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MindTEXT



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SEPTEMBER BLAZE

The serial blasts a few days back sent shivers down my spine. The first thought which came into my mind was whether I knew someone who had accidentally planned to go for a Connaught place trip without realizing that the window shopping might cost them their lives. I end up getting up in the morning with this single thought hovering over my mind; who are the victims of such widespread catastrophe? Repeated terrorism has lead to senseless violence making it difficult for people to lead their lives in peace. This kind of victimhood has hampered the individuality of people by reducing them to mere statistics. 30 died and 90 injured!!!

Another face of victimisation is related to the gross situation of public toilets in Delhi. This menace has created world wide recognition as to how Delhi has a gender bias when it comes to providing toilets for its 14 million people. A recent study conducted by a student from Delhi University which was circulated recently among the CPPR members, reported how the issue of public toilets was of prime importance when it comes to the negligence by civic agencies that particularly violate the rights of women. The Gujarat Chief Minister's sweeping statement, "I am ready to add sugar," on his privilege to invite the TATAs with the Nano, shows how State governments are bowled over by the TATAs to invest in the one lakh- car project, while the public toilets in most of the states are no where on the priority list. The challenges we face today have a real significance with what we expect from tomorrow. Will tomorrow be the result of a larger spectrum of change or is it going to be mere stagnant growth?

While CPRRians reached new heights in the month of September with a series of activities being carried out by the members, this month's edition has all the exclusive reports on the various stints by them. As we step into the next month, we intend to bring in more exciting opportunities for our readers to keep contributing and to also participate in our upcoming events.

MindTEXT looks forward to your response and believes that this edition will blaze out and bring in more energy!

Editor

Lekha Pillai

INTRODUCTION

Abraham Lincoln defined Modern democratic Government as, “a government of the people, by the people and for the people.”¹ But there can be no government by the people, if they are ignorant of the issues to be resolved, and the facts underlying those issues. “Knowledge”, said James Madison,² “will forever govern ignorance and a people who meant to be their own governors must arm themselves with the power knowledge gives.”³ Information is oxygen for democratic society. Government is like an agent of the public. So they have a right to know about the activities of the Govt. further every citizen pays taxes. The citizen, therefore have a right to know how their money was being spent. The business of government is not an activity about which only those professionally engaged are entitled to receive information and express opinion. Democratic Governance calls for disclosure of information unless there is a greater interest in secrecy. A successful democracy posits an aware citizenry.⁴ There can be no assurance that the government is carried out for the people unless the facts are made known and the issues publicly ventilated. In a government of responsibility, where all the agents of the public must be responsible for their conduct, there can be but few secrets. Unnecessary secrecy in government leads to arrogance in governance and defective decision-making. Diversity of opinions, views, ideas and ideologies is essential to enable the citizens to arrive at informed judgment on all issues touching them. In order to demonstrate transparency, the public should be informed of the bringing of govt. officials who are corrupt or otherwise violate the law. The citizens' right to know the facts, the true facts, about the administration of the country is, thus, one of the pillars of a democratic state. And that is why the demand for openness in the government is increasingly grouping in different parts of the world.⁵

WHY “ACCESS TO INFORMATION” LAW:

The Right of access to Information is a right to know what the government knows. Access to Information Laws, also called “Freedom of Information” laws allow individuals and organizations to obtain information contained in public records. The accessibility of information arguably increases public awareness of salient social issues, thereby improving freedom of speech. Free accessibility of public records also increases the transparency of Govt. operations, making corruption less likely or at least discernible. A major impetus for the recent legislation of public access laws is the belief that the governments are more credible when the public is aware of government actions. When measures are taken to provide for a more transparent government., corruption may be reduced. The culture of secrecy that exists in the public sector of many countries cannot withstand the exposure that comes from Freedom of Information laws. Democracy relies upon citizen's right to seek Public information.

It is necessary to find a means of empowering the citizens to feel that the process of governance truly serves the public purpose. The “information right” is a quest for that sort of a mechanism, which will empower the citizens with information, which enables them to judge for measures whether or not governments are functioning in accordance with what can be considered as “public interest” in the widest possible sense of the term.⁶ It goes without saying that all information can be misused also. Therefore, much will depend upon how information seekers approach their tasks. But one way of ensuring that this power is widely distributed as possible is to ensure that areas of information are not a monopoly of the few. Today it is common ground that democracy has a positive content and its orchestration has to be continuous and pervasive. This means that people should not only cast intelligent and rational votes but should also exercise sound judgment on the conduct of the government and the merits of public policies, so that democracy does not remain merely a sporadic exercise in voting but becomes a continuous process of government. An attitude and habit of mind.⁷

But this important role people can fulfil in a democracy, only if it is an open government where there is full access to information in regard to the functioning of the government.

The importance of right to information can be judged from the report of Justice M.N. Venkatachaliah, wherein it was pointed out as under:⁸

“Major assumption behind a new style of governance is the citizens' access to information. Common man remains ignorant and unaware of the process, which vitally affect his interest. They shy away from questioning officers, because of their snobbish attitude. Right to information should be guaranteed and needs to be given real substance. The traditional insistence on secrecy should be discarded. Administration should become transparent and participatory. Right to minimizing manipulative and dilatory tactics of the babudom, and, last but most importantly putting a considerable check on graft and corruption”

1 Roy.P.Baskel, “Collected works of Abraham Lincoln”, (Abraham Lincoln Association, New York, 1953).

2 He was the 4th US President, known as the “father of US Constitution”.

3 See S.P.Gupta v. Union of India AIR 1982 SC 149

4 Union of India v. Association for Democratic Reforms AIR 2002 SC 2112

5 Supra note 3.

6 The report of National Commission to Review the Working of Constitution, under the Chairmanship of Justice M.N. Venkatachaliah, dated. 31st March 2002.

7 Supra note 4.

8 Supra note 6.

CONSTITUTIONAL PERSPECTIVE

It is obvious from the Constitution of India, that we have adopted a democratic form of Government where a Society has chosen to accept democracy on its creedal faith. It is elementary that the citizens ought to know what their government is doing. It is only if people know how government is functioning that they can fulfill the role which democracy assigns to them and make democracy really effective.⁹ In a democratic polity dissemination of information is the foundation of the system. Keeping the system informed does not explicitly grant a Right to Information.

