
CENTRE FOR ADVANCED STRATEGIC STUDIES



PROCEEDINGS OF SEMINAR
ON
INSURGENCY IN INDIA - CAUSES & PERSPECTIVES :
28th December, 2000
GOVERNANCE IN INDIA - CHALLENGES AHEAD :
25th January, 2001

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GOVERNANCE IN INDIA - CHALLENGES AND PERSPECTIVES

(28th December, 2000)

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WELCOME BY DIRECTOR : S. KULKARNI

On behalf the Centre for Advanced Strategic Studies, I extend a hearty welcome to the distinguished main speakers and to all the participants of today's Seminar on "Insurgency in India : Challenges and Perspectives". Shri V.G. Vaidya, former Director Intel ligence Bureau has kindly consented to chair the Seminar. During his service, as Director, IB right from 1988-89 when the insurgency started till his retirement, he dealt with insurgency. Even after that, he continues to keep himself abreast with this subject. After his opening remarks, General Shekatkar will make his presentation, after which we shall have a general discussion. I now request Shri V.G. Vaidya Chairman of this Seminar to take over and start the proceedings.

OPENING REMARKS BY THE CHAIRMAN**SHRI V.G. VAIDYA**

Air Marshal Kulkarni, Dr. Godbole and distinguished guests. I am extremely grateful and honoured to have been called here to chair the session and group discussions on Insurgency, Causes and Perspectives. We have today with us a distinguished speaker in Gen Shekatkar. Now before I request him to get on with his presentation I would like to make an important point that India is one of the countries in the world which has seen the maximum variety of uprisings against central authority. For the last 15 years we had uprisings in a number of our border states. In the late 60's and the early 70's we had the Naxalbari problem. The insurgency in the North East has been pestering for long and barring Mizoram which is a stunning example of tackling insurgency through a peaceful dialogue, North East has not remained quiet. Punjab is the dreadful example. Now we are in the midst of trouble in J&K.

Only a person who suffers from optimism would expect this to end shortly. Now this variety of problems which we have, have different root causes, a number of them perhaps made by ourselves, may be through wrong policies or misrule or whatever could be but a substantial number is also import from outside as part of global politics. It is necessary to have a proper view on this and I think the discussion which will follow after Gen Shekatkar's presentation would shed considerable light on this problem. May I request, Gen. Shekatkar to make his presentation.

SESSION I**INSURGENCY IN INDIA : CAUSES & PERSPECTIVES**

Chairman : Shri V.G. Vaidya

Main Speaker : Lt Gen D.B. Shekatkar

PAPER PRESENTED BY LT GEN D.B. SHEKATKAR, AVSM, VSM

Good Morning Ladies and Gentlemen. When Air Marshal Kulkarni assigned me the task of making a presentation to this distinguished audience, I did not know whom I would be addressing. Almost the entire audience is here and I have been a student. I have served under them as a young officer as a major, a student of Defence Strategy and Tactics. Therefore in case if I talk sense, the credit goes to them. In case if I do not sound sensible enough, the mistake is mine.

The insurgency in Jammu and Kashmir is purely not related to the Kashmir problem itself. It is part of bigger dimensions or larger canvases to be covered. Therefore I will draw a larger canvas to start with, how things have been seen, perceived, tackled. Are we on the right path? What does the scenario indicate ? I am no expert in this, but having started my career in the insurgency prone area right from the beginning and having served in Arunachal Pradesh, Nagaland, Manipur with an experience of the Naxalite problems, the Telengana problem, Punjab Blue Star, one suddenly sees things, sees different things from a different angle. What are the implications ? what are the ground realities ? I will endeavour to put it across for your consideration why things are as they are.

The generals are not expected to speak and they are not experts, till they retire. It is only thereafter they can open up as wise seniors. This is what one of a prominent, eminent Presidents of the most powerful nation in the world had to say almost 30 years ago. Covert War is another type of warfare, severe in its intensity, subversive, ambushes, so on and so forth. It preys upon the economic unrest, ethnic conflicts. Kindly mark the words. These are the kind of challenges that we have before us in the next decades to come. If

the freedom has to be saved, a whole new kind of strategy has to be chalked out and implemented.

Though most of our concepts of Indian warfare context are western concentric, may be because of the influences of the colonial rule, and we think we are the only ones who fought the war. Thanks to the heartening attitudes of Mandir, Masjid, Janmabhoomi attitude, the extremists in Maharashtra, Bihar, Andhra Pradesh and Madhya Pradesh. Next activities of ULFA, Bodos, Assam, Manipur, Nagaland and the whole lot of it. Fifteen years ago the President when addressing the Governors' Conference at Delhi said, "Today we can see our States with a number of problems for Jammu and Kashmir, Punjab, Assam etc.". I request your consideration on this aspect. Thereafter another 15 years later on, our own President had to say this while addressing the nation on 26th January, 2000, "To open a newspaper or to hear a news, it requires tremendous courage for anybody. We are getting immune to it, the unrest, the violence which is going on in our country. These incidents are nerve wrecking". Finally he said, "One could say, be aware of the fury of a repoll and those who could suffer long. The entire process of unrest, insurgency and sociological deprivation, political deprivation and things of that nature and so forth, when it goes beyond same points, when it is pushed to the wall". How true it is, how realistic! The root cause of this problem, the misery, the deprivation, the rampant injustice and absence of the legitimate means of redress. Here lies the problem.

The next reason is the geographical location of the country, its territory. History has been and God has been kind to us. Our location is such. As we are located, we have the region of SAARC, we have the Chinese on our north-east side with whom we had, the 1962 war, and the disputes are going on. To the north west we have Afghanistan, Pakistan. This is the sub-continent in which we are existing today. We are located strategically. A glance to the south, the ocean region. The naval officers, you raise your right arm, you can block the entry and exit from the Pacific to the Indian Ocean, the Straits of Malacca. We have the potentials, we have the capability, we have to bear with all. It is only the question of intentions and directions. People were worried about this aspect. You can almost block the entire Middle East. Nothing can move from there. Ninety percent of the world's

entire shipping is going through the Indian Ocean. See how important we can be. After the so called unipolar world, today there are eight forces of which five are in the neighborhood of India itself. We remain as centre force, As a nation, I am talking. That is our importance.

On the left side we have the Kashmir problem, on the right side we have the North-East strategically located. With Myanmar having joined ASEAN, we are no longer dealing with Myanmar now. We have problem in Sri Lanka. It will be absolutely amateurish on my part to comment anything on our policy or something of that sort.

Out of the eight countries in the neighborhood we have can we name one who can be sympathetic to us or who does not exploit us. Even the smallest possible nation Bhutan, which is close to us, Nepal you see what is happening. There is hatred, I was talking to Mr. Vaidya about the recent episode of Hrithik Roshan. It can be simmering, in-built as the current inside. It is only the question of spark. It can be Hrithik Roshan, it can be anybody or it can be Kandhahar. There are reasons for that. Bangladesh will not be kind to us. Sri Lanka, there is problem. Bhutan we have the Bodos, ULFA anybody staying there and fighting against us. Nepal, it is the biggest centre of the clandestine activity, what to mention of Pakistan, Afghanistan. It is mutual hatred to us. I don't know. If we cannot manage these, how can we be managing the people. The Chinese are fond of saying people. I had the honour of being on the negotiating table and we were discussing the agreement signed by the former Prime Minister of India, Shri Narasimha Rao. I was part of the team. It is better to have a good neighbour than to have a strong relative sitting 3000 km away. So we have our problem.

In 1966, a deep rooted research was conducted, financed by the government to find out what are the separatist tendencies in the North East and how people are counting on the support of USA. In 66, this was the study which was done and the findings were brought down. The writings are there. I am quoting from the official documents. It is not based on any newspaper report. It could have been done by trained operators or anybody else. But the fact, so sensitive they are, so concerned they are, they were finding out who all could have been

held, who all can be held. Operation "Brahmaputra" was conducted in 1979. A special research was held in the Washington university, of course with the approval of US Department and which must have been financed, and supported by them. The study was to find out the present status of the states, whether they would remain acceptable or they could be persuaded to break away. There are indications for this. How interested people are about the well being of the Indian Nation as such! These are the game plans worked out. And thereafter it could be wrong to think Kashmir is the only disputed piece that divides Pakistan and India, though undoubtedly, the most significant one. At least, nearly as important as Kashmir is Assam and some districts of India adjacent to Pakistan. Today we see the manifestations of this. We don't take these things seriously for some reasons. I will be playing some of the cassettes for information. We don't take them seriously those who are supposed to do the job are being paid for it. We don't put forward the perceptions correctly. A matter is treated in such a cavalier fashion distorting perceptions. How can the decision makers take right decisions ?

We have other gentleman Sheikh Mujibur Rehman, the Banga Bandhu. In 1955 this is what he had to say "North Bangladesh must have sufficient land for his people. As Assam has abundant forests, mineral resources, coal, petrolium and so on and so forth, East Pakistan must include Assam politically, financially and economically". In 1955-56, this was his perception of the war. We did not take him seriously. We would not have read these things. We would not have bothered about it. Today we are telling everyone about the illegal problem in the North East. It has gone beyond any respectable proportions. I request your consideration on this.

The other factor is the changing pattern of world wars and other wars that followed. The nature of war is changing. Between 1990 and 2000, there are 27 civil wars and wars between nations. Almost 67 countries of the world are affected by this menace. The pattern is changing day by day.

The other point to be seen, can be taken note of is the ratio of casualties. In world wars 95 percent casualties are combatants and 5 percent civilian. Today it is the other way round so the innocents are paying for no fault of theirs. Sorry, the combatants are getting lesser,

part of the game plan. That is perfectly fine. See who is paying the price for that. Here lies the problem at the base of the matter. The psychology of a nation, the exploitation of a vulnerable society, exploitation, I must say, to suit the furtherance of our interests. These interests can be anything. You can call national interest, political interest or anything. You can call them anything. Here lies the problem and therefore some of the prerequisites, and they all are there in Kashmir and North East, are caused to fight for. It can be perceived. It may be propagated, it can be fabricated, popular support. Sometimes I ask the people why it is as a nation we can't keep these people with us emotionally, psychologically . That is why on the slightest pretext they start showing it. Who is to be blamed for it ? Who is paying for it ? You know, today Id is being celebrated here. We may be celebrating it here today, it will be celebrated tomorrow, the moon has to be seen in Lahore. Unless it is seen there they will not believe it. May I request your consideration how this has happened, reflecting loss of confidence in the land where they inhabit. Why we can't keep them physically, emotionally ? Why is it we cannot involve them into our army scheme ? It compels serious consideration. We need to build up our intelligence set up and exploit it in practical terms. Enough intelligence, leadership and organisation is there. Once we have few boys, the organisation will come on its own. There are people who are interested in giving money. Money is no problem. The cheapest type of warfare is just to spend a few crores and you can keep the whole nation. Just see what is happening today. The death knell would have been sounded, we cannot feel safe whether we are in Red Fort or Maharashtra or anywhere else. We are concerned about it.

Propaganda is one more thing coupled with the intelligence triggering mobility of the masses. This is engineered through outside support and propaganda. Here is an example. Kindly listen to the Prime Minister of the country. You decide for yourself. The references are there. I request your consideration "Why did we fail as a nation ?" Then Ms. Bhutto goes on and on ! There is not only one, every school they will say Azadi, every mass will say Azadi, every house will say Azadi and everybody will talk about Azadi. This was some time in the 89-90, I was commanding a Brigade. I make my requests to all the people, watch out, things are going to be bad. We did not take it

seriously. She can afford to make such a statement since she is the P.M. of a nation. Read the writings on the wall. We didn't. We take the utterances casual. Why didn't we wake up to the things happening? I happened to be there on 30th December, when the S.I. was kidnapped and the whole thing came. There are various parts of the thing. Today the same lady is saying "Let us fight terrorism", when it has state funding them. The point I want to highlight is the influence of propaganda, psychological warfare, the use of information technology and the catching on of the vulnerability of the masses. You can impact thousands and thousands of miles away. Such is the potency of psychological warfare and psychological operation. In case we do not prepare our younger generation they will become more vulnerable, will become susceptible. This was not the only reason for the problems which are being faced by Kashmir. It is one of the examples. I will give you some more of them. Then following from here, right from day one. On the third day when Pakistan came into being, my concept of Kashmir is incomplete. Kashmir is merged with us and it is the unfinished task of Pakistan. No wonder people are talking thereafter. On the third day, we did not even know the fullfledged meaning of Pakistan, what is all that what Pakistan means. Not to be lagged behind somebody started saying Jammu and Kashmir is the key to Pakistan. Almost after 47 years everybody has been saying that, keep the issue alive because that is the existence, the secret of the very survival of the number of regimes in that country. Not to be lagged behind, Nawaz Sheriff said one year back "Kashmir should become part of Pakistan"

Here it is. I am deliberately trying to include the foreign media before some body from the Indian media, because this is how we have treated our own. Therefore all the quotes are from Pakistan newspapers, PTV, BBC, who are supposed to be independent before us. The psyche has been built up, without Kashmir we cannot survive, people are made to believe, the younger generations are made to believe. It is those who have entered Pakistan after 71 War. I was there as Company Commander. It was there in the school book I got. It was an eyeopener. How the hatred is being generated in young minds! No wonder the madrasas are popular. The entire nation has one mantra "Hate India". The people will say, there are no Kargils thereafter.

The rulers of Pakistan itself are ushering time-born misunderstanding, nothing to talk about religious freedom, nothing to talk about the nationhood. They are talking about the ground reality heart less. It is pinching us, it is affecting our young generations. What will happen to them ? If they cannot be kept secure such references will come regarding the openness of the ultras before Islamic nations. This is part of the entire systematic plan. The orders have been given by the ruling from above alone that the borders of J&K must boil at high temperatures. Rest is left to the person, what temperature it should be. He should decide what is the mode to be used in conductors, solar heaters, water heaters - you just give nine directions. That is what he told the Director General of ISI. I am just putting some optional problems. The border is boiling. Who decides the temperature and who decides when to stop the boiling water, particularly heat, at what temperature it is ? It is the manifestation of this directive as they are being faced on the ground.

Islamic insurgency and terrorism in India is a direct by-product of Pakistan's National Security Policy and ground structure. It was stated almost 10 years back. It is not confined to Kashmir, it is spread to somewhere also. Just about 15 days back General Hamid Gul was interviewed by a young lady, Ms. Asha Bhushan, a fine journalist of Indian Express. This is what he had to say. He cannot say he did not say it. After all he is a General and generals know what they talk, hopefully. What has been Pakistan's losses and gains in this decade long support to Kashmir. They gave me a lot, because our offensive continues. This is the psychological and political atmosphere and offensive. Mark the words, the Indian army is fully trapped and is fully vulnerable. Therefore Pakistan enjoys relative security. Among the audience, there are so many experienced senior officers, sitting there. It is the cheapest possible options which have been used and paid back. It is not that it is the entire army. People would say the army is giving. But the fact is that everyone is worried about this.

We should also not get overjoyed by some certificates issued, by some 8th class student, sitting 1000's miles away and therefore India is good. We should not get inspired by such statements. We are always looking for certification. ISO 9000 is a good thing to have in industries, not for national regards, over nations interests.

