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This Won't Be Breaking News: CO2 Levels Hit Record High of 416 ppm

Jessica Corbett

Isalak and its Struggles Against CAA-NRC

Amey Tirodkar

Jamia – An Offspring of the Freedom Movement

Aamir H. Khan, Aban Usmani

Why I Will Never 'Go to Pakistan'

Laila Tyabji

At Nizamuddin Auliya's Dargah, Basant is the Colour of Harmony

Bharat S. Tiwari

Private Players Line Up to Run

Private Trains

Sabrangindia

Apartheid in the Global Governance System

Jason Hickel

The United States as Destroyer of Nations

Daniel Kovalik

Mexico's AMLO Shows How It's Done

Ellen Brown

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Supreme Court's (New) Reservations Judgment and Its Discontents

Gautam Bhatia

On 7 February, a two-judge bench of the Supreme Court handed down a judgment holding that Article 16(4) of the Constitution is only an enabling provision, and does not confer a “right” to reservations. The context of the case was as follows: in 2012, the government of Uttarakhand decided to fill up the posts in the state’s public services without providing reservations to Scheduled Castes (SCs) and Scheduled Tribes (STs). This was challenged, and after a round of litigation before the Uttarakhand High Court, that court directed “the State Government to collect quantifiable data regarding inadequacy of the representation of the Scheduled Castes and Scheduled Tribes in Government services which would enable the State Government to take a considered decision on providing or not providing reservation.”

Appellants argued before the Supreme Court that the judgment of the Uttarakhand High Court was wrong, as “there is no constitutional duty on the part of the State Government to provide reservations.” Once, therefore, the government had taken the decision (in 2012) not to provide reservations, that decision could not

be challenged. Appellants further argued that as the collection of “quantifiable data” was a precursor to providing reservations, it followed *ipso facto* that “there is no necessity for collection of any quantifiable data after the Government has taken a decision not to provide reservations.”

The Court agreed with these submissions, and also agreed with its 2016 judgment in *Suresh Kumar Gautam v State of UP*, where these contentions had been accepted. In paragraph 12 of the judgment, it noted that:

“It is for the State Government to decide whether reservations are required in the matter of appointment and promotions to public posts. The language in clauses (4) and (4-A) of Article 16 is clear, according to which, the inadequacy of representation is a matter within the subjective satisfaction of the State. The State can form its own opinion on the basis of the material it has in its possession already or it may gather such material through a Commission/Committee, person or authority. All that is required is that there must be some material on the basis of which the opinion is formed.”

This, however, was limited to

situations where the State made provisions for reservation. That, however—the Court held—was purely discretionary. Consequently:

“As the Government is not bound to provide reservation in promotions, we are of the opinion that there is no justifiable reason for the High Court to have declared the proceeding dated 05.09.2012 as illegal.”

In other words, there was no obligation upon the State to collect data in order to deny reservations.

There are, however, two problems with this line of reasoning, that I set out below.

Article 16 and Substantive Equality

The first is the Court’s characterisation of Article 16(4) as a purely enabling provision, and its conclusion from that that inadequacy of representation is a matter within “the subjective satisfaction” of the State. This, however, is at odds with the scheme of Article 16 of the Constitution as interpreted by the Supreme Court.

Until the mid-1970s, the Supreme Court’s position was that Article 16(4) was an exception to the guarantee of equality of opportunity set out in Article 16(1). In other words, 16(4) carved out a space (for inadequately represented sections) where the normal principles of equality of opportunity would not apply. It was, of course, up to the State whether or not it chose to avail of this exception, and provide for reservations.

In *NM Thomas*, however, that position changed. It was held that Article 16(4) is not an exception to, but a facet of Article 16(1). That changed interpretation flowed from the Supreme Court’s evolving

understanding that the Articles 14–15–16 “Equality Code” under the Constitution was not about bare formal equality, but about *substantive equality*—i.e., equality that took into account existing social and structural disadvantages, and required the State to remedy them. This understanding of constitutional substantive equality has never seriously been questioned after *N.M. Thomas*, and has recently been reaffirmed (albeit in the contexts of Articles 14 and 15) in *Navej Johar* and *Joseph Shine*.

Consequently, if Article 16(4) is a facet of Article 16(1), then it necessarily follows that what Article 16(1) guarantees is a right to substantive equality of opportunity (and 16(4) is—in the words of *NM Thomas*—an “emphatic restatement of that right.” Consequently, while it is correct to say that there is no right to reservations (as the language of 16(4) is indeed enabling), there is a right to *substantive equality*. This, in turn, means that if the status quo involves formally equal treatment of individuals in substantively unequal circumstances—when it comes to appointments or promotions in public services—Article 16(1) is breached.

The Uttarakhand High Court was well aware of this distinction (as it also was in another judgment it delivered a few days later). Consequently, it did not direct the government to provide reservations. What it did do was direct the government to collect data on inadequacy of representation, so that a decision could be taken on how to remedy existing substantive inequality. This—as *Karan Lahiri* (an advocate practicing at the Supreme Court) has argued in an article—is a reading of the scheme of Article 16

that places a “power plus duty” upon the government.

As *Lahiri* writes, “a constitutional provision conferring power/discretion on a State authority, couched in permissive language, is to be treated as a provision containing a power coupled with a duty, if the failure or conscious omission on the part of such authority to act would nullify the effect of another/other constitutional provision, or render nugatory a constitutional principle emerging from a mosaic of constitutional provisions.”

Lahiri then argues that if Article 16(4) was to be read as a purely enabling provision that conferred no duties, this would mean that while there was an obligation upon the State to collect data before it granted reservations, there would be no such obligation if it chose not to do so. However, this would mean that:

“There is a hurdle created to pull up backward groups, but none for pulling them down, or for ignoring them entirely. This, I believe, is inconsistent with the equality code of our Constitution, and Article 16 itself contains no textual basis for such asymmetry. It is this asymmetry problem that can be remedied if the Supreme Court recognizes the fact that Article 16 contains within it an enabling power coupled with a positive duty.”

Notice that the asymmetry problem is taken care of by *NM Thomas*’ reading of Article 16: because that reading makes the pulling up of “backward groups” an obligation upon the State. On the Supreme Court’s reading, however, it is made explicit that the government must collect data if it wants to provide reservations/substantive equality (“pull up”), but is not obligated to do any such

thing if it wants to deny reservations/substantive equality (“pull down/ignore”). This is obviously at variance with the constitutional scheme.

What about NALSA?

The second problem is a more straightforward one. Recall that in *NALSA v Union of India*, the Supreme Court had taken judicial notice of the fact that the transgender community was underrepresented in government employment, and on that basis, had specifically directed affirmative action measures under Article 16. It follows from this that if indeed it has been found that a group falls within the scope of Article 16(4), the demands of substantive equality under Article 16(1) require the State to take measures to bring about real and effective parity. Thus, while admittedly there is no free-standing right to reservations, there is a right contingent upon a finding that a particular group is underrepresented.

If that is the case, however, than the obligation can simply be defeated if the State chooses not to conduct the data collection exercise at all. Consequently, it follows from NALSA that data collection to determine inadequacy of representation is indeed an obligation upon the State, as that is the pre-requisite for the further affirmative action that NALSA found mandatory.

Conclusion

It is submitted, therefore, that the Supreme Court’s judgment is at variance with NM Thomas, with NALSA, and indeed with the scheme of Article 16 and the Equality Code. Once we agree that Article 16(1) guarantees a substantive right to equality of opportunity, it

necessarily follows that a coherent reading of the scheme of Article 16 reveals that the discretion of the State under 16(4) is not unbounded. 16(4) codifies a “power plus duty”: the State is empowered to decide upon reservations, but it has a duty to

collect information pertinent to that decision. Any other reading would defeat the basic idea of substantive equality under Article 16(1).

(Gautam Bhatia is a Delhi based Lawyer.)

This Won't Be Breaking News: CO2 Levels Hit Record High of 416 ppm

Jessica Corbett

The concentration of carbon dioxide in the atmosphere hit a record high Monday, a reading from the National Oceanic and Atmospheric Administration that elicited fresh calls from climate activists and scientists for the international community to end planet-heating emissions from fossil fuels and deforestation.

