



VISION FOR MEGHALAYA

On and Beyond the Inner Line Permit



Editors

H. Srikanth

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ICSSR-NERC, Shillong

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FOREWORD

The recent impasse on the issue of Inner Line Regulation / Inner Line Permit (ILP) has shaken the whole State of Meghalaya, especially its capital city, Shillong. But one positive outcome of the debates and discussions on this pertinent issue is that it aroused and stirred up consciousness among various sections of the people of the State. People from almost all walks of life, individually or as part of one or the other groups got themselves involved either in taking part in a public rally or in expressing their points of view through the print or visual media. Moreover, this consciousness has produced voluminous views in a short span of time either for or against the idea of introducing the ILP in Meghalaya.

Much has been discussed, examined and analyzed about the influx problem, the Inner Line Regulation of 1873 and its application in the three States of the North-Eastern region, namely, Nagaland, Mizoram and Arunachal Pradesh. Of late threatened by the continuous influx of people from other States of India and even from outside, the inhabitants of Meghalaya also wanted the same Regulation to be made applicable in their State. Consequently debates, discussions and agitations took place in various forums and places all over the State.

As the issue of ILP has drawn so much attention and agitated the minds and thoughts of the people of Meghalaya, the Department of Political Science, NEHU, in collaboration with the ICSSR-North-Eastern Regional Centre, Shillong, took the bold initiative to bring together academicians, members of different NGOs and the public on one platform to discuss the pros and cons of the issues at stake. The outcome of this positive attempt led to the

presentation of different views by many scholars, both in favour and against the mote idea of introducing the ILP in Meghalaya. This volume will therefore be of immense interest to the academicians, the NGOs as well as the general public.



Professor L.S. Gassah
Honorary-Director, ICSSR-NERC, Shillong.

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INTRODUCTION

◆ H. Srikanth

This edited volume seeks to introduce multiple voices of Meghalaya, expressing their concerns about the ongoing stalemate on the issue of Inner Line Permit (ILP) and coming out with their own visions of what is good for the people and the state. The book is a byproduct of the brainstorming session that the Department of Political Science, North-Eastern University, has organized on November 27, 2013, in collaboration with ICSSR-NERC, Shillong. The session gave platform to a cross-section of academicians, intellectuals, social activists, political leaders and student and Church representatives to present and deliberate on Inner Line Permit and other issues of concern to the people of Meghalaya. The panelists presented their viewpoints with conviction, but at the same time listened attentively to the opinions expressed by others. The ILP issue, by its very nature, is emotional; still the paper presenters did not give up reasoning. The deliberations took place in a dignified and civilized manner, disproving the cynics who felt that a meaningful discussion on the ILP cannot take place in a surcharged environment. The success of the brainstorming session made us think of bringing out the presentations in the form of a book for common readers. Partly because of financial and time constraints, several scholars and activists who also have their perspectives on the ILP and other issues could not be invited for the brainstorming session. Hence the editors took the liberty of including some more papers from leading representatives of the civil society.

Accordingly, the volume which has taken the present shape includes papers, representing the perspectives of individuals representing different social and ideological spectrums. The volume is not meant to support or oppose any particular perspective on the ILP. We believe that it is necessary that the people have access to all information and opinions, so that they could decide on their own what is good and desirable for the people and the state of Meghalaya. In pursuit of this objective, an attempt is made in this edited anthology to introduce different viewpoints on the ILP. Apart from presenting the outlooks supporting and also opposing the demand for ILP, scholarly views advocating the need to think beyond the ILP are also included in the volume. Although for the purpose of organization of the volume, the papers are presented in particular sequence, each presentation is valid in its own way. Since the volume is meant for the general readers, efforts are made to ensure that academic jargons and abstruse language are avoided to the extent possible. The presentations, being mostly in personal and polemical style, are likely to ignite the minds and hearts of the readers. Since the ideas of the paper presenters crisscross, summarizing each presentation makes little sense. Hence only major themes discussed in the volume will be discussed in this chapter.

