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# HIMAL

SOUTH ASIAN

South Asian  
NEWS & ANALYSIS

April 2001

**How not to do a South Asian treaty**  
**Trapped by the Kosi Embankment**  
**A Bangladeshi in Bundelkhand**



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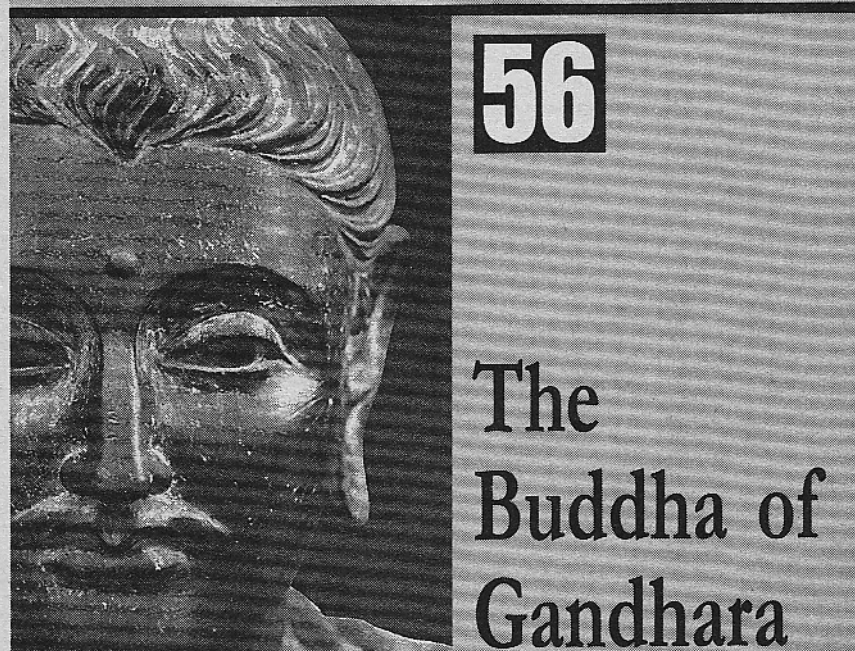
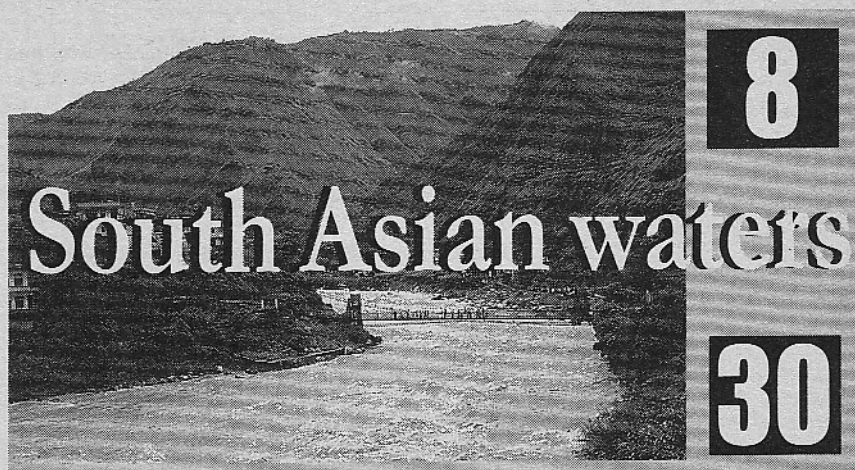
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\*A longer version of the article, "How not to do a South Asian Treaty", can be found in the Centre for Nepal and South Asian Studies' publication, *Domestic Conflict and Crisis of Governability in Nepal*, edited by Dhruva Kumar.

Cover picture by Mohan Mainali shows Mahakali Border River from the Nepal side just after a monsoon shower. **Designed** by Bilash Rai.

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AFGHANISTAN

# IDOLATRY AND THE TALIBAN

NOW THAT the Buddhas of Bamiyan have been reduced to dust, Afghanistan finds itself all the more isolated from the rest of the world. As if the sanctions imposed on the country and the seemingly endless civil strife were not enough for the hapless Afghans to bear, the sharp international condemnation of the destruction of the Buddhas has further diminished whatever little hope there remained for the people of the country, among the most forsaken in the world.

The Taliban regime's effort to rally world Muslim opinion behind it by projecting the vandalism at Bamiyan and the large-scale destruction of artefacts in other parts of the country as being in consonance with Islamic tenets, did not fetch the expected support. Barring a few shrill voices from the fringe, extremist quarters, most Muslim countries as well as leading Islamic scholars have voiced their strong disagreement with the Taliban. They insist that Islam does not allow the destruction of the places of worship of others. "There is no compulsion in religion," says the *Holy Quran*, and in destroying the Buddhas, the Taliban are guilty of a heinous violation of the very religion that they claim to so passionately uphold.

Those familiar with Buddhism know that idol worship is quite foreign to the original teachings of the Buddha, and in this, they come very close to the Islamic position on the matter. Orthodox Hinayana Buddhism had no place for idols of the Buddha, depicting him in the form of symbols, instead, such as, a lotus or the wheel of the law. Yet, over the centuries, particularly owing to the influence of Hinduism and various Tantric traditions, the Buddha's simple creed was turned into an institutionalised religion, the Mahayana or the Great Vehicle, complete with its own priesthood and deities, who came to be represented, of which the 'historical' Buddha, became but one, in the form of idols. An indication of the impact of Mahayanist idolatry is that the Persian and Urdu term for idol, *but*, is derived from 'Buddha'.

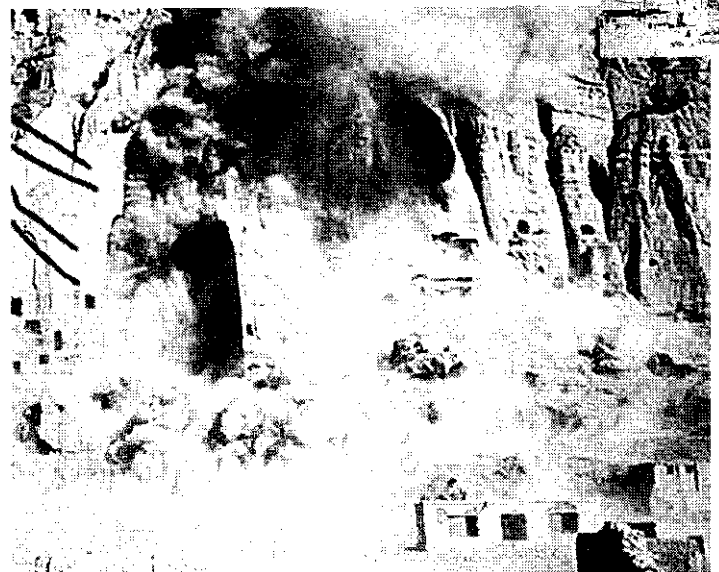
That idols and idol-worship are foreign to the actual teachings of the Buddha does not, of course, condone what *talibs* have done. Since they have invoked Islam in justifying the destruction of the Buddhas, one must judge their actions in the light of the teachings of Islam, and, in particular, early Islamic tradition as it evolved in South Asia. When Islam first made its presence felt in

Afghanistan and India, soon after the death of the Prophet, the schools of Islamic law (*mazahib*) had not as yet developed. At that time, Afghanistan and India were largely Buddhist and Hindu. The Muslim armies which had taken control of Afghanistan and parts of western India, including Sindh and Multan, were faced with a new situation, about which the *Quran* and the Traditions of the Prophet (*hadith*) were silent, for the Islamic scriptures referred only to the Jews, Christians and idol-worshipping pagans of Arabia, laying down rules for Muslims to follow in their dealings with them.

When Muhammad bin Qasim invaded Sindh from the seaward side in 711 CE, the country was wracked by a civil war, with the Buddhist majority labouring under the oppressive rule of Brahmins. The *Chachnama*, the principal extant source on the history of Sindh in this period, says that the Buddhists welcomed the Arab Muslims with open arms as deliverers from the Brahminical tyranny. Several Sindhi Buddhist tribes went over to Islam, and in this Sindh was not alone.

It is interesting to note that those areas of South Asia where Muslims are in considerable majority today, including the whole of Pakistan and Afghanistan, Kashmir, parts of Bihar and the entire eastern Bengal, were strongholds of Buddhism at the time of Islam's advent in the Subcontinent. Scores of Buddhists in these areas seem to have willingly converted to Islam in order to tackle the Brahminical revivalism.

Once Muhammad Bin Qasim had established himself in Sindh he sent a letter to the Muslim Caliph in Damascus, seeking instruction as to how he should deal with the Hindus and Buddhists of the conquered area. The reply came that they be treated in accordance with the Quranic commandments relating to the People of the Book (*Ahl-i-Kitab*), the Jews and the Christians.



Accordingly, the Buddhists and the Hindus of Sindh were to be given full freedom to practise their faiths, and their lives and property, including temples, were to be protected. In return, they were to pay a tax, the *jizya*. The old, the sick, children and priests were to be exempted from the tax. The non-Muslims were not obliged to perform military service, unlike the Muslims. Following these dictates, Muhammad Bin Qasim thus set a precedent which several other Muslim rulers after him followed.

By the 10th century or so, four schools of Sunni Islamic law (*mazahib* or *maslak*) had evolved, based on the *Quran*, the *hadith* and the interpretations of the *ulama*. Most Muslims came to be associated with one or the other school of jurisprudence. In South Asia, including Afghanistan, almost all Sunnis considered themselves Hanafis, following, in matters of *fiqh* (jurisprudence), the school established by Imam Abu Hanifa. The Hanafi jurists of the Subcontinent seemed to have come to some sort of consensus that the Hindus and Buddhists could be considered to be *Ahl-i-Kitab* or at least as similar to it, and hence are 'protected people' or *zimmis*. In other words, they believed that it was incumbent on the Muslim rulers to protect the lives and property of their Hindu and Buddhist subjects, and guarantee them freedom of worship and religion. This is clearly reflected in the voluminous *fatawa* literature of the Turk, Afghan and Mughal periods in India, produced by a leading Hanafi *ulama*.

The *Fatawa-i-Qurrakhani*, one of the earliest collections of *fatawa* of the Hanafi school to be put together in India, deals in considerable detail with the question of the status of the non-Muslim subjects under the Delhi Sultans. Compiled by Maulana Imam Yaqub Muzaffar Kirmani, this compendium was intended as a

manual for the then reigning sultan, Jalaluddin Khilji. In response to a query as to what should be done with the places of worship of non-Muslims in a territory ruled by a Muslim king, he answered, "If there were any temples of the *zimmis* in their cities which have now come under Muslim rule, then, according to the Islamic *shari'at*, they should be left untouched, and the non-Muslims should not be stopped from worshipping therein. Neither should their properties and lands be interfered with".

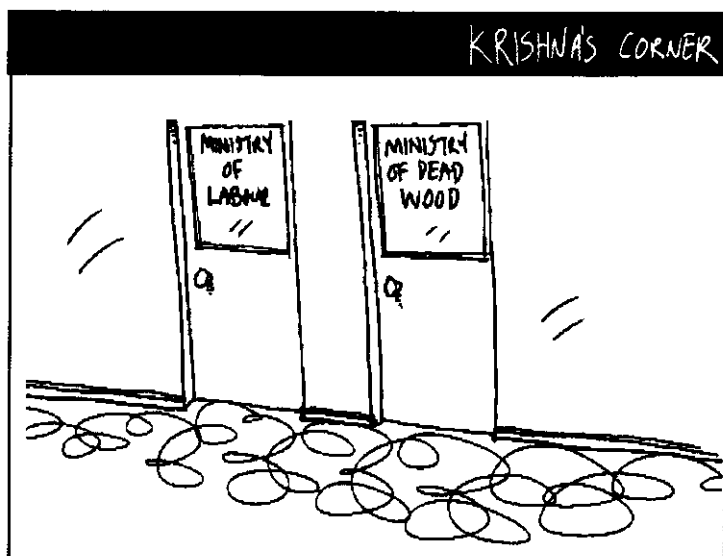
Likewise, the 14th century *Fatawa-i-Feroze Shahi*, compiled in the reign of Feroze Shah Tughlaq, lays down that the places of worship of the non-Muslim subjects of a Muslim sultan should not be demolished. Moreover, the compiler of this collection suggested, on the basis of his own reading of the *shari'at*, that Muslims may dine with Hindus and may assist non-Muslims in need. Another compilation of *fatawa* made in the reign of Feroze Shah Tughlaq, the *Fatawa-i-Tatar Khaniya*, by the noted Hanafi scholar Alam bin Ala, also categorically states that it is not lawful for Muslims to destroy pre-existing places of worship belonging to non-Muslims in lands that have come under Muslim rule.

The story is told of a leading Islamic scholar, Maulana Abdullah Thanewari, who, when he learnt that Sultan Sikander Lodhi had been pressed by some *maulvis* to destroy the temples of Thanewar, confronted the king, telling him that to do so would be a gross violation of the teachings of the *Quran*. When the sultan retorted that the Maulana was taking the side of the Hindus, and warned him that if he did not desist he would be killed, he replied, "Death is inevitable. Without God's permission no one ever tastes death. Whenever one appears before a tyrant one does so prepared for death. I have simply told you what the Islamic law has laid down."

The destruction of the Buddhas of Bamiyan completely lacks the religious sanction that the Taliban authorities have sought to bestow on it. Rather than helping Islam in any way, it has only further reinforced misleading stereotypes of Muslims as intolerant marauders that are today so distressingly widespread among many non-Muslims. The grave damage that this has caused to the cause of Islamic mission (*tabligh*) can easily be imagined. Islamic scholars insist that conveying the message of Islam to others is the divine duty of all Muslims, and the *Quran* itself says that this must be done "through gentle words". But not for the Taliban.

The pulling down of the Buddhas has done the greatest harm to Islam and the Muslim cause, despite Taliban protestations to the contrary. ▽

-Yoginder Sikand



NEPAL

# BLOODY BRINKMANSHIP

THE UNCIVIL war being waged by the Maoists of Nepal just claimed more lives. In four attacks on police posts in the hills districts of Rukum, Dolakha, Palpa and Dailekh on 1, 2 and 6 April, altogether 67 policemen were done to death. An unknown number of the attacking insurgents also fell to the bullet. Quite a few of the policemen in Rukum are known to have been killed execution-style. The scale and style of this carnage, unprecedented in Nepal's history, is distressing even in comparison to the violence-ridden regions such as the Indian Northeast or Kashmir. Even the Maoists' fellow travellers, the People's War group in Andhra Pradesh or others in central Bihar, have not managed quite this level of 'war'.

Ironically, the demographic profile of the dead policemen match those of the Maoist cadres that killed them, coming as they do from the same rural peasantry of hill and the tarai.

Such is the indifference of Kathmandu's educated—the political class, the 'intelligentsia' and the media—that the modest ripple of concern exhibited was hardly proportional to the scale of the massacre. The leader of the main opposition party—the Communist Party of Nepal (UML)—lacking any suggestion for an immediate solution, demanded the prime minister's resignation, forgetting in the process to address words of concern to the families of the deceased policemen.

For their part, Prime Minister Girija Prasad Koirala and his government are unequal to the challenge of confronting the mysterious forces that seem intent on dragging the country towards the precipice. The prime minister's feckless conduct in the face of the Maoist challenge is sufficient reason to demand his resignation, using appropriate parliamentary and democratic methods. Instead, the main opposition party has abandoned the Pratinidhi Sabha and taken to the streets to force Koirala's ouster on an aircraft leasing scam.

In stark contrast to the lack of focus and the disunity of Nepal's main political parties, and the factions within them, is the Maoist cadres' motivation and military organisation that was so evident in the attack on the Rukumkot police post, following on the heels of their seige, last September, of the Dunai district headquarters. But, at a time when the government has indicated its willingness to come to the table for talks and made conciliatory gestures, why did the

Maoist supremo, Comrade Prachanda and his increasingly violent militia, feel the need to kill policemen closeted in barracks, who at the present moment cannot even be regarded as instruments of state-terror? Indeed, the scenario today is reversed, with the Maoists' killing spree resembling the conduct of the Nepal Police's some two years ago during the infamous 'Kilo Seira Two'.

Clearly, the Maoists, ideologically refurbished following their adoption of the true-to-the-soil "Prachanda Path", are supremely confident because of the human and material resources that they now command. Their confidence is bolstered by the knowledge that the proposed special armed police intended to counter their firepower will be delayed by the partisan calculations



DEEPENDRA BANJARA/HRYA

which overwhelm Nepali politics. Further, the monarchy's unwillingness to 'release' the Royal Nepal Army to combat the insurgency has, doubtless, also emboldened the the Maoists.

Under the circumstances, the Maoist strategy seems to be to gain maximum ground and have the upper hand when the talks *really* happen. In achieving this objective, cowering and inactive policemen, stationed at posts that are merely meant to register the government's presence, are evidently no more than so much dispensable fodder to be sacrificed for the cause of the revolution. Apparently, the weaker the government at the centre, the more brutal are the attacks by insurgents in the districts.

It is in the nature of feudal society that those who cannot make others obey are seldom obeyed. When the government is perceived to be weak, the belief that it does not pay to antagonise the strong only grows. This explains the fear psychosis that has gripped the elite sections of Nepali society. Indeed, it has become so intense that pressmen are afraid to denounce militant violence; lawyers find it safer to talk about human rights; politicians are ambivalent towards the insurgents; custodians of justice have learnt to be lenient towards those who break the law; and

*More policemen flow in to replace the dead ones; dazed villagers look on (next page).*



the army is reluctant to dirty its hands in what is by now effectively a civil war. Meanwhile the policemen, abandoned 'representatives' of a state that the Maoists abhor, are left to fend for themselves in the insurgents' line of fire.

Nepal cannot afford such social apathy for long. Fighting insurgency and combating terrorism (some of the militant activities are beginning to take on that flavour) require much more than what a weak government alone can do. A strong political agenda that has the backing of society at large is needed to control armed rebellion. Since political parties represent the public, it is primarily their responsibility to try and forge this broad-based consensus on the aims and methods of combating the insurgency. In the face of escalating Maoist violence, the ruling Nepali Congress cannot wallow in the luxury of the faction-fights that it seems to revel in. Nor can the Left opposition carry on in cynical disregard of the Maoist advance.

Once a political understanding on common objectives is arrived at, the necessary steps can be taken without delay. This includes effective administrative coordination between the civil police, the proposed armed police and the army, to ensure internal security. It is time the realisation dawned on all concerned that playing politics with the two proposals for appointing regional administrators (at a step higher than central district officers) and establishing an armed police, will be counter-productive. It does sound strange that even after so many lives have been lost in vain, there are pusillanimous politicians who will not utter a word against the Maoists, but do not hesitate to drone endlessly on the importance of restraint by the government.

But it is the the failure of the media in arousing public opinion against the violent tactics of the militants that stands out. Obsessed with running down politicians and championing fashionable causes, the Nepali media has to learn that more important than the jargons of liberalisation, privatisation, globalisation, transparency, accountability and good

governance, is the right of the people to live in a society where political scores are not settled by the gun. The free media must at least now wake up to its responsibilities.

The fact is that everyone is indulging in disingenuous political correctness in how they propose to see the Maoists' and the state's responses to each other. Violent insurgencies tend to be the response to a police state's extreme actions against innocent citizenry. In Nepal, however, the state is in such disarray that, especially at present, the police can hardly be blamed for terror of the kind that invites the intensity of retaliation they are being subjected to. True, even three years ago, the police was guilty of terrorising villages in parts of the mid-western hills, an action which helped fan the Maoist insurrection. But the present phase of Maoist violence cannot be attributed to police excess of that variety.

If Nepal Police is to be better motivated to counter what by the Maoist's own declaration is war, it should be given proper weaponry. However, this is not to suggest that the Nepal Police should embrace the policy of bullet for bullet and go on a counter-killing spree. In fact, it is the danger of such an eventuality that should make Nepali opinion leaders careful about what they say, and civil society organisations and the media more watchful against any move of the polity in that direction. For, when the public outcry against Maoist detenus becomes too high, embattled policemen may be prompted to adopt a "take no prisoners" policy, of the kind that the Subcontinent has been witness to in Punjab, Kashmir, the Indian Northeast and elsewhere. Once the police gets into the habit of extra-judicial killings, there will be no escape from the vicious circle of brutal violence and counter violence.

At the moment such an outcome seems to be a distant prospect but there is no saying what will happen if Kathmandu's elite sections, neighbouring India (which is surely watching the happenings in the Nepali hills with a worried eye) and the royal palace agree on a policy of squelching the Maoists. Bloodshed and the killing of innocents will follow inevitably. It is for the Maoists more than it is for the government to realise what may be in store. Will Maoist violence come to an end only when national sovereignty has been compromised, or the democratic gains of the 1990 People's Movement have all been lost? A frightening question, but it is time Nepalis started facing it. Apathy and political correctness do not provide an escape from the mess.

—C.K. Lal





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*Inside Outside.*

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*The London Observer.*

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*Time.*



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# How not to do a South Asian Treaty...

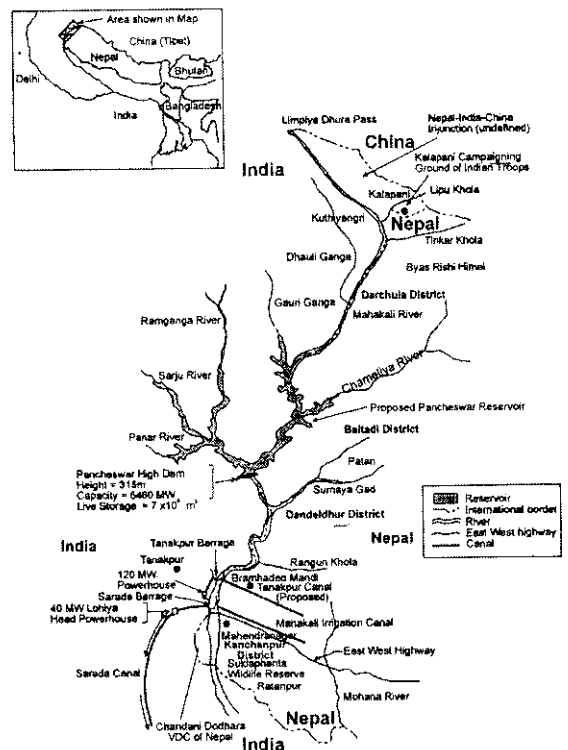
A 'forensic' deconstruction of the Mahakali Treaty of 1996 between Nepal and India reveals the larger neighbour as bulldozer and the smaller one as hapless and internally divided. Just how not to do an agreement for the sharing of a common resource...

by *Dipak Gyawali and Ajaya Dixit*

On 29 January 1996, after three days of deliberations in Kathmandu, India's external affairs minister Pranab Mukherjee and Nepal's foreign minister Prakash Chandra Lohani initialled the Mahakali Treaty, known formally as the *Treaty between His Majesty's Government of Nepal and the Government of India Concerning the Integrated Development of the Mahakali River Including Sarada Barrage, Tanakpur Barrage and Pancheswar Project*. Immediately, Nepali politicians scrambled to take credit for the treaty. From the former Speaker of Parliament to the General Secretary of the Nepal Communist Party (United Marxist-Leninist), then in opposition, from hard-line Panchayat politicians of yesteryears to hard-boiled bureaucrats, all rushed to claim a share in the glory. But in less than a year, the treaty had fallen into disrepute, and, today, except for those whose names have been directly involved in the preparation of the document, there is scarcely a defender of the Mahakali treaty.

The initialling of the treaty, the circumstances that preceded, attended and followed it, its ratification followed by nearly immediate descent into disgrace and the limbo it has since lapsed into are part of a larger saga that has its roots in history. This saga spans several regime changes in Nepal, beginning with the Rana dispensation, followed by the brief democratic interlude that gave way to monarchic control through the Panchayat institutions and culminating eventually in multi-party democracy. It has ramifications that extend beyond hydraulic technicalities. It embraces political economy, diplomatic relations between India and Nepal, as well as larger questions of governance in South Asia. It concerns a riparian border and is therefore enmeshed as much in the skewed 'bilateral geo-politics' of India and Nepal as it is in the calculus of the hydro-technological establishments of both countries.

This being so, the ratification process of the Mahakali Treaty inevitably raises questions about the sociology of political and technical decision-making. It touches on the paradigms of development that dominate in both countries. It also points to the infirmities of the political arena, the subversion of stated principles and instituted protocols. In the case of Nepal, it draws attention to the gap between Parliament as the putative repository



*Mahakali river and Nepal's western boundary where the disputed projects are located.*

MIN. BALPACHARYA



Girija Prasad Koirala and Narasimha Rao in Kathmandu, October 1992.

and guardian of the sovereign will, and Parliament as the venue for the final surrender of the sovereign will, through a forced consensus achieved by institutionalised corruption. It is above all a saga of gross dereliction by those invested with responsible office and a capitulation to the pressures of a more powerful neighbour.

