

# INDIA FOUNDATION JOURNAL

## Opinions

- Babu Jagjivan Ram and the 1971 War
- Emerging Challenges in the Indo-Pacific Region
- Challenges to India Gaining a Seat at the High Table of World Politics
- Need Audacity in Our Public Policy
- Key Features of Budget 2017 - A Delicate Balancing Act
- Turkey's Bid to Join EU: Have We Reached a Point of No Return?
- The Trump Presidency: The Effects of After Effects
- Muslim Personal Law and the Shayara Banu Case

## Review Article

- Prevention of Corruption Act: A Relook at the Proposed Amendments

## Book Review

- Husain Haqqani's 'Pakistan: Between Mosque and Military'

## Reports

- Commemoration of 1971 India-Pakistan War
- Bilateral Conference on "Future of India-China Relationship"

## Focus: "Right" World

- The Centre is Not Holding: It's not a False Alarm! - Raj K Mitra & Shailesh Jha
- Taking the Right Turn - Siddhant Mishra
- In Quest of an 'Indian Right' - Swadesh Singh

## **Editor's Note**

*Dear Readers,*

*This issue of the India Foundation Journal comes with a focus on the political situation in India and the world and the perceived rise of Right Wing politics across the world, where even President Xi Jinping's pro market faction within the Chinese Communist Party could be considered an "incarnation of an alternative to the traditional Left".*

*In his article, 'In Quest of an Indian Right', Swadesh Singh states that the Indian civilisational story is one of continuous evolution and that we must relook at thinking within the framework of Right and Left. Kanu Agarwal provides an overview of the "Prevention of Corruption Act" and analyses the proposed amendments to the Act, removing many misconceptions about the Act in the eyes of the common man. A most thought provoking article is the address given by Mr Walter Anderson at the India Ideas Conclave at Goa, on the challenges to India gaining a seat at the high table of world politics. Devoid of partisan politics, the author makes a crisp analysis of India's strength and weaknesses and posits that the key question is whether India will be daring enough to take advantage of the opportunities on offer and assume a leadership role on the issues it faces.*

*The 2017 Budget has also been analysed in this issue, this time taken from the speech delivered by Dr Arvind Subramanian at the breakfast briefing given to young diplomats organized by India Foundation on 22nd February, 2017. Dr. Subramanian in broad outline highlighted the major issues that were considered and delved on the impact which the budget will have on national growth. This issue also has an article on the Trump Presidency, the state of Turkey's relations with the European Union and also details of the seminars and round tables held by India Foundation. Happy Reading.*



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## **TABLE OF CONTENTS**

### **FOCUS: “RIGHT” WORLD**

The Centre is Not Holding: It’s Not a False Alarm! .....	<b>Raj K Mitra and Shailesh Jha</b>	3
Taking the Right Turn .....	<b>Siddhant Mishra</b>	10
In Quest of an ‘Indian Right’ .....	<b>Swadesh Singh</b>	13

### **REVIEWARTICLE**

Prevention of Corruption Act: A Relook at the Proposed Amendments .....	<b>Kanu Agarwal</b>	19
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### **OPINIONS**

Babu Jagjivan Ram and the 1971 War .....	<b>Meira Kumar</b>	26
Emerging Challenges in the Indo-Pacific Region .....	<b>Ram Madhav</b>	29
Challenges to India Gaining a Seat at the High Table of World Politics .....	<b>Walter Anderson</b>	31
Need Audacity in Our Public Policy .....	<b>Aroon Purie</b>	34
Key Features of Budget 2017 - A Delicate Balancing Act .....	<b>Dr. Arvind Subramanian</b>	39
Turkey’s Bid to Join EU: Have We Reached a Point of No Return? .....	<b>Sanjal Shastri</b>	43
The Trump Presidency: The Effects of After Effects .....	<b>Dr. Manan Dwivedi</b>	45
Muslim Personal Law and the Shayara Banu Case .....	<b>Raghav Pandey</b>	48

### **REPORTS**

Commemoration of 1971 India-Pakistan War .....	<b>Shristi Pukhrem</b>	51
Bilateral Conference on “Future of India-China Relationship” .....	<b>Siddharth Singh</b>	54
India Foundation Dialogue .....		60

### **BOOK REVIEW**

Husain Haqqani’s ‘Pakistan: Between Mosque and Military’ .....	<b>K Raka Sudhakar Rao</b>	62
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## The Centre is Not Holding: It's Not a False Alarm!

\*Raj K Mitra and Shailesh Jha

*It is always possible to bind together a considerable number of people in love, so long as there are other people left over to receive the manifestations of their aggressiveness. – Sigmund Freud*

If we talk to a political analyst today about the overarching trend in global politics, chances are that the comparison of the world today with that in the 1930s will be easily invoked. There are indeed familiar themes – rising racial intolerance, trade protectionism, hostility to immigration, insecurity about technological progress, frustration with conventional politics and the search for a “hero” amid this confusion. Theoretically, it’s a fertile ground for right-wing populism.

Familiar as these motifs may seem, history may rhyme, but it rarely repeats itself. The rise of right-wing politics we see today has similarity in its origins to the inter-war right-wing radicalism in Europe. It has its genesis in the Great Recession of 2008-09, much as that of the right-wing politics of the 1930s lay in the Great Depression and the collapse of the Gold Standard. That said, the legacy of the current right-wing political resurgence, in the decades to come, is likely to be less violent, but more enduring in its impact on the global economic order.

It is tempting indeed to generalize and basket all nationalist political parties – from Donald

Trump’s Republicans in the US to Theresa May’s Conservatives in the UK, from Vladimir Putin’s United Russia Party in Russia to Narendra Modi’s BJP in India – as the manifestation of a global revival of authoritarian, exclusivist politics. However, much of what is called the “Right” today is defined less by what it is, and more by what it is not—an opposition to the left-of-the-centre social democratic political bloc.

Perhaps, it’s a natural product of radical political and economic challenges in “extraordinary times” – when old powers are waning and new alliances are taking center stage. And, in this sense, even President Xi Jinping’s pro-market faction within the Chinese Communist Party could be considered an incarnation of an alternative to the traditional Left. It is better then, perhaps to describe the rise of the Right as the displacement of the left-liberal social-democratic political consensus. These alternatives to the center-left occupy a large spectrum. Like a spectrum, the ideological colors are varying combinations of three primary ingredients-protectionism, intolerance to immigration, and welfare chauvinism.

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It is not as if concerns and policies of the 21st century right-wing parties are entirely novel. Ironically, the political Left has often voiced before their modern anxieties about globalization and inequality. What then led to the collapse of that classic left-wing mobilization called Occupy Wall Street and the appropriation of its concerns by the Right? Fundamental changes to the labor market structure, greater global connectivity, highly opinionated dissemination of information and a misplaced faith in the wisdom of markets to distribute the fruits of globalization might be some explanations. We explore how each of these trends has affected the three aforementioned ingredients that form the blueprint of the modern Right's political philosophy.

## **Protectionism**

To understand the emergence of protectionism and the Right's increasing opposition to the flow of capital and goods since the Great Recession, we need to turn our clocks a few decades back. The 1980s-90s saw the state's retreat from economic activity around the world, though at different rates. Thatcher demolished the sick parts of British socialist state and welfare system, Reagan rationalized taxes, China opened its doors cautiously to the private sector, India embraced market reforms and in dozens of eastern European states, the Soviet-style command economy was being replaced by a private sector gradually integrating itself to the EU market.

Open competition was politically endorsed. Talented immigrants were welcomed across borders. Through mergers, acquisitions and internationalizations, firms expanded on a global

scale. The transformation brought about by the rise of Internet, telecommunications and financial deregulations in emerging markets was almost as paradigmatic as that of the invention of the steam engine and the printing press in the West, the centuries earlier, particularly because, these societies had been at the exploitative end in the previous golden age of globalization (1870-1914). Per capita income in many developing countries doubled or trebled in a generation and inflation began to converge steadily towards a lower global average.

At the same time, these years of tumultuous resurgence in emerging markets produced some losers too – mainly workers in Europe, the US and the UK who lost out to their cheaper counterparts in China, East Asia, Latin America and former Soviet satellite states. However, this wasn't perceived as a problem so long as de-industrialization in developed countries was compensated with an expansion in lending to households, by national and international banks. During 1980-2007, international bank lending rose a hundredfold, from USD324 billion to USD35 trillion. Markets, bankers and politicians were betting on a better future and rising incomes to help bring about a convergence in income levels of people across borders until 15 September 2008.

British philosopher John Dunn presciently categorized the developed world society in the latter 1990s, early 2000s into three tiers – those who can take good care of themselves in the market economy (educated elite and talented immigrants); those who can hold their own because they belong to surviving units of collective action with a threat advantage out of all proportion to

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their value of labor (bureaucrats, PSU employees); and those who are already going under because no one would choose to pay much for their labor (blue-collar white workers). It is this last group whose ranks have swelled and voices become strident in the last nine years. Strangely, the rise in inequality did little to raise the appeal for the radical Left, which had been consistently critical of globalization and had for generations claimed a dominant share of votes among economically disenfranchised voters.

In addition, the paucity of left-wing ideas in the economic sphere to break new ground beyond Karl Marx has challenged the Left's alternative standing to traditional political parties – in India and elsewhere – as those ideas increasingly seem based on the interpretation of a world that probably existed in the 1950s. Instead, the Left has banked heavily on its authoritarian patronage politics and forceful exclusion of the non-patronized to stay relevant. Consequently, the Left has been usurped by the Right rhetoric of defending a strong welfare state and protecting social welfare benefits.

The deindustrialization and rise in unemployment in developed countries in the past two decades was not the result of capitalists preying on labor and replacing them with machines, but rather finding a new working class eager to take up production process – in Bangladesh, Vietnam, China, India or Mexico. Any exhortation of the Left asking “workers of the world unite” would have sounded quite disingenuous to the workers in UK's de-industrialized north, whose jobs were perhaps being shipped to China.

Working class solidarity, in the present age of inequality, thus has become an anachronism, in so

far as it seeks to universalize the misery of labor. For workers in the US, the workers in the other country were a problem – whether answering clients from call centers in India or servicing IT complaints with H1B visas closer home. A political rhetoric that claims to protect the interests of one particular nationality of workers over the others became more seductive.

A less understood, but equally strong force that makes the radical Right the more attractive choice to the people left behind by globalization is the change in the nature of employment today. Non-manufacturing sectors dominate the global economy today and few, if any, have strong unions. This lack of unionization, unlike manufacturing and mining sectors, is not an oversight. Indeed, the typical structure of a privately owned banking, retail or consulting firm makes it difficult for workers to bargain collectively or unionize. Usually, a manufacturing unit has a stark contrast in the distribution of the fruits of labor, between a small and prosperous senior management and numerous and sparingly provided factory workers.

What changes in the non-manufacturing sectors is the presence of a middle management, where a complex hierarchy of privileges and distribution of incentives exists. This middle management consists of workers who have gained an increasing share of profits, as they have risen through the ranks, due to their ability to direct and lead other workers. Furthermore, modern managerial practices incentivize individual excellence over peers for securing promotion and prospects of career advancement. Even such a marginal decentralization of wealth and authority creates powerful reasons for workers to desist

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from forming interest-based unions. In such a society, when faced with economic uncertainty, people do not instinctively rely on their colleagues for support, who are often their competitors. Rather, they lean on groups organized along racial, religious or cultural lines outside of their workplace. Ergo, the political Right, rather than the Left, becomes a beneficiary of this confusion. This anti-trade strain is the strongest in the modern American Right, where deindustrialization is perceived to be an outcome of an ever-widening trade deficit with China, Germany, Korea and Mexico.

### **Intolerance to Immigration**

If protectionism is the dominant animating force in the American Right, hostility to immigration is what really unites Right-wing parties in Europe. The threat to a proud local culture from “aliens” is exactly what drives the support for Right-wing parties in Europe, where despite a financial crisis, social inequality in the native population hasn’t risen as much as it has in the US, not least due to the robust and comprehensive welfare systems instituted in the postwar decades of 1950-70. Reprisals against foreign workers or cultural others in times of economic strain are not new to Europe. A prominent example is indeed the rise of fascist parties in inter-war years, which rode strongly on the deep-rooted anti-Semitism in the European culture, blaming Jews for the misery borne by the continent after the collapse of the Gold Standard.

More recently, stagnation in Europe following the Arab oil embargo in the 1970s saw widespread popular opposition in Germany, France and the Netherlands to foreign workers from Eastern Europe, Turkey, Portugal and Spain. To that extent,

the resurgence of the Right was then expected even after a prolonged crisis in the Eurozone that lasted from 2008 until 2013. However, three factors are typical to the anti-immigrant sentiment prevailing in Europe in particular, and the developed world in general.

First is the size of the influx. Since 2015, Germany alone has taken in 1.1 million immigrants from the war-torn Middle East and Africa (1.3% of its population). The story has been similar in varying degrees in Scandinavia, Netherlands and Italy. The flows of refugees and asylum seekers across Europe over the past two years have been at an unprecedented rate since World War 2. However, unlike the late 1940s, norms of post-war mainstream politics dictate that the governments must ensure that the refugees are provided a minimum standard of living and security. The increasing burden of refugees on the state, many of whom are illiterate and not economically very productive, has shifted the opposition against immigrants from political fringes to the mainstream.

Second, for a big section of modern immigrants, war is not the reason for leaving their country. Globalization has encouraged and legitimized economic migration, where people cross shores to work for firms that promote and encourage talent. Immigration from South Asia (India and Pakistan) is a fitting illustration of this trend.

The spread of supply chains and corporate operations has also heralded a globalization of aspirations. A hard working young engineer in India can see Satya Nadella and possibly dream of emulating his success in the United States. In that sense, the changing racial composition of board-

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rooms in Fortune 500 companies is perhaps the unprecedented and lasting legacy of the current age of globalization. However, since the Great Recession, this successful “other” that inordinately benefitted from the dissolution of borders through its own merit and hard work has stood out in sharp contrast, perhaps because of its racial origins, amid the general deterioration in the quality of jobs and rising economic insecurity.

Cultural stereotyping and railing against immigrant communities from developing countries has found an eager audience, especially in the Anglo-Saxon world (English-speaking countries), where these communities were considered civilizationally inferior colonials not long ago.

Third, it wouldn't be out of place here to mention the catalytic impact of “Filter Bubble Effect” on inflaming these passions. Facebook, Twitter and other forms of curated social media have become cognitive echo chambers. One hears the news one believes in, opposing views are blotted out, and videos confirm one's worldview. People become a data point to be sold, with meticulous analytics on their political and psychological leanings.

In such a world, extreme outcomes and a lack of consensus are a norm. It was thus not surprising that most people polled ahead of the Brexit vote believed that their side (In or Out) would win with an overwhelming majority. Results were a tight race. However, if you supported Brexit, all the news you would have read in May and June last year would have confirmed that the nation was with you and your choices.

The reality is not very different in India. Every event, whether a budget or a terrorist attacks, is

seen through diametrically opposite worldviews, depending on whether you support or oppose the current government. In a world of vanishing middle ground, it is often difficult to elicit a proportionate response to complex situations, such as the pros and cons of immigration. No wonder, hostility to immigrants has found fanatical adherents in the age of social media.

### **Welfare Chauvinism**

The public desire to minimize dissent and seek security in a strong political leader gives rise to the third component of the modern Right, particularly dominant in emerging economies. This particularly manifests in countries that are new nations but old cultures. Furthermore, they have all, over the past three decades witnessed the dismantling of moribund economic systems in favor of a dynamic market-driven economy. However, a breakneck economic growth has also created an existential anxiety in these societies, which for generations were feudal and preferred stability to change.

In India, the emergence of Narendra Modi's BJP as the dominant national political force may in essence seem to be conforming to the broader rightward shift, but the similarities are as stark as the differences. By definition, Right-wing parties pander to the majority but, in India, the majority defined solely on a religious context isn't one block with various caste and regional issues coming into play. Hindu nationalism is as utopian as Leftist pragmatism. In fact, much before the Ram Janmabhoomi issue in early 1990s, BJP leaders (then Jan Sangh) being aware of the limitations of ideologies in a pan-India context shunned the idea in favor of an ‘aggregative’ approach in 1977.

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On the other hand, although the BJP inherited the economic right legacy of the Swatantra Party (which became defunct in 1974) and favored the abolition of the ‘License Raj’ and the empowerment of the private sector, the party essentially remained opposed to the idea of large corporations enjoying privileges in the economy. The Narasimha Rao government’s liberalization policies by dismantling the Nehruvian socialist structures exposed BJP’s inherent economic policy contradictions, while its strong roots to Nagpur ensured its branding as a Hindu nationalist party. So, what changed in 2014 so drastically to make BJP the dominant political force?

