

IS SOLZHENITSYN RIGHT?

M. R. Masani

ON another page we carry a summary of the dramatic interview given by Solzhenitsyn for *Panorama* on the BBC on March 1, 1976. It is natural that a debate should have started throughout the free world as to whether the grim picture drawn by the great man is a fair one or whether it is too dark and grim a reflection of the unpleasant realities of the day. Mr. Schlesinger, till recently U.S. Secretary for Defence, and General Haig, the NATO Chief, support the Russian writer, while Mr. Ted Heath dissents.

Lord George-Brown, whose statement on resignation from the British Labour Party we also carry elsewhere in this issue, has lined up with the Russian writer. The *Times* of London has welcomed Solzhenitsyn's campaign to awaken the West from its suicidal lethargy by publishing a notable editorial in its issue of 4th March entitled "An Honest Man's Warning". It is remarkable that this normally staid newspaper should have let itself pen a sentence as bold as this; "The truth is that when it comes to the heart of the matter, to the courage that supports a nation, Lord John-Brown drunk is a better man than the Prime Minister sober". If nothing else, this demonstrates how contagious is courage. Solzhenitsyn has in a way echoed what *Freedom First* has in its own way urged for years now but without the passion of the Prophet-in-exile. But since every cloud, however dark, has a silver lining, it would take nothing away from the validity of Solzhenitsyn's dramatic warning if attention were drawn to some encouraging signs of recent days.

End of 'Detente'

In Britain, Lord John-Brown was anticipated by Mrs. Margeret Thatcher, the Leader of the Opposition (see issue of *Freedom First*, March 1976). In the U.S.A., President Ford has announced that he will cease to use the politically tainted word "Detente" on which the Kremlin dictatorship has battered and fattened during the past few years. It is true that it is only the word that President Ford has dropped, and

REVOKE THE EMERGENCY

Maharashtra Bar Council's Appeal to President

The Bar Council of Maharashtra passed the following resolution in July 1975:

"The Bar Council of Maharashtra views with a deep sense of regret the proclamation of emergency issued under Article 352 of the Constitution of India proclaimed in the colourable exercise of his powers vested in him by the President of India, not for reason germane to Article 352 of the Constitution, but for reasons obviously extraneous which clearly amount to a violent inroad on the Constitutional guarantees of every citizen of India and the Council hereby strongly disapproves the said act with a request to the President to revoke the proclamation forthwith.

A copy of this resolution be forwarded to the President of India and the Prime Minister of India."

IN THIS ISSUE

In our March issue we published a brief summary of the Judgement of the Division Bench of the Bombay High Court on important points of law.

In this issue we publish extracts from the Judgement pertaining to the items in dispute. Nine out of eleven of these were upheld by the Court and some have been published in our March issue. Even now, we desist from publishing passages from the Judgement dealing with two items whose publication the Court has not permitted since the Judgement quotes passages from these two items and it may be felt that, by publishing these parts of the judgement, we would in fact be disclosing the contents of these items.

On pages 8 to 14 are extracts from the Judgement regarding the remaining nine items.

it is announced that there will be no change in American foreign policy. A pity. But it is likely that President Ford will not have the last word on the subject. In his own party, he is being challenged by Mr. Ronald Reagan, another Republican presidential candidate. A more serious threat to him is posed by Senator 'Scoop' Jackson who leads the Democratic field for president-ship and has made a frontal attack on the entire policy of detente and appeasement of the Soviet dictatorship. That he has the support of Mr. Daniel Moynihan, who thinks on the same lines is not surprising. A more significant straw in the wind is the way in which the Secretary of State, Mr. Henry Kissinger, who is the architect of this misconceived policy, should be getting off the sinking ship with an increasingly bellicose statement every few days, the latest of which, made in Washington on March 12, is that "detente cannot specifically survive any more Angolas".

Solzhenitsyn would undoubtedly make the mordant observation that we have heard all this before and that he will judge the West by its deeds and not by its brave professions followed by cowardly surrender, as in Vietnam and Angola.

Old Hat

Solzhenitsyn could also point to the absurd amount of pampous theorising that is to be found in the British, American and Continental press about the way in which the Italian and French Communist parties have struck a blow for independence from Moscow. Once again, hopes are being aroused of "national communism". If popular memories, including those of so-called experts, were not so short they would treat the current postures of the French and Italian Communists as old hat. Their words are nothing but a rehash of the statements made by Communist leaders in Czechoslovakia, Poland and Hungary in the 1940's by which gullible people like President Roosevelt were beguiled at the tragic cost of the independence of those countries.

Here are specimens of the specious assurances of independence from Moscow held out by three of those pseudo-nationalists, Gomulka, Gottwald and that butcher Rakosi.

Siren Voices

"The Communist party should take account that in the present phase we are following the line of a national and democratic revolution".

—Klement Gottwald, Czech Communist party secretary, May, 1945.

"Popular democracy in Poland is not the dictator-

ship of the proletariat. Our democracy is not the same as Soviet democracy".

—Wladyslaw Gomulka, Polish Communist party secretary, November, 1946.

"In the past 25 years, the world's communist parties have learnt that there are different ways to socialism, and so we cannot construct socialism if we do not build our own way, taking account of the particular conditions prevailing in the country. We have learnt our lesson, and if we are reinforcing Hungarian democracy, we are not doing so for tactical reasons, or in pursuit of some secret objective, but in accordance with our deep Communist faith.

—Matyas Rakosi, Hungarian Communist party secretary, 1946

As Euclid would have put it, 'Q.E.D.'

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Between You & Me and The Lamp Post



Union of India?

WHILE this country may still be described as a Republic, for the time being at least it has ceased to be the Union of India. With the removal of the State governments in Tamilnadu and Gujerat, the federal experiment has for the time being come to an end. It is of the essence of a Federal structure that there should at any given time be governments in some States of a different political colour from that at the Centre. It was only in 1967 that, as a result of Congress Party's defeat, for the first time several states had governments of a different political colour from that at the Centre. Largely due to their own follies and misbehaviour, most of these governments, known from the Punjab to West Bengal as SVD governments, fell. Now there is no State government left of a different political colour from that at the Centre. India has for the time being become a unitary state.

These developments need to be deplored for two entirely distinct reasons. The first is the gross violation of the Constitution in the Presidential Orders taking over the administration of these two States, because obviously the conditions required by the Constitution for the removal of the State governments existed in neither State. What our Constitution required in Tamilnadu was the dissolution of the Assembly when its term came to an end and the calling of fresh elections at State level. That the Congress Party at the Centre avoided this is understandable because they would have lost the election, but it is to be noted with regret that Mr. Karunanidhi, the Chief Minister, and the DMK also did not ask for an election but argued wrongly that, because Parliamentary elections had been postponed, State elections should also be postponed. They forgot the old saying that two wrongs do not make a right.

In Gujerat, the right thing would have been for the Governor to call the leader of the Congress Party to form a government and face the Assembly. If he did not get a vote of confidence in the Assembly, it should have been dissolved and the people of Gujerat given a chance to have their say. In both cases the Governors failed to give correct advice and behaved like stooges of the Centre, as have most Governors since 1950.