Because of its multiple implications, a forensic scrutiny of the Mahakali episode will yield lessons of import not just to India and Nepal, but to South Asia and indeed to the entire developing world that has been subjected to 'maldevelopment' behind the smokescreen of 'development'. These lessons can be usefully applied to settling resource sharing disputes, to critiquing growth and development choices that unleash distortionary effects, to evolving appropriate principles of cooperative bilateralism and multilateralism, to deepening the basis of democracy in the interest of greater transparency in matters that impinge on the lives of large numbers of people, and to the exercise of reducing the institutional and economic imbalances that enable an oligarchy of interests to seize a nation and its assets. This narration of the events that went into the making of the impasse is intended to spur such forensic studies.

### Chronology of events

The story begins with a border river. In 1816, by the Sugauli Treaty with which the British brought Nepal literally down to size following the 1814-16 war, the Mahakali River (called Sarada in India) was fixed as the western boundary between Nepal and British India. But the braided southern reaches of the river as it debouches onto the plains do not lend themselves to such neat demarcations. Neither the *thalweg* (the line of maximum depth in a meandering flow) nor the centre-line (the line of equidistance from both banks) principle could be satisfactorily used to define the boundary. Eventually the mid-stream of the river was taken as the boundary with reference pillars on either side. The shifting nature of the river's course led to a realignment of the boundary in 1912.

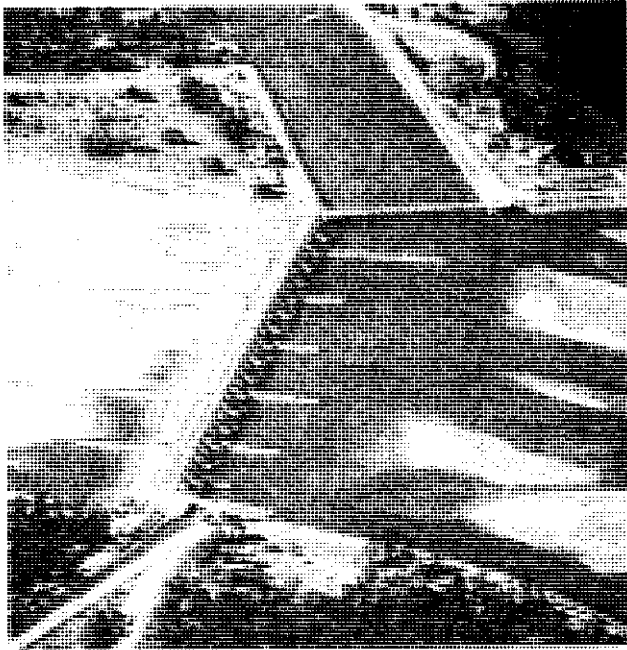
A border constituted by a commonly shared resource

is one whose use must necessarily be based on bilateral agreement. But bilateralism by itself does not ensure an equitable arrangement. The Sarada Barrage, irrigating the western United Provinces (today's Uttar Pradesh), was based on the 1920 Sarada Treaty between the Rana regime and the British India government. This treaty transferred 4000 acres on the eastern bank of the Mahakali to India to build the Sarada Barrage in exchange for 4000 acres of forested land in areas further to the east as well as Rs. 50,000 compensation for Nepal. Furthermore, the treaty allowed Nepal to withdraw 4.25 cumecs (cubic metres per second) of water in the dry season and 13 cumecs in the wet season; the wet season flow could be increased to 28.34 cumecs if water were available. What India could withdraw out of the approximately 650 cumecs average annual flow of the Mahakali was not specified. In effect, it was limited only by the scale of the technology it was able to employ. Quite apart from the under-valuation of the Sarada Barrage's left (Nepali) bank, the question of where exactly the 4000 acres of land received from the British were located has not been satisfactorily answered at the public level in Nepal.

This inability to defend Nepal's interests adequately was to manifest itself in the post-Rana democratic interlude of the 1950s. After a major flood in the Mahakali in 1953, India, between 1954 and 1958, extended the left afflux bund (embankment) of the Sarada Barrage about 100 m beyond the border pillar BP 6A into Nepali territory. It is not known if the Nepali government gave permission for this activity in any form. If it was an incursion, however, there is no record of a protest by the government in Kathmandu then or afterwards.

The 1950s were also the period when, to further its irrigation initiatives in the north Ganga plain, India entered into two major river treaties with Nepal's characteristically unstable and short-term governments. These were the Kosi Agreement signed in 1954, subsequently revised in 1966, and the Gandak Treaty concluded in 1959 and amended in 1964. These treaties, and the associated projects, have had their own less than salubrious impact on Nepali polity and popular perceptions in Nepal of India as the 'big brother'.

In December 1960, King Mahendra's royal military take-over replaced parliamentary democracy with Panchayat institutions controlled by the Royal Palace. In 1971, Nepal began the Mahakali Irrigation Project with a loan from the World Bank to utilise its share of the waters of the Mahakali as allowed under the Sarada Treaty of 1920. Nepal's water resource development activities had by now begun to acquire a donor-led,



Sarada Barrage with the Sarada canal heading westward to water the UP plains.

statist bias, precluding other private or community-based institutional possibilities. From 1985 onwards, the ministry of water resources was preoccupied with the 402 MW Arun3 project (which was later scaled down to 201 MW, and finally abandoned in August 1995 after the World Bank pulled out of it because the project was criticised for its excessive cost). The exclusive preoccupation with Arun3 had serious consequences, for it made Nepal's water and power establishment oblivious to what was happening at Tanakpur on the Mahakali.

In 1983, India completed the technical study of a 120 MW hydroelectric project on the Mahakali River near the town of Tanakpur in Nainital District of Uttar Pradesh. Nepal raised its concerns with India regarding possible damage to Nepali land and territory, especially its Mahakali Irrigation Project. India's planned 120 MW Tanakpur power plant would use all the waters of the Mahakali during the dry season, and empty its tailwater into the Sarada canal feeding the UP system and not into the river upstream, from which Nepal's Mahakali Irrigation Project receives its water as per the 1920 treaty. India agreed to redesign its project and release the Mahakali water back into the river so that Nepal's existing irrigation project would not be left high and dry. It also agreed to, and did construct, some river abutments to ameliorate bank-cutting on the Nepali side that resulted from the project's construction. The statist bias in all of this, both in Nepal and India, is evident in the fact that amelioration measures were limited to civil engineering structures: during the construction of the barrage, the bank-cutting in Nepal from India's diversion works affected about 80

families, which were never compensated.

The Tanakpur Barrage and powerhouse were completed in 1988, with the exception of the left afflux bund required to tie the barrage to the high ground on the left bank in Nepal. India went ahead with this project on a shared river unilaterally. But now, despite its earlier insistence that this was an Indian project on Indian territory and of no concern to Nepal, it became necessary for India to request Nepal for 577m of Nepali land for this purpose. However, at this time, relations between the two countries had deteriorated to the point of India imposing a peacetime economic blockade of Nepal in March 1989. This matter was, therefore, not pursued further.

In November 1989, with a change of government in New Delhi, the foreign ministers of the two countries were able to meet in New Delhi in January 1990. The royal regime in Kathmandu, faced with a rapidly accelerating anti-Panchayat agitation, toned down its opposition to the 1950 Treaty of Peace and Friendship with India, and agreed to India preparing a new draft treaty on mutual cooperation. To extract maximum benefit out of the political turmoil in Nepal, India put forth a draft text on 31 March 1990, which included more stringent demands on Nepal *vis-à-vis* Indian security concerns than did the 1950 Treaty. The new draft included Article III of Part VI "Economic, Industrial and Water Resources Co-operation", which states:

The two Contracting Parties being equally desirous of attending complete and satisfactory utilisation of the waters of the commonly shared rivers, undertake to: (i) plan new uses or projects subject to the protection of the existing uses on the rivers; and (ii) co-operate with each other to formulate and modify the planned new uses or project taking into consideration the water requirement of the parties.

#### "Pervasive and long term"

On 9 April 1990, multi-party democracy was restored in Nepal even as speculation persisted that had the King acquiesced to India's proposals of 31 March 1990 regarding the proffered Indian security umbrella, India would have helped smother the anti-Panchayat agitations. Whatever may have been the case, the fact remains that the Indian proposal was rejected and a week later the King ended the Panchayat system by royal fiat. The Tanakpur issue, till now wrapped in bureaucratic secrecy, began to unfold slowly in the public arena. The restoration of democracy furnished a new context and introduced a new set of equations. The post-Panchayat interim government, headed by Krishna Prasad Bhattarai and consisting of the Nepali Congress and the United Left Front, came under pressure from the Indian government on the construction of the left afflux bund of the Tanakpur barrage, particularly since the economic blockade had now been relaxed. Nepal's new Constitution, promulgated on 9 November 1990, significantly, required, under Article 126,

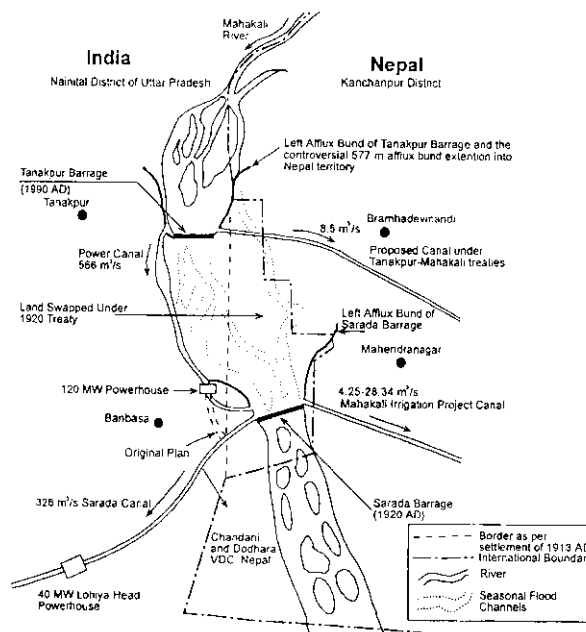
parliamentary ratification, by a two-thirds majority, of any resource-sharing agreement of "pervasive, serious and long-term nature".

Krishna Prasad Bhattarai visited New Delhi on the invitation of Indian prime minister, V P Singh. The entourage included Sahana Pradhan, then chairperson of the United Left Front and a minister in the government. On 10 June 1990, at the conclusion of his visit, a joint communiqué that included the phrase "common rivers" and the need to expedite their development was issued. The agreement was to become an election issue in the first polls of May 1991 as an alleged example of Nepali Congress's 'sell-out' to India.

Soon thereafter, the interim government did try to find a way out of the problems created by India's unilateral construction of a barrage on a common border river. Because of the geometry of the land swapped in 1920, if India tied the afflux bund to the high ground in its territory, a significant portion of Brahmadevi Mandi in Nepal would be submerged. A technical team of Kathmandu's water resources ministry in February 1991, recommended the variant that would cause least submergence and specified Nepal's needs for additional irrigation in Kanchanpur District as well as for a highway connection to the Mahakali Barrage, which is the only AA class bridge over the river in that area. On 15 April 1991, the interim government authorised its negotiating team to conduct discussions with India within certain parameters, including the least harmful afflux bund variant, and provision of 1000 cusecs (cubic feet per second) of irrigation water and "some electricity" for Nepal in return for the use of 577 m of Nepali land.

Soon after, on 27 May 1991, the first general election of the post-Panchayat era led to a Nepali Congress government headed by Girija Prasad Koirala. The tempo of events quickened and the plot began to get more intricate as the decision-making complex expanded to include new, more volatile factors. Vacillations of stance and rhetoric marked the conduct of the political establishment. And through it all, the only constant factor was the steady drift towards capitulation and the acceptance of compensatory terms about which successive governments had no clarity whatsoever. The speed of the capitulation is surprising and shocking.

In June 1991, responding to the renewed Indian request for permission, the prime minister insisted that this could be granted only after a detailed study and an agreement between the two governments. In December, the prime minister visited India. Possibly because of inadequate preparation, discussion of Tanakpur seems not to have been on the agenda. Neither the water resources minister and the secretary of water resources nor any water resource experts were included in the 72-member delegation. But this absence notwithstanding and despite the prime minister's stated position of June, expressed in the letter to his Indian counterpart, a set of last-minute agreements was in fact entered into.



Lower section of the Mahakali river.

Apart from trade and transit and development issues, they included plans to develop major high dams in the Nepal Himalaya. This agreement, described as an 'understanding' and not a treaty, also allowed India the use of the requested 577 m of Nepali territory. Nepal was to receive 'free of cost' 10 million units of electricity as well as 150 cusecs of water for irrigation. The other water projects included in the MoU were studies of the proposed high dams of Pancheswar, Karnali Chisapani, Burhi Gandaki and Sapta Kosi. The linking of Pancheswar to Tanakpur was to be the cause of much heartburn in the days to come.

On 24 December 1991, to counter allegations of any 'secret treaty', the details of the agreement were published in the official *Nepal Gazette*. Instead of settling the matter, this raised a lot of suspicion and hackles. India had been allowed to hastily start the construction of the left afflux bund by 15 December, before the details of the 'understanding' had even been made public. Construction of flood protection works was stated, in what obviously was a hasty 'typo', to start in November 1991 even before the 'understanding' was initialled in Delhi. And the newspaper reports and gazetted notices continued to confuse 10 million units (Kilowatt hours) of electricity with 10 Megawatts of power, confusing further the debate about what Nepal had actually received for allowing its left bank to be used for the Tanakpur project.

### Treaty or understanding

In December 1991, a writ filed in the Supreme Court pleaded for the 'understanding' to be declared a treaty requiring ratification by a two-thirds majority in Parliament. On 28 February 1991, during the winter

session of Parliament, the opposition United Marxist Leninist (UML) gheraoed the rostrum of the Lower House for eight hours and obstructed proceedings in a bid to force the government to table before the House all documents related to the Tanakpur 'treaty'. The treasury bench, on the other hand, maintained that what had been reached was only an 'understanding' and that all related materials had already been published. A 19-member all-party special committee of Parliament was formed to try and find a consensus. Street agitation against the treaty dominated national politics and newspapers for months.

Despite extensive meetings and consultations with government and external specialists, the committee was unable to reach a consensus. It eventually presented three different reports to the Lower House in September 1992. In a memorandum submitted to the chairman of the Upper House dated 9 September 1992, eight communist factions (including the UML, Unity Centre, United and the Masal) stated that the Tanakpur 'understanding' was a treaty requiring parliamentary ratification by special majority. They argued that it was wrong to link the Pancheswar Project with Tanakpur, since the former was a separate project requiring a separate treaty.

The 1991 'understanding' was ambiguous about the 150 cusecs of water that Nepal was to receive from the Tanakpur barrage. This provision seemed to limit Nepal's share of water from the Mahakali River to a maximum of 1000 cusecs, inclusive of the replacement flow that Nepal would receive if the Sarada Barrage were to become non-functional. It was interpreted that this flow would be made available after the modification of the Mahakali's flow on the completion of the Pancheswar project. This was seen as an imposition of unilateral solutions on a resource having features of shared ownership.

In October 1992, India's prime minister Narasimha Rao, on a state visit to Nepal, renegotiated the Tanakpur 'understanding'. The quantum of electricity that Nepal was to receive from the project "free of cost" was raised from 10 to 20 million units. Future upstream water developments, such as the Pancheswar Multipurpose Project, were disassociated from the agreement on Tanakpur with the provision that both countries were free to negotiate upstream projects independent of whatever was agreed to at Tanakpur.

On 15 December 1992, the Supreme Court of Nepal decided that the Tanakpur agreement was indeed a treaty and not just an 'understanding', and hence required parliamentary ratification. The Court, however, refrained from specifying whether the ratification required a simple or special majority. This matter was left for Parliament to decide.

A month after the Supreme Court decision, the government constituted the Baral Commission to evaluate the impact of the agreement. The committee fixed six criteria to define whether the agreement and the

associated river development initiatives constituted "pervasive, serious and long-term" issues. The definition would apply if:

- (a) a single treaty were made regarding the use of several different river basins of Nepal;
  - (b) a treaty were made for an entire river basin;
  - (c) storage projects have capacity greater than 1,000 MW or a capacity factor less than 0.3 (capacity factor is the real time operation of a plant in a given period as a proportion of its projected potential capacity);
  - (d) projects costs are large compared to economic indicators such as annual GDP, or involve sovereign loans which would have to be paid back not just by the generation making the decision but by future generations or which would be difficult to pay given the state of the economy; and
  - (e) projects entail large reservoirs requiring resettlement which are difficult to handle within Nepal's finances, land availability, etc.
- But would not apply for
- (f) run-of-river hydroelectric projects (with no water storage).

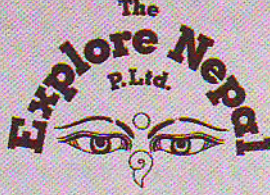
Based on these criteria, the Baral Commission concluded that the Tanakpur Agreement was of a simple nature and not a "pervasive, serious and long-term" one.

### Tanakpur fatigue

The government then moved to present what was by then the 'Tanakpur Treaty' to Parliament as one requiring ratification by simple majority. Parliament was not consulted for the purpose of building a 'national consensus', nor had it approved any criteria. A meeting of the parliamentary committee of the Nepali Congress was called just before the matter was to come before Parliament. The Nepali Congress 'supreme leader' Ganesh Man Singh refused to attend the meeting and wrote a letter to the chairman of the party on 8 March 1992, declaring, "Passing the Tanakpur Treaty by a simple majority of the Lower House would be the equivalent of signing a death warrant."

Like the Supreme Court's decision, Ganesh Man Singh's letter, which came popularly to be called a "letter bomb", skirted the difficult but germane issue of defining the criteria for calling Tanakpur Treaty a "pervasive, serious and long-term" matter. Given the play of factional politics in the Nepali Congress, the letter effectively derailed any chance of the issue being resolved politically in Parliament through an initiative from the prime minister. It was thus left to hang in limbo.

In December 1993, the Indian water resources minister, V C Shukla visited Nepal and secured from the government an 'action plan' for proceeding with the implementation of the Tanakpur agreement even though the main treaty had yet to be approved by Parliament. One of the principles enunciated on this visit, that the "water needs of Nepal will be given primacy", was to



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*Bhojan Griha... a grand old building restored and converted into the finest restaurant serving traditional ethnic cuisine Kantipur Temple House... a hotel that combines the unique architecture of a Newari Temple with traditional decor to create the perfect ambience Koshi Tappu Wildlife Camp... a remote luxury safari tented camp in eastern Nepal for exclusive sightings of rare wild water buffaloes & hundred of bird specie We like to bring you more with our deep commitment towards restoration & conservation.*



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find itself invoked in the national consensus document signed by senior functionaries of major Nepali political parties just before the signing of the Mahakali Treaty, and in subsequent discussions about Nepal's benefits from the Treaty.

In July 1994, the Koirala government fell and the mid-term general elections held in November 1994 resulted in a hung Parliament. The United Marxist and Leninist (UML), which had vociferously opposed the Tanakpur Agreement, emerged as the single largest party and formed, on 9 December, a minority government. In the heat of the election campaign, the UML had called for renegotiating the Tanakpur Agreement, but India saw no reason why it should respond to the hype generated by the Nepali opposition leaders. To resolve the impasse, the UML government, ostensibly after receiving signals from the Communist Party of India (Marxist), put forward a 'package deal' in April 1995. This plan proposed increasing the quantum of electricity and water to be made available to Nepal, but Nepal would concede to the construction of a massive (315-metre-high, 6,480 MW) storage dam at Pancheswar in the mountains upstream of the Tanakpur Barrage on the Mahakali River. It was this very linkage of the Tanakpur Barrage with the Pancheswar that the UML had previously opposed, and whose disassociation was secured with so much effort during prime minister Narasimha Rao's visit to Nepal in October 1992.

Pancheswar was a dam that India had wanted for over two decades but in which Nepal had not shown much interest because of its smaller requirement of water and power. There was also a lack of clarity from the Indian side regarding the purchase price of power as well as the valuation of irrigation benefits and India's security concerns over the control of the dam that would have compromised Nepal's sovereignty. The minority UML government, however, was not able to push its 'package deal' through because of internal differences about its implications, the details of which were not made public.

The nine-month-old minority UML government was unable to continue in office and was replaced by a three-party coalition of the Nepali Congress, the Rashtriya Prajatantra Party (made up of Panchayat-period politicians) and the Tarai-based Sadbhawana Party. The coalition was headed by Sher Bahadur Deuba of the Nepali Congress. By now, "Tanakpur fatigue" had overtaken all parties and Nepali politicians were too embroiled in infighting among parties and groups for perks and privileges to worry about long-term interests.

During November and December 1995, in what came to be known as the "Pajero scandal", the Deuba government allowed MPs initially, and later senior bureaucrats and judges, the privilege of importing luxury vehicles duty-free without declaring their source of income. Only a handful of MPs did not avail this privilege, and an even smaller number openly criticised the government's move, which was seen as institutionalis-

ing corruption and as buying parliamentary votes. This institutionalisation of corruption among senior state functionaries may or may not have had something to do with what was to transpire.

Soon thereafter, on 26 January 1996, just before the arrival of Indian foreign minister Pranab Mukherjee, at a meeting called with two representatives each of the three major parties—the Nepali Congress, the UML and the RPP—a document called the "National Consensus



Madhav Kumar Nepal

on the Use of the Waters of the Mahakali River" was signed. This so-called consensus by-passed parliament and its committees. Smaller parties and dissenting factions within the major parties were excluded. The document basically furthered the earlier UML-proposed 'package deal' on the Mahakali. The members who put their signature on the so-called 'national consensus' were Madhav Kumar Nepal and Khadga Prasad Oli of the UML, Prakash Chandra Lohani (then foreign minister) and Pashupati Shumshere Rana (then water resources minister) of the RPP, and Chiranjivi Wagle and Bimalendra Nidhi of the Nepali Congress. The consensus document specified the following provisions:

#### Regarding Tanakpur Barrage:

- a) make efforts to secure additional water (more than the existing 150 cusecs) from the Tanakpur Barrage; and
- b) secure free of cost up to 50 percent of electricity generated per year by the Tanakpur Barrage.

#### Regarding Sarada Canal:

If the Sarada Canal becomes non-operational, the quantity of water to be made available to Nepal to be supplied from the Tanakpur Barrage. India should provide water from Sarada Canal to irrigate the Dodhara-Chandani area in Nepal, west of the Mahakali river.

#### Regarding Pancheswar Project:

Secure the national interest of both countries in terms of utilising the border river water. In consonance with this fact, the project will be based on the following principles:

- a) establish equal capacity power houses in both countries;
- b) arrange equal utilisation of water by both countries to operate these powerhouses;
- c) arrange to bear the cost in proportion to the benefit acquired from the project;
- d) apply the principle of maximum net benefit while implementing other projects that use the border river water, including Pancheswar; and
- e) ensure that both countries seek consensus on using the water of the Mahakali River.



Others:

- a) accord priority to Nepal's needs in the utilisation of water; and
- b) analyse the available benefits in terms of electricity and energy, irrigation and flood control to both countries and bear the cost of the project in proportion to the benefit acquired.

**The treaty is signed**



Prakash Chandra Lohani

On 29 January 1996, the Foreign Ministers of Nepal and India, Prakash Chandra Lohani and Pranab Mukherjee, respectively, signed the "Treaty concerning the Integrated Development of the Mahakali River, including Sarada Barrage, Tanakpur Barrage and Pancheswar Project". The Indian foreign minister had reached Nepal on 27 January and flew home with the agreement on the

30th. History had repeated itself. Three decades earlier, Indian minister Gulzarilal Nanda too had managed to walk away with the Kosi treaty in all of three days.

The Mahakali Treaty extracts Nepal's consent for the Pancheswar High Dam, which would generate nine billion units of electricity, to be consumed mostly by India. It provides 50 million units of electricity to Nepal from the Tanakpur Powerhouse over and above the 20 million agreed in October 1992. It provides water for irrigation from the Tanakpur Barrage as well as protects the environmental needs below the Sarada Barrage. The real problem arose after the implications of its clauses began to sink in. Clause 3 of the Treaty states that "... both the parties agree that they have equal entitlement in the utilisation of the waters of the Mahakali rivers without prejudice to their respective existing consumptive uses of the waters of the Mahakali river." The water-sharing provision was further qualified by Clause 3 of the letters exchanged with the Treaty, which said, "It is understood that Paragraph 3 of Clause 3 of the Treaty precludes the claim, in any form, by either party on the unutilised portion of the shares of the waters of the Mahakali River of that Party without affecting the provision of the withdrawal of the respective shares of the waters of the Mahakali River by each party under this Treaty." In terms of benefit-sharing, Paragraph 3 of Clause 3 of the Treaty made the following provision, "The cost of the project shall be borne by the Parties in proportion to the benefits accruing to them..." The treaty, significantly, does not mention India's water share.

The agreement was clearly and without doubt of a "pervasive, serious and long-term" nature and needed ratification by two-thirds majority of Parliament. It also became clear that Article 3 of the treaty, as well as Clause 3 of the accompanying Lohani-Mukherjee exchange of letters, had compromised Nepal's rights to a 50 percent share of the waters of a border river. The wording of the

clause is such that if Nepal does not use its equal entitlement of water of the border river and allows it to flow downstream, she cannot trade or claim financial or other benefits from this unused portion of its rights.