With the center-left suffering from power fatigue and the Left still caught in a time warp unable to offer a workable alternative model, Narendra Modi’s arrival in the national political scene perfected BJP’s ‘aggregative’ approach – with the ‘achhe din’ slogan having an overarching impact on a heterogeneous electorate. The Hindutva ideologues saw a messiah in him, the backward class and castes (with Modi himself hailing from the MBC) celebrated his rise to the top, the educated middle class was in awe of his no-nonsense style of governance, and market liberals played cheer leaders to the Gujarat model of economic growth.

That said, whether it’s Modi’s victory or Trump’s or the Brexit vote, the common thread isn’t the world’s ideological shift to the Right, but the outburst of a simmering anger against the ‘liberal elites’(alienated from the sections they claim to represent) by cozying up to the supposedly authoritarian leaders often with questionable world views and not-so-flattering opinions about how the

world has worked since the end of the Cold War. The “put us first” welfare chauvinism is too hard to ignore -- be it Narendra Modi’s ‘Make in India’ or Donald Trump’s ‘Make America Great Again’ or Nigel Farage’s ‘We Want Our Country Back’. The underlying tone is about regaining the control of our own fate that has been hijacked by anonymous elites.

However, the biggest beneficiary of this upheaval could be Vladimir Putin’s Russia. When nations across the world were coming under Communist control in the 1950s, US President Dwight Eisenhower had warned about the possible disintegration of the free world due to aggressive Soviet expansion. Billions of dollars were spent and millions of lives sacrificed to contain Soviet influence until the collapse of the USSR in 1991. However, with the European Union’s stability under threat and Russia’s growing assertiveness in world affairs, the tide is turning against ‘American-dictated Russophobic hysteria’. Persistent refugee crisis and a stagnant economy could very well dash the hopes further of a united Europe.

On the other hand, China could emerge as the biggest loser. In a recent speech at the World Economic Forum (which was ostensibly created to promote economic liberalization), Chinese President Xi Jinping warned against any protectionist measures: ‘any attempt to turn off the flows of capital and people around the world will be like trying to divert a river into lakes and creeks. It will not be possible.’ Although Xi’s speech was short on specifics, there’s no denying the role played by neoliberal economic policies in making ‘communist’ China an economic powerhouse and re-legitimizing the Chinese Communist

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Party that had been shaken in 1989. China found itself in the heart of the global economic engine not out of ideological “conversion,” but out of necessity to create jobs and build infrastructure. With China continuing to mitigate the domestic economic slowdown and Xi’s assumed 10-year tenure reaching half-mark in 2017 autumn, he would attempt to deepen his grip on the party further in the run-up to the party Congress. Thus, any sudden shock on the global trade front could destabilize his plans and trigger renewed political jockeying by his opponents in the party for influence.

Thus, 2017 will test the endurance of the Right across the globe, especially in Europe hit by terror attacks and refugee crisis, with Germany, France and the Netherlands scheduled to hold national elections. These countries have witnessed the growing popularity of far-right dispensations that aim to capitalize on economic, political and ethno-nationalist frustrations of the times. In the months ahead, it would be clearer whether such popular

support translates into political power for the far-Right. If opinion polls are an indicator, a new sustainable ideological landscape seems emerging, but then opinion polls could not indicate a Brexit or a Trump victory beforehand.

However, the rise of the far-Right or the alt-Right isn’t a false alarm, irrespective of impending election outcomes as they are increasingly cementing their place in the mainstream political discourse and may trigger a broader cultural shift with strong resistance to the idea of political correctness. With Farage playing the role of a catalyst (though UKIP is unlikely to emerge as a potential contender for power soon), Trump’s victory has provided a roadmap for the far-Right across the West and a strong wake-up call for the Left and the aloof from their ideological slumber. Will the Centre-Left parties reclaim their lost grounds anytime soon? Unlikely. Nobel laureate behavioral economist, Daniel Kahneman, argues that regret is rare; people always find explanations that fix the blame on someone else.



## Taking the Right Turn

\*Siddhant Mishra

It began with Narendra Modi in India, in 2014. The Bharatiya Janata Party and its allies managed to register a thumping win, and received a huge mandate by the people. While the result was not a shock, the margin of victory was something that left even political analysts and psephologists stumped.

Yet, if one thing was certain, it was that Prime Minister-elect Narendra Modi's message of 'Sabka Saath Sabka Vikaas' had resonated with the masses, and people voted for the NDA cutting across caste lines. But that was not all about this election. What ended the 10-year scam-tainted rule by the Congress-led UPA, actually marked the beginning of a global wave that has been continuing till now.

Next to keep this run alive was David Cameron in the UK. While he has lost his job since, following the historic Brexit vote that took the UK further to the right, other European nations seem to be following suit. Not only is an anti-EU sentiment gaining strength, Far-Right parties seem to be gaining ground as poll projections have shown. However, the one that tops the list is Donald Trump's stunning win that has shot him into the White House. Riding on a Right-wing 'populist' wave, Republican nominee Trump managed to see off Democratic candidate Hillary Clinton comfortably, despite opinion polls suggesting the race would be neck-to-neck and that Clinton held the advantage.

The fact that globally, the Left is on a decline

and the Right is consolidating, has not gone unnoticed. While this has rattled socialists worldwide, it has also signified the emergence of a new revolution – against the alleged 'appeasement' politics of the Left as well as rising corruption. It could be no coincidence that the world seems to be taking a 'Right turn' simultaneously. There are pressing issues that explain the phenomenon.

First, the debate surrounding the refugees from the war-torn Gulf has found its way into the electoral agenda of both the Right and Left. Refugees fleeing from the Middle East found their way into Europe, and with crime rates shooting up, a sense of fear gripped the natives. The ensuing chaos resulted in incumbent governments losing public support. In Germany, people have become disillusioned with Chancellor Angela Merkel. Though Merkel is tipped to win a fourth term in the elections scheduled for September, her support has since dipped. Far-right 'Alternative for Germany' (AfD) shot to prominence after escalating attacks on her open-door policy towards refugees. Subsequently, the AfD managed to rake up a 21% vote share in the state of Mecklenburg-West Pomerania, Merkel's home Constituency, back in September, and made significant gains two weeks later in the Berlin city polls, registering a record 14% of the vote.

Similarly, in The Netherlands, Geert Wilders' Party for Freedom (PVV) is tipped to end up as the single-largest in the Dutch Parliament

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*\*Author is a freelance journalist.*

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after elections. Riding on a similar anti-establishment wave, Wilders has pledged to de-Islamise the country, shut down mosques and close borders with the EU, a message that has resonated with Dutch voters fed up of the EU's dominance.

Yet another Far-right outfit, the National Front of France, headed by Marine Le Pen, leads in the opinion polls, indicating she will make it to the second round of voting, ahead of Centre-Right Republican candidate Francois Fillon. Like her European counterparts, Le Pen too, stands for exiting the Union and de-Islamising France.

On the Pacific side, Australia's "One Nation party", headed by Pauline Hanson (called the Australian Trump), is weaning voters away from the ruling coalition, riding on a similar wave of anti-Islam and anti-Asian ideology. The party, according to the Australian media, has doubled its support base from November.

While an outright win for any of the Far-Right parties was never guaranteed, the win of Trump came as a shot in the arm. Donald Trump's campaign was focused on protecting American jobs, playing tough with illegal immigrants, building a wall on the Mexico border and the "Muslim ban" rhetoric, a line of argument echoed by the European Far-Right. Trump's win was an indication that the fear that had allegedly gripped locals on the issue of rising crime and the threat of the influx of refugees, were real.

But what could significantly be gauged from this trend, is the voice of the silent majority. In a liberal politically-correct world, it has become a fashion to resort to appeasement politics, while the majority is expected to compromise. Cutting across borders, people seem to be losing faith in socialism,

while more pressing issues remain undealt with. While unemployment, economic slowdown, and rising terrorism remain core issues, people have lost patience with the constant denial of the liberal elite, who tend to focus more on pseudo-secularism and anti-capitalism.

The difference, however, seems to be the aspect of social media. With the Left having spread its influence in the academia, media and intelligentsia worldwide, where Right voices aren't allowed to rise, social media gave an equal footing to the Right, which was long in the shadows and seized the opportunity for redemption. While social media helped in giving a platform to the Right, which constantly focused on the selective outrage of the Liberals on issues and the pro-minority bias, it simultaneously aided in creating a reach into inner territories of countries, which had not happened earlier.

It was here that the battle was won and created a wave that saw a shift in favour of the Right. While societies have become more polarized, and constructive debate is hardly possible in a world where both the Right and Left resort to slandering and abusing the other, the Right Wing, while making clear its stand on issues of economy and social identity, managed to call out the liberals on their selective outrage and pro-minority bias especially in the case of religious radicalism, a charge the Left couldn't effectively defend, and fell prey to.

In India, voters from different communities and castes put their faith in Narendra Modi's BJP, which now has spread its wings in territories it was earlier not strong in, during Assembly and Civic polls, over the last three years. Modi's development

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agenda has won supporters, and bold moves like the scrapping of high denomination notes has hardly managed to dent the party's fortunes.

Though the political scenario in Europe and the US is different from India, if there's one aspect that could be seen uniformly across geographies, it was that of religious fundamentalism.

A call for putting greater checks on illegal migrants from Bangladesh and militants from Pakistan, in India; the European right's anger on the open door policy for refugees; Trump's call for the Mexico wall as well as severe restrictions on the entry of Muslims from certain Middle Eastern countries – coming at a similar time, couldn't be a coincidence.

However, it is no given that the wave in favour of the Right will remain. While common grounds remain, certain differences in ideologies and policies mean the Right lacks unity. While the opposition to laws being dictated by Brussels remain firm across Europe, France's Le Pen, on the lines of Trump, calls for protecting the French identity, and is openly anti-globalisation.

Britain's UKIP, which spearheaded the referendum call for Brexit, however, has embraced free markets. Geert Wilders, while calling for

closing of mosques and de-Islamising the Netherlands, has been a vocal supporter of women's rights and LGBT rights. Though tipped to get maximum seats, other Dutch parties have refused to support the PVV to form a coalition government, indicating a hung parliament.

Germany's AfD has been marred by anti-semitism and Nazi-like tendencies, which cause infighting and subsequently a drop in support. Moreover, the emergence of centrist figures like Emmanuel Macron in France, and Martin Schultz in Germany, has resulted in a sharp drop in popularity for the National Front and AfD respectively.

It would be unfair to call the BJP or Modi's win as a win for the "Far-Right", given the party's ideology, though based on Hindutva, largely refrains from being anti-Muslim or anti-immigrant, and has off-late given more significance to development and anti-corruption.

To believe that Europe or Australia could ride on the populism wave of the US would be a strong assumption to make. A win for any of the Far-Right parties is far from certain, but projections show that they have become serious contenders after long.



## In Quest of an 'Indian Right'

\*Swadesh Singh

*The Indian Right needs to be identified and redefined,  
not in terms of its detractors but in terms of its own salient features.*

**B**harat is not a defeated but a wounded civilisation. Defeated civilisations cannot write their own history but those that are wounded have the stamina and zeal for it. The question is what path must a wounded civilisation choose in its search of herself? How must it approach and read history so as to find out herself? What should this approach be called? And how do we reach such an approach?

The Indian civilisational story is one of continuous evolution. Even after facing many attacks in the last 2,500 years, India has stayed alive simply because of its ability to survive and revive. At the precipice of darkness, the country has always managed to rediscover itself. Those who have faith in this past are billed as the Rightists. They are considered conservative, status-quoist, fundamentalist, rigid etc. These terms have been slapped on them by the Left-intelligentsia who dominate the social science discourse of this country. To begin with, this group of 'Rightists' needs to be identified and redefined, not in terms of its detractors but in terms of its own salient features. The quest for a new term may seem like a cosmetic exercise but it actually reflects the true spirit of those who want to build the future with an approach of 'India First', keeping in mind the agony of the present and the glory of the past.

Often dismissed for being outside the existing

academic discourse, the vantage point of this intellectual-cultural tradition is largely unexplored. To take this forward, we need to arrive at a set of ideas that are not static in nature and which provide theoretical and scientific solutions to the problems of the existing world. There is also a need to identify factors that define or come close to defining the quintessential 'spirit' of this civilisation.

We must also relook at thinking within the framework of Right and Left. Dattopant Thengdi (RSS ideologue and trade union leader) talks about the 'Third Way' which is neither Right nor Left but talks about indigenous knowledge system and national interest. Conversely, going by popular intellectual discourse, we can say that in the 1990s, RSS-BJP were culturally Right but economically Left. It was a time when RSS-BJP were raising issue of Ram temple on one side and advocating Swadeshi and opposing GATT and WTO, on the other. Bhartiya Mazdoor Sangh and Bharitya Kisan Sangh (Trade Union and Farmers Union associated with RSS) had almost same views as Leftist Trade Unions. Even today, many policies of Modi government cannot be classified under the 'Economic Right'. C. Rajgopalachari was the guiding light of the 'Economic Right' in independent India and advocated free economy. He left Congress when Pandit Nehru declared in 1955 that Socialistic pattern of the society will be the official

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policy of the Congress in Avadi Session. Rajgoopalchari founded the Swatantra Party which along with Bharitya Jan Sangh (BJS) and Lok Dal was instrumental in the defeat of the Congress party in nine states in 1967 elections.

### **Four Points of Reference**

In my understanding, there might be four points of reference which should be kept in mind for better understanding and reformulation of ideas of what is known as Indian Right. First, India i.e. Bharat has to be studied and understood as a civilizational-state and not just a constitutional-state or nation-state. The idea of nation-state evolved only in the last 350 years after the Treaty of Westphalia in 1648 when the Papacy of medieval age was questioned by the newly formed 'sovereign' states which were supported by the capitalist merchants. On the other hand, India has existed as a civilizational unit since several millennia. After the Independence, the idea of constitutional nation-state came into being. The current history of modern Indian nationalism also does not go back to more than 150 years which is said to be evolved after the so called Indian renaissance during the time of Ram Mohan Roy and others followed by the evolution of the Congress party. For India to be studied as civilizational-state, we need to resuscitate the history of India of thousands of years.

Second, the study of India as a civilizational-state will take back our civilisational march from Indus Valley to Saraswati Valley. Traces of the existence of the civilisation will have to be rediscovered where there have been no or negligible efforts since Independence. Recently,

there was a small report that Bhirrana in Haryana was claimed to be much older than sites of Harappa and Mohanjodaro. Many more such discoveries need to be made to fill in the existing gaps in India's historical map.

Third, the history of last 1,300 years needs to become the reference point to know about our freedom struggle instead of just 130 years. While it is acceptable to study the history of Modern India from where modern nationalism begins, but without the reference point of 1,300 years, our understanding of Modern India can never be complete. We cannot brush aside the critical context of King Dahir, who ruled over Sindh and whose defeat at the hands of Mohammed Bin Quasim heralded a long phase of stagnation in knowledge, culture and tradition. Instead of spiritual and mental battle, the country was now fighting for its existence. Hereon, the caste system became rigid, women were confined indoors and ill-practices proliferated. The chain of philosophical tradition' set by the Upanishads was broken. One cannot understand India just by studying history of last 130 years, for that we need to take into account 1,300 years. While the history of the freedom movement of modern India is a great educator, we also need to study the freedom struggle of medieval India for a more comprehensive view. Moreover, our study of history has to be both dispassionate and unapologetic.

Fourth, spiritualism is the mainstay of this civilisational-state. This civilisation is not intolerant simply because its essential nature is of assimilation and evolution. From Peshawar to Ganga Sagar the plains between Indus and Ganges are as fertile as its culture and tradition. Suitable climatic

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conditions and fertile land made life simple and easy and this provided scope for inner quest i.e. 'chintan'. As a result, for many millennia, spiritualism became the basic foundation of Indian civilisation. Each time the civilisation stepped into decadence – Buddha, Shankar, Mahavir, Tulsi, Soor, Kabir, Gynaeswar, Ramanand, Vivekanand, Gandhi, Golwalkar and Ambedkar showed up and reignited the light of knowledge, making India a 'Sanatan' civilisation.

India is a spiritual entity which evolved in thousands of years. The spiritual power of India is so immense that it accommodates everyone and evolves without struggle and also without compromising with its core values. The history is replete with instances of rulers (Kanishk and Milind) who won in the battle field but were defeated by the spiritual power of this land.

### **India Today**

Having set a foot firmly in the past we must now turn our eye to the future. What we need is a new set of ideas, tools, symbols, terminologies and methods to re-establish our civilisational march. So far we have been working with those provided by our detractors. We might win a debate or two with this borrowed armoury but we can never make a lasting contribution.

As we build our own bank of ideas, we also need to answer some critical questions. What should be our vantage point - Harappa Valley Civilisation, Chandra Gupta Maurya or 1947 or Ramayan and Mahabharata period? Far from the line-up of Ashok 'the Great' and Akbar 'the Great', what about Chandra Gupta Maurya, Rajendra Chola, Lalitaditya, Samudra Gupta, Rastrakoot,

Pratihara, Marathas, Kanishka, Harsh and others. On the other hand, what about the origin of caste based biases and women subjugation? Similarly, we need to find the answers to the question ranging from territorial integrity, economic policies to gay rights and other issues. By doing this we will be making contemporary derivatives and linking our past to the present. Without this connection we cannot claim our rightful place in the ideological streams of India.

