

Jaipat's

India

Briefing

*An Occasional Commentary on
Law and Happenings in India*

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INDIA'S courts vividly present the country's drama of life. The good, the bad and the ugly. The past few weeks were particularly remarkable in that presentation.

Best Bakery

Three years after the torching, allegedly by a mob, of a rail car occupied mostly by women and children returning from a Hindu pilgrimage ignited one of India's worst communal riots in recent memory, a lower court in Mumbai sentenced nine men to life in prison in one of the most watched cases filed against rioters.

Seventeen persons were accused of roasting 14 persons to death in a bakery, the Best Bakery in Gujarat. The case attracted national attention after the prime prosecution witness, a young Muslim woman, turned hostile and retracted her statements, including those made before a court. The Supreme Court of India intervened and in a rare decision, ordered retrial outside Gujarat.

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Poaching Black Bucks

In another case, this one in the desert town I was born in, a lower court sentenced one of India's top film stars to one year in prison for poaching black bucks, an endangered antelope. This was not the actor's first brush with the law; he is also accused in a 2002 DWI hit-and-run which resulted in the death of one and injury to three other homeless persons sleeping on a pavement. In that case, however, most witnesses have turned hostile.

All Hostile

In another case decided last week, a court in India's capital, New Delhi, acquitted the prime accused and several others for want of eye-witness in a case where a young model, waiting tables in a restaurant in New Delhi, was shot dead in public view for refusing to serve alcohol. At least half a dozen witnesses turned hostile.

There are many cases in India involving the high and the mighty getting away with shocking acts of crimes. A common thread is of witnesses turning hostile. Such is a drama of life often played in the courtrooms of India.

Market Exuberance

India's stock markets are levitating as never before. For the first time, Sensex, India's most watched stock index of blue chips, crossed the psychologically significant 10,000-mark, an ascent of nearly 55% in one year. It is said that global fund managers experienced in the past year their Christopher Columbus moment: discovering India's stock market.

Even as it is fed by foreign capital, the roaring bull has become a symbol of India's growing self-confidence.

Le Clemenceau's Journey

Le Clemenceau's last journey may be a pointer to how that self-confidence may manifest in the future.

French warship Le Clemenceau en route an Indian port for scrapping recently kicked a

controversy in India and France when it became known that the ship was lined with asbestos. Amidst other events, including a denial by France, a Supreme Court of India order barring the ship from entering India's territorial waters pending investigation, demonstrations in India and France by Greenpeace, and reports of support for landing the ship in India among some of the very workers whose interests were sought to be protected, a French court ordered the ship to be returned to France. A day later, Bangladesh barred another "toxic" French warship from entering its ship-breaking yards for fear of asbestos poisoning.

Developing countries, including India, long turned a blind eye to the flow of environmentally hazardous industries vacated by developed countries. That may be changing now.

Nuclear Energy

For those of you following current developments relating to U.S.-India nuclear cooperation, here's a rough and dirty backgrounder of India's atomic energy program.

India's indigenous nuclear research program started as a non-governmental enterprise in 1944 under the leadership of Dr. Homi Bhabha, a brilliant physicist who trained in Cambridge. In 1945, Bhabha set up the Tata Institute of Fundamental Research, a leader in research in pure sciences. Within months of India's independence, he influenced his friend Jawaharlal Nehru to cause India's Constituent Assembly to enact the Atomic Energy Act. The federal Atomic Energy Commission (later, Department of Atomic Energy) created by that Act in 1948 reported directly to the Prime Minister, a tradition that endures. Soon, Asia's first research reactor, *Apsara* (meaning: a fairy), went critical in Trombay, India, in 1956.²

² India detonated its first nuclear device in 1974, four years after the coming into force of the Nuclear Non-Proliferation Treaty. Many in India believe that but for certain events, including sudden death of Bhabha, India

Today, India has 15 atomic power plants, a fraction of the 443 in the world (U.S. 104) but has the largest number of plants in various stages of construction (8 of 25 in the world; 0 in the U.S.), a pointer to that country's growing energy needs.³ Unlike France (whose nuclear share in electricity generation is 78%) and U.S. (about 20%), nuclear energy constitutes a small fraction (2.8%) of India's electricity generation.⁴

In many ways, India may be the largest untapped market today in the world for nuclear energy technology, a fact not lost sight of by a U.S. nuclear energy industry long starved of new business.

Cricket's New Math

Cricket, it is said, is watched by 500 million people in India, a country with an estimated 125m television sets and nearly 100 channels. Just how big is that market was driven home earlier this month when the Board of Control for Cricket in India invited bids from Walt Disney Co.'s ESPN and others for exclusive rights to telecast cricket matches organized by BCCI in the next four years. The winning bid: \$612m, a staggering amount in the world of cricket.

For perspective, consider this: ABC and ESPN bought U.S. English language television rights for the 2010 and 2014 soccer World Cup for \$100m; and General Electric's NBC Universal paid a record \$793m for the exclusive rights to televise in the United States the 2000 summer Olympics. A long way to go, however, if one compares with the likes of the National Football League (\$3.7b annually from 2006 through 2011 in contracts with ESPN, NBC, CBS, and News Corp.'s Fox and DirecTV).

would have been a member of the nuclear club then formed.

³ For a statistical outline of nuclear power plants see: <http://www.iaea.org/cgi-bin/db.page.pl/pris.charts.htm>

⁴ See <http://www.iaea.org/cgi-bin/db.page.pl/pris.nucshare.htm>