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Pakistan's Persistent Delinquency

PLA's Build up : India's Concern

Nature Worship - India's Civilizational Ethos

Increasing Violence Against The Weak

*and many more ....*

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# Delhi's Craven Policy On Syria

- *Kanwal Sibal*

The position India is taking on the unfolding Syrian crisis does not do honour to our diplomacy. We supported last week the western resolution providing for sanctions on Syria under Chapter V11 of the UN Charter unless its government effectively ended its military operations against the insurgents who are backed by the West, Turkey, Saudi Arabia and Qatar.

UN

Russia and China vetoed this one-sided resolution which imposed specific and verifiable obligations on the government such as ceasing, within ten days, troop movements towards population centres and all use of heavy weapons there, a complete pullback of military concentrations in and around population centres and withdrawal of troops and heavy weapons from these centres to their barracks etc. No obligation was imposed on the armed opposition groups, apart from a general exhortation to “all parties,

including the opposition (to) cease all armed violence in all its forms”. The resolution took no cognizance of the role of the external backers of the armed groups and sought no end to outside interference.

In these circumstances, the provision to extend Kofi Annan's UN mission to Syria for another 45 days- something that Russia and China (and India) favoured - became a casualty. The West has, in reality, little attachment to Annan's mission as it serves to delay what they want- President Assad's quick ouster- while Russia and China (and India) support it in the forlorn hope that some negotiated way out of the crisis can be found.

Kofi Annan's mission has been subsequently salvaged, with the Security Council unanimously approving (July 20) a compromise western resolution extending the mandate of the UN Supervision Mission in Syria for 30 days, with the possibility of extension should there be a cessation of the use of

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*\*Kanwal Sibal - Member Advisory Board, VIF*

heavy weapons and a reduction of violence by all parties in Syria. The “all parties” referred to will not abjure violence as religious ideology and larger geopolitical objectives are involved. The regime will combat the armed opposition groups to protect itself and the country’s multi-ethnic secular foundations. The latest resolution is therefore an exercise in cynicism by those who remain bent on regime change and those who are willing to clutch at such diplomatic straws to uphold their position that the Syrians themselves and not external powers should decide on political change in Damascus.

If India’s conduct in the UN Security Council is questionable, it is because India is buffeted by contradictory considerations of principle and pragmatism in adopting a position. Conscious of its transformed relationship with the US, India is reluctant to oppose the latter on issues like Syria in the UNSC where its conduct is under scrutiny in the context of its permanent membership aspirations.

If India’s conduct in the UN Security Council is questionable, it is because India is buffeted by contradictory considerations of principle and pragmatism in adopting a position. Conscious of its transformed relationship with the US, India is reluctant to oppose the latter on issues like Syria in the UNSC where its conduct is under scrutiny in the

context of its permanent membership aspirations. India is exhorted by the West to assume its “international responsibilities” as a would-be global power on humanitarian and democracy-related issues, which means endorsing the policy of imposing sanctions on delinquent states as identified by them. India’s foreign investment and growth needs dispose its policy makers to bridge political gaps with the US as much as possible. India’s vast energy, trade, manpower and remittance linkages with the Gulf countries contrast with limited economic ties with Syria, placing a premium on pragmatism in defining our

position.

### **Pragmatism**

On the other hand, strategic autonomy means taking positions in conformity with our fundamental thinking about the conduct of international relations, even if our western partners find them disagreeable. The

abhorrence for externally enforced regime change seems to have got dissipated in our political thinking. Syria may be different from Iraq and Libya in method but not in objective. Western leaders are insisting on Assad's departure and warning that his days are numbered. They are supporting the armed opposition groups; their media has launched an information war against Syria; for ostensible humanitarian reasons they are creating conditions for a large scale human disaster there. Why should we implicitly support regime change in Syria?

In our longer term interest we should not be complicit in the destruction of secular authoritarian regimes in the Arab world and their replacement by authoritarian Islamist ones. The veneer of democracy being given to these developments is false. The US, which has managed fundamentalism in the Gulf for decades and even promoted it in our region till recently for geopolitical ends, may believe it retains enough levers to manage

The US, which has managed fundamentalism in the Gulf for decades and even promoted it in our region till recently for geopolitical ends, may believe it retains enough levers to manage the developing Islamist trends in the Arab world in which allies like Saudi Arabia and Qatar are playing a catalysing role.

the developing Islamist trends in the Arab world in which allies like Saudi Arabia and Qatar are playing a catalysing role. But India is getting exposed to a longer term threat by the lurch of the Islamic world towards Salafism.

## Principle

India's explanation for voting for the western resolution on Syria is disingenuous, as it refers only to India's desire to preserve Kofi Annan's mission and ignores completely the sanctions provision that Russia and China were objecting to. Not taking into consideration Russia's cogent arguments against

the western resolution reflects a departure from our oft-stated positions, along with Russia, on respect for sovereignty, non-interference in internal affairs of countries, opposition to regime change and support for multilateralism and multipolarity.

Our compliant attitude at New York contrasts with the position

taken by South Africa which abstained and criticized the western resolution as one-sided. Pakistan too abstained, and opened up space for itself, unlike us, to jointly work with Russia to draft a joint resolution on extending the Kofi Annan mission as an alternative to the UK draft. This reflects poorly on our diplomacy with Russia on Syria.

A compromise between principle and pragmatism dictated

abstention by India on the vote on Syria. If we should equally not oppose the West when they are right because of old prejudices, we should equally not support them when they are wrong out of new fears.

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# Dealing With The Neighbour From Hell: Allowing FDI From Pakistan

- *Satish Chandra & Prabhat P. Shukla*

It has just been announced that India has opened its economy for Foreign Direct Investment from Pakistan. It would be news for most that Pakistan has any investible surplus at all, and this needs to be understood carefully. There are other aspects too that deserve attention, such as where such investment will be likely to go, and the larger context of the India-Pakistan economic interface. For a start, the ban, or the decision to allow Pakistani FDI only on a case-by-case basis, was introduced at the time of the FEMA, shortly after 1999. It has now been decided to allow such investments through the FIPB route, rather than the more investor-friendly automatic route through the Reserve Bank.

To quantify the economic relationship with Pakistan, our total trade turnover for 2010-11 was US\$ 2.4 billion; our total trade turnover that year was US\$ 620 billion. In short, it was negligible, and has been for most of the period since Independence. Even if we were to include all the

so-called indirect trade, of which no dependable figure exists, the most optimistic estimate puts it at US\$ 10 billion. In short, still negligible, if all it were to come into the bilateral mainstream.

On the investment side, not surprisingly, the picture is even bleaker. Pakistan's domestic savings rate is 12%, and declining; for comparison, India's is 33%, down from a peak of 37% just before the global financial meltdown. FDI into Pakistan peaked at US\$ 5 billion in 2007, but currently is down to US\$ 1.6 billion. Cross investments between India and Pakistan are, of course, nil.

This raises the question: what will Pakistan invest in, and what will it use for money? The country is an economic black hole, and is surviving only on the money provided by the International Financial Institutions, plus the payments regularly made by a benevolent and still forgiving United States.

There are only two entities in Pakistan that have any investible surplus – the Fauji Foundation and Dawood Ibrahim. And these are the very entities that must not be allowed to invest in India. One has to wonder if the Government of India has considered all this, or whether it is just blundering along without caring for the implications of its actions.

It is also interesting to speculate on where Pakistani investments, if indeed there is any, will be targeted. Clearly, there is no skill in any of the sectors that we in India need, notably in infrastructure. Pakistan's own infrastructure is a shambles even

worse than our own. Likely targets, given the nature of the would-be investor, are likely to be Telecommunications, Media, and Real Estate. All three are sectors that are under stress in India, and would welcome cash injections from anywhere. Our Media tend to be soft on Pakistan anyway, and appear to have decided that that country is not an enemy, so there

would be no problems from their side.

And yet, the implications of any meaningful cash flows from Pakistan in these sectors would seriously compromise our national interests. Already, on the Telecom side, there has been every manner of malfeasance for the last several years. Some of the objections raised by IB to the use of Chinese

equipment would apply equally strongly to the Pakistanis. And finally, on Real Estate, it is widely accepted that there is underworld money in at least some segments of the market – it surely cannot be in our national interest to reinforce this trend.

There are only two entities in Pakistan that have any investible surplus – the Fauji Foundation and Dawood Ibrahim. And these are the very entities that must not be allowed to invest in India. One has to wonder if the Government of India has considered all this, or whether it is just blundering along without caring for the implications of its actions.

On trade, there is an equally incomprehensible policy towards Pakistan. The numbers clearly show how completely irrelevant Pakistan is for our external trade. Yet, the amount of time and attention that the subject attracts would indicate that there was something significant at stake. The will-they-won't-they confusion on MFN continues. Even if they

do, it will only be compliance with their obligations as a member of the WTO, nothing more. As required by the WTO, we extended MFN treatment to Pakistani goods back in 1996, when the agreement came into force. Pakistan has refused to do so, and we have allowed it to make it a kind of favour for which we should be grateful.

More, we could take Pakistan to the Dispute Settlement Process of WTO for this non-compliance, but did not. We also acquiesced in the EU request for a waiver from the MFN rule by way of permitting Pakistani textiles duty free entry while such imports

from countries like India, Bangladesh etc had to face these barriers. As a result we imposed unfair competition upon our own textile industry in the EU Zone which as a consequence not only had to contend with innumerable lost jobs but also an estimated loss of about \$1 billion in business opportunities at a time when our own economy is facing a downturn.

We could have linked the withdrawal of our waiver to the EU to Pakistan giving Indian goods MFN, but did not. We could have linked our decision on allowing FDI to Pakistan with the latter complying with its obligation on MFN, but did not. Thus, on three occasions in just the recent past, we have rewarded Pakistani flouting of its international law obligations, and then we wonder why they do not change their ways.

Both Sri Lanka and Bangladesh are decidedly more relevant and the latter particularly has been exceedingly mindful of our security concerns. With each of these countries, our trade is of the order of US\$ 4 billion, with healthier growth trends. But it is typical of us to hanker after, and appease, those who are inimical to us, while we take for granted those that do us no harm.

There is a very important point that should be made here: the figures mentioned above will serve to show the kind of hype that attends everything that Pakistan does – or does not – do, and

the corresponding neglect of our other South Asian neighbours. Both Sri Lanka and Bangladesh are decidedly more relevant and the latter particularly has been exceedingly mindful of our security concerns. With each of these countries, our trade is of the order of US\$ 4 billion, with healthier growth trends. But it is typical of us to hanker after, and

appease, those who are inimical to us, while we take for granted those that do us no harm.

There is one argument that needs to be addressed head-on. The main thrust of the drum-beaters for Pakistan in India, and the only reasoning they are finally left with is this: all this trade and investment will set up friendly lobbies in Pakistan and this, in turn, will bring us together in peace and harmony. It will build stakes on both sides, and then, of course, there will be good relations between the two countries. The trouble with this argument is that it is not borne out by facts and history. For over a hundred years – since the First World War – nations that have been each other's principal trading partners have gone to war with one another. From the dawn of the 20<sup>th</sup> Century, to today, economics has not been the peace-makers that some make it out to be. England and Germany were each other's largest trade partners in 1914; today, the US and China are among the most intertwined economies, even as their politico-military ties worsen. The same goes for ASEAN and China. That goes for India and China too, even if we are loath to admit it.

The favourite example of the peace-through-economics lobby is the European post-War example. But what is forgotten is that the European political dispensation was first settled and only then did the economic cooperation start, particularly between France and Germany. This took the form of the division of Germany, the settlement of the Alsace-Lorraine question in favour of France, and of the Saarland in favour of Germany. In fact, all those who talk about the benevolent power of Economics over Politics would do well to study the Saarland question in detail – the explicit primacy of Politics over Economics will open their eyes to the reality. It was only after these settlements – and only then – that the Europeans agreed on the Treaty of Rome which established the European Economic Community. And before that, the French had rejected the European Defence Community proposal in 1954. The same sequence was in evidence during the period of the détente in the early 1970's between the Soviet bloc and the Western Alliance, another favourite example. The political settlement, most importantly, the cross recognition of the two Germanys, the FRG and the GDR, was a

necessary condition for the détente  
that followed in economic terms.

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# India Thinks Chimera Is For Real

- *Satish Chandra*

**D**espite repeated rebuffs by Pakistan, New Delhi continues to entertain the belief that the troublesome neighbour will soften up with sweet diplomacy. What else explains the need for India's Foreign Secretary to mouth the untruth that Pakistan wants to be constructive?

While having little to show by way of a concrete and tangible outcome, the recently held India-Pakistan Foreign Secretary level talks are nonetheless significant in terms of providing indicators of the likely timbre and trend of the relationship between the two countries in the months ahead.

A critical analysis of the media interaction of the Foreign Secretaries and the joint statement issued after their talks would lead to the following conclusions.

Discussions on Jammu & Kashmir were held as required but they did not yield any result other than an agreement to continue the talks. It

would appear that even the four-point 'Musharraf proposal', which was being explored through the back channel, no longer enjoys much traction.

Pakistan has refused to acknowledge that it was in any way involved in the Mumbai attacks despite the additional corroborative evidence made available to it by way of Abu Jundal's revelations. It also did not provide any credible assurance that it would bring the perpetrators of those attacks to justice. The best that it could come up with was that it was prepared to engage in a joint investigation, which naturally India did not take up. Indeed, on his way back home the Pakistani Foreign Secretary made out to the Indian media that no evidence on Abu Jundal had been shared with him by his Indian counterpart.

However, the Secretaries agreed on certain issues, such as the convening of meetings of the expert-level working group on nuclear and conventional

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confidence building measures and the convening of another meeting on July 19 at Islamabad to maintain peace along the Line of Control so as to streamline and strengthen travel and trade arrangements. They also decided that the two sides should work for the early signing of the already finalised bilateral visa agreement as well as enhance media and cricketing exchanges. Finally, both leaders agreed that the India's Minister for External Affairs will visit Pakistan in September 2012.

Despite the slim pickings from the aforesaid talks and the heat generated by the Jundal disclosures, both Secretaries went out of their way to paint an unrealistically rosy picture of the discussions. On his part, the Pakistani Foreign Secretary stated that the exchanges had been "substantive", were held in a "cordial atmosphere" and over the years the level of cooperation on terrorism between India and Pakistan had "improved". While it is understandable that Pakistan

should wish to give a positive spin to its relations with India, given that it is in the dog house, it was strange to see our own Foreign Secretary doing likewise, albeit in a slightly lower key. Was there any reason for him to state, "There is a determination on both sides to take forward our dialogue with an open mind and a constructive spirit", when this is manifestly not the case?

