

When Not To Negotiate

M. R. Masani

THE people of India wish Parliament and Government to stick to their demand that the entire territory of India as it was in 1947 or 1950 must be evacuated by the Chinese Communist troops before there can be any question of our sitting round the table with them. The proposal that India should accept the Colombo Proposals is an abject abandonment by the Cabinet and the Prime Minister of their own position as it was a few days back. It was as recently as December 11, in the closing debate of the last session of Parliament, that the Prime Minister amidst cheers from the whole House told the Lok Sabha that there could be no negotiations or resort to other peaceful methods until the Chinese vacated their recent acts of further aggression. Not to insist on this, he said, would be not only to let the Chinese retain whatever they had captured by their blatant acts of aggression since September 8, but also to expose India to the danger of further aggression.

On January 20, the same Prime Minister said that it would not be "civilized" to refuse to do what he said would be unpatriotic and a betrayal of our position on December 11. What was unthinkable on December 11 had now become on January 20 the height of civilization! If I understand the minds of the Indian people, they consider it to be civilized not to trust or sit round the table with people who have double-crossed them and cheated them over and over again, whose word, as our Prime Minister said only a few weeks ago, cannot be trusted any more, people who have shown themselves to be a gang of bandits and nothing better. Such a group of people are not entitled to any recognition as a civilized government with whom we should deal. I should have thought that to keep one's hands clean and not to soil them by shaking hands with murder was the essence of being civilized.

Not only is an acceptance of the Colombo Proposals a climb down for the Prime Minister and Government from their 8th September line, which many of us had never accepted but, what is more important, it is a resiling from the solemn resolve made by the Indian people through their Parliament, and made unanimously, on 14th November. On that day, the Lok Sabha unanimously passed, standing, a resolution

which embodied the national resolve. The last paragraph said: "With hope and faith this House affirms the firm resolve of the Indian people to drive out the aggressor from the sacred soil of India, however long and hard the struggle may be". This resolution was moved by the Prime Minister who now thinks it is 'uncivilized' to adhere to this resolve.

The surrender of territory is bad, but there are more fundamental objections than that. Our struggle with Communist China is not only for territory. It is even more for our national self-respect and honour on the one hand and the Indian democratic way of life on the other. Both these have been horribly assailed and mauled by what happened on our frontiers in October and November. Until that humiliation has been wiped out, until our gallant soldiers have been given an opportunity, properly armed and equipped, to give the enemy a bloody nose, until we have thrown the enemy out of our territory, it is unworthy of a brave country with any manhood left in it to negotiate. At this stage, after suffering the military reverses that we have in October and November, the very possibility of negotiations with the conqueror would be ruled out from any except a sick mind. That does not mean that we attack him tomorrow. But it does mean that we keep our hands free and, when the time comes when we have managed to re-establish a balance of power more favourable to us, we feel free to move forward to throw the enemy out and then say—now let us sit down and talk at the conference table.

Since Mr. Khrushchev is a great favourite with some of our national leaders in Delhi, let him prove the point. Mr. Harry Kissinger in his book *The Necessity of Choice* quotes a very sensible and sound proposition advanced by Khrushchev. Khrushchev said at Leipzig in East Germany on 7th March 1959: "History teaches us that conferences reflect in their decisions the established balance of forces resulting from victory or capitulation in war or similar circumstances."

What is our position today? We have undergone a crushing military defeat thanks to the negligence, or worse, of our previous Defence Minister. If today we sit at the Conference table and we negotiate with the Chinese Communist victors, then let us be perfectly clear with ourselves, we shall be going to the Conference table to accept the consequences of defeat. There can be no other meaning than that to negotiations after a military set-back. Just imagine what would have happened if Winston Churchill had accepted an armistice offered by Hitler immediately after the debacle of Dunkirk!

It would appear that New Delhi is reverting to the

old posture of appeasing Chinese Communist expansionism that has already brought disaster on this country.

Rajaji, in an article in *Swarajya* has tried to visualize what India's position would be if she were to accept the Colombo proposals and make peace on these terms. He says: "If we are induced for the sake of Afro-Asian solidarity to agree now to negotiate on China's terms or what amounts to it, we shall for ever be satellites of China, isolated from those nations of the world who were willing to help us against communist aggression. We shall never be free from the menace that has descended upon us. We shall be in exactly the same position as Poland or Hungary or the other Eastern nations of Europe vis-a-vis Russia. And this will be our permanent pass, there being no hope of winning an isolated race with China in military or industrial power. The key to save ourselves from this threatened status of satellitism under China is now to resist her with the support of the anti-Communist powers of the West, and to await peace and neighbourliness to grow out of mutual and balanced respect. To be afraid of seeking or accepting Western co-operation now and to accept any terms of peace under the advice of the Colombo nations, when China is flushed with victory, is to surrender our honour and sacrifice our future and accept Communist China's hegemony in Asia."