During the visit to India of prime minister Sher Bahadur Deuba on 12 February 1996, the prime ministers of Nepal and India re-initialled the treaty. A day later, on 13 February 1996, the Communist Party of Nepal (Maoist) led by Puspa Kamal Dahal (Comrade Prachanda) and the United Peoples' Front led by Baburam Bhattarai declared the Maoist 'people's war', which has by now taken more lives than most past revolutions in Nepal. Among their many demands was, and is, the abrogation of the unequal treaty on the Mahakali.

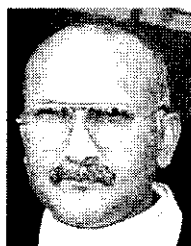
On 17 February, India and Nepal signed an umbrella 'agreement' concerning the electric power trade which allows any governmental, semi-governmental or private enterprise in Nepal or India to develop hydropower sites and to buy and sell power to each other. It thereby essentially marginalises the role of governments, especially Nepal's government. Simultaneously, in Bombay, Nepal's minister of water resources, Pashupati Shumshere Rana, solicited foreign investment to develop the country's water resources thus: "In a range of 100 identified projects, you can take your pick from the shelf whether you want a 10 MW or a 10,000 MW project."



Pashupati Shumshere Rana

Public debate in Nepal began to heat up in the days leading up to the parliamentary vote on the Mahakali Treaty. The left and right parties were particularly strident. There was, however, practically no debate or discussion within the centrist Nepali Congress that had, since coming to power in 1991, jettisoned the principles of 'democratic socialism' in favour of economic liberalism. There was, instead, only a high profile defence of the treaty by foreign minister Prakash Chandra Lohani, of the RPP. According to him, "there was some disagreement on the saving that would be achieved when hydropower displaced coal. Agreeing to share the profit on a 50-50 basis solved the disagreement." He went on to add, "it is for the first time in history that pricing has been fixed on the principle of saving in cost."

Two weeks after the treaty was initialled, the Central Committee of the UML formed a working group, called the Oli Commission, to study the treaty and its implications. On 2 September, the Oli Commission presented its report to UML's secretary general. Among the flaws reported (for the first time) was the presence of Indian troops at Kalapani in Nepal near the headwaters of the Mahakali. In terms of the seriousness of matters pertaining to Nepal-India



Khadga Prasad Oli

# Film South Asia '01

The third edition of the Festival of South Asian Documentaries  
4 to 7 October 2001

Film South Asia, the competitive festival of documentary films, invites entries from filmmakers of the subcontinent and the world. The biennial event brings together the best non-fiction films of South Asia. It provides a visible platform for new works and helps promote a sense of community among independent filmmakers. Film South Asia '01 is also committed to developing a larger audience and market for South Asian documentaries within and outside the region.

#### Dates and Venue

FSA '01 will be held in Kathmandu for four days running, from 4 to 7 October 2001 (Thursday-Sunday). Films will be screened back-to-back, and a three-member jury will announce awards at the closing ceremony. Time will be set aside for discussions following all screenings. Talk programmes and symposiums will be held concurrently.

#### Criteria

Entries have to be on South Asian subjects, broadly understood. They may cover any subject in the range available to filmmakers, from people, culture, lifestyle and

adventure to development, environment, politics, education, history and so on. Entries must be dubbed in English or have English subtitles. Entries that have not been released publicly will receive priority. Filmmakers need not be South Asian.

#### Length

The duration of a film is not a bar. Preference will be given to full-length documentaries.

#### Competitive and Non-Competitive Categories

Films completed after 1 August 1999, if selected, will be admitted to the competitive category. (Entrants may ask not to be included in competition.) Films made before the cut-off date will join the non-competitive category.

#### Submission Deadline

All entries must reach the Festival Secretariat in Kathmandu by 30 June 2001. Entry is free of cost.

#### Entry Forms

Please contact the festival office for entry forms, or download from <<http://www.himalassociation.org/fsa>>.

*For more information, contact*  
Manesh Shrestha, Festival Director  
PO Box 166, Lalitpur, Nepal  
Tel: +977-1-542544  
Fax: +977-1-541196  
Email: [fsa@mos.com.np](mailto:fsa@mos.com.np)

Film South Asia '01 is organised by *Himal South Asian* and Himal Association.

relations, the issue of Kalapani subsequently overshadowed the Pancheswar High Dam issue. The report virtually split this main opposition party (without whose votes the treaty would not muster the required two-thirds majority in Parliament) into two—the majority ‘Bolsheviks’ who felt that the treaty should be ratified first and the negative points taken care of during the preparation of the Detailed Project Report (DPR) of the high dam project, and the minority Mensheviks who argued the treaty should not be ratified until all the flaws had been cleared up with India. The “Mensheviks” later broke away to form the Marxist-Leninist (ML) faction.

On 20 August 1996, Pashupati Shumshere Rana tabled the Mahakali Treaty for parliamentary discussion and ratification. In what was widely seen as an effort to pressurise the UML into ratifying the Mahakali Treaty, the British minister of State for Parliamentary Affairs, Liam Fox and the US assistant secretary of State for South Asia, Robin Raphael hinted during their visits to Nepal around 26 August 1996, that non-ratification of the Mahakali Treaty would send a wrong signal, and drive away private international investments in Nepal.

### The distress sale



Man Mohan Adhikari

At the penultimate moment before the parliamentary vote for ratification, the central committee of the UML approved by 17 votes to 16 to ratify the treaty. The chairman of the party, former prime minister Man Mohan Adhikari, who had spoken out against the treaty, claimed indisposition, and a temporary replacement chosen by the General Secretary Madhav Kumar Nepal, voted in favour of ratification. The party’s “Mensheviks” called this a “counterfeit majority”. Students ransacked the UML parliamentary party office and locked up the leaders, who had to be rescued by the police. There was an attempt by small parties opposed to the treaty to encircle Parliament but police action, and the arrest of some opposition politicians, including the Panchayat-period prime minister, Kirti Nidhi Bista, prevented this from happening.

The drama outside Parliament was matched by the drama inside. Discussions in Parliament mainly focussed on the status of the river, the presence of Indian troops in the disputed upstream territory of Kalapani, the issue of water rights, and the selling price of electricity. Differences also persisted on the interpretation of the clauses of the treaty, particularly Clause 3. According to the government’s interpretation, “Clause 3 means that both countries have equal rights to the water of the Mahakali and not equal rights to the water remaining after accounting for existing uses.” On 20 September 1996, the Mahakali Treaty was ratified close

to midnight by a majority of more than two-thirds of the joint Upper and Lower houses of the Nepali Parliament.

But that was not all. Before the Treaty was ratified, Parliament unanimously passed a stricture (*sankalpa prastav*) on the Treaty, which is binding on the Nepali government. The four elements of the stricture are:

- (1) Nepal’s electricity bought by India will be sold as per the ‘avoided cost’ principle;
- (2) When the Mahakali Commission is constituted, it will be done only upon agreement by the main opposition party in Parliament as well as by parties recognised as national parties;
- (3) “Equal entitlement in the utilisation of the waters of the Mahakali River without prejudice to their respective existing consumptive uses of the Mahakali River” means equal rights to all the waters of the Mahakali; and
- (4) Saying that “Mahakali is a boundary river on major stretches between the two countries” is the same as saying it is “basically a border river”.

The unanimous passage of this stricture essentially meant that the treaty had been given conditional ratification. According to those who favoured ratification, the provisions of the parliamentary strictures and the defects of the treaty, would be taken care of during the preparation of the detailed project report (DPR) of the Pancheswar High Dam Project, which was to be prepared within six months of the treaty coming into force. But what exactly the DPR is and when and how it should be completed were and still are points of intense debate.

Because the treaty had been passed with a unanimous parliamentary stricture, Parliament on 10 October 1996 constituted a joint parliamentary committee to monitor the Mahakali Treaty. There were 10 members from different parties in the committee, which was chaired by the speaker. Like the previous all-party parliamentary committee on Tanakpur, this committee too, was unable to provide any guidance. The members visited the site and came back as confused as before. To add to their worries, India’s Joint Secretary of Water Resources, responding to questions from Nepali journalists regarding the *sankalpa prastav*, said that India was not concerned with what such *prastavs* say. Instead, India was concerned with only the wording of the treaty itself. The much heralded statements by political leaders that all defects in the treaty would be taken care of during the preparation of the DPR and that India had agreed to do so were thus proved wrong.

Even as the two governments remained unable to prepare the DPR of the Pancheswar Project, an Indian team visited Nepal from 7 to 9 January 1997. During the visit, the Deuba government signed a memorandum of understanding with India to study the Kosi High Dam and Sunkosi Kamala diversion projects. This agreement allowed for the establishment of liaison offices in Nepal by India for the purpose of preparing

these projects, and committed Nepal to providing data to India on its water projects within the area from Birganj to Biratnagar inside of a month without India reciprocating along the same lines.

The MoU also included provisions that were included in the Mahakali Treaty and Clause 3(4) stated that "power benefits shall be assessed on the basis of, inter alia, saving in cost to the beneficiaries as compared with relevant alternative available". The signing of this MoU to build a high dam was regarded by the Nepali Congress MPs representing constituencies from the regions involved, as heralding a new era of Green Revolution in the region lying east of Birganj and west of the Kosi. It gradually became clear later that the MoU was signed at Indian behest more to placate Bihari grievances following the signing of the Farakka Treaty to share Ganga water whose provisions had greatly upset the establishment there.

The response of the Nepali government, indulging in the indiscriminate signing of agreements and MoUs, has to be understood in terms of the hype of water-led development in the mainstream political parties. Nepali party functionaries fear political allegations that a project, any project, is not moving forward due to their action or inaction regardless of the technical, economic or developmental demerits of such projects. Hence they prefer to be seen 'for' projects rather than against them even if they have little to do with Nepal's development requirements. In line with this kind of thinking and in order to be seen as promoting water resources development, the Deuba government continued its 'distress sale' approach to large-scale water resources development.

At the end of February 1997, the centre-right Deuba government collapsed and was replaced by an incongruous right-left coalition. Lokendra Bahadur Chand of the RPP became prime minister on 3 March 1997, leading a coalition of ex-Panchas and the communist UML. This government exchanged the instruments of ratification of the Mahakali Treaty with the Indian government on 4 June 1997, during the visit of prime minister Indra Kumar Gujral to Kathmandu. The exchanged instrument did not include the provisions of the *sankalpa prastav*. The last prime minister of the Panchayat period, Marich Man Singh Shrestha, broke his long silence and accused the government of caving in before India, and claimed that his government had rejected the Mahakali Project proposed by India because of the border problem at the headwaters. He further claimed India had imposed the economic blockade of 1989 because of his government's nationalistic stance regarding Tinkar (Kalapani) and the Mahakali river.

The treaty's troubles were to continue. By September 1997, the preparation of the DPR for the Pancheswar



Sher Bahadur Deuba

Multipurpose Project ran into deep trouble after the proposal for water-sharing put forth by an Indian technical team became known. Highly placed government sources who participated in the meeting of a joint group of experts reported that during the talks, India came forward with an altogether new and unheard of proposal which stunned the Nepali technicians. Their proposal was that the Mahakali waters should be shared only after ensuring that the flow of water to the canal of the lower Sarada Project, situated about 160 km downstream from the Sarada Barrage at the Nepal-India border, was assured prior use. In fact, India made prior rights claims based on the size of its canals (built without Nepal's co-operation or concurrence), which amounts to more water than there is in the river itself.

The 1994 report by Electricity Development Centre of Nepal had presented a schedule of existing consumptive use in Sarada Command. The average of these uses would be 449 cumec. The water use claimed in January, February, March and April is more than the actual flow available in the river. India thus used Clause 3 of the Mahakali Treaty to its advantage as had been expected by many when the treaty was first initialled.

What the likely existing consumptive use India would claim under the treaty remained unanswered when the treaty was signed and remains so even today. Because the treaty was signed hastily before a scientific DPR had been prepared, several scenarios depending upon use and assumption are plausible, each of which would present a different regime of sharing (see Table). Nepal could be receiving anywhere from 4 to 40 percent of the share, depending on which interpretation is invoked. Had a thorough scientific study first been done before the treaty was concluded, such ambiguities would not have surfaced to bedevil bilateral relationship.

### The way forward

The result of the convoluted trajectory of events and the accumulated misgivings of Nepal is that the euphoria that existed at the time of the signing of the Mahakali Treaty in 1996 has completely evaporated. Impasse it is, and the issue of Tanakpur Barrage and Mahakali Treaty is dramatically bracketed between the first visit of Prime Minister Girija Prasad Koirala in December 1991 which saw furious opposition in Nepal and his second visit of July 2000, which raised no hackles. What learning curve has or has not been traversed, by all concerned, in these 10 years is worth reflecting upon. But that is a separate exercise.

At a more immediate, prescriptive level, the resolution of the Mahakali impasse requires initiatives that manage to rise above partisan interests. If Nepal is to realise that objective, there are certain fundamentals that must be addressed. To begin with, Nepalis should stop reflexively blaming the Indians, who are only taking advantage of an attractive bargain offered by Nepalis who do not do the necessary homework.

**Table: Possible Water Sharing Scenarios as per 1996 Mahakali Treaty (m<sup>3</sup>/s)**

Scenario	Season	Water Share according to Treaty		Water remaining to be allocated	Possible Water Share 50% of previous column		Allocated share		percent	
		Nepal	India's assumed "prior use"		Nepal	India	Nepal	India	Nepal	India
1st	D	22.75	520	0	0	0	22.75	520	4	89
	W	66.7	476	0	0	0	66.75	476	11	82
2nd	D	22.75	449	71	35	35	57.75	484	10	83
	W	66.7	449	27	14	14	80.7	463	13	80
3rd	D	22.75	326	194	97	97	120	423	20	73
	W	66.7	326	150	75	75	142	401	24	69
4th	D	22.75	136	384	192	192	214	328	37	56
	W	66.7	136	340	170	170	237	306	40	53
5th	D	22.75	231	289	145	145	168	376	29	64
	W	66.7	231	245	122	122	189	353	33	60
6th	D	22.75	427	0	93	427	115	427	20	73
	W	66.7	383	0	93	383	160	383	27	66
7th	D	22.75	84	436	218	218	241	302	41	52
	W	66.7	84	392	196	196	263	280	45	48

Source: Ajaya Dixit (1997) Mulyankan, No 42

Note: (D) - Dry season flow: October 15 to May 15; (W) Wet season flow: May 14 to October 16. The Mahakali Treaty has allocated 10 m<sup>3</sup>/s below Sarada Barrage as environmental flow and 5% of the average as that for local uses. The regulated flow considered in the calculation is 582 m<sup>3</sup>/s, which makes the local flow to be 29.1 m<sup>3</sup>/s. Together, the local and environmental flow is 39 m<sup>3</sup>/s which would be 7% of the regulated flow. In the table the latter two flows are not shown.

Ironically, the homework that should have been done before the treaty was formalised, has not been done even five year after it was signed and ratified. Unless this is done there is little scope for taking advantage of Clause 12(3) of the treaty, which allows for a review of the treaty: "This treaty shall be reviewed by both the parties at 10 years interval or earlier as required by either party and make amendment thereto if necessary."

As part of this exercise Nepal must first arrive at a consensus on the criteria for defining what is a "pervasive, serious and long-term" issue as per its Constitution, since all resource-sharing agreements, whether bilateral or multilateral will require clarity on this matter. Otherwise, the Tanakpur-Mahakali kind of unworkable formula will merely be exported into future projects of a similar nature.

But there cannot be a way out unless there is also a change of perspective in India's approach. India's victory in wresting the Mahakali Treaty from the cantankerous Nepali political class has been pyrrhic. Agreements wrested under duress from a small country may possibly fetch some short-term gain, but, as Mahakali has shown, nothing will really move forward in the

long term. And even if it does, the social and political costs may make the victory too expensive.

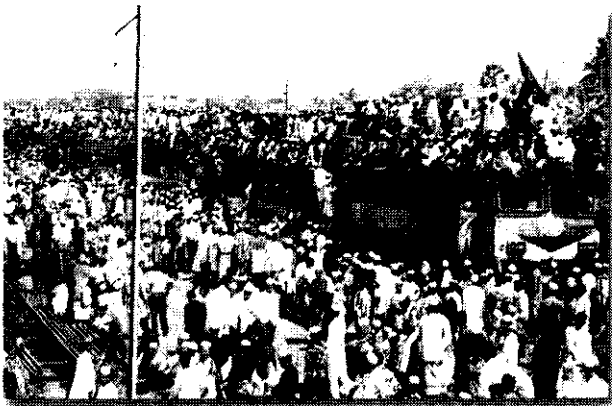
There must also be a more sagacious recognition of the realities of the water situation in the region where requirements on the ground in India and Nepal are quite different from those projected by the construction-oriented water bureaucracies. Inevitably, this calls for an urgent and credible review of past projects, a task that is made more difficult by the colossal vested interests built into the political economy of development-construction in India. This calls for greater effort on the part of Indian activists who question the very paradigm of development that gives rise to such interests which hijack the developmental agenda. But in the case of the Mahakali, even such activists have been found wanting, for what they explicitly reject as a developmental choice for India, they either endorse or are indifferent to when it comes to Nepal.

The situation can be redeemed only through farsighted statesmanship and that clearly is something that has to be learned by all concerned—in both countries—be they of the bureaucracy, the political establishment or civil society. △

THE WORLD loves Hindi movies. So you have in Malaysia a situation where the government is planning to ban them. These movies, said a spokesman of an Islamic body, expose viewers to excessively passionate scenes, which lead to, now prepare yourself, incest. That's a new one. The majority Malays and ethnic Indians who love their Shahrukhs and Aiswaryas must surely be incensed.

INDIA USED to be the land of fakirs, snake charmers and the like for Western media. Now they have discovered monkeys. Yes, suddenly, the Monkey Menace of New Delhi is all the rage in the newspapers of the West, and BBC World (television) flogged the monkey story in the third week of March as if its ratings depended on it. The report (seriously) presented the "only monkey catcher of New Delhi" who tells the lady reporter that there is one particular male monkey who smokes cigarettes and harasses women in Connaught Place. "Even when I take him and drop him 200 kilometres away, he catches a bus and comes back to Connaught Place to continue his activities." And only the BBC, newly having to compete with all kinds of commercial satellite media, would believe that.

EVEN GOOD old populous India, with its newly ideologically recharged Maha Kumbh, cannot beat this



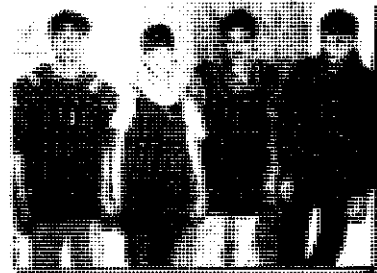
sight of a Bangladesh train overflowing with devotees headed for the Biswa Ijtema festival.

I HAVE heard all the arguments on the ethics of investigations with regard to the Tehelka.com expose, mostly supportive of the Tarun Tejpal team, but only on BBC Radio was there a cautionary note from a London prof. which coincides with Chhetria Patrakar's own view on the matter. If Tehelka had decided to go for the likes of Bangaru Laxman or Jaya Jaitly on the basis of prior information regarding their venality and bribe taking, then there would be a strong basis for their sting operation. However, if this was a scattershot investigation ready to nab whoever falls in the net prepared for them, then I believe there is a strong basis to call this

entrapment. Other than the fact that these particular politicians were definitely caught with their pants and shirts down, what about the two other questions: that of party finance reform and of the bigger fry that go for billions in graft rather than for a lakh or two.

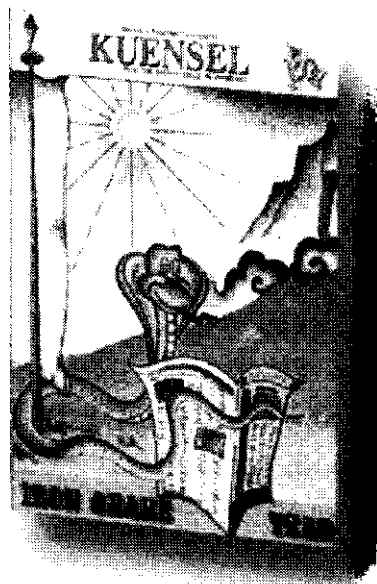
THIS IS a poll by the International Rice Research Institute (IRRI): *Would you eat rice that has been genetically modified? (Yes, No, Don't Know)*. You can cast your vote by going to [www.cgiar.org/irri/pa/index.htm](http://www.cgiar.org/irri/pa/index.htm). The latest poll results show 37 percent saying yes they would certainly eat genetically modified rice, which indicates a rather low level of sensitivity to the issue among rice-eaters of Asia. However, since this was an Internet-based poll, let me say "rich rice eaters".

OTHER THAN the usual dose of political violence and rape that you read about in Bangladeshi newspapers, one permanent item is the seizure of Phensidyl cough syrup bottles, such as the jacket-laden haul shown in this photograph. While Phensidyl addiction is a problem all over, it seems to be of special concern for the Dhaka police. Amidst all the South Asian seminars and workshops of relevance and irrelevance, I wonder if anyone has thought of calling a South Asian conference on Phensidyl use. Certainly, it would be important.



LETTER WRITER Khan-E-Alam from Dhaka seems to have it all sewn up as to why Bangladesh is a poor country. It is because no courtesy is shown on Dhaka's roads, he notes in *The Independent*. Unlike in the developed countries where vehicles slow down to allow pedestrians to cross, in Bangladesh such a thing never happens. Alamian is particularly concerned about "lady garment workers" finding it difficult to cross the road. And so, you may ask, "Why did the lady garment worker cross the road?" To make Bangladesh more sonar!

AS BHUTAN welcomed the Iron Snake year, *Kuensel* came up with predictions on what lies in store. While there are two inauspicious months (22 June-20 July and 29 December-30 January), the good news is that, overall, the year will be "good for older people" and "more relaxing" for women. For



men, it is going to get busier, and uncertainties will abound. Now, what males all over want to know is whether this Iron Snake jinx is going to be restricted to Druk Yul or whether the tribal chieftain in Balochistan and the Asamiya college professor in Dibrugar are both equally going to come under the spell of the negative ether? A fine subject for a letter to *Kuensel's* editor.

LOOK AT Islamic Pakistan, land of the pure, going all aflutter about Valentine's day. So did Hindutva-laden India and Bangladesh. Again, I will repeat what I do every year. With attitudes and expectations changing all over, and boys meeting girls and girls meeting boys in new situations and settings, and satellite television beaming down salacious invites all the time, something has to give. Unless South Asia's adult pruders have something else to offer in its place, at least Valentine's Day serves the purpose, to express affection chastefully in society just coming up to middle-class morality. Some social scientist, please study this phenomenon, and send in an article to the editor of *Himal*.

IN KARACHI, an Islamic scholar has issued a *fatwa* on all 'Jewish' and American products, in view of the "atrocities unleashed on the Palestinians by Israel".



*Dawn*, "No doubt, Jews played mischief with Muslims by conniving to invent and present the loudspeaker to the Muslim maulvis, who in their misconstrued favour for the spread of Islam, are never bothered about disturbing the peace of the ailing, study hours of the student or a person trying to catch some sleep after a hard day's labour..."

THE BANGLADESHER Samajtantrik Dal (BSD) recently held a month-long campaign against obscenity. And as is the custom with such campaigns, film posters were blackened. The next target was the censor board, which was asked not to release "vulgar" films. Chhetria Patrakar would, of course, want to know what BSD is doing about child labour, violence against women, acid attacks and wife-beating in the name of combating vulgarity.

MAMA MIA! A presidential mansion is to be built in Colombo at the cost of USD 550 for each and every square foot. The total 'acreage' is 12,897 sq ft, so get out your calculator and key in the numbers. I refuse to even

do that, in protest of this profligacy when government employee salaries have been frozen for a year as an austerity measure.

THE ASIAN Age Delhi daily evokes contrasting responses. Many hate it for its flaunting of White skin and Western glamour in its backpage Newsmakers section, while many more love it, and would have nothing to do with the front page till they have finished ogling at celebrity and non-celebrity bodies. Well, White skin or no White skin, the newspaper is reader-friendly because of its layout, lack of stodginess, and, oh yes, lack of advertisement! Wonder how editor sahab M.J. Akbar survives.

THE GRAFFITI cartoonist in *The News* comes up with some special ones. Here's one such that says better than words.



SRI LANKA tops the world's chart in suicides and mental illness. On an average, 23 Lankans commit suicide every day, while an estimated 70,000 men and women in the 15-35 age group suffer from schizophrenia. The survey by an aid agency gives the causes as: war-related stress, family discord and marriages between close relatives. Lots of tears in the teardrop island.

AND IN another tragic corner of South Asia, Kashmir, the mothers are still wailing for their sons. This AFP photo shows a mother and relatives pleading for the son's release. And then there is one another tragic corner of South Asia where similar tragedies actually occur with even greater regularity, but you will not see the pictures—and that is Assam and the rest of the Northeast.