It requires consideration because it is the offered policy of US altogether. You say the US perceptions about us. I am quoting from official documents, I thought I will take liberty because these things cannot be put aside. The post cold war has brought into sharp focus the positive role played by Pakistan as a moderate democratic, Islamic country of 130 million people and it is strategically located at the trident of South East Asia and Central Asia and the Gulf. It is this perception. We can't be sure. We can read it in some newspapers, All India Radio news. It says it is also a region of political economic opportunities and history also speaks how useful it has been, and then it says what US long term measures, interests are, how important it is that Pakistan has sent peace keeping missions. There is no doubt about it. It has cooperated in fighting against international terrorism.

Our experience is we have the perceptions of the people which has moderate influence on all the other Islamic nations. Now this will start paying. I am too young, too small, not any professional astrologer. Kindly mark my words, they are going to pay very dearly in another 10 years time. How long can you continue to be closing your embassies, where all you will tell the citizen not to go, where all you will go. This nation is going to pay heavily whatever it comes. The concept of Bhasmasura, the God who gave a 'Varadan' to the Rakshas and one day he started the killing spree ultimately ending up killing himself. It is coming up! it is only a matter of time. How long Osama-bin Laden and such people will stay to kill one another ! And creating hundreds of Saddams thereby carving in, the breeding ground. Those who are sitting on the seashore or the river bank are enjoying the hurricane attack. They also should have experience how it matters. The writing is on the walls, it will not be seen.

I request your consideration, the entire philosophy of warfare has been to ascertain the extent to which we are influenced by the western thoughts or western influences, or by the British. It is the result of colonialism. Even today unless I quote three or four Britishers and American authors, it will not be taken seriously. It will be taken that I don't know the subject if I can't quote anybody.

But who are we fighting against ? We are fighting against a nation whose concepts are based on an entirely different philosophy of war, the Quranic concept of war, the Islamic concept of war. Our second biggest adversary whom we think are the Chinese, both are big nations. We should not follow the Western concept of war. But we must fight it in our own way. I request your consideration in this. Identification and application of all elements of western power, the ability to locate, conquer the gravitational centre of wars. The gravitational centre of war need not be operational zone. It need not be ! It can be the psyche of the people, the technological base, the economic strength the Ordnance Factories, dimensions of the people so on and so forth. This is what makes the war machine. Label it. Now they are applying this concept against us. while we will be feeling how important the role played by A Forces, B Forces or C forces in our war. Therefore you must get this. You must quote your experiences in this. Who are you fighting against ? What is their concept ? What is their philosophy ?

Next, the big economic pressure to bear on the crusts against whom ! The whole military might with long range consequences. This is what is happening. We are getting sucked in more and more and more. It is part of the grand philosophy.

The philosophy stays. We are in no hurry and we have no ends to meet. Our objective is to influence the Indian National build and to exhaust, demoralise the forces, dwindle their desperation. They force you to get angry. They force you to behave in a barbaric manner. By killing two three people at your gate, inside the Red Fort or so, they expect you to retaliate in a bad manner. Just 200 yards away in front of Jama Masjid. They know fully well it is the month of Ramzan, the Id coming, they force you. It requires tremendous courage, maturity on our part to control us. If you don't retaliate, if you don't do something our people start abusing you. Your own people start doubting your capability to protect yourself and others. It can be the same thing, Phagwara Gate in Kashmir, it can be Lal Bagh, it can be Jama Masjid, it can be Hazartbal. It is part of the entire systematic process.

Next, you used to say further your tactics of death by your own guts continue. It is a part of the scene for 15 years. My study in

Afghanistan, it was there, same in India. There was still time for India to escape the situations. Of course these are tall claims. I don't think they are a small nation which can be taken by one or odd person. I don't think they are a nation who can be, just pacified. Look at the psyche, look at the deprivation, look at the motivation. These are the things which we have to take seriously. We can't ignore these things. Therefore the challenges.

The fundamental rights, the legislature, the judiciary, the executive, publicity : unfortunatety, those who have nothing else to do, will become environmentalists or a human rights activists. The best thing you can do is to accuse. I am being accused for upholding this respectable audience to ransom, by talking all nonsense, I am wasting your time, I deprived you of your privacy of a holiday. On this eve, you have been forced to sit here. I have violated the fundamental rights. But, sir, is there any human reason for fighting wars. Was Mahabharata based on human causes. Then Ramayana, when Rama went to Lanka war. In war, we cannot go with namaskars. War has to be fought. Proxy war has to be fought like that. But we must be taught the mantra that we are violating the human rights. In Kashmir there is tremendous pressure on the part of the Human Rights Organisation, even in N.E., about six months back.

Actually I am not doing anything. My troops are not doing anything. The troops belonged to a nation where we treat a daughter of a village as a daughter itself. Our concepts are different "Vasudhava Kutumbakam" "Sarva Dharma Samabhav", "Shoorata Veerasya Bhushanam". These are our concepts. How do you expect my troops to behave in a different manner. In teaching this to my troops is anything wrong, am I doing a great service to myself or distrust to myself. The same man in Kashmir has to go tomorrow to Maharashtra to fight this. If I teach wrong things about how to kill people, how to carry out the murder and so on and so forth, green earth will not be the same. And I am performing the last rites of my colleagues everyday, just to respect human rights. Who is making more sacrifices ? And then there is no answer. They are under tremendous pressure. It is part of the game. There are two mantras. Even yesterday, there was a seminar on Human Rights. I don't know whose Human Rights have been violated in Pune. But they must put it on.

Going from this again, people are willing to waste time to get there visa to go to Pakistan. Pakistan has been coming here, why should they go to Pakistan ? The Huriyat Conference people, Shibir Shah, Gilani, Farroq shaikh and everybody. No function in Delhi's Pak Embassy is complete unless these people attend the function. So the quorum is not there. Yet they want to go and talk to these people, talk to whom, people who are instigating the things here ! I request your consideration on this issue also.

Such is the state of affairs. For them, job is incomplete unless they have a sammelan or what ever they call it. It can be on any pretext. I know, Mr. Vaidya knows, Home Secretary knows, Defence Secretary knows, what all go on at these places. When are we holding the elections. We told the people "please go to the same place where you have been and remain there for two months. Let us conduct the elections and then you can come back. How can you do it. We are going to do it better. See, be out come here. How can you do it ?

I am just sharing my thoughts. Just put your hand on your chest and complain of chest pain. Rest leave it to us. I will organise your ticket you are justified in remaining in Delhi because you had suffered chest pain which you never had, you never had chest pain. You never had a heart. Then what will happen ? I said you come back after three months. What will happen ? Hold the rally in Lal Chowk and keep abusing the Indian army. These chaps did. If I was there I would have seen it. I was not there. You are respected even now. Can it happen ? Yes, it can happen. So they came. We held elections and yes, there was no problem. The highest ever voting percentage in India. Such are the people with whom we are dealing. You can write and write books on these people and keep calling them. This is where the character of these chaps lie.

The other point is the few things which needed to be said is one side of the story. No wonder when the Foreign Minister of Pakistan, in the thick of the battle in Kargil, better had to say there are 10 more Kargils. May I request your consideration, Kargil will not take place in Kargil. The Kargil as an institution will take place elsewhere. But many of us who are experts are looking at Kargil. It will not take place there. It will take place in North East. The aim is different.

But the problem is that there is greater fear in Pakistan for the last three years about the Indian intentions also. We don't take defeat in cricket match highly. You can be defeated, you can be beaten up. We have a nuclear expert who recently spoke and the second day somebody went and challenged the nation, you come to the place and we will fight. He had nothing to do with fighting. Honorable Bharat Bhagya Vidhata, where is the need for fight. Why should we do it ? It is not a cricket match. You are getting a nation against yourself. Fund a place and we will fight a war. I think we have to be kind to ourselves also. Sometimes you are too good in provoking our neighbours.

As a nation we have to be careful. We should not unnecessarily provoke anyone. And no wonder it is not getting anywhere. And then they will have the guts and be in the other places, they have no business to be there. Even the troops, they have made inroads in Punjab. We can't take them right now on this issue, the reason being J&K is part of Mohajjir's map. It is no longer confined to only Kashmir insurgency. It is part of different designs altogether. We have to be careful on this 'issue and I am not deliberately trying to belittle anything about the enemy in the presence of my honourable audience. I am only touching upon the macro issues probably for portraying the overall picture.

Out of 52 years, 27 years the generals, not the politicians have ruled Pakistan. I deliberately use the word Generals. 'Generals' are known to mess up every thing. As Air Marshals, Admirals, they are better off. It is not that Generals and their counter parts are incapable of anything. This is the fact right across the border. Military man will see things from his angle. Politicians always matured and seasoned will see them from a different angle. This is a historical fact. But the manifestations of the thinking of the people are creating problems for us.

The philosophy forced on them is that you can't fight against them as they are a larger army, but you can terrorise them. Here lies the problem of Kashmir, Red Fort, in N.E. and so on. Look at the killing the way they have been doing it. I quote "In last phase which started in 97-98, Feb., Aug., Sept., these all again Indian community a majority of them inside Kashmir, ambushes, massive massacres.

Not to be lagged behind, gentleman who had just gone and got his daughter married in Pakistan, Abdul Farid. "Though militants cannot fight and defeat India still they can keep it, in a state of war". He is requesting for a visa, passport to go to his counterparts across the border. We might give him also. What are his compulsions? See how the philosophy, teachings, concepts of war how the militants used on us? What price are we paying as a nation when they are having connections.

I did an analysis of their improvised explosive devices (IED's) they are the same in Charar-e-din, when I was there and other places. World Trade Centre, the same methodology. The chemical content may be slightly different, the technology and the modus operandi is the same. So, obviously in the training centre, there are experts who do a good job and that is why I said, a nation which has been sponsoring militarism and terrorism here is going to pay very heavily. It is going to hurt them. We can absorb lots of nonsense. We don't crush tolerance. It is a weakness unfortunately. We accept blame for the casualties and so on and so forth. Americans will not do it. They cannot. No wonder on the slightest pretext they close down their Embassies.

There are propaganda wars. We also learn from the campaigns. No amount of physical and psychological pressure can turn them away. A force which is fully convinced in their minds about the rightfulness of war. Therefore, we see it on the TV, media, newspapers, it can be anywhere else.

This is how the misuse by the media takes place. Charar-e Sharif is sealed by army. Today you say, Pune is sealed. It is not humanly possible for an entire army of the world put together in Pune. You cannot seal Pune, the entire town! How can we seal township? Then we should start believing since there are no accounts from the other side.

Mast Gul, he was there for the Id celebrations. We allowed the media to go and visit the place. You must go. Firstly you must know whether the township has been sealed or not. Secondly you must meet this chap, and naturally, you see that they are writing all non sense. For God's sake, let them go and meet him, because I know

from certain facts that he likes publicity. Therefore he cannot resist the temptation of meeting the media, he will even give interviews. No terrorist would like to talk to the media because the gun is in his hands. It is the psyche. In proxy war, anything is possible and every thing should be exploited. So we get this, he was there. Not to be left behind, one of the Justices of the High Court, he says; "I have not seen any militants so I say the media is telling lies who reported it yesterday. We are not getting the truth. I can't- say, he can tell lies, because, Honourable so and so of the court, Lordship, he can't tell lies. It is not my fault. He is there. Then he, Farrooq Sheikh. Then people started visiting. I am just giving examples. They say we are not imposing any rules. It is just going on, the psychological plane. Although he claims to be an Afghani he, came from Pakistan. Actually he is a Pakistani, Who has given him these arms ? Now you can see for yourself. Oh, my God, you are accusing ! We are able to convert him from a hero to enemy. And when he went back to Pakistan he became so powerful that he was one of the persons, so instrumental, responsible with a following. But his historic talking in Universities and talks to school children and he started speaking against the establishment. He started giving the open secrets, so he was picked up from the Karachi University and put in an aircraft and put in a jail. He is in the right place where he should be. He is doing a great job. He is exposed to the whole world that he has been able to expose the same cards against these very people who resisted him. He has done it, what he has done, he came back to you, became so powerful that he became so deadly against you that he has to be put in a jail. Now you pay for your deeds and misdeeds. This is one of the reasons to fight the proxy war, in the same way in which we put down the uprising. It requires tremendous amount of patience, intelligence co-ordination of various agencies. I request your consideration on this.

Then she came up on the line. No, no, it is not my people who are doing this. She gave an interview to Karan Thapar, the Editor of Hindustan Times. There is no point reading it. She has accused the Indian Army for no reason. She can accuse me by name by giving all my bio data. I did not know so much about myself. Sometimes the, Bhartruhary names are so good, so awkward to be pronounced. They are very useful I can't say it, can't pronounce it. I was thanking my parents. Nobody can pronounce it.

Now we find this type of terrorism not only in north east, but in other parts of India and, in Kashmir. Individual terrorism is going on, group terrorism is there, groups and groups are fighting, state terrorism sponsored by them. International terrorism is that people are linked to other places since they have money, guts. So we find examples, every thing, not only in north east, also in South India. Tremendous amount of undercurrent is going on. It is only a matter of time and spark. One short circuit here and there, the whole thing will spark. We lost a young Prime Minister for no rhyme or reason. What killed him logically ? Who provided him shelter ? Who gave, him men ? Who ordered him to stay there ? All these things.

These are the groups operating in Kashmir, Lashkar-e-Toiba, Jaishe Mohamed, Mujahadeen I talked to some of these people. One is in Kashmir. You have to be perceptive. It is a matter of academic interest, nothing else. It is granted here that they have links. Some of them are one-man-army. But to gain respectability, acceptance, to put the fear of psychosis in every body. You can recall, during the days of the Pubjab agitation, everybody was a Lt. General there and I was the Brigade Commander. How is it overnight they become Lt Generals ? I can't even become captain to Major General in 27 years in army. For a last minute captaincy it took 12 years . Then I spoke to these people, terrorists. Where do you get these ranks from ? Who gives you ? He said, "No No, You have only one General, most powerful". Thank God, they hardly know about Corps Commander. "Every one of us is Army Commander. We have our own Army. To some degree we are fond of panth and to some extent our colleagues. I am Lt General, Good Luck to you. Be happy. Thank Good. That is the qualification. All of us should be a Lt Gen right from the beginning, Because each child, I am sure, my young friends who are sitting here, your parents will be worried about you all the time, sometimes. When I was young the whole family could not eat. Am I right or not ? Your professors cannot teach you. This is the problem. These are the groups operating in the problem areas.

I request your consideration like coordination, direction. Do we have a philosophy, policy ? Have we made up our minds what we want today ? The policy with this ultimately, unless we have one, then only we are fitting into the military operations. Do we have

one? I request your consideration on that. Continuity, specialisation, the money, I have done, I have been requesting. The honourable soldiers there, I could see the pain in his eyes, I used to go to the M.H. some times. A smile on his face, he could not afford to say no out of his modesty, decency. I could see how painful it was. You see the physical presence of some of the people there, those who got posted there. How long they are there? On the slightest pretext they are at the India Gate. Whatever reason, conveniently, the meetings are held on Thursdays or Fridays. And whether you like or not, the meetings are held. Ultimately Saturdays and Sundays have to come. Meetings are there. You cannot go back. You thereby reach on Monday or Tuesday. By Wednesday you have to be back for the meetings.