A second reason for disquiet is the effect that these developments are bound to have in course of time on the unity of India. As one of the Founding Fathers of the Constitution, your Editor shared the view almost unanimously taken by the Constituent Assembly of

India that India, because of its size and the multiplicity of the ethnic, religious and linguistic elements of which the nation is constituted, needs a federal structure and cannot be administered democratically as one unit. We took the view that if a unitary form of government had been imposed on the country, the forces that make for separatism would have raised their head in the absence of a reasonable measure of autonomy for the States, which are larger than most countries of the world. If this view held by the Constituent Assembly with the support of men like Rajendra Prasad, Jawaharlal Nehru and Vallabhbhai Patel was correct, it means that the current developments may well create conditions which in course of time will disrupt the unity of the country.

Two Cheers for the Budget

THE Union Budget announced on 15th March by Mr. C. Subramaniam has naturally been widely welcomed, as it has something for a wide variety of persons and classes. On balance it appears to be a compromise between the radicals led by Mr. Sanjay Gandhi, who had called for a drastic reduction in taxation, on the one hand and the naturally conservative bureaucrats of the Finance Ministry on the other.

There are many aspects of the Budget proposals one should welcome such as the reduction in excise duties on several consumer goods and the incidence of taxation on income. On the other hand, one can see the evil of deficit finance again raising its ugly head. Our own view is that, by the time the year is out, the uncovered deficit of Rs. 320 crores will be left far behind by the realities. Can this happen without prices resuming their march upwards and inflation returning to the scene?

In so far as the stagnant state of the economy and of industry in particular are concerned, the stimulants provided by the budgetary proposals are likely to be of a cosmetic nature and can hardly be expected to solve the country's problems.

What India needs is a massive shift of investment from industry to agriculture, the suspension of further investment in Government enterprises, the restoration of competition and a massive injection of foreign equity capital. To these primary needs of the country the budget makes little response. Even so, on the principle that one should always be thankful for small mercies, one could perhaps call for two cheers for Mr. Subramaniam's Budget.

End of a Beautiful Friendship

WHEN President Sadat of Egypt denounced the Soviet Union for a breach of faith and the violation of the 1971 Treaty of Friendship between Soviet Russia and Egypt, he was only the last in a long line of victims of such bad faith commencing with the governments of Poland, Hungary and Czechoslovakia who were betrayed by their Soviet allies in breach of treaty obligations and more recently the Dubcek Government in Czechoslovakia when that country was overrun by Soviet troops within days of the signing of a solemn pact.

President Sadat described Russia as playing a 'cat and mouse' game with him, and complained that Breznev in his speech to the CPSU had opposed the policy of liberalization introduced by the Cairo Government. On President Sadat's motion, the 360 member People's Assembly formally abrogated the five year old Treaty of Friendship signed on 22nd May, 1971. Since there was no provision in the Treaty for termination but only for automatic extension, it became necessary for the Egyptian Government to denounce the Treaty before the five years ended. The strength of feeling behind the action is brought out by the fact that it took no note of the term in the agreement that either country wishing to withdraw from it should give a year's notice.

Circumstances Alter Cases

HOW far has the denigration of the Judiciary to go? And what peculiar shapes and forms must it take? The Law Minister, Mr. H. R. Gokhale, has got apparently enough time left from his multifarious duties to make an attack on the practice of addressing judges in court as "My Lord", which is a perfectly harmless practice showing the respect due to judges, as "a hangover of the British regime."

We have yet to meet a single lawyer who admits to even the slightest measure of humiliation at this showing of a measure of deference to the presiding authority in court. Certainly your Editor, even though he was a young socialist rebel during British rule, never even thought about this when he appeared before British and Indian judges in the Bombay High Court. Only those who suffer from a deep sense of inferiority would make an issue of such a petty matter. Nor is it on record that Mr. Gokhale, when he was himself a judge, discouraged anyone appearing in his court from calling him "My Lord".

Electing a Leader

THE hotly contested election for leadership of the British Labour Party and its choice of the Prime Minister has been a good object lesson of how a democratic party chooses its leader. The election of Mrs. Margaret Thatcher as the Leader of the Conservative Party defeating Mr. Ted Heath was of the same nature. On neither occasion was it alleged, as it is in more

backward countries like India, that the candidates should not thus "split" the party — a totalitarian concept normal in communist and in fascist parties.

When Mr. Anthony Wedgewood Benn was asked why he was standing for election when he had no chance of being elected leader, his answer was: "Democracy is all about choice, and elections are the best way to settle everything." How right he is.

The election of the Labour Party leader is interesting for another reason. While both the Labour and Conservative Parties are all for "the first past the post" system of Parliamentary elections, when it comes to the choice of their own leaders they very wisely back down from that archaic system and insist on a series of ballots on the French model until the winning candidate gets a clear majority. But for this, Mr. Michael Foot of the *Tribune* Group would be Prime Minister of England, though representing a minority within his own party and an insignificant minority of the British electorate!

Much Too Simple

IN an appeal to Prime Minister Ian Smith of Rhodesia on March 22, 1976, the British Foreign Secretary, Mr. Callaghan, described majority rule "as the simple answer" to the Rhodesian problem. Too simple by half or simplistic would be a better description.

In a multi-racial, multi-religious or multi-linguistic country such as Rhodesia, Switzerland, India and many others, majority rule is not necessarily democratic. In such communities, majority rule can often mean brutal tyranny. While White domination over a Black majority is intolerable, Black majority rule over a White minority is not much more democratic. In such countries, democracy involves two essentials. One, provision for the protection of the minority and, two, government by consent.

It is surprising that from Mr. Kissinger to Mr. Callaghan no Western statesman has come forward to suggest the Swiss solution to the Rhodesian problem, which means that both elections to Parliament and the composition of the Cabinet should be by Proportional Representation and not by brute majority. The Swiss model results in a government which has a composite cabinet including representatives of all the main political parties in proportion to their popular strength. It has worked much better than temporary majority rule and it has given Switzerland a stability and a prosperity which might otherwise have been lacking.

Mr. P. Kodanda Rao, a great Liberal who passed away last year, was a keen advocate of the Swiss system for our own country. Perhaps if we had adopted that model before the transfer of power, India would have remained united and the Partition would have been avoided. Lebanon is another country where composite government gave stability and the attempt at Muslim majority rule over Christians is tearing that unfortunate little country limb from limb.

SOLZHENITSYN FEARS FALL OF WEST

MR ALEXANDER SOLZHENITSYN said in a BBC *Panorama* interview on 1st March 1976 that he would not be surprised at the "sudden and imminent fall" of the West. The exiled Russian writer, who was on his first visit to Britain since leaving Moscow two years ago, indicated that he had fears not just for the West but for his own life.

"The Moscow leaders have, of course, particular feelings towards me, so my own destiny may be decided before that of my country", he said at the end of his interview in Russian with Michael Charlton, given in a country house in Northamptonshire.

"It is, of course, possible that they may try to get rid of me before the fate of my country changes for the better. I sometimes get news of that sort." That was a dark hint at KGB assassination attempts of which he did not give any more details.

