



THE TIMES OF INDIA

A Thought for Today

When principles are entirely lost sight of and emotions prevail, religions degenerate into fanaticism and sectarianism.
--- SWAMI VIVEKANANDA.

Temple And Mosque

By extracting a written commitment from the Centre that it will abide by the Supreme Court's verdict on the Ayodhya dispute, the apex court has ensured that no further political games can be played in this matter. Perhaps the most crucial of the assurances that the government has been forced to give is that in the event of the Supreme Court finding that no temple had existed in the 16th century at the site where the Babri masjid was constructed, "the government action will be in support of the wishes of the Muslim community". Although the Prime Minister had once given this assurance, his emphasis in more recent times has been on the construction of the temple. Since the question of reconstructing the Babri masjid had been quietly shelved and the government did not seem to give as much importance to the formation of the trust for the building of the mosque as to the trust concerned with the temple, the prevailing impression was that it was gradually disengaging itself from its pledge to build the mosque. The political compulsion for this retreat was evident enough. The Centre was aware that any emphasis on restoring the demolished structure would be grist to the BJP's mill since it would mean that the mosque would have to come up at the spot which the *sangh parivar* claims marks Ram's birthplace. Any such assertion by the government would be seized by the *parivar* to accuse the Centre of pursuing its policy of "minority appeasement".

To avoid this predicament, the government had concentrated on building the temple and, although the proposed trust had run into difficulties because of Swami Swaroopnanda's objections about its composition, the Centre had succeeded to a large extent in putting the *sangh parivar* on the defensive. The latest official statement before the Supreme Court will, however, give a new twist to the matter. The *sangh parivar*, of course, has already let it be known that it is not bound by the judicial findings since it considers the birthplace of Ram to be a matter of faith which is beyond the scope of judicial pronouncements. It is doubtful whether the BJP will say this too often, since it may not like to be shown up as a party which operates at two levels — one within the constitutional system and the other outside it. But the more aggressive members of the *parivar* are unlikely to harbour any such reservations. In all probability, they will cite the Centre's promise about the mosque to whip up religious fervour all over again in the hope that it will help the BJP in the ensuing elections. On its part, the ruling party at the Centre may put up a brave face on the matter by asserting that nothing has changed since a reference to the Supreme Court always carried the assumption that either a temple, or a mosque would come up at the site and that if the BJP opposes the verdict, it runs the risk of inviting contempt of the court. Whatever the responses, the Supreme Court has at least ensured that everyone will now have to put their cards on the table.

Partial Success

For an event which must have cost millions of dollars and which was attended by 182 countries to debate an issue as challenging as population, the finale of the Cairo conference did not live up to expectations. Nevertheless, the policy document did reflect a desire to deal with some crucial questions. Much more could have been achieved, had precious time not been spent in quibbling over terminology instead of discussing the threatening consequences of unchecked population growth. Despite the fact that the conference's programme of action is not binding on any country and its recommendations are to be implemented within the national laws and religious and ethical values of each country, the meet was marred by bitter disputes over the inclusion of words and phrases in the text, changing "expanded condom distribution" to "expanded distribution of condoms" or "sexual health" to "reproductive health". Even then, abortion and extra-marital sexual activity will remain a matter for close attention despite the Vatican's rejection of seven of the document's 16 chapters. While the Vatican has chosen to go along in a partial manner with the general consensus, it was able to turn attention on the problem of abortion to such an extent that all else seemed to pale into insignificance. Many Muslim countries too stuck to their guns on the rights of individuals, stressing that they would interpret this clause in accordance with their religious laws which, for example, recognise the rights of married couples as opposed to individuals, and regard the family as the nucleus of society.