The convening of the Foreign Secretary level talks amidst such bonhomie despite the lack of any meaningful forward movement, and the scheduling of the Indian External Minister's visit to Pakistan in September 2012, in the immediate backdrop of Abu Jundal's corroborative disclosures regarding the ISI's involvement in the Mumbai attacks, is a clear indicator that India will continue to engage Pakistan

The convening of the Foreign Secretary level talks amidst such bonhomie despite the lack of any meaningful forward movement, and the scheduling of the Indian External Minister's visit to Pakistan in September 2012, in the immediate backdrop of Abu Jundal's corroborative disclosures regarding the ISI's involvement in the Mumbai attacks, is a clear indicator that India will continue to engage Pakistan, whether or not the latter brings to book the perpetrators of those attacks. Indeed, it would be fair to extrapolate that even if there were to be another major terrorist

incident in India, aided and abetted by Pakistan, it is highly unlikely that the Government would go beyond verbal protestations.

India's pusillanimous approach vis a vis Pakistan is based on two factors. First, Prime Minister Manmohan Singh lacks the will to take stern measures against Pakistan and to penalise it for its involvement in terrorist actions against India. He appears to be convinced of the logic of what he signed on to in July 2009 at Sharm el-Sheikh with his Pakistani counterpart, that dialogue is the only way forward and that action on terrorism should not be linked with the peace process. Both processes must proceed independently.

Though in the wake of the upsurge of popular criticism following the enunciation of this approach at Sharm el-Sheikh, Mr Singh put on hold the resumption of the composite dialogue and made it contingent on forward movement in addressing India's concerns on terror, this was only a temporary adjustment. Throughout 2010, steps were taken which gradually led to the resumption of the composite dialogue process the following year even though

Pakistan did absolutely nothing to address India's concerns on terrorism.

As a result, today India is in the strange position of being engaged in broad-based discussions with Pakistan on all bilateral issues at a time when Islamabad not only refuses to bring to book the perpetrators of the Mumbai attacks, but is actively involved in terrorist activities directed against India, which can at any time result in another 26/11.

Second, Mr Singh is keen to visit Pakistan, and for that an aura of normalcy in the relationship is critical. This is being sought to be achieved by creating a false sense of positivity in bilateral interactions and by refraining from taking any punitive steps against Pakistan.

The danger of such a weak approach is that it will only encourage Pakistan to continue its use of terrorism as a policy against India. The only way in which New Delhi can get Pakistan to seriously consider addressing India's concerns on terrorism is by penalising it. Regrettably, India has never done so and is, therefore, in a sense responsible

for Pakistan's persistent delinquency in this regard.

The dangers posed by the Prime Minister's desire to visit Pakistan arise from the requirement that such an exercise must be a 'success' or put in another way, marked by a number of agreements. But conclusion of the latter would come at the cost of major concessions by India. Pakistan, particularly in its

dealings with India, is not known for its proclivity to go the extra mile in making settlements.

Accordingly, in the event of Mr Singh's visit to Pakistan, as speculated, towards the end of this year, one should be prepared not merely for much bonhomie but also for sell-outs on issues like Sir Creek and Siachen, appropriately sweetened by economic goodies.

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# The Evolving Threat From PLA Along Indo-Tibetan Border: Implications

- Vinod Anand

**E**arly this month the Research and Analysis Wing in its threat assessment conveyed to the government that *"there was a possibility of a skirmish or an incident triggered by China on the Line of Actual Control (LAC). ...Beijing was contemplating such an action to divert attention from its own domestic trouble.* The above RAW report is not much different from its assessment of September 2009 when it ruled out any 'major military adventure' (but was silent on the possibility of a minor or limited conflict) by China against India in immediate future as this could derail its own economy. The report of 2009 also detailed the efforts being made by China in India's neighbourhood aimed at isolating India. However, dwelling on PLA's activity on the Indo-Tibetan border R & AW's assessment of 2009 had emphasized that China's "recent incursions into India were part of the well-planned design to keep India on tenterhooks and force it

to divert attention from its primary development objectives. As such we feel that the pinpricks of incursion would continue". And incursions or in some quarters 'transgressions' by PLA across the Line of Actual continue till today with impunity. Any of these incursions could become a prelude for limited conflict with India whether intended (by China) or unintended.

Whatever be the basis or inputs for coming to R&AW's conclusions it cannot be denied that there would continue to be a near term threat from China as long as the border dispute remains unsolved.

In last three years the PLA has created capacities in Tibetan plateau which have distinctly enhanced the quality of threat being posed by China's military posture in Tibet. With ever increasing defence budgets, increase in frequency of PLA training exercises in Tibet since 2010, improvements in military

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infrastructure as well as improvements in the weapons and equipment for high altitude and mountain warfare, the operational readiness of PLA to undertake agile and well-coordinated joint operations has been tremendously enhanced.

### PLA Trains for India-Specific Operations

In 2010 an exercise to transport 'strategic logistic equipment' from the Qinghai plateau to the Tibet plateau by rail was carried out; this equipment was meant for the Air Force and missile units; therefore it was deduced that these were the ballistic missiles

and some other missiles. There were also reports that this was being done for the first time. It is believed that the exercise was designed to test whether the missiles could withstand pressure differences during the transportation and perform as well at the destination, in the rarified atmosphere of Tibet. In another military exercise of

October 2010 PLA conducted (said to be for the first time) a live-fire joint training drill involving Air Force, armour, artillery and Electronic Warfare units on the Tibetan plateau. The aim of the exercise was to test the endurance of the soldiers at an altitude of 4700 meters with its harsh climate and shortage of oxygen.

The momentum for training the PLA for India-specific operations was continued in the next year when two joint exercises in Chengdu and Lanzhou Military Regions were conducted. One was held at Army Group level to practice a division size force in joint and integrated operations

Further, in March this year a ground attack training drill with the PLA Air Force's (PLAAF) J-10 fighters was conducted. The J-10 used Laser Guided Bombs to hit the pre-designated targets. In May, an engineering unit of the PLAAF announced it had "modified" aircraft to make them more suited to the harsh environment of the Tibetan plateau and pledged that it would improve aircraft maintenance work.

including Special Forces, while another was conducted in October, 2011 to practice a live-fire drill comprising Air Force and Armour and Artillery units.

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the pre-designated targets. In May, an engineering unit of the PLAAF announced it had “modified” aircraft to make them more suited to the harsh environment of the Tibetan plateau and pledged that it would improve aircraft maintenance work. This year was also the first time that PLAAF positioned their fighter aircraft in Gongga airfield near Lhasa during the winter months. Activation of new surveillance and tracking radars in the Lanzhou Military Region which is responsible for looking after border with India in the western and central sectors was also resorted to for monitoring Indian activity during the PLA exercise conducted last month. In addition an exercise was carried out to practice anti-tank units in live fire practice. The aim was to “test their precision strike capability”.

In fact 2012 has already become a year when high levels of training activity have been carried out by the Chengdu Military Region and the military formations under it. In addition to training events mentioned above a war game described as ‘command and confrontation’ drill of command-and-staff organs based on information systems was

organized by Chengdu MR in June. Over 100 high-ranking officers from the leading organs and troop units above regiment level of Chengdu were said to have attended the exercise and studied the ways of command and confrontation training of the command-and-staff organs under information-based conditions. Apparently, this was the highest level war-game that involved both the 13<sup>th</sup> and 14<sup>th</sup> Group Armies, possibly with representation from Lanzhou MR. The battlefield situation and awareness picture was depicted on a large screen where the moves of Red and Blue forces were plotted and discussions carried out. No prizes for guessing as to who could have been painted as the adversary in this war-game.

The above training efforts indicate the direction and focus of PLA’s manoeuvres. Therefore R&AW’s assessment on the likelihood of China-initiated conflict cannot be easily discounted. Another factor which lends a certain degree of validity is the furious pace at which China has created infrastructure facilities, both military and civilian, in the Tibetan plateau.

## Synthesis of Civilian and Military Infrastructure

While the current politico-military leadership of China has paid great attention to developing military and civilian infrastructure as part of Western Area Development plans the President-in-waiting Mr. Xi Jinping is also a great proponent of Mao's strategic concept of the 'unity between soldiers and civilians'. Some time back Mr. Xi had remarked that both the army and regional civilian authorities should assiduously pool resources in the preparation for military struggle (against China's enemies). Thus the civilian infrastructure created in the frontier provinces of Tibet and Xinjiang has been designed to strengthen defence capabilities. And looking at Xi Jinping's proclivities a larger share of national resources is likely to be allotted for the PLA in the coming years.

It is also well known that the robust and extensive rail and road network built in the Tibet plateau

is meant for economic exploitation of natural resources and for speedy induction and deployment of military forces for both internal and external contingencies. In its current Five Year Plan (2011-2015) for Tibet China would be extending the rail line from Lhasa to Shigatse (opposite Sikkim) and to Nyingchi town (close to the Arunachal Pradesh border). Extension of the rail link to Kathmandu is also on the anvil.

Bayi would be a key central base for launching operations across the border with Arunachal Pradesh. While the infrastructure development activities in and around Bayi (including an airport nearby) are being done under the garb of developing tourism infrastructure they would also benefit PLA's operational plans tremendously.

Further, PLA is developing Bayi base of PLA next to Nyingchi. Bayi would be a key central base for launching operations across the border with Arunachal Pradesh. While the infrastructure development activities in and around Bayi (including an airport nearby) are being done under the garb of developing tourism infrastructure they would also benefit PLA's operational plans tremendously.

Upgrading of airports, especially the lengthening of the runways to more than 4500 meters at Nyingchi, Ngar Gunsu in Gar County in Western Tibet opposite

Ladakh in addition to Gongga airfield near Lhasa and at Chamdo, are specifically designed to cater to both defence and civil requirements.

Further, over the years there have been reports based on the inputs provided by the local Tibetans that PLA has developed underground missile and weapons storage sites where the tunnels and other underground infrastructure have been developed in secrecy largely using Han Chinese workers. Large trucks and missile shaped objects have been seen entering the underground storage complexes especially at Bayi town near Nyingchi. These missile sites are expected to house DF-21 intermediate range missile which could cover most of the cities in India and short range missiles with ranges of 200 to 600 kilometers to hit targets closer to the possible areas of operations.

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Alarmed with the accelerated development of infrastructure in Tibet the Indian Army had made a presentation in May 2011 to the Defence Minister, Defence Secretary and the NSA that PLA could move 34 Divisions to Tibet in a maximum threat scenario. The military brass was particularly concerned with the widening asymmetry between our infrastructure in the border areas and that of the Chinese.

presentation in May 2011 to the Defence Minister, Defence Secretary and the NSA that PLA could move 34 Divisions to Tibet in a maximum threat scenario. The military brass was particularly concerned with the widening asymmetry between our infrastructure in the border areas and that of the Chinese.

In another development this year the repaving work on the Xinjiang section of the Xinjiang-Tibet National Road, (which was a graveled road) would be completed by August this year. This would enable switching of forces between Xinjiang and Tibet thus giving more flexibility in deployment of PLA.

### Improving the Quality of PLA

For over a decade the PLA has been concentrating on giving practical shape to its doctrine of fighting 'Local Wars under the Conditions of Informalisation'. Towards realizing the objectives of this concept it has improved its

C4ISR capabilities in Tibet tremendously. It has laid out a vast network of underground fiber optic communication lines which provide redundancy and secure means of communications and enhance its information warfare capabilities. Placing of several types of military satellites in space has enabled the PLA to provide force multiplication to its ground assets. For instance 58 Very Small Aperture Terminal (VSAT) satellite stations are part of the robust command and control structure in Tibet whereas Indian forces have limited capacities in this field. There are reports that PLAAF units and sub-units have been networked through satellite links.

Further, there is broad-band connectivity and secure means of communications between successive higher HQs including Lanzhou and Chengdu Military Region back to Beijing.

Recent reports suggest that the PLA has constructed fifth generation barracks for the troops in the high altitude areas of

Lanzhou and Chengdu Military regions. PLA has also constructed hyperbaric chambers which would enable accelerated acclimatization of troops being inducted from lower altitudes. All these preparations point towards acquiring the capacities for a quick mobilization and induction of forces for a surprise strike.

### India's Response

As a result of the mounting threat from China, India had decided to raise two mountain divisions in the North-East besides deployment additional fighter squadrons along with a fresh push for development of rail, road and military infrastructure in the border areas. Last year in August, as part of upgrading its defensive posture from dissuasion to deterrence the government had accepted a proposal for raising of a Mountain Strike Corps at Pannagarh in West Bengal, positioning of two armoured regiments at Nathu La in Sikkim and Fukche in Ladakh respectively, and deployment of an additional infantry brigade in

As a result of the mounting threat from China, India had decided to raise two mountain divisions in the North-East besides deployment additional fighter squadrons along with a fresh push for development of rail, road and military infrastructure in the border areas.

Barahoti plains of Uttarakhand. The proposal had been approved by the Ministry of Defence and Cabinet Committee on Security. But this month, in a classical example of politico-bureaucratic red-tapism the proposal has been sent to the Chiefs of Staff Committee (COSC) in order to bring the navy and air force on board and broad base military capability against China. Such a move would result in nothing but more delay as COSC is merely a talking shop where each service chief is supposed to defend its own turf. Evidently the government is not seized with the urgency necessary to mitigate the gap in military capabilities along the Indo-Tibetan border that is becoming wider with the passage of time.

As far as border roads infrastructure is concerned elaborate plans in the shape of Long Term Perspective Plan I and II have been made. But as usual, the implementation of the plans has been very tardy. The slow pace of execution has been attributed to

While upgrading the dissuasive posture to a deterrence posture would take some time it is the filling in of gaps in our dissuasive forces that needs to be undertaken urgently. A number of measures to strengthen our defence preparedness have been suggested by the outgoing Army Chief and the current incumbent.

delay in obtaining clearances from multiple authorities, resistance shown by concerned state PWDs in handing over of roads and shortage of staff and restricted fund flows. The Parliament's Standing Committee on Defence had carried out a detailed review of the BRO's projects in March last year pointing out the inordinate delays and reasons for the same.

However even after more than a year there has been hardly any reassessment of the BRO's projects. Plans that should have been executed on war-footing lack suitable and robust oversight, monitoring and coordination mechanisms.

**What Needs to be**

**Done**

While upgrading the dissuasive posture to a deterrence posture would take some time it is the filling in of gaps in our dissuasive forces that needs to be undertaken urgently. A number of measures to strengthen our defence preparedness have been suggested by the outgoing Army Chief and the current incumbent. Some of

the priority actions that need to be taken are outlined below:-

- The HUMINT cover along the borders needs to be augmented; the density of intelligence posts should also be increased.
- The quality of the ELINT and COMINT capabilities along the borders needs to be improved and the depth and breadth of such a cover should be enhanced.
- Similarly satellite cover for ISR and target acquisition needs to be supplemented on an urgent basis.
- Above all basic wherewithal like ammunition deficiencies and improvement of ammunition dumps as brought out by the current and outgoing Army Chiefs, need to be made up speedily. There are large scale voids which has also been described as 'critical hollowness' in the army that includes tanks running out of ammunition, obsolete air defence systems and lack of essential weaponry, and lack

of critical surveillance and night-fighting capabilities for infantry and special forces.

