



RESTORING VALUES

NEWSLETTER OF THE
FOUNDATION FOR RESTORATION OF NATIONAL VALUES



March – April 2015

Content



**Restoring India to her Glory –
Concluding Part**
by Swami Bhoomananda Tirtha

1-4



Money and Elections
By T.S. Krishna Murthy

5-7

Pictures Source: Google Images

Restoring India to her Glory – Concluding Part

Uniform Civil Code imperative

Our Constitution has clearly promised a uniform civil code. Even after 65 years of independent rule, our women are distinguished, they have no equal status. To deny equal status in the fundamental duty as well as privilege is virtually a democratic crime. In a land of democracy, every one born is equal. Where is that equality here? Where is the fundamental equality for women, who alone give birth to all the citizens of the land?

We have a common criminal code. Criminal and civil laws are like two hands in the body. If commonness in criminal laws is acceptable, the same dictum for civil laws must also be, with unreserved love and adoration. Only then, the country will have equally National citizens, who will stand together and strive for the overall improvement and cultural refinement of the Nation. Let us rise to dissolve all undemocratic disparities

and disharmonies with elevated democratic and societal judiciousness, no matter whatever adverse reasons are adduced in the matter.

Secular Nationalism

Our country is secular, and the Constitution also pronounces its secular framework. Let us be truly secular. This means that no religious consideration should be adduced to gain or deny any right to any citizens.

See what a glorious cultural refinement and excellence we had gained in very ancient times. Are we not intelligent, are we not ethical, can we not extricate our true ethnical identity and on these grounds unify and consolidate our thinking, to be truly National and singular children of this holy land? Let us be Bharatiyas, the beloved children of this great divine land lying between Himalayas and Kanyakumari, the land our Shastras describe as Hindusthaana.

Any practice, claim or indulgence, which deters the legislative power of our Parliament, no matter whether it is held or supported by any religion, should not be the least allowed. We do not want a religious Administration in this land. Equally so the Administration should not give way to any religious constraints or compulsions in the matter of ensuring equality of status and opportunity for the people, especially women, of our land. To delay fulfilment of the Constitutional promises, in this regard, will be to barter the secular nature of the Constitution itself, and hence of governance as a whole. This will destroy the very sanctity of Law and lawfulness in the country.

We are tolerating this injustice, in spite of the fundamental duty enjoined by the Constitution to uphold women's prestige and status. In 65 years, we have failed in educating the people in general about this inequality and democratic failure in redressing it. Our Parliament is supreme in the matter of making laws for the country. And none on any ground, especially religious, can interfere or intercept the process.

Are we blind, literally heartless? Do we require anything special to know meaning and relevance of democracy? Anyone born in this land is equal to another, and birth should not be made any ground for claiming or rejecting any favour or disfavour.

Dr. Ambedkar submitted to the Round Table Conference in Britain, possibly in 1930, that the accident called birth should not be

made any premise for getting or refusing any right. In other words, on the fact of any one's birth, in any community, no right should be allowed or denied. All are equal by birth.

We are all born as Indians. Religion should not come into administration or governance at all. Unless we are able to think heroically in a cohesive, reformatory manner, there is not going to be any salvation.

National Value inculcation indispensable

The Administrators, Politicians, Teachers, Bureaucrats and others should recognize the need for inculcating our National eternal values in the people right from their childhood. There must be a cultural, value-inculcating syllabus for education right from the primary classes. And the culture is based upon the psycho intellectual achievement of the country, which is clearly documented by us in our own National language, Sanskrit. It was done at a time, when there were no religious differences at all. Neither the word religion had come into vogue, nor had it anyplace in English dictionary. Religions may come and go. Ethical and cultural identity will not. It is evidenced by our own neighbouring countries.

Training at all levels the only redress

In the Corporate Executive and Manager Training programs, heritage exposure should be a must. It is the Fundamental Duty of all citizens – to uphold the composite heritage of the land. The Fundamental Duty becomes meaningful and relevant only when it is widely recognized and acted upon throughout the country.

All India Radio, Doordarshan as well as the Private Channels, should take up the mission of bringing the message home to our citizens. An educational syllabus, incorporating the cultural values of the land, should be put into effect expeditiously.