The kind of conflicting interests which operate in conferences of this nature was also evident from the reluctance of the developed world to accord much importance to the concept of the family where migrant labour is concerned in case this led to an increase in the number of people entering their countries. Although the broad aims of the conference were transformed into a debating platform for representatives of religious forums, the final outcome does focus on the empowerment of women through education, better health facilities and political equality. It needs no emphasising that it is only when a woman is able to make choices about the size, spacing and care of her family that some positive headway can be made in controlling population. What was not examined in greater detail, however, was what compels people in developing countries to have large families. There are no convincing arguments to suggest that it is poverty which causes unchecked population growth, and unless the former is addressed first, there can be little progress on the latter. In this context, a heartening step was taken with the allocation of \$ 17 billion for the implementation of the programme of action, of which one-third would come from developed countries. For countries like India where the population is growing at the rate of about two per cent a year and which does not have adequate resources, this is encouraging news.

Flights Of Fantasy

Those who fly into places where angels fear to tread are clearly part of the jet set. The pilot of the single-engined Cessna which ploughed into the lawns of the White House was obviously on a different plane altogether as far as the observance of airborne protocol is concerned. The fact that his desire to reach for the skies took him instead to heaven is a sad result perhaps of the history of mental illness that has been attributed to him. To have a loose nut in an aircraft can lead to all kinds of disasters, as in the case of the enthusiastic West German, Mathias Rust, who, after an unauthorised and unimpeded flight over 650 km of Soviet territory, landed in the Red Square in Moscow. Although the Soviet authorities may have been tempted to say, "U-2, Rust?," after recalling their own misadventures about spy planes at the height of the cold war. Rust was sentenced to four years in a labour camp for "malicious hooliganism". To disregard high-security air zones may be a prank rich in adrenalin, but it shows that those who fly such crazy crafts are flying too high to take note of certain ground realities. Thankfully, in the case of the wreck in the White House, the President and his family were safely asleep across the street because of repairs being carried out in their home. But either way, the fact that no security radar was able to pick up the aircraft shows that the chief executive of the sole superpower who may pride himself on setting democracy on the wing is still vulnerable to those who fly low. Flying must provide a runaway sense of freedom and those who are already free of the constraints of normalcy may find themselves engaging in all kinds of flights of fantasy. Perhaps there is a need to safeguard licences from being handed out to those liable to fly off the deep end. Before instruction courses begin, a little plane speaking may be done to make sure that people understand where they must not fly.

Fraud On The Constitution Crumbling Of The Fundamental Law

By NANI A. PALKHIVALA

IT may be doubted whether any country in the world has a nobler Constitution than India; at the same time it is not open to doubt at all that if any nation has proved itself totally unworthy of its Constitution, it is India. This thought must inevitably rise to the surface of the mind when the far-reaching consequences of the latest constitutional amendment are considered on an all-India scale.

In the Indra Sawhney v Union of India case, the Supreme Court held by a majority that the total reservations which a state can make on the ground of caste under Art 16(4) of the Constitution should not exceed 50 per cent. The minority judgments of three judges state the correct law, viz., that casteism can never be the basis of reservations for employment under the government or for admission to educational institutions. But even resignedly accepting that the majority view is the law, the Tamil Nadu legislature has thought fit to go beyond and behind the Supreme Court decision. It passed an Act in 1993 to provide for 69 per cent reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBCs). The government of India, which has earned its place in history as an unabashed prisoner of political expediency, got the President's assent to the Bill and have now placed the Act in the ninth schedule, by the Constitution (67th) Amendment Act, 1994, in order to avoid judicial scrutiny under Art 31B of the Constitution.

Well-Settled

I have no doubt in my mind that an appropriate petition should be filed in the Supreme Court to declare the latest constitutional amendment void. It is well-settled that an amendment of the Constitution which purports to affect its basic structure is void; and the insertion of the Tamil Nadu Act in the ninth schedule does impinge upon the basic structure of the Constitution. Reservations of the type sought to be made in Tamil Nadu can be allowed to prevail only by scrapping what Chief Justice Mahajan called "our sublime Constitution" and promulgating a backward Constitution for a backward nation.