- Acquisition of ground attack helicopters, speeding up the acquisition of artillery especially the ultra-light howitzers ex-USA that can be deployed in the mountains and are transportable by helicopters should be implemented at the earliest. Acquisition of UAV's and Drones would add to our surveillance, reconnaissance and precision strike capabilities.

The R & AW Report is a timely warning which needs to be taken seriously by our politico-bureaucratic combine otherwise we may be in for another Kargil - like surprise, or worse. No opportunity should be given to China to teach us a lesson again. In fact we should be prepared to teach a lesson if any conflict is initiated by the PLA. And finally, one should remember the dictum that weakness invites aggression.

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# Military Threat From China: R&AW Report Sets Alarm Bells Ringing

- *Gurmeet Kanwal*

A recent intelligence report, purportedly issued by the Research and Analysis Wing (R&AW), India's external intelligence agency, has warned of the clear and present danger of a conflict being initiated by China along its border with India ostensibly to divert attention from mounting domestic problems, including political dissent, economic challenges and social discord. The report points to increased activity by units of the People's Liberation Army (PLA) in the areas across the Line of Actual Control (LAC) by way of enhanced surveillance and military training exercises which could be tantamount to full dress rehearsals. Recent exercises have included one on the rapid induction of airborne divisions into Tibet in 36 to 48 hours from bases in adjacent military regions. J-10 air-to-ground strike fighters have been battle tested to hit targets in the high-altitude terrain. SU-30 MKK and SU-27 UBK fighter-bombers have also been practising

landings in Tibet and have been deployed during summer months.

It has been known for some time that the PLA has been steadily engaged in developing military infrastructure in Tibet in every field of consequence. The railway line from Gormo to Lhasa, which is to be extended further to Shigatse and on to Kathmandu, has made it possible for the PLA to quickly induct and then sustain much larger forces in Tibet than had been the case before it was commissioned. All-weather roads totalling 58,000 km have been constructed so far. Five fully operational airbases have been built at Gongar, Pangta, Linchi, Hoping and Gar Gunsa. New helipads, missile bases, storage sites for ammunition and for fuel, oil and lubricants are being constructed rapidly. Modern military encampments with multi-storey buildings are coming up close to the border with India. This will considerably reduce mobilisation time for deployment

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on the border. Both land-line (optical fibre cable-based) and radio communications are being improved. Microwave towers now dot the countryside. Several new command and control nodes have come up.

By no stretch of the imagination can it be presumed that these developments are for the welfare of the sparse population. Nor are these designed to support tourism as China claims. Some years ago the conventional wisdom was that the PLA would need one summer season for stocking and inducting troops and would be able to launch military operations against India only over the following summer season. With substantive improvements having been made to improve the PLA's military posture in Tibet, it will now be possible for the PLA to induct troops and wage war in a single campaign season. Some analysts have estimated the number of fighting formations that could be inducted in a high-level threat scenario in one month as 30 infantry divisions (12,000 soldiers each).

However, the issue that needs to be analysed is whether Chinese efforts in Tibet are aimed at bringing about routine improvements in the habitat of the troops in some of the harshest climatic conditions in the world, or if there is clearly an offensive aim in upgrading the military infrastructure.

In stark contrast with developments across the border in Tibet, India's own efforts to improve its defensive posture and military infrastructure along the LAC have been lagging behind. Most of India's forward infantry divisions are dependent on a single road axis that is mostly one-way throughout its length and sharp bends do not permit the smooth induction of heavy guns and rocket launchers. Even the most conservatively drawn up plans for infrastructure development have failed to achieve targets for one reason or another. It has been reported that only 50 per cent of the work has been completed on 73 road projects sanctioned so far – Arunachal (27), Uttarakhand (18), J&K (14), Himachal Pradesh (7) and Sikkim (7). Additional plans have been made to construct 277 roads with a total length of 13,100 km in all.

However, the issue that needs to be analysed is whether Chinese efforts in Tibet are aimed at bringing about routine improvements in the habitat of the

troops in some of the harshest climatic conditions in the world, or if there is clearly an offensive aim in upgrading the military infrastructure. In military parlance, a threat equals capability into intention. While there is absolutely no doubt or ambiguity about the PLA's concerted efforts to enhance military capabilities in both Lanzhou and Chengdu military regions so as to be able to launch and sustain operations from the LAC along Tibet's border with India, it is difficult to discern a clear intention to do so in the short term. The formulation that China might do so to divert attention from domestic discord does not appear to be realistic and is therefore unconvincing.

The strategic stakes would be very high and the Chinese leadership will not risk sanctions and international opprobrium as well as the multi-billion dollar mutual trade relationship with India simply to divert the attention of people on the mainland. However, as long as the territorial and boundary dispute between India

and China is not resolved to mutual satisfaction, while the probability of conflict remains low in the short term, its possibility cannot be ruled out. This is so because even 15 rounds of border talks between the politically appointed interlocutors have failed to lead to the demarcation of the LAC – the first essential step to ensure that a major patrol clash does not lead to an ugly incident.

Patrol face-offs are common as both sides patrol up to their perception of the LAC and this often results in the transgression of the LAC from the other's perspective. Though both sides have been adhering to the laid down procedure of warning the opposing patrol through large banners that it has transgressed across the LAC and must immediately go back, a face-off can quickly turn into a shooting match if there is a hot-headed patrol leader on either side. A small incident of this nature can lead to a border conflagration if the situation is not handled with maturity and calmness by the military and political leadership on either side.

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What India needs to do is to upgrade its military strategy from dissuasion to deterrence. Genuine deterrence comes only from the ability to launch and sustain major offensive operations into the territory of one's military adversary. Towards this end, the early raising of at least one strike corps for the mountains is an inescapable operational necessity. As maneuverability is extremely restricted in the mountains, simultaneous efforts must be made to upgrade the firepower potential of the Army and the Air Force by an order of magnitude. Also, the development of military infrastructure along the border with Tibet must be taken as up a key priority by the Ministry of Defence.

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# Cricket With Pakistan: India Hits Its Own Wicket Again

- *Sushant Sareen*

It would be really interesting to know what exactly prompted the BCCI to invite Pakistan for a short cricket series in India later this year. Who raised this matter in the BCCI meeting and who all supported the decision? Where did the pressure come from – was it the PMO that took the decision and got the BCCI to rubber-stamp it? Did the CBI investigation in the Jagannathan Reddy case have anything to do with the BCCI agreeing to host Pakistan? Or was it only the lure of lucre that prompted the BCCI to take this decision? Whatever the reason, one thing is clear: the Pakistanis have been proved right in their assessment of India as a namby-pamby country with a leadership that has made appeasement a pillar of foreign policy. Even worse, the Pakistanis would also be sniggering about how their stereotyping of India as a country of ‘banias and lalas’ who would do anything to earn an extra buck has come true, yet

again.

Clearly, just as the Romans had their spectacles to befool the public and distract its attention, the Indian political leadership uses cricket as the opium to lull the masses into believing that all is now well with Pakistan and the bonhomie on the field (and off it during the series) is real and not contrived. It is another matter that when Shahid Afridi goes back after the World Cup semi-final, he makes disparaging remarks about Indian (or was it Hindu?) hospitality. Or when Sohail Tanvir is asked about the ban on Pakistani players in IPL, he blithely says that this is the ‘Hindu *Zeheniya* (mentality)! While Indians go overboard in welcoming Pakistanis, they would do well to remember the example of a renowned Pakistani ghazal singer who inadvertently told an Indian diplomat (who he thought was a Pakistani diplomat in India) that he enjoys the money and the booze in India but at the end of the

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\* *Sushant Sareen – Senior Fellow, VIF*

day he doesn't forget that Indians are *Kafirs*. Of course after he was blacklisted and the black money and Black Label stopped flowing, the *Kafirs* became kosher!

A former Indian foreign secretary had once dismissed Pakistan's raising of the Kashmir issue at the UN as 'the annual itch'. It now seems that India too has a 'Pakistan itch', what with politicians suffering withdrawal symptoms after a few months of disengagement. Not surprisingly, having received no satisfaction whatsoever on the issue of terrorism from Pakistan, the Indian leadership has reconciled itself to the unrelenting export of terror from Pakistan and come to the conclusion that there is nothing India can do except turn the other cheek. Talk to top officials and policymakers and it becomes clear that India is forging its Pakistan policy on the premise that its only hope lies in making a dent on Pakistan's unremitting hostility through promotion of trade and people-to-people relations. Even the earlier pretence of

punishing/penalising Pakistan for exporting terrorism into India has now been given up.

A justification of sorts for resuming bilateral cricket ties with Pakistan has been given by Manish Tiwari, a spokesman of the ruling Congress party, who put forward the specious argument that politics and sports should not be mixed. For the ruling party to make such an argument means that it puts terrorism and mass murder in the category of politics. The bizarre corollary of this is that India will not break off sporting contacts even if there is another 26/11 type outrage because doing so would tantamount to mixing politics with sports. Indeed, if politics and sports should not mix, then why was South Africa boycotted when it practised Apartheid and why was India so reluctant on sporting contacts with Israel in order to express solidarity with the Palestinian cause? A leading light of the BCCI who is also a minister in the Central Government has been a

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little economical with the facts when he said that India played cricket with Pakistan even after the 1965 and 1971 wars and after the Kargil war. The facts are otherwise. Bilateral sporting contacts with Pakistan remained suspended for over a decade and only restarted in 1978. If at all there were any sporting contests, then it was at international events in which India did not have a choice but to play against Pakistan. The commencement of bilateral sporting contacts did not however lead to any improvement in the bilateral relations and in fact every time India resumed bilateral series, it opened itself to terrorist attacks (or should we say Pakistani politics?) first in Punjab, then in Kashmir and now in rest of India.

Apart from the disingenuous logic of the ruling party apparatchiks, the decision to once again resume bilateral cricketing ties with Pakistan is also a classic example of the complete absence of statecraft in this government. Given that one constantly hears the lament that India doesn't have enough leverages over Pakistan, it is a little shocking how cavalierly India treats even the leverages it has. What should have been used as a reward for Pakistan if it

delivered on bringing the planners and perpetrators of the 26/11 attacks to justice has been handed on a platter to Pakistan only so there can be some improvement in the atmospherics.

All this in large part appears to be motivated by the burning desire of Prime Minister Manmohan Singh to visit the land of his birth. Not that this visit will bring about any paradigm change in the state of Indo-Pak relations, unless of course the Indian government wants to play Santa Claus and bear gifts of Siachen and Sir Creek for the Pakistanis. The problem, however, is that these gifts will only whet Pakistan's appetite for more – Kashmir next? The other problem regarding the proposed visit (probably towards the end of the year) is that there will be no credible interlocutor with whom the Indian PM can engage with, at least not before March/April 2013. By the time his visit comes through, Pakistan will either have a lame-duck Prime Minister in office in Islamabad, or a caretaker PM (who in any case cannot make any far-reaching political decision). Therefore, unless Dr Singh intends to hold a dialogue with either Gen Kayani or Chief Justice Iftikhar Chaudhry or even the rising stars of Pakistani

politics (a certain Mr Hafiz Saeed or his ideological alter ego, Imran Khan), his visit to Pakistan is going to be quite pointless.

All this aside, what is inexplicable is how Indian governments go out of their way to pull Pakistan out of the hole it keeps

digging for itself. Every time Pakistan starts getting isolated in the international community, guess who comes to its rescue? India. After giving respectability to Gen Pervez Musharraf by inviting him to Agra, India has now once again taken a step to resurrect and rehabilitate Pakistan's image in the international community. While Indian officials never stop berating the Americans and Europeans for molycoddling Pakistan despite its rank bad behaviour, the Republic

of BCCI and the Republic of India have gone ahead and done something similar to what the West does. One can only wonder

Therefore, unless Dr Singh intends to hold a dialogue with either Gen Kayani or Chief Justice Iftikhar Chaudhry or even the rising stars of Pakistani politics (a certain Mr Hafiz Saeed or his ideological alter ego, Imran Khan), his visit to Pakistan is going to be quite pointless.

how the Americans will react when after the next terror attack India once again goes running to Uncle Sam asking him to take action against Pakistan.

Meanwhile, let us all put on our flannels and get ready to host Pakistan and fete Dawood Ibrahim's close relative, Javed Miandad, in either The Oberoi, or better still in The Taj Mahal hotel. After all, isn't cricket a religion in India and isn't it true that cricket is 'bigger than us all' and the thousands who have died in terrorism are only a mere statistic?

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# Naresh Chandra Task Force's Report On National Security: An Appraisal

- Nitin Gokhale

The high-powered Naresh Chandra Task Force, appointed by the government last year, submitted its detailed report to the Prime Minister a couple of months ago but so far there is no indication that the report will be made public soon. We do not even know if within the government deliberations have begun on the recommendations given by the Task Force. All that is available in the public domain so far, is a glimpse of some key recommendations made by the task force that too through media reports obviously based on conversations with some members of the task force. For instance, the task force has apparently recommended:

1. Appointment of a Permanent Chairman, Chiefs of Staff Committee (CoSC)
2. Integration of Service HQ and Ministry of Defence by allowing more cross-postings
3. Shifting focus of India's

national security strategy from Pakistan to China

4. Better Intelligence Coordination between all agencies
5. Creation of dedicated financial Institution for access to energy, rare earths and raw materials from across the world

From some of the occasional interaction that this author has had with a few members of the Task Force, before and after the submission of the report, one aspect is very clear: There was no consensus on the creation of the post of the Chief of Defence Staff (CDS), leading to what is clearly, a half-hearted recommendation to appoint another four-star officer as permanent chairman of the Chiefs of Staff Committee (CoSC).

According to the Task Force, this officer will be in charge of the two existing tri-services commands – the Strategic Command Force (SFC) and the Andaman Nicobar

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\* Nitin Gokhale - - Visiting Fellow, VIF

Command (ANC) – while the three service Chiefs will continue command and lead their respective services, the Task Force said.

The Permanent Chairman CoSC, according to the recommendation of the Naresh Chandra Task Force, will have a fixed tenure of two years and will be rotated among the three services. This officer will be assisted by the existing Integrated Defence Staff (IDS), headed by a three star officer from any of the three services.

Over the past decade, the IDS has evolved in a barely workable tri-services structure with over 300 officers drawn from the three services trying to function as a cohesive unit tasked with evolving "jointness." On ground however, jointness or inter-operability has remained at best patchy.

The new recommendation seeks to overcome these differences. The Naresh Chandra Task Force has also recommended the creation of a separate Special Operations Command on the lines of the US structure since asymmetric

threats are seen as the main challenge to India's national security in coming decades.

