

The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

UNMAKE THE RULES

The government must rethink the wisdom of its notification on the sale of cattle

THE CENTRE HAS offered to “tweak” some of the provisions in its May 23 notification banning the sale of cattle and buffaloes meant for slaughter in animal markets, following the Supreme Court ordering a nationwide stay on its implementation. The notification, in fact, should be withdrawn because the logic on which it is based betrays ignorance of the way animal farming happens in India. In the West, “beef cattle” farmers are distinct from “dairy cattle” farmers. The breeds are also different: The animals reared for meat are mostly Aberdeen-Angus, whereas dairy cows are Holstein-Friesian, Jersey and Brown Swiss. It may make sense in these countries, then, to have separate markets for dairy and meat animals. The Union Environment Ministry has projected its now-stayed rules on regulation of livestock markets as merely an attempt to bring about such segregation. Farmers can sell regular dairy or agricultural-use animals in markets. But those intended for slaughter will have to be taken straight from the farm to the abattoir and cannot be sold in the market.

The above reasoning is flawed because in India, the farmer who milks a buffalo till it is 8-9 years old sells the same animal for slaughter. A farmer who has 10 animals may sell one or two of them in a year. It would be too much to expect him to find a slaughterhouse, leave alone organise the supply of his spent bovines to it. Nor would the slaughterhouse be in a position to directly source from hundreds of scattered individual farmers, each selling one or two animals a year (this is unlike in milk, where the same farmers may sell 5-10 litres each daily, making direct procurement a viable proposition for dairy plants). The institution that makes disposal of unproductive animals feasible in India is the market that brings together the sellers and the buyers. The sellers here are often traders who aggregate the animals from many farmers in a particular area, while the buyers are butchers or agents of slaughterhouses. If markets are not allowed to trade in spent cattle and buffaloes, the loss will not be just of slaughterhouses and livestock aggregators, but also of farmers.

In the absence of a mechanism for disposal of animals not yielding enough milk to justify their continued maintenance, farmers may simply let them loose. The end-result would be an increase in stray cattle populations across towns and cities; we are already seeing signs of that. Alternatively, farmers might resort to inflicting cruelty through starvation and other more explicit means — as a report in this newspaper from Punjab has captured. A worst-case scenario would be if the burden of having to maintain unproductive animals makes farmers lose interest in dairying. Surely, that’s not what this government would want.

NO STATE OF EXCEPTION

SC upholds the sanctity of due process, asks CBI to probe alleged extra-judicial killings by security forces in Manipur

THE SUPREME COURT’S direction to the CBI on Friday to probe nearly a hundred alleged extra-judicial killings in Manipur underlines a welcome intent to shine the light on the shadowy world of counter-insurgency operations in the northeastern states. Fighting terrorism is no doubt an arduous task, but evidence seems to suggest that, all too often, security forces tend to ignore due process during operations and seek legal protection under laws like the Armed Forces Special Powers Act to relegate complaints of rights violations.

When the PIL filed by Extra Judicial Execution Victims Families Association, seeking a probe and compensation in 1,528 alleged extra-judicial killings in Manipur from 2000 to 2012 by the security forces and police, came up for hearing in the Supreme Court, the Centre had pleaded that the security forces be exempted from any probe since the alleged killings were not premeditated murders but “cases of military operations”. The army went one step further to allege local bias in the judicial inquiries that indicted its men while pleading that FIRs cannot be registered against its personnel in insurgency-hit areas like Manipur and Jammu and Kashmir. The court, however, has made it amply clear that security operations even in “disturbed areas” are not beyond the pale of law. The AFSPA, a relic of the colonial imagination that saw all dissenters as enemies of the state, empowers security personnel to override the civil administration in “disturbed areas”. Courts and commissions, in light of the Act’s operational history, have proposed elaborate measures to prevent its abuse. The Manipur petition, however, suggests that the security forces — in this case, the army, Assam Rifles and Manipur Police — may not have always followed them.