According to NOAA's Mauna Loa Observatory, an atmospheric baseline station in Hawaii, the daily average of CO2 levels on Feb. 10 was 416.08 parts per million. In recent years, soaring rates of CO2 concentrations in the atmosphere have signaled that the world is not ambitiously addressing the climate crisis.

Swedish teen activist Greta Thunberg, who founded the global youth-led climate action movement Fridays for Future, tweeted Tuesday of NOAA's new finding that "the saddest thing is that this won't be breaking news."

"And basically no one understands the full meaning of this. Because we're in a crisis that's never been treated as a crisis," added the 17-year-old Nobel Peace Prize nominee.

Belgian climate scientist Jean-Pascal van Ypersele, who has been involved with multiple

reports from the United Nations' Intergovernmental Panel on Climate Change, wrote on Twitter Tuesday that the record was not something "to be proud of." Instead, van Ypersele said, it is a reminder that "emissions from fossil fuels and deforestation need to be reduced to ZERO to stop this trend!"

A German-based Parents for Future group—made up of adults who support the movement Thunberg founded—shared the new number alongside a video of children calling for bold climate action.

The video features several children mouthing along to a speech that Thunberg delivered in December 2018 at the UN COP24 climate talks in Poland. Calling for systemic change on a global scale to the tackle the climate emergency, Thunberg warned in her address that "we cannot solve a crisis without treating it as a crisis."

The United Kingdom's national weather service, the Met Office, warned in January that "a forecast of the atmospheric concentration of carbon dioxide shows that 2020 will witness one of the largest annual rises in concentration since measurements began at Mauna Loa, in Hawaii, 1958."

The Met Office said that "the atmospheric concentration of CO2

is expected to peak above 417 parts per million in May," noting that the anticipated increase is due in part

to emissions from the bushfires that have devastated large swaths of Australia since late last year.

(Jessica Corbett is a staff writer for Common Dreams, a non-profit newsportal in USA.)

Isalak and its Struggles Against CAA–NRC

Amey Tirodkar

Its a tale of something extraordinary occurring in a tiny pocket of the country, one which could turn out to be important for the future of Indian democracy as well as for people's movements in the country. A small village called Isalak has passed a resolution against the Citizenship Amendment Act (CAA) which was passed by Parliament, saying that the amendment is not acceptable, and hence, will not be implemented in the village. The story of Isalak is path-breaking amid the nationwide protests against CAA and the National Register of Citizens (NRC).

Isalak is located about 10 kilometres away from Ahmednagar city, in the district of the same name in Maharashtra. With a population of about 2000 people, the village is spread over close to one thousand hectares of land. Otherwise a tiny, peacefully village in Ahmednagar district, it hit headlines when its Gram Sabha passed a resolution on January 26 (Republic Day) opposing the implementation of CAA and the NRC. The village sabha unanimously passed the resolution, saying that Act will have a negative impact on villagers and that if government pushes for implementation, Isalak will protest with civil disobedience—the Gandhian way.

"SCs, STs, OBCs and deprived people form the majority in the village. As the Union Government has decided to start NRC, the

people of this village are unable to provide even revenue documents. So, the government should kindly reconsider the decision," reads their resolution passed on Republic Day.

"How come a government asks its citizens to prove their nationality? Isn't it anti-national act at the first step itself? In our village the population of NTs, SCs and STs is greater than open and OBC people. So, they don't have documents. In such a case, more than 50% of the people could be debarred from citizenship. How can we allow this to happen?", asks Mahadev Gawali, a young boy from Isalak who initiated the resolution against CAA–NRC. Mahadev has a small grocery shop in the village where villagers buy items of daily need.

SCs, STs and NTs make up more than 55% of the total population in the village. The Marathas, otherwise a dominant ruling community of the state has less than a 45% share in the numbers game. Contrary to right-wing imagination that anti–CAA–NRC protests are dominated by members of the Muslim community, the village does not have a single Muslim citizen. There is an old, dilapidated mosque known as the place of 'peerbaba' where people from all religions and castes worship. Members of the Hindu community and tribals offer their prayers there.

Alka Jadhav is about 65 years of age. One can gauge her financial condition by just looking at her house. She is lives with her husband,

four sons, daughters-in-law and 13 grand children; a total of 23 members in her family. When one asks her to produce a proof of residence, she furnishes her ration card. What is there on it? Names of only seven names of her family members.

"Who will go and make those papers? We don't have anything to eat. Will they give us food?" asks an angry Jadhav. "If the government wants to take us from here and put us in jail; let them do that. Tell them to give us food though. That will be better, no," she adds, laughing.

She is not alone. Close to half the population does not have a single paper other than ration and Aadhaar cards. Home Minister Amit Shah refuses to take the aforementioned IDs as proof of citizenship. In that case, he needs to provide answers to the villagers here, as well as to crores across the country. Where will they go to seek papers in order to prove their nationality?

Sarpanch Babasaheb Gerange throws more light on the situation. "We keep sending proposals of various government schemes to help these villagers. But our requests get rejected due to lack of proper documentation. If they are deprived of government schemes due to lack of papers then how will they prove their nationality?" he asks.

Yogesh Gerange, another villager, is a lawyer by profession, who has also supported the resolution. "We are inspired by Gandhiji and have hence passed

this resolution. It is not political. The government must understand on-ground realities before taking any such step," he says.

Isalak is an inspiring story of resistance; a story of people's will against the might of a mammoth state.

(Amey Tirodkar is a journalist.)

समाजवादी विचार संकल्प बदलाव का समाजवादी समागम

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Jamia – An Offspring of the Freedom Movement

Aamir H. Khan, Aban Usmani

In October 1920, under the shadow of serious British colonial and imperial repression in various parts of the world, a group of influential Muslim leaders in India conceptualised the foundation of a nationalist university that would be free from British colonial control.

Unrest had been simmering amongst Muslims of India with the unjust treatment meted out to their homeland, as well as to the Ottoman Empire in the wake of the First World War. This decision to establish Jamia was inspired by Gandhiji's call to establish free institutions of learning in the country.

The founders of Jamia, many of whom had launched the Khilafat movement, were led by Maulana Abdul Bari 'Firangi Mahali', Maulana Abul Kalam Azad, Maulana Mahmoodul Hasan, Maulana Hussain Ahmed Madni, Hakim Ajmal Khan, Maulana Hasrat Mohani, Maulana Sulaiman Nadvi and the Ali Brothers (Maulana Shaukat Ali and Maulana Mohammad Ali).

The Khilafat Committee, which was founded in March 1919 adopted Gandhi's non-cooperation programme against the British Government of India in May 1920. And later, on 2 June 1920, a conference of all parties was held at Allahabad that decided upon a policy of non-cooperation and appointed a committee to draw up a programme.

It is pertinent to note that it was the Khilafat Committee, led by Muslim leaders, which entrusted Gandhi with the leadership of the Non-Cooperation Movement. He launched the movement as part of the Khilafat Movement by surrendering

his titles and decorations to the government on August 1, 1920. This show of pan-Indian unity provided the most formidable opposition to the British Raj in India—one that shook its very foundations by challenging its colonial logic of 'divide and rule'.

In the second week of October 1920, hundreds of prominent Indian leaders linked to the Non-Cooperation and the Khilafat movements camped in the campus of the MAO College, Aligarh (which later became the Aligarh Muslim University).

Gandhi and Maulana Mohammad Ali 'Jauhar' addressed students of MAO College at the Students' Union Hall. The students pledged their support to Gandhi and announced a total boycott of classes in defiance of the British administration.

The British government was stunned by this convergence of Muslim anti-colonial activism and the broader Indian nationalist movement, and decided to close down MAO College, and evacuate all hostels. As a result, not just the MAO College, but also the entire Aligarh city, and gradually, most parts of India, were enraged.

It was during such trying times that in the first week of November 1920, the self-funded Jamia Millia Islamia became operational. A true offspring of the freedom movement, its seeds were planted by Gandhi, *Sheikhul-Hind* (the highest priest of Islamic theologians of India) Maulana Mahmoodul Hasan, and several other prominent Muslim leaders. Hakim Ajmal Khan was appointed as its Chancellor and

Maulana Mohammad Ali as Vice Chancellor.