### **Three Ideological Streams**

Three ideological streams have been in existence in India for the last 100 years. First is of Congress inspired by the ideas of Jawaharlal Nehru which says that India is a 'nation in making' started with independence of India. The second is of Communists which say that India is not a nation at all and there are many nationalities and they support all the secessionist movement as a matter of principle in the name of self-determination. Third ideological stream is of Rashtriya Swayamsewak Sangh (RSS) which talks about national reconstruction. It believes that India was a glorious nation for a long time. Its glory, lost in the last 1000 years, needs to be restored; hence there is a need to reconstruct our nation and society.

We currently study a distorted face of history where we are taught that Aryans came from Iran and ruled India first. Later, it was Turks and Mughals and then the British. The broad idea here was to establish the civilisational superiority of the West and justify their invasion of this land with narrative of 'White Men's Burden'; and to prove that caste and woman subjugation has been an integral part of Indian society and philosophy. Two

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hymns of Manu Smriti and Ram Charit Manas were used to build up an entire discourse against this civilisation.

After the formation of the Modi government it was believed that an ecosystem will emerge that will assist the creation of a new narrative to understand the civilisational march of India. However, the idea that India should remember and develop her own narrative is not everyone's interest. Hence, all efforts are being made to block the growth of any such narrative. Since the Modi government came to power, several attempts have been made to malign the image of the government and raise issues like intolerance, fundamentalism and fear of minority communities. Terms like "Hindu Pakistan", "forces of intolerance", and the "situation worse than Emergency" have been coined in the last 45 months. People campaigning on these lines are decidedly anti-Modi and propounded these theories when the formation of a Narendra Modi-led government at the Centre started looking imminent. Many of them had even claimed at that time that they will leave the country if Modi became the Prime Minister. Like true followers of Karl Marx, 'secular-liberal' intellectual elites started with a conclusion and all their arguments now are directed at proving it. Having lost the battle of ballots, they want to now take the fight to academic institutions using universities as semi-liberated zones.

### **Academia: The New Warfront**

A world-renown artist like Anish Kapoor wrote that India is ruled by "Hindu-Taliban" and an academic like Irfan Habib thinks RSS is comparable to ISIS. The factiousness and

monotone of these remarks makes one question the sincerity of our present intellectual scenario. The most obvious yet inconspicuous truth about the academic and intellectual environment in India is that it has for years remained overshadowed by Western and Leftist thinking while maintaining the façade of 'independent' thought. Having accepted another's thought tradition as the benchmark we forgot that each country has its own unique knowledge and experience, in our case it was the Indic tradition.

Anish Kapoor and Irfan Habib are the products of an intellectual sphere with strong imprints of the British and Marxist legacy. British bureaucrat Lord Macaulay designed a strategy to make it easy for the British to rule India. He advocated an education system which would produce Brown British to work as loyal clerks under the regime. The key to this was to make the "natives" disown everything Indian and covet everything that was British. We were made to see how flawed and redundant our traditions were and we were so grateful to learn the spelling of 'renaissance'.

The post-Independence India could not rid itself of this mindset. Nehru-Indira governments gave ample space to Leftist-Marxist discourse and institutions like Jawaharlal Nehru University (JNU) churned out thousands of bureaucrats, academics, journalists and activists with 'Leftist' leaning. Over a period of time, the Left discourse elbowed out the Indic intellectual ecosystem which was shunned as regressive and backward.

Even today the course on Indian philosophy is not taught in JNU and the proposal for a centre on Sanskrit and Yoga studies is met with stern

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resistance by Leftists including teachers and students. It is this intellectual tradition that convinces people like Anish Kapoor and Irfan Habib that the Indian civilisation has forever been exploitative and hence the need is to stitch up a new system with no Indic traces.

According to 'Left-Liberal' line of thought Sanskrit is the road to Conservatism and Brahmanical dominance. The theory of a terrible Brahmanical regime thus comes to be accepted as a fact and often dangled as a fearsome consequence of faith in the Indic system. No one, however, cares to question that if the theory holds water, how was it that the two greatest Indian epics were penned by Valmiki and Ved Vyas, both non-Brahmins. Does no one wonder if it is possible for an exploitative civilisation to organically survive for more than 5,000 years?

### **Liberal and Popular Discourse**

There is no liberal discourse in our country but there are only predominantly Left-liberals working in the field of media, academics and development. When the intellectual class should have worked on developing an 'Indian Left' idea, they found it convenient to accept super-structures dominated by Classical Marxism. The essential Indianisation of Marxism or Left never happened and we created a false paradigm for our debates and discussions.

In the field of popular cultural discourse, Indian cinema is one of the important media. India cinema has played a significant role in developing understanding of our myths and history in the last half century. There are more voices from the world of cinema that influence different issues of national

importance. There is a need of group of cinema and literary personalities which can speak on issues of national importance but with a different perspective and represent the counter-cultural narrative of the current times which is now shared by millions of youth of this country and which the outdated intellectual class want to brand as 'intolerant' and crass.

A peek into the time of partition provides us valuable insight into the Left leanings of the Indian film industry. That was the time when actors like Dilip Kumar and the Lahore Writers' Group became a dominating force of the "Bombay" film industry. Many from the Progressive Writers' Forum (read Communists) also joined the film industry from time to time like KA Abbas, Bhim Sahani, MS Sathu and others. Like the rest of the country, the film industry too was deeply influenced by the wave of Nehruvian-socialism. The film circuit, as a result, was dominated by Left-liberals and Congress-supporters like Nargis, Sunil Dutt, Amitabh Bachchan, Rajesh Khanna and Shah Rukh Khan. During the Emergency the cinema fraternity was asked by "Yuvraj" Sanjay Gandhi to organise musical nights and create an environment in support of Emergency. The only dissenting voice of that time was of Manoj Kumar who made patriotic films like Upkaar and Purab Aur Paschim. Today, there are few cine stars like Anupam Kher who have broken away from the old guards and taken a nuanced ideological position. We need more Anupam Khers which can represent a parallel narrative which has the potential to give birth to a new paradigm of intellectual-cultural tradition free from old ideological shackles and representative of a de-colonised Indian mind.

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## **In Search of Indic Tradition**

Collective efforts are needed to search and work for an Indic tradition. For Left-liberals, Indic is equivalent to Right-wing, Hindu-centric, nationalist or Hindu-nationalist but actually it is more than that. Indic comprises anything that originates from this land, blossoms in this atmosphere and prospers in this geo-cultural territory. An Indic tradition can lead to assimilative points of view, nuanced solutions and the creation of truly 'new'.

Such an Indic ecosystem based on our civilisational values can provide the environment to discuss our civilisation background, its legacy and relevance as well as its lessons. Today, when religion is a major area of conflict, very few academic institutions conduct a comparative study of religions. This is because of an academic-intellectual environment that alienates and distances religions from each other. An Indic intellectual environment will provide the necessary insight and compassionate approach needed for such a study. Our ancient texts and writings of intellectuals like Coomaraswamy, Yadunath Sarkar, Bankim Chandra Chattopadhyay and Vasudev Agrawal can provide the ammo to start this intellectual spark.

Respect for local heroes, beliefs and modernisation of Indian traditions would be the basic foundation of an Indic intellectual ecosystem. It would take inspiration from the past, think about

the present and envision a prosperous future for all Indians. We can not prosper and develop with a borrowed narrative. We need to have our own story, conceptualised and narrated by our own people.

The creation of an 'Indic' intellectual ecosystem does not entail wiping out the Left-Marxist system, but simply balancing it out. It is the responsibility of the academic and intellectual community to create a new narrative that springs from their own intellectual rigour.

## **Conclusion**

Mughals and Turks destroyed Indian temples and knowledge centres but the British developed an education system that was meant to kill India's faith in itself. As a legacy of that education system, the colonial mentality still works in our mind obstructing our journey to inventing or discovering anything new or original. There is a dire need to rejuvenate our civilisational discourse and develop an Indic knowledge tradition that will help us and also benefit people all over the world.

We need to develop a theoretical foundation for *Bhartiya Drishti* - an 'Indian Way' or Indic tradition to look at all the perpetuating problems of India and the world. Before that, we need to understand ourselves - develop a vantage point of our knowledge tradition, study when and how it got weak and how it could be revived. We can reform only when we know the form.



## Prevention of Corruption Act: A Relook at the Proposed Amendments

\*Kanu Agarwal

After the Prevention of Corruption (Amendment) Bill was introduced in the Rajya Sabha in 2013 by the UPA Government, the Select Committee of the Rajya Sabha, formed after the present Government assumed office, has analysed the changes, incorporated suggestions from various stakeholders and presented a detailed report. The Bill is pending and may be passed once the deadlock in the Upper House is resolved. There have been comments and editorials on the pending amendments raising concerns over the amendments which allegedly roll back the government's promise to fight against corruption amidst the demonitisation hullabaloo. When analysed closely, most of the criticism falls short. For starters, it is necessary to understand that the jurisprudence and precedents surrounding the unamended sections is not squandered and comes in aid to the construction and interpretation as and when needed. It is in this light, we must analyse the proposed changes in the Prevention of Corruption Act and the impact they may have on future prosecutions.

The first change that the amendment proposes in the standardisation of the usage of the term used to refer to the illegal benefit the public servant gains during the course of employment. The unamended Act, in various places used different terms like 'illegal gratification', 'pecuniary advantage' or

'valuable thing' to refer to the benefit gained by the public servant causing certain amount of confusion in defining and interpreting the said terms. The amendment seeks to introduce the words 'undue advantage' throughout the Act and standardise the usage and provide a lucid definition, in line with the unamended Act, to harmoniously construct and amend the definition. The meaning of the term 'undue advantage' is well understood in the international jurisprudence and is taken from United Nations Convention Against Corruption (UNCAC). It is defined as any gratification other than legal remuneration. The definition has a wide inclusionary clause of 'any gratification' to include gratification over and beyond the traditional pecuniary means and a restrictive exclusionary clause of 'legal remuneration' to include remuneration permitted by the Government.

The other noteworthy amendment is the imposition of time limit on the trial period on the Special Judge. The amendment is remarkable in its position considering the complex nature of the trial and the recurring phenomenon of long drawn trials before the Special Judge. The amendment imposes a limit of two years on the trial with the provision for extension of time period by six months each time recording reasons but with an upper limit of four years and is a very welcome move.

The major change that has created apprehensions are the changes to construction of

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Section 7 and Section 13. The unamended Act dealt with bribery and criminal misconduct by public servant in the said sections laying down conditions necessary to establish the commission of the said offences. Due to the overlapping nature of the construction of conditions in the two sections, on numerous occasions, the prosecuting agencies often utilise both to establish guilt, further burdening the evidentiary exercise. With the stratified construction of the amended Section 7 and 13, the offences now clearly stand segregated with bribery of any form under Section 7 and misappropriation and disproportionate assets cases under Section 13. Expanding the language, Section 7 contemplates a situation wherein a public servant induces another public servant to perform, improperly or dishonestly, a public duty even in anticipation of accepting an undue advantage from any person. The aforesaid situation was never contemplated in the unamended Act and would be instrumental in disrupting the present top down ‘food-chain’ of corruption by linking the activities of one public servant to another. Further, the Act removes the redundant phrase ‘agrees to receive’ from Section 7 in line with the prevailing precedents which mandate that the presence of an unequivocal ‘demand’ and the ‘acceptance’ in lieu of such demand is necessary for establishing the offence.

The omission of clause (d) of Section 13(1) has caused a certain confusion with the apprehension of removal of the provisions which had been instrumental in the trials of the Bofors scandal, 2G scam, Commonwealth scam, Coal scam, etc. Even experienced analysts like YogendraYadav and Shalini Singh have mistakenly

assumed that the said omission amounts to decriminalisation of indirect forms of corruption. The said apprehension is fueled by the failure to critically analyse the expanded Section 7. The unamended Section 13(1)(d) refers to obtaining any valuable thing or pecuniary advantage for himself or for any other person, by corrupt or illegal means or abusing the position or without any public interest. The amended Section 7 refers to ‘undue advantage’ in place of pecuniary advantage and valuable thing expanding the scope of the application of the Section. Further, the apprehension that the amendment removes the third party transactions which take place within the higher echelons of the bureaucracy ignores the nature of Section 7 and the Explanation 2 provided in the Section.

The explanation of the amended Section 7 clearly provides for obtaining of undue advantage by a public servant for ‘himself or any other person’ would be included under said provisions. Further, Explanation 2(ii) expressly clarifies that any undue advantage obtained through a third party is at par with advantage obtained directly for the purposes of Section 7. Further, note the use of the same language (italicized portion) in the Explanation as the erstwhile Section 13(1)(d). The inclusion of the same in the explanation has mistakenly been seen subsuming of a provision and diluting the same amounts to ‘including of the crime of murder under provision for grievous hurt, The question here is the effect of the provision itself in light of language therein understood in light of the amendment which makes it abundantly clear that crime envisaged to be curbed under Section 13(1)(d) is clearly covered and in fact, expanded under the amended Section

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7. Another important aspect that the unwarranted criticism fails to understand is that, in effect, the amended Section 7, if compared to the unamended Section 13(1)(d), is far wider and further lowers the prosecutorial burden by removing the caveats of corrupt or illegal means, abuse of position or lacking public interest which were often used by corrupt officials to wriggle out of allegations. The amended Section 7 provides that the obtaining of undue advantage is in itself an offence and there is no burden on the prosecution to prove improper performance of public duty or abuse of position or lack of public interest. One must remember that without the CAG reports in the 2G scam and the Coal-gate scam, the standard of proof improper public duty would have been impossible to prove. No wonder that lawyers like Kapil Sibbal advocated a 'zero loss' theory to camouflage the transaction as one done in pursuance of larger public good. Further, contrary to apprehensions, as per the construction of the Explanation 1 to Section 7, there is no need to prove any bribery or direct quid pro quo in the transaction. Where a public servant receives illegal gratification in a clandestine manner, he can still be prosecuted in the same manner and there is no additional burden on the investigating officer and in fact, lowers the prosecutorial burden in such cases.

In practice, while there were numerous high profile cases registered under Section 13(1)(d), there were rarely any convictions as vague and situational concepts of abuse of position and public purpose are extremely hard to prove and more so considering the 'proof beyond all doubt' approach of criminal law. Further, the tendency to judge the Act and the unamended section by merely keeping

the high profile cases in mind would cause disservice to the law. The unhinged guillotine of the law is to be examined from both side in all kinds of cases. The law remains the same for the high and mighty corrupt and the law abiding peon, and the misuse of the same, would affect the latter more. Be that as it may, in effect, after the omission of Section 13(1)(d), with the changes and expansion in Section 7 and the holistic study of the amended Act, corruption through third party transactions has been explicitly illegalized and the scope of such transaction has been expanded as opposed the popular apprehensions.

The amendment expressly criminalises bribe-giving, a provision which was absent in the unamended Act. Although, as per the unamended Act, the bribe givers could be prosecuted for abetment of the crime under the Act but the amendment specifically brings in a new provision to deal with the issue. During the discussions before the Rajya Sabha Committee, there was emphasis on the separation of 'coercive bribery' and 'collusive bribery'. The Committee noted that there exists a very thin line between the two even in the international arena with ample possibilities of persons falling on either side to misuse the protection. The definition of such terms would be difficult to frame and the evidentiary exercise required to separate the two would result in unnecessary delays. As per the Rajya Sabha report, the clause criminalises all forms of bribe giving with an exception wherein the bribe giver had given the bribe under compulsion and reports the same within seven days to escape prosecution. The only protection afforded to a bribe giver is in cases where the accused is able to establish that

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he/she was being compelled to give the bribe. The said requirement to prove 'being compelled' to give the bribe, contrary to apprehensions, would not be difficult for honest bribe givers to prove. That apart, the deletion of Section 24, contrary to apprehensions, cannot have any effect on 'trap cases'. Trap cases are one wherein, on demand of money by the public servant, the bribe giver first approaches the Lokayukta Police which then lay the trap to catch the public servant red handed. The said trap cases would still be equally viable as a person who approaches the agencies before the payment of bribe is obviously protected as he has not yet paid the bribe. As for the bribe givers who have already paid the bribe, there can be no question of a trap case or them hesitating to come forward for the same as the procedure for trap cases does not work after the bribe has been paid.