Such understatements were not frequent in what was inevitably a doom-laden interview. "The West is on the verge of a collapse created by its own hands", Mr Solzhenitsyn said. "The Soviet Union's economy is on such a war footing that even if it were the unanimous opinion of all the members of the Politbureau not to start a war that would no longer be in their power. To avoid that would require an agonizing change from a monstrous war economy to a normal peace economy."

Two years ago the Soviet Union was in such difficulties that it had to seek some way out, and he and his fellow dissident, Dr Andrei Sakharov, the nuclear physicist, agreed that it should be the path of evolution. But since then terrible things had happened, he said.

"The West has given up not only four, five or six countries, the West has given up all its world positions. The West has given everything away so impetuously, has done so much to strengthen the tyranny in our country, that today all these questions are no longer relevant in the Soviet Union.

"The speed of your capitulations has so rapidly overtaken the pace of our moral regeneration that at the moment the Soviet Union can only move along one path: the flourishing of totalitarianism." The question was therefore not how the Soviet Union would find a way out of it, but how the West would be able to avoid the same fate.

Mr Solzhenitsyn brushed aside the idea, held by some of his critics, that he ignored the stark alternative to detente of a nuclear catastrophe.

In the face of the same threat in the early 1950s the West was like granite, he recalled. Now it had made

so many concessions that nuclear war was not even necessary to the Soviet Union. "You can be taken simply with bare hands. . . . The most important aspect of detente today is that there is no ideological detente."

As for the spirit of Helsinki, where the leaders of East and West Europe signed their agreement on security and cooperation last summer, how was it that so little news had come out of the Soviet Union in recent months about the persecution of dissidents, he asked.

He gave several horrifying recent examples of kidnappings and beatings by the KGB. The answer was that Western journalists had traded freer movement for no longer accepting information about new persecutions.

"What does the spirit of Helsinki and the strengthening of detente mean for us within the Soviet Union? What seems to you to be a milder atmosphere, a milder climate, is for us the strengthening of totalitarianism."

More in sorrow than anger, he contrasted the unyielding steadfastness of the West in defending himself and Dr Sakharov in the autumn of 1973; which, as he saw it, forced the Soviet Government to concede his exile, with the present position in which the West's voice counted for so much less.

He admitted that his own grave warnings had gone largely unheeded since he settled in Switzerland. "Perhaps everyone is fated to live through every experience himself in order to understand."

In the West he regretted a retreat from responsibility by the older generation, the irresponsibility of journalists, the paralysis of governmental power: analogous, he believed, to prerevolutionary Russian experience.

He insisted he was not a critic of the West, which his generation had literally worshipped as a fortress of the spirit, "our hope, our ally", in the 1950s, but of its weakness. His own outlook on life had been formed largely in the concentration camps.

Those who had lived on the frontier between life and death "all understand that between good and evil there is an irreconcilable contradiction". He was surprised that over here pragmatic considerations consistently scorned moral considerations.

He expressed abhorrence for Bertrand Russell's "horrible" expression "better red than dead", with its absence of all moral criteria.

He saw as his own task the re-creation of Russian history as it happened. "A people that no longer remembers has lost its history and its soul. . . . If today the three volumes of *Gulag Archipelago* were widely

published in the Soviet Union and were freely available to all, then, in a very short space of time, no communist ideology would be left. For people who would have read all that and understood it would simply have no more room left in their minds for communist ideology."

—*The Times*

LORD GEORGE-BROWN QUITS LABOUR

LORD GEORGE-BROWN said on March 2 that he had resigned the Labour whip in the House of Lords in protest against the Government's attitude to the press freedom proposals in Lord Goodman's amendment to the Trade Union and Labour Relations (Amendment) Bill. He said the Labour Party no longer stood for individual freedom after the defeat of the Goodman amendment in the Lords.

Lord George-Brown said after his resignation: "I have been a member of the Labour Party since 1931. I am breaking a lifetime's devotion to the party. But for me it has always been the party standing for individual freedom, and that means the freedom to speak, to write and to argue. The passage of this Bill tonight denies a man that right, in my opinion. This was the thing which ran me over the edge." He added:

"Anybody who saw last night's television programme on Solzhenitsyn must know what I mean. The Labour Party has become the establishment. It refuses freedom to individuals.

"I now join Bernard Levin and the army of Solzhenitsyn and Sakharov who stand for freedom."

—*The Times*

MOSCOW CENSOR SOLD BOOKS TO BLACK MARKET

Robert C. Toth

FOR the last 15 years, it now turns out, confiscated books have been diverted to the lucrative Moscow black market by a senior official in the Soviet censorship agency.

A few months ago he was sentenced to seven years at hard labour. The trial was closed and the Soviet press has not mentioned the embarrassing case. Details that are available come from Russians on the fringe of dissident circles.

The story poses the classic problem: Who watches the watchdogs? The watchdog in this case is the Chief Board for Protecting State Secrets from Publication, an agency directly under the Council of Ministers.

Called "Glavlit" by Russians, its stamp of approval is necessary for anything to be published in or brought into the country, including religious and art books.

Glavlit people are also light-fingered: it appears, con-

fiscating valuable packages sent by mail which have nothing to do with literature.

Investigators found that Glavlit men had seized lots of other things—records, umbrellas, scarves—that had been sent from abroad to relatives and friends here. Even Glavlit's broad powers did not permit such actions.

They dug deeper and after six months suddenly arrested Andrei Sokolov, 48, deputy director of Glavlit's "second department" which scrutinizes all foreign books.

A raid on his offices found a total of 170 sacks of confiscated literature in his sealed safes and closets. The literature had been registered as already destroyed.

For 15 years, they found, he had been supplying the black market with the forbidden materials.

He lived "on wide legs," as the Russians say—with two cooperative apartments, two wives and vacations in the south twice a year.

Mr. Sokolov—a Communist party member—got seven years in jail on strict regime and was barred for five years more from holding any responsible job.

His immediate boss, a Mr. Sokontikov, was retired by the personal order of Premier Alexei Kosygin.

—*International Herald Tribune*

NEPOTISM IN PYONGYANG

NEPOTISM is an old story in Communist dictatorships, and some who rule in the name of Marxism-Leninism have even thought of founding dynasties.

Joseph Stalin made his son Vasily a lieutenant general of aviation and apparently toyed with the idea of having Vasily succeed him until it became clear that the young man's ignorance and alcoholism posed insuperable problems. Nikita Khrushchev had great plans for his son-in-law Alexei Adzhubei until both were suddenly purged in 1964.

In China, the prominent political career of Chiang Ching during the past decade is presumably not entirely unrelated to the fact that she is Mrs. Mao Tse-tung. But to this moment, anyway, it seems likely that the champion practitioner of nepotism among Communist dictators is North Korea's President Kim Il Sung.

Probably nobody in the West really knows whether President Kim has cancer, as was widely conjectured during his absence from public view between late last December and early this month. But what is reasonably clear is that President Kim has made his son, Kim Jong Il, crown prince and No. 2 man in the North Korean Communist ("workers") party.

There is a darker side to this touching tale of filial love and cooperation. President Kim Il Sung also has a younger brother, Kim Yong Ju. A few years ago it appeared that younger brother Kim was being groomed to succeed the President. However, in February

1974, brother Kim was demoted from sixth to 13th ranking member of the Pyongyang hierarchy.