Even today the Indian people, who rose to great heights during the fighting in October and November, are almost unanimous on the subject. If it was not for the wrong lead that New Delhi is trying to give,

the country would be unanimous in rejecting the Colombo proposals and negotiations at this stage.

History is quite prepared to forgive people who make a mistake for the first time. But while the first mistake is forgivable, if we make the same mistake a second time, it is a crime for which neither history nor posterity will forgive us.

(Based on a speech at K. C. College Hall, Bombay, on January 21, 1963.)

Cabinet and Parliament

MR. Nehru, speaking in Parliament on 24th January, stated at two separate points, that Government does not function by constant references to Parliament but acts on certain broad directions given by it. Since this opinion relates to a vital point in the negotiations with an enemy still on our soil, it is surprising that it has not evoked dissent in Parliament itself. If Mr. Nehru intended to convey that the recent debate on Colombo Proposals was an act of grace and only a means of keeping Parliament informed, it is well the people must understand clearly, the powers and purpose of Parliament itself. The Cabinet, entirely nominated by Mr. Nehru from among a regimented majority party, if Mr. Nehru's opinion remains uncontested, can conduct far-reaching negotiations with a foreign power wholly undeterred by any fear of disapproval. But the life of a Parliament, the living essence of it, consists in action and reaction between the Ministry and the Opposition. An Opposition is an alternative government, temporarily in a minority. A foreign policy by any majority party, if it is to be respected abroad must take into account a future dissenting government. Majority rule is only a democratic method by which decisions are to be taken, and it is desirable to do so; but the majority decisions do not imply that a majority is right or that what it decides is inherently good. Mere fact of a majority vote does not sanctify an act. A Parliament which abdicates to Government its right to decide, even on detailed measures of foreign policy, needs to be watched by the public lest the Ministry, de jure, as in fact, become a method of dictatorship in a democracy with only its outward forms preserved.



"If we had only asked for Soviet ships—I'm sure they would have arrived by jet!"

Courtesy, Hindustan Times

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Balance Of Power After Cuba

Zbigniew Brzezinski

[*Freedom First* is privileged to carry this article specially written for it by Prof. Z. Brzezinski, the Director of the Russian Centre at Columbia University. Prof. Brzezinski is a wellknown authority on the political and economic situation in Russia and was recently in Bombay.]

THE Cuban crisis marks the beginning of a new phase in the American-Soviet conflict. Needless almost to add, it is most unlikely that American-Soviet relations will suddenly be much better or that either the United States or the Soviet Union will alter their positions on the main issues that have divided them for the last seventeen years. But unless the United States dwindles away the psychological capital gained by acting with such reassuring swiftness and determination, it could be the beginning of a new phase dominated by American diplomacy and American initiatives. The Soviet claim that the balance of power had shifted in their favour has been decisively refuted and Khrushchev showed that he prefers to be Red than Dead! The American leaders, too, have been "educated" by the recent experience, and the sweet taste of success is likely to make them even less prone to be intimidated by future Soviet threats.

The phase which the Cuban incident ended was dominated by Khrushchev's conception of "peaceful coexistence". As he conceived of it, the basic components of the policy were: (1) the continual but subtle stimulation of revolutionary change in the underdeveloped parts of the world, eventually (but not immediately) pointing to a communist takeover (the "objective" aspect of the policy), and (2) the occasional backing of the foregoing with political and military means, including even the increasingly frequent threats of war (the "subjective" element). The threat of war was thus used both with respect to Berlin and to Cuba, and Khrushchev obviously believed that Soviet rocket development provided the margin sufficient for intimidation. The Marxist-Leninist combination of "objective" and "subjective" elements in the policy, Khrushchev seems to have thought, would give the Soviet Union new international success, but within the context of "peaceful coexistence" with the West.