The Act criminalises bribe giving by commercial organisations so that the law regarding the crime of bribe giving is in tune with the fact that most collusive bribes are given by or on behalf of commercial organisations. The only escape route for the organisation would be the establishment of adequate procedures to prevent associated persons from giving such bribes. The problematic provision therein is the definition of commercial organisation which excludes charitable organisations from the net. If one studies the NGO, trust and charitable organisations and their work in India closely, the misuse of the said organisations would result in a loophole which could be utilized by vested interests. Another apprehension is with regard to the deletion of Section 10 claiming that no effective substitutes are spelled out in the proposed bill, since while abetment of an offence

is an offence, the abetment of abetment is not. This has no basis in criminal law as the abetment of abetment, if done knowingly amounts to abetment itself and the abetment of abetment, unknowingly, cannot be abetment (or for that matter any crime) as per the settled criminal jurisprudence of mensrea. Further, the apprehension at the deletion of Section 11 (Public servant obtaining a valuable thing without consideration from person concerned in proceeding or business transacted by such public servant) as the same is amply dealt with by Section 7. To put it bluntly, the existing Act was defined and worded very shabbily with multiple overlaps and confusion which often made the work of the prosecution difficult with the accused presenting different versions of the same.

The next major amendment is in Section 13 of the unamended Act with the amendment merely juggling words from one place to another with hardly any impact on the legal usage of the Section. The apprehensions in various quarters that threshold of proof has been raised in the cases of disproportionate assets is highly misplaced if one studies the text of the previous Act and the amendment closely. The previous Act provides that if a person or any person on his behalf, is in possession of assets for which he cannot satisfactorily account having pecuniary resources or property disproportionate to his known sources of income, would be guilty of criminal misconduct. The amendment states that a person would be said to have committed criminal misconduct if he 'intentionally enriches' himself during the term of his office. By using the term intentional enrichment, the amendment has caused certain confusion with

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allegation of raising of burden of proof on the prosecution but a closer study of the Explanation of the said amended Section 13 would dispel all doubts. Using the same language, the amendment clarifies that a person shall be presumed to have intentionally enriched himself illicitly if he or any person on his behalf, is in possession of assets for which he cannot satisfactorily account for; being pecuniary resources or property disproportionate to his known sources of income. Therefore, in effect, the term intentional enrichment is the same as the previous unamended section and the only change would be usage of the term ostensibly to bridge the gap between the international jurisprudence and Indian laws on the subject. Further, the unamended Act defined "known sources of income" as income received from any lawful source and such receipt has been intimated in accordance with law. The amendment removes the phrase requiring intimation of the receipt but would hardly have any impact considering the nature of investigation and trial in disproportionate asset cases and the surrounding precedents of the Supreme Court. The apprehension that the accused would be allowed to cite fresh sources of income after the trial has been initiated against them resulting in a loophole which was earlier plugged by the Act in 1988, is misplaced as the calculation of income and the known sources of income would, in practice, remain the same and merely because the said phrase has been omitted, the practice adopted by the agencies and the Court will not change.

Other than the above said, the protection of sanction under Section 19 has been extended to retired public servants curing an irrational position.

As per the prevailing position, no sanction is required wherein public servants who have retired even though the allegations pertain to the time when the said persons were functioning in the capacity of public servants. Often the said provision is misused by investigating agencies which wait for the retirement of senior public servants only for the purposes of bypassing the protection enshrined under Section 19. The above said amendment is largely positive and there has been little or no criticism of the same. The amendment also fixes a time limit for according prosecution sanction vide Section 19 is a very welcome step as often the sanction from the concerned department delays the prosecution. Surprisingly, even this has been labelled half-hearted, in light of no provision for a "deemed sanction". The concept of sanction is very important in terms of the prevention of corruption and it would be absolute anathema to introduce a concept of deemed sanction. As is often the case in government departments, such decisions are delayed for various reasons, sometime legitimate and sometimes not quite so legitimate. The concept of a deemed sanction would take away the vital protection in case wherein the delay has been caused on genuine reasons like transfers of senior officers, ministerial approvals, etc. In case the competent authority delays decision making beyond four months, it would still be bound to explain the said delay creating a strong enough deterrence for the same whilst providing the requisite protection in genuine cases.

Lastly, the other amendment which has attracted a huge amount of criticism, is the addition of Section 17A. The said section provides for

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additional protection to government servant especially during the tendering process wherein there were increased apprehensions because of frivolous complaints and harassment being suffered by officers. The section provides for permission to be taken from the appropriate authority before the police officer shall conduct any enquiry or investigation into any offence alleged to have been committed by a public servant which is relatable to any recommendation made or decision taken in discharge of his official functions or duties. As the language makes it clear, the said protection is only available in situations wherein complaints have been made against a public servant pertaining to any official decision taken by him in the official capacity. A pertinent point herein is that official functions and decision making in a department is already regulated by the service rules which bound the officer. In case of the breach of any of the checks imposed through the service rules, a departmental inquiry results in various forms of punishment albeit of non-criminal nature. Further, decision making, especially pertaining to tenders and government property, is thoroughly controlled by the government policy and Rule of Business. It is a result of decision making process at various levels and often it would be wrong to make a particular employee the scapegoat for a particular decision. While the enormity of scams like 2G, Bofors, Coal-Gate, etc, all of which were regulated by Government tenders is not to be ignored, it is necessary to note that other unscrupulous elements have been harassing government servants through various extra governmental and extra judicial means. Further, it has to be remembered that cases could be initiated and built in the 2G and the Coal-

gate scams on account of the CAG reports which came out establishing serious doubts on the process. Without the said CAG report, which represents a cog in-built in the executive setup, it is unimaginable that any trial would have even started in these matters.

The said protection, which has been brashly termed as 'diabolical' in some quarters, is the prevalent practice across various Lokayuktas and Lokapals wherein the technical departments, before registering a FIR, refer the complaint to the requisite department for a comment and departmental action. If the said action is deemed to be inadequate, then criminal charges are pushed. The amendment may, in practice, result in inaction and perhaps protection of the certain corrupt officials in cases of high level corruption, it cannot be accused of worsening the present situation. Be that as it may, the provision is open to criticism as the process of investigation may be halted before the permission is taken. This may result in a redundant complaints in the absence of an investigative material to serve as the basis of a decision of the appropriate authority. The amendment is hardly of a 'diabolical' nature as has been referred to in certain quarters. The said provision may still indeed be questioned before the constitutional courts but it is completely different from the 'single directive' which was declared unconstitutional by the Supreme Court in the Vineet Narayan case.

Overall, if the amendments are to be analysed from a legal perspective ascertaining the impact on the prosecutorial process, it would be clear that the amendments are aimed at enlarging the scope of what is considered 'corruption' within the setup.

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The amendments aim to bring the Indian law at par with the international convention which the country has signed and ratified. The amendments standardise and rationalize the two main penal provisions of Section 7 and Section 13 providing a great deal of cohesion and cogent compartmentalisation. The amendment also extends vital protections to retired officers and clarifies the confusion regarding forfeiture of property. The controversy regarding the permission seeking before investigation under the proposed Section 17A could have been avoided considering there are genuine concerns over its applicability. Other than that, the criticism surrounding the alleged omission of Section 13(1)(d) is ludicrous if one studies the impact of the changes brought about in Section 7 of the Act through the amendment.

As is often the case in democracies, public sentiment affects the law making process to a great extent. We must realise that law making is a highly technical process and requires discussion, debate and deliberation to result in to a viable draft. The over-reliance on public sentiment creates

extraordinary situations wherein laws pertaining to internal security, external aggression or terrorism are sought to be made lenient even though they regulate genuinely troubled spheres and on the other hand, the laws pertaining to crimes against women, corruption, etc, even after being already being extremely strict, are expected to be made more 'draconian'. This public sentiment based insincere approach, is an avoidable latch in the democratic law making. Often the critique of the amendment, in various respected quarters, rests on the classic rhetoric of 'sab mile hue hain'. While it is easy to fall prey and be cynical about the situation within the bureaucracy and politics in general, and create a holier than thou image by criticizing the same, one must be fair in interpreting the law. It is understandable that criticizing the amendment amidst the demonitisation drive might be politically viable and fashionable in some quarters, the said criticism must be borne out of genuine apprehensions and not by the incomplete reading of amendments and shallow understanding of the prevailing law.



## Babu Jagjivan Ram and the 1971 War\*

Meira Kumar



**16**<sup>th</sup> December, 1971 was a moment of undiluted national pride. That was a time when we not only created history, but also changed the geography. Such moments come rarely in the life of a nation. Before 1971, we had a confidence deficit about our ability to protect our land. In 1948, we lost 28,000 sq. miles to PoK. In 1962 we lost 38,000 sq. miles to China. In 1965 India and Pakistan were on equal footing and we had to withdraw from Haji Pir. When the dark clouds of war began to gather on the Indian horizon in 1970, it was a time for India to redeem itself and establish its military prowess, its prestige and its honour.

My father, Babu Jagjivan Ram took charge of the Defence Ministry in June 1970 and he had exactly 17 months to prepare for the uphill task that he had before him. Our soldiers, our jawans, our officers, are trained to make supreme sacrifice for the mother land. They are not really trained to make supreme sacrifice for another land and therein lay a challenge. Our armed forces had to be prepared to lay down their lives, if eventuality came, for another land. Their morale had to be boosted.

That was the task which Babu Jagjivan Ram undertook right in the beginning. He went around the country, to every post at the border telling them

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*\*This article is a summary of the speech delivered by Smt. Meira Kumar, former Speaker of Lok Sabha at the Seminar on “1971 India-Pakistan War: Liberation of Bangladesh” jointly organized by India Foundation, Nehru Memorial Museum and Library, Indian War Veterans Association and Babu Jagjivan Ram Memorial Foundation on 16th December, 2016 at NMML.*

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that we were not going to fight, that we did not have the history, the culture and the tradition of attacking, we did not have hegemonistic designs; but if war was imposed on us, then it would not take place on Indian soil. We would push back the enemy and the war would take place on their soil. That was what really electrified the armed forces. This was what he maintained right through and this was what happened.

I was reading the books. I read his speeches in the Parliament and I found that every second or third day he was briefing the Parliament. Every second or third day he was making public speeches. He was making public representatives aware of what was going on in the country and what our war- preparedness was. He was reaching out to every person in India - whether in the urban or the rural area - telling him or her that there was nothing to fear and that we would rise to the occasion and make it a historic war. He made the atmosphere, which is what counts.

Defence forces make supreme sacrifices. Once my father told me that you may or may not stand and pay respects to anybody else, but if you see a soldier just stand up, salute and pay respect. It is not easy. It is not easy to lay down your life for something abstract. So, here he was trying to boost the morale of the armed forces, of the jawans, of the officers, because they had seen the earlier three wars. He was also preparing the public. They had to also participate.

Defence of India does not mean only the army going and defending at the border. Defence of India also means every citizen of the country rising up to defend the country and its honour. He was doing it at the same time – boosting the morale of

the armed forces and preparing the public for war.

He was constantly in touch with Mukti Bahini with regard to what help and assistance we could give. He was in constant touch with them. It was a unique war. Previous three wars we had the military at the ground, and the air force participating. But this was the time our navy was also participating. The coordination, the logistics, the exact precision, the chain of command – all that had to be managed to send out the arms and ammunition, to send out the messages, to communicate. In fact, the surrender of General Niazi had happened because of the excellent communication we had. It was the process of communication at the right time. Niazi was demoralized and that led to surrender.

It never happened before - 93,000 soldiers of an army surrendering. The army normally surrenders if there were no soldiers or if there were no arms and ammunition. Here there were 93,000 soldiers. Those days, we used to have Doordarshan in black and white. Other channels were not there. I saw mountain of arms and ammunitions which was surrendered by the Pakistani army. I was talking of communication. They were completely demoralized by our officers commanding. General Manekshaw, General Jagjit Singh Aurora (later he became field marshal), SM Nanda, PC Lal– all brilliant officers. They completely isolated the Pakistani officers and their army was made to surrender.

A report appeared in newspapers and television that the seventh fleet was diverted by America from Vietnam to the Bay of Bengal and all of us got very worried. I was very worried. I stood in the portico, waiting for my father to return

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home for lunch. When he returned home, he got down from the car. He was a little surprised to see me waiting in the portico and he asked what has happened. He was smiling. I said when India was engaged in such a fierce war, and America, one of the super powers had sent their seventh fleet to Bay of Bengal, and the Defence Minister of India still managed to smile, I did not have to worry.

Later at the dining table I asked him what would happen now that the seventh fleet had come. He said that the same what had happened in Vietnam. Those people in Vietnam ate rice and water and they had no arms and ammunitions. Yet they were able to chase away the seventh fleet. We would do the same. He had tremendous faith in human spirit and human will. That was central to the war of 1971. Human spirit and human will was central to the MuktiBahini. They fought because of that. They won because of that.

Later, I attended a memorial lecture of my father and there General Jagjit Singh Aurora was delivering the lecture. He said during the war he had received every morning a phone call from my father just to check how I was and what my programme for the day was. Something very ordinary, but that is how he was in constant touch with all his senior officers concerned. That is how he was controlling the war, strategizing, leading, encouraging, inspiring.

There was this great surrender, the likes of which never really happened in the annals of history. After the surrender, there was question of prisoners of war (PoWs). They were in jail at various places. Nowadays, seedless grapes are

common. But those days, grapes used to have seeds. In Hyderabad they had just brought out a seedless variety of grapes. My father said, the seedless grapes should be sent to them. He followed the Geneva convention to the teeth. He did not want the PoWs to go back to Pakistan and complain that they were not treated well in the jails of India. He wanted the same to happen to our PoWs in Pakistan.

Let me tell you one more thing. There was a clear cut instruction to our soldiers that when you were going into Bangladesh or enemy territory on the western side, please avoid the populated areas to not only avoid causing loss or damage, but also inconvenience to the civilians. Now it is 45 years since we fought the war. There have been many complaints coming to us from Pakistan. I was studying each one of them very minutely. I have never found any complaint of any kind coming about the 1971 war that any woman or man was mishandled or ill-treated by the soldiers of the Indian army.

That is the classic war we fought so honourably. After that, after having won the war, my father stayed as defence minister for two years. He stayed as defence minister because he wanted to ensure proper rehabilitation and proper relief. He wanted to look after the welfare of each jawan, each officer who suffered in any way in 1971 war. He took it personally, like looking after his own family. That is what he wanted to do.

This is the Great War that we have fought. It dazzles us with what we are capable of, of rising above ourselves when the moment comes. This is what reminds us of our inner strength.



## Emerging Challenges in the Indo-Pacific Region\*

Ram Madhav

India is today an important power in Asia, which is not just a great continent but a great power continent now. Asia is home today to some of the world's leading and fastest-growing economies. About 45 per cent of the world's population lives here. Half of the world's container traffic and one-third of its bulk cargo traverses the Indian Ocean. Around 40 per cent of the world's offshore oil production comes from the Indian Ocean; nearly half of the world's energy supplies emerges through this region.

Strategically, Asia has emerged as a nerve centre. Asia's defence spending is now larger than Europe's. Reports indicate that in 2014, military spending in Asia increased by five per cent, reaching around \$439 billion in total, compared to Europe's spending, which grew by 0.6 per cent, reaching around \$386 billion in total.

The region, hitherto called Asia-Pacific, should now be renamed Indo-Pacific. Asia-Pacific came into vogue half a century ago when Japan rose to prominence. Today, the entire Indian Ocean region has grown into an economic juggernaut. The global power axis has shifted from the Pacific-Atlantic to this region. Half of the world's submarines will roam the Indo-Pacific region in the next two decades — at least half the world's advanced combat aircraft, armed with extended range missiles, supported by sophisticated information networks, will also be operated by countries here.

Longer-range precision-guided missiles, including ship-based missiles, advanced intelligence, surveillance systems, autonomous systems like unmanned combat vehicles, in operation in the sub-surface, surface and air — this will be the region's future. An Australian study indicates: “Over the next two decades, other technological advances such as quantum computing, hypersonics, energy weapons and unmanned systems are likely to lead to the introduction of new weapons into our region. By 2035, more countries in our region will have access to ballistic missile technology... The next 20 years will see the expansion of space-based and space-enabled capabilities, including military capabilities.”

This great power brings greater responsibility on nations in the region. Countries like India face greater challenges and need to equip themselves for these. The Asia-Pacific region has been a playground of big power politics in the last few decades. The US has vast interests, assets and allies here. President Obama talked of the “Asian pivot” and “rebalancing” in the region. He took interest in forging a new regional alliance, called the Trans-Pacific Partnership (TPP).

But the situation is changing fast. US President Donald Trump doesn't seem to share former President Obama's interest or enthusiasm in these matters. He described TPP as “catastrophic” and vowed to dismantle it. Together, 12 countries had drafted the 3,000-page TPP agreement in February

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*\*This article is an edited version of the speech delivered by Ram Madhav, National General Secretary, BJP and Director, India Foundation at the Halifax International Security Forum (November 18-20, 2016), Halifax, Canada*

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2016 at Auckland, New Zealand. But it is unlikely to see the light of day in America as the Republican-dominated US Congress has refused to ratify Obama's brainchild. In the words of the commander of the US Pacific Command, Admiral Harry Harris, "TPP is more or less dead."