National values to be the National clamour

Government should generate a National Voice, through every means available for the purpose, that no woman should be molested by an one. Let the moral, ethical, cultural and spiritual awareness be aroused in each against the indecency and barbarism. It should become a very strong clamour of even the young in the country. With education everything is possible.

We have ample audio-visual facility, a variety of mass media. Why not we make it a National call, imperative and widespread? Except making an occasional hue and cry, more in the way of fleeting protest than a genuine National Human Demand, nothing sustaining is done or attempted. The political manifestos speak of many things, but dangerously silent in this most important issue.

All politicians are born of women. No man has given birth to a woman. All are delivered by women. Why not we uphold their prestige? Why not we esteem them? When you see a woman, why should you have any other emotion? What is happening to us? We do not have sufficient feeling about women, the auspicious lamp of our homes.

Every one to strive for National value resurgence ue resurgence

I feel extremely hurt that we Indians have no feelings, or our feelings are not sufficiently strong and widespread in the land. The supermajority here, I am afraid, are even now not feeling earnestly and strongly for the good, and against the bad. Something drastic and ceaseless has to be done to instil and preserve National feelings in the people.

I would like every one of you to understand the cultural crisis of the country. Let us rear cultural patriotism. No religion comes in here. This has nothing to do with God either. Besides the *panchabhootaas*, in the human world, everything is our own handiwork. Cultural patriotism or Nationalism has, if at all, is related completely to the emotional mind and rational intelligence, and ultimately with the 'I', the un-negatable, indisputable identity, anyone has. Hindus have the same identity, Muslims, Christians, Parsees and all else also have. All people have the same 'I'. That is why we speak, hear and have our food commonly.

Blood from one can be transfused to another. Hindu blood is transfused into a Christian, and vice versa. Soul is the same. Let us think in this manner and bring people spiritually together.

We are generally given to speaking about the bad of another, especially of our Government and the People's Representatives, their actions, but not in a useful, effective, democratic manner. We will speak at home, in restaurants, privately between friends, over

phone. This will not. In democracy, such detached and private conversations will not have the desired effect.

People's Eternal vigil indispensable

Democracy, to be effective, calls for the eternal vigil from the people. The electing people should feel that at every step, they too participate in governance. This calls for collective demand and protest, whenever necessary.

Every one of you must rise in righteous indignation and register your protest, collectively, constitutionally, in a demonstrative manner. There must be a deliberate collective approach. Such collective demands and protests alone will be functional, operative, warranting attention from the Government and people alike.

We have particularly the Supreme Court, the watchdog and mentor of all aspects of governance. There is a provision for PIL for getting every form of correction either in the laws of the country or their faithful execution.

Half the problems can be solved by Courts

The Executive is often reluctant or shy to do what they should, for political fear and suspicion. They feel safe when the Supreme Court gives the imperative in the form of a Judicial order. A Supreme Court Judge told me decades back that half our problems can be

resolved, if we take them to the SC, so that they can study the subject and in the form of Case laws pronounce the judgement. The Judiciary must have the occasion to discuss the crisis and come out with a beneficial remedy.

The Government will be called upon to present their views, and the petitioners can represent their needs as well. And the order will be acceptable to both. Government can feel and say that it is Supreme Court's order, and they have no option in the matter. They save themselves, and the people also heed.

Education should start at home

Let us make sure that we grow as a Nation with sufficient unity and National fondness. **Life and value education should start at home.** Any time in the society, walking, speaking, thinking, etc. are taught at home by the parents and elders. In the case of culture and values also, this is so. Educational syllabus will have to be put through. That does not absolve our homes from the primary mission of instilling in the children the spirit of ethics, values and patriotism. If the children grow with these right from the beginning, if values have become an inseparable part of their life, their mind and heart cannot be different when they reach the Parliament, Assemblies or Executive seats.

Present failure our own creation

The failure is our own, of our families and homes. Some 6000 IAS Officers and 900 elected representatives run the country's Administration. Surely all these have not come from one home, town or even a State. They represent a wide cross section of our huge society. It is the lack or insufficiency of value-imbuing at home and in the educational centres that has led to value crisis in the citadels of power later. Let us own the responsibility widely then, and strive to mend matters at the very source.