—Chhetria Patrakar



# Back to the future?

Womanising by Pakistan's top military officers played its part in the defeat of 1971.

by Adnan Rehmat

**T**he 1971 war with India and the military action in what was then East Pakistan is regarded by many as one of the darkest events in Pakistan's short and chequered history. Defeat in the war led to the loss of its eastern wing, which became independent Bangladesh. Nearly 90,000 Pakistani soldiers were taken prisoner by India. Those in the western wing, which is what remains of the country today, were simply shocked.

Public demand for an inquiry led to the instituting of the judicial Commission under Hamoodur Rehman to investigate the political and military causes of the defeat. Hamoodur

Rehman, who hailed from East Pakistan was the then chief justice of the Supreme Court. The other members of the Commission were Justice Shaikh Anwar-ul-Haq of the Punjab High Court and Justice Tufail Ali Abdul Rehman of the Sindh High Court. The Commission took just over two years to prepare its report, but successive civilian and military authorities in Pakistan suppressed its publication because of the sensitivity of the subject.

The report has now been declassified, after portions were leaked to an Indian magazine last year. It is not difficult to understand why the authorities were opposed to its

publication for it spares no one, including the man who ordered the inquiry—the charismatic prime minister Zulfikar Ali Bhutto.

The Hamoodur Rehman Commission Report cites professional incompetence, defective defence strategy, lack of co-ordination between the army, navy and air force, and moral degeneration of the military high command as the major reasons for the 1971 debacle. The report observes that military planning was "hopelessly defective and there was no plan at all for the defence of Dhaka, nor any concerted effort to stem the enemy onslaught..."

Analysing the military dimension of the crisis, the Commission concludes that senior army commanders were guilty of "serious dereliction of duty" in formulating defence plans and "some are even guilty of shamefully abandoning the fortresses which it was their duty to defend." East Pakistan military commander Gen A K Niazi and his deputy attract special censure for their "wilful neglect".

By far the most sensational part of the report dwells on the 'moral corruption' of senior military officers. While Pakistan was on the brink of break-up, "the military elite was busy in womanising". Interestingly, the report traces this moral degeneration to their involvement in martial law duties under Ayub Khan in 1958. These tendencies reappeared and were intensified, it adds, with Gen Yahya Khan's martial law in 1969.

The report finds substance "in the allegation that a large number of senior army officers had not only indulged in large-scale acquisition of lands and houses and other commercial activities but also adopted highly immoral and licentious ways of life, which seriously affected their professional capabilities and their qualities of leadership".

The report describes Gen Yahya as a womaniser and a drunkard and actually mentions over 200 women who used to visit the military ruler. "The most damaging allegation against the ex-President and commander-in-chief is that he was leading an extremely licentious life,



devoting most of his time to wine and women. During the fateful days of the war, the General even stopped attending the President's Office and did not visit the operation room in the GHQ [military headquarters] on more than two to three occasions. He was addicted to heavy drinking and was extremely friendly with a number of ladies of indifferent repute who took lot of his time even during the critical days of the war and during the period immediately preceding the war."

Among the women who are reported to have visited the President House were Begum Shamim, the wife of the East Pakistan police chief; the Begum of Junagadh; the famous singer Noor Jehan (*see Obituary, HIMAL, February 2001*); and society ladies of Dhaka such as Lily Khan and Laila Muzammil. During November 1971, when things were taking a serious turn in East Pakistan, the report says, Gen Yahya spent three days at Governor House in Lahore, where Noor Jehan (who passed away in late December 2000) "used to visit him two or three times daily and would also come to him at about 8 every night".

About Gen Yahya's deputy, Gen Abdul Hamid, the Commission says, "It is indeed a national tragedy that he was a frequent partner with Yahya in many of these adventures. Frequently the two would slip out to Gen Yahya's house in Harley Street, Rawalpindi, for the purpose of meeting some of their female friends."

### Senorita Home

Of East Pakistan Commander Gen Niazi, the report says that while posted at Sialkot and Lahore, he made "lakhs of rupees in various transactions affecting the disposal of criminal cases brought under the martial law against smugglers and other criminals." The General was also "on intimate terms with one Saeeda Bokhari of Gulberg, Lahore, who was running a brothel under the name of 'Senorita Home' where young women were residing in independent rooms. Another woman, Shamim Firdaus of Sialkot, also playing the same role, was

associated with Niazi."

Says the Commission, "Saeeda used to visit Niazi even in East Pakistan. It was known all over the town that Niazi was having a jolly good time late in the night. He used to visit some bungalows in Dhan Mandi, Dhaka. Even during Ramadan, dancing girls were brought to a home for the pleasure of the Generals and corps commander. Niazi used to go to the houses of the dancing girls in his car bearing three stars and the official flags and with all his paraphernalia," says the Commission.

While the Commission is harsh on the military high command, undivided Pakistan's civilian leadership also comes in for its share of

**The insight into dangers of involving the military in civilian administration is perhaps what Pakistan can benefit from the most in reading the Hamood-ur-Rehman Commission report.**

criticism. The report identifies Zulfikar Ali Bhutto as one of the main culprits responsible for the upheaval of 1971. It is particularly critical of his demand that the inaugural session of the National Assembly be postponed, which was what started the unravelling process. This assembly was constituted by the 1970 elections which brought Bhutto a majority in West Pakistan and won Sheikh Mujibur Rahman a majority in East Pakistan. It was this divided mandate which precipitated the political crisis and the break with Dhaka.

Bhutto's insistence that Mujib soften his Six-Point Programme (SPP), which demanded autonomy for East Pakistan in various matters, before Parliament could be convened, finds adverse mention in the

document: "It has to be remembered that, rightly or wrongly, the Awami League had won a mandate from the people in East Pakistan in favour of SPP, and could not be expected to announce a deviation therefrom without discussion and give and take on the floor of the House."

The report goes on to charge Mujib with inciting separatist tendencies by hoisting the Bangladesh flag atop his house on 23 March. At his bidding, flags also appeared on government buildings and private houses on that day in East Pakistan.

On the Pakistan Army action against the Mukti Bahini, the separatist militia, the Commission says that at midnight on 26 March, 1971, "Dhaka awakened to the noise of thunderous gunfire. The military action, which has since become so well known, had started." It adds, "Quite obviously such an action could not have been taken without some previous preparations. Indeed no secret has been made of the fact that a contingency plan known as 'Operation Blitz' had been in readiness for a long time and it has been on that account suggested that the negotiations [between the military government and Mujib's Awami League] which were carried on from about the middle of March up to the date were no more than a camouflage, it being all along the intention of Gen Yahya and his military advisors to cow down the Awami League with a heavy hand."

The planning and higher direction of war is discussed in a separate section. "Some have even suggested that our strategy was so vague, our tactical objectives so obscure and our decisions so hesitant and faulty that the ignominy of the disaster lay more in disorganised activity and absence of co-ordinated effort rather than the lack of men and material during the closing phases of the war."

### Break a leg

Political failure is the other key element that the document dwells on. This failure had much to do with Gen Yahya's own ambitions. Intelligence estimates had informed him before the 1970 elections that a split

mandate would be the most likely result. He felt that such an outcome would allow him to manipulate the new National Assembly and retain ultimate power.

In the event, the result was not quite what the military junta had hoped for. Mujib's Awami League swept all but two National Assembly seats in East Pakistan. In West Pakistan, Bhutto's Peoples Party took a majority of the seats, not only in Bhutto's native province Sindh, but also in Punjab. It failed, however, to command a majority in Balochistan or the Frontier province, where the nationalist parties, National Awami Party and the Jamiat Ulema Islam in coalition held sway.

In this stalemate, Bhutto joined hands with the military junta to deny the Awami League its right to form the government. His threat to "break the legs" of any member who went to Dhaka for the National Assembly session called in early March provided the excuse for Yahya to post-

pone the session. Many historians feel that this was the decision that let loose the chain of events that culminated in the surrender at Dhaka on 16 December and the ceasefire on the western front on 17 December 1971.

The insight into dangers of involving the military in civilian administration is perhaps what Pakistan can benefit from the most in reading the Hamood-ur-Rehman Commission report. This involvement, which has recurred periodically in Pakistan's history, is what has obstructed the emergence of a stable democratic establishment.

However, this is a lesson that even the most astute politicians of Pakistan have ignored. Zulfikar Ali Bhutto, for instance, redefined the mission of the armed forces to include the suppression of internal dissent. Less than two years after the East Pakistan debacle, Bhutto unleashed the army on the province of Balochistan to resolve a purely

political issue within the province. Predictably, this enabled the army to eventually overthrow Bhutto when he himself was at his weakest.

Had the Commission's report been declassified earlier, perhaps subsequent political leaders could have benefited (though, on second thought, this seems unlikely) from its insight and made them more alert to limiting the army to its appropriate functions. Prime minister Nawaz Sharif involved the army in various economic and administrative tasks of strategic significance, such as in running the power unit Wapda. This was the thin end of the wedge that not only prematurely aborted his rule through a military coup, but also laid the foundations for a process that has been gathering pace under Gen. Pervez Musharraf's present regime: the steady and unremitting militarisation of most civilian institutions through the induction of serving or retired armed forces personnel.

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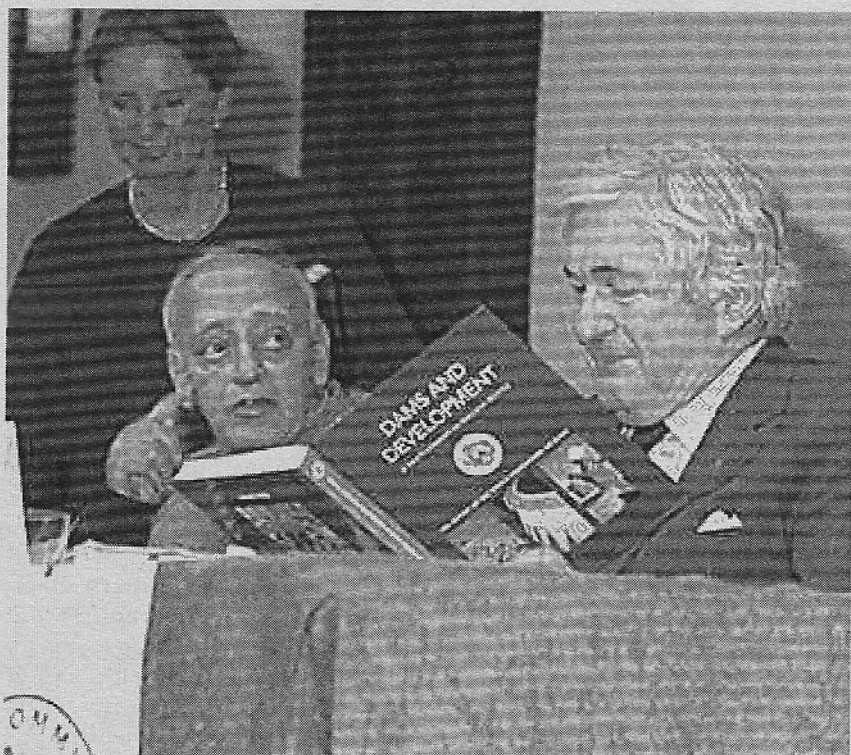
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Institutions	-	800	1500	2200	Pakistan, Bangladesh & Sri Lanka	80	50	65	30
Individuals	350	650	1150	1700	USA, Canada, UK, Europe, Japan,				
<b>Concessional Rates</b>					New Zealand, Australia and Russia	150	100	90	65
Teachers/Researchers	-	425	-	1150	All other countries	100	70	70	50
Students	-	350	-	-					

● Concessional rates are available only in India. To avail of concessional rates, certificates from relevant institution is essential.  
 ● Remittance by money order/bank draft/postal order requested. Please add Rs. 14 to outstanding cheques towards bank collection charges.  
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The World Bank's James Wolfensohn flips through the WCD's report, while member L.C. Jain watches warily.

# Large dams under the microscope

Equity, efficiency, participatory decision-making, sustainability and accountability are the core issues to be addressed in building new large dams, according to a surprisingly refreshing consensus report of the World Commission on Dams.

by **Himanshu Thakkar**

Investments in large dams over the last century total over USD 2 trillion. But in recent times these investment decisions are increasingly being called into question as the opposition to large dams has grown both in intensity and scale. Today, there exists a global anti-dam community that commands considerable influence and attention. As a consequence, large dams have

become controversial almost everywhere in the world.

This mounting challenge prompted the formation of the World Commission on Dams (WCD) in 1998 to bring together the various perspectives of the debate to decide if big dams have been really effective as development instruments. The Commission was set up by The World Conservation Union and the

World Bank, which has been the single most influential institution responsible for promoting large dams across the world over the last five decades. The WCD report, released in London last November by Nelson Mandela, was expected to trigger negative reactions, as it sought to judge something on which such huge investments have already been made. But surprisingly, barring some exceptions, the responses have been mostly positive.

Even more surprising was the fact that a consensus report did emerge from a 12-member commission that had such a diverse spectrum of opinion vis-a-vis the value of big dams. The Commission consisted of people like Jan Veltrop, former president of International Committee on Large Dams, Goran Lindahl, the then CEO of Asea Brown Boveri, one of the world's largest equipment suppliers for large dams, and Medha Patkar, one of the most vehement activists against big dams. The Commission was chaired by Kader Asmal, who had sanctioned one of the largest dams in South Africa while he was that country's water resources minister.

## Compromise document

What did the report have to say which elicited such a positive response? One of its conclusions is that while dams have indeed contributed to development, in too many cases "an unacceptable and often unnecessary price" was paid to secure those benefits—especially in social and environmental terms, by people displaced, by communities downstream, by taxpayers, and by the natural environment. Another of its findings is even more pointed: "Lack of equity in the distribution of benefits has called into question the value of many dams in meeting water and energy development needs when compared with the alternatives."

The WCD report notes that dams

## Report

typically have cost over-runs, time over-runs, under-performance in terms of benefits, and limited success in efforts to counter eco-system impacts. The report also says that the social groups which bear the costs and the ones who receive the benefits are often not the same. It also states that alternatives to large dams exist, but are rarely explored. It concludes by saying that the failure to assess and mitigate potential negative impacts has been "pervasive and systematic", and that the true profitability of these schemes remains elusive. In some sense the report vindicates the criticisms that large dams have been facing from activists all over.

The Commission's most significant recommendation is that before a project is taken up, it must be shown that there has been a "demonstrable acceptance" of the key decisions. The projects must be guided by free, prior and informed consent of the indigenous and tribal people when they are among the affected groups. Decisions ought to start with needs assessment, and a transparent and participatory as well as comprehensive options assessment. Before taking up any new project, options of optimisation of benefits from existing infrastructure must be exhausted, and outstanding social and environmental issues ought to be settled. The WCD has accepted equity, efficiency, participatory decision-making, sustainability and accountability as core values that should inform the understanding of relevant issues.

Some of the leading organisations that have welcomed the WCD exercise include the World Bank, the Asian Development Bank, the African Development Bank, the World Water Council (whose members include the International Commission on Large Dams, the International Commission on Irrigation and Drainage, the International Hydropower Association, and the International Water Resources Association), the United Nations Development Programme, the United Nations Environment Programme, and

the International Union for the Conservation of Nature.

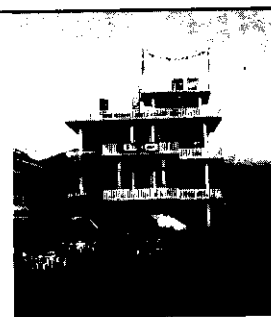
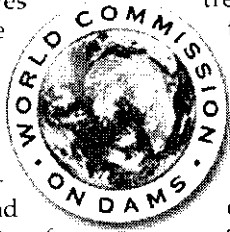
From within the dam industry, the response of Skanska AB, one of the world's leading dam building company, was prompt and positive. In November 2000, it said: "We find the Commission's work to be extremely valuable. Skanska intends to apply the guidelines for major hydropower projects recommended by the World Commission on Dams in their final report."

The World Bank, which once was practically forced to set up the Commission, now is more than happy with the outcome. Its President, James Wolfensohn said the report "is a milestone, not just for dams but a reassertion of the way you should go about development generally". He says the report is of fundamental importance, and has implications for operations by the Bank's commercial wing, as well as the Bank's core soft loan operations.

There have been a few exceptions to such enthusiastic responses. ICOLD, a known pro-dam lobby, has expressed fears that the report may be seen as anti-development. At the other end of the dam debate, Medha Patkar, known for her committed stance against big dams, was cautious and conditional in her endorsement of the report. As a member of the commission, Patkar has this brief note in the report: "While signing the report because of its many positive aspects, I still feel I must put forth this opinion on some fundamental issues that are

missing or not given the central place they deserve... Even with rights recognised, risks assessed and stakeholders identified, existing iniquitous power relations would too easily allow developers to dominate and distort such processes." Patkar's comment clearly shows the difficulties that critics of large dams would have faced in accepting a report that can at best be called a compromise document.

Since critics of large dams have welcomed the report and demanded that its recommendations be followed, then the minimum that one expects is that dam supporters from across the world, including governments, UN bodies, multi-lateral banks, bilateral institutions, dam-building companies, equipment suppliers, export credit agencies, international bodies like the ICOLD, ICID and IHA, as well as investors will honestly try to implement this consensus report. △



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# An officer and a middleman

Wink, wink, nudge, nudge: round up the usual gang of suspects. What the arms middlemen fear the most is peace breaking out in the region.

by Itty Abraham

Some of the responses to the Tehelka.com scandal, presently consuming New Delhi, bring to mind the tongue-in-cheek comment of Captain Renaud, the venal police chief from the movie *Casablanca*, as he walked into Rick's Café: "There is gambling going on here? Shocking!" Perhaps the scandal will end with another of the movie's famous lines: "Round up the usual suspects..." Wink, wink, nudge, nudge.

Journalists, scholars and regular defence commentators, indeed most people within New Delhi's inner circles, have nothing to be surprised about with the recent revelations. They have known, indeed could hardly have ignored, the scale of corruption in the Indian defence establishment over the last two decades. Huge fortunes have been made on Indian defence purchases, the most notorious being the Bofors scandal which brought down a government and tarnished Rajiv Gandhi's name forever. And even in that scandal, now over a decade old, very little has been made public yet. No one has been sent to jail for it, no one has recovered the money.

There have been other revelations of corruption in the Indian defence establishment. When the grandson of retired Admiral SM Nanda was eventually arrested for running over and killing a policeman in Delhi with his BMW in the dead of night, scores of stories emerged about the Nanda family, the biggest arms dealers in India. It was reported that Admiral Nanda had decommissioned a number of destroyers on his last day in office as Chief of Naval Staff and on the



very next day bought them back for one rupee each. When Admiral Vishnu Bhagwat was sacked by defence minister George Fernandes, one of the charges the former Chief of Naval Staff made was that this was punishment for his opposition to foreign arms purchases. But the Tehelka.com operation is the first time the public has seen an expose of this kind.

But India is hardly an exception in the international defence corruption game. From the beginning of the 20th century, the image of the "merchants of death" who were assumed to be lurking behind any major deal, and actively pushing countries to war in order to profit further, has had wide currency. Armament exporting countries actively encouraged such arms transactions. Until very recently, the tax laws of France and Germany included write-offs for bribes since these were treated as part of the cost of doing business overseas. Now, thanks to pressure from the European Union, this tax shelter has been officially closed.

But the United States is in a class by itself when it comes to passing the government's money to private hands. The laws in that country

make most activities, that elsewhere would be illegal, completely above board. Think of the revolving door system that allows lobbying firms to hire retired government officials to lobby their former colleagues, think of the huge campaign contribution system, so-called 'soft money' that channels money from corporations to the political parties in order to get legal exceptions for the corporations, think of the endless cost overruns and faulty equipment that the US armed forces—and hence the American public—have had to pay for in order to keep the within-the-Beltway nexus of political parties, lobbyists, defence contractors and the Congress happy.

Since the network is global, investigation and punishment become all the more difficult. Bribery, like any commercial transaction, involves both the seller and the buyer, and so if we are to get to all the details of corruption in India, or anywhere else, it will need investigations in Israel, Russia, South Africa, UK and other places from where there have been sales to India. Indeed, these foreign arms dealers are important players in a well developed system of espionage that lets countries know what their enemies are buying so that they can buy the same product. The obvious result—profits are doubled.

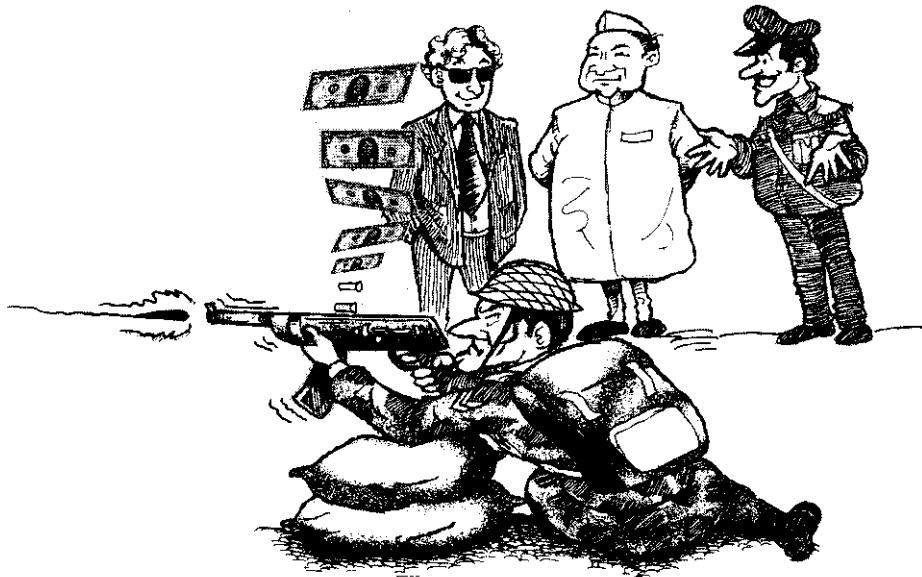
## Field trial

Defence deals are deemed to be atypical in one sense. Unlike the generalised corruption that is part of the functioning of the political system in most countries, when it comes to defence a different set of criteria is meant to operate, at least in princi-

ple. This is because what is being purchased has an enormous emotional as well as material impact on the affairs of the state. At stake here is the security of the country. Thus, it was interesting to see, over and over in the Tehelka.com transcripts, the emphasis on field trials. The one line that apparently cannot be crossed is the one of actual perfor-

which trainer to buy.

Behind the delayed decision were competing arms merchants and their political networks, each peddling a different brand. The choice back then was between the Alpha and the Hawk. Today, a decade later, the choice is still between the same two jets, with the addition of a third—the MiG trainer. In the



BLUSH HAH

mance. The equipment being sold had to, at a minimum, work as claimed. This might convey the impression that there is some honour even among thieves. Well, not really.

About a decade ago, while researching a project on India's defence production industry, I talked to a retired Indian air vice marshal about his experiences in service. We discussed the inordinately high casualties among IAF pilots, especially those flying the most advanced aircraft. At one point in the conversation he turned to me with tears in his eyes and anger in his voice, and said, "Those Ministry bastards, they killed them." He went on to explain that the reason why there were so many crashes among India's pilots was simple—the IAF did not have an advanced jet trainer. These pilots were expected to fly an extremely advanced aircraft, worth millions of dollars, without the flying experience that an advanced jet trainer would provide, because the "Ministry bastards" could not decide

years since my research, nothing has changed. A final decision on the advanced jet trainer has still not been made, and India's fighter pilots are still in danger because of the lack of proper training. Hence, the emphasis on performance in the transcripts must be measured against the costs of inaction, equally a part of the system.

The transcripts make interesting reading for the very reason that they are incredibly banal. If one reads them not to see which political figure or bureaucrat is named but just to get a worm's eye view of how the system works, they are amazingly revealing. One realises, for instance, that you do not have to know anything about defence matters to sell defence equipment. Over and over, the Tehelka.com journalists show their ignorance of even the most basic facts of the defence industry. That they do not know the names of firms like Sagem or MTR was perhaps not surprising, but not to have heard of Daimler Chrysler was. They were not even sure who Ab-

dul Kalam, the well-known scientist and scientific adviser to the Indian prime minister, was. More important, the people they were trying to get close to do not seem to be surprised by this at all, which is indicative of how deep the rot is. Indeed, at one point in the discussions, a senior military official explains to a senior civilian of the defence ministry that the Tehelka journalist is not a technical person, and hence does not know the details of what he is selling. Both then proceed to advise the journalist on what his name card should say if he is to be taken more seriously.

### The day of the fixer

The transcripts make clear that the arms dealers, armed forces officials and bureaucrats caught on video tape seem to have absolutely no anxiety about getting caught. They are intensely aware of the rules of personal security that surround the offices and residence of important figures, hence, the Tehelka.com journalists are advised to carry their bribes in paper or plastic 'packets', not in briefcases, as these are often not allowed into inner rooms. But this is different from questioning the bona fides of these representatives of the mysterious "West End" company, based in England, which sells "many things" and wants to break into the Indian market.