The Jamia Millia Islamia made its humble beginning from 20 tents, which were pitched a short distance away from MAO College in Aligarh. Since Jamia was connected with the nationalist cause, it could only rely on private funding. Freedom fighters and Gandhians, such as Hakim Ajmal Khan, Dr. Mukhtar Ahmad Ansari and Abdul Majeed Khwaja not only collected funds, but even sold their own property, so that the university could survive.

The cultivation of an intense 'religious and national exhalation' led the members of this group of patriots to endure the setbacks of their struggle. In the Jamia tents, Maulana Mohammad Ali would recite "*Be dastagah-i neem ke hunuz az hawai was, Shor Ast dar saram ke saman barabar ast.*" (In my yearning for the beloved, I am not without means in the present state. The madness that rages in the head is equal to the means itself.) They organised discussions on the Quran and Hadith (delivered by some of the leading Ulema of the day) and basic courses on the national struggle, which were delivered by prominent leaders of the movement. By the second year, a syllabus, with a clear anti-colonial bent and based around the principle of 'Khud-Numu' (self-development), was created.

At that stage, on account of Maulana Mohammad Ali's intense involvement in the Non-cooperation Movement, and following Gandhi's advice, he entrusted the charge to Abdul Majeed Khwaja. Khwaja managed the affairs of Jamia for nearly five years, and when Khwaja was jailed (on account of participating in the freedom movement) his wife, Begum Khursheed Khwaja, shared the responsibility of managing

the institution in Aligarh. In July 1925, when Jamia was moved to Karol Bagh, Delhi, young Dr. Zakir Hussain, who was at the time a lecturer (and later the President of India) at the AMU, resigned and took over the reins of the institution.

Nai Taleem, or life education, as enshrined in Gandhi's concept of national basic education became the agenda for Jamia, as it began its journey at the Karol Bagh campus in Delhi. The spirit of service and sacrifice embodied by the freedom struggle engaged in by the students and teachers of Jamia, was preserved by the '*Qaumi Hafta*'—a programme on community service and humanitarian values, which commemorated the Jallianwala Bagh massacre. When the *Qaumi Hafta* coincided with the Civil Disobedience movement in 1931, Prof. Shafiq-ur-Rehman Qidwai and Maulvi Saad Ansari resigned from their faculty positions and joined the *Satyagrah*.

It is noteworthy that when Jamia was facing a financial crisis, some sympathisers suggested to Gandhi to drop the word 'Islamia' from the national university's name. To this Gandhi, according to Prof. Mohammad Mujeeb (who had joined Jamia with Dr. Zakir Hussain at Karol Bagh), shot back by saying "If the word Islamia is removed from Jamia's name, then I would not be interested in the educational institution...". This highlighted how to him it was important that Jamia as an institution clearly symbolised the diversity of identities that now formed the Indian national movement.

When the National Muslim University's first chancellor Hakim Ajmal Khan died, Gandhi wrote to the Jamia fraternity on January 9, 1928: "You must not lose hope. The

Jamia cannot perish so long as the professors and the boys are true to it. For my part you have my promise that God willing I shall use all the powers ... for putting the institution on a sound financial basis."

Over the years, Jamia strove successfully to live up to its founding ideals. In 1935, Halide Edib, the famous Turkish writer, visited Jamia to deliver a series of lectures called the 'Jamia Millia Extension Lectures'. She later observed: "The institution has two purposes. First, to train the Muslim youth with definite ideas of their rights and duties as Indian citizens. Second, to coordinate Islamic thought and behavior with Hindu. The general aim is to create a harmonious nationhood without Muslims losing their Islamic identity. In its aim, if not always in its procedure, it is nearer to Gandhian Movement than any other Islamic institution I have come across."

Clearly, the development of national consciousness in education and the establishment of institutions like the Jamia Millia Islamia were a definite victory for and legacy of the Non-cooperation and Khilafat movements.

Even such a brief glance at Jamia's past illuminates a unique and precious chapter in the history of India's freedom movement. It compels us to pause and reflect as to why this battle to protect the ethos of the Jamia Movement is relevant to contemporary India. As Jamia enters its centenary year and its students take to the streets against a divisive law tearing the nation apart, might history repeat itself through the launching of another Non-Cooperation movement?

(The writers are alumni of AJK Mass Communication Research Institute, Jamia Millia Islamia, Delhi.)

Why I Will Never 'Go to Pakistan'

Laila Tyabji

Yogi Adityanath, chief minister of a state that has close to 44 million Muslims, over 19% of its population, said recently that Muslims did India no favour by staying on here.

“Go back to Pakistan then,” is the response from the majoritarian Hindu Right every time an Indian Muslim dares criticise, however mildly, some aspect of the India that is our country. This is depressing and also silly. They are totally missing the point. We never went to Pakistan or came from there, so there is no question of our going back. We were born in India, as were our fathers and forefathers, mothers and grandmothers.

The reason we are here and not in Pakistan is because we have chosen to be, even when Pakistan was painfully carved out of our native country. As Indians from both birth and choice, we therefore have a constitutional right to free speech. We are not here on sufferance, but are just as equal as you. That’s what all the noise on the streets is about.

The silly part is that if we did decide to emigrate, Pakistan is probably the last place we would choose. The social, economic and ideological things that upset us here are multiplied there manifold. I personally don’t know of any Indian Muslim who is looking for the stifling strait jacket of an Islamic state, and if they were, they would head to the Middle East, which is at least booming! (By the way, these days, even Pakistanis are leaving Pakistan: 500,000 of them left in 2019 in search for a better life.)

Partition, and its bloody aftermath and displacement, is

forever held over our heads. “You got your own country, why are you hanging around here complaining? You are lucky to be here at all” is the (not always hidden) subtext. It is easy to forget that while there was an aggressive demand for a separate Muslim state pre-independence, especially in North India, there was never a plebiscite. Millions of Indian Muslims only wanted to continue living as they and their forefathers had done, feeling (as time would show) as much Bengali as Muslim, as grounded as Christians, Buddhists, Sikhs or Jains were in Kerala, Punjab, Gujarat, Andhra or Assam, just the same as their Hindu neighbours.

Our armed forces, judiciary and civil services were full of Muslims (my father and many other relatives among them) who could have got plum jobs in newly created Pakistan but chose not to accept them. In 1947, my father, then a serving member of the ICS, wrote in a letter to my grandfather:

“You will I am sure not be surprised to hear that I have elected to remain in India (Hindustan) & not to go over to Pakistan. I am absolutely opposed to the Muslim League ideology & mentality & it would have been a gross betrayal of all my ideals & hopes if I threw them over for the tempting posts that they are offering to Muslim officers who propose to get themselves transferred there.”

He added presciently,

“I have little doubt that in India the lot of the Muslims is going to be more difficult & heartbreaking than ever before, especially now

that the country has been divided into religious blocks & because of the poison injected by the Muslim League. But I see no reason because of this for flight & an abandonment of the country which is as much ours as anyone else’s.”

This was not always appreciated. My father later told me that one of his abiding sadnesses was how few of his Hindu colleagues understood why he didn’t opt for Pakistan—a country supposedly made for Muslims; in some cases accusing him of robbing them of a job! Despite having their home attacked and looted by a hostile mob, and narrowly escaping being shot himself, it was inconceivable for him, my mother and the rest of our extended family that they exchange the eclectic vibrance of India for the claustrophobia of an Islamic state.

My father was offered the top job in the newly formed Pakistan Foreign Service; he chose to stay on in India in a much more junior post. Even in the early days, when India was proudly secular, loyalty was always slightly suspect. When my maternal uncle Idris Latif became Air Chief Marshal of the Indian Air Force in 1978 many eyebrows were raised, and it was because of the implicit belief of Indira Gandhi (who made him Vice Chief first) and then Morarji Desai (who raised his rank) in him that it happened. It’s difficult to imagine such an appointment being made today, and sadly the proportion of Muslims in senior levels of the armed forces is steadily decreasing.