After the TPP fiasco, it is likely that the role of the US in the region is going to significantly diminish under Trump. Although Trump talked tough about China, that was largely in the context of the US economy and jobs. In fact, an international magazine reported, quoting a senior scholar in China, that the Chinese government was happy about Trump's election because the leadership there thinks that now, "America would no longer be at their backs."

With America's role diminishing in the region, China will emerge as much more powerful now. It has already built several new regional alliances through projects like One Belt One Road (OBOR), Maritime Silk Road, Asian Infrastructure Investment Bank (AIIB) and Shanghai Cooperation Organisation (SCO). President Xi Jinping, who has now acquired the status of "Core Leader", is pushing hard for another regional alliance called the Regional Comprehensive Economic Partnership (RCEP). It was originally conceived as China's response to Obama's TPP. TPP is dead — but RCEP is racing ahead. India is not a partner in either of the groupings thus far.

But it will be forced to take a view on RCEP in view of its status and interests in the region.

Significantly, the rule-based global order is also coming under tremendous pressure in the region with countries violating established norms with impunity. Multilateral institutions seem utterly helpless while countries continue with activities detrimental to regional peace. North Korea's nuclear programme, developments in the South China Sea and increasing cyber violations are examples of this trend.

Under the circumstances, India can no longer remain a reticent nation in regional and global politics. In the last couple of years, India has given some indications that it has arrived. It started showing more interest in the UN's affairs. It played a crucial role at the Paris Climate Summit and became increasingly assertive about its rights in the NSG, UN Security Council, etc.

PM Modi has set the tone for this in 2014 during his first visit to the US, "India is already assuming her responsibilities in securing the Indian Ocean region. A strong India-US partnership can anchor peace, prosperity and stability from Asia to Africa and from the Indian Ocean to the Pacific. It can also help ensure security of the sea-links of commerce and freedom of navigation on seas."

The new century now brings India face to face with these new realities. We need to face them because there is no other option.



## Challenges to India Gaining a Seat at the High Table of World Politics\*

Walter Anderson

Some 70 years ago, India emerged as an independent country with daunting challenges at home and in its immediate neighborhood. Poverty and illiteracy, ethnic diversity and scattered secessionist movements, as well as the growing tensions associated with the then emerging Cold War were widely viewed as existential threats. In 1947, many commentators, such as the eminent economist, Gunnar Myrdal, expressed doubts if a country as poor and socially diverse as India could sustain a democratic system of governance – or even survive as a united country. That flamboyant imperialist, Winston Churchill, agreed, arguing that this socially diverse country was not a nation at all, but a product of British power, and that it would likely fall apart when British power departed.

Well, here we are 70 years later, and India has not only survived intact, but its democratic systems, despite its flaws, have thrived. The consensus for the democratic process is witnessed by the fact that a higher percentage of the poor and illiterate vote than the rich and literate. At the international level, India is widely acknowledged to be one of the world's rising powers. While not yet recognized as a great power on the international stage, it is a contender for great power status in the not too distant future. India, among the large

countries of the world is the fastest growing economy, with a national income of 2.5 trillion dollars and growing at about 7.5 percent a year. If you look at its nearby Indian Ocean neighborhood, India is an arena of relative calm in a broad swath of littoral countries that the American foreign affairs scholar, my colleague at Johns Hopkins University, Zbigniew Brzezinski, once described as 'an arc of crisis'. The clear majority of the population considers elected civilian authority in India as legitimate; India possesses an accepted line of authority responsible for decision making in domestic governance as well as in both - foreign affairs and security. At the geostrategic level, India, jutting down 1500 miles into the middle of the Indian Ocean and crossed by critical sea-lanes, is compelled to look both east and west in search of raw materials, investment and markets. As it continues to expand economically, its global interactions will grow even more.

The key question is whether India will be sufficiently daring to take advantage of these opportunities and assume a leadership role on issues it faces in a changing world. In short, can India get past transactional relations with individual major powers and pursue a larger strategic vision as a player at the Global High Table? The answer to that is may be – and depends, in my view, on

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*\*This article is a summary of the address made by Walter Andersen, Director, the South Asia Studies Programs School of Advanced International Studies of Johns Hopkins University at the India Ideas Conclave at Goa on 5th November, 2016.*

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how Indians manage challenges posed by two of the critical drivers shaping its foreign policy: (1) domestic politics, and (2) economic growth.

On issue of domestic politics, mobilizing support for an assertive and imaginative foreign policy changes will require, in my view, a large measure of political stability at home and a leadership with a vision. Whether this is possible as you look out is not at all certain, given India's fragmented political system. 2014 saw a single party win a majority at the center for the first time since 1984. Chances are good that there will be a return to coalition politics at the 2019 parliamentary elections, though very likely the National Alliance will have a majority to form the new government and the Bharatiya Janata Party (BJP) government will lead that coalition and Narendra Modi will again be the Prime Minister of India.

The imperatives of revived coalition politics at the center may mean that foreign policy decisions are constrained by the parochial interests of regional political parties. For instance, the opposition of regional political parties sabotaged India's delay in the ratification of a river agreement with Bangladesh several years ago. While there is a legacy of weak and strong coalition governments, coalitions complicate and often delay efforts to make significant changes.

Second, on the economy, continued high growth (at desired level of 7 percent plus) faces political reality of a population that remains largely poor and a political system with a traditional commitment to equity. The unmet needs of India's poor and the country's huge infrastructure needs, which are in large part meant to stimulate jobs, also mean that the 'guns vs butter' debate must be addressed —

and chances are good that the debate will be biased in favor of "butter" over security. India's defense spending now is 1.62% of GDP, which is the lowest share of national income since 1962, and that will not fund the military modernization that a 'leading power' and a 'net security provider' such as India needs. It must prepare for an increasingly assertive China linked to an increasingly assertive Pakistan.

A third – and related economic issue – is the willingness of the political system to accept involvement of private enterprise as a player in such critical areas as defense production. Question is how (and whether) the political class or the bureaucracy not accustomed to – and to a certain extent antagonistic to – outside influence will accommodate these new players from private enterprise. Defense industry analysts have watched carefully as India's Defense Public Sector Undertakings (which goes by the acronym DPSUs) have given way to the private sector's participation, including significant collaboration with large international defense companies. On the Indian side, several companies have invested heavily in defense production and research – such as TATA, Mahindra, Larsen and Toubro and Anil Ambani's Reliance Group. Some of these have set up joint ventures with foreign private manufacturers of defense equipment. Reliance Defense Ltd. and Israel's Rafael Defense Systems Ltd. have agreed, for example, to set up a joint venture to produce air-to-air missiles. Foreign private companies on their own have already begun to manufacture equipment for the Indian military. Lockheed Martin, for example is manufacturing tail wings for the global C-130 transport aircraft and Boeing is manufacturing

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critical components for the CH-47 Chinook heavy lift helicopter in Bangalore. Chief executives of Boeing and Lockheed Martin have visited India to pitch for the manufacture of the F-18 and F-16, respectively, in India. These investments represent a strategic shift in the way Prime Minister Modi embarks on a major “make in India” campaign as it applies to defense manufacturing.

Yet the country faces several major challenges requiring leadership willing to chart the country on a more daring course: (1) a rising China that is both much richer and militarily stronger than India – and with an interest in deepening relations with its south Asia neighbors and around the Indian Ocean, (2) a terrorist threat from the northwest of the subcontinent, some of it with likely support from Pakistan’s military intelligence; (3) increasing integration in the world economy and (4) looming environmental crisis (like the melting of the Himalayan glaciers).

So what will it take for India to move to a leadership position? I think it useful here to refer to a speech that Indian External Affairs Secretary, S. Jaishankar, gave at the April 6, 2016 inauguration of the Indian Centre of the Carnegie Endowment for International Peace in New Delhi – where he addresses the question of India becoming a major actor on the world stage.

(a) Jaishankar starts his discussion with the categorical statement that “the quest towards becoming a leading power rests first and foremost on our success in expanding the economy” – and I concur.

(b) He goes on to say that this quest will be a priority goal for Indian diplomats and, perhaps with an eye on his own bureaucracy asserts, “this task calls for a change in attitude and skills of our diplomats – which I can affirm [he says] is already underway.”

(c) While linking South Asia closely to India is an important immediate goal, he notes that “an aspiring leading power, at a minimum, needs to expand its global footprint” far beyond the region and specifically mentions deepening relations with the US, Russia, the EU, Japan and China. Yet, he further adds that an “important characteristic of a power that seeks to go beyond a limited agenda is its interest in global issues.” In short, moving beyond mere transactional relations with individual countries.

The issues raised by the Foreign Minister are possible, of course, because Prime Minister Modi is willing to think differently about India and how the world should interact with it. The real question is how deep and politically sustainable are Modi’s new ways – and to what extent will they be undermined by liberals on the left who put ideology above self-interest and the nativist right that has little appreciation of the world and is easily influenced by xenophobia.

In summary, I argue that if India is to assume the role as a leader in international affairs, as it goes forward its policies must become more deeply interdependent with those of other countries. The hard part will be getting there.



## Need Audacity in Our Public Policy\*

Aroon Purie



**T**he state in India has become its own worst enemy. While the Indian citizen has evolved, becoming more demanding for better social services and a better standard of living, the Indian state, by which I mean the government, has witnessed two contradicting trends – it has become bigger, in fact, too bloated in my view, but the standard of services offered by it has deteriorated dramatically. I believe the Government has become a major hindrance to the growth of this country.

The much touted reforms of 1991 by PV Narasimha Rao were much needed but they were like taking off the chains of a prisoner but not letting him out of the prison. Liberalisation was hailed as

revolutionary but I believe it was just tinkering. He did not take on the bureaucracy in terms of cutting down its size. The country needed surgery and he gave it homeopathy. And that too he made no song and dance about it. It was reform by stealth. Maybe that's the only way to do reform in India. Besides, liberalisation did not change the colonial mindset of the bureaucracy, which was to control the country and be served rather than be of service.

No leader yet has taken up the challenge to fundamentally reform the bureaucracy. I believe this has not happened because of the unholy nexus between politicians and bureaucrats where neither of them wants to lose the power of patronage. Let

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*\*This article is a summary of the address made by Aroon Purie, Chairman & Editor-in-Chief, the India Today Group at the India Ideas Conclave at Goa on 5th November, 2017.*

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me be more specific with some of the problems.

**Problem # 1: The state is too big.**

Before he himself joined the government, economist Bibek Debroy did an analysis for India Today in 2013 on useless ministries. He suggested that 31 ministries out of 55 ministries at the time, ranging from animal husbandry to tourism, be scrapped. And the remaining be restructured into 12 major ministries of commerce, trade and industry, consumer affairs, infrastructure, defence, law and corporate affairs, external affairs, home, finance, social sectors, energy and natural resources and science and technology. He calculated that this would effect an overall saving of Rs 1,50,000 crore.

Many ministries oversee entities which are supposed to be autonomous. Like I&B oversees Doordarshan and AIR, Steel, Mines & Power monitors SAIL, Coal India and a host of other PSUs. The classic example is Civil Aviation. What is its job when there are four regulators – AERA (to regulate tariffs), AAI (for airports), DGCA (for airlines) and BCAS (ground handling). In the US, there is no aviation ministry and no regulators. All aviation aspects are handled by FAA (Federal Aviation Administration).

Compare the size of the two markets. India has around 450 airstrips and airports, of which only 75 have scheduled operations. In comparison, the US has 19,299 airports and airstrips. In the US, the monthly passenger traffic for scheduled airlines is 7.44 crore. In comparison, just 83.81 lakh passengers fly in India every month. There are some 96 regional and national carriers in the US compared to a total of 11 airlines in India. The number of planes flown in India by scheduled airlines is 468. The fleet size of US commercial

airlines, including regional carriers, stood at 6,871 in 2015. I have given all these details to highlight how superfluous our Civil Aviation Ministry is.

The crux of the matter is that departments and ministries are created not on economic or administrative logic but political accommodation. Such is the multiplicity that if one wants to improve sports facilities for women in rural areas it is not one but seven ministries (Rural Development, Social Justice, Sports, Youth Affairs, Finance, Women and Child Welfare and Panchayati Raj) that will be involved. How on earth can you expect anything to be done with such a complex structure?

It makes my blood boil when I read about the fact that our soldiers fighting on the front don't have the basics of proper boots, helmets, night vision goggles and even ammunition. All this is stuck in our byzantine bureaucracy. Some babu is sitting on a file while our brave jawans risk their lives.

Instead of cutting ministries under one minister, there is a new trend of combining incongruous ministries, making for strange bedfellows. What has Chemical and Fertilizers got to do with Parliamentary Affairs or Urban Development, Housing and Urban Poverty Alleviation with Information and Broadcasting?

The number of departments in the Government of India was 18 in 1947. And the number of secretaries to the Government of India was 19 and that of IAS officers 143. Today there are 134 IAS officers just at secretary level postings, while the number of IAS officers posted in the Central Government is 820—though the total number of IAS officers is 4,800.

In 1947, Jawaharlal Nehru's Cabinet had 17 ministers. By 2016, the Council of Ministers had 75 ministers— 26 cabinet, 13 ministers of state (MoS) with independent charge, and 36 MoSs.

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Two Administrative Reforms Commissions, in 1966 and 2009, advocated small governments. No decision has been taken as yet.

The Second Administrative Reform Commission, in fact, recommended an integrated approach of combining ministries. Ministry of transport put together civil aviation, surface transport, railways and shipping. Today there are three ministers for this.

Similarly, for Energy. Energy is now being handled by at least four different departments — the ministry of power and coal, non-conventional energy sources, petroleum and atomic energy. In contrast, in the UK, there is a single secretary of state (cabinet minister) for transport and a single secretary of state for energy.

All this makes eminent sense but the unholy alliance I mentioned earlier just won't let it happen. It requires bold selfless leadership to do this, which is simply not forthcoming. Not just that. Liberalisation has created its own bureaucracy, a permanent establishment, that forever remains in power. In 2012, of the 11 new regulators set up for new areas such as telecom and electricity regulations, nine were retired bureaucrats, creating an establishment that is inherently geared to preserve the status quo. Even the new rights created their own bureaucratic infrastructure. In 20 states, for instance, the chief information commissioner under the Right to Information Act is the state's former chief secretary.

The point is that as we have progressed from a Nehruvian model of state controlled economy to a more market friendly one, the bureaucracy should have shrunk or at least not grown to this enormous size.

One radical solution borrowed from Nandan Nilekani would be to introduce 10 start ups or

missions into the system, of ten people each, to handle ten challenges identified by the Prime Minister, ranging from education to poverty. This would achieve two things: allow bureaucrats to develop much needed specialisations. And ensure that professionals come in and work with governments, much as Vikram Sarabhai started ISRO or Homi Bhabha started TIFR all those years ago.

This is apart from a restructuring of ministries, greater use of technology and greater share of private sector in delivering public service which would put us in the right direction. But in today's context, I don't see that happening.

**Problem #2: The state has no business being in business is a slogan ringing in my ears since the 2014 general election. Let us see what happened on this front.**

Recently, Niti Aayog gave a list of 74 loss making PSUs to the PMO. These should be shut down forthwith instead of some attempts to revive some of them. So far the government has decided to shut down 10 PSUs. This is a good beginning but what about the other 64? Good money is being spent on bad - Rs 53,772 crore were provided to the 74 units between 2004 and 2016 and these sick central public sector enterprises owe Rs 33,960 crore to the Centre.

According to an audit report of the Comptroller and Auditor General of India, 157 central PSUs have accumulated losses worth Rs 1.1 lakh crore (\$16.5 billion) as of 2014-15, which is larger than Zimbabwe's GDP in 2014, and bigger than the economies of at least 65 countries.

The latest survey (2014/15) says we have 298 Central PSUs. The total investment made by the government in them till March 31, 2015, was over

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Rs 10 lakh crore, approximately the amount that is needed to develop India's 7,500-km long coastline through its ambitious Sagarmala infrastructure development project. The plan investment for Central PSUs for 2014/15 alone was Rs 2 lakh crore.

Then there are public sector banks, the result of a cynical and politically motivated nationalisation by Indira Gandhi in 1971, which has left us a legacy of bad debts. Twenty-nine state-owned banks wrote off a total of Rs 1.14 lakh crore of unrecoverable loans between financial years 2013 and 2015, much more than they had done in the preceding nine years.

The total pile-up of bad loans of India's public sector banks now amounts to Rs 13 lakh crore.

So why does the government continue to have a presence in areas where it clearly has no domain expertise? It's a tribute to the patience and forbearance of the Indian taxpayers that they suffer this kind of foolishness. No government has shown the stomach for disinvestment in PSUs. The only government that tried to do anything about loss making PSUs was the coalition government of Atal Bihari Vajpayee which sold 28 loss making units to private players.