The Supreme Court’s persistence in unveiling the truth about the cases the PIL has highlighted, is admirable. Soon after the petition was admitted, the court set up a commission under Justice Santosh Hegde to examine six cases, which found that the encounters were not genuine. Last year, the SC, while ruling that the AFSPA does not allow the security forces to use excessive force, privileged the rights and freedoms of citizens over the government’s claim that investigating complaints against security personnel would dampen their morale. In April, the court ordered an SIT to probe three cases of rape and murder. Now, an additional 97 encounters are to be probed and the CBI has been told to complete the investigation by December 31, 2017. The message from the court is unambiguous: There can’t be any state of exception when it comes to respecting the rights and freedoms of its citizens.

AMONG THE IMMORTALS

Chinese government’s efforts to erase Liu Xiaobo have only ensured that he will not be forgotten

THE LESSER MANDARINS in Beijing have been hard at work through 2017, scrubbing the Chinese internet of all references to the dissident Nobel laureate Liu Xiaobo, who has died in custody. Even RIP messages on social media were deleted. In the preceding months, search engines were trawled for links to his name, and they were cast on what the Party imagines to be the dustheap of history. But the Party has a poor understanding of history, and how it is made. Its zeal to erase Liu has only made him a household name in nations which respect liberty.

The world had come to accept one-party rule in China. Global attention was focused on its economic might rather than its human rights record, and president Xi Jinping faced no uncomfortable questions at the G20 summit. But the party’s mean-spirited refusal to allow Liu to travel overseas to seek treatment for liver cancer has rekindled repugnance for authoritarian government in China.

Beijing can erase opinion only in its exclusive domain behind the Great Firewall of China. In the world outside, the internet has exploded with disgust for the Chinese government and sympathy for Liu and his family, who have suffered with him. One of the Tiananmen Square protesters, he was jailed for co-authoring Charter 08, a demand for democratic freedoms. The charge against him would be termed sedition under India’s archaic laws. He won the Nobel Prize for Peace while behind bars, whereupon his wife was put under house arrest to prevent her from accepting the award. Today, the paranoia visible in the coverage of the party-controlled *Global Times*, the only Chinese publication to write about Liu’s passing, is a clear indication that Beijing knows that the politics of pettiness has failed. In fact, it has conferred immortality on Liu Xiaobo.

The untimely dissident

Liu Xiaobo showed that a politics that rises above resentment, that is without enemies, is possible



PRATAP BHANU MEHTA

LIU XIAOBO WAS a singular, unhoused and paradoxical figure in every respect. He is the first post-World War Nobel Peace Prize winner to die in custody. The Chinese state, whose authoritarianism he so powerfully challenged turned out to be more steely and adept in weathering the storms of dissidence and protest that have ultimately cracked so many other authoritarianisms. Yet in its symbolism, his Nobel Prize ceremony did powerfully mark a moment that exposed China’s strange vulnerability.

China’s power and footprint on the world is immense. Nineteen countries boycotted the ceremony. But the list of those 19 authoritarian countries underscored the gap between China’s power and material success on the one hand and its global normative status on the other. This is only speculation. But it is perhaps the consciousness of this gap that the Nobel ceremony highlighted that in part is fuelling a new wave of official Chinese nationalism.

Liu Xiaobo’s political career, from participation in the June 1989 protest to the drafting of Charter 08, has been well documented. He remained, first and foremost, an intellectual. As Perry Link argues, the one trait he most embodied was candour, including about himself. That was a vocation he never betrayed. The Chinese regime has tolerated a number of critical intellectuals. In many ways, Liu Xiaobo was a voice of pacifism and moderation. But the combination of radicalism in ends and moderation in means proves far more detrimental to regimes.

As an intellectual he had crossed several lines simultaneously. He advocated liberal rights. He questioned the monopoly of power the Chinese Communist party exercised. Through his work on Charter 08, he was seen as part of an organised political movement to overthrow party rule. And perhaps no less significantly, he repudiated almost every element of Chinese nationalism. His early work, which he, then, in a characteristic piece of self-criticism, repudiated, was very much marked by a tendency to use the West as a yardstick to critique China, including its past. He was consistently severe even on other Chinese dissidents for being wedded to nationalism. It

was perhaps too much to expect a dissident to survive the repudiation of party, apolitical critique and nationalism simultaneously.