The Cuban venture was clearly of that order. Encouraged by his successes in Laos and by the American failure in the Bay of Pigs in 1961, he hoped quickly and cheaply (much more cheaply than if he had concentrated on Soviet ICBM development) to achieve the following goals: (1) to improve Soviet striking power, thereby reducing the gap between the present vulnerability of the Soviet Union to American blows, and the much lesser American vulnerability to Soviet blows; (2) to create a psychological deterrent against a firm American stand in Berlin, where apparently he hoped to bring the crisis to a head some time after the completion of his Cuban operation, probably late in November or December; (3) to score a major triumph in Latin

America, impressing all concerned with Soviet power, enhancing the status of Castro, and again showing the US to be an impotent giant.

His dramatic failure—a failure all the more significant because it occurred in the context of a direct American-Soviet confrontation, with the President of the US issuing a direct warning that a nuclear strike against the Soviet Union would be undertaken if a single missile was fired from Cuba—wrenched from his hands the political tool of a threat of war. There is no need to elaborate here on the confusion that prevailed in the Kremlin—one amusing indicator of it was provided by *Izvestia* of October 28th: a signed editorial on page two denounced the possibility "that in exchange for denying Cuba the ability to repel American aggression, one might 'give up' some American base close to Soviet territory Such 'proposals', if you can call them that, merely serve to betray the unclean conscience of the authors". The very same issue was carrying on its page one Khrushchev's proposal to swap the Cuban missiles for the American weapons in Turkey! It has left his policy of attaining peaceful victories in shambles. It has shown him that the non-Communist world is not ready to follow the advice which he has frequently offered to it; "... a process is taking place in which the peoples want to live under a new system of society; and it is necessary that one agree and reconcile himself with this fact. The process should take place without interference."¹

Khrushchev must therefore reassess his expectations and readjust his policies. He has as much as conceded now that the balance of power is still unfavourable to the Soviet Union.² Given that fundamental consideration, he is now faced by the following alternatives: (1) He could adopt an immediate revolutionary programme as advocated by the Chinese, irrespective of the risks. But doing so, especially after the failure of the Soviet policy in Cuba, would mean conceding that the Chinese had been right all along, and it would involve the danger that leadership within international communism might pass into Chinese hands. Both domestic Soviet considerations, including the desire for a higher standard of living, and the Soviet awareness of their strategic inferiority *vis à vis* America preclude the adoption of this alternative. It is quite evident from

¹ N. Khrushchev to A. Stevenson, *The New York Times*, Aug. 28, 1958.

² In his speech of November 12, 1962, he urged his comrades (including presumably the Chinese militants) to have a more "scientific" approach to international realities and a more "sensible" estimate of the correlation of forces.

Khrushchev's recent speeches that Soviet domestic development will not be sacrificed on the altar of the revolution. However, the rejection of this policy is bound to further weaken the Sino-Soviet alliance (to the extent that it still exists formally), and is likely to result in unilateral Chinese initiatives, especially after China detonates its first nuclear device and then attempts to exploit the psychological capital thus gained. The Sino-Soviet conflict, in its turn, is likely to strengthen the general process of weakening of Soviet power in the *bloc*, even among its loyal satellites in Eastern Europe.

(2) The second alternative involves opting out altogether of the revolutionary business, precisely as a reaction to the more revolutionary programmes of the Chinese, the Cubans, etc. In effect, it could mean a repetition of the Socialist experience after the Soviet Union came into being. For a while at least, the Socialists competed with the Communists in revolutionary sloganeering, but increasingly they began to co-operate with the bourgeoisie and ultimately became more hostile to their former communist comrades than to their bourgeois enemies. This could be the consequence of an excessive Soviet preoccupation with domestic programmes, even if initially the shift was justified as purely a matter of temporary expedience. It is to be remembered that the supporters of the Shogunate in Japan argued that while Japanese moral superiority over the West was decisive, it was temporarily necessary to take advantage of the West's superior techniques, and afterwards it would again be possible to close the gates to foreigners. Yet once the gates were opened, it became impossible to close them again. Some Soviet leaders also argue that since their ideology is superior they can afford to have prolonged peaceful intercourse with the West. However, its consequence could be the disarming of the revolutionary militancy of the communist cadres.

The Soviet leaders could perhaps justify selecting this option on the grounds that America is so far ahead of the Soviet Union in military power that catching up is hopeless, unless most domestic programmes of development are abandoned, and that therefore it is wiser to push in the direction of a general disarmament which will equalize Soviet and American power. Such general disarmament would eliminate the present military imbalance, and eventually create new opportunities for revolutionary action.