There are five important reasons in support of the view that the insertion of the Tamil Nadu Act in the ninth schedule violates the basic structure of our fundamental law. First, the basic structure of the Constitution envisages a cohesive, unified, casteless society — in which casteism, petrified and ossified for centuries, should become merely the dust on the shelf of Indian history. The right to equality before the law and to the rule of meritocracy was allowed by the majority judgment to be encroached upon only to the

extent of maximum reservations of 50 per cent. In other words, even according to the majority view which stretched the law to bursting point, it is not permissible to cross the limit of 50 per cent when caste is given precedence over merit and calibre. It is common knowledge that already reservations in different states have resulted in the sub-standard replacing the standard and the reins of power passing from meritocracy to mediocrity.

Do we intend to re-enact the pre-independence tragedy with the roles reversed — the erstwhile underprivileged now becoming the privileged? (The desperate tale of the forward caste woman in Kerala who, merely with a view to gaining admission for her son in a medical college, deposed before a magistrate in the presence of her husband that the son was her illegitimate offspring by a Harijan, does not seem to have attracted the attention of our lethargic and indifferent citizenry).

Final Arbiter

Secondly, the Supreme Court is the final arbiter of constitutional issues and every executive and legislative authority has to respect the Supreme Court's verdict. It is absurd beyond words to suggest that a state legislature can sit in judgment over the Supreme Court. If the Supreme Court lays down that 50 per cent reservations on the ground of caste represent the ultimate constitutional limit of reservations, which state government can claim the right to revise that limit? In the words of studied moderation, the Tamil Nadu Act represents the ultimate in contempt for the Supreme Court. The calibre of politicians in the country has reached an all-time low and intellectual pygmyism is the order of the day! There is already a scramble among state politicians to vie with one another in prescribing larger reservations. Karnataka and Arunachal Pradesh are talking of 80 per cent reservations for the backward classes. The backlash in the U.P. hills and the move in Karnataka to give OBC status to two advanced castes are grim portents of the chaos to which casteism has already reduced this benighted country.

Thirdly, flexibility is available to the states to decide what percentage should be reserved on the basis of caste, but only subject to the overall ceiling of 50 per cent which is not to be exceeded in any case. If the latest amendment to the Constitution is allowed, every state would be entitled to ignore the overall ceiling and have its law specified in the ninth schedule prescribing any percentage of reservations for its backward castes. India has already become the laughing stock of the civilised world as the only country which has res-

ervations for the majority of its citizens, while in the rest of the world reservations are known only for minorities.

Fourthly, the unity and integrity of India is one of the prime objectives of the Constitution, as expressly set out in the preamble. This basic objective would be set at naught by laws like the Tamil Nadu Act. The poisonous weed of casteism has been replanted 'where it will trouble us a thousand years.' Each page will have to reconsider it.

Paramount Aim

Fifthly, the preservation of the sovereignty and security of India is again one of the paramount aims of the Constitution. If the state can ignore with impunity the express ruling of the Supreme Court that reservations should not exceed 50 per cent in the aggregate, with far greater impunity would it feel emboldened to ignore the mere 'advice' of the Supreme Court that the armed forces and some higher civilian posts should be outside the purview of caste reservations.

The Mandal report envisages not only reservations in civil service on the ground of caste but also reservations in the armed forces on the same ground. Further, not only appointments but even promotions are to be reserved for the privileged (euphemistically called 'backward' class). Our armed forces are the pride of the nation — the only institution which we have not devalued and degraded. What kind of an army, navy and air force shall we have when field marshals and generals, admirals and air marshals have secured admissions and promotions on caste considerations? This raises the most momentous of all issues — the security of the state. If the bitter enemy of India were to be in charge of amendments to our Constitution, he could do no more disastrous work than to put laws like the Tamil Nadu Act in the ninth schedule and ensure the crumbling of the fundamental law of India.

The framers of the Constitution were infinitely wiser than our so-called leaders of today. They forbade reservations based exclusively on caste — as if a poor Brahmin or a rich Dalit is a contradiction in terms. They harkened to the reality that there are no backward castes but only backward individuals. The only known solvent of casteism is a change in the national consciousness: harmony among, and social intermingling of, the anachronistic castes.

During the 207 years of its existence, the U.S. Constitution has been amended only 27 times; while the Indian Constitution has been amended 76 times in 44 years. Let us ask ourselves in despair the question — Do we deserve our noble Constitution?