In the Indian context, the Right to Information is hiding behind Article 19(1)(a) of the constitution. "Information" is the basis for 'knowledge'. This 'knowledge is the genesis of thought process. Liberty of thought is the foundation of freedom of speech and expression, so without "thought process", there is no expression. Hence, we can say that Right to Information is an integral part of Freedom of Speech and expression. As the information is not only for life of society but also for the life of individual, Article 21 guaranteeing right to life also includes the basic right to be informed. The fact that, Right to Information is included in the Constitutional guarantees of Freedom of Speech and expression has been recognized supreme court in its decisions. As early as in 1975, the Supreme Court said in a case,¹⁰ that people couldn't speak or express themselves unless they know. As per the report of National Commission to Review the Working of Constitution, it was held that Right to Information should be guaranteed and needs to be given real substance and, accordingly, the commission suggested that Article 19 (1) (a) of the constitution of India might be amended as:¹¹

"All citizens have the right (a) to freedom of speech and expression which shall include the freedom of press and other media, the freedom to hold opinions and to seek, receive and impart information and ideas"

The United Kingdom has no single constitutional document. Instead, the UK has a number of written laws, which read in conjunction with existing constitutional conventions, make up its constitutional framework. "The Human Rights Act, 1998" is one such law. It includes certain provision of the "European Conventions on Human Rights", notably Article 10 that protect the right to receive and impart information.¹² The UK courts in *Reynolds v. Times Newspaper Ltd*¹³ have held that, "Common Law is to be developed and applied in a manner consistent with Article 10 of the European convention for the protection of Human Rights and Fundamental Freedoms".

BASIC HUMAN RIGHT

Human Rights are necessary in controlling the resources, which are essential to meet the basic needs of the human beings and it even includes the right to good environment and right of the citizen to receive information. Freedom of information lies at the root of the rights discourse. Failure of the states to provide access to information can lead to the most egregious forms of human rights' violations. The right to access information is fundamental to the realization of rights as well as effective democracy, as this requires informed participation by all. The supreme court of India while interpreting article 19(1)(a) of the Indian constitution, in the case of *PUCI v. Union of India*¹⁴ held that the right to information is a facet of the freedom of speech and expression as contained in the constitution. Moreover information is vital not only for life of the society but also for the life of individual; therefore Article 21 guaranteeing right to life includes the basic right to be informed. In 1946, the United Nations General Assembly recognized that, "freedom of information is a fundamental human right and the touch stone for all freedoms to which the UN is consecrated."¹⁵ Soon after, the Right to Information was given international legal status when it was enshrined in International Covenant on Civil and Political Rights.¹⁶ Right of access to information, thus, indisputably is a fundamental right, a basic human right.

9 Supra note 4.

10 State of U.P v. Raj Narain AIR 1975 SC 865.

11 Supra note 6.

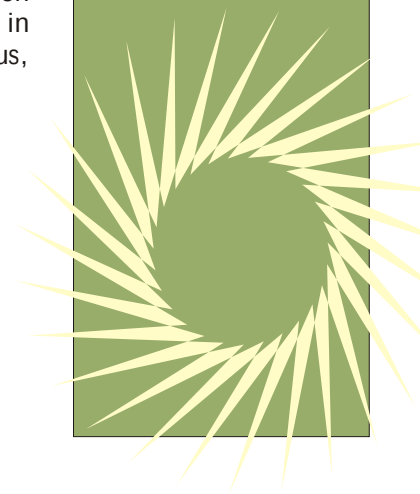
12 See Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

13 (1999) 4 All ER 609

14 AIR 2003 SC 2363

15 United Nations General Assembly (1946), Resolution 59(1), 65th plenary meeting, December 14.

16 See Art. 10 of International Covenant on Civil and Political Rights, 1965



The US Supreme Court synthesized the need for official information access legislation in the following words:

“The basic purpose of (The Freedom of Information Act) is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed”.¹⁷

The Supreme Court, through its various decisions, has recognized the fact that, Right to Information is included in the constitutional guarantee of Freedom of Speech and expression. Supreme Court earlier in 1950 observed that, “The freedom lay at the foundation of all democratic organizations, for without free political discussion on public education, so essential the proper functioning of the process of popular government is possible”.¹⁸ The freedom of speech includes within its compass the right of all citizens to read and be informed. The US Supreme Court said. “The constitutional guarantee of freedom of speech and press are not for the benefit of the press so much as for the benefit of all the people”.¹⁹ In *Bennet Coleman and Co. V. Union of India*,²⁰ the Supreme Court held that, if the right of the public to hear and be informed is also with the concept of the freedom of speech, the government, when it insists upon the news papers concerned maintaining their present level of circulation does not abridge the freedom of speech but only enriches and enlarges it. The right to know, though not absolute, is a factor that should make one wary, when secrecy is claimed for transactions, which can, at any rate, have no repercussion on public security.²¹ The *State of UP v. Raj Narain*²² is another precedent where the court held that, “it was not in the interest of the public to cover with a veil of secrecy the common routine business. The responsibility of officials, to explain and justify their acts is the chief safeguard against the oppression and corruption”.

The case of *S P Gupta v. Union of India*,²³ decided by the constitution bench of the Supreme Court, held that in regard to the functioning of government disclosure of information must be the ordinary rule while secrecy must be an exception, justifiable only when it is demanded by the requirement of public interest. In *“Indian Express Newspapers (Bombay) Pvt Ltd v. Union of India*,²⁴ the court observed this: “The purpose of the Press is to advance the public interest by publishing facts and opinions without which a democratic country cannot make responsible judgments”.

The Supreme Court in case of *'Secretary, Ministry of Information and Broad casting, Government of India v. Cricket Association of Bengal*,²⁵ narrowly expanded its view on the provision of Article 19 (1) (a) forwards Right to Information. It held that the Right to Freedom of Speech and expression includes right to impart and receive information in the year 1997 the court observed that,²⁶ “in modern constitutional democracies, it is axiomatic that citizens have a right to know about the affairs of the government which, having been elected by them, seeks to formulate sound policies of governance aided at their welfare”.