However, it is most unlikely that the Soviet leaders will opt for this second alternative. Psychologically, it is hard to imagine the Soviet leaders accepting the idea of a prolonged military imbalance and it would be difficult for them to abandon their revolutionary aspirations altogether without domestic consequences for their political power. Furthermore, given their image of America as a basically hostile and war-mongering nation, what assurance would they have that America would not quickly move to exploit its military advantage—if not now, then in a few years, when (in the Soviet view) there might be an even more aggressive leadership in Washington? Lastly, they know that

they must keep in touch with the international communist movement, and a total preoccupation with domestic development, sacrificing both the cause of the revolution and their own military power, would quickly leave the field to the Chinese Communists.

(3) It is thus the third alternative which is the most likely: combining continued domestic development with a heavier concentration on strategic weapons development, especially the ICBM's and a Soviet equivalent for the Polaris submarines, with the hope that perhaps in the course of that development a weapons' breakthrough might be achieved, e.g. an anti-missile missile. As a stop-gap measure, designed primarily to re-establish Soviet prestige and to restore the Soviet claim to military parity with the United States, one might expect some spectacular demonstration of Soviet space technology: for example, it is quite possible that the Soviets might launch a space ship armed with nuclear rockets. Thus in one quick swoop they will have scored a major psychological success, compensating for the time being for their recent Cuban debacle. In general, it is likely that the Soviets will try—as they did in the past—to leap-frog in military development, and armed space ships might be the best shortcut in the present circumstances.

However, this does mean that for the time being the Soviet leaders will have to settle for a quiescent phase in international politics. For a while at least, gone are the threats of war over Berlin, gone are the warnings that the West will be expelled after a "peace treaty" with East Germany is signed. Having had to revise their assessments, the Soviet leaders have to postpone their timetable.

During this lull, two important developments are likely to dominate the international scene, and both will eventually profoundly affect the pattern of American-Soviet relations. In the West we are likely to witness the emergence of not only an economically but also of a politically united Europe, and in the East the growing political—not just economic—importance of Japan. Until the present, the economic as well as the political responsibility for shaping the free world's response to Communism has been carried by America. This was not due to any special sense of American mission but was dictated by the post World War II economic and political realities. Both Western Europe and Japan were shattered and only America could stop Russia (and China in Korea). But today—and it must be frankly stated that in large part because of American aid—the non-communist world is becoming more pluralist. A united Europe is emerging, and Japan, whose economic recovery is in many ways more impressive than that of West Germany, has risen like a phoenix from the ashes. Both increasingly will, and should, play a greater role in international affairs.

In Europe, the US will continue to provide the back-drop, the reserve and the ultimate power in the event of a military showdown with the Soviet Union, but it is increasingly likely that the political realm will be more and more dominated by the Europeans.

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The Myth Of India

Robert S. Elegant

THOUGH it still sustains the greatest and most systematic political myth of modern times, the Chinese hierarchy has proved it is at least capable of puncturing the second greatest: Driven to their invasion of Himalayan India by overwhelming psychological compulsions, the Chinese have at the same time destroyed the myth that India under Pandit Jawaharlal Nehru is a major force in international affairs or even a nation in the modern sense.

Yet the myth is tenacious. A multitude of voices must cry, "See, the Brahmin is clothed neither in the trappings of power nor in the vestments of logic nor even in the simple shawl of morality", before the world outside Asia can appreciate the scope of the revelation.

Americans, of course, are addicted to simple answers. After the Communist conquest of China, we needed a simple formula which we could believe would redeem Asia—and, incidentally, lighten our burden of guilt for the Chinese debacle. We convinced ourselves that industrial Japan and democratic India constituted the counter-force which would prevent additional Asian victories for Communism. But the more industrialized Japan becomes, the further it moves from influence in Asia. And Indian influence has in fact helped rather than hindered the Chinese advance into other parts of Asia.

As for New Delhi's effect on the neutral nations, their abandonment of India in its hour of need has demonstrated how little influence Nehru actually has over the complex, feuding world called Afro-Asia. But India did possess sufficient influence over the Western powers to deter them from the strong measures necessary to protect South-East Asia, the area which was—and is—under the immediate threat. As more candid Indian diplomats and politicians have occasionally admitted to me, New Delhi wished to trade other people's territory for time. Thus, the constant Indian pressure for yielding to the Chinese; and thus the consistent assistance given to the Communists in Indochina by Indian diplomats serving either on the International Control Commissions or in embassies and legations. Most distressing has been the Chinese attack's revelation of the manner in which the Indians have frittered away time bought with other men's lives and land.