The reason for Pakistan was obviously the demand by some

Indian Muslims for a separate state. I am not sure that those who so vocally and violently demanded it, even Jinnah himself, knew what they were getting. When there was still a generation in Pakistan who remembered a united India, their conversations were always full of sadness, regret and nostalgia. I remember a senior Pakistani diplomat once saying that no one realised it would be such a total separation. They'd imagined that it would be like travelling back and forth from one pre-independence princely state to another; Baroda to Jodhpur, Hyderabad to Lucknow ...

For me the creation of Pakistan is one of the saddest, most self-destructive things. I have never travelled there, despite several invitations, as it represents something I am so against—a country created on the basis of religion. I feel the same antipathy to Israel or Saudi Arabia. Religion is such a personal, private thing, something each one of us must follow as our hearts and heads tell us. How can any religion dictate to a government on issues like human and legal rights, gender, policy, even diet and dress?

However wise, all the major faiths were crafted many centuries ago, in response to the mores of their times. How can religion, which is a matter of personal belief, become law? Especially since our holy books, passed down by word of mouth centuries ago, are constantly subject to new individual interpretations and practice, generally by people, whether mullahs, saints or bishops, with their own vested interests.

I, and my father and family members before me, have always supported a Common Civil Code. Practicing what they preached, he

and my mother had a registered marriage, 20 years after their original one, in order to leave their estate equally between my brothers and myself, rather than following the 2:1 dictates of Islamic law.

Growing up, I felt sorry for Pakistani Muslims, stuck in a stifling construct of their own making, denied the freedoms and exuberant variety of India. Fancy, to have to eschew ownership of so much marvellous art, architecture, music, dance, literature, landscape, just because it was not part of their divided inheritance. Successive military dictatorships compounded the horror. As a diplomatic daughter, I enjoyed telling young Pakistani diplomats of the joys they were missing. When we were in Japan, Zakir Hussain became president, and it was one more triumphant proof that India's secularism offered as many opportunities to Muslims as Pakistan.

Over the years, Indian Muslims have always been accused of being "pampered". People who resent them suggest the Congress in particular gave them some especially favoured status as the minority community, thus somehow discriminating unfavourably against the majority Hindus. I've introspected over this, but apart from the Shariat law issue (which hurts Muslims, especially women, more than anyone else) and being given an additional quite unnecessary holiday for the Prophet's Birthday some years ago, I really don't see this. Muslims don't have job reservations, quotas, special scholarships, or other kinds of preferential treatment—in fact it's increasingly difficult for them to get mainstream jobs, find accommodation, get their children into regular schools.

Successive surveys tell us their standard of living is significantly lower. Muslim representation in parliament is abysmal. And yet we are supposed to be "grateful" when we are successful. As for madrasas being hot beds fostering Islamic fundamentalism, this is far from universal. Those that are should be cracked down upon strongly, but so should other non-Muslim educational and religious institutions which spread inter-community hate and prejudice.

My extended family came to India three centuries ago, in search of religious freedom. Theirs was a breakaway community of Suleimani Bohras, practicing a more liberal form of the Islam prevalent in Yemen then. They settled first in Cambay, then Bombay, Baroda and Hyderabad, and prospered, educating their daughters as well as their sons, never wearing burkhas, joining the ICS but also Gandhi in the salt march and freedom movement, exchanging their satin and chiffon lehenga ordnis for sarees, conceptualising the national emblem. Becoming pilots, engineers, judges, scientists, social workers, scholars, soldiers, artists, architects, accountants, bureaucrats, businessmen, philanthropists, inventors, explorers, designers, diplomats, novelists, naturalists, horse breeders, academics, admen, actors...

A great uncle became an authority on India's birds, one great grandfather became chief justice of Bombay and third president of the Indian National Congress, another was prime minister of Hyderabad State. A great aunt was one of the founders of the All India Women's Conference. Another became a Sufi mystic and Krishna devotee. An aunt was the first woman ever to plead a

case in the UK Privy Council.

The khandaan found in India a way to practice their religion according to the dictates of their own minds and hearts; they wept over the creation of Pakistan, and responded passionately to India's freedoms,

the breadth and depth of its ancient wisdom and its diverse cultural expressions. India contributed to and gave much to them, but they too gave and contributed to India.

That inclusive India and its multiple interlaced identities still

exists. I too am totally addicted to it. "Go to Pakistan..." No, not I.

(Laila Tyabji is the founder member and chairperson of Dastkar, an NGO working for the revival of traditional crafts in India.)

At Nizamuddin Auliya's Dargah, Basant is the Colour of Harmony

Bharat S. Tiwari

The very idea of a festival marking the onset of spring is uplifting, but when it also brings with it the fragrance of a syncretic culture, it becomes incomparable. Such is the annual celebration of Basant Panchami at the dargah, in Delhi, of Sufi saint Nizamuddin Auliya (1238–1325 C.E), of the Chishti order.

The festival was celebrated on January 29 this year.

The fact that the festivities take place in Nizamuddin, which is among the oldest, continually habited areas of the city, is a reminder that Delhi is not just about realpolitik; it is equally about cultural syncretism and the saint's powerful message of love and religious harmony among communities—with Nizamuddin Auliya's most well-known disciple, Amir Khusrau, epitomising the efflorescence of that universe.

Khusrau was part of the royal court of seven rulers of what is known as the Delhi Sultanate, but it is the worldview the mystic poet–musician and scholar expressed through the abundant literary and musical landscape he created, that we remember to this day. It shaped the cultural ethos of the subcontinent in indelible ways.

He wrote prolifically in Persian and Hindavi, is credited with the invention of khayal and tarana as

well as several ragas in Hindustani classical music, developed musical instruments like the sitar, and is also known as the father of qawwali.

The celebration of Basant Panchami is but part of that vibrant weave.

It's a day when the dargah is bathed in the quintessential colour of basant, from offerings of fresh mustard flowers to mustard turbans, tunics and sashes. Through it, the past and present are bound together in an annual seasonal cycle that hints at the possibility of outlasting all hubris of power.

Legend has it that the celebration of Basant Panchami at the dargah, complete with mustard flowers, songs in the Purabi dialect and qawwalis can be traced back to an event in the lives of Nizamuddin Auliya and Amir Khusrau.

It is said that the Auliya had been very fond of his sister's son, Taqiuddin Nuh, who passed away at a very young age. The boy's death affected him deeply. It was as if he had forgotten to talk or smile after the loss. His condition worried Khusrau no end.

Then came the day of Basant Panchami. Signifying the first day of a 40-day spring culminating in Holi, it falls on the fifth day (panchami) of the waxing moon in the month of Magh as per the Hindu lunar

calendar.

Khusrau, who was on his way to court, saw a group of Hindus, some with dhols around their necks and manjiras in their hands, singing joyously. Clad in yellow, they were carrying mustard flowers. Khusrau asked them where they were bound and they told him that since it was Basant Panchami, they were going to the Kalka temple to offer mustard flowers to their god.

At that moment Khusrau, the artist, knew what he had to do to make his god, Nizamuddin Auliya, smile and come back to life as it were.

He draped himself in a yellow sari and, accompanied by several other disciples, reached Nizamuddin Auliya's retreat. Once there, he started doing the tawaf (the ritual of circumambulation of the Kaaba in Mecca) around the saint.

After completing each round, amid beats of dhol, the sari-clad Khusrau made offerings of mustard flowers at the Auliya's feet, singing the following song in the Purabi dialect:

*Aaj basant manaalay suhaagun,
Aaj basant manaalay;
Anjan manjan kar piya mori,
Lambay neher lagaaye;
Tu kya sovay neend ki maasi
So jaagay teray bhaag, suhaagun,*

*Aaj basant manalay;
Oonchi naar kay oonchay chitvan,
Ayso diyo hai banaaye;
Shaah-e Amir tohay dekhan ko,
Nainon say naina milaaye,
Suhaagun,
aaj basant manaalay.*

[Rejoice, my love, rejoice,
It's spring here, rejoice!
Bring out your lotions and toiletries
And decorate your long hair.
Oh, you're still enjoying your sleep,
wake up.
Even your destiny has woken up,
It's spring here, rejoice!
You snobbish lady with arrogant
looks,
The King Amir is here to see you.
Let your eyes meet his,
Oh my love, rejoice!
It's spring here again!]