It saw Bharat Aluminium Company becoming part of Anil Agarwal's Vedanta Group, Tata Sons acquire majority stake in CMC Ltd, Indian Petrochemical Corporation getting merged with Reliance Industries, and Maruti Udyog Ltd turning into a subsidiary of Japanese Suzuki. By all accounts these companies are prospering.

Sadly, instead of adhering to his campaign promise of getting out of business, Prime Minister Modi's government has been continuing the tradition of expanding the state. The Modi Government recently asked cash-rich public sector firms ONGC, NTPC and Coal India to adopt one

closed urea plant each for revival, which would cost them about Rs 18,000 crore over the next four years. The government has already announced its plan to set up four steel plants in Chhattisgarh, Jharkhand, Odisha and Karnataka, the first state-owned greenfield projects that will come up in this sector in almost four decades.

This does not look like the government doesn't want to be in business. It seems it wants to be in more businesses. Frankly, I believed Candidate Modi when he raised that slogan. And when he was elected I said to myself finally we are going to get radical change. Now, I will only believe they are serious about it when they sell Ashoka Hotel and Air India. Regardless of value, these will be signature acts.

### **Problem #3: The state delivery mechanism is flawed.**

In 1985, Rajiv Gandhi had famously said that for every rupee sent to the common man, only 17 paise reaches him. In 2009, then Deputy Chairman of the Planning Commission Montek Singh Ahluwalia echoed him, saying the leakage was upto 16 paise. In spite of knowing this we continue to proliferate government schemes where there is no match between outlays and outcomes.

There are many reasons for this. One, there is a multiplicity of Centrally Sponsored Schemes, which have to travel through all the states and villages of India after starting in the capital, Delhi, as a one-size-fits-all model. Two, the Union Government is the planner, financier as well as monitor, not the best case scenario for accountability. Three, these schemes end up making programme managers of bureaucrats who are unsuitable for the task. Also, this naturally leads to erosion of state autonomy. There is a need to

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move from a centralised to decentralised structure and localisation of implementation. Four, at all levels, there is an incentive not to take any decision. Section 13 of the Prevention of Corruption Act defines what constitutes criminal misconduct by a public servant and specifies penal provisions, which includes jail up to seven years. Despite several attempts, the bureaucracy has not been able to get this amended to grant itself immunity from political vendetta. Five, there is no encouragement for innovative thinking.

For instance, to sell surplus army land - move cantonments out which traditionally were located on the outskirts but now, with growth, are located right in the heart of many cities occupying valuable land. The British located these cantonments to control the natives. The British have gone but the cantonments remain. In just three years, 1,073 acres of defence land—equal to 412 football fields—has been swallowed up through encroachments by builders and private developers.

Similarly, surplus railway land value can be unlocked as well. One lakh acres of vacant land—nearly the size of Puducherry—is at the disposal of Railways and is worth an estimated Rs 22 lakh crore.

Surely we can think of some innovative way to monetise these dead assets for public good.

**Problem #4: This is a more philosophical point. Make the bureaucrat invested in the system.**

The middle class has seceded from the state.

Those who can afford it don't use state services. Education, health, access to water, transport and security are so abysmal, India's middle class and elite class rarely, if ever, use them. Until bureaucrats start sending their children to government schools, or start going to public hospitals (apart from AIIMS), they will not want to improve the quality. It's a vicious circle.

As Ruchir Sharma says, India disappoints both optimists and pessimists. But hope is eternal. The Modi Government has shown some mettle in repealing over thousand outdated laws, in identifying ten loss making PSUs for stake sale, and in improving conduct rules, ending the transfer posting raj, and changing the appraisal system.

Now it has to show that it is capable of reforming itself and not only in what Chief Economic Adviser, Arvind Subramanian calls "persistent, encompassing and incremental reforms"- a phrase, that to me, embodies the real problem.

We have to stop being a nation of tinkers. We need audacity in our public policy. The country is bursting with youthful entrepreneurial energy and innovative ideas. The government needs to get out of the way to let them flourish.

Lastly, I must say that my deepest disappointment in Indian politics is that BJP has not occupied the space of a genuine right wing, market friendly party. Instead it seems to have remained a party espousing cottage industry capitalism and embroiling itself in peripheral issues, in a manner not befitting its massive mandate.



## Key Features of Budget 2017 - A Delicate Balancing Act\*

Dr. Arvind Subramanian



I am happy to speak about the budget and its context. First of all, this budget came at a somewhat unusual and momentous time. This is a critical juncture in history. If you look at the international background, 2016 will go down as something very significant happened around the world -Brexit and the American elections. But more fundamentally it was about the long march towards globalization – something has happened to it. There is indeed anxiety about globalisation at least in some of the advanced economies, which is going to have significant repercussions for emerging market countries like India.

A structural shift has happened against which government had to craft this year's budget. The last 7-8 years were an era of low interest rates, a kind of deflationary environment in advanced economies, and that was broken with election of president Trump. The feeling is that the US

economy is picking up, policy is going to change, both fiscal and monetary policy. Notably, this means that the emerging market countries can no longer take for granted that they would get all these capital inflows. So, there was a kind of minor regime shift in that sense as well. These were the big international developments.

Domestically, I think there are two very big things that had happened. One is demonetization and the other absolutely path breaking reform that happened was the passage of goods and services act, which will go down in history as the landmark tax reform that the country has ever undertaken. So, these two domestic developments as well created the context for the budget.

I will talk a little bit about the budget and what the implications are likely to be. Structurally, three major innovations happened in presenting this budget. The calendar for the budget was advanced.

*\*This article is a summary of the speech delivered by Dr. Arvind Subramanian, Chief Economic Advisor, Ministry of Finance, Govt. of India at the breakfast briefing to young diplomats organized by India Foundation on 22nd February, 2017.*

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Instead of being presented on 1st of March, it was presented on 1st of February. It is quite possible that India would move towards calendars that are much more aligned with international best practices and go towards calendar year based. This is the first step.

The second structural change that has happened is, we have done away with plan and non-plan expenditure from the Planning Commission era. The categorizations were based more on which agency was doing the spending rather than what it was for. We got rid of those anomalies, the distinctions which were more bureaucratic than economically meaningful. If you see the budget, there used to be capital expenditure, revenue expenditure, the world over what everyone thinks about when you think about how to understand budget. It is an attitude or mindset that thinks about the impact of spending rather than which institution is doing the spending.

The third big innovation relates to the merging of rail budget into the regular budget. One of the colonial legacies we had that we presented a railway budget. There were historical reasons for it. We kind of persisted with it for no good reason apart from a bureaucratic inertia. The merging of the budgets, apart from rectifying the anomalies, is also going to be important in one sense. The two budgets that the minister presented were very significant in one way, which hasn't been appreciated enough. It is one of the consequences of time being linear that the governments get credit for what they do and not enough credit for what they do not do. In the first two budgets it is quite noteworthy the lack of populism in those budgets. Traditionally Indian budgets have been a lot about - we need a train line from this constituency to

another constituency for no good economic reason, the people would routinely succumb to it. The two budgets were noteworthy for absolutely repudiating any kind of populism. And that kind of decision making we would like to carry over.

Now, I would like to speak something about the content of the budget. As a macro economist, one number you look at first is what is the stance of fiscal policy that the government has embraced. It is embodied in fiscal deficit number. Given the background of uncertainty, budget has to balance a number of different considerations. We accord a lot of importance to maintaining macro-economic and fiscal stability – you are reminded of its consequences when you do not have it.

I want to take you back to 2013. In the fall of 2013, the Indian economy was falling apart because of lack of macro stability. India was part of fragile 5, a small trigger from US led to massive capital outflow, India barely avoided a full scale crisis. We should keep that period in memory when I say that being wedded to macro-economic stability is a major tenet of this government. One of the manifestations of it is what is happening to fiscal policy. And the government has been steadily reducing the fiscal deficit. At the end of this year, it is going to be 3.5%. It is going to be a very steady reduction in fiscal deficit. It reassures investors that the commitment to macro-economic stability and fiscal prudence is rock solid. Head line number is the fiscal deficit going down from 3.5% to 3.2%.

There were some who actually wanted the government to increase the deficit because of the consideration that growth will dip a little because of demonetization. The economy certainly needed some impetus from the government. That is one

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point of view. The fiscal ayatollahs as it were, wanted it to be reduced to 3% at all costs. The government had to do this very delicate balancing act where it wanted to maintain the commitment to stability. Yet you do not want to squeeze so much and compound slightly inflammatory forces in the form of reduction in growth in the short run. The government was committed to fiscal stability with reduction in fiscal deficit, continuing the onward march towards fiscal consolidation.

The second number was on spending side. Obviously the government was to devote resources to agriculture, especially to public investment. We are in a situation in last 3 or 4 years or slightly longer where private investment has weakened in the economy for a number of reasons. There is no real threat that the extra government spending will crowd out private investment because the sector itself is quite weak, the balance sheets are not very strong. The government had this responsibility to increase public investment. So, the allocation for public investment was also quite strong.

When you look at the spending side of this budget, what is important for me is that there is no scope for simplistic or knee-jerk expansion in creating new programmes. There was a strong feeling that new programmes would be wasteful, unproven, untested. Whatever we do is high priority but all spending is in programmes having some proven record of having worked. One of the successful programmes in India whose allocations we increased is rural road programmes, Pradhan Mantri Gram Sadak Yojana, launched by the previous NDA government. Similarly, the employment guarantee programme, especially in the aftermath of demonetization. It has some reasonable features like self targeting as a way of

helping people who are more distressed and so the government decided to allocate more money to that programme as well. Housing was another area, but the spirit, logic and thinking was to build on programmes that work and not to be populist, not to start experimenting and thereby increase the number of programmes whose track record may not be terrific.

You get fiscal prudence by reducing fiscal deficit. Very responsible, but targeted spending—that is what the government had to do in the short run. The most exciting part of this year's budget was on the revenue side. Instead of all the things that were done on the revenue side, I would focus on what was the underlying thinking to that. What are the themes on revenue proposals? Essentially the revenue proposals must be seen in the context of demonetization. The measures on revenue side tried to reward tax compliance and hence there were reductions in individual tax rates for people at the low end of the spectrum. Lowest tax rate was reduced from 10% to 5%. Second, this is one of the aims of demonetization, incentivize non-compliers to become compliers.

Remember, it is a sad fact about India that we need to make lot of progress in terms of the number of people who pay tax—something the Prime Minister and Finance Minister have been talking about a lot. For the first time, for tax payers the administrative requirements would be quite relaxed to try and get the people into the tax net. So, having rewarded compliers, you also have to have sticks against non-compliers. It is quite significant in this budget that, the finance minister actually laid out statistics on what is happening on tax paying side as well as highlighting on what is happening to the money that has come back to the banks as a result

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of demonetization. It is basically a signal to non-compliers saying that government has a fair amount of data now and we started the process of big data analytics. To be able to reconcile what is coming, with the status of who is paying and who is not paying taxes, reward the compliers, also send a signal to non-compliers that there would be some surgical analysis, and follow up action against them.

The fourth innovative part on revenue side, for the first time there were proposals on tackling major sources of black money. If you think about India, there are four types of major sources of illicit money, black money – cash, gold, and the two other big areas are election financing and real estate. The budget has for the first time spelt out the initial steps that would be taken towards addressing the black money that is generated in election financing.

In the economic survey, we forecast for the year that is going to end 2016-2017, growth which is otherwise going to be 7%, something like 0.25% to 0.5% is going to reduce relative to that base line on account of demonetization. The actual liquidity crunch was smaller than the people thought it was, in fact remonetization is proceeding at pace. Our estimate is that within a month or month and half the liquidity is going to be close to what the underlying demand is going to be.

There would be an impact on growth. We should not hide that. It is most severely felt on the cash part of the economy that is relatively short lived. As remonetization happens, the economy should come back and converge the underlying potential. The range we have given is between 6.75% and 7.5%. India needs about 8 to 10%

growth in the medium term. That is how we see demonetization. One of the macro challenges in the economy is what we call the twin balance sheet problem. After the go-go years, over exuberance and over indulgence in investment, we are saddled with the legacy of weak private sector balance sheets. It is not strong as it should be except that who invested in infrastructure. As a consequence of that, bank balance sheets are also weak because they were not able to service their debts.

There were lot of comments saying why didn't the budget specifically address it. It is important but not everything. Policy making is a 365 days affair. We are completely aware of the seriousness of the problem on twin balance sheet. There are very serious and high level discussions underway in terms of how to address the problem. It is not an easy problem. You cannot use magic wand. All countries around the world face this problem. How does the political class write off debts to the private sector including to big corporates? That is the heart of the problem. Even Denmark, often referred to as utopia of how the world should be, has such problems. It is a constraint on the economy. It is holding back growth. We need to address that.

Finally, in the survey we have raised discussion about universal basic income. There is radical discussion going on about the idea whose time has come. The idea is ripe for discussion. There are some states which are enthusiastic about the idea whether this idea takes hold or not. Budget came in the back drop of fairly difficult international environment. It had the difficult task of maintaining balance, providing stimulus, filling in weak private sector and taking actions to follow on demonetization.



## Turkey's Bid to Join EU: Have We Reached a Point of No Return?

\*Sanjal Shastri

2016 has been a testing year for Turkey's relations with the European Union (EU). With Austria's foreign minister threatening to freeze talks regarding Turkey's EU membership bid, irreparable damage might be done to the relationship between the two sides. Turkey, a land that is described as a natural meeting point between the East and the West, is increasingly finding itself out of favor in Europe. This commentary attempts to look at the possible fallouts of the turbulent year in EU-Turkey ties. Has irreparable damage been done to Turkey's membership bid? And finally what could we expect in 2017?

The migrant deal inked in March was the high point to EU Turkey relations in 2016. While many critics lambasted the deal for its total disregard for human rights, the fact that the two groups were able to come to the agreement was a major milestone in Turkey's attempt to join the EU. From this high point in March, the journey has gone steadily downwards, now threatening to permanently derail Turkey's bid for EU membership.

For Turkey, 2016 has been a particularly testing year. A series of terror attacks and an attempted coup has pushed President Erdogan's government to employ emergency powers to deal with the situation. It is the use of emergency powers that has been the bone of contention in the EU. From the alleged ill-treatment of the deputy leader of

Turkey's parliament in Germany to the many verbal battles between the two sides, several pressure points have arisen. Ultimately, the EU voted to freeze all talks of Turkey's membership bid, which is where the situation currently stands. What could possibly be the fallout of this tension?

The immediate victim of this could be the migrant deal the two sides struck in March. President Erdogan has already sent feelers that he would not hesitate to scrap the deal if things spiral out of control. Much more than a battle over the use of emergency powers, for President Erdogan, this has become an, 'us versus them' situation. In such situations, pragmatism and foresight falls prey to jingoism and hyper-nationalism. Looking at how things have panned out over the past few months, one cannot but help fear that the migrant deal would be the first victim in the whole process.

Scrapping the migrant deal would have drastic consequences across Europe. The influx of migrants has been a very volatile topic across the 27 EU member states. Right wing parties in several countries including France, Germany and Austria had been receiving a lot of support for their anti-migrant stand. The migrant deal put breaks on the number of migrants entering Europe, which halted the growth in popularity of the various right wing parties. With elections coming up next year, a return of a large number of migrants

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anywhere near the 2015 numbers, will mean that right wing parties will begin to see more support. Popular support for Angela Merkel, which had fallen in late 2015, had picked up again after a fall in the number of refugees. If there is an increase in the number of refugees, it may seriously damage Merkel's chances of getting re-elected.

With Turkey's future with the EU in jeopardy, there could be changes in the regional balance of power and security calculations. Currently, Turkey, which is a member of the NATO, is a crucial ally for the West. The US and the EU have been cooperating closely with Turkey regarding the fight against ISIS. If the tensions with the EU continue, Turkey will be pushed to look for a future alliance somewhere else. There have already been signs that the Turkish leadership has begun to look elsewhere. Talks have commenced over a possible partnership with the Shanghai Cooperation Group. The last thing the EU would want is for Turkey to move towards Russia. A possible Turkey, Iran, Russia and Syria alliance will not be a bright possibility for the EU. While we are still very far away from getting here, if things deteriorate further between the EU and Turkey, this possible re-alignment would not be too farfetched.

The question comes, have EU and Turkey gone to a point of no return? There is still some light at the end of the tunnel. European leaders like Angela Merkel understand the importance of the migrant deal on the upcoming elections. They realize that pushing Turkey too far will jeopardize the migrant deal. The hope is therefore, some sort of understanding would be reached over the next

couple of months. There is a lot at stake for the EU to mend fences with Turkey. That being said, the outcome of the French, German and Dutch elections next year will have a lot to say. If right wing parties come out stronger, chances are that Turkey will be pushed beyond a point of no return. This however depends on the right wing parties winning a significant number of votes in the upcoming elections. As of today, there is light at the end of the tunnel.