I spoke to so many villagers there. We are not permitted to speak to them. I ask, what is your concept? What do you want? Do you want to get across? Do you want to fly to some places? They replied, no. They continued - "I go from here. I live in Baramulla. I live in Panchangni. I have to go to District Headquarters. I have to meet some particular person. I hire a taxi and reached there at 1030 hrs. so that the officer will come and I will meet him. I am told to sit down, and to wait till 4 PM. Every body has gone out. They will meet you and talk to you at 4 PM. At 4 PM, I am told to come tomorrow (next day). Now I have to go back to my village. I spent so much of money. If I go next day, they will tell me to come tomorrow. In my own country, I have now become a slave, We should be given freedom from this type of slavery". This is how the administration is functioning. They are not against anybody else. The concept of Azadi (freedom) which they want is improvement in the whole system's functioning. They are looking for a leader. This concept of their Azadi, of improvement in the whole systems functioning has been exploited by saying Azadi (freedom as a separate nation), led by none other than Pakistani supported hirelings. The locals do not want this type of Azadi. I did a survey. There is a total of 79 families who wanted this from the army and so and so. I did a survey. Let me find out. There is no point in wasting time, killing two three terrorists. If you kill two today, tomorrow you will kill three more. Why not go to the leadership? Why not contact these people. They will work out these things. A total of 79 people, and these 79 people are holding the entire country to ransom. When you ask them, what do you mean by

autonomy. They will take it, and say we want more. When asked, what exactly do you want, they say, No, No. In Rajniti, very big work is required to be done. Please tell them. We will be paying a price. You carry on doing what you are doing. We will not do anything to you. See, how convinced they are of their own selves.

Threat to life. Duplication, triplication of particular agencies, say a person is doing three different jobs. You see one terrorist in the morning. One agency is not trained to report less than 10. If the report is less than 10 the credibility is questioned. How it is less than 10? So, you are not supposed to. Then one becomes 10. But the third one, you will see only 100. So $1 + 10 + 100$, will become 120. By evening, say one person when reported by 3 different, agencies that the non-existent one will become two. Absolutely. This is the problem at the ground level unfortunately.

They used to catch some of these messages. They used to decipher some of these by different means and methods. How is it? I requested your consideration on this. They say I of Hizbul Mujahadeen, it is not our English, their English. Indian people's English is not all that bad. But I am giving you verbatim translation of how one squad will be finished, will be wiped out. The only way is to kill the families, relatives. Once you get this information, you know whom to protect, who can be the next target. But it is a very painful process. It takes a lot of time which we can see from what distance, where it is coming from, who is talking, who is talking to whom, which are the areas, who are the people. It is at the functional level work has to be done. I am putting an example and they are calling them guests, our Mujahids who have come from outside. Then you know they have come from foreign countries. May I also request you on this guest Mujahadeen that I deliberately put this slide. That is the impression given. There are terrorists from all over the world and it is not so. There may be two or three but sometime, we also take pride in saying oh, he is from Nigeria, he is from so and so place. I said, "please don't do this. If you are doing it, you are doing the greatest disservice. You are giving an impression to the complete world there are people fighting from competent countries. It is one or odd people fighting from the neighbouring countries. Rest all are you can hire from any where. We got into a trap and with great difficulty we are able to help our people there. Please don't exhibit them so many

times. You are showing one person to the teams which are coming from abroad. But you are doing the biggest disservice to the nation. You are sending a message that all over the world, there are different people fighting in Kashmir. It is a myth. Even this Afghanistan participation is not correct. Actually the people who belong to Pakhtoonistan, Baluchistan and the Gujars who look like that who speak the same language.. For example I am staying in the border of M.P. and Nagpur, I speak the same language. I have similar looks of an M.P. So we have been caught into this. It has been created. We are also looking for the Jamait-e-Islam people and they got very infuriated that they have been targeted and that their games will group. That is why the things became easier that time.

Next thing was to catch on to the bank accounts. Money is a big game. You knew certainly and it is the genre of money or long run process. It is very difficult to identify. It is only based upon some information you get and you hit upon a bank particularly, and after two days or four days you get a phone call that I have not got any money since my account has been sealed. Then you know, this account which has been sealed is rightfully the terrorist account, the Hawala transaction and so on. I am just quoting this.

Similarly all these improvised explosive devices, somebody purchasing, somebody selling, we got this message. One day somebody wanted 15 litres of a type of acid, 5 litres of another acid. Watch out. Firstly pick up where these messages are coming from, which is this area, what the people are selling. Please check up all the shops and we hit upon it. And no point waiting for the acid to explode. Look for these people. They are the ones. They said, no no saab, we had no idea. We said no, everybody is selling 5 litres, why you are selling 15 litres. Why didn't it strike you? Somebody is buying for a different purpose. These are the points.

Surrender is another thing. Mass surrender. It is a good thing in a way. People say we must kill them. They don't deserve any mercy. Kill whom? unless you know who the terrorists are, how they look like, what are their identifications signs. When you kill one, or two innocent people, the entire village is against you. Therefore, it is better to explain the Islamic concept. We should know you cannot. You therefore tell them that you can never become a "Shahid" (martyr), because you do not have the Kabiliyat (capability). To become a Shahid

tremendous amount of hard work is necessary, and you just do not qualify.

But you cannot defeat a nation like India We must use the other option. We never use the word "Surrender" because surrender that too in front of a Kafir (non-believer/non Muslim) is difficult. "Come back to your society, your own people. Come back to your parents, to your system and live happily". Sometimes, they will say, Saab do like this, if we come back, our money will have to be paid. If the boy comes back, surrenders, then the parents are required to pay a fine of 5 lakhs for betraying their cause. So then the parents are required to pay a fine of 3 lakhs, 1 1/2 lakhs for the AK - 47, and 1 1/2 lakhs for betraying their cause. So then what do you do. Saab do like this. In front of every one give him a little beating. Take the child away. They come and tell you, parents will tell you. So you do the same. You take the boy stage a drama, keep him for 5/6 months. They will say we did not do it. But then the media will take up because the stage managed surrender. But I think, it is reported media is staging some suspicion. See the problem which comes up. Young girls, the eldest daughters in a Kashmir family has tremendous control on the entire family. So we used to tell these young girls, why don't you get your brothers and they used to do.

Manuals and manuals are there in this on how to explode the bomb, how to create an ID, how to destroy houses, how to derail a train. I think they have to be careful and we have to be watchful. That is the only thing we can do.

The media has to be kind. Around 2000 migrated from the valley, became a big news. Unfortunately where have they gone ? Nobody knows. All the houses belonging to the Pundits who were forced to vacate overnight. So we said no, we will protect every house. But, if they go out of us, they well destroy. They have already sold these houses. They have given it because the owner is not there. So we must force them to vacate by hook or crook. But then they got a fax saying these people are terrorists and their families have done the benami transaction here only without registration. This is how they play the game. They carry daggers, even the old men. Such humiliating things you are to suffer. You have to accept nonsense.

The action in this war, the troops who are deployed in this area, I was told. I went there. Different people asked different questions. I said, Sir, nothing has happened. No, Have you seen the newspapers ? yes, just now took my chopper and talked to the people, met them and said what has happened. They said, Saab, we have heard that old people are being killed. Did any one die ? No Sir, nobody died, not even a dog. We have no idea.

No Sir. The fact was the troops who are deployed in this area belong to the North east, who eat anything that moves and dog is the most delicious meat, most expensive meat in Nagaland and you will be paying, my God, you kill one dog and you see how much money you have to pay. I said if your dog or cat is missing, I can believe it. But they will not kill an old man, certainly. Such is the media hype, you have to face. I came back and reported to the people. I said, no, what you are saying is fiction, the fellow who is writing this is a mischief monger. Firstly you are not able to trace out this gentlemen who is writing it because he is non-existent. But this is the picture you have to get. These are the problems.

Therefore, I feel, it is correct for us to say if you know your adversary and if you deter him, then you live in peace for 100 years. That is why I put example of concepts of war. If you treat the patient with the wrong medicine you can keep doing whatever you want to and I think it will be a failure.

And no wonder, just few days back, one year back, we want to live in peace with Pakistan, we want relations to conform to traditions of good neighbourliness and all this. It goes on. How do we this ? It is just for your information, just three days back I was working on this. This was before ceasefire announcement. You can see for yourself who is pulling whom.

Because they have weapons it is their error to think they are strong. It has been said by Kautilya. It has been said everywhere. They know what our problems are. They know which are our vulnerabilities and they will cash in on them. Therefore we keep telling them, the people. Therefore God's sake, don't believe in the alliance of money and machine gun. Because the children will not inherit the

money, they will land up with machine gun. It makes sense. We have done it in N.E., Punjab, Kashmir and a number of places and we have been successful. No Sir, no brother wants his brother to be a terrorist. He is not born as a terrorist. No child is born as a terrorist. Parents will say, he should become karodpathy. Nobody wants him to be a terrorist. It is the mishandling by the society. It is the impression probably due to the ill treatment given to him during his younger days which convinces him to pick up the gun, I think. Make sure that our people, who are the best, are not exploited. We cannot do it alone. This is what the oral classes should be, given to fight terrorism, to fight the insurgency, fight Telengana, to fight naxalites.

It requires patience, tremendous amount of hard work and co-ordination which we do not have. We are not willing to send any peace volunteers. Whatever the reason we are willing to fly from these CRPF, BSF. Therefore the people are getting killed. Anybody who goes against it, this is what is happening. They keep telling men this is what will happen. Would you like to be in the same state as is Afghanistan today. No saab, this cannot happen. They see the sense, may not be all but many of them.

Now, of late frictions have started in Hurriyat conference. It is openly on record. Abdul Gilani Loni who openly welcomed Taliban victory in Afghanistan. He is the first one to say, he will openly welcome the Taliban up to Kashmir and to the rescue. I have spoken of this gentleman, Loni. He says, General Saab, why do you do this? Leave the Riyasat (State) and don't talk to us. I am like your father.

Let me come and say hello to you. I touch his feet. Why? We have been taught to respect the elders. But you are not giving any respect. How do you know? I am touching your feet. Why are you doing all these? Why are you making such statements? Don't you realise. Every thing goes in Riyasat (state-craft). You carry on. These are the problems which have been faced by different people. We think we must tell them to remain at their places. Otherwise anarchy will come. Because the situations are such, there was never a war. The adversaries often use them. It is a historical fact. We have expertise tremendously. I think what price we will have to pay, that is what we have to consider.

The issues required at your level the highest forum in the country, such audience are best suited for crisis management and elimination. Godboleji was the Home secretary I talked to some people there. Hundred percent he did know, I am sure.

Saab do like this. Carry on the work for three months. We did this for many months. After three months there will be rains. The boats will be full. Some how do carry on the work, at the ground level not at their level. Time is the big healer. This is again the philosophy of us. Time only can heal these things. So whether we want to eliminate or whether we want to manage. If we put it across to somebody, a student of science stream, he will give us the dictionary word. Oh, you don't know English, you don't know the Oxford meaning. I said no, and further said whether you want to eliminate or want to manage. I am an illiterate person. My IQ level is bad. You can tell whether to manage or to eliminate. What is the difference? I said Yes, there are. If you want to eliminate you have to start at the ground level. If you want to manage, I have to fight further. How long to manage this? No answer to this until now. I stand corrected if somebody can tell whether the philosophy is to manage or eliminate. Ninety percent is for managing. Therefore we keep managing and they are managing it well, I suppose what is important from the long term tangible results or short term. Keep on looking for short term results. During my time I was able to do this. During your time you did this. And then thereafter what? Came back with vengeance. What is important from nation's point of view and from somebody else's point of view, it is not worth mentioning. I have written it there. A clock is different. Different people view it from different angles. I had the opportunity to be with three/four Chief Ministers and Excellencies of five six states together during exigencies. Different people have different versions, different priorities, different things. How do you manage this? He said Sir, so on and in your state. No my capital is peaceful. Don't touch anything. Don't cane, for God's sake. Let him be here. Is he troubling? No, Sir, but you. He is staying here. He will come and sit here again tomorrow. He will again come back. He said, I do not want any thing here. Everybody said, there should be more revolutionaries in India. No No, they should be in neighbour's house, not in ours. All these revolutionaries in neighbour's house, not in my house. That is the problem. Channelisation of built up scene.

After some period, the exigencies of channelisation, built up scenes will start shooting people. It starts shooting them for different reasons. I am still in service. I can't speak much, sorry.

Unfortunately what has happened is, seeing all these things, the most disturbing trend in India is the loss of faith in indians. Our children don't see any future. We don't see any future for ourselves or our children. No body has any scientific answer or philosophy. There is no future for the nation. So we are living in a futureless nation. Yet I don't think we can go anywhere. The biggest service we can do to our generation is to develop faith, confidence in the existence of our good mother country, where everyone lived in peace and prosperity." Iqbal said these things before India became independent. There is something in India. Despite so many Gaznavis, Ghazis, everybody came, Chenghiz khan came. They are there. We remained here. So why not have this ? It is a great Nation. It has tremendous potential. Young children are running the programme of those who have the supreme power of the world. What is lacking in our country ? I don't think, God forbid, our direct channel management. There is nothing wrong with our nation absolutely. But if you talk to anybody everybody today, people question what will happen to Kashmir ? There are two three senior people who called me when I was posted as G.O.C. You will go there. Yes, I will go, I am going to be there tomorrow. I came to touch your feet. I will take your blessings. Yes, I hope, you will find how everything will be. Nothing will happen.

We pay a price. Our philosophy will help. There has to be a first, draw the framework, we have to be serious about it. Any amount of studies or groups which come there will help. I hope I have bored you enough. But I am a chronic optimist. My young friends are sitting there at the back. Things are not as bad as you think it should be.

We are a great nation. No less than President Clinton himself said "Next century definitely belongs to India. There is no point. We start believing it. Unless you go and grab it, nothing will come to us. People are talking in seminars that 21st century belongs to Asian Nations, Pacific ring. India can become an I.T. powerful nation. It is their perception. Are you one yourself ? So we will have to now work hard to meet their aspirations, to respect their feelings and have faith in us. I am grateful to you. Sir, Ladies and Gentlemen, for giving me this chance. Thank you very much.

ADDENDA BY PRESIDENT, CASS

DR. MADHAV GODBOLE

In this country, these are the kinds of dangers which arrive as a part of the larger problems of insurgency. Therefore, are we prepared to address these talks ? The question of secrecy one of the things corresponding which our stalwarts on border management have recommended to the Government of India, that, these reports should be published. Because I want to do away with this culture of secrecy within the Government. Let people know what the problems are and they will come up with solutions. We don't have to find solutions. The people will themselves come forward with solutions.

But people must know what the problems are, how difficult the problems are, and should be told the ways to do so, to expose them to the problems in every possible way, either political or non-political, find us a way through reports, academic and other works, so that they should know there are no axes to grind. But this is the problem which needs to be addressed and has to be taken care of.

The next point Mr. Chairman which I want to mention is, though the Insurgency problems are there with us for the last 30/35 years, is there a national policy on this ? If you ask anybody at the highest political or executive regimes of Government, what is the policy of Government, one has a population policy, an agricultural policy, export policy, or an industrial policy. But what is the policy on this subject ? You created a special Ministry for Information technology and a new Minister in charge of I.T. Does this subject require same kind of a national policy, framework and why is it that he has not addressed this issue ? Why is it that people are not taken into confidence and what are the policies ? United states says we will deal with the terrorists in the same harsh manner in which we deal with them anywhere in the world. That is their policy. Do we have such a policy ? For example, we are announcing a ceasefire. Is it part of a national consensus ?