It is apparent that from the opinions and observations of Supreme Court in 'Kesavananda'²⁷ case, that India was in need of a comprehensive law on Right to Information long back. The court in case of *'Union of India v. Association for Democratic Reforms'*,²⁸ issued the directives to the Election

Commission of India regarding voters' right to know the antecedents of the contesting candidates. The court observed, “A successful democracy posits an “aware citizenry”.

The Right to Information provided for by the Parliament under Representation of Peoples Act,²⁹ in regard to the pending criminal cases and past involvement in such cases is reasonably adequate to safeguard the right to information vested in the voter/citizen.³⁰ The Supreme Court of India, while interpreting Article 19(1) (a) of constitution, in the case of *People's union for civil liberties v. Union of India*,³¹ held that the Right to Information is a facet of the freedom of speech and expression as contained in Article 19(1) (a) of the Constitution of India. Right of Information, thus, indisputably is Fundamental Right, a basic human right.

Supreme Court of Canada has considered the purpose served by Information Access legislation:

“The (Access to Information) Act is concerned with securing values of participation and accountability in the democratic process. The overreaching purpose of access to Information legislation is to facilitate democracy by helping to ensure that citizens have the information required to participate meaningfully in the democratic process and that politicians and bureaucrats remain accountable to the citizenry....”³²

Courts in United Kingdom observed the importance of the Freedom of Information Act in various decisions. Earlier in 1976, the court held in a case *Handyside V United Kingdom*,³³ that, Freedom of Expression constitutes one of the essential foundations of society.³⁴ The fundamental rights of free expression and imparting information have been recognized at common law for many years. While deciding *Tinnely & Sons v. United Kingdom*,³⁵ the court said that, the public has a fundamental Right to know, what the government has been doing in its name. ³⁶ The freedom of expression is necessary for the progress of a society and each individual's self-fulfillment.

17See National Labor Relations Board v. Robbins Tire & Rubber Co .(1978) 437 US 214, in Philip Coppell, “Information Rights”, Sweet & Maxwell, London (2004).

18Ramesh Thapper v. State of Madras AIR 1950 SC 124

19Time v. Hill 385 US 374, in Philip Coppell, “Information Rights”, Sweet & Maxwell, London (2004).

20 AIR 1973 SC 106.

21See New York Times Co. v. United States 29 L Ed 822, in Philip Coppell, “Information Rights”, Sweet & Maxwell, London (2004).

22 AIR 1975 SC 865

23 (1981) Supp. SCC 87.

24 (1985) 1 SCC 641

25 AIR 1995 SC 1236

26See Dinesh Trivedi, M.P v. Union of India (1997) 4 SCC 306

27 Kesavananda Bharati v. State of Kerala AIR 1973 1461

28 (2002) 5 SCC 294.

29Sec. 33 of the Representation of Peoples (3rd Amendment) Act, 2002

30 Peoples Union for Civil Liberties (PUCL) v. Union of India AIR 2003 SC 2363

31 AIR 2004 SC 1442; (2004) 5 SCC 294

32 Dagg v. Canada (Minister of Finance) (1997) 2 S.C.R. 403 at 432; Similarly, Canada Post Corp. v. Canada (Minister of Public Works) (1995) 2 F.C. 110 F.C.A.,

33 (1976) 1 EHRR 737; also refer to Ashdown v. Telegraph Group Ltd. 2001 L.R. 685 (Ch. D), in Philip Coppell, “Information Rights”, Sweet & Maxwell, London (2004).

34 Attorney General v. Guardian Newspapers Ltd. (1990) 1 AC 109; See also Regina v. Shayler (2003) 1AC 247

35 (1988) 27 EHRR 249

36See R. v. Secretary of State for the Home Deptt. Ex. P Mcquillan (1995) 4 All ER 400

Subject to the Article 10 of the Rome convention, it is applicable not only to 'information' or 'ideas' that are favorably received, but also to these that offend shock or disturb. Such are demands of pluralism, tolerance and broadmindedness without which there is no democratic society.³⁷

The public interest in freedom of discussion (of which freedom of press is one aspect) stems from the requirement that members of a democratic society should be sufficiently informed that they may influence intelligently the decisions which may affect themselves.³⁸ Lord Scarman pointed out in the course of his speech in *Burmah Oil Co Ltd v. Bank of England*,³⁹ "But, is the secrecy of inner workings of the government. machine", so vital a public interest that it must prevail over even the most imperative demands of justice"? In *Conway v. Rimmer*⁴⁰ an objection to the disclosure of a document has been raised. In this case, Lord Reid said, "It is universally recognized that these are two kinds of public interest which may clash. There is the public interest that harm shall not be done to the nation or the public service by disclosure of certain documents, and there is the public interest that the administration of justice shall not be frustrated by the withholding of documents which must be produced if justice is to be done." Lord Simon of Glaisdale also pointed out the issue of same nature while deciding a case.⁴¹ Lord Radcliffe, in *Glasgow Corporation v. Central Land Board*⁴² dealt with the issue of public interest. Ultimately it is the court which will have to determine which aspect of public interest must prevail and whether the claim for immunity against disclosure should be upheld or not. The need for candour and frankness must therefore certainly be regarded as a factor to be taken into account in determining whether, on balance, the public interest lies in favor of disclosure or against it.⁴³

The free flow of information and ideas instigates political debate. It is a safety valve; it acts as a brake on the abuse of power by public officials. It facilitates the exposure of errors in the governance and administration of justice in the country.⁴⁴ The adverse impact of lack of probity in public life leading to a high degree of corruption is manifold. Increasing corruption has lead to investigative journalism, which is of value to a free society. The need to highlight corruption in public life through the medium of Public Interest Litigation invoking judicial review may be frequent in India but is not unknown in other countries. The public has a fundamental right to know what the government has been doing in its name.⁴⁵