The history of Inner Line Regulations is discussed in the write-ups of Sajal Nag, R.G. Lyngdoh and R.K. Satapathy. Sajal Nag gives a vivid picture of the contradictions that developed between the hill tribes and the British colonialism, which compelled the British to draw Inner Line to regulate the movements of the hill tribes and non-tribal British subjects. He says that the Inner Line has lost much of its relevance, once the Lushai Hills and the Naga Hills became a part of British India. R.G. Lyngdoh argued that the Inner Line was drawn basically protect the interests of the non-tribals, not the tribals. R.K. Satapathy also felt that considering the British indifference to the plight of tribal subjects in the rest of India, it is not convincing to believe that the British authorities promulgated Inner Line to protect the interests and identity of the hill tribes of northeast India. All the three scholars seem to believe that whatever might be the circumstances that led to the colonial enactment of Inner Line, it has lost its relevance once the colonial rule came

to an end. This opinion was however contradicted by Sadon K. Blah and Robert June Kharjahirin. Just as Indian Penal Code and Independence Act enacted by the British continues to be relevant even after independence, they forcibly argue, the Inner Line regulations are also relevant and are in use in states like Mizoram, Arunachal Pradesh and Nagaland. They contend that the Inner Line was discontinued in the Garo Hills on the pretext that it was part of the zamindari area. Since zamindari system was abolished in India after independence, the obstacles for implementation are actually removed. Had there been a political will, it will not be difficult to introduce the ILP in the state of Meghalaya. This contention is however not contested. While Sajal Nag believes that the ILP was not implemented in Khasi and Garo Hills which became part of the British Empire, R.G. Lyngdoh feels that legal barriers do come in the way of implementation of the ILP in the state.

Apart from discussing historical and legal positions, the paper presenters have also reflected on the pros and cons of the ILP. Sadon K. Blah and Robert June Kharjahirin affirmed that the demand for ILP is an integral part of the indigenous peoples' quest for ethnic identity and assertion of their right to self-determination. The demand emanates from the natural fear of the tribal community that it would be swamped by the invasion of immigrants from outside. They opine that by monitoring and regulating the entry of migrants / visitors into the state, ILP gives a sense of security to the indigenous tribal people who suffer from the fear that the unchecked influx would pose a threat to tribal rights, culture and identity. Michael Syiem, who also accepts that influx is a major issue of concern, classifies migrants into different categories. However, he believes that influx has to be dealt not by the ILP, but by ensuring equitable and fair distribution of ancestral property for children of Khasi and Garo communities; by switching over to capital intensive industries and by encouraging and imparting entrepreneurial skills among the indigenous people. On the other side of the spectrum, we see R.K. Satapathy coming out with census data to prove his contention that non-tribal population has actually declined in Meghalaya over the decades and the fears regarding large-scale influx are misplaced. Jose Chunkapara bemoans that the pro-ILP groups are up against not only the foreign

immigrants, but also against the migrants coming from other states in India. Scholars like R.G. Lyngdoh, Jenniefer Dkhar, Paul Pudussery, Sumarbin Umdor contend that in the era of globalization, controlling migration is not only difficult, but also counter-productive. Some of them contend that migrants enter the state only because there are opportunities in the state, which are not utilized by the indigenous people. Jose Chunkapura argues that far from becoming a threat, the migrants help in providing services and training to the locals. R.K. Satapathy, Jenniefer Dhar, Obadiah Lamare etc., contend that migrant labor is indispensable in some fields.

Contradicting the views expressed by pro-ILP groups, some panelists think that the ILP cannot protect the tribal interests. R.G. Lyngdoh cautions against making public policies based purely on emotions. Objective study of facts should precede making of any policy. HH Mohrmen and Jenniefer Dkhar point out that when even the Sixth Schedule, Autonomous District Councils and the formation of tribal state could not protect the interests of the tribal people, how anyone can expect effective implementation of the ILP in the state, given the rampant corruption prevalent in the agencies executing the public policies. Sumarbin Umdor, Paul Pudussery and Jenniefer Dkhar contend that in the age of liberalization and globalization, it is becoming increasingly becoming difficult even for the powerful states like the US, Japan to check the illegal migration. Obadiah Lamshwa Lamare expresses the fear that the ILP only prevents the poor non-tribals from entering the state, but the real exploiters, who are rich, will have no problem in entering and looting the state. Jemino Mawthoh admits that he also has some reservations against the ILP, but he strongly feels that the government could have at least tried to implement it in some parts of the state on an experimental basis and then see whether the ILP can be replicated for the whole of the state or not. However, RG Lyngdoh, citing the reservation policy, warns that a policy once made is difficult to withdraw. While Sadon K. Blah blames opportunism and lack of political will on the part of the government, RG Lyngdoh cites legal barriers to what the state government can or cannot do.