The new post, the Task Force is hoping, will also bring in synergy in major acquisitions for all the three forces. Often, the three services have worked independently in procuring the same set of equipment, duplicating work and creating separate infrastructure when synergy would have saved hundreds of crores of rupees.

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However, critics of the new system say the recommendation to appoint Chairman CoSC is nothing but old wine in a new bottle. It is a 'no go' because the

Chairman will remain ever dependent on each of the services Army, Navy & IAF for its personnel requirements. Personnel of each service will be 'lobbyists' of respective Chiefs. Yet another opportunity, they say, to reform has been lost. The National Security System does not have to depend on seeking Least Common Multiple (LCM)-solutions. It does not have to seek to appease lobbies and protect turfs.

The solution, some serving officers say, lies in divesting the three Chiefs of operational command of forces. Let them be Chiefs of respective Staff - 'resource providers to joint operational/strategic commands' - content with recruiting, training of personnel; holding and maintaining equipment; and executing related administrative functions.

Appointment of CDS is however the prerogative of the apex political authority, namely the Cabinet Committee on Security (CCS). It can choose from a panel of names forwarded by the three Services. There should be no rotation to appease services. The choice of apex political authority has to be final.

In the absence of common ground on deciding to appoint a CDS, the Naresh Chandra Task Force recommendation can however, be utilised in the interim to create more cohesion among the Services. For instance, the Chairman Chiefs of Staff Committee, who will have a fixed two year tenure can be made in charge of making net

assessment about the strengths and weaknesses of India's adversaries—China and Pakistan—in a holistic manner, taking into consideration inputs from all the three services and cross-referencing those inputs with other agencies like the Defence Intelligence Agency (DIA) and RAW. Currently, the three services send their individual assessments just to complete formalities to the IDS where it remains buried in files that never see the light of the day.

Moreover, if the Chairman Chiefs of Staff Committee is going to lead the proposed Special Operations Command why not create two more tri-services commands and give him some more work?

Given the frequency of cyber-attacks on India's IT infrastructure, the creation of a cyber-command is only a matter of time. An aerospace command is inevitable sooner than later. Along with the creation of the proposed Special Operations Command, why not create these two additional tri-service commands?

And let the Army, Air Force and Navy be the lead service for a particular command?

The proposed Chairman Chiefs of Staff Committee can remain the head of these three commands with each of them being led by an Army Commander level officer. Given the experience and expertise available with the Army, it can take charge of the Special Operations Command, the IAF, with its domain knowledge, can take over the aerospace command and the Navy can lead the cyber command. The heads of these commands can have their second rung manned by two-star officers from each of the services so that they continue to have the benefit of expert advice from across the services but the overall responsibility must remain with the designated service.

Given that the existing tri-services commands go through painful changes each time their

Commanders-in-Chief get rotated, making each of the service responsible for the proposed new commands will make their the working smoother and more efficient.

Over a decade after a CDS was recommended by the Group of Ministers (GoM) in the wake of the Kargil conflict, there is no unanimity on that issue yet. Given the strong differences within the services as well as in the political

Over a decade after a CDS was recommended by the Group of Ministers (GoM) in the wake of the Kargil conflict, there is no unanimity on that issue yet. Given the strong differences within the services as well as in the political class, could this be the best arrangement for now? Or is it too impractical?

class, could this be the best arrangement for now? Or is it too impractical?

To find the right answers the government perhaps owes it to the people of India

to make the Naresh Chandra Task Force report public and let a healthy debate ensue.

*The author is Security & Strategic Affairs Editor with Indian Broadcaster NDTV.*

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# Abu Jundal's Arrest And India-Saudi Arabia Counter-Terrorism Cooperation

- *Dr. N. Manoharan*

**T**he arrest and deportation of Abu Jundal alias Abu Hamza alias Sayed Zabiuddin Ansari, a Lashkar-e-Toiba (LeT) handler, involved in several terror attacks in various parts of India, by Saudi Arabia is a classic case of good counter-terrorism cooperation between the two countries. The case prompts several questions: Who is Abu Jundal? How did he get involved in Lashkar-e-Toiba (LeT)? Why did he go to Saudi Arabia? What factors were responsible for Riyadh's agreement to deport Jundal despite Pakistan's opposition? What is the way ahead in the bilateral counter-terrorism cooperation between India and Saudi Arabia?

## Abu Jundal

Belonging to Gevrai area of Beed district in Maharashtra, Sayed Zabiuddin Ansari, was initially impressed by the tenets of Ahle Hadees or Salafis, who "adhere to the pristine teachings of Islam as

enshrined in the Holy Quran and Sunnah."<sup>1</sup> He gradually gravitated towards Students Islamic Movement of India (SIMI) and took care of its operations in the states of Uttar Pradesh and Maharashtra for some time before shifting to Indian Mujahideen. It was at this point he came into contact with the LeT and went on to become its handler in India. As the police net was closing in, he fled to Pakistan after 2006 through Nepal or Bangladesh. He was considered a "good find" by the LeT and, therefore, was roped in in various anti-India operations.

Apart from the famous Aurangabad arms haul case (May 2006), Hamza has been involved in or connected with a number of terror attacks in India: the IISc attack in Bengaluru (December 2005), Mumbai train bombings (July 2006), 26/11 Mumbai attack (November 2008), German Bakery blast in Pune (February 2010), Chinnaswamy Stadium attack in Bengaluru (April 2010) and Jama

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Masjid attack in Delhi (September 2010). After this point, the timeline of Ansari's activities is blank. A plausible estimate is that he shifted his base to Saudi Arabia in 2010, at around the same time when his name was revealed by one of the accused in the German Bakery case. Until then he was believed to have been involved only in the Aurangabad arms haul. The Indian investigators soon realised that the Indian Hindi-speaking voice in the recordings of conversations between the 26/11 attackers and their controllers in Pakistan was that of Abu Hamza. His name was, therefore, listed in the dossier of 50 most wanted criminals sheltered in Pakistan released by India on 21 May 2011.

By then he had already been sent to Saudi Arabia by the LeT to mobilize funds and recruits from among Indian Muslims working there. The plan was to launch a big attack in India at an appropriate time. The LeT already has a good network in Saudi Arabia. Bearing a Pakistani

passport in the name of Riyasat Ali, Jundal started working on his assignment even by using the internet, especially the social networking site Facebook. It was this overconfidence that gave away the whereabouts of Jundal in the form of electronic trails. He was put under surveillance for some time with the help of Saudi intelligence.

After his arrest, the Saudis were initially reluctant to hand over Jundal to India because of Pakistan's opposition. Saudi Arabia did not want to upset Pakistan, its staunch ally. Islamabad knew the significance of the arrest and Jundal's value to Indian authorities and the damage it could cause to Pakistan's image if Ansari were to confess.

After his arrest, the Saudis were initially reluctant to hand over Jundal to India because of Pakistan's opposition. Saudi Arabia did not want to upset Pakistan, its staunch ally. Islamabad knew the significance of

the arrest and Jundal's value to Indian authorities and the damage it could cause to Pakistan's image if Ansari were to confess. He was the only Indian present at the "control room" in Karachi that guided the entire course of the 26/11 Mumbai attack; he not only knows who else were present, but also their exact role and motivations. Ajmal Kasab, lone terrorist caught alive among the

10 terrorists who carried out Mumbai attacks, was just an operative. But, Ansari had been involved right from the planning of the attacks to its execution and also its post-mortem. His first-hand testimony is important for India to connect various unconnected dots in the case.

Thus far, the testimonies of Kasab and David Headley are available to India; only Ansari should be in a position to confirm the accuracy of their revelations. Zabiuddin Ansari should also be able to explain the extent of Pakistan's involvement, or that of its intelligence agencies to be more precise, in various terror attacks against India. Is it true, as Pakistan claims, is it really not in a position to control anti-Indian militant groups based on its soil? Or, is it controlling everything, from planning to execution of terror attacks against India? Did Jundal flee to Saudi Arabia with the help of the Pakistani establishment? How did he support himself in Saudi Arabia for nearly two years? Ansari also knows a lot about the Pakistan-

based LeT: its leadership, motivations, funding, recruitment, training, bases (both political and military), logistical support, its linkage with state and non-state actors of Pakistan, other internal and external networks, its modules and 'sleeper cells' in India, selection of targets, plans for future attacks, and the extent

They finally came around to hand him over when they got convinced by the DNA profile of Jundal and other proof provided by India which unambiguously established his Indian nationality.

of its connections with Indian jihadist groups like SIMI and IM.

### **India-Saudi Arabia CT Cooperation**

Intense pressure from the US worked to persuade Saudi Arabia to deport Jundal to India. However, it was the realisation on the part of the Saudis on the need to cooperate with India on counter-terrorism that prompted them to do so, but only if it could be proved that he was an Indian national. They finally came around to hand him over when they got convinced by the DNA profile of Jundal and other proof provided by India which unambiguously established his Indian nationality. On the other hand, Pakistan had no credible proof to show to the Saudis to establish that he was a Pakistani citizen. In recent years,

Riyadh has been increasingly feeling concerned over collaboration between Al Qaeda in the Arabian Peninsula (AQAP) and LeT and its possible implications in the long run. The US' determination of LeT as one of the most dangerous terror outfits, first by listing it as a 'Foreign Terrorist Organization' and later by announcing a \$10 million reward for evidence against the LeT chief Hafiz Saeed, sent strong signals to the Saudi authorities: they should not let Al Qaeda enter into the Kingdom through the LeT.

Counter - terrorism cooperation between India and Saudi Arabia has to be looked at also from the point of their improving bilateral ties. Relations have been on the upward trend ever since January 2006 when King Abdullah visited India (a visit by a Saudi head of the state after several decades) as Chief Guest at India's Republic Day celebrations. The 'Delhi Declaration' that was signed during the visit said that the "visit heralds a new era in India-Saudi Arabia relations and constitutes a landmark in the development of increased understanding and cooperation between the two countries and creation of a mutually beneficial partnership."<sup>2</sup>

Apart from other areas like the economy, trade, science & technology, health and culture, the two countries recognised the "need to intensify and coordinate bilateral, regional and global cooperation to combat and eradicate the menace of terrorism."<sup>3</sup> However, there was no concrete agreement on counter-terrorism cooperation except for signing a 'MoU on Combating Crime'. Although the MoU provided for cooperation between the security agencies of the two countries for combating organised crime, illicit trafficking of narcotics, weapons, and historical artifacts, and counterfeiting of currency and travel documents, in practice there were hitches.

The obstacles came in the form of perception of what constituted "crime" and priorities in addressing them. Yet, when the overall bilateral relations improved to the level of a 'strategic partnership' in 2010<sup>4</sup>, and when Saudi Arabia realised the importance of India as a major power, there was significant progress. This was reflected in the signing of an Extradition Treaty between the two countries in the same year. Defence Minister AK Antony's visit to the Kingdom in February 2012, the first by a

Defence Minister of India, tremendously boosted defence ties between the two countries, including in counter-terrorism.

Counter-terrorism cooperation between India and Saudi Arabia does not stop with the deportation of Abu Jundal. There is vast potential to be realised so that the two countries, as Prime Minister Manmohan Singh put it, are “strong allies against the scourge of extremism and terrorism that affects global peace and security.”<sup>5</sup> Since Abu Jundal was assigned to work also among Indian Muslims in radicalizing them, it is important that the cooperation between the two countries goes further in identifying the network of those already radicalised and in safeguarding Indians (about two million) from any radicalising attempts by jihadi groups based in the Kingdom. It is to be appreciated that the Saudi authorities have apprehended another Indian terrorist, Fasih Mohammed, who was involved in the Chinnaswamy cricket stadium bomb blast in Bengaluru and

Counter-terrorism cooperation between India and Saudi Arabia does not stop with the deportation of Abu Jundal. There is vast potential to be realised so that the two countries, as Prime Minister Manmohan Singh put it, are “strong allies against the scourge of extremism and terrorism that affects global peace and security.”

shooting incident at Delhi's Jama Masjid. His immediate deportation would help the ongoing investigations in these cases.

Further, Saudi Arabia should arrest and deport all Indian fugitives hiding in that country and in future should discourage such elements from entering the Kingdom. Much attention is also required in blocking funds to Indian terror groups from non-state actors based in Saudi Arabia. The two countries stand to gain not only through economic complementarities, but also on security and defence complementarities. A Joint Committee on Security similar to the one on Defence should be set up to make security cooperation comprehensive: intelligence sharing, monitoring and surveillance, joint exercises, by Special Forces, high-level visits, exchange programmes, and so on. Using the present momentum, India should make best use of its diplomatic energies to prevail on violent non-state actors based in Pakistan, like the LeT, including

through Saudi Arabia. Riyadh's help is important for New Delhi to counter jihadist terrorism in the country, which King Abdullah called his "second home".

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# The State Of Law And Order

- *Dr. M.N. Buch*

Recently in Guwahati, the capital of Assam, a seventeen-year old girl accompanied by a male friend was accosted by a mob and for almost half an hour subjected to molestation, including physical assault, sexual molestation, disrobing and worse. There were a number of people on the street, not one of whom intervened. A television crew which filmed the incident did not try to stop the violence. Only four persons out of a mob of over forty have so far been arrested and there is no account of their being roughly handled by the police at the time of arrest. I am not for a minute suggesting that the police should take the law into its own hands, but when people who behave like barbarians are apprehended I am sure they would not come along quietly like lambs to the slaughter and, therefore, the police would be justified in using force when arresting such people. However, I suppose that is reserved for peaceful people indulging in a nonviolent public agitation against some unpopular administrative

action. Earlier two persons who went to the rescue of a girl in Mumbai who was being molested by some goondas were murdered. Apparently more than two hundred people were present but no one came to the rescue of the victims.

Increasingly one finds that resort to violence by the strong against the weak is being witnessed throughout India and this is equally true of rural areas as it is of urban areas. This violence takes many forms. For example, attacks on dalits are a frequent feature in States such as Uttar Pradesh and Bihar, with Madhya Pradesh and Maharashtra not lagging far behind. In Narsimhapur District of Madhya Pradesh and Sangrur District of Punjab there is a systematic boycott of scheduled castes by intermediate and upper castes in which there is insistence that the scheduled castes work for the other castes as farm labourers or in traditional occupations such as flaying of dead animals or working as a cobbler at a wage to be dictated by the upper castes.

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We have on the statute book the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, just as we have the Civil Rights Act, the Indian Penal Code and the Constitution itself which debars any form of discrimination. These laws are meant to protect those who are too weak to help themselves and if the authorities were to use these laws a great deal of the social injustice now meted out to the weak could be prevented and the perpetrators could be punished.

In Narsimhapur the district

administration has been lethargic and in Sangrur the Deputy

Commissioner has said that he has worked out a

compromise formula which both parties have accepted. The dalits deny this and state that they were forced by the police to give affidavits to the effect that they now have no complaints. When Parliament enacted the protective laws it mandated enforcement of the laws and did not speak about any questionable compromise. An offence has been committed and it must be investigated and the criminals prosecuted. Why has it not been done?