LETTERS Neglected Region

Sir, -- A few days ago the U.P. chief minister, Mr Mulayam Singh Yadav, had accepted a resolution for a separate hill state. However, if "Uttarakhand" does come into existence, the powers of Mr Yadav's government will not operate in the proposed area. The hill districts will then be able to choose their own leader who would be more familiar with their demands and grievances than a resident of Lucknow. If Mr Yadav realises that the formation of Uttarakhand would limit his powers, then why is he so adamant in complying with the Supreme Court verdict? Let the issue be settled according to the realities on the ground. The Supreme Court has prescribed that the maximum limit of reservation should not go beyond 50 per cent. However, the apex court has not ordered the allocation of 50 per cent (23 per cent for scheduled castes and scheduled tribes and 27 per cent for OBCs) irrespective of the fact that the area in question has no more than two per cent of the OBCs.

The people of Uttarakhand know that if these reservations are allowed, there will be a huge migration of OBCs to the area. Yet the natives of the area remain unemployed and uneducated. Thus the local people want a separate state because until now few state administrations have addressed the economic grievances and developmental needs of the region. They see Lucknow as incapable of satisfying the demands of the distant northern areas. However, the division of the state will not be in the interests of the nation. After Uttarakhand, many more areas may want to constitute themselves as separate states.

MUKESH JAIN

Delhi.

Textbook Howlers

Sir, -- The report, "Bloomer in 9th standard textbook" (August 28), prompted me to go through my grandson's book, and I was surprised to find a number of howlers!

On the very first page 'matter' or 'substances' are mentioned as having different forms, colour and smell. Among such substances differing in colour are mentioned objects like green leaves, different coloured flowers and fruits and among substances having characteristic smell garlic and lemon have been included. However, all the above mentioned examples are not substances since substances must have homogeneous and uniform composition. Moreover a distinction should have been made between living and non-living matter. This is indirectly and partially stated on page 149 under life processes without distinguishing between living and non-living. Distinctions between plants and animals have also not been mentioned.

Plants have been classified into cryptogams and phanerogams. These two misnomers have become obsolete. Instead, plants could be classified as non-vascular (Atracheophyta) and vascular (Tracheophyta). The statement about gymnosperms producing unisexual flowers is also wrong. Their fructifications are usually called strobili or cones (not flowers) and some of them have bisexual strobili. Moreover, viruses find no mention in the book though they are very important and cannot be left out.

On page 248 the book deals with the origin of the earth but fails to mention that it is about 4.5 - 5 billion years old. It also wrongly mentions "the indirect evidence that blue green algae might have been in existence 2.3 billion years ago". It is again wrongly stated that the evolution of organised nucleus and cytoplasm, mitotic spindles, asters and other structures associated with mitosis might have taken place more than two billion years ago whereas the earliest record of eukaryotic cells goes back only to 1.4 billion years old late Precambrian rocks.

Lastly, it is a pity that a ninth standard book on science makes no mention of evolution which is the basic theme in the entire field of biological and earth sciences. The evolution of eukaryotic cell and the living nature of the earth have become important topics in science and young students must be given an inkling of these latest concepts.

If nothing else can be done the Maharashtra Textbook Bureau should at least issue a corrigendum supplement.

PROF D.D. PANT

Allahabad.

Resume Aid

Sir, -- It is a matter of grave concern that many government recognised English medium schools (including convent schools) do not receive a grant-in-aid from the state government. This was stopped by them in 1979. Therefore, in such schools the managements have been compelled to keep the school fees high so as to meet their expenses. In many of these schools even teachers are not paid their stipulated salaries.

However, Marathi and Gujarati medium schools continue to receive these grants from the state government. Such discrimination against English medium schools is highly deplorable as there is an ever-growing demand for learning English. The state government should realise this and resume these grants to the schools.

NARENDRA L. SONEJI
Bombay.