Then, the government in question. Is it a democracy ? Is it a participatory democracy in which all of us have a say, for which once in five years we give our votes. Therefore, my last problem pertaining to this question is "what is the National Security Council doing" ? We created one with a great deal of fanfare. It was precisely supposed to redress such issues of national importance, where people of all classes have to sit together, advise the government about the policies. That even N.S.C. has not met even once during the entire Kargil upheaval is surprising. I do not think the ceasefire decision has been taken up by N.S.C. And then why do we have one ? Even these kinds of issues like insurgency and its implication, long term, short term framework are the once which have to go before the institutionalized mechanism like N.S.C. which we have created. I am sorry, I am not much of a help. I have some more points. This is what these kinds of seminars are supposed to be doing. In fact, whenever you go back, from here, you should not get proper sleep at night. Then they would say seminar has served its purpose. So these are some of the issues which we need to tackle.

ADDENDA BY MR MANGALMURTI

I also will be widely covering the ground already covered by Mr. Godbole, and about the foreign policy, in times of insurgency. We have taken the question of insurgency very much into consideration while working our relations with Burma. In China, we have tried our best to keep the situation under control. In Bangladesh the imigration problem. The major external environment that of Pakistan needs consideration I totally agree with Mr. Godbole that we have not worked out the national consensus or national views on what we should do about the insurgency in the country which is tormenting us for many decades. Other aspects like propaganda. I have been in a country with very good propaganda like Cuba.

Responding to the question and comments by the participants of the Seminar, the Main Speaker, Lt Gen Shekatkar stated :-

There should be a mechanism to lay down the system for tackling problems. Firstly, about the system. There should be a mechanism too. Purely the existence of a system alone, will not help. We must have the desire to make the system function. Our system is part of the consensus. I think there is tremendous scope for improvement in this particular aspect. Secondly about the relative foreign policy. Our policies are good, but at the last minute they fail. I feel as a great nation, how it is. They have AK-47 guns, crude bombs. They are making our life miserable. We are not sure how long we will have safety whether our children come home safe. You think twice before getting into an aircraft, whether it will be hijacked. Why should we suffer? Being in service I can't speak out. Many things could be done. We do not have to announce from the rooftop about what we could do. If you know your adversary well, place cards, you will live in peace. Now it is their turn. But the vulnerabilities are more on the other side. We can absorb shocks. Pakistan knows how to play their cards. People say we should also behave mercilessly. Certain amount of philosophy has to be worked out. It is not so difficult. I was dealing with such problems when I was commanding a Division in Kashmir. That is what elections have done. I have sent them signals, transmissions of the Formation commanders, Brigadiers. We mean signals and Intelligence Department. There is communication between the two. I am not going to allow my area of command to be used for any infiltration into India. The best way to control infiltration is to control explosions. How come all the bombs are exploding in Delhi only. Mr. Sheikh Abdulla was the Honourable Chief Minister during the 1995-96 elections, in which people participated enthusiastically and also in the recent elections, he knows the people. We get a clear cut idea. One thing is certain he knows his enemy. Where we have failed as a nation is in the political scene. Unfortunately the psyche of the people has been put to use.

As regards imposition of curfew in a democratic country there are limitations, particularly a democracy like ours. People are used to defying rather than obeying. Defying is the trend of the day.

Therefore unlimited power is in the hands of army. I know, people do not like me. But under the circumstances, there has to be freedom of action to the army and to the Armed Forces where they are operating. There should not be too much ifs and buts in the remote control system.

As regards banning watching of Pakistan TV is concerned observance of watching the Pak TV in Bombay and Pune is not strange. We know they are mature enough. Even a ban on viewing Pak TV here, can you stop viewing it in the Amritsar border, Kashmir Border ? There is no other TV other than Pak TV. Even if you ban it, they will watch it. What is required is what is desirable. Instead of banning somebody, why can't we make our signals better ?

Now, controlling the use of drug money, narco-dollars. Drug is a bad attraction. India has the biggest shipment of heroin - Golden Crescent, Golden Triangle. We don't have to buy weapons to show our importance. You just send half a Kg of heroin. Drug money is paying. Can we control it ?

It is incorrect for me to say anything about ceasefire right now. It is a decision taken at higher level.

To state that the Indian Army is happy with the LOC is incorrect. Indian army can never raise their voice. There is no question of Indian Army being happy on L.O.C. Fighting is going on every day.

Alert civic consciousness is salutary. Patriots have to be alert. Politicians have not learnt to share power. The working of democracy was explained by one Sardarji to another as "Aaj Tussi to Kal Assi". You will be very happy to know, we must adopt measures and follow the examples of Maharashtra. The entire city of Pune agitated against an ex-commissioner's posting. There is no point in cursing the darkness. The moment light is lit, the darkness is removed. This is a great city of tradition. We must light the fire from here and it will catch on. We have the inspiring ideal of Jaya Prakash Narayan.

You will suddenly see the parties who are supporting these and start detecting them. We have to sit up and ask. Kashmir is going to be a cauldron.

Another point which I think is going to be is the rising decadence. This is the problem which we are going to take to future. The roots, you can see in today's politics, besides the politicians. The root cause of Babri Masjid demolition goes back to the politics. It started after communal parties lost hegemony in 1984 elections and thereafter to neutralise that the ruling parties played this politics. Secular politics is the only saviour of this country. Otherwise we will land ourselves in insurgencies and civil wars. We will ruin ourselves. We must understand our weaknesses first. That will be the first road to success.

Thank you.

SUMMARY OF DISCUSSIONS

- The root causes of the problem of insurgency in India are the misery, the deprivation, the rampant injustice and absence of the legitimate means of redress.
- Exploitation of a vulnerable society to suit the furtherance of vested interests, camouflaged as national or political interests results in alienating such society.
- By propaganda, psychological warfare, use of information technology and catching on the vulnerability of masses, one can impact thousands of miles away. Such is the potency of psychological warfare and psychological operation.
- Islamic insurgency and terrorism in India is a direct byproduct of Pakistan's national security policy and ground structure. It is not confined to Kashmir. It is spread to the north east and other parts of the country.
- Keeping calm and unruffled inspite of very grave provocations, and resisting reacting violently, a tit for tat, can be misread by our own people as doubting our capability to protect them. It requires tremendous courage and maturity on our part to control ourselves.
- Activists of human rights and environment often indulge in inane accusations which are far removed from the ground reality, but they do succeed in mounting psychological, international and so called "moral pressures". This makes the task of the security forces extremely difficult.
- A proxy war should be fought in the same way as putting down an uprising. This requires tremendous amount of patience, intelligence and coordination of various agencies.
- In the eyes of the people, the local administration is negligent and callous, treating them like slaves. Their concept of freedom is freedom from this type of slavery in their own country. The

Azadi they want is for an improvement in the whole administrative systems functioning.

- Reporting agencies for acceptance of credibility of their reports are required at one time to report not less than ten number of terrorists. The reports about the number of terrorists get very much exaggerated and some times further multiplied if the same terrorist or group of terrorists is reported by more than one reporting agency.
- People have lost faith in the nation. The biggest service we can do to our generation is to develop faith, confidence in the existence of our good mother country, where every one lives in peace and prosperity.
- The National Security Council which was created with a great deal of expectations should have been entrusted with the task of examining the problem of insurgency and formulating a national policy for tackling this problem. This important subject has not yet received adequate attention.

INSURGENCY IN INDIA - CAUSES & PERSPECTIVES

SEMINAR : 28th December, 2000

(Venue : D.E. Society's Technical Institute near IMDR,
Servant's of India Society Road, Pune 411004.)

LIST OF PARTICIPANTS

- | | |
|-----------------------------------|--|
| 1. Dr. Madhav Godbole | - CASS |
| 2. ACM (Retd) H. Moolgavkar | - CASS |
| 3. Shri R.D. Sathe | - CASS |
| 4. Air Mshl (Retd) Y.V. Malse | - CASS |
| 5. Air Mshl (Retd) S. Kulkarni | - CASS |
| 6. Gp Capt (Retd) S.G. Chitnis | - CASS |
| 7. Maj Gen (Retd) V. Mulye | - CASS |
| 8. Cmde (Retd) B.B. Bhagwat | - CASS |
| 9. Brig (Retd) A.A. Wagh | - CASS |
| 10. Lt Col (Retd) B.K. Sathe | - CASS |
| 11. Ms. F.K. Wadia | - CASS |
| 12. Wg Cdr (Retd) A.T. Thakur | - CASS |
| 13. Shri P.B. Kulkarni | - CASS |
| 14. Shri V.L. Date | - CASS |
| 15. Gp Capt (Retd) S.R. Purandare | - CASS |
| 16. Air Mshl (Retd) Pratap Rao | - CASS |
| 17. Shri M.K. Mangalmurti | - CASS |
| 18. Shri A.V. Bhagwat | - CASS |
| 19. Brig (Retd) D.A. Paranjape | - CASS |
| 20. Shri V.G. Vaidya | - CASS |
| 21. Lt Gen D.B. Shekatkar | - CASS/Comdt. Infantry
School, Mhow |
| 22. Capt Sandeep Kumar | - Infantry School, Mhow |
| 23. Lt Cdr Mahesh Joshi | - CASS/NDA |
| 24. Lt Col B.B. Atray | - ACC School |
| 25. Pallabi Guha | - |
| 26. Mrs. Lata Chitnis | - |
| 27. Mrs. Sathe | - |

28. Mrs. Pratap Rao -
29. Shri U.N. Limaye - Director, JRVGTI
30. Ms. Sneha Gole - JRVGTI Geopolitics & IR
31. Ms. Shivani Naik - JRVGTI Geopolitics & IR
32. Ms. Swagata Ghosh - JRVGTI Geopolitics & IR
33. Ms. Jyotsana Khare - JRVGTI Geopolitics & IR
34. Mr. Vishal Solanki - JRVGTI Geopolitics & IR
35. Mr. Vinaya Deshpande - JRVGTI Geopolitics & IR
36. Mr. Shantanu V. Pande - Student
37. Ms. Vidya C. Menon -

PROCEEDINGS OF THE SEMINAR
ON
GOVERNANCE IN INDIA :
THE CHALLENGES AHEAD

25th January, 2001

**(Venue : D.E. Society's Technical Institute near IMDR,
Servant's of India Society Road, Pune 411004.)**

Air Marshal (Retd) S. Kulkarni, Director, Centre for Advanced Strategic Studies opened the seminar and welcomed the distinguished guests and all participants of the seminar.

The seminar was chaired by Shri C. Chandrachud, former Chief Justice, Supreme Court of India. Shri D.S. Soman, former Director General of Police, Maharashtra, the main speaker in the first session made his presentation on "Governance In India : Challenges Ahead : The Law and Order Angle". Shri V.G. Vaidya, former Director of Intelligence Bureau was the main speaker in the second session. He made his presentation on the seminar subject from the peoples'/ consumers' angle. The third session had Dr. Madhav Godbole, former Home Secretary, Government of India and presently the President of the Centre as the main speaker. His presentation on the subject of the seminar was from a holistic angle. After his presentation, he raised various important issues connected with the subject.

After presentation by the main speakers, the subject was thrown open for questions, comments and observations by all the participants and for a general discussion which turned out to be lively, informative and thought provoking.

**GOVERNANCE IN INDIA :
THE CHALLENGES AHEAD**

WELCOME BY DIRECTOR

AIR MARSHAL (RETD) S. KULKARNI

On behalf of the Centre for Advanced Strategic Studies, I welcome you all to the Seminar cum Discussion, this morning on "Governance in India : The Challenges Ahead". The Seminar will be chaired by Shri C. Chandrachud, former Chief Justice, Supreme Court of India and the speakers would be Shri D.S. Soman, former, Director General of Police, Shri V.G. Vaidya, former Director of Intelligence Bureau and Dr. Madhav Godbole, former, Home Secretary and at present the President of the Centre.

SESSION I**GOVERNANCE
IN INDIA CHALLENGES AHEAD :
LAW AND ORDER ANGLE****Chairman : Justice Y.V. Chandrachud****Main Speaker : Shri D.S. Soman****PAPER PRESENTED BY SHRI D.S.SOMAN**

Mr. Chandrachud Sir, Mr. Vaidya, Mr. Godbole, ladies and gentlemen.

At the onset, I would like to thank the Centre for inviting me for today's seminar. The topic Governance in India is a crucial one. Having been associated with the Department which is very much part and parcel, vital part of the Government machinery, viz, the Police Department, I thought I will share a few thoughts of mine with you. We shall be celebrating the 51st Anniversary of the Republic tomorrow, but over the years, if you consider, what has been happening, there is surely deterioration in the law and order situation which we can see in our country. Talking about things nearer home, there was a time when we could boast about Bombay city that anybody could walk at the dead of the night without apprehending that she/he will be harmed. I am not sure whether we can be assured with confidence today. First and foremost problem about good governance is maintenance of law and order. The major thrust is on development today and I don't think the country will make any stable progress unless we have law and order.

From 1917-1990, Russia was a monarchic state, very strict and rigorous in the enforcement of law and order but at the very touch of dissent, the whole country broke into pieces. We are in a different category. We did not have anything resembling dictatorship so far, although we have democratic dictatorship. But our problem therefore is compounded by the fact that we don't have a tradition of discipline and good governance where the views of the people are taken, anytime

the Government changes its policy. The first big problem today is that our forces are being guided today by lack of proper leadership. It is not as if there is no leadership in the country. Somehow over the years people who should not be heading forces, are heading them, leading to very sharp deterioration in course of time. It started with some states, but the contamination has spread all over. Today we have a situation where even for some plum posting, able officers are not considered. There was a time when being in the CBI, was a matter of pride. People used to vie with each other for a posting. We can come across a situation when some officers who were tapped for accepting the job, were not willing to do so for the reason they knew that once they accept they will have to bend before the master. The whole thing is politicised. Therefore, taking from here the leadership down the line has gradually collapsed. Bureaucrat who is supposed to be the backbone of administration, has learnt in course of time that he is not desirable, it is not worth his while to express his independent views. He therefore has learnt to look at his master and tailor his views to suit what his master would like to hear.

Systematically, this has been happening over the years and in the states, it has led to speedy deterioration. According to our constitution law and order is a state subject and each state is responsible for the maintenance of law and order in its territory. When the states are not strong, they are not able to maintain law and order. It is futile to expect only the central government to pull it through and prevail upon it to maintain law and order. We have therefore a spectacle, where the central government is helpless when the states try to do whatever they like. If we look at the North Eastern States today, once you leave West Bengal, there is no state where there is no insurgency or any anti social problems, where there is no law and order in full swing. This is basically a political problem. We are not able to assimilate these people as part and parcel of India, with the result, when you go to a state like Manipur, people ask you whether you have come from India not thinking they are also part and parcel of the same country to which they belonged long time ago.

It is no use blaming the British for the growth of insurgency taking place in a number of states. After all the British did whatever they wanted, they came here as conquerors. They did not come here

for developing our country or taking steps to improve our country. They introduced railways, post and telegraph and so on, mainly to see their regime continued in India stronger and in case if there is any trouble in the country, they are able to deal with it in an efficient manner. If you see how the railway lines have been laid you can see it is to move mainly the forces in the shortest possible time to quell any rebellion which might take place in any part of India.

Apart from having poor leadership, what has been taking place today is too many laws and very little enforcement. According to Mr. S.D. Shourie, who has been doing pioneering work in this field, we have almost 2500 laws which need to be enforced. Government has learnt over the years the quickest way to enforce laws making it cognizable and the responsibility they must put it on the police force, whether they are trained for the purpose whether they are able to execute the laws is not taken into consideration. My experience has been whenever a new legislation is brought into force the Department itself is rarely consulted. May I highlight a problem I faced. The Motor vehicle Act was amended. It required an amendment since it was an ancient one. A provision was made that the truck driver should be at least a matriculate, not considering the employment situation, that most of them being illiterate and not able to take up any schooling, may take up any job or join a garage and in the course of time, learn to be a driver. This led to agitation which required the police to quell. At the last minute the government had to make a hasty retreat. This has been happening in almost every field of activity. We have taught the people they can get anything free of charge and when you try to enforce a law, it becomes impossible to enforce. The latest is the agitation going on in some places due to the cutting of unauthorised electricity connections, or for non-payment of electricity bills like in Sangli. When the officers of MSEB went to cut off power since bills were not paid, mind you, they were not very high bills, they were attacked by the villagers, because they are used to getting connections from the mains.