Can twenty-first century India live with this situation in which a group of people illegally takes on the mantle of both judge and executioner and then proceeds to give a decision which results in murder? Can we expect such people to have any respect for law?

In Haryana and Western U.P. various communities, but in particular the Jats, hold community council meetings called Khap Panchayats. In one such panchayat the community decided that no females below the age of forty may visit the market to make purchases; women, in particular young girls, may not possess or use a mobile telephone and no love marriages will take place within the community because that pollutes the culture of the

community. Many Khap Panchayat has converted themselves into courts, even sentenced to death and executed couples whose marriage the panchayat did not

accept and has forced people to go into exile. These are acts of murder, criminal intimidation and worse. The law does not state that if these acts are done by a Khap Panchayat they will be deemed to be legal. The police should have registered cases, vigorously pursued them and brought the criminals to justice. The police response has been extremely weak because government, in conspiracy with the Khap Panchayats, does not want enforcement of laws. Can

twenty-first century India live with this situation in which a group of people illegally takes on the mantle of both judge and executioner and then proceeds to give a decision which results in murder? Can we expect such people to have any respect for law?

There is a superb piece of legislation called The Bonded Labour (Abolition) Act which is extremely well drafted, has clear definitions of what constitutes bondage in labour, provides for the freeing of bonded labour and empowers the executive magistracy to summarily try cases of persons holding bonded labour and handing down sentences upto three years of rigorous imprisonment and fine. My own experience was that when Arjun Singh was Chief Minister of Madhya Pradesh in 1984 I was summoned to the cabinet and asked whether in Bilaspur Division I had posted Inspectors for enforcement of the Act. Sixteen young officers had been posted by me and because they had not yet

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been exposed to the temptation of bribery or the pressure of political intervention these officers were active in their duty. I was told by the Chief Minister that the officers were harassing the cultivators. I pointed to five of his ministers from Bilaspur Division who were present in the cabinet and had been booked for keeping bonded labour. The Chief Minister wanted me to informally instruct the Inspectors to go slow in their work, which was tantamount to saying that they should ignore cases of bonded labour. I refused to do this because both the Chief Minister and I had sworn an oath to uphold the law and, therefore, I could not ask my officers to ignore it. My other argument was that in one case out of ten the officers would follow my instructions and in the other nine cases they would take a bribe to overlook wrongdoing. I was not prepared to accept such a situation. The Chief Minister said that my obstinacy would result in agriculture being adversely affected. I volunteered to prepare a draft letter from the Chief

Minister to the Prime Minister giving the view of the State Government that the Act was not in the interest of agriculturists at large and, therefore, it should be repealed. A horrified Arjun Singh told me that this must not be done because after all the Bonded Labour (Abolition) Act was a fine piece of social legislation. On this I really blew my top and told the Chief Minister that he had opened the way for a complete contempt for law in Madhya Pradesh. A person who could keep bonded labour with impunity could then ask the worker to send him his wife for a night of pleasure and if the worker refused he could assault or even kill him knowing that nothing would happen to him. My view is that either we should not have a law on the statute book or, if it is there, then not give any officer at any level the discretion to enforce it or not. Law making is the prerogative of Parliament and the State Legislature, but in its enforcement the Executive must strictly follow the mandate of the Legislature and not discriminate in the matter of implementation. Unfortunately law enforcement is very sketchy in India and this, in turn, has greatly encouraged corruption.

When I joined the Service in 1957 we were told never to pass a prohibitory order under section 144 Cr.P.C unless the situation becomes uncontrollable without such an order. If, however, an order had been given under section 144 Cr.P.C it must be enforced rigidly, with no exception so that people knew that the magistracy meant business. I followed this advice up to the last day of my service. We were also told that when there is an emerging law and order situation Minor Acts must be enforced rigidly so that an environment could be built up in which people realise that violation of law would invite penalty. In January, 1960 I was posted as SDO and SDM, Waraseoni in Balaghat District. That was the time when communal violence on a large scale erupted in Jabalpur in what is known as the Usha Bhargava case. At that time the strength of the police in a normal rural police station was one Sub Inspector, two Head Constables and six Constables and the jurisdiction covered more than a hundred villages. Waraseoni, the sub divisional headquarter was a town of about thirty thousand people and the police station had a strength of one Sub Inspector, one Assistant Sub Inspector, three

Head Constables and twenty-four Constables. It also had fifty or sixty villages under its jurisdiction. The senior most police officer was a Circle Inspector, because there was no Sub Divisional Officer, Police and the district itself had, apart from the Superintendent of Police, only one Deputy Superintendent of Police. With such a small Force and a volatile situation I had only a few options available to me. I ordered the CI to post two Constables at the bus stand and let no one from Jabalpur alight in Waraseoni as I did not want trouble makers from that city to enter my sub-division. I commandeered four or five vehicles, ordered their flaps to be lowered and secured and in each one of them I put one armed constable in the driver's cab. These vehicles were then asked to patrol the town continuously. There were never more than five policemen on such patrol duty but the impression given was that five vehicle loads of policemen were on the prowl. I also told the police to rigidly enforce section 34 of the Indian Police Act whereby every act of nuisance, including public urination, throwing of a banana peel in the street, even spitting led to immediate arrest. The arrested persons were brought to the police station and made to squat there

for three or four hours. Towards the end of the day a Magistrate visited the police station, fined each person a couple of rupees and released them. However, throughout the town the word spread that if you as much as spat in public you would be arrested. Imagine what would happen if someone indulged in an act of violence, arson or looting. The administration would come down heavily on such people like a ton of coals. In such an environment people were scared of violating the law and we were able to maintain complete peace in a time of trouble.

Today who enforces the law? Traffic lights are run with impunity; two-wheeler drivers refuse to wear the mandatory helmet, people park at will and do not use a seat belt when driving a motor vehicle. Shopkeepers intrude on public space without fear. The strong dominate the weak. On St. Valentine's Day goons from the Bajrang Dal go around beating up young couples and vandalising restaurants and shops. Extortion rules the market and criminals with political patronage overawe the police. Let alone the Minor Acts, even the Indian Penal Code is not enforced as a hapless police, emasculated

by political intervention, stands by as an onlooker only. The general climate is one of total contempt for law and, therefore, a seventeen-year old female child could be molested in public in Guwahati with no one lifting a finger to save her. It is like being in the court of the Kauravas with no Krishna to help Draupadi when she was being forcefully disrobed. One of the consequences of the increasing contempt for law is organised crime on an unprecedented scale. I

absolutely refuse to believe that people such as Dawood Ibrahim could not only prosper but become one of the biggest gang lords in the world without the active connivance of the Maharashtra Police

in the city of Mumbai, or the growing disillusionment with law keeping in that city which makes the citizens indifferent to the crimes that they were witnessing daily. How could they not be indifferent when every day they see the lawlessness of the Shiv Sena which tries to violently impose its agenda of narrow mindedness on the basically cosmopolitan city of Mumbai? If the Police could stand by doing

nothing when the Shiv Sena was riding high, why should it not stand by as a spectator when Dawood Ibrahim was riding high? In fact Dawood Ibrahim was prepared to bribe the police which the Shiv Sena would not do and, therefore, why should the police fight the source of profit? The breakdown of order has resulted in corrupting even such a fine Police Force as that which has been the pride of Mumbai.

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The weakness of the State in law enforcement has given birth to widespread insurgency in the North-East, in the Punjab, in Jammu & Kashmir and now in what is called the Red

Corridor consisting of about 160 districts which have passed into the control of extreme Left Wing Naxalites. Even today the government's response is extremely weak partially because it does not have will to restore order, partially because extremists are able to mobilise fringe neo-liberal elements to attack the police and the administration and project that the present government is an oppressor and

partially because our elected representatives have turned away from law making and overseeing law enforcement and have become both the agents and the beneficiaries of corruption. In such a situation let us try and understand what is happening to the police. In 1861 through a very fine piece of legislation, the Indian Police Act, the British organised a disciplined, unified, trained Police Force whose job is to maintain order, enforce the law, prevent crime, investigate offences and bring the criminals to justice, to collect intelligence which could help in the maintenance of public order and take measures to ensure that public streets and public places are kept free of obstruction and are available to citizens going about their lawful business. Superintendence over the Force vests in the government but administration of the Force vests in the Inspector General of Police. The law does not permit anyone to interfere with the administration of the police or the performance of its lawful functions. Unfortunately by purely illegal means government has increasingly

Unfortunately by purely illegal means government has increasingly interfered in the administration of the Force and politicians, criminal elements and others have daily tried to make the police deviate from performing its duty of maintaining order and preventing and detecting

interfered in the administration of the Force and politicians, criminal elements and others have daily tried to make the police deviate from performing its duty of maintaining order and preventing and detecting crime. Every time the Police fails to act against an infraction of law or it acts in a biased manner under pressure the law is weakened, respect for law decreases and law-abiding citizens are put to risk by the activities of law breakers. Cumulatively it leads to break down of law and order and renders government itself ineffective.

Is the situation lost for ever? On the night of June 25th-26th ,1975, when the Emergency was declared, orders went out to the police to take into custody persons or members of organisations designated in the order. The same Police Force which was considered ineffective, when given clear-cut directives, completed its task in just four hours. The Emergency was a horrible episode in our history but it did prove that if the administration had a clear-cut direction it could enforce order and the people would obey.

Surprisingly during the period of Emergency there were very few riots and very few cases of police firing. Criminals and law breakers were afraid of law, a situation which had not prevailed since 1947. What the Emergency proved was not that the Executive Magistracy and the police have become permanently ineffective but rather it is lack of direction which has caused these agencies to deviate. In order to make the law enforcement agencies effective we do not need an Emergency. What we need is a political leadership which is committed to providing good government to India. For this purpose the leadership should be prepared to empower the Police and the Executive Magistracy and to stand by them when they take action. Government must at the same time build up an accountability machinery which ensures that wayward acts of the police are immediately reacted to and public confidence in the good behaviour of the Police is restored without

delay. An empowered, accountable Police Force is the best shield against violence and law breaking and, therefore, without going into the merits of what the Supreme Court has said from time to time on Prakash Singh's writ petition, the Police is permitted to perform its law enforcement functions, is protected against malicious complaints and is brought to account both for non-performance and mal-performance. If that happens and the Police becomes both active and proactive in a people friendly manner, within one year we can restore law and order to this country. That also requires that the citizens begin to respect the law, not only out of fear of punishment but because a society bound by laws benefits all, especially those who are too weak to look after themselves. Government must show a political will to lead the country to an environment in which the law counts.

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# Religion Based Reservation Is Anti-Constitution – II

- *Prof. Makkhan Lal*

**A**mong the political parties, who treat Muslims as a vote-bank, the clamour for reservations for Muslims is increasing every day. Every time elections, be it to a State Assembly or the Parliament, approach, the pitch for reservation for Muslims increases. The recently-held Assembly election in Uttar Pradesh, which has a sizable Muslim population, is an example. Various political parties promised reservations, some 9%, some 18% in Government jobs and educational institutions for Muslims. It is ironical that the Prime Minister of India should declare from the Ramparts of the Lal Qila on 15<sup>th</sup> August 2007 that “Muslims have the first right on the resources of the country.” This is the mental make-up of the Prime Minister and the largest political party which claims the legacy of the Freedom Movement. What can we expect about smaller leaders and the parties? The Congress leaders, freedom fighters, the Constituent Assembly

and Jawaharlal Nehru had given enough thought on the issue and felt that reservations on the religion of any kind will be detrimental for the development of the nation and a cohesive society.

These leaders often quote the Justice Ranganath Mishra Commission and the Justice Sachar Committee Reports for such reservations for Muslims. This is despite the fact that Muslims already enjoy the benefits of reservation, since they are been included in various states lists for the OBC/BC/SC and ST; despite the fact that Islam and Christianity deny the existence of a caste system within their folds.

Several times in the past, separate reservations enacted in the name of religious denominations have been struck down by the Courts and the latest is the judgement delivered by the Andhra Pradesh High Court declaring 4.5% sub-quota for the Muslims within 27% quota for the OBCs as

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unconstitutional. Predictably, the Central Government appealed for a stay of Andhra Pradesh High Court's judgement. After hearing the matter argued by the Attorney General of India the Hon'ble Supreme Court declined to stay the Andhra Pradesh High Court's judgement and indeed made critical comments on the Government saying that there was no rationale and justification for the 4.5% sub-reservation for the Muslims within the 27% quota for the OBCs. . The Supreme Court criticized the government for the way it had handled the "complex" and "sensitive" issue. The apex court had also expressed its "unhappiness" that the Centre was blaming the High Court when it had itself failed to produce documents to support its case.

### **Justice Ranganath Mishra Commission**

A 'National Commission for Religious and Linguistic Minorities' was set up by the Government of India in October 2004 under the Chairmanship of Justice Ranganath Mishra. Other members were Prof. Tahir Mahmood (Muslim), Dr. Anil Wilson (Christian), Dr. Mohinder Singh (Sikh) and Mrs. Asha Das (SC and a former IAS officer) as

Member Secretary. The Commission submitted its report in May 2007.

The terms of reference of the Commission were:

1. To suggest criteria for identification of socially and economically backward sections among religious and linguistic minorities;
2. To recommend measures for the welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and government employment; and
3. To suggest necessary constitutional, legal and administrative modalities required for the implementation of its recommendations.

However, subsequently the following point was also added to the above terms of reference:

“To give its recommendations on the issues raised in writ petitions 189/04 and 94/05 filed in the Supreme Court and in certain High Courts, relating to para 3 of the Constitution (Scheduled Castes) Order 1950 in the context of ceiling of 50 per cent on

reservations as also the modalities of inclusion in the list of scheduled Castes.”

The Commission lists the following communities as recognized minorities: Muslims, Christians, Sikhs, Buddhists, Jains and Parsis. Accepting the Hon'ble Supreme Court Judgement in *TMA Pai Foundations and others Vs State of Karnataka and others* the Commission says that “for the purpose of Article 30 a minority, whether linguistic or religious, is determinable with reference to a state and not by taking into consideration the population of the country as a whole.”

The Commission took the trouble of going through the economic, education and employment opportunities for all the people of India on the basis of religious denominations and to its dismay it found that by-and-large no substantial gaps exists among the various communities/religious groups – be it Hindus, Muslims or

The Commission took the trouble of going through the economic, education and employment opportunities for all the people of India on the basis of religious denominations and to its dismay it found that by-and-large no substantial gaps exists among the various communities/religious groups – be it Hindus, Muslims or Christians, or any other minority.