China: A Superpower In The Making

By T.V. KUNHI KRISHNAN

THE status of a nation as a superpower is determined by a combination of factors involving mainly superiority in military strength, economic power, political stability, internal security and a distinct cultural and social or ideological existence. The only power other than the U.S. which has these attributes at the present time is China. It has a fully developed nuclear capability and a powerful army of three million men. It has the fastest growing economy in the world by common consent. A political stability of China under Mr Deng Xiaoping cannot be questioned. In the midst of the U.S. administration's long-drawn-out conflict with China over human rights in which President Clinton finally caved in, the Pentagon took steps to improve its defence ties with China. The U.S. was dealing with China at two different levels. Mr Warren Christopher, the U.S. secretary of state, admitted that he had a 'very tough dialogue' with Chinese leaders when he went to Beijing to discuss the human rights issue early this year. At the same time, the U.S. kept up a useful dialogue with China on defence issues. A member of Mr Christopher's team which went to Beijing was Mr Frank G. Wisner, the U.S. under-secretary of state for defence. Mr Wisner is now the U.S. ambassador in India. Mr Wisner stayed back in Beijing for a day after Mr Christopher's unsuccessful mission and prepared the ground for joint U.S.-China co-operation in Asia.

Rapid Rise

The discussions were an indication of the recognition by Washington of China's rapid rise as a great power. As Mr Nicholas D. Kristof, former Beijing bureau chief of *The New York Times*, wrote in a recent issue of the journal, *Foreign Affairs* 'the rise of China, if it continues, may be the most important trend in the world for the next century'. One way to judge China's power is to look at its defence expenditure which has risen from \$ 6.6 billion in 1990 to \$ 7.5 billion in 1993. China's defence industry is advancing as rapidly as its economy. It has exported ballistic missiles and production technologies to Iran, Pakistan and possibly Syria. It now makes two-stage liquid propellant missiles with a range of 11,000 km and the capacity to carry a single 1.5 MT nuclear warhead. It is the third biggest exporter of major conventional weapons in the world. According to the Sipri year book, China has exported conventional weapons worth \$ 21.9 billion last year. China has given Pakistan 1,700 tanks, 400 light aircraft and 30 naval vessels.

It has a nuclear arsenal consisting of eight inter-continental ballistic missiles, one nuclear-powered

ballistic missile submarine, 60 intermediate-range ballistic missiles and about 200 nuclear capable bombers. U.S. intelligence officials believe that China has illegally acquired 'Patriot' missile technology from a third country. It has benefited from the economic hardship of Russia and other countries of the CIS by buying weapons and technology at bargain prices.

As a tribute to the advanced aviation technology in China, the Boeing company signed in August this year an agreement with a Chinese company (the Xian aircraft company) for \$ 600 million for the manufacture and supply of a complete section of the Boeing aircraft. Chinese companies were earlier manufacturing and supplying to Boeing parts of the aircraft.

Gross Product

According to World Bank calculations, at comparative international prices, Greater China (the People's Republic of China, Hong Kong which will become part of China in 1997 and Taiwan) in the year 2002 will have a gross domestic product of \$ 9.8 trillion, compared to \$ 9.7 trillion for the U.S. China's gross national product which was 13 per cent in 1993 has grown by an average of nine per cent per annum over the last few years. An indicator of China's economic growth was provided by the fact that it has unseated the U.S. as the leading buyer of gold.

Most nations feel that as long as economic growth is taken care of, all other problems can be solved. But as Mr Gerald Seghal, a senior fellow at the International Institute for Strategic Studies in London, has said this has its perils. China is one of the few countries that have recognised the danger. Economic growth is not an end in itself, but a way to grow towards political supremacy. The grave challenge to the strategic security of the nations in Asia is far too serious to be glossed over by talk of economic growth and export performance. Indeed, all the nations in Asia, unlike those in Europe, are now putting great stress on armaments.

At the regional level, against the background of many unresolved territorial and other disputes, it is possible that major powers with interest in the region will compete with one another for political and economic influence as well as strategic supremacy. In this competition, China as a superpower and as a member of the U.N. security council will have a decisive voice.