For many in the EU, Turkey's bid to join the Union has always been a very contentious issue. Despite constant tensions with Greece and Cyprus, promising progress had been made. 2016 has however, brought about doubts if such a membership would ever be possible. A debate over emergency powers adopted by President Erdogan is quickly turning to an, 'us versus them' debate. It puts the all-important migrant deal between the two sides in jeopardy. If this does happen, Europe may again witness an influx of migrants, which will have an impact on the elections planned next year in Germany, The Netherlands and France. Turkey, which has already begun looking for greener pastures with the Shanghai Cooperation Group, may be forced to look towards Russia for a possible alliance. A change of this sort is bound to have serious consequences for the security calculations in the region. While a lot that could go wrong has gone wrong, things have not yet reached a point of no return as far as EU and Turkey are concerned. For EU, there is a lot at stake and one should not be surprised if a deal is struck between the two sides in early 2017.



## The Trump Presidency: The Effects of After Effects

\*Dr. Manan Dwivedi

The American Presidency is the highest and the most hallowed power pedestal in the international system. The personage who is anointed to head the proverbial land of milk and honey is expected to take care of crucial decisions bearing criticality on the firmament of Global Politics. The “Regulator and Democratizing” role playing being attached with the American impact in the larger world makes the United States President run true to the dictum of, “With Great Power Comes Great Responsibility”.

The outgoing President has been perceived to be found wanting in his response to the major conflict points in international system such as Syria, the complete denouement of the Iran’s nuclear negotiations, the inaction associated with the Libyan developments along with the raging domestic issues of gun violence and general unrest among the Black population in the homeland, according to one set of observations. Thus, President Obama leaves behind a tarred terrain infested with new challenges and the new President Trump will have to hit the road running to combat pertinent issues such as counter terrorism, the sustainability of the economy, unemployment issues, infrastructure enhancement along with the raging bull theme of reinventing and resuscitating America, after, all the palaver about, “the Rising tide of the American Decline”.

President Trump envisages a protectionist policy tilt for the American nation which will create

obstructions in a global polity ruled by the idiom of convergence and interdependence by one reading of the scenario. Still, the American overarch will not be completely wished away as is evident from the interactions which President Trump has had with his counter part in Taiwan and the strict wordings of the White House on the recent missile tests by North Korea a few days back.

A key concern the international community has is how seriously does President Trump take his campaign-time characterization of NATO as being, “obsolete” and as a corollary, in what manner will the geo-economic footprints of United States in the Asia Pacific be curtailed. The Trump argument of recalibrating “the responsibility and contributions” of the European and other Asian allies such as Japan and South Korea as being a key criterion of regional and ally behavior, too, has raised a great iota of doubt and multifarious permutations in the psyche of international relations experts.

The key question is whether the traditional “Philanthropic” positioning of United States will dwindle with an isolationist foreign policy perch of President Trump who has quintessentially propagated a general and comprehensive withdrawal from the overarching conflict and hot-spot zones of the global system. In any way, it has been a characteristic feature of US foreign policy which stipulates that there is a schism between the interventionist/ expansionist and the isolationist

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strain of the nation's foreign policy practice. The interventionist zeal was very much reflected in the diplomatic overtures which the President elect undertook with the Taiwanese Premier which infuriated the Chinese mandarins.

A lot of global turbulence might be created with the Chinese terming President Trump's foreign policy inclinations as being Revisionist, where-in, Beijing felt that questions will be raised in the context of the "One-China-Policy" of People's Republic of China. Speaking about Asia, the Trump transition team has already declared that New Delhi will be a key and strategically significant partner- a continuity with the Obama Presidency who designated the India-US relations as the defining relationship of the 21st century. Trump's counter-terror policy will also play a role in cementing ties with India.

The two legislations and the executive order passed by President Trump barring citizens from seven Moslem dominated countries such as Libya, Iran, Iraq, Somalia and Syria happens to be one of the flagship campaign promises of the President which has been quickly realized by him. With the debate around visa regulations gaining currency, Indians accounted for 63% of the H 1-B visa grantees in the year 2013, with the percentage rising to 66% in 2014 and reaching an all time high of 83% in 2015. Also, President Trump has declared that the Obama proposal to form the Trans Pacific Partnership (TPP) has been shelved and this amounts to an inward looking policy. This standpoint in the case of TPP makes Washington withdraw from the South East Asian leadership and leaves nations such as South Korea and Japan threatened due to a lack of an American business and

commerce umbrella. Still, what needs to be underscored is that such decisions might create a power vacuum in the region and leave the traditional American allies exposed to the Chinese hegemonic designs by one reading of the geo strategic situation.

President Trump will sign the new law despite multiple anti-rulings by the American courts. All this has led to the nationwide immigrants raising their placards in a general protest against Trump's Immigration executive orders. Still, Immigration Acts in 1911, 1924, the anti-Chinese immigration legislation along with the Johnson Reed Act in the 1930s have already been part of the US law. Therefore, what President Trump is attempting has many precedents in US history. Even in the ever changing sphere of H1-B visa regime, the Trump administration might not opt for a far-reaching curtailment as that might alienate the friendly and partner nation states such as India.

The transition time's mellowing down of rhetoric on other related themes is an indication that some of the blatant sounding pronouncements might be made ductile and have already been sobered down to a certain extent. Still, the key characteristic of the Trump Presidency is to bear a penchant to "Shock and Surprise" on various themes with palliatives following suit. Also, containing China will form a cornerstone of the Washington's Policy which will engage with India in a bid to be the Containment Pivot which augurs well for New Delhi.

Along with Trump's diktat on ISIS, Washington is expected to be firm on the concerns of South Asia with an enabling policy to curtail the likes of Haqqani network and other Indian irritants which

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pose a grave threat to peace, stability and pose as developmental hitches to South Asian governance. Also, the quasi frontline state-status of Pakistan will not change overnight as the strategic depth of the US Pakistan relationship points at the utilitarian nature of the bilateral relationship in the context of combating terrorism and on the issues of nuclear proliferation. The Trump Presidency is expected to go stern on the plank of counter-terrorism which will definitely augur well for the region as well as for the threat faced by India since the last few decades. The American perception on non-proliferation might turn hawkish on certain issues and select regions but Obama's legacy of agreeing

to agree with Iran and forging the Nuclear cooperation agreement with Tehran might be endangered which is a cause of concern for some of the disarmament experts. North Korea might be in for a rude surprise causing turbulence in the strategic and the status quo-scenario in the Korean Peninsula.

Still, keeping all geo-strategic and geo-economic views in the purview, the early days of the Trump Presidency is a reflection of the times to come, where-in, mellowing down on some of the issues will make the Trump administration more acceptable and amenable to popular-international and global prescriptions.



## Muslim Personal Law and the Shayara Banu Case

\*Raghav Pandey

The recent debate on the reform of Muslim Personal Law has been spurred by the issue of notice by the Supreme Court in the case of Shayara Banu vs Union of India. In this case the wife was not only arbitrarily divorced through Talaq-i-bidat (commonly known as Triple Talaq) by her husband but also was administered drugs, which affected her memory and other forms of cruelty during the duration of the marriage. Shayara Banu decided to challenge the constitutionality of three archaic practices under Muslim Law namely: (i) Talaq-i-bidat (ii) Nikah Halala (iii) Polygamy.

Talaq-i-bidat is a form of divorce where the Muslim man can instantly divorce his wife by uttering the word ‘talaq’ thrice. Instantly here means utterance during any period of time in a single tuhr (period between two menstrual cycles of the wife). After such an utterance, the divorce becomes final and binding. There has been a narrative in the media for the past few days that this form of divorce is only valid for Sunni Muslims and that too Hanafi Sunni Muslims. Even if one is to take this argument on merits, it is pertinent to point out that Hanafi Sunni Muslims are almost 80% of the total Muslim population in India<sup>1</sup>. Hence such an argument to not debate on the legality of Talaq-i-bidat is not only redundant but also absurd. This form of divorce being a paragon of inequality in its original form itself has attained heights of absurdity in the recent past where the men have

been divorcing their wives through Skype, WhatsApp, SMS etc. It is only reasonable in such context that the Supreme Court has issued notice on this practice.

The Supreme Court about a decade ago in 2003 had referred to this form of divorce in the celebrated case of Shamim Ara vs State of U.P. This case has been cited in several news reports<sup>2</sup> recently as the case in which Talaq-i-bidat was declared unconstitutional. Nothing can be further from the truth and only a cursory reading of the judgment of the case will dispel such a misconception. In Shamim Ara, the point of contention was the method of Talaq-i-bidat. The husband had contended that he had a right to divorce even during the judicial proceedings and even in the absence of his wife. Such a method was declared unconstitutional and not Talaq-i-bidat per se.

The second and I believe the more horrendous practice of Nikah Halala has also been challenged in Shayara Banu’s petition<sup>3</sup>. This practice means that when a husband divorces his wife, both of them are forbidden to marry each other again; unless the divorced wife marries another man and consummates that marriage (has sexual intercourse with the new husband) and the new husband also agrees to divorce her. An example of such a practice can be found in the case of Nagma Bibi wherein her husband in the state of intoxication divorced her but the next day the

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husband himself wanted to annul it. But Muslim community leaders sent Nagma to her home and pressurized her to marry another man before remarrying her husband. This practice makes a woman pay for the deeds of her husband by forcing a sexual intercourse upon her if she just wishes to remain with her husband. This is equivalent to treating women like chattel and property.

The third demand in the petition of Shayara Banu is abolition of polygamy. The petition says that this practice is as abhorrent as Sati. This is so because the Muslim personal law allows a man to have multiple wives, the number is limited to four in India. On the other hand, the practice of polyandry i.e. a woman having multiple husbands is completely forbidden and is considered anti-Islamic.

Opposition of the civil society should not be limited to Talaq-i-bidat, Halala, Polygamy etc. because even other forms of divorce also create a superiority of men over women. Under Muslim personal law it is the man only who is empowered to divorce. The woman can demand a 'khula', which can be granted by the man but can also be refused by the man. Another argument is that women have a form of talaq in their favour called Talaq-i-tafweez. Again, nothing can be further from the truth.

The expression 'Talaq-i-Tafweez' literally means Talaq through delegation. Under Muslim law the husband is also empowered to delegate his power to divorce his wife to anyone, which includes his wife. But again, it is up to the husband whether he chooses to delegate this power to his wife or not. In fact, this is a very dangerous practice, because the husband may choose anyone to irrevocably divorce his wife. This chosen person

can affect a divorce between a husband and wife without either of them wanting it.

The opposition to these practices has also voiced an argument that these practices are also un-Quranic and find no sanction from the Holy Quran. Such an opposition usually leads to a debate on the interpretation of Islamic religious scriptures, which is devoid of any modern jurisprudence. Instead, it is more reasonable to oppose these practices in terms of the established global practices of Human Rights Law and laws pertaining to civil and political rights.

These practices are completely opposed to the jurisprudential notion of Right to Equality. This right has been incorporated under Article 14 of the Indian Constitution. The Universal Declaration of Human Rights (UDHR) also guarantees Right to Equality as the foremost Human Right by the virtue of the fact that this right has been mentioned in the very first and second Articles of the document. Article 1 says, "All human beings are born free and equal in dignity and rights....". Article 2 also in the same vein says, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex....."<sup>4</sup>.

It can't be a coincidence that a lot of Muslim majority countries<sup>5</sup> including Saudi Arabia, which is considered the fountainhead of Wahabi Islamic jurisprudence, have neither signed nor are a party to the UDHR. These practices violate the UDHR and the Indian Constitution because of the fact that they create two classes of citizens in the form of Muslim men and Muslim women. One class, i.e. Muslim men has a dominion over the other class i.e. Muslim women.

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Indian Constitution guarantees under Art 14 “Equality before law and equal protection of laws”. The archaic practices of Muslim Personal Law violate Art 14 on both of its senses. Equality before law means that the Law should accord equal respect and dignity to all its subjects when they are addressed by the state, which is not the case because a Muslim man is accorded more respect than a Muslim woman. Also, an “equal protection

of laws” is also not accorded to Muslim women.

In this context, it is incumbent upon the Supreme Court to utilise the opportunity in the Shayara Banu case to accord Muslim women the full extent of their constitutional right to equality. More importantly, the government should also take it upon itself to reform the Muslim personal law through legislation, like it did for the Hindu Personal Law in 1950s.

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<sup>2</sup> <http://thewire.in/42276/the-indian-medias-focus-on-shayara-bano-betrays-an-ignorance-of-important-precedents/>

<sup>3</sup> <https://wallsofignorance.files.wordpress.com/2016/03/shayara-bano-writ-petition-maari-baari-62-18032016.pdf>

<sup>4</sup> <http://www.un.org/en/universal-declaration-human-rights/>

<sup>5</sup> Brunei, Malaysia, Qatar, Oman, United Arab Emirates etc.



## Commemoration of 1971 India-Pakistan War

Shristi Pukhrem



A Seminar on “1971 India-Pakistan War: Liberation of Bangladesh” was organised by India Foundation in association with Nehru Memorial Museum and Library, Indian War Veterans Association and Babu Jagjivan Ram Memorial Foundation on December 16, 2017 to commemorate the 1971 India-Pakistan War and the Liberation of Bangladesh. In his opening remarks, Shri Shakti Sinha, Director, Nehru Memorial Museum and Library, recalled the historic chain of events and mentioned that this remains an important part of history in the Indian subcontinent. Further, he touched on the significant roles played by Indira Gandhi, Babu Jagjivan Ram and others.

Gen. VK Singh, Minister of State, Ministry of External Affairs, Government of India, called 16th December 1971 a “historic and memorable day”.

He paid homage to those who gave up their lives during the war and stated that the struggle for Bangladesh was carried out in seven different phases. There were ups and downs in the struggle but the events that unfolded in 1971 were remarkable. The General spoke about the refugee problem that cropped up in March that year as a result of the crackdown by Pakistani military junta. He also recalled the gradual build-up of Mukti Bahini and said that this war for the Liberation of Bangladesh was the greatest war in the annals of military history in several ways. It was made possible because of the joint efforts of the two forces and because of the immense support from the people of Bangladesh.

Ms Meira Kumar, former Speaker, Lok Sabha proudly elucidated the spirit of patriotism and sacrifices that were made during the 1971 War.

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Summary of her speech is carried separately in this issue of the journal.

The President of India, Shri Pranab Mukherjee, in his video address, recollected the able and mature leadership of Bangabandhu Sheikh Mujibur Rahman and also the helping hand provided by India under the leadership of late Prime Minister, Smt. Indira Gandhi. He mentioned that it was the conspiracy of the military junta, then ruling Pakistan, to deny the legitimate rights of the people of East Bengal (East Pakistan) to have their own elected government. He remarked that the new generation of Bangladesh, which was born after 1971 and also many Indians too, were not aware of the tremendous sacrifices made by their forefathers and that they should learn about it. In Bangladesh, a large number of Mukti Bahini and Indian soldiers

laid down their lives and their blood got mixed with the soil of Bangladesh. The national anthems of both the countries have been composed by the great poet, Rabindranath Tagore, and they being sung together brings India and Bangladesh emotionally closer to each other.

Mofazzal Hossain Choudhury Maya, Ministry of Disaster Management and Relief, Govt. of Bangladesh expressed gratitude to the citizens and the Government of India for the help, empathy, sacrifices and cordiality which accelerated the independence of Bangladesh. He remembered Bangabandhu Sheikh Mujibur Rahman with deep respect. Stressing on the help and support provided by the Government of India and Indian people, he appreciated the immense assistance in terms of arms, military training, shelter, food, medicine and





friendly treatment provided by the Indian Government, which played a significant role in creating an environment in which international support in favour of Liberation of Bangladesh grew. For the support provided by India, the Minister, on behalf of the Government of Bangladesh and its people, conveyed his heartfelt gratitude and deep respect. Remembering not only the Bangladeshis who sacrificed their lives in the war, but also the thousands of Indian soldiers who sacrificed their lives too, the minister reiterated that India stood by the side of the war trodden Bangladesh when Bangabhandu Sheikh Mujibur Rahman was reconstructing the country.

Acknowledging the friendly relationship between India and Bangladesh, he stated that the Indian Prime Minister, Shri Narendra Modi had taken the relationship of the two countries to a new high and dimension. He also stated that neither Bangladesh nor India would give shelter to any terrorist and promised to work together for eradication of militancy and terrorism. The Minister said that planting a new seed of stronger cooperation in the horizon of friendship between India and Bangladesh would work against all harmful forces and calamities. A photo exhibition of the 1971 India-Pakistan war was also inaugurated by the Minister before the start of the Seminar.



## Bilateral Conference on “Future of India-China Relationship”

Siddharth Singh



India Foundation and the Fudan University held the third edition of their bilateral interaction in Delhi on 4th and 5th of December, 2016. The interaction witnessed scholarly and candid exchange of views from both sides on critical issues such as challenges to Sino-India relations, regional peace and stability and prospective solutions to the way forward for relations between two countries.