In *A Diary of a Disciple of Nizamuddin Auliya*, a translation by H. Sajun of Raj Kumar Hardev's original work in Persian, there is a description of how Nizamuddin Auliya, in tears, gets up, sings along with his devotee and begins whirling.

He then goes to the grave of his nephew where he offers his prayers and sings: '*Ashq rayz ameedan abro bahar*' ('Shed tears of joy at the coming of spring and the clouds'). From then on, the Auliya's followers have ushered in Basant Panchami thus—by carrying mustard flowers, wearing yellow and singing qawwalis.

Dewan Syed Tahir Nizami, who hails from the lineage of Baba Farid (who chose Nizamuddin Auliya as his successor), explains that the festival starts from the 'laal chabutara' near Mirza Ghalib's grave in Nizamuddin where the Khadims (the seat holders at the dargah),

qawwals and devotees gather, wearing yellow attire, sporting yellow scarves, and holding fresh sprigs of mustard flowers.

From here, the musical procession makes its way to the shrine of Khwaja Muhammad, grandson of Baba Farid, who was very close to Nizamuddin Auliya.

After offering songs at this shrine, the procession moves towards the grave of Maulana Alauddin Nili, a 'khalifah' known for his piety, where there is a reading from a copy of the *Fawaid ul Fuad*, that Nili had made with his own hand.

In this area of Nizamuddin, which marks the final resting place of non-believers like Ghalib and also the likes of princess Jahanara and emperor Muhammad Shah Rangeela, the next halt is the grave of Taqiuddin Nuh, the nephew whose death plunged Nizamuddin Auliya into gloom. The procession halts here for a while, and a few qawwals and Nizamis go inside the small room housing his grave, while the rest wait outside. Their singing continues.

The procession then moves to the Auliya's tomb, and on to the tombs of his beloved Khusrau, along with Abu Bakr 'Musallahdar' (who would carry the Auliya's prayer mat, the 'musallah') and Maulana Mohiuddin Kashani (one of the senior Khalifas of the Auliya).

Usually, at the Auliya's dargah, the qawwals, out of respect, do not enter the sanctum. In fact, they don't even stand on the lone step which leads to the dargah. They sit right opposite the doorway of the shrine and sing. Basant Panchami is the only day when they go in for 10-15 minutes and sing to their Auliya.

In those rousing moments, when the dargah is a sea of mustard

yellow and the qawwalis reach up to the sky, it is difficult to remain a mere spectator. You wait for next spring, to once again breathe in the fragrance of the Auliya's message of love, exemplified by his beloved disciple Khusrau who created the weave of an eternal spring of cultural syncretism in the subcontinent.

(Bharat S. Tiwari is an interior designer with a passion for Hindustani literature and culture. He is the editor of Shabdankan.)

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Private Players Line Up to Run Private Trains

Sabrangindia

After vehemently denying the entry of private players, the Indian Railways has proposed a plan to allow private players to run their trains on around 100 routes across the country, mostly for tourism purposes.

The proposal was also mentioned by Finance Minister Nirmala Sitharaman while discussing the Budget 2020 where she said that Rs 12,000 crore was allocated for the construction of new railway lines, Rs 2,250 crore for gauge conversion, Rs 700 crore for doubleline, Rs 5,786.97 crore for rolling stock and Rs 1,650 crore for signaling and telecom among other budgetary allocations.

The announcement of the same has garnered widespread support from both, global and local companies. It has been reported that more than two dozen global companies including Alstom Transport, Bombardier, Siemens AG, Hyundai Rotem Company and Macquarie have expressed their interest to be a part of the plan. Among local players, Tata Realty and Infrastructure, Adani Ports and SEZ, Hitachi India and South Asia, Essel Group and Indian Railway Catering and Tourism Corporation (IRCTC) have come forth and expressed their interest in the venture.

The list of the 100 routes that these private trains will run on has already been decided by the government. These include high-frequency routes like New Delhi to Howrah, Shalimar to Pune, Chennai to New Delhi, and Mumbai to New Delhi.

The private trains running on a particular route are set to have a

head-start of 15 minutes on the route where even normal trains would run. The document read, “No similar scheduled regular train will depart in the same origin destination route within 15 minutes of the scheduled operation of the concessionaires (private players) train.”

The proposal also says that the private companies will have the autonomy to decide the fare on the particular route the train will run and they will be also be responsible for financing, procuring, operating and maintaining the trains.

It has also been announced that the Kisan Rail—national cold supply chain for perishables including meat, milk and fish will be set up by the Indian Railways through the Public–Private–Partnership (PPP) arrangement.

Why railway unions are opposing the plan

Ever since the government has announced its intentions of privatising the Indian Railways, the unions have vehemently opposed the same.

The Dakshin Railway Employees’ Union complain that first and foremost, there is no announcement of filling up the 3 lakh vacant posts in the Indian Railways.

Union assistant divisional secretary V Ramkumar of the Southern Railway Mazdoor Union told *The Hindu* that the decision of giving away the profitable routes to the private sector will leave the unprofitable routes to the railway administration eventually making it face a huge loss and go down the path that BSNL did.

R. Sankaranarayanan of the

Dakshin Railway Employees’ Union said that the decision to operate Kisan cargo trains won’t benefit the farmers as expected because the private players would not offer them any freight fare concession during transportation.

The most adverse effect of privatisation will be the burden on passengers who will have to pay more for tickets than what they cost now. People from the socio-economically backward classes will not be able to avail of the services offered by the private trains. There will be no concessions offered to students, senior citizens or the disabled and the fares would potentially go up during peak season as the government wouldn’t have a say in regulating them.

With the anti-passenger and profit-centric approach of the Indian government, the privatisation of the Indian railways has begun. It is set to leave the far-flung areas out of its reach because the privatisation of routes to such areas will not be profitable to the private players.

Instead of focusing on the safety and comfort of the more than 13,000 trains on the network, the ruling government has once again shifted its focus from the needs of the common passenger to serving the needs of capitalist top bosses who exploit the marginalised for their profits.

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Apartheid in the Global Governance System

Jason Hickel

In my research I have argued that rising global inequality is driven in large part by power imbalances in the global economy, in that rich countries have disproportionate influence when it comes to setting the rules of international trade and finance.

Nowhere is this problem more apparent than when it comes to voting power in the World Bank and the International Monetary Fund (IMF), two of the key institutions that govern global macroeconomic policy. People tend to assume that representation in these institutions must be fair and democratic, modeled perhaps along the lines of the UN General Assembly. But quite the opposite is true. Indeed, they are fundamentally anti-democratic.

The problem starts at the top. The leaders of the World Bank and IMF are not elected, but are appointed by the US and Europe: according to an

unspoken agreement, the president of the World Bank is always an American, while the president of the IMF is always European.

On top of this, voting power in these institutions is skewed heavily in favour of rich countries. The United States has 16% of the votes, which gives it de facto veto power over all major decisions (decisions need 85% of the vote in order to carry).

The next largest vote-holders are France, Germany, Japan and the UK—all members of the G7. Middle- and low-income countries, which together constitute some 85% of the world's population, have only about 40% of the vote.

If we look at the voting allocations in per capita terms, the inequalities are revealed to be truly extreme. For every vote that the average person in the global North has, the average person in

the global South has only 1/8th of a vote, or 0.12. The accompanying charts show how it breaks down by region and income group in the two institutions.