The simple and shocking fact is that Nehru, hailed as the great ideologue of non-alignment, is almost incapable of abstract thinking on foreign affairs. He prefers to ride a few favourite theories. When I last spoke with Nehru in 1960, he absolutely refused to consider the true magnitude of the Chinese threat, insisting that the changes occurring in the Soviet Union upheld his thesis that Communism would soon present no threat to other nations. Even today, he insists that the invasion is a purely Chinese pheno-

menon, implying that China will cease to be a threat when its present primitive Communism becomes more civilized.

As long as events do not touch India—i.e., actually impinge on its borders—Nehru is content to follow the most transitory expediency. His snub of Israel, for example, is determined by a desire to prevent the Moslem world's uniting behind Pakistan. He graciously permitted the Chinese to take Tibet, the key-stone of Indian security; he sought to block military opposition to their incursions into Indochina; and he countenanced Nikita Khrushchev's intervention in Hungary, while vigorously condemning the British and French action at Suez. He can be found on the Communists' side in the majority of international issues, apparently following the valid principle that, since he has nothing to fear from the West, it is essential for him to placate the Communists.

No one can avoid a rush of sympathy for a people brutally invaded; nor should we flout the principle, "The enemy of my enemy is my friend." Nonetheless, it would seem desirable to examine more closely the nature of the friend who has been prodded into our arms by Chinese bayonets.

I do not have the figures at hand, but India has certainly already received a minimum of \$ 4 billion in foreign aid, and it is now in line for continuing assistance at the rate of \$ 1 billion a year. So far, the results have been somewhat disappointing. True, the country's light industry has prospered, but the benefits have reached only a minuscule fraction of the Indian people. The key figure in appraising India's development remains the average agricultural yield per acre. That figure, one of the lowest in the world, has not changed significantly since 1946. As a result, much of the foreign aid New Delhi receives must go for immediate subsistence and emergency purposes, rather than long-term development.

Moreover, for all his Socialist convictions, Nehru himself remains the typical autocrat. It was only in 1959, with the Dalai Lama's flight from Tibet, that the Indian press first dared criticize any of the major tenets of Nehru's foreign policy. To this day, threats of withdrawal of Government advertising and discreet phone calls from the ministries keep the press from going too far.

Many Indians draw comfort from the belief that Peking attacked to prevent India's continuing to surpass China in the economic competition which they—and many Westerners—think will determine the future allegiance of the underdeveloped world. This competition is actually an illusion, since the newly independent countries are much too busy with their own affairs to worry about international contests.

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American policy in Europe has been largely defensive, and in that eminently successful. But America never had an offensive political strategy for Europe. Yet a united Europe is not likely to tolerate an artificial boundary on the Elbe, and a more politically confident and militarily powerful Europe is very likely to exert political pressure on Russia to get out of Europe. General De Gaulle's bold concept of "Europe to the Urals" is not merely a figment of somebody's imagination—gradually, it is beginning to captivate European thinking (even in East Europe under the Communists) and it eventually may become the goal of European political and military policy. Given the instability in the Communist bloc, and the growing attraction of western Europe, such a policy is bound to put Russia on the defensive in a way in which America never succeeded in doing.

In Asia, the scene will be dominated increasingly by the struggle between China and India for regional, political primacy. The Chinese attack on India was only limited in a geographical sense. Its fundamental purpose, however, was far-reaching: it was to establish China as a dominant political force in Asia. China is well on the way to achieving that objective. It has isolated India from its neighbours. It has intimidated the South-East Asian countries and is greatly forcing them into the position of becoming China's Finland and it has demonstrated its military superiority over India.

Whatever the outcome of the present border dispute and the concurrent quest for a compromise solution, the underlying political reality remains unchanged. India has either the alternative of permitting China to become the dominant political power or of contesting its primacy.

To the extent that in the foreseeable future the primary energies of the Soviet Union are to be directed in the American-Soviet competition, it is most unlikely that the Soviet Union would allow its energies to be directed into secondary conflict. The Soviet Union does not wish the political collapse of the Chinese Communist regime and, if it were imminent it would go to its aid. But neither does it wish China to become too successful in the application of its strategy, for Chinese success can cause the gravitation of Communist Parties to the side of the China in the Sino-Soviet dispute.