Middlemen spend a lot of time on the tapes talking about the deals they have done in the past, by way of showing how well-connected they are, as a kind of résumé. And this leads us to the troubling realisation that they are not in the least bit wary about getting caught because of the frequency of these encounters. They have clearly done them so often that this kind of meeting is devoid of any concern other than the amount of money that is at stake.

But it does not mean that no rules apply. In fact, the greatest asset of the fixer is the knowledge of how the system works—to explain to the potential client what exactly the procedures are and who is the key decision-maker at every stage in the process. This is privileged

information (though it should not be), and hence, people who have worked in the system are particularly useful as employees for the arms dealers. The system seems so rule-bound that even the percentages of commission are well known—as a number of people explain in the transcript, roughly five percent for the politicians, two percent for the Raksha Mantralaya (Defence Ministry) bureaucrats, and one percent for the users (the armed forces). Over and above this, the brokers expect about five percent for themselves; in other words, the typical defence deal involves costs of 13 percent added on to the actual asking price of the product. In a deal like the ongoing Barak missile deal worth INR 560 crores—USD 1200 million—(according to the person identified in the transcript as the Samata Party treasurer, R. K. Jain), that would be INR 72.8 crores (USD 162 million).

The system is not foolproof, of course. There are a number of people in the decision-making chain who could act as “nuisances”, the journalists are told, but all that really means in the end is that the spread of illicit gains has to be a little wider. Even a weapons system that has been rejected once can be resurrected again with a push in the right place.

Obviously, the result of such a system of graft is that it affects domestic defence production. With domestic defence industries—largely public sector units—the opportunities for bribery on this scale largely disappears. This had led, in some cases, to the armed forces purposely asking for weapons systems with technical specifications well beyond anything any corporation in the world can meet, let alone a technologically weak domestic industry. Once the DRDO (Defence and Research Development Organisation) expresses its inability to meet the user’s needs, the floodgates are open to the world’s arms merchants. It is then of little surprise that the DRDO’s greatest successes have come in sectors where there is an arms embargo or where other countries are reluctant to sell advanced

equipment to India for strategic reasons.

All this begs the question of who is the real threat to India’s national security. The next time you hear someone talk about the ISI and its sinister penetration of India, recall how easily the system will accommodate outsiders, provided they come well armed with cash and contacts. After all, it was not so long ago that defence secrets were being

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**The system is rule-bound: roughly five percent for the politicians, two percent for the Defence Ministry bureaucrats, and one percent for the users (the armed forces).**

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sold from a xerox shop for a bottle of Scotch whisky. The present system will not change, notwithstanding the fall of defence minister George Fernandes and a few token bureaucrats and officers. Too many powerful people have invested in it

#### **National security red herring.**

In the weeks to come, we will hear about changes that need to be made. Clearly, there is need for greater transparency at India’s Defence Ministry and the government generally. If the Indian public cannot find out about the inner workings of the government, if decisions are always hidden from public scrutiny for “national security” reasons, if scholars cannot have access to public records, if the Central Vigilance Commission is kept toothless and dependent on public outrage for results, if the government always relies on a handful of cronies to evaluate the system, cronies who inevi-

tably return reports recommending the smallest of minor changes, then nothing will change.

For a real transformation to happen, we need a sea change in attitude, and most particularly, the elimination of the culture of secrecy that allows the mandarins of New Delhi’s South and North Block to get away with everything because no one knows what they have done. This is no small task, for it involves taking on the ingrained culture of New Delhi, one which reeks of money and sleaze, and where only money and more money is respected. Decentralisation of as many government functions as possible is a start. Moving away from the capital city will help change the culture of government in a way that few other things will. A real Freedom of Information Bill needs to be passed, and more important, government officials and politicians need to be held accountable to it. Corrupt officials at the highest levels need to serve jail time if their culpability in the current Tehelka.com scam is proven.

Above all, we must note that these individuals will not change their workings as long as political parties need huge amounts of money to run their election campaigns and keep their supporters happy. Donations to political parties need to be public and open, and regularly audited by an independent body. Journalists need to free themselves from the sycophantic culture of New Delhi and take on Tehelka.com’s kinds of investigations with greater frequency and sophistication.

If there was ever an argument for why India and Pakistan, especially, and South Asian countries more generally, need to resolve their outstanding political and military differences, this is it. Given the enormous difficulties in making these changes outlined above, it is actually far easier to imagine changing the conditions which lead to greater expenditures on defence. All the parties involved in this system fear, more than anything else, peace breaking out across the region. ▽

# Refugees of the Kosi



Four decades ago, going against scientific wisdom, the dam builders of India decided to construct embankments on the Kosi river in north Bihar. This is the untold story of the misery of this decision made by faceless technocrats and unthinking politicians.

by *Dinesh Kumar Mishra*

The British had in 1855 embanked the river Damodar in Bengal as an experiment in flood control. They were to regret the consequences. In the following years, the flood levels rose and the water breached the embankments at many points. Compounding matters, the embankments impeded the natural drainage channels of rainwater, leading to extensive waterlogging that both reduced the arable and abetted epidemics. This experience was sufficient to dissuade the British from embanking other flood-prone rivers.

But what restrained the colonial government was not enough to curb those who followed. Embankments returned with a vengeance in the political and engineering arenas after the colonialists departed in the mid-20th century. The Kosi river was one of the first to be

straitjacketed within embankments, and those living in its vicinity were eventually to suffer the consequences. The process that gave rise to the embankments is as instructive as its outcome is poignant in a South Asia where politicians and government engineers continue to put up embankments as the quick and easy fix.

## **Silted Kosi**

The Kosi is a lively and turbulent river of north Bihar that originates in the Tibetan highlands. It penetrates the Himalayan barrier between Kanchendzanga and Mt. Everest and descends from the mid-hills near Chatra in Nepal and joins the Ganga near Kursela in Katihar district of Bihar. The Kosi has a catchment area of about 59,000 sq-km above Triveni in Nepal, where



three of its major streams converge to give it the name Kosi. In the plains, the river has changed its course many times and in the past 200 years alone, it shifted from Purnea to Saharsa, a distance of about 160 kilometres. Its length in the plains is 307 km, of which 254 km is in Bihar. The river carries a large sediment load in its flow, whose accumulation on the bed causes it to meander.

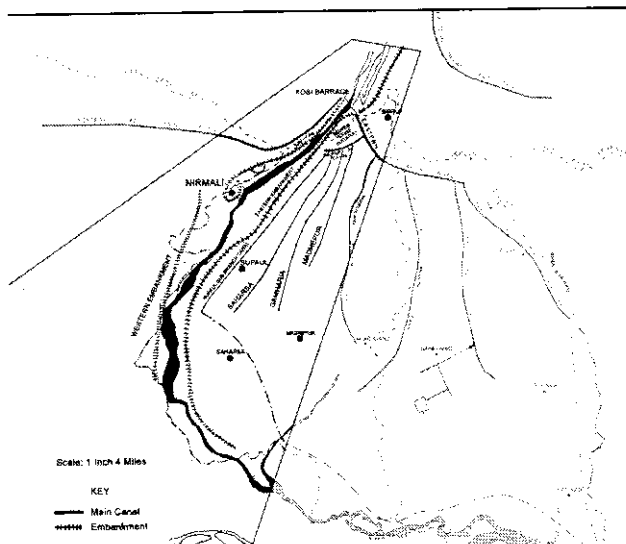
The shifting course of the river and its perennial tendency to flood posed a serious challenge to engineers attempting to control its flow. But the experience of past follies in the Damodar and elsewhere, did not restrain the independent Indian state from embarking on a grandiose plan to tame the Kosi in the 1950s by confining its flow within embankments.

The idea of embankments as a solution to the Kosi floods had been proposed even before Independence. In 1941, the Congress leader from Bihar, Anugrah Narain Singh, advocated a relocation of the population of the Kosi belt to the hilly areas of Ramgarh, in Hazaribagh district. This provoked a fierce debate, and the vehement opposition of those likely to be affected led to the proposal being shelved.

As an alternative, in the year 1945, the Bihar Government proposed to the Delhi government that the Kosi be embanked from Chatra in Nepal, where the river descends to the plains, to Kursela in Bihar, where it joins the Ganga. The cost of such an exercise was estimated at 100 million Indian rupees.

The proposal was rejected by Delhi on the ground that controlling floods through embankments was an outdated technique. It argued, reasonably, that this would cause the sediments carried by the river to be trapped within the embankments, thereby raising the bed level of the river. The embankments would then have to be raised to accommodate this rise, and then again some. In addition to the known problem of water stagnation outside the embankment because of the blockage, the central government also drew attention to the inefficacy of embankment sluice gates during the monsoon, because if these were kept open, there would always be a possibility of the main river's water spilling into the tributaries. This would necessitate the construction of embankments along the tributaries as well and so compound the problem of waterlogging. Besides, if any of the embankments burst, it would spell another round of disaster, as was happening then on both the Hwang Ho and the Mississippi.

Instead, in April 1947, the central government proposed a multi-purpose 289-metre concrete dam on the Kosi at Barahchhetra in Nepal at an estimated cost of one billion rupees. By the time the detailed plans of this dam were ready, in 1952, the cost of the construction had shot up to INR 1.8 billion. The government lacked the resources and was looking for some cheaper scheme. Taking the line of least effort, it appointed a committee to 'examine' the Barahchhetra proposal, with a view to having it rejected.



The Kosi 'command area' including the embankment and basin highlighted. Note the location of Madhepur, where the original western embankment was to have been.

Consistent with the purpose of its existence, the committee calculated that INR 600 million of the total investment would in effect be blocked, since the dam would be producing 3300 MW of hydro-electricity, when aggregate power production in the country, in 1952, was only 1750 MW. Besides, the benefits of flood control would be available only after the fifth phase of the project. It proposed a new 25-metre-high earthen dam at Belka, downstream of Chatra, whose irrigation and flood benefits would be similar to that promised by the Barahchhetra dam, but which would produce only 68 MW of power, deemed to be more in tune with the requirements of the time. The scheme was estimated to cost INR 555 million. The government, however, was not in a position to spare even this sum.

### Political embankment

The floods of 1953 resolved the issue. With the British now departed, politically it was felt that something immediate should be done to mitigate the effects of the Kosi floods. Embankments were seen to be the obvious solution and in December 1953, the Kosi embankment was sanctioned. Since this decision was political, it now needed to be invested with technical legitimacy, especially because the engineering orthodoxy in the post-Damodar period had been unequivocally opposed to the embanking of rivers.

In May 1954, two veteran engineers, Kanwar Sain, chairman of Central Water and Power Commission (CWPC) and K.L. Rao, director in the CWPC, were sent to study the performance of the Hwang Ho embankments in China so that they could make appropriate recommendations for the Kosi Project. They knew that they not only had to legitimise the embanking of the Kosi, by reference to the Hwang Ho embankments, but also infuse confidence among the people that this was the

aged to alter the embankment alignment, they felt the same thing could be done on the eastern side. The residents of Dharahara Thana in Saharsa demanded that the eastern embankment be pushed two kilometres westward, downstream of Barahi, with arrangements made to protect the villages of Barahara, Partaha and Govindpur. It did not take much time for the idea to spread to Mahishi and Bangaon in Saharsa district, where a successful agitation was launched to remain outside the eastern embankment.

With the squeezing of the embankments on either side, those still left within the Kosi embankments were seething with discontent as their interests collided directly with those outside. The narrower the space within, the greater would be force of the flood which would trap them. Towards the end of 1956, the within-embankment population started organising themselves to ensure rehabilitation, compensation and widening of the space between the embankments to the extent possible to reduce the impact of the floods. There were even plans to cut the western Kosi embankment at Aloula but they eventually dropped the idea so as to give the government another chance to decide things afresh.

A meeting of representatives of 87 villages held in the village Kusamaul on 12 February 1957 resolved that the government should be pressed to follow the original embankment alignment that was supposed to have passed through Madhepur. They felt that in order to save 14 villages, the interests of 79 villages trapped within the Kosi embankments had been most unfairly sacrificed. As resentment mounted, work was suspended at most places. Bihar chief minister, Shri Krishna Sinha affirmed that once adequate security forces were available to the state, the embankment work would resume.

Following the chief minister's statement, the engineers began taking a tough line. The Additional Chief Engineer of the Kosi Project declared that no more changes in the alignment would be entertained. Thirty-six

villages were issued notice and BSS units returned to resume work. However, they were prevented from doing so as protesting villagers from Karahara to Bheja and from Bheja to Jamalpur and Bhanthi, kept vigil all along the area of work. They uprooted pegs and flags of the engineers, snatched their equipment, and chased them away. Similar incidents took place in the Dharahara Thana on the eastern embankment. A project spokesperson said in March that the government retained the option of stopping work, and warned the people to face the floods on their own as the government would not come to their rescue.

Soon thereafter, armed police was dispatched to the construction sites and work resumed. The resistance to the project, however, became even fiercer between Chunni and Tekunatol, Bheja and Tarahi, and Tarahi and Jamalpur. Stiff resistance was put up at Karahara, Dwalakh, Tengaraha, Bariyarawa, Darah, Kharik, Bhakharain, Rahua, Sangram, Musaharia and Baghawa. The workers of the Bharat Sevak Samaj were chased away by the agitators. Their offices and the huts of labourers were set on fire. The situation at Agargarha Dhar was tense and an uneasy calm prevailed between Jhagarua and Nima. Hundreds of agitators were put behind bars. No amount of persuasion by officials was going to dissuade the people within the embankments from obstructing work. The contractors were forced to vacate the construction sites and the engineers could not get them to resume work.

### Planning by opinion poll

The setting was, thus, complete. There were those who wanted the western embankment shifted eastward. There were those who wanted the eastern embankment pushed westward. Meeting both these demands would leave very little space between the two embankments for the floodwaters to pass through. Those living in this zone did not want the embankments constructed in the first place. But if this could not be averted, they wanted the spacing increased to the extent possible, which could only be achieved if the first two demands of those who wanted to remain outside the western and eastern levees were rejected. And then there were those people further afield who were simply not interested which way the embankments were aligned. They only wanted these embankments to be built so that the flood would be contained. And then there were those who looked forward to getting some employment, and their numbers were not insignificant.

Each group thus had its own interest in the project, and was at odds with the rest. This served the government's purpose for it could thus do whatever it wanted in the name of a technical propriety which had actually been thrown to the winds much earlier. The matter was allowed to reach such a pass because instead of allowing engineers to decide the height, width and spacing of the embankments, the issue was decided through a process that resembled an opinion poll.

KANAK MANI DIXIT



*Villagers from within the Kosi basin in temporary shelters along the high ground of the western embankment.*

For the executors of the project, rehabilitation was a non-issue in the Kosi Project, to start with. There was no arrangement for resettling the people trapped between the two embankments of the Kosi. There was confusion about who should be compensated and who should not, because total chaos prevailed over the alignment of the embankments. However, as work progressed, it became clear to the engineers and politicians that issues of compensation and rehabilitation would have to be addressed.

Reportedly, the Central Water and Power Commission was opposed to any compensation being paid to the embankment victims. The chairman of the Commission was of the view that compensation paid in one project would set a wrong precedence for all the future projects. But the commission was prevailed upon by the Bihar Irrigation Minister and the administrator of the Kosi Project to endorse compensation.

By 1956, there were others taking up the cause of rehabilitation. In June, a meeting of the BSS, which was of course prominently involved in the construction of the embankments, adopted a resolution which "...invites the attention of the Government of India and the Government of Bihar towards the sad plight of the people trapped between the river and the two embankments. The villages of Charier, Loukahi, Dhanchhoa, Bagewa, Aloula, Hatni, Nidhma, Shatrupatti, Sahara-wa, Naua Bakhar (Phul Paras Thana) and Bishunpur, Tardiha, Sikaria, Mahisam and Mataras along the western Kosi embankment have been distressed greatly. The villages located within two to three kilometres of the embankment would essentially face the wrath of the river-waters. These villages will be the first to get submerged and their crops will be lost. Their future is bleak and there is no hope that they will ever get a respite from the floods of the Kosi."

The BSS also demanded that wherever possible, villages should be protected by ring bunds, resettlement of the flood victims be taken up, proper arrangements for employment of the victims be made, and certificates be issued to such persons for waiver of land revenue and loan recovery. Ironically, the resolution was proposed by Lalit Narayan Mishra, who in 1954 had referred to the Pune Laboratory tests to claim that the rehabilitation problem was not a very serious one. As popular pressure for rehabilitation mounted, officials kept harping on further results being awaited from the Pune Laboratory. It did not seem to oc-

cur to them that the findings of the Pune Laboratory had by now lost all credibility. Surely, those who knew the lay of the land between the embankments knew that the Kosi would not contrive to distribute its waters over undulating terrain at a uniform depth of 10 cm as the earlier model study had predicted.

However, despite evidence to the contrary, officials continued to extol the project. T.P. Singh, Administrator of the Kosi Project, claimed that a vast tract of Saharsa district was now protected by embankments and an area that used to resemble an ocean was now covered with lush green fields. But he also conceded that it was not possible to protect people living within the embankments from floods, and that arrangements were being made to shift them to safer places. In the face of such responses, popular dissatisfaction was mounting as the impact of the embankments made itself felt in more and more obvious ways. A movement for rehabilitation was launched in the middle of 1956.

By July 1957, a bitter harvest was being reaped. There was water everywhere, both inside and outside the embankments. It was inside the embankments because that was the route of the water. It stagnated outside the embankments because the tributaries could not discharge their waters into the main river. Pressure mounted on the government to ensure relocation of the entire affected population, but no land was available for such a total rehabilitation. The government had come to the realisation that if the total value of all assets had to be compensated, the cost would be in the region of INR 100 million to 115 million, leading to a disproportionate increase in project cost. Hence a rehabilitation package of INR 21.2 million, which was deemed proportionate to the cost of the project, was sanctioned.

In December 1958, the Bihar government extended the assurance that it would provide for an equivalent area of homestead land at a reasonable distance from



*Kosi's boat people commute to their fields across various channels of the river.*

the embankments on the landside to ensure that the villagers could live as close as possible to their cultivable land within the embankment basin. It also promised additional land for community services, water supply in the rehabilitation sites, housing grants, and boats for commuting to their agricultural land within the embankments.

### Evaluating the rehabilitation

By 1970, some 6650 families were relocated outside the embankments, which mean that around 35,000 families were still living inside the embankments. While the government faced problems in land acquisition, the relocated people were experiencing another set of difficulties. The rehabilitation sites were far away from their fields. Commuting to the field was difficult because various channels of the Kosi had to be crossed and the boats which had been promised, were not made available. Another major problem was that people were too attached to the lands of their ancestors, and were not willing to stay away. To make matters worse, the land provided by way of rehabilitation was slowly getting waterlogged as a result of embankment building and became unfit for habitation.

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## “There is nothing that has not been provided under the Kosi Pirit Vikas Pradhikar. But where is the Kosi Pirit Vikas Pradhikar?”

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Recalls Ram Sagar of Belwara in Simri Bakhtiyarpur block of Saharsa district, “...We were provided housing sites in Belwara Punarwas. Ninety percent of the people are now back in the original village because of waterlogging at the rehabilitation site. The government settles this land annually to those who can do some farming. It does not belong to us. The original village is now exposed to the onslaughts of floods and erosion. Our village has been eroded 14 times in the past 42 years and each time we build a new house. There is no option left for us because our agricultural land is located inside the embankments. We shift on to eastern embankment during the rains and go back after the floods subside.” (See pictures.)

Even the Public Accounts Committee of the Bihar Legislature was constrained to admit in its report that the “rehabilitation scheme that is in progress is totally inadequate. The farmers and labourers are given only homestead land. They are not given any land for their livelihood nor is any industry being started in the area. All that they get is... some grant to build thatched houses for themselves. Most of this money is spent on collecting the grant.” According to the report, till 1972-73, a sum of INR 1.75 crores had been spent on rehabilitation against an allocation of INR 2.12 crore. Till then,

32,540 families had been given grants of which only 10,580 were given the second installment and nobody qualified for the third and final grant since none of the houses was complete. A major constraint to building houses was that the rehabilitation was looked after by the Rehabilitation Department while the measurements were carried out by the Kosi Project. People had to repeatedly run after the officials at two places.

Most people who were given rehabilitation land outside the embankments are now back in their old villages within the embankments. They are closer to their fields but farther from any civic amenity, trapped as they are within the two embankments. The block, sub-division and district collector's offices, are all located outside the embankments. So are education and health services, legal aid, banking and postal facilities and employment opportunities. Bindeshwari Paswan of Pachbhinda of Mahishi block in Saharsa district points out, “It costs 17 rupees to get to the block head quarters at Mahishi by boat and an equal amount to get back. It is not possible to return the same day and so one must be prepared to spend further.”

### The Vikas Pradhikar

In December 1954, T.P. Singh, administrator of the Kosi Project, emphasised that the government was well aware of its obligations towards those affected by the embankments, and it would neither dilute the demands for compensation nor shirk its responsibilities towards the people. In November 1986, chief minister Bindeshwari Dubey reiterated the pledge. The state government established the Kosi Pirit Vikas Pradhikar (Kosi Victims Development Authority) in April 1987. This is all the progress that had been achieved three decades after work commenced on the Kosi embankments. A pledge that needed to be reiterated 32 years after it was first made could hardly be taken seriously. At least certainly not by the couple of generations of displaced people.

Says Kedar Mishra of Mahishi, “We were promised land for land, house for house, and a link road to the embankment and free boats. Where is all that now? Nobody knows where the people from Devan Ban or Bhakua have gone. There is nothing that has not been provided under the Kosi Pirit Vikas Pradhikar. But where is the Kosi Pirit Vikas Pradhikar? Will somebody tell us the address? The villagers of Lilja got their settlement in Jalle, which can be reached only after crossing five streams and paying Rs. 25 per boat trip. The people are naturally back in their villages. The literacy rate within the embankments may not be more than 10 percent and we have no medical facilities. That is the rehabilitation we have got.”

The Pradhikar is by now a defunct body from which some politicians and bureaucrats draw salaries, allowances and other perks, but the people are not helped in anyway. It has become a political issue now, and politicians, in every election, promise that if they are voted to power they will revive the Pradhikar. But

for an organisation which has never been active the question of revival does not arise.

Says Ram Prasad Roshan of village Telwa in the Mahishi Block of Saharsa district, "We were given rehabilitation sites in Jalle, 4 kilometres west of the western embankment. My village was 1.5 kilometres inside the embankment. The Kosi embankment terminated at Ghonghe Pur and the backwaters of the Kosi used to hit Jalle. We demanded protection from the waters of the Kosi and they constructed a T-spur to prevent the back-flow of the Kosi. This spur did the job but it prevented the Balan waters from going into the Kosi. Thus we were saved from the Kosi but were drowned in the Balan waters. We then shifted from Jalle on to the western Kosi embankment. This embankment breached in 1968 and we were forced to shift to our original village. Now nobody lives in Jalle. There was 10 hectares of rehabilitation land in Jalle and 35 hectares in Saharawa where people from Chora, Jhakhara, Jhara, Karahara, Sugaroul, Lachhminia and Majarahi were resettled. They are all back in their original villages. We are living in primitive conditions which are hard to believe. Kosi Pirit Vikas Pradhikar was started for us and I do not know what it does. All tall promises..."

These people are also denied relief, at times, by the whimsical district administration of Saharsa on the plea that they are living in places they are not supposed to occupy. The administration claims that it can provide relief only if they stay in their rehabilitation sites. That so many people live within the Kosi embankments and they bear the brunt of the floodwaters does not concern anybody now. The authorities also seem oblivious to the water-logging at the rehabilitation sites. No political party or ngo ever raises this question.

### Let the Kosi go to Purnea

When the decision to embank was taken, an engineering escape route was kept open. The embankments were projected as a temporary solution. The dam on the Kosi at Barahchetra in Nepal was to be the final solution. This enabled the engineers to take refuge behind the non-existent dam plan every time the Kosi flooded. They also maintained that the embankments would work best in combination with the dam at Barahchetra. This thus became yet another artifice to mislead the people living in the floodplain.

It is not clear when this dam will be built, if at all, for negotiations have been going on for the past 54 years with Nepal. Its cost, its location in a seismic zone, strategic defence, high sedimentation and sharing of benefits and cost between India and Nepal, etc, are matters still pending. Will this dam be able to prevent flooding in the Kosi area?

The Second Irrigation Commission (1994) of Bihar, suggested that the Kosi has a catchment area of 59,550 sq-kms above site number 13, where the Kosi High Dam (KHD) is proposed to be built. Below site number 13, the Kosi has an additional catchment area of 2266 sq-kms

up to Bhimnagar barrage and 11,410 sq-kms between Bhimnagar and Kursela where the river joins the Ganga. Therefore, the aggregate catchment area below the dam is 13,676 sq-kms. This is only slightly less than the catchment area of the Bagmati and nearly double that of the Kamla.