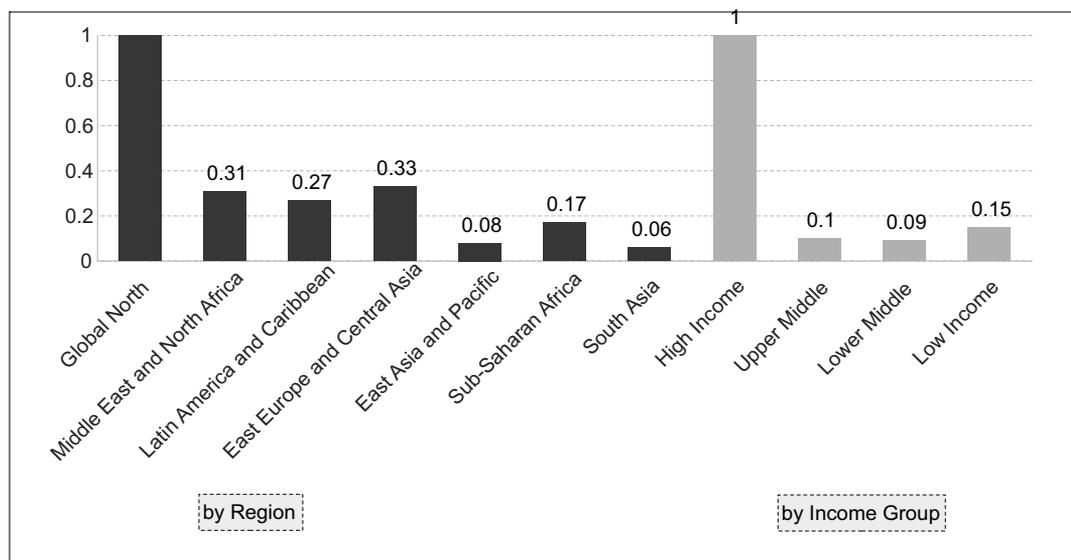
Not only is there minority control over global economic policymaking, there is also a clear racial imbalance at play: on average, the votes of people of colour are worth only a tiny fraction of their counterparts. If this was the case in any particular country, we would be outraged. We would call it apartheid, or a racial dictatorship. And yet a form of global apartheid operates right at the heart of international economic governance, and hardly anybody talks about it.

In some cases the differences between countries are particularly striking. Take Bangladesh and Nigeria, both of which were British colonies. A British person's vote today is worth 41 times more than a

Bangladeshi's vote, and 23 times more than a Nigerian's vote—and this is many decades after the end of colonial rule.

This brings us to an important point. The inequalities that characterise voting power in the WB and IMF have their roots in the colonial period. After all, these institutions were founded in 1944. Countries that were colonies at the

World Bank: Votes Per Capita as % of Global North and % of High Income Countries



time—and even countries that were former colonies—were integrated into the system on intentionally unequal terms. Of the original 44 member states, the G7 held 62% of the total voting power, with well over half of that monopolised by the US.

It is remarkable, when you think about it, that the institutions that govern global economic policy—and which determine domestic economic policy in countries across the global South, in the form of structural adjustment programmes—are in effect colonial institutions. They were designed with colonial principles in mind and they remain fundamentally colonial in character to this day, some seven decades after decolonisation.

Indeed, the anti-democratic character of the WB–IMF is precisely why they were able to impose structural adjustment in the first place, which ended up devastating global South economies. Such ruinous policies would never have been acceptable under democratic principles.

There have long been calls by global South countries to democratise the World Bank and the IMF. For decades these were blithely ignored. A reform package was finally introduced in 2010, but it turned out to be little more than window dressing: only 3% of voting power was shifted from rich countries to poor countries (about half of that going to China), and the US retained its veto.

Defenders of this apartheid-style system point out that voting power is allocated according to the monetary contributions that each nation makes to the WB–IMF in the form of share purchases. Theoretically, bigger economies can make bigger contributions. Apologists argue that this is a legitimate approach: it makes sense, they insist, that bigger economies should have more say in decisions related to the global economy.

First of all, it doesn't actually work this way. China is the world's second biggest economy. India's economy is bigger than France's. Despite their economic size, they

are not allowed to purchase more shares—indeed they are actively prevented from doing so. The fact that big global South economies have been relegated to minority status in the World Bank and IMF suggests that there is another logic at play altogether—a racial logic, a colonial logic.

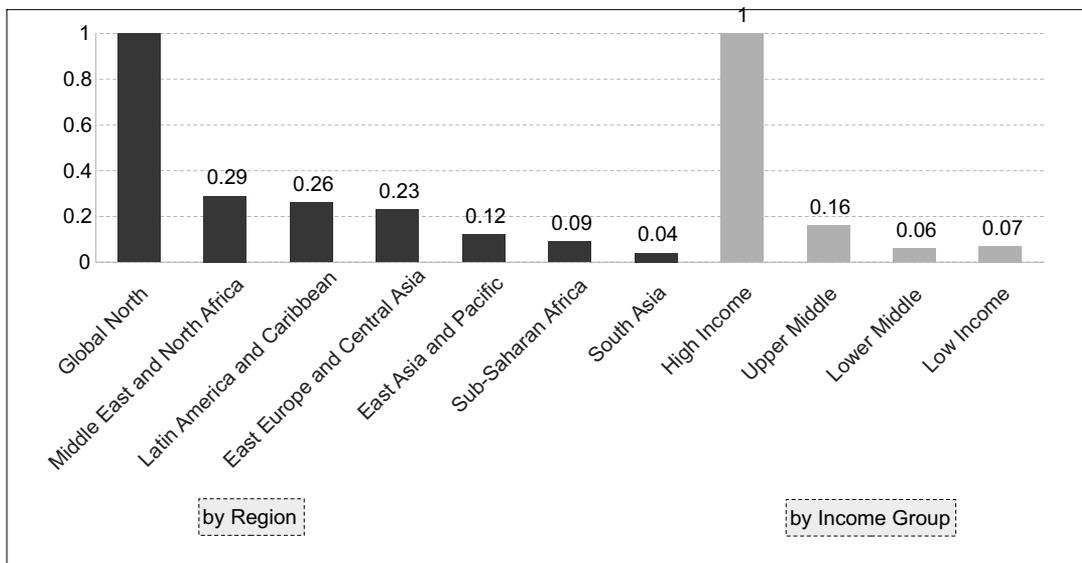
In any case, think of the implications of the claim that voting power should be allocated according to income. In any national political system we would reject the notion that the rich should have more voting power than the poor—it would be repulsive. And yet, astonishingly, such overt plutocracy is routinely promoted by those who defend the WB–IMF system.

Ultimately, the voting system at the WB–IMF contributes to the perpetuation of global inequality. The system ensures that the very countries that became rich by plundering the global South during the colonial period are now, by dint of their plunder, empowered to determine the rules of the global economy in their own interests, indefinitely.

Inequality begets inequality.

(Dr. Jason Hickel is an anthropologist, author and a Fellow of the Royal Society of Arts. He has taught at the London School of Economics, the University of Virginia, and Goldsmiths, University of London.)

IMF: Votes Per Capita as % of Global North and % of High Income Countries



The United States as Destroyer of Nations

Daniel Kovalik

In the aftermath of the US invasion of Iraq in 2003—an invasion which many Iraqis believe left their country in the worst condition it has been since the Mongol invasion of 1258—there was much discussion in the media about the Bush Administration’s goal for “nation-building” in that country. Of course, if there ever were such a goal, it was quickly abandoned, and one hardly ever hears the term “nation-building” discussed as a US foreign policy objective anymore.

The stark truth is that the US really has no intentions of helping to build strong states in the Middle East or elsewhere. Rather, as we see time and again—e.g., in Yugoslavia, Sudan, Libya, Yemen, Syria, Somalia, Ukraine—the goal of US foreign policy, whether stated or not, is increasingly and more aggressively the destruction and balkanisation of independent states. However, it is important to recognise that this goal is not new.

Indeed, South Korean human rights scholar Dong Choon Kim, writing of the US war in Korea (1950–53)—a war which he opines was at least arguably genocidal—explains that even back then, the nation-building of Third World peoples was viewed as an act of subversion which had to be snuffed out. As he explained, “the American government interpreted the aspiration for building an independent nation as an exclusive ‘communist conspiracy,’ and thus took responsibility for killing innocent people, as in the case of the My Lai incident in Vietnam.”

[1] Thanks to the US war on Korea, Korea to this day remains a country divided in half, with no prospects for unification anytime soon. Kim explains that the Korean War “was a bridge to connect the old type of massacres under colonialism and the new types of state terrorism and political massacre during the Cold War.... And the mass killings committed by US soldiers in the Korean War marked the inception of military interventions by the US in the Third World at the cost of enormous civilian deaths.”