The panelists have also reflected on the impact of the ILP movement on the economic development. Some paper presenters have brought to notice

the negative impact of the ILP on the flow of capital and tourists in the state. Fr. Joseph Puthenpurakal complains that ever since the agitation started, the number of visitors to the Don Bosco Museum in Shillong has drastically reduced, making it difficult for the management to pay salaries for its employees, who are mostly the Khasis. Sadon K. Blah and Robert Kharjahrin opine that the ILP can be implemented without harassing the tourists and the local non-tribal inhabitants. But the claim has been contested by some panelists, who thought that the ILP can turn to be racist and anti-non-tribal. Recordius Kharbani asserts that the entry of the non-local labourers is facilitated by the inaction of the traditional elite and the vested interests of the modernizing indigenous elite. As against it, Jenniefer Dkhar affirms that there has been demand for laborers from outside because the indigenous peoples lack skills and have aversion to take up hard and menial jobs.

There was considerable debate over the course of the movement. While Jemino Mawthoh holds that the government's adamant attitude is responsible for the impasse, some participants asked whether the pro-ILP NGOs and the opposition parties are not equally responsible. Although many panelists admit the right of the NGOs to pursue their demand for the ILP, they question whether the agitators need to take to violent bands, rasta-rokos, arson and killing of the innocents. Jenniefer Dkhar asks why the pro-ILP groups can't adopt peaceful, Gandhian methods such as hunger strikes, rallies, dharnas, etc., to ventilate their points of view. Some panelists criticize the racism and politics of hate, and alleged that the movement for ILP is used by some for personal political gains. Some expressed the need for unconditional and open discussions between the state government and the agitating groups. On their part, Sadon Blah and Robert Khajahrin categorically state that they have nothing against the non-tribal inhabitants of Meghalaya and that their fight is only against the immigrants who are entering the state with vested interests. They declare that they are open-minded and that they are ready for modified ILP that suits the requirements of the changing times.

The brainstorming session no doubt deliberated on the pros and cons of the ILP. But many panelists also realize the need for thinking beyond the ILP. Jenniefer Dkhar and Paul Pudussery felt that the migrants come to the

state, because indigenous people are not competitive and skilled, and are often averse to take up certain kinds of work. Debasish Choudhury brought to light the sorry state of education in the state and pointed out that our education system has failed to empower the students. Citing the tottering rural economy in the state, Fr. Joseph Puthenpurakal felt the need for concentrating on rural reconstruction by empowering the youth by imparting education and entrepreneurial skills. Sumarbin Umdor opines that by plugging leakages in tax collections, we can accumulate sufficient funds needed for development of the state. Paul Pudussery emphasizes on scientific and environmentally friendly methods of doing agriculture, forestry and horticulture. Toki Blah talks about taking advantage of the geographical location of the northeastern region and initiate innovative projects that improve the economic conditions of the people of all northeastern states.

The session has witnessed interesting exchange of ideas on the issue of identity. Sadon K. Blah affirms that tribals may collude with non-tribals, but they will never merge with them. The tribals aspire to protect the culture and identity of the tribal people. But some panelists question the idea of unchanging identities and culture. Obadiah Lamshwa Lamare points out that changes in tribal culture is taking place more because of the changes in the mode of production, more than the changes imposed by people coming from outside. Paul Pudussery views that identities and culture are not permanent and always evolving. Jenniefer Dkhar argues that the Khasis were always open to outside influences and they have made progress by assimilating many good traditions and practices of the others. She pleads that instead of building walls, we need to build bridges uniting all sections of the people. We need to learn from the football teams in the state, which have tribal, non-tribal and even foreign players. Paul Pudussery also appeals for building up effective networks that connect peoples and regions. The indigenous peoples can become strong, not by alienating others, but by becoming inclusive. Invoking biblical faith, Fr. Joseph Puthenpurakal appeals to the people to give up violence and hatred and develop positive attitude and brotherhood. Many felt that it is not through emotional outbursts, but through dialogue and discussions that it is possible to come to arrive at

Introduction

solutions to all problems of the people of Meghalaya.

This introductory summary of ideas is meant only to introduce to the readers different lines of thought on the ILP and other issues of concern to the state of Meghalaya. The readers make better sense of the issues at stake if they go through different perceptions and interpretations. The ideas included in the volume are not exhaustive. There can be different other ways of looking at the problems. The citizens of Meghalaya have become politically active and intellectually vibrant. They are no fanatics and are tolerant to new ideas emerging from within. Whatever be the present crisis, the people of Meghalaya are sure to sail through the difficulties and find ways to consolidate democracy and development in the state. It is with this belief and hope that we bring to you this compilation of scholarly views on the ILP and other major issues of concern to the people of the state. ♦

VISION FOR A DEMOCRATIC AND PROGRESSIVE MEGHALAYA

◆ R.G. Lyngdoh

My biggest fear today is that we are still allowing our emotions to determine public policy.