The subject should be discussed in the Cabinet, Assemblies, Administrative Desks and Forums. Training programmes should be instituted for elected as well as selected people at various levels, regularly and their effectiveness monitored and strengthened repeatedly.

Corporate level training for value-enrichment should also be put into effect. Let us do all this, even greatly more, so as to forge a resurgent Nation, where our time-tested National values will scintillate and permeate throughout the land and beyond.

All-fold value enrichment programmes to be implemented

Repeated National Value enrichment sessions should be had by the Judiciary also, in all the

different levels, so that the members of the Judiciary will be impelled and strengthened to deal with National issues with greater clarity, confidence and National fondness as well as resignation.

Our FRNV has evolved and also submitted to the Government the setting up of an authentic and effective Value Restoration Council, with equal participation from the Government and Civilian society. Under this an Ethical Surveillance Core has to be set up, consisting of people nationally selected, whose minds will not swerve either for money, or fear or favour. It should have access to any desk in the country, in its effort to sense likely corruption and malpractices, and to prevent them with timely diligent moves.

We do not want our trusted Administrative Officers or even Ministers to be caught up in corruption and prosecuted. This is something shameful to the country as well as every citizen of the Nation. This should be avoided with wisdom, care and caution. The process needs further thought, analysis and consolidation.

I think you have enough exposure, on the basis of which you can think and formulate ideas and measures to go ahead further to achieve our goal of restoring the glory of our Motherland, as soon as possible.

CONCLUDED

Money and Elections

By T.S. Krishna Murthy

An important precondition for good governance in a healthy democracy is good politics. Good politics coupled with good economics provides necessary engine for social justice and economic growth. This will also provide conducive conditions for corruption free society.

In most of the modern democracies especially in Asia and Africa corruption is the major threat to the functioning of democracy. The starting point of corruption is political corruption. Of late, elections in India seem to be highly tainted due to the role of money power during election time which ironically is both cause and effect of a corrupt system. During the recent State Assembly elections and the Parliament election, there were lot of complaints against money being distributed to the voters in cash or kind. This practice - or shall we say - malpractice started quite some time back by some political parties in order to buy votes in their favour. Whether the voters fall into this trap or get money from every political party and chose to vote according to their will is a moot point. The fact however is money flows freely in Indian elections. This practice is said to be widely prevalent in some States like Tamilnadu, Andhra Pradesh, Karnataka and a few

other States in the north. This evil practice has now become common even in by-elections. It seems there is no immediate solution to this vicious practice. It is not my intention here to go into the need for the prevalence of such pernicious practice as it is a vast subject to be covered. However, in the interest of checking this practice, it is worth examining how the political parties and the contesting candidates are able to generate so much of monetary resources to fight the elections. It is true that the monetary ceiling fixed by the Election Commission under the Representation of Peoples' Act has lost all relevance in spite of the reasonably effective monitoring by the election observers designated by the Election Commission. The main reason for such gross violation of the statutory ceiling is mainly due to loopholes in the law and deliberate cash transactions. The political parties vie with one another in spending money so as to influence the voters through advertisements, campaign meetings and cash payments. The lack of any statutory ceiling on spending by political parties also contributes to the enormous election expenditure.

Political corruption thrives in India mainly because of

corporate donations to political parties both by Cheque and Cash which often leads to a nexus between the donors and rulers thereby tainting policy decisions of the elected government. Although the law permits only profit making corporates to make donations to political parties within certain prescribed limits, it is a well-known fact that corporates and non-corporates donate funds to political parties both in power and out of power violating the law in order to curry favour with the parties when they come to power. These payments are made by cheques in some cases in accordance with law. Some corporates and non-corporate business houses deliberately generate unaccounted money in order to get over the legal provisions and to maintain secrecy by making cash payments. In many cases, the donations are made both to the ruling party and to other parties in order to maintain good relations with the parties that matter. These funds are largely used for meeting ever increasing election expenses outside the ceilings prescribed by the Election Commission.