Similarly, the US objective in Vietnam was the destruction of any prospect of an intact, independent state from being created. As Jean-Paul Sartre wrote as part of the International War Crimes Tribunal that he and Bertrand Russell chaired after the war, the US gave the Vietnamese a stark choice: either accept capitulation in which the country would be severed in half, with one half run by a US client, or be subjected to near total annihilation. [2] Sartre wrote that, even in the former case, in which there would be a “cutting in two of a sovereign state ... the national unit of ‘Vietnam’ would not be physically eliminated, but it would no longer exist economically, politically or culturally.” Of course, in the latter case, Vietnam would suffer physical elimination; bombed “back to the Stone Age” as the US threatened. As we know, the Vietnamese did not capitulate, and therefore suffered near-total destruction of their country at the hands of the United States. Meanwhile, for good measure, the US simultaneously bombed both

Cambodia and Laos back to the Stone Age as well.

To understand the purpose behind such violent and destructive actions, we need look no farther than the US’s own post-WWII policy statements, as well articulated by George Kennan serving as the State Department’s Director of Policy Planning in 1948:

“We must be very careful when we speak of exercising ‘leadership’ in Asia. We are deceiving ourselves and others when we pretend to have answers to the problems, which agitate many of these Asiatic peoples. Furthermore, we have about 50% of the world’s wealth but only 6.3 of its population. This disparity is particularly great as between ourselves and the peoples of Asia. In this situation, we cannot fail to be the object of envy and resentment. Our real task in the coming period is to devise a pattern of relationships, which will permit us to maintain this position of disparity without positive detriment to our national security. To do so we will have to dispense with all sentimentality and daydreaming; and our attention will have to be concentrated everywhere on our immediate national objectives. We need not deceive ourselves that we can afford today the luxury of altruism and world benefaction ...

“In the face of this situation we would be better off to dispense now with a number of the concepts which have underlined our thinking with regard to the Far East. We should dispense with the aspiration to ‘be liked’ or to be regarded as the repository of a high-minded international altruism. We should

stop putting ourselves in the position of being our brothers' keeper and refrain from offering moral and ideological advice. We should cease to talk about vague—and for the Far East—unreal objectives such as human rights, the raising of the living standards, and democratisation. The day is not far off when we are going to have to deal in straight power concepts. The less we are hampered by idealistic slogans, the better.”

While it would have been impossible for the US to continue to monopolise a full half of the world's wealth after Europe, Japan, China and the USSR inevitably got up upon their feet after WWII, the US has nonetheless done an amazing job of controlling an unjustifiable and disproportionate amount of the world's resources.

Thus, currently, the US has about 5% of the world's population, and consumes about 25% of its resources. An article in *Scientific American*, citing the Sierra Club's Dave Tilford, explains that,

“with less than 5 percent of world population, the US uses one-third of the world's paper, a quarter of the world's oil, 23 percent of the coal, 27 percent of the aluminum, and 19 percent of the copper.... Our per capita use of energy, metals, minerals, forest products, fish, grains, meat, and even fresh water dwarfs that of people living in the developing world.” [3]

The only way the US has been able to achieve this impressive, though morally reprehensible, feat has been to undermine, many times fatally, the ability of independent states to exist, defend themselves and to protect their own resources from foreign plunder. This is why the US has teamed up with the world's most deplorable forces in destroying

independent states around the globe.

Just to name a few examples, since 1996, the US has supported Rwandan and Ugandan forces in invading the Democratic Republic of Congo, making that country ungovernable and plundering its incredible natural resources. The fact that around 6 million innocents have been murdered in the process is of no matter, and certainly not to the mainstream press which rarely mentions the DRC. In Colombia, the US has backed a repressive military and right-wing paramilitaries for decades in destabilising whole swaths of the Colombian countryside, and in assisting multinational corporations, and especially extractive industries, in displacing around 7 million people from their homes and land, all in order to exploit Colombia's vast oil, coal and gold reserves. Again, this receives barely a word in the mainstream press.

Of course, in the Middle East, Northern Africa and Afghanistan, the US has been teaming up with Saudi Arabia and radical Islamist forces—forces the US itself has dubbed “terrorist”—in undermining and destroying secular states.

As far back as the 1970s, the US began supporting the mujahidin in attacking the secular, Marxist state of Afghanistan in order to destroy that state and also to fatally weaken the Soviet state by, in the words of Zbigniew Brzezinski, “drawing the Russians into the Afghan trap ... and giving to the USSR its Vietnam war.” Afghanistan may never recover from the devastation wrought by that fateful decision of the US and its subsequent intervention which is now into its 15th year and counting. As we know full well, the USSR never recovered either, and the US is trying mightily to prevent post-

Soviet Russia from becoming a strong rival state again.

Meanwhile, in Libya, the US again partnered with jihadists in 2011 in overthrowing and indeed smashing a state which used its oil wealth to guarantee the best living standards of any country in Africa while assisting independence struggles around the world. In this way, Libya, which under Qaddafi also happened to be one of the staunchest enemies of Al-Qaeda in the world, presented a double threat to US foreign policy aims. Post-intervention Libya is now a failed state with little prospects of being able to secure its oil wealth for its own people again, much less for any other peoples in the Third World. And so, mission accomplished!

In addition, as we learned from Seymour Hersh back in 2007, the US began at that time to try to weaken Iran and Syria by supporting Sunni extremist groups to subvert those countries. [4] As Hersh explained:

“To undermine Iran, which is predominantly Shiite, the Bush Administration has decided, in effect, to reconfigure its priorities in the Middle East. In Lebanon, the Administration has cooperated with Saudi Arabia's government, which is Sunni, in clandestine operations that are intended to weaken Hezbollah, the Shiite organisation that is backed by Iran. The US has also taken part in clandestine operations aimed at Iran and its ally Syria. A by-product of these activities has been the bolstering of Sunni extremist groups that espouse a militant vision of Islam and are hostile to America and sympathetic to Al Qaeda.

“One contradictory aspect of the new strategy is that, in Iraq, most of the insurgent violence directed at the American military has come from

Sunni forces, and not from Shiites.”

The US continues to intervene in Syria in a way which prevents the Syrian state from achieving a decisive victory against the various militant groups it is fighting—some of which the US itself admits are terrorists—while at the same time targeting some of these same militant groups themselves, thereby preventing either side of the conflict from coming out on top. Indeed, as we have learned, the CIA and the Pentagon have even been backing opposing militant groups that are fighting each other! [5] The result is a drawn-out war which threatens to leave Syria in chaos and ruins for the foreseeable future.

This would seem to be an insane course of action for the US to take, and indeed it is, but there is method to the madness. The US appears to be intentionally spreading chaos throughout strategic portions of the world; leaving virtually no independent state standing to protect their resources, especially oil, from Western exploitation. And, this goal is being achieved with resounding success, while also achieving the subsidiary goal of enriching the behemoth industrial-military complex.

Jose Marti once said, “there are two kinds of people in the world: those who love and create, and those who hate and destroy.” There is no doubt that the US has proven itself to be of the latter kind; indeed, the very nature of US foreign policy is destruction. Given this, it is at best foolish and naïve for people of any political stripe, but particularly self-defined leftists, to put any stock in the notion that the US is acting in the defense of human rights, democracy or any such lofty goals in intervening militarily abroad.

There is only one proper goal, then, of people of good will—to oppose US military intervention with every fiber of our being.

Endnotes

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2. “Bertrand Russell Vietnam War Crimes Tribunal”, <http://raetowest.org>.

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(Daniel Kovalik teaches International Human Rights at the University of Pittsburgh School of Law.)

Mexico’s AMLO Shows How It’s Done

Ellen Brown

While US advocates and local politicians struggle to get their first public banks chartered, Mexico’s new president has begun construction on 2,700 branches of a government-owned bank to be completed in 2021, when it will be the largest bank in the country. At a press conference on Jan. 6, he said the neoliberal model had failed; private banks were not serving the poor and people outside the cities, so the government had to step in.