This was something of a novel experience for something they were to pay. For example setting up of electric pumps for irrigation. Initially it started with one horse power pump, no electricity charges, but gradually it went up to five HP and today we have a state where

all the farmhouses are lighted up at the cost of people who pay electricity charges. In other words, although we have so many laws, they are not enforced properly or if an attempt is made to enforce them, the Government itself asks you to go slow and see that it is for all purpose nullified. This will be a great challenge in the times to come because we are gradually reaching a stage where whether it is a State Government or Central Government, we have hardly any money to spend on development purpose.

We have bloated bureaucracy wherein they are unable to deliver the goods. We are conscious about it for a long time. The Fifth Pay Commission highlighted this problem, but we brushed it under the carpet, because we would have invited trouble and to declare 3 lakhs of posts redundant with the Central Government., will naturally have a backlash, if the Government is not able to deal with it. So the best way out was to carry out in the same way we have been doing or go on spending like this, with very little money for development. If this goes on, enforcement of any law is going to be more and more difficult. We started with free water, free electricity. I don't know what will be the next step which Government is going to take, be it transport, food, food grains, everything is subsidised. The moment you make changes, built-up strong lobbies will immediately oppose it. Where the enforcement is concerned, the Government is very keen that the law should be enforced, on the other hand Government itself says that the law need not be enforced ! For example a scheme like monopoly on cotton procurement scheme the purpose is benefiting the farmers. Whether they are really benefiting ! Many of the Government schemes, studies show that it is not the common man or the lowest rank who is benefited, but somebody in between, somebody who did not help. I gave the example of free electricity for irrigation purposes. The studies carried out by Mr. Godbole show, that barely 20 percent of the farmers used electric pumps in their irrigation. In other words, whatever concessions you are giving are for 20 percent who can afford to buy it on their own, but this 20 percent constitute a very powerful force that stands in the way of enforcement of any law.

We have always thought problems, if at all, can only be solved by the police machinery. Problems of political character are sure to

be solved by law and order machinery, weakening it in the process. Insurgency in Punjab or J&K has a long history. J&K of course is a different category. Take some of the other states. The basic problem in these states was that the people there never felt they were part of this country which became independent in 1947. For example, find out how many officers who go from Central Agencies know the local language, in spite of staying there for several years. They don't know much about the people. They still carry on as if they are somebody who have come to spread culture in these parts. The British at least had a healthy rule like if some one went there, he went on to stay there for years together and compulsorily made to learn the local language. This may not sound a very important point. You must learn the local language and unless you are able to mix with them and talk in there language, we can't bring about any change in their lives.

I also would like to point out we are coming up with development a new set up, cyber world, but our mental attitude has hardly undergone any change. Very closely linked with law and order machinery is the judiciary, but sir, in your presence, I do not have to talk much. I must say over the years, we have hardly made any change in the legal system which was operating, as it was enforced in the closing years of the 19th Century. It is not suitable for a country like India. It was firstly very expensive. The justice which was dispensed, was meant for a particular class, derived mainly from the English history. Secondly, the principle that 9 criminals may escape, but one honest, innocent should not be punished has its roots in the 17th Century or 18th Century. At least 200 pieces of legislation had death penalty as was prescribed, for eg. for stealing oranges or apples from a garden, those days was death. It was very prudent. If a death penalty is to be given it should be given with abundant deal of caution. Even today, the judicial system says that in the rarest of rare cases a death sentence should be given. So from a retribution system we have come to a reformatory system. But this, I am afraid, has not reflected in the laws which our law givers are giving to us. First of all, my complaint is that we have too many laws, which we do not understand, much less follow. In fact one wonders whether they are made to satisfy somebody's conscience and forget about it. For example an Act going to be made in Maharashtra state, conduct of coaching classes, one of the provisions which makes it an offense, unnecessarily,

some responsibility has been cast on the police, how they are going to conduct raids, raid these places, and how they are going to investigate. Secondly, in other countries, trials can be easily disposed off. There is no reason why in our country it can't be done !

Adjournment of cases has become a notorious complaint against which nothing is being done. We have come to a stage when the psychology of even these lawyers who are trying on this business is not willing to change at all. For example the Amendments to the Civil Procedure code was supposed to be brought into effect in 1999 after being debated for almost three years. But even such provisions for which there is no adjournment or punishment for adjournment and so on, there was severe opposition and the lawyers in Delhi went on strike. A large class of them were trying the adjournments are going to be existing. Why I am placing emphasis on this is which is assisted by two, law and order machinery and the judiciary are closely interlinked. Unless there is some fear that law will take its own course, punishments will be meted out, I am afraid it will not bring down crime. Bringing down crime is another myth I must explode. I don't think crime will ever come down. It has been there since the beginning of the world. It will be there till the world exists. All that we must think, is whether we are able to control crime, whether the common man who wants to go on his business, is able to do it properly without fear. If we are able to do it, if we could achieve that then I feel, we have achieved substantially on this, because there is a close nexus between the politicians and criminals and the bureaucracy. To break, this nexus, it will take a long time. It started with black marketing of cinema tickets when I was commissioner in Bombay city. I was able to study this problem very deeply. Then in the shape of prohibition Act of 1949, the criminal only has to organise himself with one or two companions of his to carry out what he wanted. The most effective weapon or the most potent one used in those days was the Rampoori knife which was very popular with this class. But prohibition has entirely changed the scenario. For illicit liquor, a place to be distilled, a machinery where it could be transported and while transporting you have to come across a chain of government machinery which either has to be broken or got into.

The criminal world has gradually learnt that this is not as difficult as it sounds. The corruption in the Police Department. started

with the inauguration of the Prohibition Act. This gave a great fillip and led to the nexus between politicians and criminals. What has happened over the years is that fighting elections has become very expensive and the politicians had to depend more and more on money and muscle power. The criminal world supplied both. Initially it was the politician who was controlling the criminals, as you are fully aware of Bombay City, for that matter even for Pune, whenever people who were under the control of politicians. In course of time, they have learnt they can empower a politician and they may as well have the power themselves and that is how we have seen how the criminal world is entering into the elected bodies. It started with the Municipalities and Corporations and gradually spread and we have the rare distinction of having a Minister of State for Home Affairs in Central Government who has a long criminal record of crime in Bihar State. Mercifully he was removed from the post in a very short time. But the fact that he could be put in political power, speaks volumes of the present world. To fight this is a long drawn out process. The sight of the Mafia Scene in US mainly began with the introduction of Prohibition. We rather console ourselves that Indians are by nature different. Once we have a law which prohibits liquor which is sinful, all people will fall in line. All that what has happened over the years, even those who drink legally and with great relish, became criminals in the eyes of law and the criminality has gradually led to a belief that if we break a law it will not matter much, and this psychology is very difficult to overcome. I remember, years ago, Rabindranath Tagore wrote to Gandhiji. He said "All your movements are negative. You say don't do this, do this, leave school, break the laws, defy the laws. After independence don't you think the same mindset will continue ? That Government has made a law and you break it". His reply was this - I remember it was in 1931, "No, this won't happen. After Independence, people will realise that laws are made by their own elected representatives and they should be respected." Over the years, we have seen that nothing has happened and to bring about this change in psychology and mind set will take a long time because it is very closely linked to power and power is linked to money.

After making their presence felt in prohibition, the criminal world turned their attention to construction industry and we undertake to make use of land at a number of places and framed laws which would make it very easy, not only to break them, but also

make some people try enactment of these laws. When that field also did not yield money, they changed fields. Now it is the film industry. Not that it is the first time financiers whose names have been appearing, have been in this business for the last 10-15 years or longer. What has happened is they have become a tool in the hands of the mafia. Mafia not only dictates the title of the film but also who the actors and actresses should be whom they want to cast.

To break the nexus of this sort, is a herculean task and I do hope that in the years ahead we are able to meet these challenges. But the first and foremost thing we have to do is to see that the forces we have, the law and order machinery is put in competent hands. Not that we are short of them, we have them all over the country. But they happen to be sidelined. The Government should find the competent man to discharge his duties and for following the local politicians, the best remedy is to remove him and put him on some side job. Fortunately the police have come to the rescue of the administration. But in spite of the sharp rebuke and support Government is getting it is hardly learning anything new nor is willing to change its previous stance. Recently we had Mr. Bhatia, the Municipal commissioner of Pune, whose transfer orders had to be held in abeyance, who was doing a good job and was shifted without rhyme or reason. If this trend continues, in spite of the change in the colour of the Government, I find a very bleak future because we are gradually heading towards anarchy. If we do not stem it in time the future is going to be dark. I have painted perhaps a very gloomy picture. There is a wayout if public opinion decides to mobilize itself. Experience has shown it does have its impact on the Government however powerful it may be. Today in a country headed by a known criminal say Philippines they were able to oust their President, because the general pressure of the public was so much, that man had no other way but to quit. Similarly public opinion starts getting mobilized. Every right thinking person starts becoming active civic and politically conscious. I am sure in the long run it will have its effect. Meanwhile, we shall have to pay its price and it is inevitable. We have invited it upon ourselves and there is no escape but to pay a price.

I am grateful to the Centre for giving me an opportunity to express my views and convey my thoughts.

SESSION II**GOVERNANCE IN INDIA CHALLENGES AHEAD :
THE PEOPLES'/CONSUMERS' ANGLE****Chairman : Justice Y.V. Chandrachud****Main Speaker : Shri V.G. Vaidya****PAPER PRESENTED BY SHRI V.G. VAIDYA**

Mr. Chandrachud and distinguished guests. Mr. Soman has thrown up a number of points directly impinging on governance of the country. I have been a career Intelligence Officer almost through entire service in the Intelligence Bureau which obviously means that I did not have any actual role in the governance. Not having governed like everybody else, I have a right to criticise. I won't do that. I have been an observer in governance. So, a consumer, So I would limit myself to my experiences and share my thoughts with you precisely under that circumscription.

Mr. Soman has raised a very relevant point about the police getting overburdened by a plethora of laws which has led to a virtual breakdown of the criminal justice system. We noticed that very few sincere efforts have been made to revamp the police system in the past. One such effort was the establishment of National Police Commission in 1978 which came out with a very studied and useful report, which has been gathering dust for the last 22 years. A commission is formed to study the report of the commission and another commission also will be formed to study its report ! But I doubt whether anything will come of it since there is a lack of political will. Unless there is a political will to attack this problem, I do not see the end of the tunnel and the policing will go from bad to worse.

When you talk of political will, where has this will been concentrating itself ? There lies the bane of the entire system. We have been the victims of irresponsible politics. I would say that will be the most liberal remark, I can make. Our political system has been busy in chalking out strategies without even envisaging the

consequences. Two examples in this regard. First one in Punjab - we have the struggle for power in Punjab between the Akalis and the Congress which led to the rise of Bhindranwala and the rest is history and the country had to pay a very heavy toll. The other one, the Ram Janma Bhoomi problem, the Ayodhya problem.

In the 1984 elections, the Congress swept the polls mainly because of the sympathy vote gained after the assassination of Mrs. Gandhi and the BJP got only two votes. Very naturally, the BJP leadership put on their thinking caps and very seriously thought of how to raise the party from the dustbin. That was the defacto beginning for the construction of Ram Temple in Ayodhya. If this is not enough or the efforts to combat it from the other side and the gates of Ayodhya were thrown open. That is how this went on until the Ram Janmabhoomi, movement achieved a monstrous shape. One ridiculous effort was made in the same direction. In 1989 election, the Congress commenced its election campaigns from Ayodhya itself promising Ram Rajya. All these have gone up to build a situation where the temple had no business to stand ; it had to collapse. Today there has been a commission, there have been various other documents produced, a white paper so on and so forth, but the fact remains that the tragedy took place due to irresponsible politics indulged in by other political parties and their opponents for chalking out power. Much different is the manner in which politics has been handled in North East and other troubled areas of the country. So much for irresponsible politics.

Mr. Soman also touched upon criminalisation of politics. He has stressed precisely how politicians initially patronized criminals for achieving power and how the situation has emerged to a state where they feel they are better equipped to wield power themselves. It is perhaps only now when the situation has come to pass that the politicians have suddenly realised that the criminalisation of politics is a dangerous phenomena. It took them 50 years to understand this state. The Government has few years back formed a committee with the Home Secretary, Mr.Vohra regarding the criminal politician bureaucrat nexus. And that committee under Mr.Vohra, barring initial discussions with the other members of the committee, no other consultations were indulged in and the report was virtually (solo)

prepared by him and then presented which is also gathering dust. Questions were raised about the actions taken by the committee. After a perfunctory debate, no action is likely to be taken on this. So forget about this. So barring such lucid intervals about awareness about the criminalisation of politics, no efforts were made to tackle this problem. I remember when the last elections were on the anvil, Mr. Godbole gave a list of people of criminal background who were given tickets by various parties. But I don't think it will have any effect. The situation will continue ! It has apparently only worsened. On these points, our Governments have fared very badly.

The next is the manner in which our administrative structure has evolved through the years. The British, their main task was to govern this country as a colonial power, not as an administrative machinery. This administrative machinery should have been suitably amended to suit the needs and demands of a developing democracy. In the initial years, it was alright to have a steel frame, but that was to yield or make way to another administrative structure which was directly relevant to development, growth of development and law and order and other issues. Apparently this has not happened. The steel frame ultimately became very flexible. Instead of bowing to the political masters it has crawled and virtually ceased to be effective. What has happened ultimately was a struggle for supremacy over each other, in other words the inter service rivalry. We saw the examples of building of recent disasters. Even the Kargil episodes can be traced to lack of analysis of whatever the inputs were. There has to be a complete reorientation of our administrative structure to make it more productive and useful.

Let us now examine the use of natural and human resources. I will stress upon the human resources which we have in abundance. Are we utilising the human resources in an appropriate manner ? Is supremacy of merit given importance ? Today we find that whether, it be any academic institution of excellence or services merit counts for entry into these institutions and again merit counts for promotions to higher echelons in services ? Apparently the answer is no. The reason is, we have kept the supremacy of merit into the background and that is why there is substandard service available to any service in the country. I don't think there is any salvation. Mr. Soman has

already said the crime was there from the beginning of the civilisation and it should be controlled and every one should strive for it. What applies to crime does apply to corruption too. Corruption is second nature to human beings, we can never eradicate. Let us cure ourselves of this obsession and this myth. Even if he controls it, at least the common man will get reasonable justice, whether from administration or from politicians. We have to evolve transparency in administration and in politics for that. For this purpose we must have the right to information. We know that steps are being taken to ensure the right to information is available to common citizens. I just hope this materialises faster. But we feel afraid that it will not .