Scholars of Chinese politics can comment more on his role in the June movement and the subsequent trajectory of Chinese politics. But the fascination with his writings comes from a strange and unexpected sense of tragedy that marks his sensibility. Schiller had once described the Greek tragic hero as one who proves his freedom in the very loss of it. The overwhelming impression you get from Liu Xiaobo’s career is of a figure almost daring authorities to curb his freedom, as if to prove that no power, or no fate, was powerful enough to take freedom away. He is a deeply interesting thinker, both in his analysis of post-revolutionary Chinese politics, but also as a profound cultural critic. Unlike so many would-be emancipators, there is not a trace of blinkered utopianism about human nature in his thinking. His liberalism was not founded on rosy assumptions about mankind or the state of the world, it was not founded on the safety of putting aside fundamental questions.

This is very evident in the moving and revealing epilogue he wrote to his book *Chinese Politics and China’s Modern Intellectuals*. That epilogue is of interest for a number of reasons: His self-criticism over the way in which he uncritically embraced the West as a yardstick for China; his abiding belief in universalism, but of a much deeper and alternative kind than the West currently had to offer, his critique of the spiritual aridity of a lot of modern life, his critique of nationalism. He has a striking passage there. “The disappearing awareness of ‘original sin’ has left human life weightless and has led to another fall for humanity, leaving us unlikely to ever recover from the original fall of Adam and Eve.” Even though in that essay he uses Christian language, arguing that “as God has been secularised human civilisation has been in descent,” his general yearning for transcendence remained powerful.

This is not a liberalism founded on easy assumptions about human nature. In an interview, he once said, “I’m pessimistic about

mankind in general, but my pessimism does not allow for escape. Even though I might be faced with nothing but a series of tragedies, I will still struggle, still show my opposition. This is why I like Nietzsche and dislike Schopenhauer.”

In his writings, he comes across as a Nietzschean figure in many respects. His sense of the intellectual was of an untimely figure, whose function was to “enunciate thoughts that are ahead of their time.” His sense of responsibility was quite stern: One had to take responsibility for one’s own fate, there was no point in blaming anyone else. A politics that rises above resentment, a politics without enemies and without hatred, was possible only if we stopped blaming others for our fate; that act of blaming itself betrayed our freedom. One had to embrace life in its totality and overcome it. He was a staunch defender of individuality and had deep-seated suspicion of any trace of conformity, or being absorbed in a larger mass. He was also preoccupied with being original, in a way he felt he had not been. His stringent cultural criticism had one abiding theme: He longed for the Chinese to acquire the ability to what he called “self-create.”

If the epilogue mentioned above is one short essay to read, his Nobel speech is another. It is remarkable for the moment where he thanks his wife Liu Xia, and on the love weighed down by such heavy political circumstances. But it also pointedly laid out a message for all regimes, not just China. “Freedom of expression is the foundation of human rights, the source of humanity, and the mother of truth. To strangle freedom of speech is to trample on human rights, stifle humanity, and suppress truth.”

In the nascent post-cultural revolution developments in China, Liu Xiaobo saw a lot of hope. But he never lost the sense that he was untimely. Xi Jinping’s clampdown has a grip on China. But Liu Xiaobo knew that while politicians may write history, dissidents, poets and thinkers speak to eternity.

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THE SAGA OF RAYMOND DAVIS

The US spy was set free by Pakistan, and thereby hangs a tale



KHALED AHMED

IN JANUARY 2011, a CIA “contractor” carrying a diplomatic passport was caught in Lahore after he had killed two men. Raymond Davis has now written a book, *The Contractor: How I landed in Pakistani Prison and Ignited a Diplomatic Crisis*, which will predictably cause a lot of self-flagellation about how Pakistan didn’t kill an American spy after catching him “in the act”. The week’s gem came from ex-interior minister Rehman Malik saying Davis wrote a false account and that, “India’s Research and Analysis Wing (RAW) had paid Davis to write the book in order to malign Pakistan’s army and democratic institutions.”