Hence the area below the dam will always produce a quantum of water equivalent to the Bagmati, which will try to enter the Kosi. Those who have seen the Bagmati and the Kamla in spate can well imagine the quantity of water that will attempt to drain into the Kosi. But the existing embankments will prevent this water from draining into the river, as is happening at the moment. Hence waterlogging outside the embankments will continue at the current level. And, since all the water cannot be held behind the dam in the monsoons, the release from the dam will always keep the population within the embankments in the distress they are accustomed to. The existing embankments are shaky even when the discharge in the river is as low as 8000 cumecs.

The reality thus clearly is just the opposite of the claim made for the Kosi High Dam as the panacea. If the Barahchetra proposal is taken up seriously, these questions must be asked and a satisfactory answer given. Whether the dam is built or not, so long as the embankments on the Kosi remain, there will be no let-up in the floods within the embankments and waterlogging outside the embankments. The dam, at best, will reduce the peak flow in the river, but will allow only a reduced flow over a longer period. This will mean prolonged seepage through the embankments into the countryside.

The Kosi Project has perpetrated injustice on the affected people, who have lost the will to assert themselves and fight for justice four decades on. They have chosen to migrate to other states in search of the most menial of jobs. The government has virtually closed the rehabilitation files. The injustice done is not on anyone's agenda today. Those who struggled once against the embankments have long given up.

Says 78-year-old Parameshwar Kunwar of the village Tarahi: "I was arrested for participating in a black flag demonstration against Rajendra Prasad in 1955 when he had come to lay the foundation stone for the eastern embankment. These embankments were going to ruin our lives and, in fact, they have done so. We submitted a 20-page memorandum against the Kosi Project in 1957 to the chief minister of Bihar. The rejoinder came from T.P. Singh in English. We demonstrated with 15 to 20 thousand people...went to jail several times. But you cannot fight a determined state, which has all the power to crush a movement. I am now an old man and don't have that energy in me...but still feel that the embankment should be demolished in the dry season. And let the Kosi go to Purnea, if it so wishes."

# Fish out of another water

## A Rabindrapremi in Bundelkhand

by Lubna Marium

*Saugor, Madhya Pradesh,  
18 February 2001*

*I am uneasy at heart when I have to leave my accustomed shelter, I forget that there abides the old in the new, and that there also thou abidest.*

—Rabindranath Tagore

How do I describe myself? I was born a Pakistani, in the plateaus of the North West Frontier Province, to parents who had bid, during the Partition, a heart-rending adieu to their childhood playgrounds in the cosmopolitan city of Calcutta to build life anew in the deltaic plains of East Bengal. My childhood I spent in the young city of Dhaka, imbibing from my parents their immense passion for Truth and Beauty. Music and Rabindranath were a part of our lives. Adolescence is stark memories ablaze with our fiery uprising to build a dream that was called *Sonar Bangla*. Then came our encounters with harsh reality, and the arduous task of building our lives and our nation.

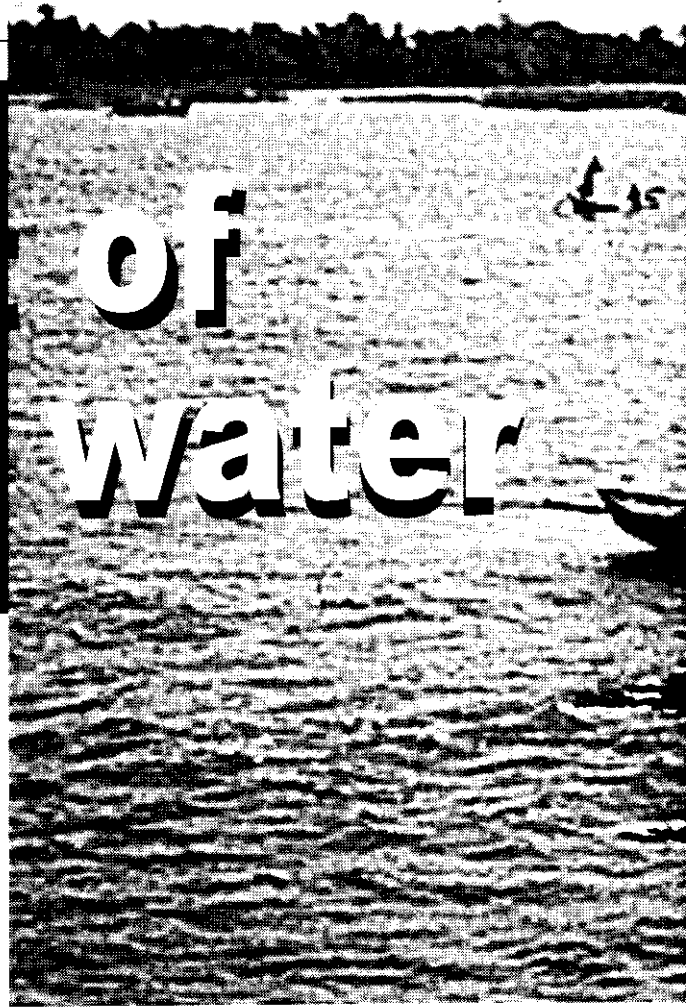
Today, I sit in this faraway land set in the hills of Bundelkhand, among people who speak in a slightly unfamiliar but lilting, musical tongue who look askance at my preference for *chawal*, day in and day out, to their staple of *roti*. To their slightly bewildered questions, I answer, "I'm here on a quest, looking for answers." They look on fondly whenever I sing out aloud to myself, and say, "*Madamko Rabindrasangeet bawhot hi sohani lagat hai, Rabindrapremi hai.*" They listen to my Rabindrasangeet and I am thrilled with the deliciously rhythmic Bundeli *geets* that they themselves so love. That then is what I am to them, and they to me. A Rabin-

drapremi among the music-loving Bundelis.

In this picturesque campus of Harisinghgour Visvavidyalaya set on a hill-top that overlooks a lake, I arouse a lot of curiosity. Almost the first question I am asked is, "Why Saugor?" I wanted to study the *Natyasastra*, but away from the fumes of a polluted city, someplace near books, not too large, not too small. Saugor fitted all my requirements; I fell in love with the peace and quiet of the HSGVV campus, and its well-stocked and well-maintained library. All along, inevitably, it is assumed by one and all that my mother tongue is Urdu. "Bangla? Are you a Hindu?" "No, but all Bangladeshis speak Bangla. No one even knows Urdu." I inform them that Urdu, in fact, is one of the state languages of India. That also evokes a lot of surprise among the students.

Of course they have all heard of Bangladesh—Sheikh Mujibur Rahman and Taslima Nasreen—but the rest of the picture is hazy. I show them pictures of my daughter's wedding. They see the *lal bindi*, the *chandan* decorations on her forehead, her *mehendi*-dyed hands and the *lal ghooghat*, and say, "*Arre, sajavat to ikdam hamare jaisehi hai!*"

I enjoy telling my new friends all about our land of rivers. In this gravelly drought-stricken land, they





smile in sympathy whenever my eyes turn wistful while I try to describe the wide, wide rivers that you encounter every few miles in Bangladesh. "Yes, it's the truth, we have great big ferry-boats which carry a dozen trucks at a time, to and fro, across the rivers." Here they know all about the Bengali's penchant for *machli*. However, Munna Bhaiya refuses to entertain such profane thoughts in his strictly vegetarian kitchen.

I have a lot to write home about. My letters were brightened by descriptions of the enchanting *Ramlilas* which provide colourful entertainment on the streets of Saugor during Deepavali. Dhakaites love to eat *panipuri*, which we call *phuchka*, but the *chat* mixture that's the favourite fast-food in the streets of Saugor, they are not familiar with.

So what else do I want to tell you about Bangladesh?

These last few decades my heart would shrink every time the papers reported on the growing aggression of Islamic *jehadis*. I could never correlate this brand of Islam with what I see being practised in all our private and public spheres of life. The family says its *namaz*, attends the Friday *jamaat* or congregation at the Masjid, and organises *milad-mahfils* for religious

occasions. I myself have always enjoyed keeping the one-month *roza* or fast – this bit of austerity cannot but serve a worthy purpose. Yet, this is so far removed from pictures of gun-wielding *jehadis* that the word itself seems alien. Then, a friend lent me Richard Eaton's *Rise of Islam in the Frontiers of Bengal*. It seems, Islam in the Deltaic regions of Bengal was spread not through the conquering armies but by the mystic Sufi saints who had dared to make homes for themselves in the jungles of the Sunderban. A gentler Islam... Now I understood myself a bit better. Ours is a land which gave birth to Lalon who sang:

"*Shawb loke kawye Lalon ki jat shawngshare...*"

(Everyone asks what birth-group (jat) has Lalan in this worldly life.

Fakir Lalon says, what form has jat? I have never seen it with my eyes...)

These mystic minstrels of Bengal will still begin their songs with a *vandana* to Allah, Rasul and Saraswati, all in one breath.

In spite of recent concerns of extraneous threats of religious activism and militancy, I believe that Bangladesh's most remarkable achievement has been our successful non-political popular movement against religion in politics. This has been the most effective in

marginalising religious fundamentalists in electoral politics. Of course, we have our share of *fatwabaazes* but they are emphatically a minority. Taslima Nasreen is a much-admired writer in Bangladesh, and has evoked a great deal of spontaneous support for herself, against the insignificant group which announced a fatwa against her. However, Taslima's has been an individual's fight for feminist rights and she has never been a part of the grassroots women's movement which has played a significant role in Bangladesh. It is this movement that has given our women an electoral voice.

Then there have been programmes like micro-credit, immunisation and contraception, that have gained popularity through the combined efforts of ngo's, the public and private sector. This same cooperation helped us to competently handle the floods of 1998. Of course, we've had enough experience with calamities.

Yet, let me not flinch from admitting that we have a long, long way to go. Illegal migrations, cross-border smuggling, the porous border with our neighbours, especially India – which, by the way, works both ways – are a reality. But we'll talk about regional cooperation another day. Time we have plenty – to get to know each other, to learn from each other, to build bridges.

### **Aham Mussalman asmi**

Saugor, Madhya Pradesh  
27 February 2001

*Having erected walls around my playground, I remained immersed in my solitary thoughts.*

*It was only when you broke those boundaries and came in that my inhibitions dispersed.*

– Rabindranath Tagore

A group of us, in Dhaka, intermittently, run an organisation called Shadhona which we describe as a Centre for Advancement of Subcontinental Music, and my friend in Kathmandu runs Himal which is a South-Asian magazine. These are the little games we play with nomenclature. Well, the first thing I do when I start one of my lecture-demonstrations on classical music, for our young Bangladeshi participants, is to get them to identify themselves as South Asian. I tell them that 'India' is not just a specific country, but a shared heritage that belongs to everyone living all the way from Pakistan to Bangladesh and from the



Himalaya to Sri Lanka. Then we talk about Indian music, the Indian audience, the Indian aesthetic experience, etc.

Now to the Questions. Was the Buddha born in Nepal or India? Are the archaeological remains of Mohenjodaro in Pakistan, Dholavira in India and Shortugai in Afghanistan, part of the Indus Valley or the Saraswati Civilisation? Is the *bandish*, "*Jago Mohana pyare*" in Raga Bhairo, sung by almost all young *shastriya sangeet* students across the Subcontinent, part of the Bangladeshi or Indian classical music? Did the great rebel Bengali poet Nazrul Islam belong to Bangladesh? Is Urdu a Pakistani language?

These questions are in themselves delimiting, and make losers of all of us, South Asians, just by the asking.

Last May, by a quirk of fate, I spent 21 days with the RSS, participating in an *Akhil Bharatiya Sanskrit Sambhashan-Shibir*. Suffice it to say that it was an extremely interesting experience which I would certainly repeat given a chance, for various reasons not pertinent here. I must admit, though, that the overweening reaction on my part was one of deepest respect for the organisational capacity of the Sangh. The only time I felt compelled to put in a word, was when a senior RSS member from Delhi addressed the gathering at the penultimate session, and went on and on about Sanskrit being the heritage of the Hindus, and how it was the means for the renaissance of the *Bharatiya Rashtra*. After his address, quite admirably, I was granted permission to voice my opinion.

So, there was I among a 1000-strong crowd of RSS supporters, and going up to the mike to declare firmly: "*Aham Bangladeshtaha agatavati. Aham mussalman asmi tathaiva. Sanskrit-bhasha mama eva paramparaya angsha asti.*" Then I proceeded to ask if the gentleman didn't think Muslims were part of this new *swadeshi* Indian state that they planned to build? I wracked my brain to ensure that I spoke each word in my newly acquired spoken Sanskrit. There was pin-drop silence, even while my heart was pounding loudly enough for everyone to hear, I thought. To his credit, however, the honourable gentlemen merely hesitated a second to clear his throat, before replying, "*Behenji, mai jab Hindu samaj keh raha tha...*" (when I was saying Hindu samaj, I didn't just mean people of Hindu religion but everyone belonging to the Hindu *parampara*). What remains etched in my memory is the congratulatory

**Excuse me, Indians, but we  
Bangladeshis speak Bangla.  
- Geetanjali LXIII**

smiles of my young fellow participants who had come from varied destinations like Pondicherry, Shimla, Ahmedabad, Ujjain and so on. After all, we had dismantled walls and became friends, hadn't we? If humans share an incredible 99.99 percent of genetic



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material, then these differences, potent as they are, are all in the mind, aren't they? But then how does one remove these barriers?

My father, whom I've always admired for his capacity for objectivity, writes and asks, "Has your search within the Hindu *shastras* shown you tolerance in their thoughts?" As I sit pensively, watching the sun setting over these gentle Bundelkhand hills, I am reminded of the Bauls of Bengal singing:

*"Je thake shawmaj bondhone chalte hawy taake pawrer jnane..."*

"Whoever remains within the confines of society has to proceed according to the judgement of others... You will not be liberated by others' knowledge; rather your own knowledge will be eroded...Raaj says, cast off the bonds of society, (and) the bonds of the world will (also) be severed."

But this is not only about tolerance. It is also about being able to exclude the subjective ethos in each other's beliefs to try and reach the wisdom within the conceptual structure of thoughts. It is about identifying the Truth inherent in all. Most of all, it is about making a sincere effort to break the barriers and build bridges. In a fine sentence, Tagore says, "Man is defeated when the authority inside him is curbed;" curbed by the externals of religion, by tradition and custom, by scripture and ritual. The onus today is on each one of us to take this one crucial step across an imagined *lakshmanrekha*, and participate in the exciting macrocosmic advance of human civilisation.

*Isavasyam idam sarvam yat kim ca jagatyam jagat  
Tena tyaktena bhunjitha, ma grdhah kasyasvid dhanam*  
—Isa Upanisad 1.1

*(Know that) all this, sentient and insentient, whatever moves in this moving world is enveloped by God. Therefore find your enjoyment in renunciation; do not covet what belongs to others.*

If what is in you is also in me, in the countless little street-children shivering in the cold, and in the sky and the ocean, and yet again in a wisp of grass or in the bird flying into the sunset, aren't we all then an equal part of the whole? Equals enjoined. Can we consciously ignore the shivering poverty of the child in the street? When we deface the Narmada or the Bamiyan Buddhas, do we not then deface a part of ourselves too? The next line of the *sloka*, however, has one of the most pragmatic pieces of advise. A beautiful commentary by



Bundelkhand plateau

Tagore reads as follows:

*When our egos concentrate on the insignificant, it serves only to destroy unity. The part revolts thence against the whole. Thus has renunciation been advocated. However, this renunciation far from taking us towards an emptiness, is assuredly for the purpose of fulfillment. Renounce then the part to gain the whole, renounce the ephemeral for the eternal, ego for love, renounce worldly happiness for eternal bliss.*

—Tawpobon; Santiniketan Essays

A vibrant political culture needs public fora for cross-cultural dialogues, and a meaningful citizenry requires that people feel a connection to their fellow citizens. Today, forces inimical to such a people's participation in policy-making are constantly endeavouring to create conscious and sub-conscious barriers between the various strata of society.

Has South Asia not bled enough from this *aapon-pawr*, we-they, dichotomy? Have we not yet paid the price for this, several times over, with the blood of our loved ones? Will we let these deaths—each death—go in vain? Can we not join hands to *renounce the part to gain the whole*?

## Vasanta Utsav

Saugor, Madhya Pradesh  
7 March 2001

*Did you think Vasanta was merely a festival of blooming flowers?*

*Haven't you seen the drama of dry leaves and fallen blossoms?*

—Rabindranath Tagore

Yes, it is official. With the hills ablaze with *paw-lash* and *shimul* blooms, it is officially Spring now. So, today at dawn I took the morning off and walked around the hills. This, take my word for it, is absolutely astounding countryside. Of course, not the lush

greenery of our Bengal, yet strikingly stunning. I love watching the horizon stretch all the way across these gentle hills surrounding the serene Saugor Lake. My heart brimmeth, as I revel in the soft *dakshini vayu*, the new leaves peeping out of bare branches, the



pawlash trees, and the chirping of the birds. Let me share it with you. Just close your eyes and try and think of a vast canvas of sloping browns and bronzes interspersed with the ochre and crimsons of the blooms and then add the hesitant, youthful green of spring just arrived. Now I'll whiff a little bit of this fresh invigorating breeze towards you.

Drinking deeply off this fresh air, I think of myself sitting in my cramped room, among my dusty tomes trying to reach the Truth, while my garden lies unattended. Even amongst all this neglect, amused as if by such childish scorn, *Vasanta* brazenly beckons yet again, with the melody of its magic. For aeons together, every *Phalgun* at exactly this time, at exactly this hour, *Vasanta* brings its renewed offering of love. But do I hear? I am so full of myself that it behooves me not to submit. The pity is that I delude myself by presuming to think that I have not even the time to glance at it all.

At night as the bustle of the day subsides, I can hear the distant sounds of the *dholak* accompanying some crooner in the nearby village singing, "*Sir bane mukut khele hori Radha-Krshna ki pyari jordi...*" (Having dressed in their *mukuts* the loving pair of Radha and Krshna play Holi...)

My heart too wants to join in this revelry. But the sorrow is that my *nagarik* soul has long abandoned its primal instincts, and has forgotten how to celebrate. Entertainment has long sidelined my celebrations. Today, instead of joining hands in festivity with my brethren, I am part of an atomised society of disengaged individuals who get their joys from honing their competitive skills in the dreams of becoming a *Krorepati*.

And so just a hundred years ago, the visionary that he was, Rabindranath literally taught the young girls and boys in his newly formed academy to shed inhibitions, to dress in all their *Vasanta* finery and dance to the melodies of spring. Thus, till date, on the day of Holi, the young students in Santiniketan, normally stultified by their unnatural urban restraints, dance to the rhythm of nature, as man was in all intents and purposes made to—as does the peacock dance in the joy of a rainy day, and cuckoos coo on spring morns. On such a festival of colours, even St. Valentine would scorn at a six-by-four-inch piece

of cardboard to declare one's love. Love itself is the presiding deity of Utsavs.

What after all is a 'Utsav'?

Rabindranath writes:

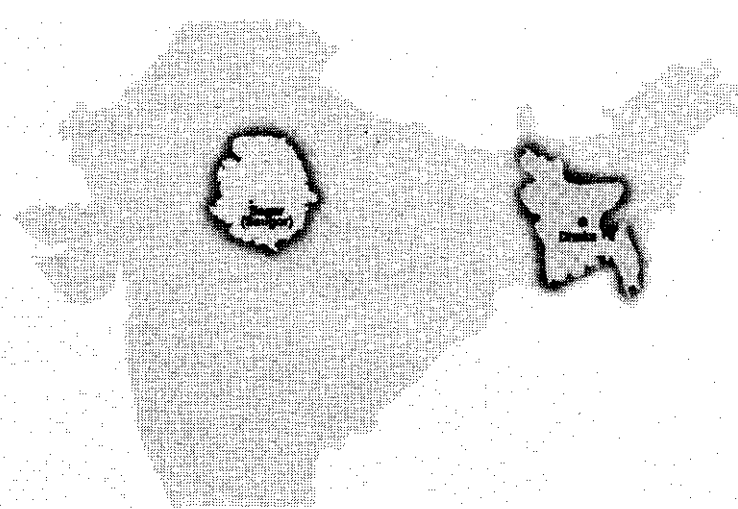
*Truth that is daily fragmented into bits by the barrage of egotistical desires is resurrected in its entirety on these special days of celebrations, or Utsavs – and so we need union on such days. Utsavs have no meaning in isolation. As long as we view this world as unrelated pieces, we fail to see the entire picture – then does each event, each part separately pound at our consciousness. We struggle within our limited perspectives, futilely intensifying our efforts and thus too our pains, devoid of joy. Thus we lack a sense of fulfillment in our daily endeavours, find no lasting satisfaction in them, cannot discern their ultimate worth, and lose track of the ragini or melody – Truth remains hidden. It is only in that auspicious moment, when we see the parts united into their whole, in that union only do we then realise*

*Truth. And so, I say, Utsavs have no meaning in isolation. It is only in union that Truth is revealed – and realising Truth in the midst of this union is the true worth of an Utsav. The Truth that I try to understand rationally in my solitary meditations, is fully realised by me only when I stand in the midst, a part in the whole, of this wide world.*

Can we unlearn age-old habits? Can Eid-ul-Azha again become a declaration of our willingness to sacrifice, and not a contest of who has led the largest offering to the slaughter? Can Dashhera be once again a celebration of Good against Evil and not about which neighbourhood has the biggest and finest Durga *pratima*? Can Christmas be about the observance of the wisdom which dawned that day on Earth in a shepherd's hut, and not about impoverishing oneself to buy gifts?

To Love and to celebrate this Love is what is the essence of Man; and Spring, they say, is the time to shed the dead and the dried. So, on one such spring morning, that ardent bard from Bengal beseeched Nataraja:

*As rhythm arises from the heart of the Cosmic Dance, Just so, before Thee leavest, bestir me and fare me well on my journey onwards, Destroying the chains of my inhibitions.*



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## The Public Intellectual

MOST PUBLIC intellectuals function as quote-suppliers to legitimise the media. Two or three times a week, I get called by journalists and asked whether I will deliver myself of a sociological quote to accompany his or her article, to legitimate, in a sense, the generalisations that journalists make and have to make, because they've got two-hour deadlines. Which means that while there are few public intellectuals who are self-selected, most of us get selected anyway. You know, if no journalist calls for a quote, then I'm not a public intellectual; I just sit there writing my books and teaching classes.

I did a book on the news media and hung out at *Newsweek* and the other magazines. And at *Newsweek*, they had something they called an island, right in the main editorial room. On the island were names of people who would now be called public intellectuals, the people whom *Newsweek* quoted. And the rules were—and this is a bit like *Survivor*—every so often people would be kicked off the island. Because the editors thought, and probably rightly, that we, as readers were going to get tired of this group of public intellectuals. So a new group was brought in to provide the quotes. And then they were kicked off.

FROM "THE FUTURE OF THE PUBLIC INTELLECTUAL" BY HERBERT GANS IN *THE NATION*, NEW YORK.

## No thank you

... THE British government has, in proscribing the LITE and 21 other organisations, acted fairly and squarely within the provisions of its law, that is, the Terrorism Act of July 2000, which came into force on 19 February 2001. That Act has a very broad definition of terrorism. In brief, under the Act, any act done in furtherance of any cause of any kind, political, religious, ethnic, philosophical or whatever, is terrorism if it involves violence. In other words, the British Act does not focus on the worthiness of the cause; it merely declares that, in legal terms, an organisation is a terrorist organisation if it conducts activities of a violent kind. Therefore, Ladies and Gentlemen, I would say respectfully that the British Government has taken the only decision it could possibly have taken as a responsible, law-abiding member of the international community, within the terms of its own law, and also in terms of the two international conventions, the Convention on the Suppression of Terrorist Bombings of 1997 and the Convention on the Suppression of Terrorist Financing of 1999, both of which the British Government has signed. The British Government, together with a number of other governments, including the Government of Sri Lanka, was in the forefront of the campaign to have international legislative measures put in place to combat international terrorism. The Government of the United Kingdom has made, within its purview, a sovereign decision. It is not for me, or for anybody, to thank the British Government for what it has done. One sovereign does not thank another sovereign for acting in terms of its own law.

In this connection, I wish to say, Ladies and Gentlemen, that a news report which was brought to my notice this morning in our own media, that I was going shortly to the United Kingdom to thank the British government for proscribing the LITE is utterly and totally unfounded. I have absolutely no intention of doing any such thing. In fact, it would be inappropriate, unnecessary, undignified, indeed foolish, for me to go on a venture of that kind. The British government has not given us a gift or granted us a favour.

Having said that, Ladies and Gentlemen, I wish to say that there is one aspect of this matter on which all the governments of the world would applaud what the British Government has done. And that is that it has shown that even with the pressures to which a democratic society and a democratic government are subject, the British Government was able to apply its law fairly, correctly and objectively and not be deterred or deflected from the correct path by domestic considerations or by considerations such as whether its decision would interfere or not with some peace process in which the British Government has no part. Whenever a sovereign government acts in that principled manner it is a matter of great satisfaction for the entire international community. Therefore, I salute the British Government for having acted wisely and fairly in that manner in respect of its own law.

FROM A PRESS STATEMENT OF SRI LANKAN FOREIGN MINISTER, LAKSHMAN KADIRGAMAR, IN COLOMBO.