The US Supreme Court, in many of its decisions, opined that, there exists a relationship between the Right to know and Freedom of Speech and expression.⁴⁶ 'The Press' in country is seen as having a special responsibility, as an extra parliamentary opposition to strengthen the roots of democracy and democratic institutions and to keep the government in check. Acceptance by government of a dissident press is a measure of the maturity of the nation.⁴⁷ The prime purpose of the free press guarantee is regarded as creating a fourth institution outside the government as an official check on the three official branches Executive, Legislature and the Judiciary.⁴⁸ In *Griswold v. Connecticut*,⁴⁹ the US Supreme Court was of the opinion that the Right of Freedom of Speech and Press include not only the right to utter or to print, but also the right to read. But this right is not absolute. The court held that, "Right to speech and publish does not carry with it an unrestricted right to gather information".⁵⁰

The following observations of the US Supreme Court in "*Giltow v. New York*",⁵¹ are very relevant. "It is a fundamental principle, long established, that the freedom of speech and of the press which is secured by the constitution does not confer an absolute right to speak or publish, without responsibility, whatever one may chose, or an unrestricted and unbridle license that gives immunity for every possible use of language, and prevents the punishment of those who abuse this freedom."

To be continued...

Harishankar is CPPR Team member

37 *Vogi v. Germany* (1995) 21 EHRR 205

38 Per Lord Simon of Glaisdale in *Attorney General v. Times Newspapers Ltd.* (1973) 3 All ER 54.

39 (1979) 3 All ER 700 at 32.

40 (1968) 1 All ER 874 (HL)

41 *D. v. National Society for the Prevention of Cruelty to Children* (1977) 2 WLR 207.

42 1956 SC 1 (HL) 20.

43 Observations of Lord Denning in *Neilson v. Lougharne* (1981) 1 All ER 829.

44 See *R. v. Secretary of State for the Home Deptt. Ex. P Simms* (2000) 2 LR 115(AC)

45 Supra note 36.

46 *Refer, Reg. v. Lewes Justices, ex-parte Home Secretary*, (1972) 2 All ER 1057 (HL).

47 *Terminiello v. Chicago* 337 US 1

48 See *New York Times v. Sullivan* 376 US 254; *New York Times Co. v. United States* 403 US 713(1971)

49 381 US 479 (482)

50 *Zemel v. Rusk* 14 L Ed 2d 179.

51 (1924) 69 L Ed 1138.

STATESMANSHIP OR ART OF POLITICS ?

Abin Thomas

In recent times, my imagination has been caught in between the poor clarity of practical politics and the anticipated quality of academic politics. To me, these two terms refer to the practical and theoretical aspect of modern polity. As a political science student, I am attempting to present my argument regarding the basic quality of Art of Politics or Statesmanship by quoting the well celebrated concepts of Virtù, Fortuna, and free will (of Machiavelli) of a human being in the realm of public life and its activities. I think, the basic thing a politician needs is, farsightedness and the power to see that the policy or decision is done at its practical level.

The present developments in Kerala, and other parts of India reveals the problem of handling the art of Politics. The education sector in Kerala, religious problems in Orissa, aggravated situation in Bihar from flood and violence in Jammu and Kashmir have prompted me to think on these issues from a Machiavellian perspective. To explain my stand on this issue, I would like to explain the following theoretical piece from Machiavelli.

Machiavellian idea of Virtù, Fortuna, and free will Virtù. The relationship between Virtù, Fortuna, and free will is one of the most interesting philosophical problems posed by Machiavelli. According to him, Virtù is the human energy or action that stands in opposition to fortune which is seen as characteristic of a free man and Fortuna is always changing which is regarded as a feminine characteristic. Virtù is drive, talent, or ability directed toward the achievement of certain goals, and it is the most vital quality for a prince or in modern terms a politician who has power. Machiavelli believed that Virtù could defeat Fortuna if it was properly applied by a free man, that means free man has to impose his will upon the changing nature of fortune, and make sure that political order is established and maintained in the State. If a prince could always adapt his virtù to the present circumstances, he would always be successful. Then again, Machiavelli implies that there is a connection between the two. In his statement that virtù is wasted if there is no opportunity, and opportunity is wasted if there is no virtù, Machiavelli implies that there is some kind of cooperation between the two forces they cannot operate independently. It may not be possible to completely cancel out the effects of changing fortune, but by decisive action, it is possible to prepare for changes and to mitigate their bad effects.

Take an example. Imagine that the chief minister of a particular state, say "x" wants to act in favour of the public good, which will result in common prosperity thorough the implementation of a particular programme. Say, there is a poverty eradication project and the CM has to use different methodology to see that the aim of the project is met. The policy regarding this programme may undergo many procedures at different steps of implementation level .At first there is a stage of awareness after the draft policy is prepared, which includes the layman understanding how is the policy is going to work and why. By this phase the draft policy may go for public debate for great deliberations and discussion in the legislature, media, civil society and pressure groups. The legitimacy to implement the final policy, after the conclusion of the debate, is vested on the legislature (think about a democratic system). The common man cannot act on behalf of himself. There are institutions and systems for that. The head of these institutions are obviously politicians. By election, they have the legitimacy to implement the policy regarding a public concern. If they don't have the capacity do so, then what is the point in electing somebody as our representative? The efficiency of the governance is surely a great deal. That is why I addressed these thoughts from an academic point of view.

WE DON'T HAVE
AN EFFICIENT
LEADERSHIP
DUE TO THE
LACK OF
'RULE OF WILL'
OVER THE
CHANGING NATURE
OF SOCIETY

Now, start to analyse the present condition in the country. The insecurity, inflation and many such problems are due to lack of "Political Order." In a modern state, how can one maintain and keep vigil over the changing international political atmosphere? This question haunts me a lot. Today we lack the very base of the political structure, Art of Politics. To me, it is about good ruling and governance. There are many facets other than these two. A ruler can rule through the rules and regulations enshrined in the Constitution of the nation. But in modern times, it is about democracy and the concept of office and the perpetuity of a regime along with the performance of the ruling party.