Davis tells a lot but doesn’t say what he was doing in Lahore, apart from one giveaway phrase: “I only know how to shoot guns and blow things up”, he had told his wife. He had killed two motorbike-riding boys at Lahore’s Mozang Chowk after they aimed a gun at him. He rang the US Consulate in Lahore for help as people gathering around him started looking like a lynch mob. His buddies from the consulate drove an SUV to reach him but ended up killing another man on the road. Thus, the Americans killed three Pakistanis during a period of bilateral tension between the two old allies.

In 2013, writing in *The New York Times*, Mark Mazzetti reported what Davis was up to in Pakistan: Get at Hafiz Saeed, the boss of old Lashkar-e-Taiba and Jamaat-ud-Dawa. Mazzetti wrote: “Davis wasn’t just another paper-shuffling American diplomat. His

work in Pakistan was much darker, and it involved probing an exposed nerve in the already-hypersensitive relationship between the CIA and Pakistan’s military intelligence service, the Directorate for Inter-Services Intelligence, or ISI... Ever since the Pakistani militant group Lashkar-e-Taiba attacked Mumbai, India, in November 2008... CIA analysts had been warning that the group was seeking to raise its global profile by carrying out spectacular attacks beyond South Asia. This spurred the agency to assign more of its expanding army of operatives in Pakistan toward gathering intelligence about Lashkar’s operations — a decision that put the interests of the CIA and the ISI in direct conflict.”

In *The mind of a Terrorist: David Headley, the Mumbai Massacre, and his European Revenge* (2016), Kaare Sorensen had found that Headley had confessed that he got to al Qaeda in North Waziristan through Lashkar’s proxy warriors disgusted with the ISI for abandoning a forward policy on India and the US. Lashkar was the outfit developing an outreach that America feared. In Pakistan, the court had accepted that Saeed had nothing to do with Lashkar anymore, but no one really believed it. Headley, once an acolyte of Saeed, was finally jailed in America for working for al Qaeda.

Was Raymond Davis looking to assassinate Hafiz Saeed and were the gun-toting boys he killed a message to him from the ISI? That’s what some spook-watchers thought in 2011.

JULY 15, 1977, FORTY YEARS AGO

HM’S ALLEGATION

HOME MINISTER CHARAN Singh’s statement that the Congress had made preparations to shoot some Opposition leaders, if necessary, during the Emergency created a furore in the Lok Sabha, climaxing in a walk-out by the entire Opposition. Y.B. Chavan, leader of the Opposition, led the members out protesting that the home minister neither substantiated his allegation nor withdrew it. He charged Singh with making “a tendentious and malicious statement” with a view to bringing the Congress into disrepute. Singh that arrangements had been made to shoot, if necessary, top opposition leaders. Otherwise why was the right to live

suspended? One could understand the suspension of other rights including the right to speech or assembly. But why did the Congress government suspend the right to live? In support to the HM, PM Desai said the attorney-general (during the Emergency) had made a statement in the Supreme Court that the ordinance empowered the government to detain anyone it liked, to kill anyone it liked and to starve to death anyone it liked and there would be no remedy against it.

KISSA KURSI KA

SANJAY GANDHI AND V.C. Shukla were formally chargesheeted by the CBI for the alleged involvement in a criminal conspiracy to

destroy the film rolls of *Kissa Kursi Ka*, a satire on contemporary politics in India. The government confiscated it when the producer submitted it to the government for censorship in 1975. The producer, Amrit Nahata, then a Congress MP, then moved the court on the matter.

NAXAL PRISONERS

KRISHNA KANT, THE Janata MP leading the campaign for release of Naxalite prisoners, appealed to the Bihar governor to release all the political prisoners, whether convicted or undertrials, unconditionally so that the pledges given by the Janata Party to the electorate at the time of the election are fulfilled.

Let's talk to the Book

Ramanuja and Martin Luther underline how religion evolves by debating with scriptures, not by being beholden to them



IN GOOD FAITH

RAMESH VENKATARAMAN

THIS YEAR MARKS the 1,000th birth anniversary of Ramanuja, the great Vaishnava theologian who reinvented and revitalised Hinduism, and the 500th anniversary of Martin Luther's triggering of the Protestant Reformation which fundamentally reshaped Christianity. Both events are a salutary reminder in these troubled times of how religions can evolve and reform.