It all suggests that even under the austerity of Marxism-Leninism, ability and hard work are not necessarily the only essentials for advancement.

—Editorial in *The New York Times*

POPULAR CAIRO FILM

Thomas W. Lippman

A LURID film that portrays the secret police of the late President Gamal Abdel Nasser as sadistic torturers who betrayed Egypt's national cause is playing to full houses at a theater in downtown Cairo.

The film is ostensibly fiction, based on a novel by the popular writer Neguib Mahfouz, and Nasser himself is not criticized directly. But his photograph is shown looking down on innocent victims as they suffer and there is no doubt about the thrust of the movie's message.

The film shows suspects and political prisoners being subjected to savage beatings, electric-shock torture, cigarette burns, attacks by dogs and even graphically depicted rape....

The new film, which has quickly become Cairo's most popular entertainment attraction, tells the story of two young medical students, Zeinab and her fiancé, Ismail, who fall into the clutches of the secret police. For years they are harassed, kept in prison and tortured. They are saved only by Nasser's death and the "corrective revaluation" of his successor, Anwar Sadat.

Zeinab is a girl from a poor family who is getting a free education, a benefit of the 1952 revolution by which Nasser and his associates, including Mr. Sadat, got rid of the monarchy and the British who controlled it. But, the film says, the revolution went awry.

Zeinab, Ismail and several of their friends are arrested when a casual remark at a student meeting is reported by a spy. They are held incommunicado for several days and the cycle of arrests and torture begins....

In a scene that was well publicized in advance by the press and is exploited in billboard advertisements for the movie, the intelligence chief watches as Zeinab is raped on the floor of his office by a silent, impassive thug. Then she is taken to Ismail's cell, where a threat to repeat the rape in his presence induces him to sign a confession that he is a Communist.

Other Brutality

Other scenes show prisoners being beaten, agents tapping phones and doctoring tapes and the chief of intelligence luxuriating in his swimming pool....

The movie has a happy ending. Mr. Sadat's "corrective revaluation" of 1971 frees the innocent prisoners. Zeinab resumes her medical career. Ismail is a broken man who turns to drink but is so inspired by the Egyp-

tian military success in crossing the Suez Canal to attack the Israelis in 1973 that he pulls himself together and rushes to a hospital to treat the wounded. There, of course, the faithful Zeinab is working and they are reunited in love and duty.

The audience at a recent showing applauded when the intelligence chief in the film was shown being put into jail as his victims were being released....

Mr. Sadat, who reportedly saw the film privately before it was released, generally refrains from direct criticism of his predecessor.

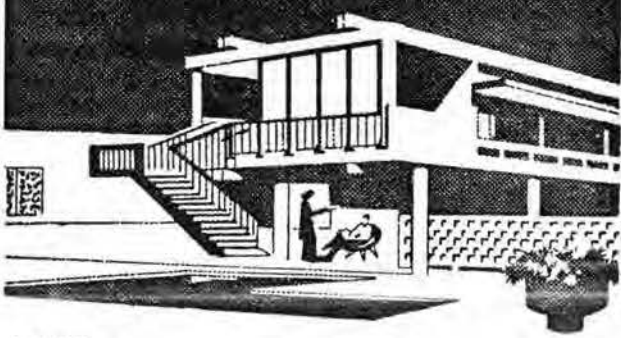
In a speech last September on the fifth anniversary of Nasser's death, the President said: "Abdel Nasser was a human being. Hence it is not belittling him if we say that he did right things and he did wrong things."

But Mr. Sadat later added that Nasser's revolution of July 23, 1952, "also had its negative aspects.... There have been deviations and there have also been prisons and detention camps. And though exceptional measures are naturally adopted by any revolution, those of the July 23 revolution remained longer than they should have and were extended to fields to which they should not have reached."

—*International Herald Tribune*

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COURT'S COMMENTS ON CENSORED ARTICLES

Madras Court Admits Writ

THIS item contains a report of the admission of a Writ Petition filed by the publisher of the weekly the *Swarajya* challenging the validity of an order of the Deputy Secretary to the Government, Public Department, deleting a passage from an article intended for publication in one of the issues of the said weekly. It states who the respondents to the said Writ Petition were, the fact that a rule was issued and that an interim injunction was granted restraining the respondents from enforcing the impugned order or from taking any further steps in pursuance thereof pending the hearing and final disposal of the said petition. It also states that the said interim injunction was issued without prejudice to the rights of the respondents to proceed against the petitioner for contravention of the said Rules. The article then sets out the submissions of the petitioner made in the said petition. The only argument advanced before us to support the Appellant's order prohibiting publication of the said item was that its publication was required to be prohibited under paragraph 3(b) of the said guidelines dated August 5, 1975. The said paragraph 3(b) provides as follows:

"3. ... The following should be kept in view for the publication of the proceeding of:

(b) Courts of Law:

- (i) The names of the judges and the counsel may be mentioned.
- (ii) The operative part of the order of the Court may be published but in appropriate language.
- (iii) Nothing should be published which infringes Censorship."

Relying upon the said paragraph 3(b) it was submitted that the paragraphs in the said item which set out the submission made in the said petition were not couched in appropriate language and infringed censorship and this, therefore, made the whole item objectionable. The paragraphs complained of merely reproduce in moderate and appropriate language the legal submissions of the petitioner in the said petition, and in no way encourage or incite people to violate the Censorship Order. The aforesaid portion of the said guidelines dated August 5, 1975 must be read in the context of the Censorship Order. A censor would have the right to prohibit publication of a report of a case in a newspaper or journal in circumstances where such publication would itself constitute a prejudicial act or a prejudicial report. If, for instance, a report of a successful prosecution for publishing a seditious article, in the guise of giving a news report of that case reproduced the said article of the seditious part thereof, such news report might itself be considered as a pre-

judicial act or the making or publishing of a prejudicial report. This is, however, not an article of this type. We find that no reasonable man can ever possibly take the view that in the context of the Censorship Order this item or any part thereof is couched in inappropriate language or in a manner which infringes the Censorship Order. We feel that in prohibiting the publication of this item the Appellant was really actuated by an *esprit de corps* to prohibit publication of a report which might show that a court had passed an interim injunction against one of the censors. We must strongly deprecate this practice of prohibiting publication in newspapers and journals of reports of cases decided by Court merely because the decision in such cases would be unpalatable to the concerned officer or authority or to the Government.

Nasser 'Dictator & Communist'

This report states that in a trial taking place in Cairo two colleagues of the late President Nasser of the United Arab Republic, who were members of the Revolutionary Council which overthrew the Egyptian monarchy, told the court that most of the decisions taken by President Nasser were unilateral, that he ruled alone without consulting any of the members of the command, that they resigned protesting against President Nasser's dictatorship and that President Nasser had been slowly changing the society into a Communist one. The said item also reproduces a statement, said to be made by former President Mohamed Naguib of Egypt in the course of an interview, that the revolution of President Nasser had offended the Egyptian people more than it had benefited them. The said item concludes by stating "President Anwar Sadat is now exerting a legendary effort to save the public. Had it not been for him, Egypt would have been lost for ever."