Next comes, speedy justice to common man. Now, this is one thing which is not available at all. Millions of cases are pending in courts of law and it takes a lot of time for the common man to get redress on justice. Efforts are made by distinguished persons to suggest ways and means. But as is the usual practice, there is no political desire to handle these problems and to take concrete steps. I just point out a very simple incident three or four years back. A distinguished Police Officer, Mr.Kanetkar and four of his junior colleagues all of whom had headed the Police Organisations in one capacity or the other, came together to study this problem and came out with a concise solution containing various ways and means of speeding investigation, trials and speedy justice in various cases. It was a concise record unlike other various records running to pages, accompanied by a precise summary of recommendations. The report did not demand any major revamp or amendment of laws. Many of the suggestions could have been handled at the state level itself, that is where the grassroots come. 500 copies of this report were printed, and distributed to everybody who is concerned with enforcement of law, to the CMs of all states, Law Ministers, D.G's of Police, High Courts and Supreme Courts, Registrars of various High Courts, National News Papers, distinguished homeowners and many others. No person was left untouched by this report. It is a crime too that this report was not glanced through in many cases. A feeble effort was made last year when the CM of Maharashtra called a meeting to examine what could be done to the control of crime and lawlessness in Mumbai City. He invited, an interdisciplinary discussion. So, there we have very senior journalists, members of Judiciary. Our Honorable Chairman today (Justice Y.V. Chandrachud) was also present there

as well as some senior Police Officers. So it was minds meeting. In that meeting, instead of discovering wheel, why not examine the Report which is a studied product of an expert group. Apparently this report was not known. On the same morning I had warned Home Secretary that this report will perhaps come up No where to look. The Chief Minister asked him to look for the report. He hurriedly brought it from the lowest shelf of the Lower Division Clerk ! So the report was presented to him for examining. Mr. Ram Vilas Paswan made a realistic comment that when people demand a rail connection to certain interior area, if the Government has the will, there is a Railway. If there is no railway, then there is a survey! So it is like that. So the report is being examined. I said, it is a studied report. Let us clearly discuss it. I also made some critical comments about the newspapers the manner in which they had built up the reports. Some of the legal representatives made a perfunctory reading of that and they gave a more illogical comment on only one aspect of the Report. Perhaps it was the most ridiculous comment made by an uneducated journalist, but only one of its kind. The other news. After the meeting they crowded around me and asked me, "can we get a copy of the report ?" I said, "The copy is already with you. Only thing you have ignored it. You have blamed the Government for carrying the news. You blame yourself for it is in your archives as well. When Mr.Kanetkar addressed a letter to that paper, a letter to this particular unstudied comment", he had the guts to say that it should have been addressed to him. Now I am pointing out a concrete example how sincere efforts of sincere citizens are responded to, at various echelons in the society.

This is the main melody, even today. A meeting was organised by the Rotary Club, covered by the local press. Once again very superficial comments were made. That is all. After words nothing will happen. People from abroad had come to study this phenomena. A very distinguished scholar came from the US. He is an Indian Citizen. I told him that this is the fate of the report. He promptly wanted the report and he has put it on the internet. Because of that the world will know, but not us. The internet comments have described that the Report has not received the required attention. I covered the whole thing just to tell you about how serious we are ! To felicitate Mr. Ram Jethmalani on his 75th Birthday a meeting was organised

by the Think Tank, headed by Mr. Justice Venkatachalaiah, who was then chairman of Human Rights Commission. Mr. Kanetkar was present. I also happened to be there. Mr. Kanetkar took every opportunity to knock at every door and he used this forum again to point out. Mr. Venkatachalaiah said, yes, yes we have read your report and we have lifted suggestions from your report to present to the Law Commission. I don't know how long the deliberations of the Law Commission will continue and when those lifted recommendations will ultimately at least some of them will see the light of the day. I am sorry to have made caustic comments, but without malice, and with goodwill and for the good of the judicial system at heart. Unless we cure this, the common man will be denied law and justice all the time.

I come to the final comment. Since governance is of elected representatives and our last 50 years have given us enough inputs about how the elected representatives have conducted themselves, a question must agitate all of us that just as they elected representatives, should the citizens not have the power to recall them. This is the topic which must engage the thinkers examining the renewing the constitution and make a provision by pondering over, and make suitable amendments in the peoples representation Act. Because people change course when they are elected. The Anti Defection Act is alright. But it has proved defective. Our 50 years of experience has shown that this Act is not as effective as it should be. Should we voters have not the right to recall the elected representatives, if proved over a two year period of probation, be unworthy or incompetent of the trust reposed by us in him/her? I feel, if this is made, some reasonably workable arrangement can be chalked out. We will continue to have elected representatives who really don't deserve to occupy any of the upper or lower houses. Thank you Sir,

SESSION III**GOVERNANCE IN INDIA
CHALLENGES AHEAD : THE OVERALL ANGLE****Chairman : YV Chandrachud****Main Speaker : Madhav Godbole****PAPER PRESENTED BY DR.MADHAV GODBOLE**

Mr. Chairman, Mr. Soman, Mr.Vaidya, Ladies and Gentlemen.

This is a really large, challenging topic. What we are going to do is not even scraping the surface of the topic. Because governance is not really related to the Government. I think this is the first notion we have to be clear about, as this relates to all sections of society and today by and large, we see that Governance is always discussed in relation to Government and that too, only bureaucracies. Therefore, this kind of Centre will have to take initiative to call representatives of various sections of society to talk about what is wrong with the Governance, governance in the corporate sector, in the Judiciary, in the NGO's, finance and Trade Unions. You look around and point out a hundred things which are wrong with the governance of that particular sector. Therefore I would urge that let us not look at this issue in a limited sense, but in larger application. Secondly, when we talk about governance in a limited sense, so far as the Government is concerned there again there are two elements - political governance by elected representatives, the political executive and the bureaucracy or the executive in the traditional sense of the term. What I want is not the first part of it, since it will take us on a larger area - electoral reforms and larges issues which are important and call for a separate independent discussion and therefore I do not want to stress upon them. The third point is even in respect of bureaucracy or governance within the government, I would request your attention to few institutional issues. Because we always talk about what is wrong with the system and we know it. Main question is how do we go about improving the existing system and that is where we see there is hardly

any agreement amongst opinion makers within the country, political parties or all enlightened sections. I am going to deal with some of the elements today.

Recently I came across an interesting study made by Bangalore Institute and that study was about bench marking of services rendered by various municipal and other local bodies in the country. Few cities were there, Allahabad was in it, Calcutta, Bombay and Madras were covered. Basically three kinds of questions were asked. "As compared to 1994-99 do you think the extent of corruption has gone up ? For the same services, the amount of money which has to be given has it gone up ?" All over the country the replies to all these two questions were affirmative. If we are one country, there is total misgovernance in this country. There is a unity in diversity and this unity is in terms of the kind of misgovernance we find here. We have always been placed in the lowest ranks of the countries by Transference International in terms of the most corrupt countries. Year after year it is happening and we read that headlines in the newspapers and forget it for the entire year. We read about it again when again there is a survey. A great deal was talked about corruption and of the nexus between the criminals and politicians. All of these are known facts. Now how to go about tackling these issues ?

I will come to concrete programme of action which I want to place before you. The first item which is long overdue and about which Mr. Vaidya made a reference is the right to information. In fact after the freedom struggle there is no major struggle which is more important for the liberation of this country than the right to information. That is precisely the reason why no bureaucrat, no politician wants to give this right to common man. You have now legislations on this subject by practically six states and these are all half hearted efforts. I have been talking and writing about this subject for the last four years. After repeated cajoling by some of us to the Government of India, finally a Bill was introduced by the Government in the Parliament a few months ago, after three successive governments demurred about it ! This Bill which has been placed before the Parliament now, is before the Parliamentary Standing Committee of the Home Ministry before which I appeared yesterday, to point out to them the kinds of anomalies in this bill. The time has

come for you to ask "Is this the right to information or the right to denial of information?" Because there has to be an objective to it. The objective is to deny information when you have framed a bill that you deny the right. I will give one or two examples of what is contained in the bill of Government of India. This bill says "All information pertaining to all major decisions made by the Government, whether in the Centre or the State through the Secretaries of the committees, through discussions conducted through cabinet discussions, cabinet subcommittees discussions, all of these will not be available to people. Then what is this right to information we talk about? Another clause says this information is available to you after 25 years, that means it will be available to your children and not in your lifetime. If this is how we are going to judge decision making in this manner what will we talk about? Right to information is something which needs to be debated and talked about but unfortunately, the electronic media, print media have not taken any notice of the major challenges facing the society and the country at large. We talk too much about politics scandals here and there but we don't talk about how to institutionally correct the system. That is my problem with the media today. The media now, does not educate the people in a manner in which they need to be educated.

Secondly in terms of bureaucracy letting us down in terms of governance. In a forum of this kind, we need to debate on these issues. For example let us take the Public Interest Litigation Issue. Whenever the Public Interest Litigation is issued in this country we find there are three major failures in litigation in this country to be talked about. First is the question referred to by Mr. Soman and Mr. Vaidya i.e. about frequent transfers. Now we all talk about the transfer Bazaars held all over the country. You have to find a legislation of making transfers prohibited except in few situations. That is why a Public Interest Litigation was issued before the Supreme Court by an organisation in Delhi. The Supreme Court in its wisdom said we do not want to interfere in this matter knowing well the manner which the country is seeing the spectacle of money as being charged for transfers all over the country. There is only one High Court which took cudgels on this behalf, the High Court of UP. Very promptly the Government of UP appealed to the division bench and that appeal is pending for the last two years. We know the other incident of what

happened in the other Public Litigation case and that is the Enron case. Amazing ! Repeatedly a matter is taken to the Supreme Court and High Court and this is the case of misgovernance. When everything fails in this country, then there is only one door to be knocked, i.e. the Judiciary. It said we do not want to interfere. There was a third scandal ie. the Telecommunication Licensing Scandal eight years ago. It was a unique case in which all opposition parties in Parliament joined in a Public matter litigation case before the S.C. to say please ask the government to lay down policy outlines before licenses are given. Again the H.C. and S.C. said they don't want to interfere. You had the ministers house, 300 crores of rupees in his house, under the pillow, under the bed, sofa set, every where within a few days of S.C. judgments.

Talking about governance, Governments in regular way are going to fail to answer a question. Where to knock at the last minute is the door of the Judiciary. Questions are made. Three crores of cases are still pending in the High Courts, lower courts. What is this good Governance ! Man wants to have the justice, electricity, water and the basic requirements. Is this government performing the basic necessities ? Is the poverty in this country reduced over a 50 year period, questions which need to be asked when we scrutinize the performance of a government in good governance. And all elements of the society have to chip in now whether that good governance is being utilised by the society or not. Therefore the times have come wherein we have to seriously think about by looking at some of the issues. Nobody has talked about human resources development index. Economic development does not mean the rate of growth of GDP. Economic development means growth of an individual as part and parcel of society. Therefore if she/he does not get education, primary health, safe drinking water, medical facilities, food, we have failed as a society. Therefore the question of human development index came. Time has come when we should establish an index of good governance. What is it ? What all things should go in the formulation of index of good governance ? And you should say this year this government has performed better than the last year. There should be a concrete evidence to that. Time has come when you should legislate for a good governance. You should say what should I legislate.

Recently Government of India has introduced a bill in Parliament for fiscal responsibility and budget management. Ten years ago any financial analysts had asked such questions ? Is it possible to formulate a law on the subject ? He would have been ridiculed. Today we have come to a stage where we say a law is necessary because everything has to be judged with reference to and within the parameters framed by Parliament or other legislatures. So times have come when you should have legislation on good governance. What is it that I stand by as a Government whether in Maharashtra or Tamil Nadu, what is it that people should judge me by ? Today there is no such criteria by which people could be judged. There are three elements to any Government, one is a Government itself, second the bureaucracy and the third is the people, and it is the third element which is of great importance when we talk about good governance. Because it is they who are either benefited or worse off by not giving them good governance. And therefore all our actions and reactions should be judged with reference to what happens to a common man. Where do I see myself in few years, where do I stand in good governance ?

I just list out a few points. First is, time has come when the government should be downsized. Government is too much in our rights. Every thing has to be done by the government. For example, in Pune, why should the municipal transports be run by Municipal Corporation at all ? Why should the water supply be run by the Corporations ? Once upon a time Government took the responsibility of supplying milk. When there was a price hike in milk there was an agitation. There are 200 suppliers of milk in this country and we are the largest suppliers of milk in the whole world. Any agency could increase the price of milk if that is supplying milk. Same thing ought to happen to all categories. Why should electricity be supplied by Government at all ? In fact we took a wrong step when ever the real history of this country will be written and that will not be too soon, I am sure, several of the decisions taken by the Government soon after independence need to be fixed. For example in this state we have more than 50 private electricity distributing companies. We nationalized all of them and brought them under Electricity Board. We know what has happened to the Board today. If you think every decision has to be a political decision there is no way we can improve the system.

My next point, along with the downsizing of the government, establish independent regulatory commissions to set up prices for all essential commodities in the country. We already have Electricity Regulatory Commission in Maharashtra. Let there be such commissions for water, for deciding fees in the educational institutions, for what tariffs for transport service. All of these should be done transparently after taking people into confidence. Therefore setting up of regulatory commissions and getting governments out of this system, unless we do it we will not improve governance.

Along with the right to information act, we should repeal the Official Secrecy Act. Something or anything happens in the Government is a secret. We should pass this Act as quickly as possible.

From United Kingdom we borrowed this Act. This Act has already been amended there. It is confined to only few state secrets which are meant for the defence, security of the country. Everything else has been taken out of the purview of this act. Let there be citizens charter, again an area which needs long overdue direction. Let every organisation spell out clearly what kind of services it is going to give, and in case if they can't do, what penalty charges should be there. Then only a Citizens Charter will become effective. I don't know whether you have seen the citizens charters of any organisations. I have seen and glanced about 15 of them prepared by Government agencies, Government of India, State Governments for eg. the Income Tax Dept., Excise Dept, Customs, Delhi Development, Authority, NDA, NDC and a number other organisations and after reading these charters, I was wondering whether I am living in India or in Singapore, because these charters have nothing to do with the situations back home. They nearly talked about paragons. I am going to give you refund of your Income Tax within 15 days of completion of financial year. And we have all seen so much time has passed and often payment of money, income tax refund which is legitimately due to you is delayed. Any number of instances are there ? So these kinds of citizens' charters are not going to do any help. The idea is to make a citizens' charter with the idea of improving your organisation. If you fail in your obligation of fulfilling these, what you are going to do.

An area which has become a bane for good governance is the use of discretionary powers. Everywhere in all organisations whether private, public or co-operative sector, the use of discretion is creating problem. What we can do is identify your areas of discretion and frame specific guidelines and publish them. Say my discretion or anyone's discretion, on any point with reference to the guidelines are made public and if these discretions are not used accordingly you can challenge him in a court of Law. Related question is to make it incumbent on every holder of the discretion in every office, whether an officer or a minister, whenever he takes a decision, whether making a speech or so, people should know why the decision has been taken. When we talk about misgovernance today it is largely because we do not know how the system functions. We have the whole government process in this country. That needs to be demystified. If it is to be demystified, it has to set up guidelines for areas for clear indication. A clear pronouncement was made to root out corruption in large scale. One way to deal with this problem is to give the right to information to people. They should know everything what happens in Government. Simultaneously Government also should announce zero tolerance for corruption is our basic parameter as far as public policy of the state is concerned.