Ramanuja is most often hailed for his philosophic articulation of "qualified monism" or visishtadvaita. But it is as a visionary religious leader and organiser that Ramanuja truly made his mark. When he became head of the Srirangam Mutt, Ramanuja inherited a theological tradition that had championed the Pancaratra Agamas — a set of scriptures composed outside the dominant Vedic and Brahmanic mainstream — as equally the product of divine revelation as the Vedas themselves. The Agamas, unlike the sacrifice-oriented Vedas, sanctioned image worship and inclusive temple-based rituals that women and lower caste believers, and not just Brahmin males, could participate in.

It was Ramanuja's brilliance that gave practical effect to this theological innovation. He organised the daily pujas and annual festival cycle at the Srirangam Ranganatha temple in line with Agamic norms, thereby broadening the temple's constituency to include rising peasant castes and women. He also made room for the emotive Tamil hymns of the Alvars in the otherwise austere Sanskrit temple liturgy. Eventually, under his leadership, these reforms took hold at other Vaishnavite temple complexes such as Tirupati and Melkote that had sprung up across South India over the preceding centuries.

Ramanuja, thus, profoundly reinvented Hinduism in response to societal conditions of the 11th century (albeit his inclusiveness did not extend to the "untouchable" community). Over time, the transformation he initiated was carried across India by the so-called "bhakti movements". Ultimately, Ramanuja's Agamic revolution, placing popular and dramatic temple rituals and emotional image adoration at the centre of worship and widening participation beyond Brahmin males, became mainstream to Hinduism displacing older practices rooted in the Vedic tradition.

In 1517, 500 years after Ramanuja, Martin Luther, a German monk and theologian, sparked the Reformation by posting "95 Theses" on a church door in Wittenberg, questioning portions of the Christian Church's doctrine and specific corrupt practices — notably papal indulgences, a sort of whitewash of sins that were hawked by the Vatican for a hefty fee.

Luther's challenge set in train a seismic reshaping of Christianity and ultimately laid the foundation for the modern West. At the heart of the Lutheran revolution was the idea that Christians should themselves read the Bible, vernacular translations of which were beginning to roll off Gutenberg's newly-in-

vented printing presses, rather than have it presented to them by their priests.

But as soon as more and more people started to read the Bible, it became obvious that much of what is in the New and Old Testaments is ambiguous, impractical, and often contradictory — the Bible, like most scripture, does not speak with a single voice. To take one example cited by the philosopher Anthony Appiah, the same St. Paul who says women should cover their heads in church and men shouldn't, also told the Galatians: "There is neither male nor female: For ye are all one in Christ Jesus." Protestant communities springing up across northern Europe chose to grapple with these scriptural conundrums themselves in self-study sessions rather than take their cues from the Church in Rome. They decided, in Appiah's words, "which passages to read into and which to read past," to shape their faith for their day and age.

Eventually, in the wake of the Reformation, good Christians could see that other sincere, committed Christians around them — be they traditional Catholics or members of one of the new Protestant sects from Calvinists and Anabaptists to Puritans and Presbyterians — came to believe in very different things. This ultimately infused (more than a century of brutal conflict later!) a more tolerant and sceptical spirit across Europe that gave birth to the liberal, secular, and humanist values of the 18th century Enlightenment.

It is worth reminding ourselves of this history when we are faced with shrill arguments that Muslims are immutable to change — whether on how they treat women or other religions. The argument goes as follows: Committed Muslims must take their beliefs directly from the Quran. For example, the Quran clearly says women are inferior to men in passages such as Surah (4:34): "Men are in charge of women, because Allah hath made the one of them to excel the other." Therefore, Muslim societies are bound to continue to treat men as superior to women. Indeed, this sort of scriptural determinism is mobilised by both sides — outsiders looking to indict Islam and insiders defending practices they favour.

But scriptures in other faiths also put down women — be it the Dharmashastras, the Torah, or the Bible — often in harsher terms than in the Quran. "Women have one eternal duty in this world," says Bhisma in the Anusasana Parva of the *Mahabharata*, "dependence upon and obedient service to their husbands." Thankfully, however, religious beliefs do not repose in sacred texts.