It was submitted by Mr. Advani, learned Counsel for the Appellant, that the publication of this item was rightly banned as it affected India's relations with foreign countries and that under paragraph 4(i) (i) of the said guidelines dated August 5, 1975 nothing should be published which is likely to affect India's relations with foreign countries. Sub-clause (a) of Rule 36(6) of the said Rules makes an act which is intended or is likely to prejudice India's relations with any foreign power a prejudicial act. We are wholly unable to see how what is stated in this item can in any manner prejudice India's relations with the United Arab Republic. If Mr. Advani's submission were to be accepted, the result would be that no one would be able to publish any foreign news. The late President Nasser made his mark in contemporary history. No man who has played an important role in history can ever hope or expect to be praised by all. No policy or course of action of a

ruler or Government can ever meet with the approval and concurrence of every single person. The said item is after all a report of a trial which was taking place in Cairo itself, and as the said item shows, this was a news report which originated from Cairo. The report of a trial which took place in Cairo, the capital of the United Arab Republic, and of which the report was sent from Cairo, cannot in any manner affect the relations of the United Arab Republic with our country. How it can affect such relations is something which neither we have been able to fathom nor has learned Counsel for the Appellant succeeded in enabling us to do so. In fact, a significant thing to note about this article which the Appellant seems to have wholly overlooked is the concluding portion thereof, which we have quoted above, praising the present President of the United Arab Republic. We, therefore, see no substance in the objection raised against the publication of this item.

"Policeman's Duty to Disobey Sadistic Orders"

This item is taken from a news report published in the 22nd June 1975 issue of the daily the "Times of India", originating from a report received from the Hague. The opening paragraph of the said item is as follows:

"Amnesty International has said that police officers have a duty to disobey orders to torture people in their custody. Draft principles of an international code of police ethics approved at a private two-day meeting convened by Amnesty International, which is campaigning for the abolition of torture, have called on police officers to disobey orders contrary to fundamental human rights."

The said item then states that the meeting of Amnesty International was attended by representatives of police forces and the police authorities from Austria, Belgium, Luxembourg, France, Britain, Ireland, Norway and Holland and that a statement issued after the said meeting by the Amnesty International said that the police code of ethics should apply to all people or organizations, including secret services, military police, armed forces or militia action in policing capacities and that that organization's representative in the Netherlands had made a statement that the draft principles adopted at the said meeting were to be discussed in the U.N. in September 1975. Mr. Advani's submission with respect to this item was that though there was nothing objectionable in the said item as written, what was objectionable was the idea behind it, namely, that not only the police force, but the secret services, the military police, the armed forces and the militia should disobey all orders. We are amazed that anyone can imagine that such was the motive or idea behind this item. This item refers to a meeting of an international

organization, the Amnesty International, at which a resolution was passed and certain draft principles adopted for the purpose of being brought before and discussed by the United Nations. The object was to bring about the abolition of torture, a reprehensible activity which no one can condone. Mr. Advani stated that the reference to fundamental human rights in the said item would confuse any police or military officer reading this report and mislead them into disobeying all orders. We are unable to say whether the reference to fundamental human rights in the said item confused the Appellant, but we are sure that it is not likely to confuse any police or military officer or any other educated person. The reference is clearly to the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948 to which India is a party. We find the Appellant's objections to the publication of this item without any substance.

Revoke Emergency: Maharashtra Bar Council

By the said Resolution the said Bar Council expressed strong disapproval of the said Proclamation, with a request to the President to revoke the Proclamation forthwith. Mr. Advani, learned Counsel for the Appellant, submitted that the publication of the said resolution would be a contravention of Rule 43 of the said Rules inasmuch as it would amount to either doing a prejudicial act or publishing a prejudicial report which would incite the commission of a prejudicial act. In support of this submission Mr. Advani relied

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upon sub-clauses (e), (h) and (n) of Rule 36(6), and stated that the publication of the said resolution would bring the Government into hatred and contempt and would excite disaffection towards it, that it would cause fear and alarm to the public and that it would influence the conduct and attitude of the public or at least a section of it in a manner likely to be prejudicial to internal security. Mr. Advani also took strong exception to the use of the words "colourable exercise" in the said resolution. We are unable to read the said resolution in the manner canvassed for by Mr. Advani. Mr. Advani also submitted that the said item was required to be prohibited under the so-called guidelines dated July 13, 1975 under which the subordinate authorities were required not to allow to be printed anything "which is likely to convey the impression of a protest or disapproval of the governmental measures". As mentioned earlier, the said guidelines are not on the record, and we cannot refer to them. Assuming we are wrong in this view which we have taken, we do not read the said guidelines as banning all protest or disapproval of a governmental measure. These guidelines must be so interpreted as to refer not to every protest or disapproval but only to such a protest or disapproval as would affect the internal security or the public safety or the maintenance of public order. The protest and disapproval contained in the said resolution is an exercise of the right of dissent. The law recognized the right of dissent within permissible limits. This right has been judicially recognized by the Federal Court in *Niharendu Dutt Majumdar v. The King Emperor*, 1942 F.C.R. 38, 48-51; by the Supreme Court in *Kedar Nath Singh v. State of Bihar*, (1962) Supp. 2 S.C.R. 769, 805-8; and by Division Bench judgements of our High Court in *Anant Janardhan Karandikar v. M. A. Deshmukh*, (1966) 68 Bom. L.R. 256, 273; and in *Miscellaneous Petition No. 1227 of 1975 - N. P. Nathwani and others v. The Commissioner of Police and another*, decided on December 15/16, 1975. It is also not the policy of the Government to stifle all dissent. The Government's policy in this behalf is shown by the opening paragraphs of the said guidelines dated June 26, 1975 and August 5, 1975 issued to the Press. It is also indicated by the fact that under the Prevention of Publication of Objectionable Matter Ordinance, 1975, which prohibits the publication of "any objectionable matter" as defined by section 3 of that Ordinance, by Explanation I to the said section 3 "comments expressing disapprobation or criticism of any law of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means" are not to be deemed to be objectionable. The expression "colourable exercise" is one well understood in law. It really means purported exercise. It is true that by the said resolution oblique motives have been attributed to the President, but as pointed out by the Supreme Court in *Kedar Nath Singh*

v. State of Bihar, (1962) Supp. 2 S.C.R. 769 at page 805, "the expression Government established by law has to be distinguished from the persons for the time being engaged in carrying on the administration." We are unable to find any intention or likelihood in the said resolution of bringing the Government established by law in India into hatred or contempt or to excite disaffection towards it or to cause fear or alarm to the public or to any section of the public. We also cannot read the said item as in any manner likely to influence the conduct or attitude of the public or any section of the public in a manner likely to be prejudicial to internal security. It must be borne in mind that what the said resolution seeks to achieve is revocation of the said Proclamation, but it seeks to achieve it by means of a request to the President. It is one thing to impute motives for a particular action and to request the head of the State to reverse that action and an altogether different thing to impute motives for an action and to seek its revocation by inciting people to violence or to acts of public disorder or by civil disturbances. We accordingly do not find any substance in any of the objections raised by the Appellant to the publication of the said item.