Political literacy, mass mobilisation, public participation in political activities and most importantly, public opinion are major determining factors. But these factors are dependent on the existing mode of ruling and governance. So the leader of the ruling party and the ministers are key foundations of the Art of Politics. We have many examples of leaders and prime ministers. But the question is: How many of them are real statesman?

My conclusion is that we don't have an efficient leadership due to the lack of 'rule of will' over the changing nature of society today.

Once upon a time *in Tiruvannamalai...*

- Lekha Pillai -

The community consists of a cluster of 40 villages, situated in 3 panchayat unions - Peranamallur, Chetpet and Thellar of Tiruvannamalai District in Tamil Nadu. In 1889, the British Government released around 1.5 lakhs acre of land for the downtrodden and untouchable dalits. These lands were called the panchamill land, which were later given by the dalits to the landlords in exchange for money. After the enactment of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the legislation was enforced to transfer the panchamill lands back from the landlords to the dalits in the community. In a survey conducted by the Government of India, 545 acres of land were identified under the panchamill land which was still not transferred to the dalits. The villagers plan to get these lands back and carry out collective farming or other income generation activities like dairy farming or agro based activities on these lands in order to facilitate sustainable development for the dalit community.

In the first phase of a Pilot study conducted by Centre for Public Policy Research, it was found out that the villagers wanted to start their own innovative business activities which range from Brick making, tailoring, milk cooperatives, confectionary stores etc. The present situation is such that, in order to carry out an economic activity the people need to know more about the market requirements and they also need to be equipped to start their own venture.

Migration is rampant in the community. Since 20% of the total population has land holdings while 80% are landless agricultural labourers, they face an evident threat of lack of economic opportunities in the village. The literacy rate among the dalit community is only 25% and only a few women are admitted to schools. In terms of daily income, they earn a meagre income through small livelihood activities or through cattle rearing.

Caste discrimination persists in the district which has led to serious atrocities on the community at large. These problems can be addressed by upliftment of the dalits by providing them with economic opportunities and creating marketing linkage and procurement, processing and brand building. The community needs proper planning and adequate skills and training to become self reliant and self sufficient.

The villagers have not been reached in any major way by the developmental agencies leading to deeper marginalisation and enhanced alienation from the mainstream network of developing groups

ROADS TO CELEBRATION: A ride through the memory lane, and back!

T.V.Vinu

My friends say that I get very nostalgic, way too often. For instance, yesterday I was riding my bike through a busy city-road, with my good friend in pillion. There was a slight drizzle. I started looking upwards to the sky and started smiling. My friend was a bit confused and was more concerned as to why I was riding the bike through the potholes, splashing the muddy waters. He shook me and said, "What the hell! Come on give the throttle. Why are you slowing down, rain is coming...we need to reach home before the rains get heavy and the roads get flooded." And there I was day-dreaming right in the middle of the busy, traffic infested, pothole filled, ill maintained city road! Nostalgic again.

The ride through the city road took me to my childhood days in my village. My childhood Onam vacations were spent at my maternal 'tharavaadu' (ancestral house) in a very scenic and remote village (Not anymore, because now they have broadband connections). And so, we used to rent bicycles with our pocket money. Our uncle would give us a five rupee note so as to avoid our constant pestering for that day. The cycle-rent would cost three rupee per day and the remaining two rupees were for sweets.

Once on the cycle, we would start racing through the village lanes and main roads. And 'roads', as they said, were only found in 'big cities'. The village road was simply called 'vazhi' (way) and not road. And so, we would ride past the village temple, the 'post-aapees' (post office), 'karand-aapees' (electricity office), chaya-kada (tea-shop/hotel), ration-kada (ration-shop), and over the wooden bridge.... Then, it would start raining. The roads will be full of potholes filled with muddy water. Edgy stones would protrude from under and it would be a mess. But a pretty mess. Drenched in rain, we loved to splash through the muddy waters. And sometimes we would fall down from the cycles, hitting the edgy stones and hurting ourselves. But we never cursed anyone or anything, instead we would laugh. That was fun, pure fun. Getting up and racing again, through the muddy potholes, drenched in rain....

And suddenly someone shook me and I heard my friend's voice, ".....come on give the throttle. Why are you slowing down, rain is coming...we need to reach home before the rain gets heavy and the roads get flooded....."

I cursed, not my friend, but the roads in Cochin City. It's that time of the year when every Keralite comes back home to spend the 'Onakkaalam' with his family members. But this year the road to celebrations is busy, traffic infested, pothole filled, ill maintained. Like Onam the roads too have become a myth! Too late to say Happy Onam, but never late to say Safe riding!

T.V.Vinu is a CPPR team member

CPPR gets Observer Membership in IFLRY

Centre for Public Policy Research (CPPR) has been granted Observer Membership in the International Federation of Liberal Youth (IFLRY). The Executive Committee of IFLRY which took place in Manila and Subic Bay, the Philippines, from 25th to 27th of July 2008, welcomed CPPR to the worldwide family of young liberals.

Major topics of discussion during the Executive Committee included the rise of China as an economic, political and military superpower and its regional and global implications. The meeting also discussed and adopted various political resolutions condemning the suppression of civil liberties and authoritarian regimes in different countries.

The event was hosted by the Young Liberals of the Philippines (Kalipi) and was attended by young liberals from all corners of the world including representatives of Young Liberals and Democrats of Asia (YLDA). Mr. Roji John, Program Manager of CPPR attended the meeting.



Roji John (1st from Right) at ExeCom Meeting, Manila

Austrian Economics Seminar

organised by Foundation for Economic Education

Designed for advanced students of Austrian economics, Austrian Economics seminar delved into the fundamentals as well as implications of the economic approach pioneered by Menger, Böhm-Bawerk, Mises, and Hayek. It was held in FEE campus from August 3rd to 8th. D. Dhauraj, Chairman, CPPR attended the seminar.