It is apparent from this that the Soviet Union is neither able to restrain China, since it is no longer its friend, nor is it likely to rush to China's aid if the Chinese aggression against India were to be effectively repulsed. A limited humiliation of China would be welcomed by the Soviet leaders, but they are certainly not likely to make any effort in order to cause it.

A realistic appraisal of the international scene in Asia therefore suggests that in the foreseeable future, only two alternatives are possible: either a period of Chinese primacy accepted by China's neighbours, or a contest for primacy between India and China. If the former prevails, one may entertain justifiable pessimism concerning the future of democracy in Asia. The Chinese are not likely to relent but will strive to increase their domination. The demoralisation that appeasement will inevitably breed will

make subsequent resistance much more difficult. If the latter alternative materialises, then it is likely that the international scene will involve a far more complex pattern than the simple polarisation of the past—West Versus Communism. In such a situation India will inevitably obtain larger Western aid and eventually and reciprocally will become more cognizant of Western interests elsewhere. Thus the West can justifiably expect greater Indian understanding in its own defence against Soviet aggression, as for instance, in Berlin. Indian diplomacy can then be effectively applied to restrain the Russians.

In a situation of this sort, it is not the form but the substance of the relationship that will be decisive and hence there is no need to contemplate direct military alliance or security treaties. What will be important will be the mutual sharing of certain underlying interests and a more affirmative pursuit of common goals. A pluralistic world is not what either China nor the Soviet Union wants, even though their methods differ profoundly. The present trend suggests that the underlying community of interests between the West and India will in the future be expressed much more on the level of policy and action. Needless to add, this is a prospect which neither the Soviet leaders nor their Chinese brothers can relish.

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The reason for the invasion is at once much more complex and much less abstruse. Having adopted Communism as a means of restoring their country's ancient glory, the Chinese found themselves frustrated by their own grandiose plans. Peking is now determined to prove that Communism is indeed the proper instrument for their purposes, and to rebuild its damaged self-esteem by becoming the leader of the revolution in the underdeveloped world and by restoring China's "rightful" frontiers.

Once they succeeded in puncturing Nehru's annoying pretension of being the leader of the Afro-Asian world, and attained their chief geographical objectives, the Chinese offered a cease-fire. The move was perfectly consistent with the basic principle of traditional Chinese tactics, hallowed by success over more than 2,000 years. The Chinese say, "Ta, ta; t'an t'an; ta, ta; t'an, t'an!" which means: "Fight a while, then talk a while, then repeat the process!" That is what Peking wishes to do at present. Certainly, China never intended to waste its strength on the plains of India.

In many respects, the Indian nation is attractive and meritorious. The United States has every reason for assisting it against the common enemy. But we should proceed from a frank appraisal of India's present state and capacities. If we expect miracles of performance, we are bound to be disappointed. If, on the other hand, U.S. aid is based upon a realistic appraisal, then at least we shall not be excessively surprised if India suddenly reverses its posture—as our *quondam* ally, Pakistan, seems to be doing at the moment.

(Abridged from the *New Leader* December 10, 1962, Social Democratic journal of New York)

The Attorney-General

A. G. Noorani

SUCH was the lethargy the Government of India showed for three years in its publicity campaign about the Chinese aggression, till the actual attack, that the critic was convinced of its inherent incapability of ever acting with efficiency and despatch. A recent Government of India publication "Study of the History, Nature and Working of the Office of the Attorney-General" proves the critic hopelessly wrong. Government can and does bestir itself on matters on which it feels strongly. It is aimed at answering the criticisms against the move to amend the Constitution by enabling the Law Minister to be Attorney-General and thus abolishing the independent office of the Attorney-General for India which the Constitution provides.