Many Voices

The item in question is as follows:

"Ours is not wicked country, and we cannot abide a wicked government.

—Senator Church quoted in *Time*, June 16."

The objection to this item was based upon paragraph 4(f) of the said guidelines dated August 5, 1975 which states, "Quotations, if torn out of context and intended to mislead or convey a distorted or wrong impression, should not be published." Relying upon this provision it was submitted by Mr. Advani that this statement of Senator Church was torn out of context and intended to mislead people and convey to them the wrong impression that the said statement referred to our country. To us this seemed an astonishing proposition. There could have been substance in this submission had the source of this quotation not been mentioned, but it is mentioned as Senator Church. It is further mentioned as being a statement made by him to the well-known American news weekly, 'Time'. Nobody on reading this could think that Senator Church was speaking about India when he referred to a country as "our country". No attempt was made to point out in what manner this quotation was torn out of the context. In fact, what the context was was not stated by the Appellant. In this connection, it is pertinent to note that no specific reason for prohibiting the publication of this term was mentioned in the Appellant's affidavit in reply nor even in the Memorandum of Appeal or the Supple-

mental Memorandum of Appeal. We, therefore, find no substance in the Appellant's objection to this item.

Calling a Spade a Spade

It is the reproduction of what was stated in *the Swiss Press Review and News Report*. It is stated in this report that a stay in India was probably the best way for Americans to rid themselves of their guilt complex and that there was in India a mode of criticizing Americans which was so widespread and so unfair, in view of India's own aggressive record over the years, that it made even the anti-American stand up and look for things to justify his own country. The opinion so expressed is stated to be based upon what was said by Mr. Moynihan, the former United States' Ambassador to India, in an article written by him in the American monthly, the 'Commentary'. In the said article, an extract from which is reproduced in the said item, Mr. Moynihan has stated that the problems of many newly independent countries were very largely of their own making and that among the developing countries one could identify those which had made a good job of trying to solve their problems and those which seemed to have made no such attempts. He then cites Brazil, Nigeria and Singapore as examples of those countries which have made a serious effort, and then draws the conclusion that the failing of other countries had little or nothing to do with the failing of Americans. The said item concludes by quoting Mr. Moynihan as saying, "It is time we grew out of our initial — not a little condescending — supersensitivity about the feelings of other nations!". This item along with the remaining four items was one which had been previously authorised for publication by the said Mathur. Mr. Advani relied upon paragraph 4(b) of the said guidelines dated August 5, 1975 in order to justify the Appellant's action in prohibiting publication of these five items. The said paragraph 4(b) states "Reproduction of any objectionable matter already published is not permissible." Even apart from the said guidelines, it is clear that if any objectionable matter had been published prior to the Censorship Order, it cannot be allowed to be republished or reproduced thereafter. Similarly, after the coming into force of the Censorship Order if an objectionable matter had been permitted by the censor to be published, it does not follow that its republication or reproduction cannot be prohibited, because the earlier authorization to publish might have been given under an error. It was submitted by Mr. Advani that the publication of this item would affect India's foreign relations with the United States and that describing India as having an aggressive record would excite disaffection amongst the people of India against their Government. We are unable to see how these consequences can follow upon the publication of the said item. It is salutary for every country to know what

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others think of it and who are and who are not its friends and well-wishers. Countries do not frame their foreign policies in the light of statements made by individuals, even though these individuals might have once held official positions. They formulate their policies on various considerations, usually of political expediency. We are also unable to see how reproduction of an article published in a foreign journal which characterized India's record as aggressive would excite disaffection amongst the people of India against their own Government. It was also submitted that the part of the said item which referred to several developing countries not making any effort to solve their problems, if published, would affect the economic stability of India, and in support of this submission reliance was placed upon paragraph 4(i) (iv) of the said guidelines dated August 5, 1975 under which nothing is to be published which is likely to threaten economic stability. On behalf of the Respondent it was submitted that the maintenance of the economic stability of India was not one of the purposes of the Censorship Order. We are unable to accept this submission. Where economic stability is threatened, it may result in economic instability, and history shows all too plainly that economic instability has been the breeding-ground of many a revolution. We, however, find the description of the said item as an attempt to threaten the economic stability of India to be so fanciful and far-fetched as to border on the farcical. Mr. Advani also submitted that the publication of this item would undermine the public confidence in the national credit and in Government loans and that such writings are prohibited from being published by paragraph 4(i) (ix) of the said guidelines dated August 5, 1975. The said paragraph 4(i) (ix) is a reproduction of a part of sub-clause (1) of Rule 36(6) of the said Rules under which an act intended or likely to undermine public confidence in the national credit or in any Government loan is a prejudicial act. We can only reject this objection with the same comment which we have applied to the objection based on the ground of threat to India's economic stability.

Swiss Constitution for India

The ninth item is an extract from a letter to the editor written by one P. Kodanda Rao to be published under the heading "Swiss Constitution for India". It refers to the late Mr. L. S. Amery's recommendation, when he was the Secretary of State for India, that the Swiss constitutional system should be adopted in India. The letter then sets out the advantages of the Swiss system. It then refers to the reaction of the late Lord Linlithgow and the late Lord Wavell to this recommendation, and continues again with the writer's comments on the Swiss Constitution. The passage relating to what Lord Linlithgow and Lord Wavell said

was directed to be deleted by the Appellant. The said passage is as follows:

"Linlithgow was however doubtful of ballot secrecy in India and was quite certain that no Oriental would accept defeat in a ballot as final and would rather start at once to recover by intrigue, blackmail and corruption what he lost in the fair fight. Wavell said that Muslims regarded the Swiss system as a sign of grace, while the Hindus rejected it entirely."

Mr. Advani submitted that the part of the said letter reproducing the opinion expressed by Lord Linlithgow amounted to a denigration of all Orientals and that as an Oriental he felt indignant at reading it. So do we, but we cannot let our indignation colour our judgement and betray us into giving a wrong decision. Denigration of Orientals cannot in any manner be construed as a prejudicial act as defined by Rule 36(6) of the said Rules nor would it in any manner affect the internal security or the public safety or the maintenance of public order. So far as the part of the said letter relating to the statement of Lord Wavell is concerned, it was said that its publication would constitute a prejudicial act within the meaning of sub-clause (g) of Rule 36(6) or would amount to publication of a prejudicial report relating to such prejudicial act. The said sub-clause (g) makes an act which is intended or is likely to promote feeling of enmity and hatred between different classes of persons in India a prejudicial act. It was said that the publication of this part of the said letter would promote feeling of enmity and hatred between Hindus and Muslims and would aggravate the communal tension and the communal situation in the country. We find nothing in this statement of Lord Wavell which could in any way excite communal feelings. It is a statement of the opposite stands taken by the Congress and the Muslim League during the Freedom Movement. The Appellant's said objection was a startling one and were it to prevail, the consequences would be even more startling, because then no book or article could be published about the Freedom Movement since any such book or article must involve the mention of the differences of opinion between the Congress and the Muslim League and their opposite stands, nor could any mention be ever made of Pakistan because it would remind the people of Partition and the reasons which brought it about and the atrocities and massacres which attended upon it. We find the objections to this item to be far-fetched and wholly unrealistic.