The faculty include Israel Kirzner, Peter Boettke, Steven Horwitz, Roger Garrison, Peter Lesson amongst several others. The topics discussed were History of Austrian School, Market Process Theory, The Current State of Austrian Economics, Socialism and Transition, The Cost of Inflation, Monetary Equilibrium, Self-Governance, Development Issues, War Reconstruction and Economics of Science. It was an enriching academic experience especially the Question & Answer (Q&A) sessions. Every evening ended up with a post-dinner discussion group where anyone could air their views on any relevant topic. It was also fruitful to interact with leading academicians. The networks and contacts will definitely help to relish think tank works in future.

Think Tank MBA Program

organised by Atlas Economic Research Foundation

Mr Dhanuraj D, Chairman of Centre for Public Policy Research attended the first Think Tank MBA program organised by Atlas Economic Research Foundation in Virginia US from July 20 to August 1, 2008. The Atlas MBA for Think Tanks trains intellectual entrepreneurs in effective organizational management and sound business practices. There were 26 participants from 23 countries around the world. The participants were from different work back grounds and cultures that helped each one to understand varied movements across continents. Mr Rainer Heufers, Friedrich Naumann Foundation (resident representative, Indonesia) was the moderator for the workshop.

The program was structured in such a way that there were seven modules involving classroom learning and field trips to Think tanks like Institute of Justice, Heritage Foundation, Cato and Institute of Human Studies in DC area. The modules conducted were business plan, marketing and communication, program and planning, fund raising, management and finance and administration. This gave necessary opportunity for each participant to reflect on the works in their respective countries and at the same time learn from renowned established organisations. The sessions were handled by guest speakers who represented varied types of works that focused the themes of the program. Dinner time was mostly meant for networking and getting to know more about other think tanks. Also visits to many historical places in and around Washington were arranged; the various places show cased the many phases through which humanity has progressed over the centuries.

It was an exciting two weeks of learning and exposure to the world of ideas and cause. This has opened opportunities for upcoming think tanks to network globally and seek support and cooperation. It was indeed a memorable and remarkable journey; one which aimed to reach new targets that was set by each organisation.

See photos from the event in [Photo Gallery](#)

Religion: A "Public " Way of Life & Competition for the Soul

One question I am asked repeatedly is "Which church do you go to?" In India, my response to that would have been, "I believe in something larger than me, but I don't believe in one God. I believe in myself and the people that I love." That is not the answer I can give in Nigeria if I want to save myself from a long unrelenting sermon! It is easier to just say, I am a Hindu! I got first hand experience when I was living with my host family for a month when I first came to Lagos. Pastor Samson used to hold the services in their backyard!

With over 200 tribes, Nigeria has a rich history of traditional religious beliefs and practices which are visible today in museums, "juju" (black magic) stalls in the markets, currently prevalent practices of ancient masquerades (living connecting with the dead) and few "well-preserved" sacred places across the country. The Yoruba religion, for instance, mirrors Hinduism with the multiple functional Gods and Goddesses and idol worship. I have also heard of instances of "cannibalism" and opposing belief systems. In the east, twins were considered evil and hence killed until the practice was stopped by a Swedish missionary; whereas in the west, twins were considered a special omen and worshipped

The arrival of Christianity and Islam has converted most Nigerians and marginalized the traditional religious systems. Today, Muslims and Christians are alike, religious practice is public and is taken very seriously. In the Christian-South, the signs are everywhere. They all know the Bible. People go for Bible Studies and you keep hearing verses being cited in articles, quoted in speeches and not just in church. The hundreds of churches are an highly organized social institution with branches who work to attract parishioners to their parish through large billboards, flyers, bumper stickers. You can become a part of various "groups/ clubs" like singles, youth. They even have sports tournaments! It is an intense feeling of belonging to something larger than yourself.

Pastors are not shy of starting a sermon in the bus or on the streets with a loudspeaker. Meetings and workshops always start and end with a prayer. Attending the service at church is a must atleast typically once or twice during weekdays, all night on Friday's and always on Sunday mornings (a good day to catch soul stirring music and the best of Nigerian fabric). Paying tithe (the religious tax) is a public event during the Sunday service. I witnessed one where all the parishioners danced their way forward with an envelope to box near the altar.

Though I don't know much of the Muslim north, but with sharia laws in practice, the intensity of belief is quite similar. On our visit to Kano, the traffic stopped when it was time for the Friday prayer with all the men coming out of their cars and praying in the middle of the road! Like India, religion is a common cause for conflict with frequent riots at slight provocation. From what I have heard of the sermons, the pastors and imams could do a little more to preach unity and harmony!

RANDOM THOUGHTS

- D.Dhanuraj -

As inflation exceeded the targets of the Government and the central bank, the Public Distribution System in India has captured the lime light once again. There is an overall realisation based on academic research over the years that the system has to be revamped so that the needy and the targeted consumers get true benefit from it. I am not writing on the merits and demerits of the system here; rather I am trying to understand the value and importance of the ration card in our lives. This has been a ticklish question in my mind for a long time. This was an internship topic last year but I could not come to a conclusion about the card's value in the growing middle class society in India. It is a very relevant topic for discussion as it helps to debate on subsidy and target groups in the PDS system.

This thought struck a cord again when my *Didi* asked me to help her get a ration card in Chennai. Her family got transferred to Chennai as her husband moved to work in an IT company there. They tried very hard to get a ration card but to no avail. Knowing both of them I was sure they never bought their provisions from a ration shop; even then they desperately wanted the ration card!! The reason simply being that, this card is the most accepted proof of identity in the Indian State. Even the passport is not accepted at many places to prove that you are a citizen of India. In order to solve the delay, I spoke to a staff member in the concerned civil supplies department who rudely told me that this card application came under the preview of another civil supplies office. When I approached the said office, they shuttled us back to the former office. Here the comical dichotomy of this application that accompanies the issue of identity comes into play. To get an Identity card, other identity proofs are required!!! The issue that arose here was that my sister did not have an id proof that was in keeping with the State norms. What she possessed at the most to call as identity (in Chennai) were a City Bank account, an Airtel telephone bill and her employment status in Chennai. However these are not considered as acceptable to the civil supplies office due to trifling reasons. Following all this, they raised the issue of cross checking with the existing list in the native ration card, the one that had to be transferred. The names that are to be transferred, they said, would have to be removed from the old list and only then could it be added to the Chennai list, according to norms.