Mr. Ashok Kantha, Former Ambassador of India to China delivered the inaugural keynote address at the conference. The conference then progressed to the first working session “Challenges to Sino-India Relationship” chaired by Lt. Gen Arun Kumar Sahni. He started the discussion by pointing out various areas of concern in the bilateral relations between India and China. He flagged the issue of unresolved territorial and boundary dispute. In addition, he also raised the Indian concerns of

“all-weather” friendship between China and Pakistan that is, in Chinese President Hu Jintao’s words, “higher than the mountains and deeper than the oceans”. He pointed out that Pak nuclear program gets China’s support either covertly or overtly which is a major threat to the region’s security. He also asked for greater resonance in China and India’s efforts of bringing peace and stability in Afghanistan and for the overall development of Afghanistan. He suggested that in today’s asymmetric challenges, India and China should look at each other for deeper cooperation in the cyber & space where there is a convergence of interest.

In the same session, Prof. Zhu Cuiping started her presentation by highlighting the prospective areas of cooperation between India and China and also mentioned the challenges in the bilateral relations. “In the past, the economic aspect of

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bilateral relation has helped in cementing ties, thereby in future too improvement in economic relations and removal of trade imbalance will pave way for a brighter future in the bilateral relation of India and China.” She gave the example of USA and Japan. She said that China has economic trade of USD 500 billion with America and USD 300 billion USD with Japan while it is only 80 billion with India. Despite adversities between China-Japan & China-America, pragmatism and practicality plays a very important role in those bilateral relations so we should learn from those experiences”, she said.

In the same session, there were concerns and doubts raised by the Indian delegation present on China’s One Belt One Road (OBOR) initiative and in specific the China Pakistan Economic Corridor (CPEC). To this the Chinese side affirmed that China only wants to promote regional connectivity by facilitating the modernization process through China’s cheaper technology as compared with

other countries and through initiatives such as CPEC, China aims to build infrastructure to promote trade among various parts in the region.

The conference then delved into challenges to Sino-Indian relationship. Prof. Srikanth Kondapalli started the deliberations by analyzing India and China bilateral relations at three levels namely global, multilateral and bilateral. He said that Chinese population is 1.4 billion and Indian population is 1.25 billion, together it is 2.65 billion, therefore it is imperative to find new and innovative ways for the economic well-being of our 2.65 billion people. The experts in the session were unanimous in stating that even though there is a global slowdown, both India and China continue to grow at 7.4% and 6.9% respectively. Prof. Kondapalli recalled the visit of Chinese President in 2014 and said that during President Xi Jinping’s visit in September 2014, three areas of consensus had emerged related to border security; economic relations and people to people contact along with





strategic leadership meets at regular intervals.

In the same session, Mr. Zhang Jiegen tried to address the concerns raised by Indian panelists on the issue of India's entry into NSG. He said that in principle China was not against India's membership into NSG but emphasized that India would have to follow the procedure as China followed by signing the NPT in 1992 and in principle China only opposed India's entry because it is not a signatory to the NPT.

Admiral Shekhar Sinha's intervention was focused on the need for greater strategic communication and accommodation of each other's concern in the bilateral relation so as to manage the problem of negative perception because you could not change your neighbours and relatives so that was why strategic communication at every level was required. What was a non-issue for China, could be a big issue for India and vice-versa. He raised the concern that every year the list of divergence on various issues between India

and China kept increasing so we could not put everything on backburner. We would have to find out ways to solve the outstanding issues between our two countries. Admiral Sinha pointed out the fact if China talked about legality in India's entry into NSG by only signing NPT then this legality principle should also be applicable in case of CPEC where China is building infrastructures illegally on a territory which legally comes under India as mentioned in Indian Constitution and legality should also be applied in South China Sea issue where China has made exorbitant claims.

In the session "The Way Forward", Shri Shakti Sinha said that there was no one path that could be taken up in the way forward because the bilateral relations between India and China were so wide that it could not be compartmentalized. He said that at present China was passing through a phase of internal economic reforms so as to shift the Chinese economy from export based model to domestic consumption based economy which



would be a very challenging task for China in coming years. In today's world, India and China should shed out the old mercantile way of trade and both should look at new innovative ways of trade which is mutually beneficial and which benefits the people in the region.

The last session on "Regional Peace and Stability" was chaired by Capt. Alok Bansal. During the discussion, Capt. Bansal raised the issue of terrorism, water sharing problems, CPEC and perception related issues in the bilateral relation of India and China. He said that when China puts a technical hold by utilizing its veto power in UNSC on a terrorist who is globally recognised for his act of terror then such things do create perceptual problems and it deepens the divide further specially by creating resentment and mistrust with no rational logic to justify the act of opposing the ban

on technical grounds. He stated that the threat of growing religious fundamentalism was knocking at the doors of China and if China did not act against this growing Islamic radicalism then China would also have to face severe consequences of the menace of terror as India and other countries in the region were facing.

Dr. Li Li talked about strategic stability in Asia and how the bilateral relation of China and India would prove to be a defining partnership in the 21st century for the larger welfare of the region. On Pakistan, Dr. Li said that China-Pakistan relations were not directed against India. On Kashmir, she said that China has maintained its stand that Kashmir was a bilateral issue between India and Pakistan and China had no role to play in this and thus China's stand actually strengthens and echoes India's position on Kashmir. She said

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that the simultaneous rise of India and China was closely monitored by other powers in the world and it would be interesting to see how the India-USA relations would take shape with emergence of India on the global platform.

Prof. Xin Qiang talked about the role of USA and how the upcoming Trump administration's foreign policy would shape up the region by realignment, recalibrations and readjustments in the foreign policy approach of other countries in the region including Indian and China. He said that although first focus of USA was Middle East but, because of the biggest market & population in the Asia Pacific region which houses two most populous countries, India & China, USA would certainly return back to its policy of "Rebalancing" or "Pivot to Asia" because there was no NATO in this region to protect US interests. So, if USA wants to remain dominant in the region then Trump administration could not ignore Asia Pacific region. He hoped that South China Sea will not be a major source of any kind of tension. He said that both countries share the responsibility of peace, prosperity and stability in the region for its people so we should work together to realize the dream of making 21st century as Asia's century.

In her intervention in 3rd session, Dr. Sreeradha Dutta said that there may arise a situation when concurrent issues in other part of the world, could create rift between two countries apart from the old contentious bilateral issues so we need to be frank enough while communicating with each other. We must clearly define the "Red Lines" keeping in mind the sensitivities of each other.

In his intervention in the 3rd session "Regional

Security and Stability" Shri Ashok Malik said that while looking at the bilateral relation of India-China we should not get trapped into the prism of Pakistan because the canvas of India-China relations is much beyond this. We should deal at much broader level. Both were major powers and rising economies of the world so accordingly we both should behave maturely. We should deal with each other as two partner countries and not as two rival countries because there was enough space at global stage for both the countries to cooperate for the larger welfare of the people in the region.

### **Valedictory**

In his address, Shri Ram Madhav said that India and China were two major powers in Asia today. On one hand, India has its own ambitions to grow as a "Leading, responsible, influential world power", while on the other hand China had also nurtured its great power ambitions for long. Both the nations were racing ahead in realizing their respective dreams. He said that both countries must develop a strong understanding on important issues. For example, on the issue of counter-terrorism, India and China could cooperate extensively. However, he also alerted that the cooperation would succeed only when China revises its strategy of pampering radical elements in Pakistan in the hope that they would not target China. While talking about Geopolitics of Indo-Pacific region, Shri Ram Madhav said that the role of powers like America will diminish in Indo-Pacific region in coming years, which provides an opportunity to countries like India and China to play a more proactive role in the Indo-Pacific region. This role can be at one level competitive but at another level it should not

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lead to conflict and it should probably lead to more cooperation. For this, we need out of box thinking because new situation demands new ideas and new thoughts. Shri Ram Madhav said that this was the perfect time for both the countries to address bilateral issues resolutely and embark on a journey of mutual trust, cooperation and goodwill because at present both the countries are governed by strong leaders who are strongly backed by their respective citizens. In India PM Modi enjoys the full support of people and he was in total command at central level while on the other hand, in China, President Xi Jinping has been described as core leader of party who enjoys full authority over

government and both leaders enjoy a personal rapport. So, to sort out our outstanding issues, we need to think out of box and should find some innovative, pragmatic and mutually acceptable ways to address each other's concern on various issues. He said that India has put an end to the hyphenation politics. Our bilateral ties were on a strong trajectory today which had been even recognised by the Chinese leadership also. We should lead to greater confidence building measures. In today's changing global dynamics, India and China, as big economies, had a big role to play at global level but along with that both countries had "together" a big role to play at global level.



## **India Foundation Study Group Meeting**

24 February 2017,

**Theme: Rise of Nationalism in Europe and other Parts of the World**



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## India Foundation Dialogues

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13 February 2017

### Interaction with Delegation of Chinese Senior Journalists/Editors



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**14 February 2017**  
**Dinner in Honour of Delegation from Taiwan**



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**20 February 2017**  
**Briefing to Parliamentary Delegation from Myanmar on**  
**“India’s Federalism and Centre State Relations”**



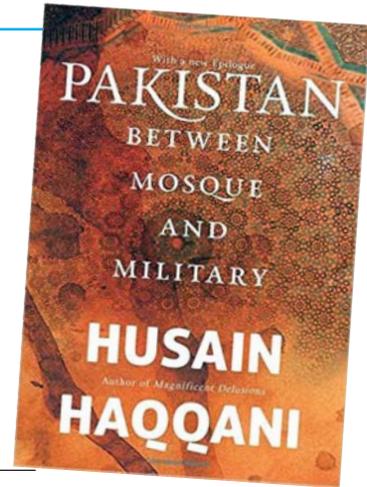
## Pakistan's Policy Tripod 'Pakistan: Between Mosque and Military'

Author: **Husain Haqqani**

Publisher : **Viking**

Second Edition (2016), Pages: 464, Price: Rs.699/-

Book Review by: **K Raka Sudhakar Rao**



Pakistan has always been a mystery wrapped inside an enigma even for those who vouch for it. It's a country that calls itself Pak (pure), but practices taqiya (dissimulation and deceit) to perfection. Despite being a geo-political construct of the imperialist British, it is the first Islamic republic to have been formed in the world, much before Iran called itself one. Let alone India, even its best of friends have problems knowing if it's a friend or foe. It fights war against terror and breeds terror at the same time. With Islam as its bedrock and being the fulcrum for radical terrorist and disruptive elements, Pakistan is the most enigmatic country, perhaps after North Korea.

As a former Pakistani diplomat, as a visiting scholar at the Carnegie Endowment and as a political commentator, Hussain Haqqani has both an insider and a ringside perspective of Pakistan and its seven-decade long journey as a country that is desperately in the quest of the core of its absentee nationhood. His work 'Pakistan: Between Mosque and Military' is seminal both in its honest exploration of policy tripod on which Pakistan

stands and the description of edgy civilian establishment's predicament of sleeping with its Islamic enemy.

Pakistan's policy triad comprises religious nationalism, anti-India sentiment and dependence on the West. The tragedy is that the more Pakistan tries to be anti-India, its umbilical link with India hits back with equal vengeance. Its alliance with West too is uneasy as anti-West sentiment is ever on the rise in Pakistan despite its abject dependence on the US. Worse still, its concept of religious nationalism suffered its biggest defeat when Bangladesh parted company. Even now, the Centre is unable to hold Sindh and Balooch provinces and there is simmering discontent against Sunni colonization and shameless exploitation of essentially Shia Gilgit and Baltistan.

Haqqani argues that the policy of islamisation is not aberration, but is an extension of a consistent national ideology. He posits that the "political commitment to an ideological state gradually evolved into a strategic commitment to Jihadi ideology."

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In fact, a top functionary had even queried thus: “An Arab without Islam is still an Arab, an Egyptian sans Islam is still an Egyptian. What is a Pakistani without Islam, a second rate Hindu?” This dilemma has forced the Pakistani ruling elite to even tweak Jinnah’s historic speech of national reconciliation in Pak Parliament as it goes against the grain of Pakistan’s *raison d’etre*. This strategic commitment led to the origin of the expedient relationship between the mullah and the military. As a result, Pakistani army guards the ‘ideological frontiers’ of the country. Ever since Sher Ali Khan put forth his formula for military dominance, Pakistan slid into an ideological abyss extricating out from which is extremely difficult if not entirely impossible. The author forcefully argues that Pakistan’s animosity to neighbor India only benefited the Pak Army. Even in its first ever budget, a fledgling Pakistan allocated 70 per cent of its budget to defence.

Jihadi Militarism, as many wrongly believe, is not a Zia-ul-Haq era aberration. It has been ingrained in Pakistani mindset almost since its inception. Even in 1965, Field Marshal Ayub Khan, an avowedly anglophile, modernist and a staunch ally of the US, declared “the 100 million people of Pakistan whose hearts beat with the sound of La Ilaha Illallah Mumammad ur Rasool Ullah will not rest till India’s guns are silenced. Even Zulfikar Ali Bhutto, despite his liberal outlook, was an inveterate believer of religious nationalism.

Haqqani documents how ‘Jihadism and extremist Islam in Pakistan are a state-building project gone wrong.’ He argues that a country

that inherited one third of the British Indian Army but only 17 per cent of its revenue resources can ill afford perpetual animosity with a big and resurgent neighbor. This fostered an anomalous dependence on foreign benefactors, whose help comes with strings attached. This skews priorities and hits development goals.

Consequently, Pakistan, which has the 11th most powerful army, ranks a paltry 146 out of 187 countries on the Human Development Index. The other indices too are no less depressing. Its primary education is 136 out of 144 countries. Its higher education ranking is 98 and in terms of Global Connectedness Index it is 114 out of 140.

Haqqani forcefully argues that “only by moving out of the shadow of a permanent state of war will Pakistan be able to achieve its true potential as a modern state.’ This conciliatory and farsighted approach makes Haqqani’s work significant. He frankly admits that Pakistan suffers from two major distortions – firstly an exaggerated view of its own power and secondly of being a rentier state- have ‘negatively influenced the internal dynamic of Pakistan’ and that they have ‘bolstered the military’s praetorian ambitions.’

He firmly believes that “Unless Islamabad’s objectives are redefined to focus on economic prosperity and popular participation in governance, the state will continue to turn to Islam as a national unifier. (Page 379). He calls upon the ruling elite of Pakistan to take a long-term view and strive to transform itself into a functional rather than ideological state so that the country can focus on development and delivery of basic amenities. One

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cannot but feel that Pakistan should come out of the delusional state of being a military or strategic equal or counterpoise to India in South Asian geopolitics.

Haqqani's sage advice may not exactly be music to Pakistan's Deep State ensconced in Rawalpindi, but there is a flicker of hope. Voices are growing within Pakistan to call for a relook into its premise of being an ideological state.

Pakistan urgently needs to address its flirting with debilitatingly dangerous sectarianism and end the practice of allowing its land to be used by non-state actors it fathers, fosters and uses to bleed its neighbor by proverbial thousand cuts. The book is important for those who want to understand Pakistan, its false *raison d'être* and actual role in the comity of nations.



## Upcoming Events

### Revisiting Indian Independence Movement

18 March 2017

Indian Institute of Public Administration (IIPA), New Delhi

Indian Independence Movement was a historic event. It was not merely a movement against foreign occupation but also a movement of Indian masses to break away from the chains of suppression. The history of our independence movement in the entire expanse of Bharat i.e. India ranging from Sindh to Kalinga and Kashmir to Kanyakumari is full of unsung heroes. There are several untold stories of farmers, factory workers, journalists, artists, students, educationists, religious saints, dalits and tribes. These heroes have unfortunately been ignored in our academic discourse. Indian democracy owes its vibrancy and diversity to this mass participation in the independence movement. It is our attempt to take forward the discourse on Indian Independence Movement and make it more vibrant by discussing contributions of the unsung heroes of our independence movement.

*For further details, please write to [mail@indiafoundation.in](mailto:mail@indiafoundation.in)*

### Festival of Faiths

26-29 May 2017; Guwahati, Assam

India is a land of diverse cultures, traditions and religions. India's North East is endowed with great socio-demographic diversity. Over 150 scheduled tribes and 400 other sub-tribal communities live in the region. Despite its heterogeneity the region is quite distinct as it is evident in the indigenous peoples' shared history and culture and also common belief and practices in tune with mother nature.

Festival of Faiths is an effort to bring together the distinct traditions, customs and faith practices of different tribes and ethnic communities of the North-East. Besides bringing together religious leaders of almost all major religions in India and its neighbouring countries, the festival intends to showcase and celebrate the richness of the region's religio-cultural diversity and the underlying unity.

*For further details, please write to [mail@indiafoundation.in](mailto:mail@indiafoundation.in)*