Open Letter to US Ambassador

This letter relates to a news item in the *Hindu* with respect to the anger shown by Mr. Saxbe against the anti-U.S. comments made by Indian leaders. It admires what is characterized in the said letter as Mr. Saxbe's frankness and outspokenness, and states that this ad-

miration is shared by thousands of ordinary Indian citizens. It further states that a number of distinguished American Ambassadors to India, such as Mr. Galbraith and Mr. Moynihan, were frustrated by the time they left India, though most of the time they were on the side of India to the extent of finding fault with their own Government. It then refers to the U.S. aid to various countries, and states that it was strange that uniformly this had not earned the U.S. any gratitude but instead had earned the American people hatred in most places. Then come the following four paragraphs:

"No country has had as much aid as India from the USA. Still the help has resulted only in bolstering up the Congress, which now in alignment with Russia, is trying to bite the hands that fed.

"Rajaji said, years back, that the USA should stop all aid so that people will cease to depend on outside largesse and depend on themselves and work. This will also enable us to stand on our own feet and will not make available to people in power easy money to play with. The stranglehold of a corrupt government could be avoided.

"I hope that at least you will change the tide and utilise the present US Congress mood to stop the unending 'AIDS', which will do no good either to you or to the people of India.

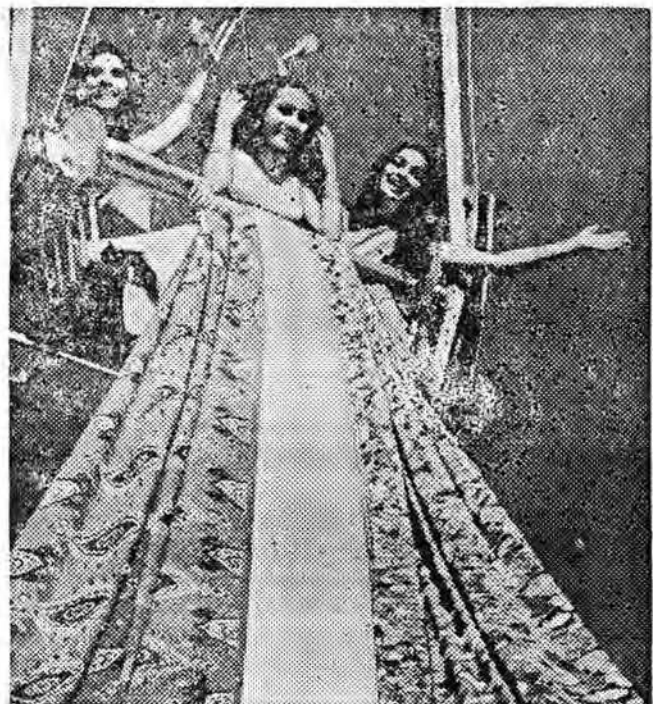
"Instead it would be worthwhile to make a study of the three articles presented by Mr. Garry Jacob, an American citizen, in *The Hindu* of 24, 25 and 26th April as regards the way in which silent work could be done to bring closer the American and Indian people, leaving alone the Indian Government and leaders to cry themselves hoarse with imaginary sea invasions and CIA subversions."

The letter concludes by wishing Mr. Saxbe well for calling a spade a spade. The reason for prohibiting publication of this letter given in the Appellant's affidavit in reply was that the said letter was in bad taste and would result in creating disaffection towards the Government. At the hearing of the Petition it was also urged that it would affect India's foreign relations. Before us Mr. Advani repeated the same grounds and also contended that it would affect India's economic stability. With respect to this objection based on the threat to India's economic stability Mr. Advani relied upon paragraph 4(i) (iv) of the said guidelines dated August 5, 1975 under which nothing is to be published which is likely to threaten economic stability. Relying upon the paragraphs of the said letter reproduced above it was submitted that they suggested that the people at the helm of our Government were corrupt and that this was likely to incite people against the Government and to make them indulge in acts of violence and disorder. We really fail to see how a letter written by some reader of a journal to the editor of that journal and published in that journal would have that effect.

This is an expression of opinion held by the writer of that letter, and one may not agree with it, but it certainly does not have the tendency of inciting violence or disorder. It was further said that it would affect India's relations both with the United States and the U.S.S.R. It is too much to be expected to believe this. The opinion expressed by the writer of that letter can in not the slightest degree influence or affect the relations of any foreign country with ours nor our relations with any other country. It was lastly said that if this letter were allowed to be published, the United States would stop all aid to India and thus India's economic stability would be jeopardized and affected. This is crediting to the writer of the said letter with too much importance which even he in his wildest dreams must not have attributed to himself. Surely, American aid is not given or reduced or withdrawn in proportion to what is written in letters to newspapers and journals. We find all these objections too fanciful and far-fetched.

Many Voices

The last item is a reproduction of a quotation of Mr. J. L. Nain, the Chairman of the Monopolies and Restrictive Trade Practices Commission and a retired Judge of this High Court, which was printed in the 6th May



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1975 issue of the "Times of India". The said quotation is as follows:

"Public-sector commercial corporations are resorting to unfair trade practices without any hindrance. —Mr. Justice J. L. Nain quoted in the *Times of India*, May 6."

It was submitted by Mr. Advani that this item, if published, would undermine public confidence in the national credit and in Government loans and would, therefore, constitute a prejudicial act within the meaning of sub-clause (1) of Rule 36(6) of the said Rules. It was urged that this item would convey a wrong impression of all public undertakings and that it was a quotation torn from the context, and the entire speech or article or judgement from which this quotation has been taken should have been reproduced. We are unable to agree with these submissions. We fail to see how the publication of this quotation would in any manner undermine public confidence in the national credit or in Government loans or in any manner deter people from subscribing to any Government loans. This item is the reproduction of a criticism by a highly responsible person — the Chairman of the Monopolies and Restrictive Trade Practices Commission. It is not only the public but also the Government who are interested in the working of the public-sector commercial corporations, and it is but right that the views of the person who is best able to judge the working of these corporations should be published, and thus brought also to the notice of the Government. It is not shown by the Appellant in what manner this quotation is torn from the context nor what the context was. In fact, neither the Appellant's affidavit in reply nor any of the grounds of appeal or additional grounds of appeal raised any specific ground of objection to this item. We, therefore, find that there is no substance in these objections.

General

It now remains only to deal with the general objection to all the said items, namely, that each of the said items is a prejudicial act within the meaning of Rule 36(6) (e) of the said Rules inasmuch as it is intended or is likely to bring into hatred or contempt the Government established by law in India or to excite disaffection towards it. We have already mentioned our reasons for upholding the Appellant's orders with respect to the first and the eighth items, namely, the said article by Mr. Tarkunde and the article headed "Jai Jayawardene". So far as the remaining items are concerned, we are unable to find any intention or likelihood in any of the said items or in any portion of any of them to create any disorder or disturbance of law and order or incitement to violence, which is the gist of an offence under sub-clause (e) of clause (6) of Rule 36.