C R Sasikumaran

While fundamentalists of all stripes persist in trying to turn the clock back to what they regard as original, divinely-ordained doctrine, Jewish, Christian, and Hindu communities have been able to evolve their creeds by interpreting their scriptural dictums for the world they live in. No one would have predicted if they simply read the 'Manusmriti' that we would have 'sudra archakas' (shudra priests) in Hindu temples or inferred from the Torah or the King James Bible that there would be women and gay rabbis and Anglican bishops. Islam is no different.

Much of scripture is written in language that is poetical, metaphorical, or simply obscure. Much of it consists of narratives or fictional parables. Scripture, therefore, requires interpretation. While fundamentalists of all stripes persist in trying to turn the clock back to what they regard as original, divinely-ordained doctrine, Jewish, Christian, and Hindu communities have been able to evolve their creeds by interpreting their scriptural dictums for the world they live in. No one would have predicted if they simply read the *Manusmriti* that we would have *sudra archakas* (shudra priests) in Hindu temples or inferred from the Torah or the King James Bible that there would be women and gay rabbis and Anglican bishops.

Islam is no different. There are very few verses in the Quran which actually lay down law. Quranic verses — like most scripture — are vague and quite general. They have to be read along with other sources such as the sayings and doings of the Prophet to determine the rules for specific situations. Islam has a hoary tradition of schools of jurisprudence that have devised sophisticated theoretical frameworks to come up with the law governing the behaviour of Muslims. But these schools diverge in their views which is why there is a great range of social practice — whether on polygamy, women being veiled, serving liquor in public places, or tolerance of other faiths — between Turkey and Morocco and Saudi Arabia, all avowedly Muslim countries.

This is why the Supreme Court case on triple talaq, on which the Quran typically offers no clear-cut direction, is so important for India's Muslims. Whatever be the court's final judgement, and despite the political calculus that lies behind the Sangh Parivar and Prime Minister Narendra Modi's support for abolishing triple talaq, the hearings have provided an unprecedented forum for the Indian Muslim community — ranging from petitioner Shayara Bano to the All India Muslim Personal Law Board — to have a vibrant public debate on whether this practice should prevail in this day and age.

What Ramanuja and Luther underline for us is that it is precisely this sort of reasoned debate amongst fellow believers, in dialogue with but not beholden to their scriptures, that has allowed religious communities throughout history to reform themselves — for the better.

The writer is a private equity investor and on the board of governors of the Oxford Centre for Hindu Studies. Views expressed are personal

WHAT THE OTHERS SAY

"The EU withdrawal bill seems designed to bypass the legislature and shrink the available space for scrutiny of Brexit."

—THE GUARDIAN

A remarkable public servant

Naresh Chandra was a believer in the capacities of the Indian state, while being aware of its failures



K.S. BAJPAI

NARESH CHANDRA'S PASSING has occasioned many tributes; none can do him justice. His virtues, capabilities and accomplishments were exceptional. For one person to combine all — and succeed, where such qualities are hardly appreciated — was unique. Herman Finer believed "the primary duty of a civil servant is to provide the influence of fact upon desire," but in our system facts are unwelcome. Naresh considered objective assessments and advice sacrosanct, and had the skills to make them effective. That rarest asset — sound common sense — was fine-tuned with a shrewd sense of realism, feasibility and political compulsion, without ever impairing dedication to state and society as his overriding duty. Most unusual of all was his sense of humour, seeing it in situations and human absurdities, and employing it in his own interactions.

His service years were distinguished in home matters, but his post-retirement assignment, as Ambassador in Washington, added further laurels. We foreign servicers, not unnaturally, resent outsiders taking our jobs, but he won our liking as well as respect, displaying all those additional degrees of acumen, understanding and tact associated with diplomacy. His impressive capacity for strategic thinking enabled him to analyse our country's needs in this turbulent world, free of the more naïve and yet condescending prejudices still, alas, hanging around. He left an excellent report, commissioned and ignored by the government, on updating the concepts and mechanics of handling India's security challenges. Our debt to Naresh should make us at least revive attention to it.