Besides the issues arising out of Constitutional Law, we should also think what happens if similar restrictions are placed on our youth travelling outside the State, or outside the North East region? How will it affect the trade between our producers in the State and markets outside the State? How will the ILP system affect the inflow of domestic and foreign tourists into our landlocked State, whose entire southern border is with a foreign country?

Let us spend some time and energy to do some proper research to find evidence on the best policy forward. Readymade solutions may do us more harm than good.

There is no doubt that there is a genuine fear among the indigenous people of the North- East region as a whole, and Meghalaya in particular, of influx and its effects. Frequently Tripura and Assam are cited as examples of the adverse effects of influx. In Tripura especially, influx has affected the demographic, economic and political scenario to such an extent that the

indigenous people are no longer able to determine their own future, or that of their land. This fear of influx adversely affecting our delicate demographic, economic and political balance has driven the people to search for possible solutions to the problem.

The common solution in the past, has been to insulate, and in some cases isolate, the people of the region from outside influences. Over the years, many laws have been enacted to protect the indigenous people from losing their land, their identity, and their future. Unfortunately, scant attention was paid on the support system required to implement these laws effectively. As a result, many of the laws enacted could not be implemented. And the few that were implemented had so many loopholes that they spawned corruption to such an extent, that the objectives of the law could not be achieved.

This, in turn, led to a feeling of frustration among the people. This frustration led to an angst that found expression in a number of ways – some peaceful, many violent. In this volatile situation, a number of leaders emerged with their versions of the solution. Some of these leaders were genuinely concerned and they offered solutions that they thought were the best to control the situation. Unfortunately, there were other leaders who saw this pent-up fear and frustration as a means to achieve their own personal ambitions - economic and political. These leaders stepped into the limelight without any concern for the consequences of their solutions other than the fact that it could make them rich or propel them into political stardom, or many times it could do both. They were often so glib that they could appeal to the emotions of the many and in this manner they would lead the gullible along the path they wanted.

But, by far, my biggest fear today is that we are still allowing our emotions to determine public policy. The whole world has realised the wisdom in evidence-based policy making. That is the reason policy makers budget huge amounts to research and find evidence to support the policies that they suggest. The consequences, good and bad, have to be studied objectively before a policy is recommended for implementation. Evidences for and against the policy have to be first studied and weighed. Then, corrective measures, and

support systems, have to be put in place to ensure that the policy is able to effectively achieve its objective. An emotion-led-public policy is fraught with many problems.

It is with this backdrop that I now address the topic at hand. Let us first look at what is this Bengal Eastern Frontier Regulation of 1873. By whom was it promulgated? When was it promulgated? Why was it promulgated? Did it achieve its objective? Is it relevant today? After the first discussion we had had on the Inner Line Permit in NEHU, one of the learned panellists had later observed in his article in an English newspaper that, and I quote, "I was astonished to hear RG Lyngdoh, former Home Minister in Meghalaya saying that the ILP was devised for the protection of outsiders not of the indigenous people in the area!" For his sake, and for others who hold the same view, let me lay down some facts.

After the British occupied the northeast the colonizers started exploiting the resources of this country for the economic benefit of the Empire. The British setup economic base in the Brahmaputra Valley, and it had successfully started off tea plantations and oil industries in the area. The indigenous tribals of the area were living in the almost impenetrable hill areas of the region. These tribals were primitive and would regularly conduct raids into the plains to loot and plunder the villages there. This was the historical context in which the Bengal Eastern Frontier Regulation, 1873, was promulgated.

Vijendra Singh Jafa, in his paper on "Administrative Policies & Ethnic Disintegration Engineering Conflict in India's North East, says: "The British gave (from time to time) the following reasons for formulating the policy of segregating the hill tribes from the plains of Assam and Bengal: (1) to protect the plains from raids and plunder by the hill tribals (1873-1900); (2) to protect the hill tribes from exploitation by the plainsmen (1900-1928); and (3) to foster an enlightened public policy aimed at cultural survival of the hill tribes (1928-1947).

Thus, we can safely conclude that:

a) Initially, the BEFR was meant to restrict the tribals and stop them from marauding the tea gardens, oil rigs and trading posts set up by the British East India Company;

b) Within a few years of the British occupation of these hills, after these tribals were “tamed”, restrictions ceased on the movement of hill tribes, and they were allowed to fish, hunt and attend markets freely on both sides of the Line;

c) Ironically, the restrictions now applied only to the people of the neighbouring plains districts of Bengal and Assam for whose protection the Line was initially defined;

d) It is said that the Inner Line Regulation kept the Indian justice system, Indian administration system, Indian culture and Indian religions effectively on the other side of the fence thereby sowing the seeds of alienation that the tribals of the Northeast feel today.