Civil Services - mention was made by earlier speakers about what goes wrong with them, what is wrong with them, what is wrong and what needs to be done. Two or three things to be done ; one is to formulate statutory Civil Service Board. Again this issue was taken up before the SC and the SC in its wisdom refused to intervene. Time has come when it becomes incumbent on the government to set up Civil Service Board by statute and that recommendations for transfers postings, placements, foreign postings, whatever the areas of personal policy, should be binding on the Government. If the Government does not want to abide by the recommendations set up, by this Board, it must give reasons for doing so and place them before the Legislature. What is wrong with this type of system ? We are a democracy. The Government is answerable to the Legislature. Therefore Statutory Civil Boards are long overdue. Similarly, statutorily laid down policies on transfer. Transfer will not be made as a punishment. Transfer must not be affected before the completion of a three years tenure in a post. Rules which are reasonable should be laid down, because there

are difficulties in terms of finding accommodation in new places. You have seen instances of permitting an incumbent to stay in the same place for five years, whatever you think are the reason. Once you have laid it down statutorily, you must abide by the statutory obligation on your side. These are the few simple things which you are not prepared to abide by because no politician wants to let go of his discretion. References are made what is wrong with politics. But I am afraid I take a view what is wrong is also with the administration. It is not just the political will that is wanting, but also administrative will. If the recommendations of the Police Commission were not implemented for 13 years, it is administrative will as much to be blamed, because where the politician comes in is only 10% of the recommendations and 90% is of administrative implication since there is no administrative will to implement the recommendations.

I will touch upon two or three issues quickly because of the tea break. One question is decentralisation of power. 73-74 Amendments of the constitution have been passed. We have not seen the seriousness of it. No state is serious about it. In fact Maharashtra is the highest example what can happen if there is no administrative, political will to decentralise power. In 1960's we decentralised power and established Zilla Parishads ; and delegated a large number of powers to the Zilla Parishads and over a period, next 35-40 years we have taken all these powers to the State Government. It was only in the year 2000 that we are now giving back some of the powers to the Zilla Parishads. Less said the better about Bihar. But everybody is imitating the state. Bihar need not be ridiculed anymore. We have our own Bihars. The other day in Ahmadnagar, several women were molested and raped. So it is a question that governments should improve governance, should go closer towards people and if it has to go closer, decentralisation of power is the only way out. That is something we are exceedingly chary about

The last item is to bring in the Government and the NGO's together in a constructive manner For example, there is an audit by C & AG, there is an audit by Accountant General, these are all voucher audits, whether you have a receipt from someone or whether you have incurred an expenditure. But if the expenditure was good for the society was not the question asked by the C.A.G. or by A.G. You

have to go towards a social audit of all areas of governance in the country and that social audit is done by members of society. Various NGO's working in various major areas like irrigation, power, poverty eradication, they be asked the evaluation programmes of the government and asked whether they are implemented or not I have a long list of points. I think the time has come when we have to institutionalize the reforms and that is what Governments are about and that is the direction we have to move in future. I am grateful to share my views with you.

Thank you.

ISSUES RAISED BY DR.MADHAV GODBOLE

Mr.Soman, can you define the word insurgency and analyse it - I remember my first posting in Home Ministry way back in 1960-67, Naxalism was very much in the forefront. There was a total unanimity of view in the Government of India that this is primarily because of socio-economic problems of the landless people, non implementation of land reforms and not due to the taking up arms as such by people who want to revolt against the government. Therefore a number of programmes we have chalked up for all dealing with, socio economic problems like naxalites in five or six states. But the problem is still with us, though over 25 years have elapsed. The first point which I want to make is whether as a country we have failed to look at the implication, policy implications of insurgency problem in various states. If we address these issues, many more policy issues will arrive, which require attention.

Talking about the 10th Five year plan, is it the time to talk about the areas affected by problems. Let us see the case of marxists. In the North East I have always believed the kind of western model of democracy which we have imposed on North East is totally incorrect. In fact Manipur is better known "Moneypur" because after every election lot of money flows between candidates and political parties. Governments come and go. whichever Government comes it is as corrupt as they were and there is utmost alienation of people as there has always been. So the problems of North East are more critical than those of J&K, because there is no homogeneity in the entire North East. So the question is, do we need to address these problems as part of a larger debate.

The third point which I want to raise is the fact we have not really educated the people on these issues for a long time. We have pushed the problems under the carpet and we have kept some super secret problems, to be handled in a very hush hush manner in the four walls of South Block or Rashtrapati Bhavan. According to me these problems should be thrown open before the people. For example General Shekatkar talked a great deal about the kind of mindset which gives rise to insurgency in Kashmir and the kind of efforts

Pakistan is making across the border. As part of the study we did on task force border management, we look at what is happening across the border and it is amazing to see any single map placed before people can show the kind of manner in which India is surrounded on all borders by Madrassas. Madrassas are the largest socio-economic problems, because you are educating the people in a particular fashion. No exposure to university education, college of any kind, liberal education, they have nowhere to go to find jobs. They learn only Urdu, nothing else and there is a tendency not only Urdu, but also urbanisation of Muslims. These are the kinds of areas which are going to divide the country, kinds of dangers that will arrive as larger part of insurgency. Therefore, are we prepared to address these problems ? The question of secrecy in our provisions on Border Management has recommended to government of India, says these reports should be published because I want to do away with this culture of secrecy within the Government. Let the people know what the problems are and they will come up with solutions. We don't have to find them. But people must know the problem and only they can do by exposing them.

RESPONSE TO ISSUES RAISED BY DR.MADHAV GODBOLE

D. S. SOMAN

Mr. Godbole has raised a very important point and he says for governance should have a criteria. He raised many points. But there should be one or two criteria to judge the governance. I would like to give an example about the criteria we followed in the governance in the services. If anyone of you have visited the I.M.A. you would have seen the Board as soon as you enter. It spells out good governance stating that the country's interests come foremost, then that of the men you command and last your own interests.

It spells out good governance stating that the country's interests come foremost, then that of the men you command and last your own interests.

Unfortunately in our country it has become the reverse that the first interest is governance of your interest, second interest of governance is your party or your profession and as far as the governance of the country itself, it looks after itself. Now again take the example of the transfers. If on every decision making you ask the question that why this transfer? Is the interest of the country served? You cannot make that mistake. But we cannot ask that question. How will it affect me, my party and my profession? That will go for everything. All the law commissions and other commissions we have instituted, their reports and recommendations are not implemented, because at the implementation stage the question arises, how is it going to affect me, my profession or my staying in the party or I holding the chair. Till that time the attitude change all your decision making, it is to be in the interests of the country and the society comes first, I am afraid, no amount of other factors are going to change. Having said this I noticed that all speakers, one target which came of clearly is that of politicians and political system. So the first task is to implement the electoral reforms suggested by the commission. Once we do that it will be a break through, through which other reforms will come.

It was suggested that electoral reforms are necessary and the voters should be given the power to recall the elected representatives if they prove unworthy. There has been a suggestion for educating the voters to enable them to elect capable trustworthy representatives. Since the elected representative behaving as politicians have manoeuvred to arrogate to themselves unlimited power without accountability, this needs to be trimmed through constitutional means. As any change in the constitution circumscribing the powers of the elected representatives, is required to be initiated and passed by them, this becomes a non-starter and there is unanimity on this subject amongst all political parties. Therefore it would be worthwhile to spell out in detail the limitations to be imposed on the elected representatives regarding the size of the ministries, the chairmanships of public enterprises etc. and abuse of power, like appointments and transfers of public servants, their promotions, filling their annual confidential reports etc. through a general referendum.

The reservations initially were envisaged only as a short term measure of ten years and that too in limited areas. These are being perpetuated and their span being widened militating against good governance by severely marginalising meritocracy.

There should be an independent body to review the governance of the various bodies constituted by the Government. Some mechanism has to be found for creating these independent bodies empowering them also to review the financial as well as management audit of the government. This suggestion is opposed by all the political parties as it is against their interests. Hence the dire necessity of creating a public opinion on this subject, and referring the suggestions to the citizens of India, may be, through a general referendum.

The right to information bill due to the vested interests of the leaders of most of the political parties, as presented in the Parliament appears to be a bill to deny the people the right to information.

The people's will as it is expressed today in the peoples' movement, one often finds that the cause is just but the movement fizzles out, may be due to a variety of reasons. Some times the cause is wrong and the movement takes a violent turn. There has to be guidance to the peoples' movement. As the governments' role is that of the provider and that of the people as consumers, the entire issue should be viewed as Consumers' Movement. After laying down the index of good governance, the various states could compete in their performance.

RESPONSE TO THE PARTICIPANTS QUESTIONS/ COMMENTS BY D.S. SOMAN

The Appointing Authority has the powers of dismissal. In the case of elected representatives, the voters are the appointing authority and they should have the right to recall the elected representatives on grounds of unsatisfactory performance. The principle of natural justice demands such an empowerment of the voters. The subject is engaging the attention of the thinkers and planners, and needs to be seriously considered by the commission reviewing the constitution.

To presume that once people are educated, they would elect able and proper representatives, would not be very correct. Voting wisdom is not directly related to education. A villager inspite of lack of education has robust common sense where his interests lie and he will cast his vote consciously and intelligently. This has been proved without any doubt during all elections. The fault lies with the educated intellectuals - the intelligentsia. How many of these go to the polling booths ? They think, these are campaigns / exercises for the poor. This speaks volumes for the mindset of the educated. There has to be greater political consciousness, and not mere armchair casualness.

You referred to the need for electoral reforms. We could all agree to it. But the problem is ultimately the bringing about electoral reforms lies with the politicians. A number of suggestions have been made. They remain on paper. About educating the people, CD Deshmukh used to say very significantly that Government has a vested interest in the illiteracy of the people. For example if the poor farmer is given electricity, and he knew that he does not have anything at home other than few pots and pans, he may rise in revolt against the government. It is therefore in the interest of the government, he remains uneducated. These feelings which were raised 25 years ago, remain valid today.

Then about referendum, in a very few countries a referendum has been held. Among important points for joining the European Union, referendum was held in Denmark. But a huge country like ours, to hold a referendum is an impossibility and certainly not as

frequent as it is held in Switzerland which is a model democratic country. About the judiciary what I want to say, is that a judgement was given to an aggrieved party after 25 years, very recently. Do you really call it justice ? We say justice delayed is justice denied. That is what happens in our country. What we want is speedy reforms. I always cite an example. In 1992 March, a series of bomb blasts took place in Bombay. Almost at the same time, similar bomb blasts took place in World Trade Centre in New York. Those cases are really over. But the criminals are already cooling their heels for the last six years, can you believe, in America. There is no justice, only in India. I think the fault lies in our outlook and mental set up. We simply do not believe in doing any thing we speak. So it is impractical to the present system. It is as bad as it had been. Our Amendment of the constitution, it has been amended 84 times. So the amendment is not the real solution.. As somebody put it, it is the character of the individual which needs to be amended. If the character is to be amended it should start from the top. Whatever the top man does the fellow down below copies him. That is why if he is afraid, the chances are that the people down below will be at least 20 percent upright. What happened is we really had a crisis of the corrupted. We have lost character, along with that everything is lost. If we lose money you can get it back, but if we lose character you have lost everything. Some useful suggestions were made in a commission constituted and more than 300 suggestions were made. One was "why can't we have something called clear bargaining like in US. The Attorney of the accused says yes, I will acquit you of all the charges if you drop the other charges. We go on running the whole gamut of charges framed. Ultimately everything ends up in smoke. We have seen many outstanding examples, the Jain Hawala Case. But for the intervention of the Supreme Court the case will never come before it. We all know that the case ended up in smoke. The only hope is that cases are made against really influential people. They are really running to the ground as they deserve punishment for what they did. In England there is some prosecution against serious fraud offence on land acquisition and in merger of some companies. Very high profile people are involved in it. They all are convicted except one. The European Human rights Commission intervened. Where the law is concerned the case was built with great meticulousness and it was a tight case where the accused could not easily get through. In our

system, it is sheer bad luck of the accused if he/she is convicted. The degree of proof is not available.

First is regarding Regulatory Commission. It is necessary to clarify that these are Statutory Commission, are not appointed by the Executive. So by definition they are much more independent than executive orders. Secondly, they have been given status of High Court Judges under the law itself. So they enjoy some amount of independence in their work. Thirdly when the Maharashtra Regulatory Commission went into this question of Tariff Revision of MSEB, they have produced an excellent report, for the first time in the history of independent India. Such a report was made, a report which contained regulations to control and increase productivity in the sector, not burdening the consumer. I would request the member to take the trouble to glance through the report and I am sure he will find it educative.

To the role of judiciary in governance, I was not expecting the judiciary to look into the governance of the country. Firstly, that is not the role laid down by the constitution. But if anything goes wrong in governance everything else fails, it is that door to be knocked and open to all. If that door remains closed or is not accessible to people or not sensitive enough will find it difficult for the governance. A question was asked about the right to information,, whether I can write any article on this issue. Yes, several articles are already written ; the last one was published in the Economic Weekly in which clause by clause analysis of the information was analysed. Statutory Civil Boards and accountability of the political executive, as regards this, we are mistaken. We have accepted the British Civil Service model consciously. In this the Ministers do not have the power to decide about postings, transfers of the civil servants at all. The whole idea of the British was to keep it outside the purview of the political executive. It is only our aberration we have brought in these matters within the purview of the politicians. The idea of Statutory Commission is to take it out from the purview of Ministers and elected representatives; because that is not his role. That is not part of political accountability that is generally to be understood.

Another question about the index of the government. Subjectivity to certain matters is important and is to be looked into. But when an index of the government has to be compiled it has to be with references to something which is quantifiable. Therefore your qualitative kind of views or analysis cannot go into it. That will go over and above your assessment of good governance. So you will say, yes, this particular government has done good In terms of good governance, but it is not good enough because its lack of sensitivity. As an additional part of judgement, not as a part of good governance index, working on it, I have written an article which will be published shortly.

Lastly why civil services are becoming no longer popular ? This is a big subject for which separate seminar has to be organised. For younger generation, when alternative opportunities are available does one want to choose Civil Service ? It is some kind of a liking which is so uncertain and hazardous and so full of difficulties. But truly, civil services are no longer attracting the talents in the country. That is a sad part and it is very relevant to good governance and for which we have to address another seminar.

Lastly about transfers, unjustifiable transfers, that is precisely what is happening. It is totally discretionary area where the discretion of ministers or politicians cannot be questioned at all. Unless you establish a system by which there are checks and balances within the system there can be no way by which the morale of the services can be improved and they can be rehabilitated.

Thank you.

**CHAIRMAN'S CONCLUDING ADDRESS :
JUSTICE Y.V. CHANDRACHUD**

Mr. Godbole, Mr.-Vaidya, Mr.Soman,

I am really put on a test. They say judgement should be correct but brief. It is so difficult for me to say something which is correct and in five or ten -minutes. You, ladies and gentlemen, have raised issues which have vast repercussions, problems of vast magnitude. Those are the problems demanding the most careful attention of the intellectuals like you because unless we take active part in the solution of problems, which confront the society, it is impossible to answer these. We are by and large, apolitical society. We are students of politics. We do not support a particular political party by a whip. We are facing numerous problems and I wonder what our politicians and leaders have achieved within 50 years.

The greatest challenge is the population. Which political leaders in 50s, 60s or 80s or 90s have taken one meeting or written an article or one single sentence of our country being over populated ? None. Certainly, we are still the most highly illiterate country in the world. It is a matter of consolation, that is, the Southern States like Kerala, Tamil Nadu, Karnataka and Andhra Pradesh have achieved the target and still greater consolation is Maharashtra is into achieving the target population. Illiteracy, corruption, what is the answer to corruption ? One cancerous growth which the society is threatened with is corruption. When I was a member of the Bar, the Magistrates (second class), who are in Pune Cantonment, people say, he is not honest and the listener will say, it cannot be, he is not corrupt. Today there are whispers about the people at the higher level.