Christians, or any other minority. They are all suffering the same level of disadvantages or have almost the same level of opportunities. In fact, in many aspects, minorities and especially Muslims and Christians, are doing much better. After discussing various issues like education, poverty, employment opportunities, caste and social status, and the various measures undertaken for the upliftment of disadvantaged groups, the Commission expresses its complete disillusionment with the existing system of reservation. It concluded as follows:

1. The inclusion of an entire caste, tribe or class in the list, is contrary to the principle of social justice. No 'caste', or class or tribe suffer from social, economic and educational deprivations as a whole. Class or caste or tribe as a criterion identifying the socio-economic backward has become totally irrelevant. The only option is to identify

- families that are socially and economically backward and devise criteria that are implementable. (Chapter 6, para 40),
2. The lack of a system to regularly assess the impact on castes, tribes or classes enlisted of schemes and programme under implementation, to exclude categories either wrongly included in the list or no longer being eligible, has further complicated the situation. Non-exclusion of the ineligible has marginalised the poorest and most backward amongst various categories including the minorities. (Chapter 6, Para 41)
  3. Religion or castes do not determine 'socio-economic backwardness. Poverty is not religion or caste based and the socially, economically backward should be identified on uniformity applicable criterion throughout the country irrespective of caste, creed / religion affirmatives'. (Chapter 6, Para 42)
  4. The poorest of the poor families should get opportunities for advancement. Those falling in the creamy layer category should be excluded from the lists of backwards. Family-wise data should be collected and treated as valid for at least ten years and renewed periodically. Benefits of reservations should be made time-bound and for one generation only. (Chapter 6, Para 45 to 49)
  5. All lists (SC/ST/OBC) have been prepared without any scientific basis (no data base as no surveys were undertaken). (Chapter 6, para 65)
  6. **Since BPL (below poverty line) lists are prepared on the basis of social/educational and economic criteria, they are more scientific. They are also revised periodically. BPL lists should, therefore, be made eligible for grant of reservation without distinction on caste, class, groups or religion basis." (Chapter 10, Para13)**

However, all good intentions end here. When it came to suggesting concrete steps for a fair reservation system the Commission not only failed in recommending any such measure to make matters worse, it upheld

the same rotten system, and recommended the inclusion of Minorities also in the categories of OBC/BC/SC/ST.

The recommendations read like a charter of demands on behalf of Muslims rather than a Commission's report on all religious and linguistic minorities of India which also include Christians, Buddhists, Sikhs, and Zoroastrians and so on. It says:

“We recommend that in the matter of criteria for identifying backward classes there should be absolutely no discrimination whatsoever between the majority community and the minorities; and, therefore, the criteria now applied for this purpose to the majority community whatever that criteria may be - must be unreservedly applied also to all the minorities.... “ To be more specific we recommend that all those social and vocational groups among the minorities who, but for their religious identity, would have been covered by the present net of Scheduled Castes should be unquestionably treated as socially

backward, irrespective of whether the religion of those other communities recognises the caste system or not... that the caste system should be recognised as a general social characteristic of the Indian society as a whole, without questioning whether the philosophy and teachings of any particular religion recognise it or not... (Chapter 10, Paras 5-16)

Unbelievable as it may sound, the Commission Members totally forgot that reservations for SC/ST come into force because of the peculiar social-system and religious practices of Hindu society. They forget that it is this caste system for which Hindu society is constantly berated at political, intellectual, social, religious and academic platforms. Can Islam and Christianity accept that in their social and religious practices they are same as their fellow Hindus? Are they willing to accept that the caste system exists in Islam and Christianity as a part of religious and social tenets?

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The Member-Secretary very rightly questioned the wisdom of the Commission regarding the existence of the caste system in Islam and Christianity and submitted a 13 pages Note of Dissent. The Commission had no cogent reply to this note of dissent.

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### Sachar Committee Report

The Justice Ranganath Mishra Commission report perhaps fell short of Government's expectations, at least from the point of view of enhancing the pro-Muslim tilt in the Congress. The Government of the day started looking for some other avenues for catering to the Muslims alone. The Justice Rajinder Sachar Committee, appointed on 9<sup>th</sup> March 2005, filled this space. What was missing in the report of the Mishra Commission, the Sachar Committee supplied in ample measure – reservations in the legislature and elected/political bodies.

The Sachar Committee was ostensibly appointed by the UPA Government to look into the matters concerning “*Social,*

*Economic and Educational Status of the Muslim Community*”. The subject matter itself suggests that the social, economic and educational problems in the other communities and among the followers of other religions in India do not exist. If that is not the case, then it can be safely said that even if the social, economic and educational problems do exist in other communities and amongst the followers of other religions in

The notification of the Government of India certainly had not mandated the Committee to go into political matters. But it still has gone into it. What is most shocking is that it has suggested the very same remedy which was based on two-nation theory that finally led to the unprecedented miseries, both for the Hindus and Muslims, and partition of the country.

India, they do not merit any attention because they do not form a vote-bank or they do not form a “very strong, well knit and well-organized minority... that could force the partition of the country.”<sup>1</sup>

However, while going through the Sachar Committee report, one can see that it is not only full of inaccurate data but also in many areas it dwells in the realm of fantasy. A large number of problems and deprivations that are being faced by most of the Indians, irrespective of caste, creed and religion, have been presented as those of Muslims alone. Many of the problems

discussed in the report have nothing to do with the polity, government and the economic condition. They emanate directly from the social customs and the religious beliefs. It is impossible to believe that Justice Sachar and his learned colleagues are unaware of this aspect of the problem. They have simply ignored it. The entire report reads like a compilation of reasonable and unreasonable complaints, grievances and demands of Muslims since Independence.

One can reasonably expect that many people will continue to discuss various aspects of this report for some time to come. Our purpose is limited only to discussing the statement concerning the 'political participation of the Muslims' and the recommendations that the Report has made in the matter. The notification of the Government of India certainly had not mandated the Committee to go into political matters. But it still has gone into it. What is most shocking is that it has suggested the very same remedy which was based on two-nation theory that finally led to the unprecedented miseries, both for the Hindus and Muslims, and partition of the country. The Committee has

recommended reservations in the legislature and in the other elected bodies besides having reservations in the services, educational institutions and public and private sectors.

These recommendations though discussed and contained in just two paragraphs of the report, become significant in the light of explanations given by Abusaleh Shariff, Member Secretary in the Sachar Committee. Mr. Shariff writes:

*"It is a cruel irony that the development process by-passed in particular Muslims who stayed back in India after the partition – those from Uttar Pradesh, Bihar and West Bengal.*

The root cause of this neglect is lack of political empowerment. While the Constitution and the democratic framework allowed Muslims to maintain their identity and profess their faith, their representation in the political system has suffered. This impacted their participation in governance."

After this Mr. Shariff talks about the population ratio in terms of Muslims belonging to the OBC, SC and ST categories. As already mentioned, this is nothing less

than a revelation that among the Muslims there exists a caste system which discriminates against the backwards socially within the realm of Islam. Mr. Shariff now gives the solution of the problem:

*“However, problems of Muslim deprivation cannot be addressed adequately through extension and implementation of reservations alone.*

*OBC reservations apply only to public employment and now at higher levels of education. With the report detailing the nature of discrimination against Muslim, the challenge before Government, political class, private sector and civil society is to create institutional mechanism to ensure the delivery of essential public goods.*

*“To begin with, Muslims should be represented in political bodies, policy-making agencies, administration and law-enforcement agencies in relation to their share in the population.”*

## Reservation and the Constituent Assembly

The question of reservation in the services and in the elected bodies for the religious minorities was considered and discussed in detail by the Constituent Assembly. It constituted an Advisory Committee of 43 eminent political and religious leaders and social workers. The Committee was

headed by Shri S.C. Mookerjee, a Christian. Some of the Members were Maulana Abul Kalam Azad, Khan Abdul Samad Khan, Hifzur Rehman, Syed Ali Zaheer, Abdul Quyum Ansari, Chaudhari Khaliquzzam, Saiyid Jafar Imam, Haji Abdul Sathar,

The Constituent Assembly debates (Vol. V) on the issue of religion based reservation are an eye opener. Most of the Muslim leaders like Z.H. Lari, Naziruddin Ahmad, Begum Aizaz Rasul, Muhammad Ismail Khan, Tajmul Hussain, Maulan Hasrat Mohani, and Col. B.H. Zaidi, who spoke on the occasion said in one voice that reservation on the basis of religion had been responsible for the division of the country and was certainly an evil.

Haji Isaq Seth. Jawaharlal Nehru, Sardar Patel, Rajendra Prasad and B.R. Ambedkar were the others. (for the speeches of some of the leaders see earlier article on reservation on VIF web site - [Reservation Based on Religion is Anti-Constitution](#)).

However, the recommendations of the Advisory Committee were

taken up for discussion in the Constituent Assembly on 27 and 28 August 1948 and then again for two days, 25 and 26 May 1949. While submitting its recommendations to the Constituent Assembly the Committee reported:

*“The Committee considering the whole situation, came to the conclusion that the time has come, when the vast majority of the minority communities have themselves realised after great reflection the evil effects in the past of such reservation on the minorities themselves, that the reservations should be dropped.”*

The recommendations as adopted by the Assembly were included in the Draft Constitution. In a nutshell the committee recommended that:

*“It was no longer appropriate in the context of free India and of present conditions that there should be reservation of seats for Muslims, Christians, Sikhs or any other religious minority. Although the abolition of separate electorates had removed much of the poison from the body politic, the reservation of seats for religious communities, it was felt, did lead to a certain degree of*

*separatism and was to that extent contrary to the conception of secular democratic State.”*

On the issue of reservation in public services it was recommended that there shall be no reservation in the public services and competitive services except for the Scheduled Castes and Scheduled Tribes.

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Jawaharlal Nehru speaking on 26<sup>th</sup> May 1949 in the Constituent Assembly on the issue of reservation based on religion said:

*“Where you are up against a full-blooded democracy, if you seek to give safeguards to a minority, and*

*a relatively small minority, you isolate it. Maybe you protect it to a slight extent, but at what cost? At the cost of isolating it and keeping it away from the main current in which the majority is going, – I am talking on the political plane of course – at the cost of forfeiting that inner sympathy and fellow-feeling with the majority. ... It is a bad thing for any small group or minority to make it appear to the world and to the majority that "we wish to keep apart from you, that we do not trust you, that we look to ourselves and that therefore we want safeguards and other things". The result is that they may get one anna in the rupee of protection at the cost of the remaining fifteen annas."*

Later, on the issue of any kind of reservations in general Jawaharlal Nehru wrote to all the Chief Ministers on 27 June 1961:

*"I have referred above to efficiency and to our getting out of our traditional ruts. This necessitates our getting out of the old habits of reservations and particular privileges being given to this caste or that group. The recent meeting we held here, at which the Chief Ministers were present, to consider national integration, laid down that help should be given on*

*economic considerations and not on caste. It is true that we are tied up with certain rules and conventions about helping the scheduled castes and tribes. They deserve help but, even so I dislike any kind of reservation, more particularly in Services. I react strongly against anything which leads to inefficiency and second-rate standards. I want my country to be a first class country in everything. The moment we encourage the second-rate, we are lost.*

*"The only real way to help a backward group is to give opportunities of good education; this includes technical education which is becoming more and more important. Everything else is provision of some kind of crutches which do not add to the strength or health of the body. We have made recently two decisions which are very important: one is, universal free elementary education, that is the base; and the second is scholarships on a very wide scale at every grade of education to the bright boys and girls, and this applies not merely to the literary education, but, much more so, to technical, scientific and medical training. I lay stress on the bright and able boys and girls because it is only*

*they who will raise our standards. I have no doubt that there is a vast reservoir of potential talent in this country if only we can give it opportunity.*

*“But if we go in for reservations on communal and caste basis, we swamp the bright and able people and remain second-rate or third-rate. I am grieved to learn how far this business of reservation has gone based on communal*

*considerations. It has amazed me to learn that even promotions are based some times on communal or caste considerations. This way lies not only folly, but disaster. Let us help the backward groups by all means, but never at the cost of efficiency. How are we going to build the public sector or indeed any sector with second rate-people?”*

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# Dialectics Of Tipaimukh Dam: Issues And Concerns

- *Neha Mehta*

**T**ipaimukh dam, projected to be made at the cost of around Rs 9000 crores with the aim of generating around 1500 MW of electricity and moderating floods downstream has again become a controversial political issue between India and Bangladesh. With India and Bangladesh sharing 54 rivers amongst them, water has always been a point of contention between the two. The rock-filled hydro-electric dam to be located on the border of Kolashib district of Mizoram and Churachandpur district of Manipur near the confluence of Tuivai River and the Barak River has met with a lot of resistance on both sides of the border with a slew of objections from the Bangladeshi side as well as protests from the North Indian states.

The issue has been a controversial one since its inception and more so now with growing skepticism towards the environmental impact of dams in general, highlighted by

a report by the World Commission on Dams in 2000 that brought into focus the environmental consequences leading to large scale displacement of people as well as highlighting the importance of taking the view of the people in decisions on such projects.

Over the years it has dominated the political, civil society and media discourse. Although it has time and again been stressed by India that the project is a run-of-the-river one aimed at controlling floods downstream and generating power with no intention of diverting any water from the natural flow of the river for irrigation, the main contention of Bangladesh and the North Eastern states has been that no joint assessment has been made on the project to review the environmental impact of the project downstream.

It was in the 1970's that the project formally entered under the

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ambit of the Joint River Commission (JRC). However historically there have been differences over facts on the issue, firstly whether Bangladesh consented to building the dam or not, secondly whether it was jointly studied and a report submitted. Thirdly, whether the Tipaimukh site was recommended by the Joint Committee of Experts constituted by the JRC and finally over the lack of communication by India over the project.

However Indian Minister for Water Resources Pawan Kumar Bansal in a meeting with the Bangladeshi journalists on June 2012 claimed that it was Bangladesh that proposed the Tipaimukh project in 1974 and provided relevant documents of the minutes of the sixth JRC meeting held in November, 1973 which states that:

“The commission considered the study of Barak Dam project in the context of floods in India and Bangladesh and recommendation that this project be reviewed by the Superintending Engineers of Bangladesh and India, for flood

moderation and protection to Sylhet, Cacher and adjoining areas,” the minute said.<sup>1</sup>

The High Commissioner of Bangladesh to India Tareq A Karim in his meeting with journalists in June 2012 observed that between 1972 and 1982, the rhetoric was the same but it changed in 1982 when it was stated that the project would be harmful for Bangladesh.<sup>2</sup>

The High Commissioner of Bangladesh to India Tareq A Karim in his meeting with journalists in June 2012 observed that between 1972 and 1982, the rhetoric was the same but it changed in 1982 when it was stated that the project would be harmful for Bangladesh.<sup>2</sup>

However the issue raised its head again on the agenda of the Joint River Commission in 2005 with India assuring Bangladesh that it would share the design of the project. Further, in

2007 the North Eastern Power Corp commissioned the Agricultural Finance Corporation of Mumbai to carry out an Environmental Impact Assessment (EIA) report in 2007. Following this, environmental clearance was given by the Ministry of Environment and Forest, Government of India on October 24, 2008. However Bangladesh and the North Eastern states disapproved of the

report as being unilateral and one which did not include them as they would be bearing the major environmental impact due to it.