Andrés Manuel López Obrador (known as AMLO) has been compared to the United Kingdom’s left-wing opposition leader Jeremy Corbyn, with one notable difference: AMLO is now in power. He and his left-wing coalition won by a landslide in Mexico’s 2018 general election, overturning the Institutional Revolutionary Party (PRI) that had ruled the country for much of the past century. Called Mexico’s “first full-fledged left-wing experiment,” AMLO’s election marks a dramatic change in the political direction of the country. AMLO wrote in his 2018

book “A New Hope for Mexico”, “In Mexico the governing class constitutes a gang of plunderers.... Mexico will not grow strong if our public institutions remain at the service of the wealthy elites.”

The new president has held to his campaign promises. In 2019, his first year in office, he did what Donald Trump pledged to do—“drain the swamp”—purging the government of technocrats and institutions he considered corrupt, profligate or impeding the transformation of Mexico after 36 years of failed market-focused neoliberal policies. Other accomplishments have included substantially increasing the minimum wage while cutting top government salaries and oversize pensions; making small loans and grants directly to farmers; guaranteeing crop prices for key agricultural crops; launching programs to benefit youth, the disabled and the elderly; and initiating a \$44 billion infrastructure plan. López Obrador’s goal, he says, is to construct a “new paradigm”

in economic policy that improves human welfare, not just increases gross domestic product.

The End of the Neoliberal Era

To deliver on that promise, in July 2019 AMLO converted the publicly owned federal savings bank Bansefi into a “Bank of the Poor” (Banco del Bienestar or “Welfare Bank”). He said on Jan. 6 that the neoliberal era had eliminated all the state-owned banks but one, which he had gotten approval to expand with 2,700 new branches. Added to the existing 538 branches of the former Bansefi, that will bring the total in two years to 3,238 branches, far outstripping any other bank in the country. (Banco Azteca, currently the largest by number of branches, has 1,860.)

Digital banking will also be developed. Speaking to a local group in December, AMLO said his goal was for the Bank of the Poor to reach 13,000 branches, more than all the private banks in the country combined.

At a news conference on Jan. 8, he explained why this new bank was needed:

“There are more than 1,000 municipalities that don’t have a bank branch. We’re dispersing [welfare] resources but we don’t have a way to do it.... People have to go to branches that are two, three hours away. If we don’t bring these services close to the people, we’re not going to bring development to the people....

“They’re already building. I’ll invite you within two months, three at the most, to the inauguration of the first branches because they’re already working, they’re getting the land ... because we have to do it quickly.”

The president said the 10 billion

pesos (\$530.4 million) needed to build the new branches would come from government savings; and that 5 million had already been transferred to the Banco del Bienestar, which would pass the funds to the Secretariat of Defense, whose engineers were responsible for construction. The military will also be used to transport physical funds to the branches for welfare payments. AMLO added, “They are helping me. They are propping me up. The military has behaved very well and they don’t back down at all. They always tell me ‘yes you can, yes we do, go.’”

To concerns that the government-owned bank would draw deposits away from commercial banks and might compete in other ways, such as making interest-free loans to small businesses, AMLO countered:

“There’s no reason to be complaining about us building these branches.... [I]f private banks want to build branches, they have every right to go to the towns and build their branches, but as they won’t because they believe that it’s not [good] business, we have to do it ... it’s our social responsibility, the state can’t shirk its social responsibility.

Issues with the Central Bank

While the legislature has approved the new bank, Mexico’s central bank can still block it if bank regulations are breached. Ricardo Delfín, who works at the international accounting firm KPMG, told the newspaper *La Razón* that if the money to fund the bank comes from a loan from the federal government rather than from capital, it will adversely affect the bank’s “Capitalisation Ratio”. But AMLO contends that the bank will be self-sufficient. Funding for

construction will come from federal savings from other programs, and the bank’s operating expenses will be covered by small commissions paid on each transaction by customers, most of whom are welfare recipients. Branches will be built on land owned by the government or donated, and software companies have offered to advise for free.

About the central bank, he said:

“We’re going to speak with those from the Bank of México respecting the autonomy of the Bank of México. We have to educate them because for them this is an anachronism, even sacrilege, because they have other ideas. But we’ve arrived here [in government] after telling the people that the neoliberal economic policy was going to change....

“There shouldn’t be obstacles. How is the Bank of México going to stop us from having a [bank] branch that disperses resources in favor of the people? What damage does that do? Whom does it harm?”

AMLO has repeatedly promised not to interfere in the business of the central bank, which has been autonomous for the past quarter of a century. But he has also said that he would like its mandate expanded from just preserving the value of the peso by fighting inflation to include fostering growth. The concern, according to *The Financial Times*, is that he might use the central bank to fund government programs, following in the footsteps of Argentina’s former President Cristina Fernández de Kirchner, “whose heterodox policies led to high inflation and, many economists believe, the country’s current crisis.”

Mark Weisbrot counters in *The New York Times* that Argentina’s problems were caused, not by printing money to fund domestic

development, but by a massive foreign debt. Hyperinflation actually happened under Fernández de Kirchner's successor, President Mauricio Macri, who replaced her in 2015. The public debt grew from 53% to more than 86% of GDP, inflation soared from 18% to 54%, short-term interest rates shot up to 75% and poverty increased from 27% to 40%.

In an upset election in August 2019, the outraged Argentinian public re-elected Fernández de Kirchner as vice president and her former head of the cabinet of ministers as president, restoring the 12-year Kirchner legacy begun by her husband, Nestor Kirchner, in 2003 and considered by Weisbrot to be among the most successful presidencies in the Western Hemisphere.

More appropriate than Argentina as a model for what can be achieved by a government working in partnership with its central bank is that of Japan, where Prime Minister Shinzo Abe has funded his stimulus programs by selling government bonds directly to the Bank of Japan. The BOJ now holds nearly 50% of the government's debt, yet consumer price inflation remains low—so low that the BOJ cannot get the figure up even to its 2% target.

Other Funding Options

AMLO is unlikely to go that route, because he has vowed not to interfere with the central bank; but analysts say he needs to introduce some sort of economic stimulus, because Mexico's GDP has slipped in the last year. The Mexican president has criticised GDP as the ultimate standard, advocating instead for a model of development that incorporates wealth distribution and

access to education, health, housing and culture into its measurements.

But as Kurt Hackbarth warned in *Jacobin* in December, "To fully unfurl his program without simply ransacking other line items to pay for it will require doing something AMLO has up to now categorically ruled out: raising taxes on the rich and large corporations which, not surprisingly, make out like utter bandits in Mexico's rigged financial system."

AMLO has continually vowed, however, not to raise taxes on the rich. Instead he has enlisted Mexico's business magnates as investors in public-private partnerships, allowing him to avoid the "tequila trap" that brought down Argentina and Mexico itself in earlier years—getting locked into debt to foreign investors and the International Monetary Fund. Mexico's business leaders seem happy to invest in the country, despite some slippage in GDP.

As noted by Carlos Slim, Mexico's wealthiest man, "Debt didn't go up, there is no fiscal deficit and inflation came down." In November 2019, the Economy Secretariat reported that foreign direct investment showed a 7.8% increase in the first nine months of that year compared with the same period in 2018, reaching its second highest level ever; and at the end of 2019 the peso was up around 4%. Stocks also rose 4.5%, and inflation dropped from 4.8% to 3%.

Partnering with local business leaders is politically expedient, but public-private partnerships can be expensive; and as UK Professor Richard Werner points out, tapping up private investors merely recirculates existing money in the economy. Better would be

to borrow directly from banks, which create new bank money when they lend, as the Bank of England has confirmed. This new money then circulates in the economy, stimulating productivity.

Today, the best model for that approach is China, which funds infrastructure by borrowing from its own state-owned banks. Like all banks, they create loans as bank credit on their books, which is then repaid with the proceeds of the projects created with the loans. There is no need to tap up the central bank or rich investors or the tax base. Government banks can create money on their books just as central banks and private banks do.

For Mexico, however, using its public banks as China does would be something for the future, if at all. Meanwhile, AMLO has been a trailblazer in showing how a national public banking system can be initiated quickly and efficiently. The key, it seems, is just to have the political will—along with massive support from the public, the legislature, local business leaders and the military.

(Ellen Brown is an attorney, founder of the Public Banking Institute, and author of twelve books.)

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