I only met Naresh after I retired, but then grew close in work and in friendship. Having both served as ambassadors in Washington, chairmen of the National Security Advisory Board, and for over a decade in our team in a major extra-official international dialogue, we found much to share professionally. Predecessors and successors are not, among us, famous for thinking well of each other, but we got on famously. Most recently, we had a growing concern about our increasingly dysfunctional instruments of state. Mine is an extensively civil-service background — father, two uncles, brother, nephews, niece. Like Naresh, I take pride in government service, convinced it is vital to our state and society. But we both also believed in taking a good look at ourselves: The highest form of loyalty to one's service is objective self-analysis, leading to self-correction.

For civil servants to imagine their cadres are perfect, they themselves even more so, is to invite decay. Our entire apparatus of gov-

ernment today is a shambles, with sloppiness, disregard of duty and of standards, decline in intellectual calibre no less than moral qualities, seriously damaging the state and society that public servants are supposed to serve, as Naresh so outstandingly did.

Like many others, Naresh found Delhi unhealthy — in many senses — moving to Goa for long stretches. He did keep revisiting, and we planned to meet in October to work out a project for somehow remedying both the political and in-service causes of civil-service decay. Particularly worrying was our existing arrangements for attending to our defence challenges, with the modernisation of our defence ministry a urgent priority. That it cannot, in today's world, be treated as another generalist outpost is obvious to everyone except apparently those who are responsible for manning it: It must be given expertise, continuity and the highest political management — not treated as a part-time occupation. And similar reforms are due in all departments and services.

The problem lies both with our political masters and the permanent services. Each blames the other, but both work to debase the system. Political leaders everywhere like to get their way, unfettered by any institutional or procedural — or moral — constraints; but in well-run countries a modicum of self-control and self-discipline prevails. State governments are the worst — hundreds of civil servants transferred by whim, open favouritism and brow-beating. It is a wonder so many good people manage to remain good civil servants. But for how long? The rot spread long ago to the central government. It is rooted in the arrogant disregard of norms by politicians, and furthered by human weaknesses — including just plain incompetence — among bureaucrats.

Whether reservations have served any other purpose is dubious, but they certainly haven't helped administrative efficiency. Nor does it help to mount witch-hunts whenever something goes wrong. There will always be wrong-doers in any system and any country, but it is by no means beyond human ingenuity to impose objective, impersonal methods and limit wrong-doing. It is notorious that the shadow of Bofors drives out all decisions — nobody wants to be blamed — and without any time limit.

Our country faces many more challenges than we seem conscious of. Two states, both nuclear-armed, have major claims on our territory, apart from other unwelcome designs. The international setting is becoming more dangerous, our vulnerabilities increase. Our prime minister has shown remarkable imagination and finesse in international affairs, but everything ultimately depends on the efficiency of the state's machinery. Naresh Chandra was both a great believer in and exemplar of this. More than praise, he deserves emulation. Let's hope that government starts making that possible.

The writer is former Ambassador to Pakistan, China and USA, and Secretary, External Affairs Ministry

LETTER TO THE EDITOR

CENSORS' BLUFF

APROPOS THE REPORT on censoring a documentary on Amartya Sen. Sen should know that that the best way to counter the idiot Censor Board is the Heinrick Heine way. In the worst days of censorship in 19th century Germany he published the following as a spoof as to how uncharitable the censors were. It went: "The German Censors aaaaaaaaaaaaaaaaa/ bbbbbbbbbbbbbbbbb/ bbbbbbbbbbbbbbbbbbbbb/ cccccccccccccccccccidiot dddddddddd ddddddd". Following this, what he should do is accept the deletions by the Indian Censor Board and with each show announce a prize (it may be anything) for those who can accurately detect the words that the Indian Censor Board have directed to be deleted!