The opposition to the dam gained new momentum especially after the signing of a Memorandum of understanding (MoUs) among Manipur Government, National Hydro electric Power Corporation (NHPC) and Satluj Jal Vidyut Nigam Limited (SJVN) on April 28, 2010 and the signing of the Promoter's Agreement with the purpose of setting up a Joint Venture Company (JVC) between the Government of Manipur, NHPC Ltd and Sutlej Jal Vidyut Nigam Ltd (SJVN) on October 22, 2011.

### Issues against the Project

The Bangladeshi civil society groups, media as well the opposition parties have come out strongly against the project especially after the signing of the Promoters Agreement and have put pressure on its government to

take up the issue with India. Although India has assured Bangladesh that it would not have any adverse impact on the country, a strong sentiment against the dam is already widespread there. Primarily Bangladesh is concerned with the environmental impact of the project as well as the ability of the project to control floods. It fears greater exposure to floods during the Monsoon and low flows during the lean season. They also argue that as the river is an international river, and the decisions should be taken in accordance with international law. They view the decision of the Indian Government in going ahead with

The Bangladeshi civil society groups, media as well the opposition parties have come out strongly against the project especially after the signing of the Promoters Agreement and have put pressure on its government to take up the issue with India. Although India has assured Bangladesh that it would not have any adverse impact on the country, a strong sentiment against the dam is already widespread there.

the project as one in which India has taken a unilateral decision which is unacceptable. Therefore to seek clarifications from the Indian government Mashiur Rahman and Gowher Rizvi advisors to Sheikh Hasina came India in December 2011. Following this Gowher Rizvi wrote an article in the Daily Star calling for a rational and scientific discussion

on the project and tried to clarify certain misconceptions about the project. This was followed by a visit by a 13-member Bangladeshi team including 10 media persons led by Bangladesh External Affairs Publicity Wing Deputy Director Mohammad Zashimuddin who came at the invitation of the Indian government to assess the effects of the multi purpose hydro electric Tipaimukh project by visiting the site, to dispel any misgivings about the project that have been generated and agitating the minds of people in Bangladesh.

India on its part has been giving repeated assurances to Bangladesh about the safety of the project arguing that it is not adversely impacting it in any way. Tipaimukh features in the Joint Communiqué that was signed between India and Bangladesh during Shaikh Hasina's visit in 2010. The Indian government in the 37<sup>th</sup> meeting of the Joint Rivers Commission in March 2010 gave the assurance that they would not take any step under the Tipaimukh project that

might harm Bangladesh. The Indian PM during his September 2011 visit also gave the same assurance.

At the official level however, there is more convergence between the two governments, especially about the nature of the project and it being a run-of-the-river project with no intention of India to divert any water from the Barak River. The Foreign Affairs advisor to the

Government of Bangladesh Gowher Rizvi in his article in the Daily Star stresses the adverse impact of the project on India rather than Bangladesh and states "the project is located nearly 140 miles away from the

There are serious concerns regarding the safety of the dam as it is in an area which is a geologically sensitive that is highly prone to earthquakes, which in turn, raises questions about its safety. It is one of the most seismo-tectonically risky areas in the world where the epicenter of earthquakes of magnitudes 8+ have been measured over the past 50 years.

Bangladesh border and it would appear that much of the environmental impact -- flooding, submerging of land, displacement of people, disruption of livelihood and destruction of wild animal habits, etc. -- will be largely confined to India and is unlikely to hurt Bangladesh because of the distance". On grounds of safety it has reiterated that due to the distance of the project from

Bangladesh it will do more harm to India than Bangladesh.

There are serious concerns regarding the safety of the dam as it is in an area which is a geologically sensitive that is highly prone to earthquakes, which in turn, raises questions about its safety. It is one of the most seismo-tectonically risky areas in the world where the epicenter of earthquakes of magnitudes 8+ have been measured over the past 50 years. The proposed Tipaimukh dam axis falls on a 'fault line' potentially active and possible epicenter for major earthquakes.<sup>3</sup>

The region is also known to be ecologically sensitive as well as topographically fragile and the impact of the project is supposed to have an adverse impact on the hydrology, agriculture, fisheries, ecology and economy of both India and Bangladesh. The potential risks for both the countries are high which would lead to large scale submergence of land and displacement of people. A large area of land nearly 311 sq. km. would be permanently submerged in India, of which around 229.11 sq. km. areas are reserve forest, remaining are agricultural and settlement land.<sup>4</sup> In addition it

would also involve large scale felling of trees and loss of biodiversity.

There are concerns about the water flow in the river as a result of the hydrological impact that inflict an artificial pattern of flow variations in the river.<sup>5</sup> The dam to be built on river Barak assumes the name of Surma and Kushiara as it flows into the North Eastern part of Bangladesh and is largely dependent on the river Barak for its water flows. The impact of the dam operation is said to have changes in the downstream hydrology with changes in total flows, seasonal flows, short term fluctuations in flows and change in extreme high and low flows. <sup>6</sup> It has been argued that as Barak-Surma-Kushiyara is a continuous river that empties into the Bay of Bengal through the Meghna River, therefore any changes in the water flow is going to impact the flow into the Bay of Bengal. There is also the fear of construction of Phuler Tal Barrage in Assam which would lead to diversion of water but that has been denied by the Indian government.

The Dam has been projected to be built as a run of the river project but that claim has been refuted by Bangladesh on the grounds that

although the dam doesn't divert water for irrigation but building a dam hampers the natural flow of the river around which the life, livelihood and ecosystem of the Hoar region is built.<sup>7</sup> Any change in the natural flow pattern around which the farmers of the Hoar region prepare their land for Boro cultivation will be altered that would in turn lead to damage to Boro production in the Sylhet region according to Bangladeshi experts, which would lead to losses of around 1000 crores a year. According to the sixth Flood Action Plan prepared by Bangladeshi experts it would be disastrous for riverine ecology and biodiversity of the region.

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In addition to Bangladesh having a variety of concerns regarding the Tipaimukh project, the North Eastern states of India are also in opposition of the project. Many Civil Society groups in the region believe that the proposed dam if built, would in turn unleash catastrophe in both the upstream and downstream areas of the river.<sup>8</sup> The dam would lead to the

relocation of the people of Manipur whereby the 9,126 sq km area in Manipur in which the indigenous population of the Zeliangrongs and Hmars communities would be permanently displaced and deprived of livelihood. Therefore instead of making one large dam it has been suggested to make around 130 hydel projects across the region that would ensure local participation as well as help in the region's economic growth. The

Sinlung Indigenous People Human Rights Organisation (SIPHO) has also been against the project and considers it as one that has overlooked the recommendations of the WCD (World

Commission on Dams) as well as one that is not considered with the well being of the indigenous people of the region who would be displaced.<sup>9</sup>

Therefore the main concerns of the North Eastern States are the displacement of people especially the indigenous population, extensive submergence of land, including forest-land with its biodiversity, possible earthquake

risks that could have devastating consequences for the region. Meanwhile, the objections on the Bangladeshi side consist of river drying and devastation of wetland (Hoar), possible flood in summer/winter in lowlands causing damage to agriculture. For Bangladesh the lack of transparency on the project and the lack of clarity on the water release schedule raise doubts over the change of flows of the downstream areas.

The Tipaimukh dam has over a span of a few months raised serious resentment in Bangladesh since the signing of a Promoter Agreement on October 22, 2011 with a section of people coming out against it with issues of non-inclusion in decisions impacting them. Although the Indian government has been forthcoming in clearing misconceptions regarding the project, more openness and communication are required. In addition, the Joint Survey with Bangladesh to assess the impact of the Project is a step in the right direction before such issues are exploited by vested interests for their own political benefit. However the concerns of the North Eastern States should also be addressed and not sidelined.

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# Man And Environment In India: Past Traditions And Present Challenges

- Anirban Ganguly

Civilisation has been at times described as a 'type of relationship.' In his classic '*Civilisations: culture, ambition and the transformation of nature*', historian and scholar of civilisations Felipe Fernandez-Armesto, chose to look at civilisation through the dimension of man and his environment. Armesto defined it as a type of relationship: 'a relationship to the natural environment, recrafted, by the civilising impulse, to meet human demands.' Armesto also argued that 'civilisations commonly overexploit their environments, often to the point of self-destruction.' Civilisations, at times, attempt to transform the world for their ends and in the process work towards trying to 'denature humanity.'

Indian civilisation, on the other hand, has been known as an 'eco-friendly' civilisation. At least in the past it did express a profound awareness of the need to evolve a balanced pattern in the man-

environment interaction and certainly not work towards 'denaturing humanity.' In order to calibrate this man-environment interaction, ancient Indians divinized nature and layed down well formulated guidelines to define and nurture this relationship free of exploitative propensities. Examples abound since its early history; it would be relevant to take a look at some of them.

The Rig-Veda establishes the symbolism of this close kinship when it says: 'Heaven is my father; my mother is this vast earth, my close kin.' Taking forward this environmental tradition the Atharva-Veda contains the hymn - *Bhumi Sukta* – in praise of the earth and invokes a balance: upon the immutable, vast earth supported by the law, the universal mother of the plants, peaceful and kind, may we ever walk for ever.' The elaborate Vedic ritual of '*Athiratram*' had, as its precise

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objective the generation of a positive impact on man and the environment and continues to be performed to this day with the same fervour and faith. Surapala's *Vrikshāyurveda*, for example, discusses in detail trees, tree planting and various other topics connected with plant-science including the treatment of sick-trees.

In one of its profound ecological perceptions the Mahabharata, in the *Bhisma Parva*, refers to the earth as an 'ever-yielding cow' provided its resources are developed and managed with balance and control: 'if Earth is well looked after, it becomes the father, mother, children, firmament and heaven, of all creatures.' The Mahabharata also compares the tree to the universe; it says that he who 'worships the *ashvattha* [peepal, holy fig tree] worships the universe.' The tree was seen as a symbolic representation of the universe with a single trunk and its multiple branches of manifestation. The Bodhi tree

Even in the affairs of the state, the administration and the ruler were directed to preserve and promote environmental welfare. In the Arthasastra, Kautilya suggests the need to develop *abhayāranya* or *abhayavana*, forest and animal sanctuaries, where trees and animals would both dwell free from the fear of slaughter. Kautilya also prescribed the post of a forest superintendent and penalties for poaching and causing damage to forests, especially productive ones.

(*ashvattha* or peepal), under which the Buddha achieved his realisation has been always seen as the symbol of 'the universal consciousness.' The wish-endowing symbol was that of the tree –the *kalpavriksha* or *kalpataru* – the mystical tree that granted every wish just as nature showered its bounty on all. Tree worship, as findings reveal, was in fact known

even in the Harappan culture. Trees and plants continue to play an important role in Indian rituals and customs to this day, especially in rural India.

This deep ecological consciousness pervaded the entire Indian civilisational

mindscape and saw expressions from across the land. The legendary philosopher of Tamilakam, Thiruvalluvar, talks of nature as man's fortress. If he destroys her, he remains without protection.

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environmental welfare. In the Arthasastra, Kautilya suggests the need to develop *abhayāranya* or *abhayavana*, forest and animal sanctuaries, where trees and animals would both dwell free from the fear of slaughter. Kautilya also prescribed the post of a forest superintendent and penalties for poaching and causing damage to forests, especially productive ones.

The sacred grove tradition was an intrinsic part of the Indian ecological imagination and tradition. There was the *kovilkādu* in Tamil Nadu, *kāvu* in Kerala, *nandavana* or *daivavana* in Karnataka and Andhra Pradesh, *deorai* in Maharashtra. Preserved for centuries in the outer precincts of the village these sacred groves gradually grew into rich ecological repositories and are facing threats of decimation today because of population pressure and neglect.

The Indian environmental tradition was conscious of the need to protect nature and to harness it within prescribed limits.

Harappan sites at Dholavira, for example, demonstrate the elaborate techniques employed for water harvesting and storing. The initial structure of the Grand Anicut on the river Kaveri, erected by the great Chola King Karikala who ruled around 180 C.E. diverted the Kaveri waters without ‘impounding them’ and is believed to have irrigated 30,000 hectares during that period. Temple tanks served the dual

purposes of ‘ritual ablution’ as well recharging of the groundwater level.

The Arthasastra’s directives on water indicate that it was regarded as a ‘collective, not a private commodity’ and was considered extremely precious.

Tanks were built through joint efforts of all stakeholders and the period that saw the construction or renovation of tanks received tax reprieves. Fines were also prescribed for a number of acts that adversely affected water bodies, ‘for obstructing or diverting a water course’, for ‘damaging embankments’ etc.

The river in Indian civilisation was also endowed with divinity and was a cosmos by itself with ecological, social and spiritual dimensions. They were classified according to their sacredness and capacity to spiritually elevate man. The seven sacred rivers of India continue to remain a vibrant symbol signifying Indian civilisational continuity as well as unity.

The river in Indian civilisation was also endowed with divinity and was a cosmos by itself with ecological, social and spiritual dimensions. They were classified according to their sacredness and capacity to spiritually elevate man. The seven sacred rivers of India continue to remain a vibrant symbol signifying Indian civilisational continuity as well as unity. Like the sacred forests and groves, rivers too in the Indian context assured the seeker of spiritual height and perfection. Circumambulation of the river Narmada – a 2600 km route – was considered one of the most sacred acts in the Indian spiritual tradition. Rivers in the Indian tradition were not regarded as ‘merely flowing mass of waters,’ but rather as ‘life-bestowing, life-nurturing, and life protecting divine mothers.’ The Satapatha-Brahmana and the Rig-Veda both abound in references to the sacredness of rivers and their organic link with man and his civilisation. Rivers were ‘implored for protection’; were referred to as the very breath of the people, seen as the sources of plenitude and were prayed to for granting people ‘nourishment and delight.’ Venerated as divine beings they were treated with deference and sensitivity.

The situation is obviously different today. Pressures of modern life and an increasingly materialistic mode of living have, to a large extent, served to sever these age-old organic links in India between man and his environment. The Department related Parliamentary Standing Committee on Environment and Forest in its recent report (May 2012) referred to this long-standing relation when it said, that ‘Environment in ancient India was not an entity isolated, apart and independent from mankind.’ The isolation of environment, it observed, was a ‘modern day phenomena arising out of crass commercialization, careless technology, unplanned urbanization, unbridled human greed, phenomenal population growth’ etc. It noted that the ‘Relationship between people and the environment/ecosystem in ancient India had been one of harmony, coexistence, mutual care and concern – the two supporting and complementing each other in their own way.’ Such an approach saw the embedding of the attitude of care and respect for the environment in the Indian way of life.