## Was that not you Mr Vajpayee?

WE ALL appreciate your appeal to world leaders asking them to condemn the Taliban for vandalising and destroying historic Buddhist monuments and archaeological sites in Afghanistan. It is an act of incredible stupidity.

But was it not you sir, who less than two months ago defended the destroyers of the Babri Mosque in Ayodhya and described their intentions of building a Ram temple in its place as being "in the national interest"? Does the similarity in the thought process of you, your party and the dreaded, hated, Taliban, not strike you? Granted, perhaps the Babri Masjid was perhaps not as valued an object of art or even of archaeology as the monuments in Afghanistan. But is it not indisputable that demolishing it hurt the sentiments of a religious minority as well as the sentiments of a secular (though unfortunately largely silent) majority that had been nurtured on the belief that this country is proud of the legacy of Mahatma Gandhi and that it believes in intolerance and humanity?

At the time of the Masjid demolition, the destroyers openly stated that they were driven by their sense of intense piety; that they were the children of God ("*Baccha, baccha Ram ka Jannabhoomi ke kaam ka*"). The Taliban says the same. Their god has told them to destroy all idols. Is their intolerance really very different from

yours? Will the world stand by and reward them for this intolerance as the people of this nation stood by and rewarded you for yours? Your party had two seats in Parliament before it started the campaign to demolish the Masjid. The campaign brought you to power and from time to time, whenever necessary, you revive these very sentiments of intolerance, to keep yourself in power. But you are of course not as crude as the Taliban. You sit in an office under a photograph of Mahatma Gandhi, a man who was killed in 1948 by the gurus of your own ideology, a man whom you murdered once more on 6 December 1992 and then again for the third time on 11 May 1998 when you exploded once and for all, India's claims to pacifism. Yes, you can take refuge in the fact that you were not alone in your madness. At least five other nations preceded you. Should I be consoled by this? That my nation is no worse than an America that bombed Hiroshima? Than a Pakistan that invokes Jihad? Than an Afghanistan?

I do not wish to neutralise the horror I feel at the destruction of Buddhist monuments with the thought that my national leaders did the same thing a decade ago. But I do believe that if this act sparks in us the desire to fight intolerance of all kinds, then surely the Buddha will not have lived and taught in vain.

A LETTER (3 MARCH, 2000) BY INDIAN DOCUMENTARY FILM-MAKER ANAND PATWARDHAN TO PRIME MINISTER ATAL BEHARI VAJPAJEE.

## Spare a prayer...

SIR, IN response to your Notice regarding a Memorial Service for the recently demolished statues of The Enlightened One, may I, Sir, kindly be excused from attending the same. You see, Sir, I dare not leave my lonely vigil for the return of my young *fidayeen* brother, who left our penurious hearth after having attended just such a Service as yours—called for the destruction at the hands of a mob of 'kaffirs' of another such a place of worship, in a land far, far away from ours.

Kind Sir, I entreat you though to think not harshly of him, my foolish brother, who had but recently entered the portals of manhood, for he knew no better. On that last Memorial, the scholarly clergyman had spoken much worthy words about 'crusades', "the taking up of arms for the salvation of the Almighty" and "our duty to do so" which I do agree, Learned Sir, is the only means of deliverance for baser souls like us.

However, worthless that I am, my feeble heart, Sir, knows not of grand monuments and edifices, and would just have my one brother, my childhood playmate, back with me. In your wanderings, Sir, if you do meet that silly lad from this our little village in the plains of the Jhelum, will you tell him that his sister awaits him yet, as does every mother for every son? Tell him that if he does return, we will pray to the Allah who resides in our hearts and if He so wishes He will then grant us redemption, for such as us cannot afford to hanker after the glory of being saviours.

In your Memorial for those grand shrines of stone,

can I plead you, Sir, to spare a prayer or two for him, my brother, who lives and breathes in my heart?

AN UNKNOWN SISTER.

EMAIL TO HIMAL'S EDITOR, WHO HAD ORGANISED A 'MEMORIAL SERVICE' TO THE BAMİYAN BUDDHAS.

## Gurkha activism

WE, THE participants of the International Human Rights Conference on Discriminatory Treatment against British Army Gurkhas, held in Kathmandu from March 9-11, 2001, organised by Gurkha Army Ex-Servicemen's Organisation (GAESO), make the following declaration of concerns and plan of action regarding human rights violations against the British Army Gurkhas and their families... We call upon, the United Kingdom of Great Britain and Northern Ireland to:

1. Fulfill the four-point demands of GAESO in the interest of all British Gurkha soldiers and their families (adequate compensation for those who were returned to Nepal under redundancy following the end of wars; residential visas for British Gurkhas and their families, including citizenship to their children by birth; proper education and employment opportunity for the children of British Gurkhas; and an end to discriminatory treatment against British Gurkhas vis-a-vis their British counterparts);
2. Review the 1947 Tri-Partite Agreement on the Recruitment of Gurkhas to test its compliance with UK's discrimination-related laws and international human rights obligations;
3. Disclose all information about the employment, deployment and the status of British Gurkhas, particularly those who were wounded, "disappeared" and killed during World War I and II and other regional wars;
4. Provide compensation to British Gurkha World War II Japanese prisoners of war equal to their British counterparts;
5. Review the case of the victims of Hawaii (1986) and other incidents of unjust and controversial dismissal of British Gurkhas with legal and administrative remedies and provide them adequate compensation and/or pension;
6. Release information about the Gurkhas abandoned abroad after various conflicts, provide adequate compensation and guarantee their reunion with their families back home;
7. Take responsibility for the sufferings of British Gurkhas of the British Burma Regiments who were left without proper arrangements and, help negotiate for their pension and other retirement benefits in foreign currency from Burma to their home country, Nepal;
8. Conduct an independent investigation of the current social and economic status of all the ex-British Army Gurkhas and their families in Nepal and guarantee their adequate living standards through

compensation, rehabilitation and other appropriate measures.

9. Stop interference with the independent trade union activities of GAESO members and supporters as well as other British Gurkha soldiers in Nepal and abroad; and
10. Initiate negotiation with GAESO and the Government of Nepal for the immediate solution to these problems in a just and appropriate manner.

A PART OF THE GAESO DECLARATION  
ADOPTED ON 11 MARCH IN KATHMANDU.

## The prolapsed uterus

A medical team organised by the German organisation, GTZ, recently set up a 10-day medical clinic at a hospital (in Achham, west Nepal). The team of six doctors included four gynaecologists, and was there to treat the never-treated and the mis-treated women of this remote and neglected area of western Nepal. The clinic at the 15-bed Mangalsain District Hospital was a resounding success... It attracted long queues of women who had never before had a medical checkup, some from as far as three days' walk away...

In 10 days, the doctors examined 1,700 women as part of a reproductive health project carried out in conjunction with the government health services and the Achham district authorities. The most shocking condition treated in Mangalsain, and which doctors are still discussing with incredulity, were the 200 cases of "prolapsed uterus". This is a condition in which the uterus, often weakened at childbirth and the lack of rest soon after, falls outside the body hanging infected between the woman's legs affecting her movement, her ability to work, and her marital life.

Photographs of these coconut-sized red, rubbed and infected appendages reminded me of the horrors of Indian railway stations, and the sight in 1960 of a desperately poor woman sleeping near the tracks with that huge infected uterus hanging out for passersby to see. The image haunted me for years. At that time, young and just arrived in Asia, I had no idea of the condition from which the women were suffering: horror and ignorance often overwhelms compassion. I am ashamed to admit that was the case then.

Forty years later, I now know what I had seen, and I know that a prolapsed uterus is one of the most tragic manifestations of poverty and abuse of women in this part of the world. The mistreatment of women in western Nepal is legendary: in many villages women have to spend four to seven days during their menstrual period in a tiny enclosed, airless building known as a *chaupadi goth* because they are considered unclean during those times. They also give birth in the same stifling surroundings, and often have to return to heavy manual work immediately afterwards.

One woman told doctors she had been ordered to move a heavy container of grain by her mother-in-law, and the strain caused something to drop from inside her lower abdomen. Another woman was forced back

to work in the fields a day after giving birth, while her husband played *courie* with cronies: she vividly remembers the sensation of her falling uterus. Her husband was appalled by her deformity, so her suffering was two-fold. Many husbands immediately take another wife.

At the Mangalsain clinic, 113 women with prolapsed uteruses were referred to Nepalgunj for surgery. The uteruses of the other 88 were coaxed back into place and held there with a plastic ring. Other cases were more familiar, and more easily treated like sexually transmitted diseases.

And so the two wars continue: The "People's War" has directed attention to the government's neglect of, and discrimination against, the citizens of poor remote areas of Nepal, but it is increasingly taking a toll among those same poor it is supposed to be helping. Then there is the mostly still foreign-funded war against poverty, and here health clinics like the ones carried out by GTZ are proving to be surprisingly effective.

A lot of recent inflow of aid dollars into Nepal from organisations like DFID and the ADB are intended to "alleviate" Nepal's poverty so that people do not fall into the arms of the Maoists. But most donors fail to realise that the corrupt government that they so lavishly prop with aid are the very reason the Maoists have been so successful.

And whether we like it or not, we have to admit that the Maoists' "war" has woken up this slumbering nation and donors about festering social ills and inequities like nothing before. The whole country should join in a "people's war" against poverty and discrimination, and especially against the kind of cruelty to women and dalits still rampant in western Nepal.

FROM "A TALE OF TWO WARS" BY COLUMNIST BARBARA ADAMS IN THE NEPALI TIMES.

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# Kerala's economic democracy

For those who have even a passing acquaintance with the movement for decentralised planning in Kerala, the relative absence of mainstream media discussion on it has been a source of surprise. It is true that progressive mass movements or social tendencies tend to get very little space in media that are increasingly oriented towards sensationalism and quick sound-byte reaction. But this neglect by the media, and the consequent lack of greater public awareness about the Kerala plan, is of immense concern because this is surely one of the most significant democratic social experiments of our times. It is also an ongoing process which could serve as a source of both inspiration and optimism in these rather dark times; for this reason alone it deserves wider recognition.

*Local Democracy and Development* is a mid-stream account of the Kerala people's campaign for decentralised planning, co-authored by one (T.M. Thomas Isaac) who has been closely involved with the movement since its inception. It is a remarkable exercise: a combination of objective appraisal, personal involvement and honest self-criticism. And because the process it describes is at once complex and still unfolding, the book touches on practically all the issues of direct interest to those concerned with both the theory and the practice of economic democracy.

Decentralisation of one variety or another is of course the flavour of the times, and has become the chosen buzzword not only for governments North and South, but also for donor agencies and international financial institutions. It is therefore important to distinguish Kerala's attempt at genuine participatory economic planning from the more top-down approaches of the World Bank and, indeed, of governments which are on the offensive to downsize the state apparatus and transfer its activities to a range of ngo's

and private organisations not directly accountable to the people. By contrast, far from a reduction of state economic activities, in Kerala the movement is oriented towards greater public participation in state expenditures and in the design and implementation of public planning. The stress is on both more public involvement and greater accountability.



**Local Democracy and Development: People's campaign for decentralised planning in Kerala**

by T. M. Thomas Isaac with Richard Franke;  
Leftword Books, August 2000, New Delhi.  
ISBN 81 87496 11 8  
hardback, pp 359, INR 400.

reviewed by **Jayati Ghosh**

**Democratic decentralisation**

It is interesting that the attempts at decentralisation of public economic decision-making in India, have mostly been associated with Left Front governments in West Bengal and Kerala, led by the Communist Party of India (Marxist), a party known to emphasise democratic centralism. Isaac and Franke point out that there is no real contradiction here, since a party organised on the principle of democratic centralism, which imposes a degree of discipline and allows for greater power to the leadership, can still believe in democratic decentralisation as a principle of governance and in planning as an instrument of social mobilisation.

It has been recognised in India for some time now that some degree of decentralisation of political and

economic authority is absolutely necessary, and there have been legal and constitutional changes which are supposed to further this objective. However, the authors argue that this is not enough, and that there can be no effective decentralisation without a major social mobilisation of the kind that actually ensures the involvement of ordinary people. They also reiterate two important principles first brought forward by EMS Namboodiripad, the doyen of Indian communism who died in 1998, which go beyond the official Indian government position on the matter: first, that developmental and regulatory functions should not be distinguished; and second, that full-fledged democratic decentralisation requires not only devolution down to 'panchayat' level but also a radical restructuring of Centre-state relations.

There have been state governments that have emphasised "panchayati raj" and conducted local body elections. But in the absence of any real fiscal and economic devolution, the attempt at decentralisation has remained relatively ineffective. The crucial difference in the Kerala experiment was the decision to devolve 35-to-40 percent of the State's plan funds directly to the local bodies, to be allocated according to local plans drawn up by local people. This has given real teeth to the process of decentralisation, and has made the social mobilisation that accompanied it that much more meaningful.

The authors provide a useful summary of earlier micro-experiments in social mobilisation and transformation in Kerala, which, in their view, made the people's campaign possible. But the bulk of the book, and by far the most instructive and fascinating part of it, is the account of the actual process so far and its various phases, struggles, failures and successes. This is a movement with a very self-aware and constantly self-critical leadership, which recognises the limitations and challenges, and does not seem to leave much room for self-congratulation or complacency.



While prior conditions are important, they are not all-determining. An important point made by the authors, is that it does not serve much purpose to put too much emphasis on appropriate initial conditions, such as local absorptive capacity and the ability of the people to engage in genuine participation, before actually getting into fiscal and economic devolution. This can only serve to delay indefinitely the process of decentralisation and popular involvement. Instead, Isaac and Franke advocate a more pragmatic approach, whereby the initiation of decentralised planning itself is a catalyst for the emergence of necessary conditions for its success, and where the involvement of people itself becomes a means for empowering them and giving them the capabilities to prepare and implement their own local plans.

### Transparency

Nevertheless, it must be stated that Kerala did have certain special conditions which made it especially suited to this type of social mobilisation: a high rate of literacy, a high level of political consciousness, the past land reforms, as well as other social and cultural features. The book also discusses the strengths and limitations of the much-talked-about Kerala Model. This model, which consciously delinked economic growth from social and human development, promoted phenomenal advances in social indicators like literacy, health care, education, life expectancy, birth rate and so on despite a low per capita income, low employment growth and indifferent economic performance. They suggest that the movement for decentralised planning could also be seen as a response to limited growth within the Kerala Model, and as an attempt to improve the economic growth trajectory, while retaining all the positive features of social development.

The current social mobilisation associated with the people's plan has its roots in earlier efforts, such as the People's Science Movement in Kerala (KSSP) and the Total Literacy Movement. But it formally be-

gan with a focus on the vitalisation of the gram sabha (village assembly) as an instrument of participatory local government. It was only to be expected that the success of these would vary across panchayats, but what is important, as the authors note, is that these gram sabhas have become part of the political landscape in the South Indian state. Gram sabhas were important to identify local needs and to give basic direction to the subsequent plan formulation. They were also vital at a later stage for the identification of beneficiaries. In the second phase, development seminars and preparation of development reports were undertaken to develop medium-term perspectives for development, based on local understanding and experience, but with the assistance of some resource persons.

Already by this stage, the difference between the northern districts where the campaign was surging ahead, and the southern districts where it was lagging, was manifest. This discrepancy became even more acute in the third crucial phase, which was also the one most riddled with problems—in which task forces were to prepare the actual projects. This phase was characterised by delays, incomplete delivery and inadequate integration with the overall plan in some districts, especially in the south, while it was much more successful in some others.

The authors' candid assessment of this phase suggests that there has been much learning from the experience at all levels. They point out that despite the difficulties, there have been considerable methodological and practical successes in terms of actual plan formulation at the local level in the fifth phase, during which the elected bodies played an important role. Of course, there still remains the problem of institutionalising the decentralised planning process, especially in terms of the effective integration of the government machinery, the bureaucracy (which of course would have major pockets of resistance) and the legislature, into the process.

The entire plan is over three

years old, and it is certainly too early to make definitive judgements about it. Also, as the authors recognise, new challenges are likely to emerge along the way. Apart from some of the problems already mentioned, there are inadequacies in the 'gender component' of the process, and in the participation of 'weaker sections'. But there are also some unambiguous successes of this movement, quite distinct from the tangible achievements in the social and infrastructure sectors. For one, there is definitely greater transparency and therefore less potential for corruption in government spending and allocation patterns, while the nepotism in beneficiary selection has been reduced, and the quality of projects and programmes has improved, especially in terms of relevance and desirability for the local population.

The most important success so far, however, is not physically tangible, and it is to be hoped even more irreversible. This relates to the positive transformation in the quality of public participation in the planning process. Across the state in every village, citizens are not only aware of the planning process, but also see it as something that they can hope to influence and shape, in ways that will benefit their communities. This awareness, and the recognition of the potential of direct participation, extends beyond the local plan to the larger question of public resource raising and resource allocation, allowing the people of Kerala to become more effective citizens in assessing more aggregate state planning endeavours and other economic policies.

It is this process of greater awareness and people's participation that is the basic aim of such a movement, and one that hopefully cannot be altered by a change in government. It is also this aspect which can be the greatest source of inspiration to people across South Asia, which is why knowledge about this major social experiment is important in its own right. ▽

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*For years, I have wanted to write this episode from my childhood, as the growing years have finally dispelled whatever mystery shrouded it; a mystery, which as a child, I could not find the courage to question my parents about or clarify on my own. Now, thinking about it, the scenario would seem to be lifted straight from a Hindi movie plot.*

*This is how I recall it...*

Father was transferred from Delhi and we moved to Bombay late in 1946. We were accommodated for the first few months by a good friend of the family in their spacious rented bungalow in the far off suburb of Andheri. For me, everything about Bombay seemed strange and unreal. Father commuted to office and back by the local train, leaving very early in the morning even before the children got up, and mostly returning well after my sister and I were put to bed. Within a few months the strain began to tell on him, and that's when mother started to nag him about finding our own flat in the city. It was absolutely necessary to get us two girls admitted to a good school. In mid-January 1947, Father was allotted a requisitioned Government flat in a five-storied block off a beautiful sea-front, within walking distance to his office, and above all, so close to the school where we found admission without any fuss.

I would stand for hours in the verandah facing the sea, and watch the changing hues of the waves as

they dashed on the rocks, sending spumes of foam. For someone from Delhi where the houses were all bungalows and havelis on one level, this five-storied tower was quite awesome. These blocks, all forming a semi-circle on the sea-front were quite unlike anything I had ever seen.

Father told me that twenty families lived in each of these buildings, four on each floor. On the first day after moving in, my younger sister and I helped Mother put everything in place and by evening the house looked neat and tidy with the fragrant smell of agarbatti which Mother loved to light in the evenings. She sent us downstairs to make friends with the other children in the compound and play with them, saying we should be able to find some friends our age in such a big building. Sure enough at the end of the evening I had made friends with four or five girls about my age, who spoke in a Gujarati-Hindi mixture, while my four-year-old sister had made friends with boys, who picked her up in their arms as if she were a doll, which she seemed to enjoy immensely. As it grew dark, we heard our mother call out our names from the verandah, and as we all moved towards the lift that took the group of children up to their flats, a tall girl who seemed to have kept her distance all along yet seeming very much a part of the group, took my hand and said, "I like you, will you be my friend? My name is Sheela and I live on the same floor as you do.

# Sheela

IN THE RED

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short fiction by gomathy venkateswar

I saw you move in yesterday, and I am glad you speak such good Hindustani; here in this building everyone only speaks in Marathi and Gujarati, neither of which I know."

I had never been up in a lift ever before. It was our turn now, and there was a funny feeling as it moved swiftly up; my sister crept close to me and held my hand. The boys started making mischief. They would not allow the lift to stop on any floor and kept pressing the button from one floor to another till, quite close to tears I shouted, "Stop, I want to get off!" Sheela got off too, and she whispered cryptically in my ear, "You can enter my house through your kitchen door." She waved at me and disappeared around a turn in the staircase.

I rang the doorbell to our flat twice, impatient to try to get into Sheela's house as quickly as possible. Father opened the door with a smile and said, "Ah, that's my code for the bell, now you can you make your own bell code, so that all of us will know who is at the door". This too was something new to us here in Bombay: in Delhi, people called out our names as they entered the house as the front doors were never shut. I did not wait to hear half of what Father said as I rushed to the kitchen where Mother was cooking. I quickly unlatched the big heavy door. Mother watched me quizzically and said that there was only a spiral staircase out there which was dangerous for little children; but I kept pulling at the bolt till it swung open... I stopped. There was a metal landing place ahead for just about two people to stand on and the stairs spiralled above dizzily and plunged down darkly.

The next minute the door across the landing opened, and there was Sheela smiling and beckoning me. I ran across, and Sheela closed the door behind her. What a frightful smell it was that assailed my nose as I entered her kitchen. I almost threw up! It was unfamiliar and at the same time, terribly unpleasant. As I looked about me, I saw dirty pots and pans piled up in the sink, and in the corner a mess of chicken feathers and blood. I was about to run back, when Sheela dragged me into the interior of her flat. I just stood and was startled again. There were lovely soft carpets all over the floor, rich velvet drapes, leather sofas that looked more like beds and glass shelves from wall to wall filled with dolls of all sizes in different costumes. The flat seemed so different from ours, there was a heavy perfume hanging in the air, all the windows were shut and as Sheela switched on the lights, I saw a twinkling from candelabras all around the walls. Sheela said her mother was sleeping, and her father would only be back at night. I could only stare around me.

And then suddenly, there was a gruff voice from behind that gave me quite a fright: "Baba, you must now go back to your house." It was a bearded man with a strange cap that covered his head at an angle. (Later I found out that such a cap with black tassels hanging at its side was called a *fez*). His hair was

reddish and he had *kajal*-lined eyes. His appearance frightened me and I scurried back through the kitchen and the spiral staircase landing into my own house, glad to be back in safety or so I thought for some unknown reason.

The next morning, my mother was pleasantly surprised to find a vegetable vendor knocking at the kitchen door. She found this very convenient. I was with her picking out fresh beans and tomatoes, when the same bearded man came out of his kitchen door, salaamed my mother and, quite surprisingly, spoke to her in Tamil. He introduced himself as the "khansamah" of his master, Mr. I. M. Lal. He continued with his introduction with a description of his master who he said was a very big textile magnate, who had recently entered the world of films as a producer. As for himself, he had worked in Bangalore for a British colonel who had left for England when he realised that India's Independence was imminent. He was rather apologetic and said that knowing we were vegetarians and South Indian Brahmins at that, the smells that would emanate from his kitchen could be rather offensive, but his master liked chicken and meat every night, and many other things as well. After buying some onions and potatoes from the vendor, he departed with these words to Mother, "Maaji, do not send your daughter to our house, it's not a proper house."

Mother was rather tight-lipped all day, not mentioning the conversation even once. I had listened to the whole thing but could not quite understand the last few lines—"It's not a proper house." I hastened to describe to Mother the fantastic décor of the room I had seen. Mother listened silently but as the evening drew closer and it was time to go down and play, she only told me: "You are to come straight up to study in an hour's time."

My sister and I had missed three months of school since our transfer to Bombay, and being so far away in the suburbs we had to stay at home till father obtained our admission into this big Convent school in the city after we moved into the new house. Yes, I had much to cover in class and mother would sit with me in the evenings and supervise every bit of my study; I would go to bed tired but happy that homework was done with and lessons understood. I did not go to Sheela's house for almost a month till I discovered that Sheela had an Anglo-Indian teacher who came to help her with her studies in the evenings. One day Sheela called me to her house but this time from her front door and not the kitchen entrance.

It was like entering Ali Baba's cave—there were mirrors in the hall and transparent white curtains that fluttered in the breeze; Sheela had a small desk in the verandah where the teacher sat and 'taught' her. Miss Gonsalves, as she was called, took out Sheela's home-work diary, read through the work allotted for the next day, worked out the Maths and the English workbook herself, and then asked Sheela to copy it out in the school exercise books. And whilst Sheela

wrote, Miss Gonsalves took out a silver cigarette case lying on the centre table, lit a match and started smoking. I could not take my eyes off her, and noticing me she brusquely asked me which school I went to, and when I mentioned the name, her eyes lit up and she exclaimed, "O really! My sister teaches there in Standard Eight. She is soon going to take the veil." Of course that made no sense to me.

Just then, I saw a woman enter the hall from inside the house. My eyes widened at her appearance. She looked as if she had just got out of bed, for her hair was untidy and her dress crumpled. She was wearing a satin Gharara suit, and of her face I could only notice the scarlet streak across her lips and her eyes heavily lined with kajal, and heavy-lidded too, almost as if they were half-closed. Her voice was hoarse and cracked as she called out, "Mumtaz come here."

I looked around for Mumtaz, but it was only Sheela who got up slowly and went to her as she gave me a look and smiled. The woman put her hands into the front of her dress and took out some money counted it and said in broken English as she gave it to Miss Gonsalves—"The rest will come later."