Dada got perturbed and asked me a serious question. He said, "Why should I pay income tax if they doubt my identity?" I was confused; does this cross subsidisation disprove the very existence of both the donor and the benefactor at a given time? This made me think of the issues that were raised and possible remedies to it. Then I realised that if I were to think too much, sooner or later I would also become a non-citizen of this country!!

There are at least five identity cards in India, namely the voter id card, ration card, passport, bank account statement and in some places, kisan cards. Recently the GOI launched a national identity card too. In a country where the percentage of voters' turn-out on the voting day is dwindling, voter id card can be a proof for the citizen just like the ration card as mentioned earlier. Unfortunately, if one's address gets changed in between, s/he is not entitled to cast his vote in the world's largest democracy, due to the tardiness of the system in changing the address as and when required. To get a ration card, we need other id cards and when 55 % of the population still lives under \$ 1.25 per day, who cares for passport? A mere 33 % of the population have bank accounts. The big picture is this: a majority of Indians cannot prove their citizenship in India, a country that has an amazing cultural back ground of more than five thousand years.

Our country has a population of more than 1.12 billion as of today. This identity crisis is not new to us. It has spiralled into conflicts in many parts of this country. If we think beyond the socio-economic political brinkmanship of chauvinism and adulterated mind games, the loss of identity is like daily routine to many of us. We have certificates to prove our identity at various stages of life; starting from birth certificate to university certificates. The laughing point is that though the State is the producer of many of these certificates, when we re-submit them later, they don't accept it!

Today, everyone is identified with a unique email id, thanks to technology. Even after sixty years of independence, identity is in a mess, while the losers in the game will announce state's exploitation as in cases of tax payment. Why don't we start accepting private proofs also when PPP models are the key to an overall development of the state? With floods washing away our belongings, we are in huge trouble!

The Reinventing Cochin team comprising of Renjini (project lead), Jaismon and Elizabeth kicked start the team's activities by conducting a pedestrian audit on 25th August at Kaloor, Kochi, with the help of Dhanuraj and other team members. Walkathon started off from judges" avenue at 4.30 p.m. Members of Rotaract, a few students from NUALS and Club FM officials and RJs took part in the audit. Badly broken areas of the pavement and transformers blocking the pavement were flagged with inflatable toys bearing slogans and the logo of club FM. Posters conveying the pitiful plight of pavements were also pasted on transformers. Reporters from about eight newspapers were witnesses to all this.

Certain points on the pavement were measured and were found to be not abiding to the standards of Indian Road Congress (width-5'). Open gutters were much wider than the pavements itself at many places. Heaped garbage, electric poles and hoardings were other obstructions. The team took time and crossed the road over the zebra crossing to the venue of public meeting. Mathrubhumi's compound was chosen as the venue for the public meeting.

Starting from the basics, a Pedestrian Audit is a species of the genus known as a Road Safety Audit; an initiative usually undertaken by governmental authorities to estimate the safety needs of the roads. It's more than just a plain analysis. It seeks to ensure adherence to road safety rules and construction regulations, be a forum to showcase the opinions of all stakeholders, to let authorities have a say and yet see how far one can hold them accountable in a non-confrontational manner.

As to the question of why do a pedestrian audit, I would say, it's because pedestrians, as a race(?) are everywhere. They are not an ethnic group found in some far-flung corner of the world. A passenger or a driver of a vehicle is a pedestrian the minute they step out of their transport. You may not find a vehicle, a driver or a passenger everywhere, but the world over, you are sure to find a pedestrian, simply because of the pleasure an inexpensive stroll bestows. In spite of being the largest road users to-date, they remain pitifully under-represented and their voices unheard.

A traveller of the Indian sub-continent will tell you that from the northernmost reaches of India to its southernmost tip, perhaps exempting our capital city of Delhi, all Indian roads are intercept with strategically formed potholes with patches of road left un-tarred, a testament perhaps, to the rather unusual aesthetic sense of our reigning governments. Signals malfunction and policemen either stray from their posts or point blank refuse to stay in places with heavy traffic flow, thereby contributing to haphazard traffic.

Overflowing drains find themselves covered in just-barely-there concrete slabs that are laid so that they form a semblance of a footpath, a myth which is almost immediately dispelled the minute one steps on them. They quiver like feathers, and one soon dreads the inevitable drench in gutter water. Medians are either non-existent or extent for miles at a stretch, prompting the frustrated pedestrian to demolish parts of it to make way for crossing the road... Talk about "State-sponsored vandalism!!!"

Apart from shaky footholds over gutters, Indian roads have no specific footpaths to speak off. Vehicles veer dangerously on roads and the Indian pedestrian, an agile and fearless breed of streetwalkers, jump out of the way in record time. In monsoons, this becomes a particularly challenging feat, as the Indian pedestrian finds it difficult to differentiate between a gutter and a foothold, with murky rainwater up to their calves.

Not very hard to gauge the safety levels (or the absolute lack of them!!!) of an Indian road, is it? We're hoping to alert the public as to the hazards and pitfalls (pun intended!) of the Indian road, without them having to suffer a personal experience of a gutter-bath or something equally vexing!

The pedestrian audit in Kochi was the first eye-opener concerning roads in the city. Dhanuraj published the results of the survey done among pedestrians on the Kaloor road. Further, the programme head of club FM, Cuckoo Parameswaran spoke on the occasion. Mathrubhumi and Club FM promised complete support in the future.

Fortunately, the conducted pedestrian audit has hit headlines. The event was covered well by the Mathrubhumi, Indian Express and Keralakaumadi. A detailed report by the Hindu was appropriate and much noticed. And as icing to the cake, a good review on the project was projected by AIR.

The Reinventing Cochin team is extremely thankful to all the team members for their timely support and co-operation. Special kudos to Dhanuraj for his unparalleled dedication and patience.

Hoping to be a stakeholder in the road expansion projects in Cochin city, the team will be meeting the concerned police officials with the reports and documents very soon. Rearranging bus stops, imposing bans on harthals, ensuring efficiency of streetlight systems and the like are key areas that the team plans to look into. This they believe will play a pivotal role in restructuring the city of Cochin.