One of the speakers said India is a very imitative society. Mahatma Gandhi started wearing a pancha, so people imitated, Nehru wore a Jacket so the Javahar Jacket came into fashion. We want to copy people. the malady is that there are no leaders who can be copied. We have no leaders, and no ideals, no Gandhi, no Nehru. People who are in power are only interested in capturing power. They are not interested in the welfare of the community who has elected them. They have vested interest in creating slums. You get votes from them.

They have vested interest in demolishing them, because they want to build new ones. It is very bad. That is politics.

Speaking about doors of justice, it should be open to poor people. My difficulties as a lawyer in Bombay High Court for 20 years, I had a divorce case before the Supreme Court in which the husband was the appellant. When the court master asked for appearance, he said no and asked for a divorce. I said no appearance for the defendant ? This lady had succeeded in three different courts. In the Supreme Court there is a well for visitors. A lady got up and said this is the respondent and I don't want to appear. I filed this case for divorce against my husband at 30 years of age. Fifteen years have gone by and I have succeeded six times. Now I am 45. I am not interested in life any longer. Do what you like ! Can you imagine the frustrations of this young girl ? Now why are the arrears ? Since government has vested interests in bad judiciary.

What about making laws ? The easiest thing in India is making laws because ten percent of the law makers do not know what the law is about, ten percent of the legislators know the provisions or meaning of the law. Now that law is to be interpreted by more of the population, more the crime. If you compare the proportion of the judges to the population, well, it is the poorest in the world. In Australia one judge of the High Court which is the Supreme Court, he sits in the permanent Commission to review the judicial conditions of judges and his opinions are accepted by the government of Australia. In India what happens. As a judge of the Supreme Court, my salary Rs.3500/- for 12 years, Morarji being the Finance Minister. Out of that 1200/- used to go as tax, after the deduction of PF, I used to get a cheque of 1800/- only. For eight years my take home pay was 1200/-. As the Chief Justice my salary was 5000/- a month. I saw the colour of the car only when I became the Chief Justice. As a judge of the Supreme Court or High Court, no car, no petrol, no furniture and 30 percent deduction from the salary for a government accommodation. These are the conditions. I wonder how anyone can be happy. When I started my career as a lawyer of the Bombay High Court, I had no fridge, car or TV, but still I was a rich man, because I could fight poor peoples cases and succeed. Life was different. Now that the whole approach to life has changed, money is what matters. Young people

want only comforts. Parents have to see whether their children are comfortable. We were in Delhi and I am not afraid to take the name of the school. I do not want to malign it. In The Model High School, very efficient one, every student had at least Rs.300/- in his pocket as pocket money in 85. Now it will be double. The parents have lost interest in family. With both the parents working they have no interest in the behaviour of the children or what they do. I don't want to praise my parents or family. In Nutan Mahavidyalas, where I studied, I have learnt part Shakeshpeare, Voltaire by the time I matriculated. My father would say every morning, Yashwant, what did you read, what English book did you read ? Those days Marathi books were very few and only few writers. This was the type of interests of the parents of yester years. In spite of not having any education the ladies of the times had tremendous prudence and values in life. These values are vanishing since the working ladies of today are not taking keen interest in the bringing up of children. Women of today are so hard pressed today due to the responsibility of pressures of job at home and office. Husbands do not help. They need to be prosecuted for not helping. Even children of today's Indian home have to be taught the culture of self help which should start at home. Mrs. Indira Gandhi was assassinated in the open day light, and yet it took three years to convict the accused. About Rajiv Garidhils assassination, three Commission to enquire into it ! I happened to be at Ahmednagar two days back. That case is going to take five years. The real objective of establishing courts, criminal courts is to punish the convicts as soon as possible because that only will have impact on the society. If you punish a criminal eight years after the crime is committed the impact of the conviction is lost. As far as judges of Supreme Court, this man has been languishing in jail for six years now please release him on the sentence of the elder one. What decisons courts do alright ? Why take an interest in the trial when the Supreme Court has passed the judgement. It was that the nature of the guilt is not known to the society. He himself did not know why a judgement very carefully drafted in good English, was passed. Constitution has made Hindi as the national language. Good English is a thing of the past. It is a peculiar country in which the mother tongue is not known, English is forgotten. Hats off to government for making English compulsory in primary schools;. Do you know that Primary Education is made compulsory by the constitution ? Along with the Sarpanch, I visited a

school where children are reading writing and studying on their own, without a teacher in a hall. I was suprised to see that, I was told teachers are not coming because their pay is withheld. There are no teachers in villages. We know the meagre salary and the plight of the future citizens of our country. The educators of the future citizens are the least paid in the country. See the same thing abroad. Is that good governance where the country cannot pay well the teachers ? There is much to talk. But time is short.

Thank you.,

**CLOSING REMARKS BY THE DIRECTOR : AIR MARSHAL
S. KULKARNI**

Ladies and Gentlemen, to a large extent, the idea of holding such a session was to initiate some discussion on some of the issues uppermost in our minds. When we discussed in many sessions like the issue of J&K, insurgency, terrorism, we talked about security. In internal security we talked about lack of governance. Therefore today we had discussion on governance in India. Seminar today besides being on a large canvas, pointed out the necessity of taking up reforms in education, law, human resource development. The Centre will definitely attend to arrange further discussions. I thank the chairman for accepting our invitation to come to Pune and chair the seminar. I also like to thank Mr. Godbole, Mr.Soman, Shri Vaidya to have agreed to give presentations and give us useful ideas and limits regarding governance in India. Lastly I thank you all for attending and making this seminar successful and convey our thanks to the service officers of Air Force, NDA and the students. It has been a successful seminar and we look forward to further participation of you all in future.

Thank you.

SUMMARY OF DISCUSSIONS

Governance in India has been subjected to strong pressures from the politicians-criminals-bureaucrats nexus aggravated by public apathy, public ignorance, defective legal system, lack of transparency in administration and non-accountability of decision makers, as well as those in the chain of governance. Vested interests have encouraged illiteracy and hindered build up of infrastructure for sustainable and pervasive development. The worrisome roadblocks in good governance in India are causing serious concern to all thinking persons. This well attended and timely seminar generated very lively discussion. At the end a general consensus emerged on the following lines :-

- Governance relates to all sections of the society, the corporate sector, financial sector, judiciary, trade unions. It is however discussed in relation to government and that too only bureaucracies. This is incorrect.
- There is total misgovernance in the country. We have always been placed in the lowest rank of countries in terms of the most corrupt countries by Transference International year after year. These known facts are hardly taken seriously by the society for tackling these issues.
- The common man's right to information is vital for the liberation of the country from corruption and misgovernance. No bureaucrat, no politician wants to give this right to the common man. Official Secrecy Act needs to be repealed soon.
- Half hearted efforts have been made in six states through legislation for the right to information. The Government of India recently introduced a bill in the parliament after three successive governments demurred about it. The bill instead of giving the right to information to the common man, aims to deny this right under the cover of secrecy.
- The electronic media, the print media have not taken any notice of the major challenges facing the society. The media does not educate the people in a manner in which they need to be educated.

- When every thing fails in this country, then there is only one door to be knocked ie. the judiciary, but, in many important public interest litigations, the Supreme Court says that it does not want to interfere. Such a situation can drastically erode the public faith in the system.
- Time has come to establish an index of good governance and the performance of the government should be determined in relation to this index, and the common man should be the focal point.
- Government is too much in the common man's rights. Time has come to downsize it.
- Independent regulatory commissions should be established to set up prices for all essential commodities in the Country.
- Discretionary powers are often abused. Specific guidelines for the use of discretionary powers should be made public.
- Decentralisation of powers to Zilla Parishads in accordance with 73-74 Amendments of the constitution has been ignored by most of the states. This decentralisation of powers needs to be done to improve governance.
- The CAAG and AG confine their audit to vouchers. A social audit of all areas of governance in the country is essential to improve governance, and this social audit is to be done by the members of the society.
- In the sixties, there was a total unanimity of view in the Government of India that Naxalism was primarily because of socio-economic problems of landless people, non-implementation of land reforms and not due to taking up arms as such by people in revolt.
- India is surrounded by Madrassas on all borders. They impart defective and biased education creating socio-economic problems.
- At present there are too many laws and very little enforcement.

- Often, whenever any new legislation is brought into force, the Department responsible for implementing it is hardly consulted. This results in agitation and back-tracking.
- People are given the impression that they, can get anything free of charge, and subsequently they resist and at times turn violent if they are asked pay for the services provided to them, for example electricity.
- The bureaucracy is bloated. Genuine efforts to downsize are given short shift on political grounds.
- The concessions granted by the Government turn out to benefit only about 20 percent of the population who can well afford to pay, but this twenty percent constitutes strong political lobbies.
- Quite a number of people, specially in north eastern states feel alienated from the mainstream, of the country and the bureaucrats there hardly make serious efforts to learn the local language and to mix with them and understand them.
- The legal system, is cumbresome and very expensive. It does not appear to be suitable for a country like India. Poor people can rarely get justice. Cases are frequently adjourned for flimsy reasons. There are inordinate delays in the delivery of judgments.
- To curb crime, prompt legally imposed deterrent punishment is necessary. The existing nexus between the politicians and the criminals and the bureaucrats makes this task extremely difficult.
- Crime spurted with the Prohibition Act. The criminals became powerful, turned their attention to construction industry, and then to films. Some emerged as "successful" politicians. To break the politicians-criminals-bureaucrats nexus is a herculean task.
- Honest and competent officers are marginalised to serve political interests.

- Well mobilised and effectively projected public opinion is expected to wield influence on the government and force it to take steps towards good governance.
- One cancerous growth which the society is threatened with is corruption.
- There are huge arrears in the cases before the courts. This is because the government has vested interests in bad judiciary.
- The proportion of judges to the population in our country is the poorest in the world compared to that in other countries.
- With both the parents working, they have lost interest in family and have no interest in the behaviour of the children or what they do. The traditional values of life are vanishing since the ladies are weighed down with pressures of jobs at home and office.
- Though primary education is made compulsory by the constitution, the primary schools are neglected. Even the meagre salary of the teachers is withheld, the teachers who are the educators of the future citizen. This bodes ill for good governance.

GOVERNANCE IN INDIA - CHALLENGES AHEAD

SEMINAR : 25th January, 2001

(Venue : D.E. Society's Technical Institute near IMDR,
Servant's of India Society Road, Pune 411004.)

LIST OF PARTICIPANTS

- | | | | |
|-----|----------------------------------|---|--|
| 1. | Dr. Madhav Godbole | - | CASS |
| 2. | Shri Sharad S. Marathe | - | CASS |
| 3. | ACM (Retd) H. Moolgavkar | - | CASS |
| 4. | Air Mshl (Retd) S. Kulkarni | - | CASS |
| 5. | Gp Capt (Retd) S.G. Chitnis | - | CASS |
| 6. | Wg Cdr (Retd) A.T. Thakur | - | CASS |
| 7. | Shri P.B. Kulkarni | - | CASS |
| 8. | Brig (Retd) N.B. Grant | - | CASS |
| 9. | Dr. Pramod A. Paranjpe | - | CASS |
| 10. | Ms. F.K. Wadia | - | CASS |
| 11. | Gp Capt (Retd)
S.R. Purandare | - | CASS |
| 12. | Lt Col (Retd) B.K. Sathe | - | CASS |
| 13. | Wg Cdr (Retd) R.V. Jog | - | CASS |
| 14. | Cdr (Retd) Arun Rao | - | CASS |
| 15. | Air Mshl (Retd) Pratap Rao | - | CASS |
| 16. | Shri V.M. Champhekar | - | CASS |
| 17. | Shri V.G. Vaidya | - | CASS,former Director,
Intelligence Bureau |
| 18. | Shri D.S. Soman | - | CASS,former Director,
General of Police,
Maharashtra |
| 19. | Shri C. Chandrachud | - | Former Chief Justice,
Supreme Court |
| 20. | Brig (Retd) D.A. Paranjape | - | CASS |
| 21. | Brig (Retd) S.B. Ratnaparkhi | - | CASS |
| 22. | Cmde (Retd) B.B. Bhagwat | - | CASS |
| 23. | Maj Gen (Retd) S.G. Pitre | - | CASS |
| 24. | Dr. M.D. Anagol | - | CASS |
| 25. | Shri Harish Bhargava | - | CASS |
| 26. | Shri M.K. Mangalmurti | - | CASS |
| 27. | Brig (Retd) A.A. Wagh | - | CASS |
| 28. | Shri M.M. Sharma | - | CASS |
| 29. | Shri V.L. Date | - | CASS |

30.	Shri A.V. Patwardhan	-	CASS
31.	Dr. Kalpana Naik	-	CASS
32.	Shri N.N. Sathaye	-	CASS
33.	Shri A.V. Bhagwat	-	CASS
34.	Ms. Maneka Mathur	-	CASS
35.	Ms. Jyotsana Khare	-	CASS
36.	Ms. Swagata Ghosh	-	CASS
37.	Ms. Vidya Menon	-	CASS
38.	Sqn Ldr A. Kumar	-	CASS/NDA
39.	Capt S. Sheoran	-	CASS/NDA
40.	Capt V. Jain	-	CASS/NDA
41.	Lt H. Gole	-	CASS/NDA
42.	Lt Cdr Mahesh Joshi	-	CASS/NTT, NDA
43.	Flt Lt S. Kumar	-	CASS/AFIS
44.	Fg Offr B.K. Bishnoi	-	CASS/AFIS
45.	Flt Lt T.S. Sarma	-	CASS/AFIS
46.	Sqn Ldr R.G. Nakil	-	CASS/AFIS
47.	Flt Lt S. Chauhan	-	CASS/AFIS
48.	Sqn Ldr D.R. Khathi	-	CASS/AFIS
49.	Flt Lt M. Rawat	-	CASS/AFIS
50.	Flt Lt Ishwar	-	CASS/AFIS
51.	Sqn Ldr S. Shanda	-	CASS/AFIS
52.	Flt Lt D.N. Tewari	-	CASS/AFIS
53.	Flt Lt S. Mahto	-	CASS/AFIS
54.	Flt Lt B. Singh	-	CASS/AFIS
55.	Flt Lt H.S. Chaudary	-	CASS/AFIS
56.	Flt Lt K.A. Baig	-	CASS/AFIS
57.	Fg Offr J.P. Sharma	-	CASS/AFIS
58.	Sqn Ldr Subodh Kumar	-	CASS/AFIS
59.	Wg Cdr T.S. Ramakrishnan	-	CASS/AFIS
60.	Flt Lt P.R. Sudhakar	-	CASS/AFIS
61.	Flt Lt T.S. Sarma	-	CASS/AFIS
62.	Sqn Ldr M.K. Mohandes	-	CASS/IAF
63.	Sqn Ldr S. Mediratta	-	CASS/IAF
64.	Sqn Ldr K.P. Solanki	-	AFRO HQ, New Delhi
65.	Mr. Vishal Solanki	-	JRVGTI Geopolitics & IR
66.	Ms. Maneka Mathur	-	Student
67.	Mrs. Sulbha Rao	-	
68.	Mrs. Suman Rao	-	
69.	Mrs. Lakshmi Roy	-	
70.	Mrs. Pushpa Bhargava	-	
71.	Shri Prabhakar Naik	-	
72.	Shri V.C. Joshi	-	