Recognising the uniqueness of such a tradition and upholding it

as a symbol of a collective environmental consciousness that could still guide eco-conservation efforts in the present age, the Committee, interestingly, observed that, 'Worship and reverence to various elements of environment – the earth, air, water, river, tree, forests, mountains, etc by personifying them not only signify how crucial and vital these were considered for our existence by our forefathers but also guide us how best to preserve and protect our environment even in the absence of regulatory regime [and] environmental governance.' Awareness of these, it argues, would unravel the centrality of environment in the Indian civilisational vision and scheme. The Committee's 'rueful' indications were that memories and practice of these past ecological traditions and perceptions were being gradually lost and one may add discouraged by official neglect and overruling.

Much remains to be done in the areas of environment and environment conservation and a brief survey of some the Committee's principal findings and recommendations may be useful in appreciating the

magnitude of the challenges in the area.

### **Delayed Finalisation of Plan Outlay**

The first observation of a 'surprised' Committee was pointed at the delay in the finalization of the XIIth five year plan for the Ministry. 'Even when the first year of the Five Year Plan' has set in, the Planning Commission is yet to finalise the plan. The Committee expressed its 'serious concern over the delay in finalization of the XIIth Five year Plan outlays' of such an important Ministry and directed the Planning Commission to ensure that 'such sort of delay does not recur in future and outlays are finalised well before the beginning of the Plan period.' In view of the 'lurking challenges that climate change poses' before the nation, the Committee recommended that the proposed outlay of Rs.47586.00 Crores that the Ministry has forwarded be given 'serious consideration.'

### **Consistent Reduction in Budgetary Allocations**

In a move that seems to have become a pattern with the present policymakers, the Ministry of Environment and Forests has seen

a consistent reduction in its budgetary allocation. The Committee took a 'very serious view on the consistent reduction of Budgetary Allocation for such an important Ministry, like, the Ministry of Environment and Forests during the last two years.' The Committee also noted 'with concern' that the share of the Ministry 'in the Central Plan has consistently been declining in successive Plan periods.' The surveyed statistics are hardly inspiring – the VII plan had a percentage share of 0.83 for environment and forests, the X plan saw a reduction to 0.67 per cent and the XI plan saw a further climb down to 0.41 per cent. The share of the Ministry in the Annual Plan 2012-13 has now become 'a dismal 0.37 per cent.' It was a 'very disturbing trend' that 'needs to be reversed' the Committee emphasised with alarm. On the other hand the Ministry was also asked to gear up its fund utilisation drive.

### **Lack of Adequate Resources for Pollution Control**

Dealing with environment and ecological issues, the Committee felt that the Central Pollution Control Board (CPCB) constituted way back in 1974 continues to face major constraints such as 'shortage of technical staff, scientists and lack of quality laboratory facilities.' It asked the CPCB to improve its internal working and enhance its coordination with the SPCB and directed its members to 'regularly visit various places and hold discussions with concerned SPCBs so as to have a first hand experience of ground realities prevailing in the country.' The Planning Commission was again upbraided because 'despite justification and persuasion' it did not allocate 'adequate resources for prevention and control of pollution.' The Committee was unhappy to know that State governments were not 'according due priority to environment' and in majority of States, it was 'almost a non-issue.'

### **Deteriorating Health of Rivers**

In a move that seems to have become a pattern with the present policymakers, the Ministry of Environment and Forests has seen a consistent reduction in its budgetary allocation. The Committee took a 'very serious view on the consistent reduction of Budgetary Allocation for such an important Ministry, like, the Ministry of Environment and Forests during the last two years.'

On the issue of river pollution and deteriorating water quality, the Committee made certain scathing observations. It brought to light the fact, that despite huge financial outlays and investment the 'quality of Ganga water is going down day by day.' Although the Ministry had launched 53 projects for reducing pollution in the Ganga under the National Ganga River Basin Authority (NGRBA) Programme since 2009-10 in 42 towns of Uttarakhand, Uttar Pradesh, Bihar and West Bengal at an estimated cost of Rs.2598.48 Crores, the Committee was constrained to observe that the Ministry was making huge investments in the process of 'cleaning the Ganga, the Yamuna and other major rivers of the country with the assumption that monitory investment is the sole parameter of abatement of pollution in rivers.' Despite efforts to clean the Ganga that started with the Sixth Five Year Plan (1980-85) under the Ganga Action Plan and a number of schemes that followed such as the Ganga Action Plan-II the 'end result is for everyone to see', the quality of

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water in the Ganga has not stopped declining. As per information furnished by the Ministry, a total amount of 'Rs. 39225.95 Crores has been incurred on the Ganga Action Plan-II, starting with the Eight Plan (1992-97). A similar story of huge funds allocated and little achieved has also emerged in the case of the Yamuna, one among the sacred seven rivers of India. The Committee did note that in spite of efforts made and a 'huge investment incurred under various schemes/projects, pollution, level in both the rivers, i.e. Ganga and the Yamuna [and the Committee, at least here, did not take into account the other major river such as the Narmada] continues to increase unabated.' It especially deplored the 'pathetic condition' of Yamuna which has 'virtually turned into a 'Nala' to carry sewage falling into it from drains.'

The quality of the Ganga water was also bad and at several important downstream locations such Kanpur, Allahabad, Varanasi and Patna the issue continues to

be a major concern for environmentalist as well as the common man. On this issue the Committee made a significant observation – one that brings us back to the civilisational link between man, river and his larger environment – when it said that the failure of Government schemes lies in the fact that the Government has so far only focused on the ‘engineering centric approach to solve the problem’ neglecting the ‘social engineering problem.’ It observed that the time had come ‘when we should integrate engineering centric approach with social centric or society centric approach through which people living on and around the banks of the rivers are involved and assimilated in the Mission Clean Ganga.’ One wonders why a serious effort in this direction has never been made especially when such private and local initiatives have evolved in these areas as well as around some of the major rivers in the country. Perhaps because

One wonders why a serious effort in this direction has never been made especially when such private and local initiatives have evolved in these areas as well as around some of the major rivers in the country. Perhaps because these local, tradition inspired conservative efforts use an earthy and religious idiom that they are usually ignored or overlooked by the more engineering centric and urbanized technocrats in tune with Western conservation methods and models.

these local, tradition inspired conservative efforts use an earthy and religious idiom that they are usually ignored or overlooked by the more engineering centric and urbanized technocrats in tune with Western conservation methods and models.

The other issue of concern that the Committee highlighted and one which leads to increased river pollution and choking was the encroachment of catchment areas. The catchment area of the river Yamuna, as a case in point, has been ‘encroached upon and diverted for construction and developmental activities.’ An encroached catchment sees a drastic reduction in its capacity of retaining water/rainwater and therefore the Committee recommended that the Ministry take urgent steps ‘to stop encroachment and illegal commercial activities on the catchment areas of all major rivers...’ The progressively dwindling natural flow of rivers

has also affected their health and has reduced their 'assimilative capacity.' For the Yamuna the capacity has almost come to naught, for the Ganga it is going down, and according to those working on the ground to save the mighty Narmada, that river has already stopped flowing along a 437km stretch, almost one third of its total length.

### **State of Forests: Much remains to be done**

Referring to the latest State of Forest Report 2011, the Committee noted that there is a decrease of 367 sq.kms in the country's forest cover in comparison to the 2009 assessment. For achieving the target of having 33 per cent of the geographical area of the country under tree/forest cover as mandated in the National Forest Policy, 1988, the Committee has argued that there needs to be a much greater increase in the outlay in order to intensify forestry efforts. Commenting on the Green India Mission project, to

Referring to the latest State of Forest Report 2011, the Committee noted that there is a decrease of 367 sq.kms in the country's forest cover in comparison to the 2009 assessment. For achieving the target of having 33 per cent of the geographical area of the country under tree/forest cover as mandated in the National Forest Policy, 1988, the Committee has argued that there needs to be a much greater increase in the outlay in order to intensify forestry efforts.

be launched in 2012-13 under the National Action Plan for Climate Change with the aim of increasing forest/tree cover across 5 million hectare over a decade at a cost of 46000.00 Crores, the Committee observed that it did not receive satisfactory replies from the Ministry on basic queries such as land identification for the Project. It doubted the seriousness of the

Ministry on the preparation for the successful completion of such a grand project. Overall the Committee did not appear to be satisfied with the Ministry's efforts in increasing the green cover and in protecting the forest cover in the country.

### **Making Afforestation Mandatory in CSR Programmes**

The Committee also made an important observation, it reiterated the recommendation of the 210<sup>th</sup> Report on Demands for Grants 2010-11 which had directed the Government to make it 'mandatory for the public sector

undertakings/major industries in public and private sectors to spend 50 per cent of the money being spent towards corporate social responsibilities (CSR) for massive afforestation' under the guidance of the Environment Ministry. It was noted that no action has been taken till date on the issue and the Committee expressed 'serious displeasure over the fact that the Ministry has miserably failed in taking appropriate follow up action and capitalising on the recommendations of the Committee for arranging additional resources for massive plantation.' It was dismayed to see that the recommendation was taken 'so passively, nonchalantly and casually' when experiments involving major public sector companies like NTPC, HPCL etc have been successful. Why the Ministry chose to ignore such a dynamic proposal remains unclear.

### **Wildlife Conservation Requires More Funds**

The other surprising development that has come to light is that while the population of tigers in the country has registered an increase by 'almost 20 per cent as per an estimate' due to the efforts made under the centrally sponsored and

by now famous Project Tiger, the allocation made under the project since 2010-11 'has been on the decline.' The 219<sup>th</sup> Report had directed the Ministry to convince the Finance Ministry 'to enhance allocation of funds for wildlife preservation schemes.' Even after a lapse of 16 months the recommendation seems to not have been considered or acceded to. Expressing 'deep anguish' over the state of affairs and on its recommendation being taken so lightly, the Committee has directed the Planning Commission to give 'serious consideration to the need of the Ministry for adequate funds for preservation and conservation of wildlife' and found wholly unjustifiable the Commission's move to reduce the Ministry's proposed demand of Rs.1276.30 Crore for the Project Tiger to Rs.167.70 crore. This itself, speaks volumes on the attitude of official India to wildlife conservation and support.

### **Non-serious Implementation of Biodiversity Act 2002**

Another issue that came to light and which reflects the lack of official vision and approach when it comes to the Environment is the non-serious effort made to implement the Biodiversity Act

2002. The Biodiversity Act 2002 had established the National Biodiversity Authority at the national level, the State Biodiversity Board at the state level and the Biodiversity Management Committee at the Panchayat level with the objective of promoting conservation and 'sustainable use of India's rich biodiversity and associated knowledge with people's participation.' Ten years down the line, much remains to be done both at the Central and State level in order to implement the Biodiversity vision. The Committee mentioned that three states, Bihar, Maharashtra and J&K have not even set up their respective state biodiversity boards even after a decade. It called upon the Government to take make serious efforts to implement this crucial and futuristic piece of legislation.

As the report reflects; large and vital areas cry for a greater dynamic vision, action and effort at implementation. Innovative schemes and working mechanisms seem to be urgently required. As

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the Committee put it, 'engineering centric approaches' alone are not working anymore. Perhaps a people-tradition-civilisation centric approach to environment is the crying need of the day. Our, habitually ignored, or nearly lost civilisational vision and traditions of Environment conservation and rejuvenation, may provide a much needed clue and direction.

But is 'official' India even trying to look up that path?

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# The Role Of Diaspora In India's Foreign Policy, National Security And Economic Development

The Vimarsha series of monthly talks was held on Jul 31, 2012, with Ambassador J.C. Sharma, S.M. IFS (retd), former Secretary, Ministry of External Affairs & former Member Secretary, High Level Committee on the India Diaspora, set up by the Government of India, delivering an insightful talk on the 'Role of the Indian Diaspora in India's Foreign Policy, National Security and Economic Development'. The erudite Ambassador said that the Indian Diaspora, comprising an estimated 25 million people of Indian origin and non-resident Indians, spread across 110 countries, is a huge asset for the country. He underscored the fact that people from this community, settled in countries far away from India, since long have been contributing significantly to the development of India, especially of late in terms of investment, foreign trade, transfer of technology and skills, development of cultural linkages with foreign countries etc. Besides,



they have also been fighting very hard for safeguarding India's interests in foreign countries. Blocking the Burton amendment, support for India during Kargil, nuclear tests and the agreement between India and the US on civil nuclear cooperation are examples where the Diaspora community in the US, for example, acted positively as lobbying or pressure group to promote India's interests. He also pointed out that the success of India during the recent decades, especially its economic success, had added to the standing of the Indian Diaspora in their adoptive countries. As the latter sought to engage India more actively because of its growth and military strength, they found the Indian Diaspora a useful bridge. This enhanced their value and standing in the countries where they lived and worked.

While Ambassador Sharma lauded the valuable contributions made by the Diaspora towards India, he also regretted the fact that India's policy approach towards this

community so far has remained largely inconsistent and a victim of poor implementation. He also pointed out that by far the most significant recommendation of the High Level Committee on Diaspora i.e. creation of a credible database of all overseas Indians has remained unrealized till date. As far back as 2004, a proposal was mooted for the setting up of an Overseas Indian Research Foundation, but its foundation stone was laid only in 2010 and it has not yet been built. Furthermore, the Ministry of External Affairs (MEA) and the Ministry of Overseas Indian Affairs (MOIA) have between them a fractured mandate to address the issues of interest to the overseas Indians. Without proper representation from the MEA, the MOIA is significantly losing out on valuable inputs.

### *The Panelist and A Section of Audience*

The Ambassador however cautioned that political developments taking place within India do sometimes negatively impact the Diaspora. The Operation Blue Star, which hurt the sentiments of large number of Sikhs across many countries

besides India, also adversely impacted India's relations with Canada. However, there are also groups / individuals within the Diaspora who continue to support various insurgent groups operating within India, lending them both moral and material support through hawala operations, money laundering etc.

It was also pointed out that while India has not been fully successful in capitalizing on its Diaspora, Pakistan has been effectively leveraging its own Diaspora as well as elements within the Indian Diaspora to destabilize India. David Headley, Tahawur Hussain Rana, Dawood Ibrahim and Abu Jundal are telling examples of how Pakistan has been using members from the Diaspora community to carry out acts of terrorism against India.

The speaker however emphasized that the global reach of media and revolutionary changes in the communication have helped create Diaspora networks and instant connectivity with the motherland. It is, therefore, important to constantly engage the Diaspora and develop policies suited to each segment according to its characteristics. He further opined that the destinies of India and the

Diaspora are intertwined. It is in the interest of both to develop a mutually beneficial relationship. It is an important tool for India's soft power diplomacy. The Diaspora is an important resource in India's

aspirations to be a developed country and a knowledge superpower by 2020.

*Report prepared by Sanjay Kumar*

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