In the article "Beyond the Meaning of Political Culture: Notes from India" by Aneish Rajan (Volume3, Issue 8 August 08), "to be continued" was written by mistake. The error is deeply regretted.

19th South Asian International Fund Raising Workshop

Building Relationships for Sustainability- 3

Held on 23rd-26th August 2008 at Jaypee Palace, Hotel & convention Centre, Agra, India

*"Some men see things as they are and say, 'Why?'
Others dream of things that never were and say, 'Why not?'"*
-George Bernard Shaw

Organisation Details

The 19th South Asian international Fund Raising Workshop was carefully planned and put together by a Delhi based not for profit trust, South Asian Fund Raising Group (SAFRG). The workshop was mainly conducted with an aim to build the capacity of fundraisers and NGOs to enable the voluntary sector to become sustainable, independent and more effective.

Program details

The Four days workshop was mainly divided into two categories; master classes on the first day and the regular workshop sessions on the rest of the days. While the former lasted for continuous six hours, the latter sessions provided the delegates with the opportunity to attend the various workshop slots. All the sessions were mainly grouped into Fundraising Environment, Strategy, Techniques, Communication and Trust and Foundation

Sessions Attended

'The Essential Guide to Successful fundraising from Individuals" Master Class : This session was taken by Mr. Finlay Craig, Managing Director, Factsinternational.com, a consultancy providing fundraising, advocacy, communication, training and strategy development for international and non- profit organisation. In his highly participatory master class, the participants learnt how to develop a comprehensive framework for fundraising from individuals for their own organisation. In the six hours of learning the various techniques and a variety of group activities, I was able to gather a lot on how different organisations can adopt strategies favouring their vision and activities.

Writing Winning proposals

This session was taken by Mr. George Tylor, who is a member of the executive Committee- Winterline Foundation, USA : This session mainly focused on the fact that writing proposals is an art. Trusts and foundations exist only to give money away. It is important to know what appeals the funder and how the proposal needs to be put across. George took the delegates through the steps towards writing a winning proposal.

Panel Discussion

The Panel discussion took place between 5 development organizations from Nepal, Malaysia, Bangladesh and India, who developed and implemented their own resource mobilization strategies. What innovative strategies did they develop? What were the challenges? Who supported their efforts? Finally, what worked and what didn't? The session mainly focused upon learning from their candid studies, how resource mobilization looks on the ground.

Major Learnings

- Fund raising is the most important strategy used by organizations not only to carry out resource mobilization but also foster brand building.
- The fund raising techniques differ according to the culture of the country. For eg: Legacies are more common in other countries than in India as death is considered to be remorseful which creates a hesitation in the minds of fund raisers
- Testing is the main key to carrying out fund raising. At times a technique may click with one set of target group while it may not with the others.
- Innovation creates more space for reaching out to mass public. Mannier times an innovative idea has more credibility attached to it. For. eg. An organization called Goonj has been able to use its material as resource. They have turned old cloth and other old material into a major resource not only for initiating development work across rural India but also for instigating civil sector participation in rural India.
- An organization which has proper donor communication techniques is able to prosper as well as have sustained growth through better networking.
- Volunteers are the main source of fundraising in an organization. Their skills could be better utilized by the organizations by upgrading them and also by utilizing their potentials to cocreate a sustainable fundraising plan.

The 19th south Asian Fund Raising workshop was attended by Lekha Pillai as the Program Associate from Centre for Public Policy Research



LIBERAL YOUTH SOUTH ASIA

1st South Asia Youth Summit '08

Towards Democracy, Peace and Open Borders

Dates: 24th & 25th November, 2008

Venue: Constitution Club, New Delhi

Liberal Youth South Asia is organizing the South Asia Youth Summit (SAYS) to provide a platform for youth to interact, debate and understand various issues confronting the region from a liberal perspective. SAYS'08, hosted by Centre for Public Policy Research and supported by Friedrich-Naumann-Stiftung für die Freiheit, envisions a democratic and peaceful South Asia with open borders emphasizing the role of youth in restructuring the society.

Over the two-day schedule, the delegates would be exposed to a variety of simulations, discussions and debates. Highlights of the conference include:

- Panel discussions and plenary sessions with South Asian experts from diverse fields
- Presentations by the young leaders and interactive discussions amongst participants
Facilitated by experienced moderators
- "Youth Chain" and lighting the lamp against terrorism near India Gate, New Delhi
- Musical Concerts and cultural presentations by youth performers across South Asia.

The summit will include sessions and interactions with some of the finest and eminent personalities from various fields across South Asia. SAYS intends to invite young people to brainstorm on a variety of topics that include; Youth and Politics in South Asia, Market Economy and South Asian Free Trade Zone, Education, Peace and Conflict Resolution, Transparency and Good Governance, Democracy and Human Rights etc.

Join SAYS 2008

You can apply for the South Asian Youth Summit if you fall in the age group of 18 to 30 and are:

- >> Youth representatives from fields of Politics, Media, Arts, Law and Business across South Asia
- >> Students and academicians representing educational institutions
- >> Key Administrators/officials from governmental agencies at the national, provincial and local level
- >> Representatives of other international liberal organizations.

For further details please contact:

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Log on to <http://lysasays.blogspot.com/>



SAYS'08
SOUTH ASIA YOUTH SUMMIT
Towards Democracy, Peace and Open Borders

NATIONAL CONFERENCE
ON ALTERNATE DISPUTE RESOLUTION

TAKING
ADR
TO THE COMMON MAN

VENUE: **INDIAN LAW INSTITUTE, DELHI**

DATE: **22-11-2008**

PARTICIPATE IN
ESSAY COMPETITION

Send your entries to:
adr@cprr.in

And make sure they reach us by:
3rd November 2008

For further details log on to:
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PHOTO GALLERY



Dhanuraj with Ms. Colleen Dyble of Atlas Foundation (left) and other participants (below) at Think Tank MBA Program



DEAD END