Fali S. Nariman via e-mail

WHAT AN IRONY

THIS REFERS TO the editorial, 'By a thousand cuts' (IE, July 14). There should always be room for the "argumentative Indian" but not the "intolerant Indian", President Pranab Mukherjee said recently. Cuts suggested to the documentary on *The Argumentative Indian* signal the CBFC's intolerance

Suchak D. Patel, Ahmedabad

HOLD THE RATES

THIS REFERS TO the editorial, 'A booster shot' (IE, July 14). There is room for adding to the government debt through borrowing for growth till interest and inflation rates begin to rise above the normal levels, or the stock market plunges. Inflation and its traditional linkage with key rates ought to be a lesser concern today than bank NPAs

The writer is an advocate and Rajya Sabha MP from the Nationalist Congress Party

Hurting heritage

Amendments to the Monuments Act threaten historical structures



VANDANA CHAVAN

THE GOVERNMENT HAS approved changes to the Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958 to allow "public works" near these structures. If Parliament clears these amendments, national monuments will be threatened.

When we think of the iconic monuments in India, images of the Taj Mahal, Ajanta Caves, The Great Stupa at Sanchi and the Sun Temple of Konark, among others, come to mind. But there are thousands of amazing historical treasures in our country. My home city, Pune, has the eighth century rock-cut temple of Pataleshwar, the more "modern" Aga Khan Palace — which blends several architectural styles — and the resting place of Kasturba Gandhi, as well as the Shaniwar Wada, the epicentre of the mighty Maratha empire. All these are designated as "ancient monuments of national importance" and protected under the AMASR Act. The Archaeological Survey of India is the custodian of these monuments. That these monuments are in trouble is no secret.

Despite its rhetoric about protecting and promoting the ancient culture and civilisation of India, the government has decided to dilute an important piece of legislation that was passed when the UPA held office at the Centre.

During the UPA regime, there was a realisation that protecting critically threatened monuments was becoming difficult. Encroachments and illegal construction close to these monuments were happening on a large-scale and the penal provisions in the AMASR Act for endangering ancient monuments were not stringent enough to provide effective deterrence. As a result of the increased pressure of habitation, especially in urban areas, protected monuments and sites were getting hemmed in from all sides. This affected their safety, security and aesthetics. The AMASR Act was substantially amended in 2010 to strengthen several of its provisions.

The main features of the amendments were the creation of a "prohibited area" 100 metres around every national monument where no construction, public or private is permitted, "regulated area" 200 metres beyond the prohibited area, where any construction requires permission of a newly constituted National Monuments Authority. Given the unique nature of each monument, the Act also proposed heritage bye-laws for each monument to be prepared by an expert body.

The UPA government's decision to designate a 100-metre prohibited perimeter around every monument was upheld by the

Supreme Court of India. Responding to a Delhi High Court verdict, the apex court in *Archaeological Survey of India vs Narendar Anand And Ors*, opined, "High Court's anxiety to maintain a balance between the dire necessity of protecting historical monuments of national and international importance and development of infrastructures is understandable, but it is not possible to approve the fiat issued to the Central Government to review the prohibition contained in the notification. The notification was issued by the Central Government for implementing the policy enshrined in Article 49 of the Constitution and the 1958 Act i.e. to preserve and protect ancient and historical monuments and archaeological sites and remains of national importance".

The Court went on to say: "The Central Government must have issued said notification after consulting experts in the field and keeping in view the object of the 1958 Act. Therefore, in the name of development and accommodating the need for multi-storied structures, the High Court could not have issued a mandamus to the Central Government to review/reconsider the notification and that too by ignoring that independence large number of protected monuments have been facing

the threat of extinction and if effective steps are not taken to check the same, these monuments may become part of history."

The National Monuments Authority has been steadfast in refusing permission for construction within the prohibited areas despite tremendous pressure from private companies, and even the government. But the government in its zeal to push "development" at any cost — social, environmental or cultural — has proposed to dilute the AMASR Act.

It must be kept in mind that any construction, whether for a public project or private purpose, will pose risks to a monument. Allowing an exception for "public works" will open a Pandora's Box, and it will be all but impossible for the National Monuments Authority or the Archaeological Survey of India to ensure that such construction do not pose a threat to a monument. Public works are more often than not very large infrastructure projects. Allowing these in the immediate vicinity of a protected monument will defeat the very purpose of the AMASR Act and will be a violation of Article 49 of the Constitution.