Is the Bengal Eastern Frontier Regulation of 1873 relevant today? Constitutional experts say that according to Article 19(1)(d) and (e) of the Constitution, every Indian citizen has the right to move freely throughout the territory of India and also to reside and settle in any part of the territory of India. Is a law restricting this fundamental right relevant today? Article 19(5) of the Constitution states that “nothing shall prevent the State from making any law with reasonable restrictions in the interests of the general public.” But constitutional expert Subhash Kashyap says that the term “State” should be read to mean the Union of India, and not the State Legislature.

The Bengal Eastern Frontier Regulation form part of the regulations made under the Government of India Act, 1870, and the Government of India Act, 1915. It is therefore a Central Law. An article posted on November 7, 2012, had quoted the Union Home Minister, Shri Sushil Kumar Shinde, when reacting to the demand for implementation of the Inner Line Permit System by the State of Manipur as having said, “Our Constitution will not allow such things.” A senior Home Ministry official added, “There is no rationale for the State to seek restrictions on the entry of Indians under an outdated law.”

There is a section of thinkers who feel that since the BEFR of 1873 was already implemented in the district of Khasi and Jaintia Hills, its application to the Garo Hills District was repealed by the Repealing Act, 1897, it can automatically be reinforced in Khasi and Jaintia Hills. However, I personally

have my doubts and I feel that this needs to be verified by Constitutional Law experts. My doubts are based on:

- (a) Has Meghalaya as a State been recognised under this regulation?
- (b) Are the boundaries of the district, as given in the Regulation, in keeping with the present boundaries of Meghalaya?
- (c) If not, the notification of the Regulation says "For notifications prescribing and altering Inner Lines, and prohibiting persons from going beyond such lines without a pass, see the Manual of Assam Local Rules and Orders." Has the Government of Meghalaya adopted this Manual, and has it got the clearance from the Government of India.

However, besides the issues arising out of Constitutional Law, we should also think what happens if similar restrictions are placed on our youth travelling outside the State, or outside the North East region? How will it affect the trade between our producers in the State and markets outside the State? How will the ILP system affect the inflow of domestic and foreign tourists into our landlocked State, whose entire southern border is with a foreign country? Evidence shows that tourist inflow into States implementing ILP is just a small fraction of tourist inflow into non-ILP States. With markets difficult to access, do we want to hinder the entry of tourists who could energise and revamp our economy?

The second aspect that needs to be looked at is whether the BEFR, 1873, can be implemented in its present form. What are the objectives of the law? Can these objectives be achieved? What are the modifications required? How practical are these modifications? What are the specific loopholes that need to be plugged and how do we plug them? What support systems are required to make the system effective and fool proof so that its objective can be achieved?

If the Bengal Eastern Frontier Regulation is not the solution, then how do we find a solution? I think the solution can come from a better analysis of what causes influx into Meghalaya. The major cause for influx from other States is mainly economic. People see economic opportunities to earn a living in Meghalaya and they come to exploit these opportunities. What then stops our locals from exploiting these economic opportunities? Is it that we cannot

see these opportunities? Then let us get rid of the tunnel vision that blinds our people so that they too may see the opportunities that others see. Is it that we do not have a work culture that will enable us to effectively compete with outsiders? Then let us ingest a proper work etiquette and culture into our people. Is it that we do not have the skills required to exploit the opportunities? Then let us impart these skills to our people on a war footing. Is it that we have a mental block about taking up certain kind of jobs? Then let us get rid of the taboo existing against these jobs. I know this may take time, but I wish we could put development in a pressure cooker. If we start the process in a focussed, phase wise time bound manner, I am certain we will have found a sustainable solution to our problems.

Lastly, before I finish, I must caution our policy makers against a policy of protection. History shows us that the Government had introduced the Reservation Policy to protect our people until they were in a position to compete with the world at large. Has it achieved this objective? I fear that it had only given us a false sense of security, made us lazy, blunted our competitive spirit and killed our work culture by making us satisfied with mediocre output. And, we have not been able to repeal this Reservation Policy even though it was meant only for a short period. I fear the Inner Line Permit System may generate the same problems. So let us spend some time and energy to do some proper research to find evidence on the best policy forward. Readymade solutions may do us more harm than good.

Understanding that the fears of the people are real, there is a definite need to address these fears. It is time now for our policy makers to be proactive rather than reactive. Discussions rather than confrontations are required today. And it is open minds not closed minds that will bring sustainable solutions. ♦