Recently, a case came to public notice during Delhi election where one of the political parties received donations by cheques issued allegedly by

some non-existing companies. While investigation is said to be in progress by the concerned authorities, it was surprising that the recipient party claimed 100% transparency in regard to such donations. It is worthwhile to note that political parties are liable to Income Tax unless they comply with filing Returns supported by audited accounts. There exists a provision in the Income Tax Act that if there is any unexplained credit or transaction in the account of any taxpayer, the same can be treated as income of the tax payer. There is therefore an obligation on the part of the taxpayer to explain the source of every credit in the accounts. Such being the legal position, the tax authorities will be well within the law if they proceed to tax the amount where the political party is unable to explain the source of income. In the instant case, it was pointed out that the companies donating the cheques did not function at the address given to the Registrar of Companies. Presumably these companies are what we call as "Post Box companies". Apart from the tax liability angle, these payments should have been verified at least at the time the tax payers' accounts are audited to ensure compliance with tax laws. It is also unfathomable how it was reported in the media that the government took the stand in this case before the court of law that the said donation was not illegal even when the investigation was going on and

the tax assessment was yet to be done. In my opinion, political parties cannot get away from the responsibility to explain the source merely by citing that the payments were received by cheque. Further, such unexplained funds may have serious implications from National security angle. The next question is whether anything can be done to curb the widespread money power in Indian elections. I consider that a better alternative would be to constitute a National Election Fund on the lines of Prime Minister's Relief Fund to which donations can be made by all taxpayers including corporates with 100% tax exemption as against present exemption of 50% available to approved institutions. Such a measure can effectively snap the existing obnoxious nexus between the corporates and non-corporate businesses to political parties. Further, the threat of government policies being influenced by such donors can be easily eliminated. The National Election Fund which will of course be subject to audit by C&AG can be used by the Government to fund the conduct of elections provided (a) political parties are totally banned from accepting donations except from the members of the party (b) no candidate/political party is allowed to spend their funds for election expenses; and (c) the fund is administered and utilised as per the directions of the Election Commission of

India which should formulate guidelines in consultation with an All Party advisory body to fund the election expenditure of candidates. One important consequence of this is that there will be a level playing field among all contesting candidates which means even an ordinary person can contest election without depending on money power. No doubt such a change can be implemented with adequate notice to all stakeholders and necessary legislative change. The guidelines to be formulated in this regard should ensure that the funds are not misused by having expenditure observers and that a certain minimum percentage (say 5% or 10% of the money allocated) is contributed by the candidate so as to avoid any person wanting to contest the election in order to get funds.

It is still possible that the political parties may get donations in cash even after such a change and clandestinely distribute money or equivalent to the voters even under the proposed change. Perhaps, a legal provision may have to be introduced in the Representation of Peoples' Act that the payer and the payee would be liable for a severe punishment if such an offence is committed. In addition, the candidate may be required to file an affidavit that the candidate will not distribute money or equivalent to the voters to buy votes. I believe that if political

parties and candidates are banned from spending their own money during elections the incentive for such violation may not be there. Needless to say the monitoring by the Election observers will have to qualitatively improve. Even with all these precautions we can only curb the practice and not eliminate it altogether which can come only with the maturity of voters and political parties.

In conclusion, it is necessary that the elections are conducted without vulgar display of money power so that they do not contribute to political corruption. It is true that corruption may still exist in spite of such a change for various reasons. However, the proposed change will eliminate political corruption at its starting point viz, the elections.

Status of PILs by FRNV in the Supreme Court

1. Writ Petition (C) no. 302/12 FRNV v. Union of India & others

This PIL relates to wasteful advertisements by the Central & State Governments, which is an unnecessary and unjustified burden on the public exchequer, and the need to stop/regulate this practice. The Hon'ble Supreme Court has reserved judgment. FRNV has presented its suggestions on the same.

2. Writ Petition (C) no. 823/13 FRNV v. Union of India & others

This PIL was filed by FRNV in the aftermath of the tragedy at Uttarakhand in June 2013. The writ petition relates to the lack of disaster preparedness in India, and severe shortcomings in disaster management techniques, and the structure under the National Disaster Management Act, including the poor functioning of the National and States Disaster Management Authorities. The writ petition was last listed on 7.7.2014, when the Hon'ble Supreme Court directed that pleadings be completed (replies etc. be filed), State replies are pending.