There is no way of ignoring China or stopping its growth, unless of course there is civil war and chaos after Mr Deng Xiaoping. As Mr Lee Kuan Yew, the former Singapore Prime Minister, said: "It is not possible to pretend that this is just another player. This is the biggest player in the history of man".

WORLD VIEW

Alice In Quebec

THE separatist Parti Quebecois (PQ) has won the elections to Quebec's National Assembly, an event which will be studied keenly in places as diverse as Scotland, Catalonia and Belgium. Yet, contrary to lurid speculation, Canada is not about to fall apart. The PQ and its leader, Mr Jacques Parizeau, made handsome profit from the fact that Quebec's voters are not pampered for choice. After nine years of rule and lengthy recession under an increasingly unloved Liberal Party, many Quebecois were hungry for change. As the PQ was the only alternative, Mr Parizeau was elected *faute de mieux*.

Mr Parizeau's ambitions, however, are still more likely than not to come to grief in a referendum. Only a third of the Quebecois are believed to want to live in an independent country of their own. The rest, including many who voted for the PQ in the recent elections, do not — and who can blame them? But Mr Parizeau's victory has ensured that until the referendum is safely out of the way, Quebec will be 'paralysed by an existential crisis', in the words

of the defeated Liberal premier.

An independent Quebec would have to assume its share of Canada's considerable national debt. There is also the question of the North American free trade agreement, to which admission cannot be taken for granted. Even more complicated would be the position of its putative minorities. Under international law, Quebec would be obliged to extend — to those who claim it — the right to retain Canadian citizenship. Anglophones and native Canadians would be certain to exercise this right. And since *le Quebec libre* is likely to be on probation for some time, very large numbers of French speakers will also want to retain their Canadian citizenship.

This could produce a surreal result, with virtually all the citizens of one country holding, at the same time, the nationality of another. Fortunately, we are a long way from Mr Parizeau's wonderland; and if the sophistication of the Quebecois is any indication, it is a land at which we will never arrive. — *The Times*, London.

FROM THE TIMES ARCHIVES

DECEMBER 20, 1888
JELLIES, DESSERT,
GRAPES AND ORANGES

The day was exceptionally hot for December, but the sea, on the other hand, was exceptionally calm. Everybody enjoyed the visit to Kennerly and most of the native guests had never been there before. The presence of a number of high-caste Brahmin merchants was, indeed, the great feature of this year's excursion and should do something towards removing Brahmin prejudices and caste rules against travelling on the *kala panee*.

While Lord Reay and the others climbed the hill and visited the lighthouse, Lord Colin Campbell stayed below to sketch the picturesque steps and had a good hour in which to finish his picture. The *Dalhouse* was anchored a long way off the island and, as the tide was at its lowest, one of the boats grounded and some time was lost before she could be tugged off by the steam launches. The delay caused a slight change in the programme and the inspection of the Sunk Rock lighthouse had to be abandoned.

Even then it was seven o'clock instead of six when the *Dalhouse* anchored at Apollo Bunder. Everyone, however, was delighted to have an extra hour on board, and two energetic gentlemen got up a

large sweep on the minute of "dropping anchor", the minute being determined by the commander, Captain Hewett, when his ship crossed the red light. The "sweep" was, of course, a familiar experience to the European guests, but a novelty altogether to the native gentlemen who most of whom took part in it.

The *Dalhouse*, which was to sail last night for the west coast, has been temporarily refitted for the accommodation of Lord and Lady Reay and their staff. The stern end of the saloon has been walled off by a bulk-head to make a large private saloon for Lady Reay. Her Ladyship's saloon and Lord Reay's cabin, the ladies' cabin and the cabins of different members of the staff have been temporarily filled with artistic furniture by Mr Wimbridge and the *Dalhouse*, as we saw her on Tuesday, looked like a magnificent and most luxurious yacht.

Leach & Weborny,
RAMFART ROW, BOMBAY.
CLOTHS, MILLINERY,
GENTS' FURNITURE,
GENTS' WARDROBES,
DAY CLEANING DEPT.
BOOTS & SHOE REPT.
The Leading Tailors.