The "Study" gets off to a very interesting start. "The origin of the office", in England, we are told with a wealth of detail is "primarily connected with proceedings in Courts of Law" and "it is from this function of acting as an Attorney of the Crown in the Courts of Law that the Attorney-General came to derive his second function viz. to act as legal adviser to the Crown and all public departments." The reminder is necessary since "the office has been introduced into our political system on the model of the corresponding office in England." Is it not then rather odd that we should reverse the process now and give the Law Minister at present "the Chief Legal Adviser" according to the study, (and, indeed, its hero) the right to appear in Courts, which he never possessed before? But never mind what happened or happens in England. It is about time we did away with all British relics. The more relevant precedent is the Advocate General for the Federation as provided for in the Government of India Act, 1935. Before it, "the Chief Legal Adviser" was the Law Member of the Viceroy's Executive Council. One is beholden to the Study for this very valuable quotation from the Report of the Joint Parliamentary Committee on the *raison d'être* of the new office: "It is no part of our intention to suggest that the office of the Advocate-General should, like that of the Law Officer here, have a political side to it; indeed our main object is to secure for the Provincial Government legal advice from an officer, not merely well qualified to tender such advice but entirely free from the trammels of political or party association". That was "the main object". The other consideration was as the Solicitor-General explained when speaking on the Advocate-General for the Federation that "he will advise Governments and councils on those reserved departments with which the Ministry will not be concerned." This latter secondary feature is, in teeth of the above quotation from the Report, seized upon as "the major consideration" which inspired the creation of a non-political office. And yet it is admitted that "when the Constitution was being framed the language of the Government of

India Act was adopted more or less bodily" despite the fact that there are no reserved departments under the new Constitution. "The Study" is consequently driven to condemn the framers of the Constitution, ("Article 63 appears to have been adopted without much debate.") and dismisses their proceedings in a para. There is good reason for this, for the proceedings totally destroy the Government's case. Mr. Naziruddin Ahmed urged that the Attorney-General should "so much form part of the Government that he should also retire with the retirement of the Ministry." His amendment was rejected. Prof. Shibbanlal Saxena drew attention to the recent English practice of the Attorney-General being a member of the Cabinet and asked Dr. Ambedkar in exasperation "why he does not follow that model in this respect."

The rejection of the English model could not have been plainer. But the "study" is throughout admiring of the English model and does not appear to share Mr. Nehru's allergy to things British. "Nobody had ever suggested that because the Attorney-General is a part of the Government in those countries he could not appear for the Government in courts or advise the Government, for the opinion or advice would be tainted by his being a Member of the Government". Sir Arthur B. Keith that eminent authority on constitutional law suggested precisely that. "The Law Officers of the Crown are normally not included in the Cabinet", he pointed out, adding "the objections to such a step are obvious enough."

What then are the reasons for the change? Four grounds are advanced. The first, that there is "no necessity to have a separate Legal Adviser for reserved departments for there are no reserved departments" is, as shown above, based on a distorted reading of the Joint Parliamentary Committee's Report and is, an insult to the intelligence of the eminent lawyers who served on the Drafting Committee of the Constituent Assembly. They surely knew that there were no reserved departments and yet chose to retain the office and repelled the attempts of Mr. Ahmed and Prof. Saxena to adopt "the English model."

The next is that "it has been felt by many that the Attorney-General should not exercise the right of private practice and undertaking (sic) private work". In the crude language of the "study" he should not "throw the weight of his office for every litigant who chooses to engage him". This is not only unfair to the Courts but also to the last incumbent of the office. Mr. M. C. Setalwad raised the stature of the office, not the other way about. Moreover, the Advocates General in the States have always exercised the right of private practice and nobody objected to it. If this right is to be taken away, Government has only to raise the salary of the Attorney-General in order to make the post worthwhile for any counsel of calibre.

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Volunteer Guards For Frontier Areas

M. A. Venkata Rao

FROM what the nation has heard of, the several aspects of the disasters that befell our armies in NEFA in October and November 1962, it is clear that the Chinese offensive was of a piece with the pattern of unconventional warfare that Communists adopted in Korea, Malaya, the Philippines and Indo-China. They are using the same strategy today in Laos and South-Vietnam. In India we had a gruelling experience of it in Hyderabad-Telangana in the years 1948-50. It took nearly three years and the operations of armed forces over several districts, (and numbering around ten thousand men) for the Government to quell the revolt!

In Kerala the communists adopted the practice of developing a parallel party "government" of their own, though they ran the official administration according to the Constitution.

The pattern of communist warfare reveals several aspects which become prominent in different stages of their campaign in any particular region.

Their first effort is to seek to establish, if geographically possible, a *continuous land frontier* with a communist country.

When Indian communists approached Stalin for assistance in their Telengana campaign he is said to have pointed to the remote land-locked location of the area in which the struggle was launched. He reminded them of the role of *Yenan* in Northeast China where China touched the Russian borders, across which assistance was given to Mao Tse-tung.