I guessed this must be Sheela's mother. The teacher left soon after and I followed her out of the house, eager to tell my mother what I had seen, especially about the teacher who helped with the homework and how easy it was to have one's lessons taken care of, when suddenly I realised that Mother had very firmly asked me not to go to Sheela's house without giving any explanation for the ban; and when Mother's voice had that bit of steel in it I dared never question her. So how could I now tell her all that I wished to spill out, even the strange fact that Sheela's name was actually Mumtaz, and perhaps whether I too could have a secret name known only to people I wanted to reveal to!

I rang the doorbell and went in quietly, took out my books and started working at my Maths whilst Mother hummed and sang in the kitchen as she made dinner.

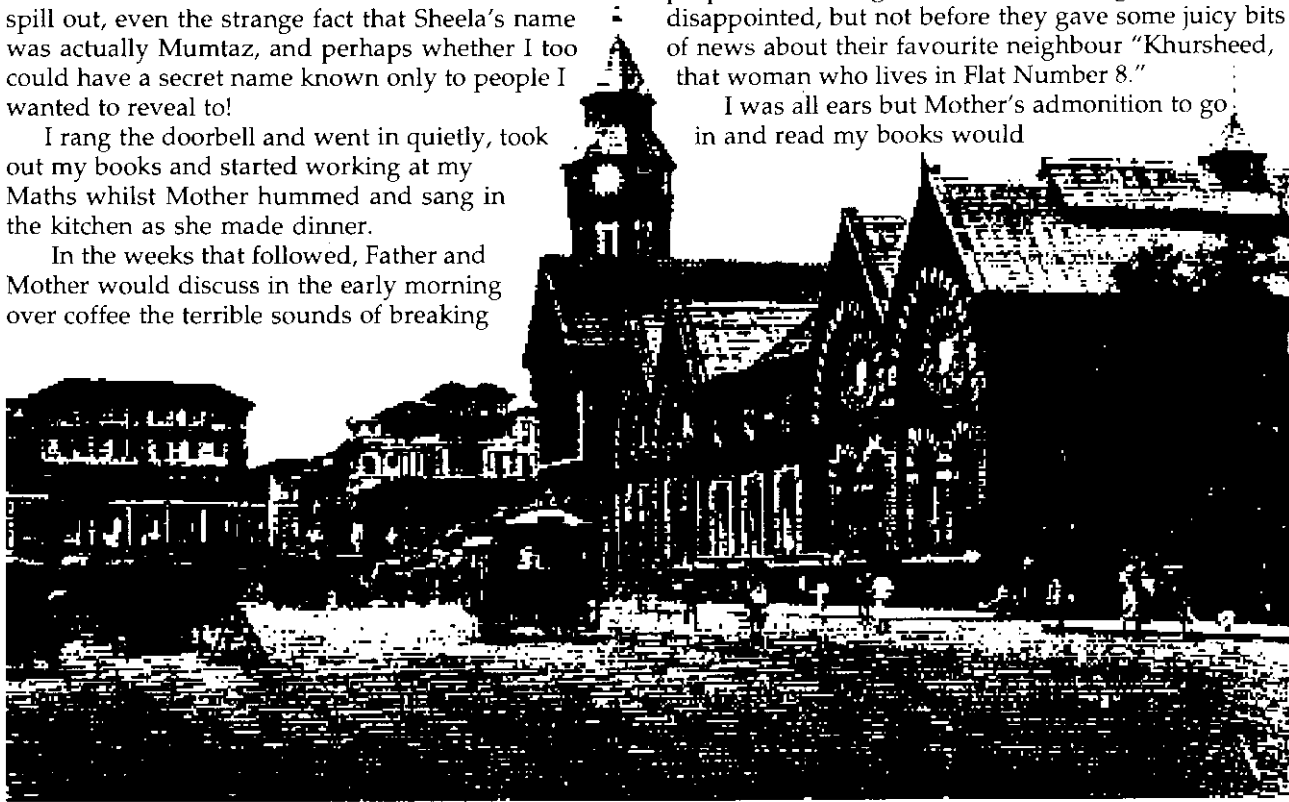
In the weeks that followed, Father and Mother would discuss in the early morning over coffee the terrible sounds of breaking

glass and much shouting that came through from the adjacent flat till very late at night. One day Father said with great irritation, "I am going to the landlord just now to lodge a complaint. It's days since I have had a good night's sleep". We had never seen Mr. Lal as he was wont to return late at nights and again leave very early in the morning to play badminton at the Gymkhana Club: all these bits and pieces of news the other neighbours in the building would come and tell my mother in the afternoons as they visited one by one to make friends with her, the new neighbour.

It so happened that as a senior Government Officer, Father had been allotted a telephone from the very first day of our moving into the flat. It was the only flat on the first two floors of the building that had a telephone, and the neighbours, who soon came to know of this facility, would drop in on these neighbourly calls and stay on to make a phone call or two before they left. This continued through odd hours of the day into the evenings much to the annoyance of Father, who had a regular routine of spinning the charkha for an hour before dinner. Besides, he complained to Mother, there was no privacy left in the house. The neighbours would now sit down next to Father, watch him spin and ask sweetly whether they could try too. It looked so easy, they would say, and then they would mess up the yarn before they left unconcernedly.

Mother solved the impending crisis by fixing a small lock on the dial of the phone, explaining to the neighbours that since it was a government official's phone it could only be used by Father for his office purposes. The neighbours would now go back disappointed, but not before they gave some juicy bits of news about their favourite neighbour "Khursheed, that woman who lives in Flat Number 8."

I was all ears but Mother's admonition to go in and read my books would



make me drag my feet away.

At this time all of Bombay was agog with the "Kishori Court" murder case and newspapers carried front page columns on the development of the investigations of the murder of Police Inspector Kulkarni, who had been thrown out of the balcony of Kishori Court, a rather large house on Worli Sea Face. The police had arrested Kishori, the owner of the house, and sealed the three-storied luxury apartment building. I would listen to all this as Father read out the newspaper to Mother. The story continued, stating that the "other inmates" had taken up residence in other apartments and hotels in the city.

I distinctly recall Mother muttering one morning as she plaited my hair while Father described some further leads that the police had found in the murder case, "Khursheed must be from Kishori Court."



Then something totally unexpected happened... This was during the summer holidays of 1947. In the hot afternoons, Mother, who I thought was getting rather fat, would lie down under the fan on the cool floor and watch my sister and I play carrom. On other days she would join us in a round of Monopoly.

One such afternoon at about 3.00, the door-bell rang and I got up to answer it. On opening the door, I saw two women standing there, perspiring profusely. One was rather old and dressed in white cotton, while the other was young, but both seemed quite out of breath after climbing the stairs instead of using the lift. The younger woman, I noticed, had a lovely face, with a dazzling diamond nose-ring and was immensely fat, and she spoke rather hesitantly in a Punjabi accent "Does a a..." then she stopped and turned to the other lady as if for help. The older woman then spoke up in such a thick accent that I began to giggle. Mother called out as to who was at the door, and then came to see for herself. The old woman took hold of Mother's hand and said in Hindi, "Behenji, please help us and say where Jugal Kishore Mehta lives in this building." I do not remember Mother ever calling strangers inside the house, but all I do know was Mother being very kind to them and offering them both cold water to drink, and asking them to cool off under the fan.

However, she did tell them, that no Mr. Jugal Kishore Mehta lived in the building.

The older woman thanked my mother and looking at her very intently said, "May God

bless you with what you want." Mother smiled and saw them to the door, as I impatiently waited to ask her why she let them in. Mother said, "They seemed to be in trouble." But that was not the last of the two. A couple of weeks later, they again climbed all the five floors of the building, ringing all the doorbells of the flats, and asking the same question, "Does Jugal Kishore Mehta live in any of these floors?" This time no one offered any sympathy, but shooed them off.

Then came a new visitor to our house that was a surprise, and took my mind away from everything else—a baby sister, and no one had time for anything else. But late one night after we had all gone to bed, there was a loud knocking on the kitchen door at the back, rudely waking us up, especially the baby who started to whimper. Father went angrily to open the door, ready to give a piece of his mind to whoever it was, and I crept behind curiously to see if I could catch a glimpse of Sheela, who somehow was never to be found playing downstairs anymore. It was the old Khansamah who salaamed at my father, and very politely he requested if the telephone could be used for an emergency—the doctor had to be called for immediately. A chicken bone had got stuck in his master's throat and he was in considerable pain. My father asked rather brusquely, "Who is going to telephone?" The Khansamah lowered his head and said, "Begumsahiba". Father almost banged the door on his face, but the lady in question, rushed out of the kitchen door, crossed into ours, and holding father's hand pleaded, "Bhaisahab, please call the doctor at this number, and ask him to come at once! Lal Saheb is gasping for breath, and I am so frightened."

Her appearance was so sudden and unexpected, that it took my father by surprise, and he just backed away and went to the phone followed by Khursheed who I saw in all her glory that night. She was wearing a red chiffon saree worked all over in sequins, her hair was piled up with diamond pins in her coiffure, and a long sleeved lace blouse in black. A heavy perfume accompanied her as she walked into our drawing room where the telephone was, Father asked her for the doctor's number, and dialed it, and spoke to the doctor saying that he was urgently required to attend to a patient of his, Mr. I.M. Lal who had a chicken bone lodged in his throat. Before he could put the receiver down, Khursheed had



taken it out of his hand and in her hoarse voice begged the doctor to hurry saying in Hindustani, "He is dying." I couldn't take my eyes off Khursheed and just asked her, "How is Sheela"? She laughed and chucked me under my chin and said "Not Sheela, but Mumtaz; why don't you come and play with her in our house, she does not go downstairs anymore, there are too many boys playing around here, and moreover she has to study her Urdu, I have kept a master for her." She turned around to thank my father, who had a scowl on his face, and went through our kitchen into hers, shutting the door behind her. Mother had not come out of the bedroom at all, and waited for Father to relate everything. Afterwards, she just snorted and went back to sleep.

I couldn't sleep that night, I kept seeing Khursheed, and next morning I was up early to find out from the Khansamah what had happened: whether the doctor had come, if Mr. Lal was alright—but the kitchen door remained shut, and I was crestfallen.



A week later as we were sitting down for dinner, the bell rang and a strange man stood at the door, as I opened it, and asked to see my father. I asked him in and made him take a seat while I went in to call father saying, "A very handsome man in an evening suit wants to see you." Father got up, and as he entered the drawing room he stretched out his hand, and said, "Hullo I don't think I know you." This man said, "I am sorry sir. Let me introduce myself, I am Mr. Lal, your next-door neighbour. I have come to personally thank you for saving my life the other night." Father was taken aback by his obvious sincerity, and he said "I don't think I understand." Mr. Lal took hold of my father's hand, and said, "That telephone call to the doctor that night was what saved me, the doctor extricated the bone stuck in my throat and I should thank you for calling the doctor in the nick of time. I am sorry for the great inconvenience caused to your family so late that night."

My father said, "Next time chew your chicken well before you swallow it." Both laughed, and Mr. Lal left after that. Father returned to the dining-table and resumed his dinner and, turning to Mother, said "The blighter looks and talks like a film actor!"

A strange twist to this tale followed shortly afterwards. Mr. Lal had a bright red Mercury car which he drove himself, and its presence at the entrance to the building meant that he was in. After the chicken bone episode, Mr. Lal felt he owed a thanksgiving to the Presiding Goddess in Bombay—the Mahalakshmi, housed in a temple high up on the rocks on the sea. He chose an auspicious day and drove with Khursheed and Sheela to the temple. It was at the temple that the strange drama unfolded.

Khursheed and her daughter, being Muslim, did not know the simple procedures normal within the precincts of a Hindu temple—that of buying flowers and sweetmeats as offerings to the deity, and so were

rather lost in the crowd, and as for Mr. Lal he was perfectly unconcerned and he hurried up the steps to the temple without looking to see whether they followed behind. The two women did the most natural thing then. Instead of following him up, they came down to the car and waited for Mr. Lal's return. He offered his prayers, and with a substantial donation put into the offerings box he climbed down the stairs feeling very happy and pleased with himself. Just then, he came face to face with two women who called out his name loudly, but he ran down the remaining steps, and in a rush without saying a word to Khursheed, started the car and drove at a furious speed back to the building, asked Khursheed and her daughter to get off and drove away leaving the bewildered two women standing on the kerb.

A little distance away, a taxi stopped, and two women got off and walked into the building and at the entrance they studied the names of all the tenants on the five floors, but could not find the one they were looking for. They trudged up every floor and as before, came and rang our doorbell. Father opened it and the two women seeing him, started sobbing and the older woman spoke, "Bhai Saheb help us, I am looking for my son Jugal Kishore Mehta who we know surely stays in this building. We have just seen him in his red Mercury car. Father asked them in, and that was the second time these two women had been asked into the house, and as I switched on the fan for them, Father went inside and spoke in a low tone to mother who was feeding my little sister. He came out and said in a very encouraging voice, "I think you will find your son living in the flat behind ours—in Flat Number 8, go and ring the bell."

The older woman requested my father to allow me to go along with them and show them the flat and to ring the doorbell as well. I felt something exciting was going to happen and ran ahead of them to ring the bell. The door was opened by my friend Sheela who welcomed me like a long-lost friend, and asked me in. I looked behind to see if the two women were following me and said to Sheela "I have brought some visitors who want to see your father." Sheela blinked and said with a stammer, "That's not actually my father, I call him Uncle." Meanwhile the two women had entered the flat without any politeness, and stood staring all around them but what caught their gaze was a photograph mounted on a silver frame of a smiling Mr. I. M. Lal. They could not take their eyes off it, and were rooted to the spot.

Khursheed came out of her bedroom to enquire who had come, stared at the two women and did something quite unexpected—she screamed as if she had seen a ghost, ran back to her bedroom and locked herself in. I looked at Sheela who was now crying and knocking at the bedroom door to let her in. The two ladies meanwhile, had sat down on one of the sofas, and looked most comfortable and quite unconcerned, as we started to hear objects being

thrown about within the closed bedroom and of splintering glass. The old woman caught sight of me standing next to Sheela, and trying to comfort her, and said, "Beti, you can go home now. I have found my son Jugal Kishore Mehta."

A week later, coming home from school, I found the name-plate board at the entrance being changed, I watched to see whose name was being changed, and found the brass-plate of Mr. I.M. Lal being replaced by that of Mr. Jugal Kishore Mehta.

The sweet-faced fat woman had settled in Flat Number 8, and the kitchen doors at the back now remained open. There were exchanges of dishes of

cooked food across the kitchens, and Mother would treat us to surprise meals which she said she had learned to make up from Savitri, the wife of Mr. Jugal Kishore Mehta! Khursheed and her daughter left quietly for Karachi (Pakistan) and I was unhappy that Sheela had not said goodbye. A couple of years later I received a letter, it was brief and almost childish in its scrawl, it read thus:

"My dear friend, I am getting married, and going away to Lahore. Your old friend Sheela (Mumtaz)."

Thus ends my recollection, but in writing it after all these years, the memory of those years, with all its flavours, images, sounds and smells, rises up. ▽

## Second Orientation Course in South Asian Peace Studies

The Second South Asian Human Rights and Peace Studies Orientation Course of the **South Asia Forum for Human Rights (SAFHR)** will be held in Kathmandu, Nepal from 1 September to 15 September 2001. The course is intended for peace and human rights activists, media persons, academics, and diplomats involved in policy making in conflict resolution. The course will include examination of themes related to **Justice, Reconciliation, Peace and the Practices of Non-Violence**. The course will draw on the experiences of human rights and peace activism in the conflict zones of South Asia and elsewhere and will deal with the long history of moral resistance in the pursuit of justice and reconciliation in the region since the colonial days. The course will take into account various forms of violence including state violence, structural violence, hate speech, intolerance, and the gendered nature of violence. Issues of legality, non-violent mobilization, forms of justice, and the ethics of reconciliation will be included in the course syllabus.

Participants will have to support their own travel. Registration fee for South Asian participants is US \$ 100 (or its equivalent in Nepali rupee) and participants from outside the region US \$ 250 (or its equivalent in Nepali rupee). Board, lodging and other expenses for the selected candidates will be provided by SAFHR. Travel grant is available for limited number of candidates

for which they will have to apply separately. The age limit for participation is 35 years. Women activists and human rights and peace activists from conflict areas are particularly encouraged to apply.

Applications must reach Peace Studies Desk in the South Asia Forum for Human Rights by 30 April 2001. Applications by fax or e-mail will be valid. Applications will have to be supported by full particulars, 1000-word summary of the relevance of the course to the work of the participant, and names of two referees whose recommendations should reach peace studies desk of SAFHR independently. The application must include all necessary details such as language skill, experience and nature of current work. The summary has to include candidate's own idea of peace and human rights activism, and the relation of the applicant's work with SAFHR's peace studies programme. In selection of candidates the 1000-word summary will be accorded importance.

The course will be participatory, and will involve intense course and fieldwork. Audio-visual studies will be part of the course. Frontline activists and researchers on human rights, peace and reconciliation will be sharing their knowledge and experience with participants towards developing an enriched collective understanding of issues of justice and peace in South Asia.

## South Asia Forum for Human Rights

GPO Box 12855, Kathmandu, Nepal

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# Blasting Buddhas

It was in the northern plains of present-day 'Islamic' Bangladesh that Buddhism had its first flowering, in viharas that extended all the way here from Nalanda. And amidst Dhaka's educated classes today, one can sense a genuine attachment to the Sakyamuni and his teachings. This being a floodplain, however, there is almost nothing other than a couple of overgrown brick mounds to prove that historical link to the Buddha. And because this is rockless deltaic country, in terms of statuary, you do not get more than a few terracotta relics.

In complete contrast, across the Subcontinental expanse in present-day Pakistan and Afghanistan, there is (or was) Buddhistic art and statuary in abundance but hardly any sensitivity for the Buddha. Unlike a Bangladesh made up of silt thousands of feet deep, northern Punjab and Afghanistan are all rock—schist and conglomerate. No wonder, the art of statuary flourished here, after kings like Kanishka of the Kushana dynasty, coming in from the north and east, took to the Buddha's teachings at the very start of the first millennium. It was in this region, just a few centuries after the passing of the Sakyamuni, that his image was for the first time locked into human form. What emerged in and around the centre of Taxila came to be known as the Gandhara *shaili*.

Unlike the snub-nosed, round-faced, Mongoloid images of the more oriental Buddhas and Bodhisattvas of Nepal, Tibet and elsewhere, the 'original Buddhas' of Gandhara were decidedly occidental. They took after Greco-Roman and Persian traditions of statuary, wearing thick togas, and sporting aquiline features

on an oval face, most prominently a straight nose and occasionally even a moustache.

Northern Punjab and Afghanistan have been the inheritors of the relics of that long-ago Buddhistic epoch on the headwaters of the Indus, and since British times it is the Lahore Museum which has been the institutional repository of much of the art from that period, including the 'Starving Buddha'. But the state ideology of Pakistan, geared to Islamic nation-building alone, makes it difficult for Pakistanis to proudly call this Buddhist iconography their own. This, too, has been the reason why the loot of Gandharan period statuary continues today from crude excavations in Pakistan headed for Western museums and private collections, with little concern among the citizenry.

The Pakistani's absence of consideration for

Gandhara period-pieces expresses itself as indifference to excavated loot. Tragically in Talibanised Afghanistan, it was hostility rather than indifference, and it allowed the Gandhara statuary to be hacked, blasted, destroyed in March 2001, after standing for two millennia.

With the Bamiyan Buddhas and, who knows, thousands of other statuary and frescoes similarly destroyed, the only thing that remains to be done is to try and learn from the monumental desecration. And certainly, any kind of sectarian reaction against the *muselman* is totally misplaced. The main reason to be angered by what the Taliban *mullahs* and *ulema* have done should not even be purely religious—how many Buddhists around the world even knew of Afghanistan's Buddhistic heritage before March 2001? Instead, the Taliban are to be condemned for their anti-intellectual lack of empathy, for present-day Buddhists, certainly, but more so for the people of the upper Indus region, long dead, who once lived and created great art.

In 1977, as a student in Delhi, I headed for Bamiyan overland. Making it through the Atari-Wagah border checkpoint after reassuring the Pakistan immigration officer that I was born Buddhist (there was trouble then if you said Hindu), I headed up to Peshawar, and past Torkham and Jalalabad. Kabul's Chicken Street, much like Kathmandu's own Freak Street of the time, was populated by Western hippies. From Kabul I took a packed local bus to Bamiyan, sitting on the floor next to the driver's gearshift and the roaring engine. However, this gave me vantage to look out of the windscreen.

And there, out of the desert terrain marked by a long cliffside, emerged two gigantic Buddhas. Silent sentinels in rock conglomerate, one larger than the other, they looked out over the oasis of Bamiyan Valley as they had since the Kushan age. It was possible to climb through the tunnels that honeycombed the statues and outlying caves, and I remember going up and looking from the overhang down at the larger Buddha.

This Bamiyan Buddha's sides were pockmarked with arrow-heads and pellets, as Indian archaeologists discovered when they restored large parts of his gigantic girth back in the 1970s. These were the projectiles of anti-idolators of the past, including the cavalry of Genghis Khan. But modern methods bring a modern scale of devastation to the heritage of humankind. Ghengis Khan did not have gelignite, nor howitzers, to convert the Bamiyan Buddhas into rubble. The Taliban did. And who was it that trained them and gave them the guns in the first place?

*Kamakh Dixit*





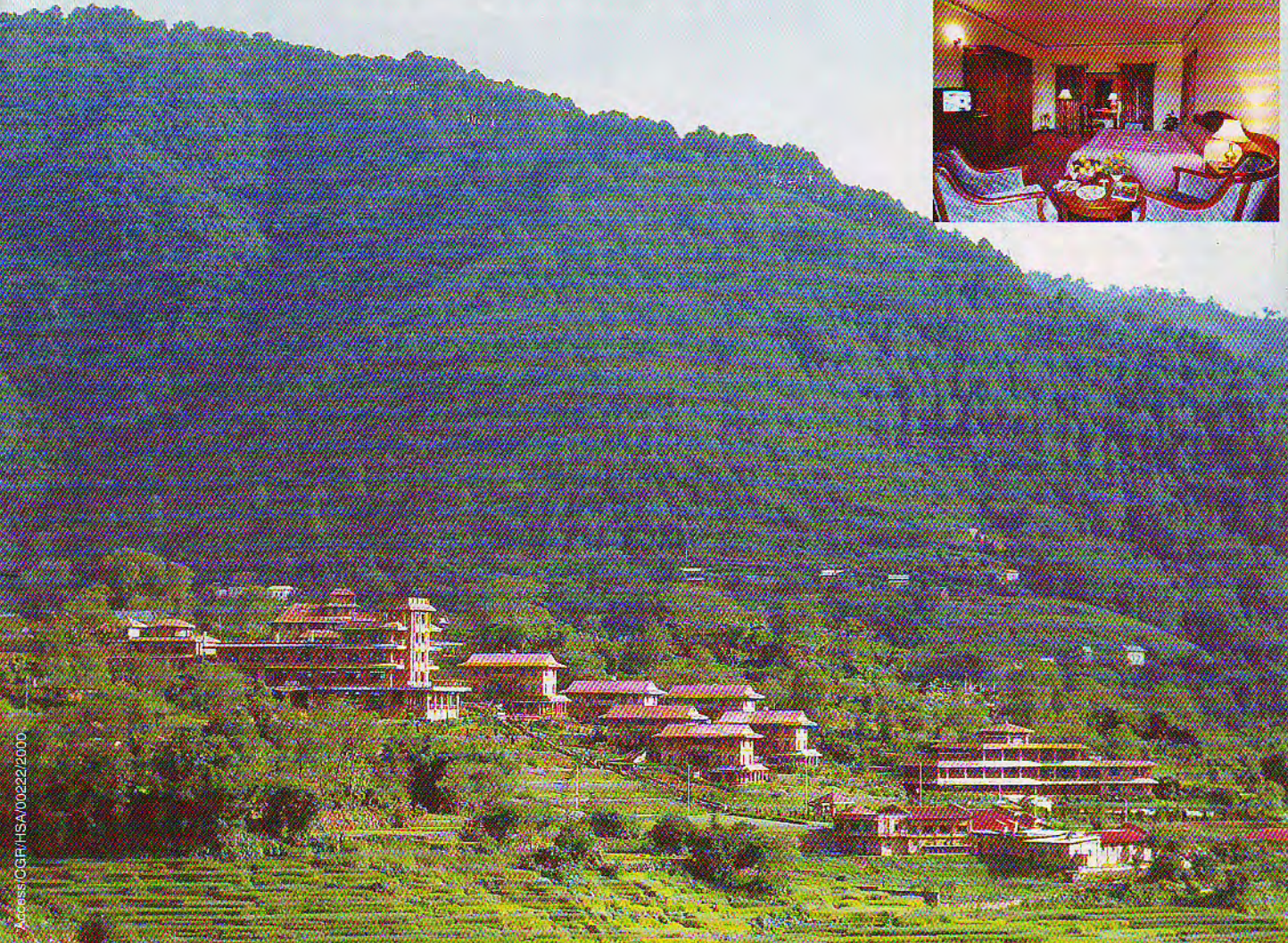
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