We find that, in the case of the items other than the said article by Mr. Tarkunde and the said article

headed "Jai Jayawardene", the objections urged are unrelated to any of the purposes or objects of the Censorship Order, most of the consequences contemplated fanciful and far-fetched and the view taken such as no person acting rationally can ever possibly take. Logic rebels and reason revolts at inferences so devoid of any foundation in reality or basis in common sense.

It was lastly submitted by Mr. Advani that even in the case of those articles with respect to which we have found all the objections urged before us to be groundless, we should not uphold the order of Bhatt J., directing publication but should ask the Appellant to reconsider the said items in the light of our observations in this judgement. In support of this submission reliance is placed upon *M/s. Hochtief Gammon v. State of Oriss and others*, (1975) 2 S.C.C. 649. We have already discussed this case above and have pointed out that that was a case where the Government had not given any reasons for passing its order. As held in *M/s. Krishna Cinema and others v. The State of Gujarat and another*, A.I.R. 1971 Gujarat 103, where all the grounds which can be urged have been urged and rejected, it is a fit case for issuing a Writ of Mandamus. To do otherwise would be an exercise in futility, driving a citizen from pillar to post. We accordingly hold that, except with respect to the said article by Mr. Tarkunde and the said article headed "Jai Jayawardene", Bhatt J., was right in setting aside the orders of the Appellant and in issuing the writ, orders and directions which he did with respect to their publication.

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Review

COLD AND UNINSPIRING

Rational Legitimacy, by Donald Rogowski,
(Princeton University Press, 1974, Price \$13.50).

ONE of the central themes in Political Science is how or why people choose a particular form of government. Different sociological or historical explanations have been offered for oriental despotisms in the past and for the preference of the Anglo-Saxons for a system of government which eventually developed into a constitutional democracy. The assumption that certain people have in them the genius for a particular form of government cannot be taken seriously. Such a view is however, often expressed and it would be interesting to recall that President Ayub Khan once remarked that for parliamentary government you need "really cool and phlegmatic temperament, which only people living in cold climates have." This theory smacks of ethnic and cultural determinism but it has been restated in more sophisticated ways. One of the fashionable themes in political sociology, for instance, deals with 'political culture' as the factor determining the legitimacy of political systems. The author Donald Rogowski rejects the conventional theories in the field as unsatisfactory explanations for the acceptance by people of a specific form of government.

The fact that the concept of "political culture" is nebulous and vague will generally be conceded. It was argued once upon a time that "Hitler's regime, despite some notable changes, merely embodied the essence of the old Prussian spirit." But what about the Weimar Constitution and its unmistakable liberal temper? The cultural determinists had a ready explanation to offer—"The Weimar democracy", they argued, "had been little more than an aberrant wave on an authoritarian sea, doomed by its uncongeniality to fundamental political orientations." Unfortunately for the theorists, however, the West German Federal Republic has been in existence for a quarter century.

Again, it is difficult to ascertain what elements in any political culture are durable. The norms and values in a culture may be internalized through the process of socialization but they do not help us much in explaining the limits of political support.

Having rejected the ruling theories, Rogowski advances the thesis that people take political decisions about support for government *rationally*, "or at least act as if they did." Further, "the ethnic and occupational divisions of any society are the principal information on which its members would have to base a rational choice among other forms of government." The essence of this rationality lies in relating means to ends in the light of the information that is available. Such a decision could be irrational. Thus "it would be irrational to take a ship from New York to London if

the goal were to get there within a few hours and jet planes were known to be available." Rogowski argues that classical theories had in them a rational legitimacy but they were only valid under certain conditions and had no universal validity. The rest of the book is devoted to constructing a theory of rational legitimacy. At one place he examines India's "pillarized" (caste-structured) society and he notes that the king's powers were limited in ancient India. "Society transcended the State and was independent of it." He suggests that with increased mobility and greater communication India would need an authoritarian leadership. "Democracy, except in a plebiscitary and 'guided' form, has little immediate future." Whether such a political system is "rational" or not is a matter on which one could have a difference of opinion. Moreover, the whole theory of rational legitimacy could well break down when the facts of a traditional society are taken into account.

Rogowski's theory is dressed up formidably (after all, it is part of a Ph.D. thesis!) and much of it is far too abstract for ordinary mortals. Whether a theory seeking to explain the acceptance of forms of government by a people needs to be put in such an obtruse manner is a fundamental question. Despite the scholarship which has gone into the book, it leaves me cold and uninspired.

S. P. AIYER



WITH MANY VOICES

"The deep
Means round with many voices. Come, my friends,
'Tis not too late to see a newer world."
—Tennyson.

Citizens must be urged not to flatter their rulers. Only a true saint can receive continual adulation without damage to his character.

—Rajmohan Gandhi in *Himmat Weekly*, February 20.

The test of democratic principles is not whether a party accepts the election that puts it in office, but whether it accepts the election that would throw it out.

—*International Herald Tribune*, February 18.

I'm proud of being a woman; if people didn't look at me as a sexual object, I'd be insulted. Men looking at you is the greatest compliment you can have.

—Sidney Sanger in *International Herald Tribune*, February 3.

The President of the United States does not run this country with his feet. He runs it with his head.

—Governor Wallace in *Guardian*, February 4.

I shall soon be seeing Karl Marx.

—Chou-en-lai quoted in *International Herald Tribune*, February 2.

We cannot accept a minority regime imposed on our people by Cuban troops and Russian tanks.

—Jons Savimbi in *Time*, March 1.

The reputation of men in public life can be a long time in the making, but a short time in the breaking.

—*The Economist*, February 14.

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Turn up at Buckingham Palace on 1st March and you will see Gurkhas mounting guard. They will be mercenaries. If in Rome try the Swiss Guard outside the Vatican. Mercenaries too.

—*The Economist*, February 14.

It is not that rich and wicked multinationals are corrupting the innocent rulers of the third world; these rulers are sometimes as corrupting as corrupted, and some are already rich beyond the wildest dreams of anything but avarice.

—*The Economist*, February 14.

American English is fast becoming the lingua franca of the world.

—Henry Fairlie in *Encounter*, January 1976.

Just as Popes in the Middle Ages got away with murder, claiming to be doing God's work, so today do trade union leaders enjoy a comparable kind of immunity and protection, because they, too, are doing the modern equivalent of God's work.

—Peregrine Worsthorne in *Encounter*, January 1976.

The trade unions, by ruthless use of the strike weapon, can reduce a country like Britain to chaos in a few weeks far more effectively than the Luftwaffe was ever able to do.

—Peregrine Worsthorne in *Encounter*, January 1976.

The conjunction of dreaming and ruling generates tyranny.

—Michael Oakeshott quoted in *National Review*, December 5.

So long as the British insist on printing money much more rapidly than, say, the Swiss, the British pound must ultimately decline in value relative to the Swiss franc.

—*National Review*, December 5.

The savage atrocities committed by "liberated" people against themselves and their neighbours make European colonizers seem like angels.

—Erik v. Kuehnelt-Leddihn in *National Review*, December 5.

Is Idi Amin really an improvement on Queen Victoria?

—Erik v. Kuehnelt-Leddihn in *National Review*, December 5.