economy of (Breast) Cancer</i> | D Banerjee |
| 24. <i>Facing the Challenges of Globalisation</i> | Sthabir Dasgupta |
| 25. <i>The Tragic Partition of Bengal</i> | S N Ghosh |
| 26. <i>Ethics of Violence</i> | Suniti Kumar Ghosh |
| 27. <i>Abstract of Social Science Congresses (1 volume for each Congress)</i> | D Panda |
| 28. <i>Information Technology : Peoples' Development and Culture</i> | C M Bhandari, Ashok Gupta and N P Chaubey (Eds) |
| 29. <i>Grounds for Hope</i> | |
| 30. <i>Crisis of the Modern Civilization (Vol-I)</i> | Ramkrishna Bhattacharya |
| 31. <i>Democracy, Peoples' Development and Culture</i> | N P Chaubey & D Panda (Eds). |
| | D Panda & N P Chaubey (Eds). |

For copies write to
Dr N P Chaubey (General Secretary)

INDIAN ACADEMY OF SOCIAL SCIENCES
Iswar Saran Ashram Campus, Allahabad 211 004

PHONE : OFFICE : (91)-(532)-2544245
RESIDENCE : (91)-(532)-2544170
Fax (0532)-2544170
e-mail: issa@sancharnet.in ; issald@gmail.com

Please visit us at our Website
www.issaindia.org

BHARATIYA SAMAJIK CHINTAN

Bharatiya Samajik Chintan is a forum for articulation, analysis and debate of issues— which concern the nation— by natural scientists, social scientists, doctors, engineers, technologists, social activists, research scholars, students and others. It publishes contributions— in the form of articles, comments on published articles, book reviews, and letters to editor— from established intellectuals as well as young scholars. The papers/articles will be selected on merit for publication. However, only such articles which attempt to make some theoretical methodological contribution or which have immediate applied value, will be published in this journal.

INSTRUCTIONS TO AUTHORS

Authors submitting a paper do so on the understanding that it has not been published previously, nor is it being considered for publication elsewhere. A declaration to that effect, signed by (all) the author(s) must accompany the manuscript. Manuscripts should be sent to the Editor.

- Submission of the manuscript implies that the authors agree to assign **exclusive copyright** to the Indian Academy of Social Sciences (ISSA) as soon as the manuscript is accepted for publication. The work shall not be published elsewhere in any language without the written consent of the ISSA.
 - Contributions may be made only to the following categories : Comment, Book Review, Letter to the Editor, Theoretical Research Articles and Report of Case Studies.
 - Contributions may be submitted via e-mail <pandadebabrata65@gmail.com>.
 - Submit the manuscript in triplicate.
 - Manuscripts should be composed in MS WORD or PAGEMAKER6.5. The diskette along with the hard copy containing an exact copy of the manuscript must be accompanied by two photocopies.
 - The contribution should be submitted in English. *The author must ensure that the spelling is consistent— be it British or American.*
 - The journal does not hold itself responsible for loss or damages to manuscripts in transit.
 - *Contributions should in most cases not exceed 10 printed pages (approximately 700 words per printed page). Additional pages must be paid for by the author at the rate of Rs. 100 per page. Payments should be remitted to the Managing Editor by a demand draft drawn on Kolkata in favour of Indian Academy of Social Sciences or cheque issued by a Kolkata branch of a bank.*
 - Authors are solely responsible for all views expressed in their work. Statements and opinions expressed in their contributions are not necessarily those of the Editor, publisher or the ISSA.
 - Each paper must be accompanied by an *Abstract not exceeding 100 words*.
 - Each paper must contain (i) a concise informative title, (ii) name(s) of author(s), (iii) institutional and departmental affiliation of the author(s), (iv) a short title if the title exceeds 30 letters and (v) the name and address of author to whom correspondence about the manuscript should be referred. E-mail address of the author(s), if available, should be mentioned.
 - **Tables** should have short explanatory headings and they should be numbered as Table 1, Table 2 etc. Number of Tables should be kept to a minimum.
 - **Diagrams** should be in a form suitable for direct reproduction. They should clarify the text and their numbers be kept to a minimum. Acknowledge all illustrations/tables/diagrams reproduced from other publications.
 - **References** appearing in the text should be given in the form [Radhakrishna 1991], [Dev *et al* 2000] etc. At the end of the text, authors' names cited in the text should be alphabetically arranged and they can be listed as in the Example :
- Bardhan PK, 1985, *The Political Economy of Development in India*, Basil Blackwell, Oxford : 191-206.

Declaration No. 31/JM/Dated 3. 9. 2004 under Memo No. 781(3)/JM dated 7.9.2004, Office of the District Magistrate, North 24-Parganas, Barasat (JUDICIAL MUNSHIKHANA DEPARTMENT)

BHARATIYA SAMAJIK CHINTAN

Vol VII, No. 3, October-December 2008

Sengupta N, 1997, 'One step forward, two steps back' in Rao, Maiti, Panda, Chaubey (eds) *Fifty Years of India's Freedom*, Indian Academy of Social Sciences, Allahabad : 87-100.

Trivedi J M, 2003, 'Human rights, violence and tribal women' in *Bharatiya Samajik Chintan*, January : I, 4 : 44-46.

UNDP, 1998, *Human Development Report 1998*, OUP, New York : 65n.

For Online References

Example : Pilger J, 2003, 'We know too much, we see too much', available from Global Network Against Weapons and Nuclear Power in Space, Gainesville, FL: <http://www.space4peace.org>.

Abbreviations and Symbols. Unfamiliar abbreviations and symbols must be defined, when first used. Only generally accepted standard terms should be used. Avoid using Roman numerals in the text.

Acknowledgements. Authors should acknowledge only persons who have made substantial contributions to their work. They are required to obtain written permission from everyone acknowledged by name so that readers may infer the endorsement of the data and conclusions by the persons acknowledged.

- *We do not supply offprints.* An author of a published paper will receive one copy of the particular issue.
- **Book for review.** Two copies of each book for review should be sent to Professor Girijesh Pant, 72 Dhaksinapuram, Jawharlal Nehru University Campus, New Delhi-110067. Email: gpant49@gmail.com.

INDIAN ACADEMY OF SOCIAL SCIENCES

Indian Academy of Social Sciences (ISSA) is a duly registered national level body in the field of social sciences with its headquarters at Allahabad. It was established on August 15, 1974 with a view to promoting cause of social science and social scientists in India.

MEMBERS

ISSA offers six categories of membership

Life Fellow Rs 4000, Fellow Rs 500 (per annum), Sessional Fellow Rs 400 (per annum); Donor Member Rs. 5000 (per annum); Institutional Member (a) Permanent Rs 20,000 (b) Annual Rs 3000.

In case of outstation cheques Rs 60 should be added as a Bank Commission.

Further details can be had from :

N P CHAUBEY

General Secretary

Indian Academy of Social Sciences

Iswar Saran Ashram Campus, Allahabad 211 004

PHONE : OFFICE : (91)-(532)-2544245

RESIDENCE : (91)-(532)-2544170, Fax (0532)-2544170

e-mail: issa@sancharnet.in ; issaald@gmail.com

Please visit us at our Website

www.issaindia.org.

Printed & Published by Debabrata Panda on behalf of Indian Academy of Social Sciences

Printed at Creation, 24B/1B, Suresh Sarkar Road, Kolkata-14

Published from Ashok-Swapna

122/4, Dr. J R Dhar Road, Kolkata-28

Editor : Debabrata Panda

Single Copy : Rs. 20