And in Kerala when the Communist Party came to power through the ballot box, an attempt was made by the party to establish a parallel apparatus of control in rural areas. It shocked the middle and upper classes and the educated people generally and a coalition of groups and associations led a mass revolt against what was felt as the outrageous and amoral tactics of the Communists. Some people even feared outside assistance to them by sea!

The failure of the CPI in Kerala was attributed by them to the lack of a land-contact with a friendly Communist country. So they concentrated their next efforts in North Punjab and North-West Bengal where the Chinese could help them across the Himalayas.

And now their *Yenan* in India has been established in NEFA, North U.P. and to some extent in Nepal and Sikkim! Communists are active in Nepal.

Rumours of underground pro-Chinese activities on the part of Communist comrades (Indian, Nepalese and Chinese) that handicapped Indian military operations in NEFA cannot all be discounted. Posters calling "for food and cloth and *not bombs*" have been distributed to discourage the war effort and civilian morale. Ministers have found evidence of Communist trade union leaders preaching "go slow" and sabotage tactics among workers in factories!

In Malaya and the Philippines, there was no land contiguity with Communist countries but there were

sizeable proportions of Chinese residents who gave shelter and helped Communist agents and guerillas, though they themselves were not Communist by faith and doctrine. These acted as internal *Yenans* in those lands which accounts for the long, strenuous and costly campaigns that became necessary to defeat them!

Seeking a *Yenan*, then, is the first stage. Geographical contiguity or favourable centres of population is the first element in the objective of communist unconventional warfare.

The second stage can be seen in the attempt of communist leaders to soften the area chosen for conquest. They send propagandists into the area who scatter and camp in different centres in the remote rural regions, far from points of administrative control or power, i.e. police or military stations.

They get to know rural families and cultivate their goodwill. They make gifts of money sometimes. They set up wireless and other means of communication. They announce to the simple folks the coming of "*mukh sina*" liberation armies of communist nations. They paint a picture of the *earthly paradise* established in Russia, China and other Communist lands where the palaces of the Rajas and Zamindars and factory millionaires have all been taken away from them and used for the benefit of the poorest! The "toilers" of land and mill will for the first time in history come into their own. Stalin, Khrushchev, Mao Tse-tung, Chou En-lai, are the true *avatars* of the present age like Rama and Krishna of old, who will liberate them from their age-long poverty. The whole world will shortly be conquered by the Communists! The present writer has heard such speeches by communist leaders in Bombay, Bangalore and Delhi as long ago as 1951.

The next stage is the introduction of guerilla bands of armed men into the area. This was done on a large scale in Telengana in 1948-50. Bands of 10 were trained in the use of pistols and sten guns. They ambushed police and military convoys. They raided police stations and took away guns, ammunition and uniforms. They looted Tehsil treasuries dressed in stolen police uniforms! (The present writer had an opportunity of studying the Telengana revolt closely at that time. His information was confirmed by two Government pamphlets published in 1949 and by Congress leaders hailing from adjoining Telegu districts of Madras. Some of them became Ministers and Governors later.)

A writer in *Foreign Affairs Quarterly* (USA) January 1962, gives an account of unconventional warfare waged by communists in Laos and South Viet Nam which bears out in every essential feature our experience in Telengana and Kerala in the past and in the Northern border areas in recent years and months.

(Continued on page 11)

Why Not A Military Alliance?

M. Devadas Kini

WHAT is Communist China upto?

There are as many theories as there are what are called "Sinologists", to use a monstrous word, or China "experts."

1. Some experts maintain that China wants to retain the Aksai Chin road. So the objective of the recent massive invasion is very limited and that is, to put military pressure on India to force it to accept the status quo.

2. Some others point out the fact that Chinese maps show the Bay of Bengal as Tibetan Sea and so their intention extends up to the Bay of Bengal. They also cite the fact that Assam has some oil wells which China needs very badly, and so they conclude China wants to make Assam a part of the Tibetan region.

3. According to one more expert Chinese aim is not merely Assam but Burma as well. China wants to have the "rice bowl of Asia" too.

4. For another set of experts Chinese aim is to force India to join the Western camp and then force Russia to line up with it. According to them China resents the economic aid given to India by the Communist camp and by Russia in particular.

5. Some others maintain that China is jealous of India's progress through democracy and so wants to strain the economic development of India by forcing it to divert the meagre resources to war production.

6. Some others assert that China wants to humiliate India militarily, isolate politically (China has concluded border treaties with almost all neighbouring countries except India) and cripple economically so that it can frighten the smaller nations of Asia to accept its hegemony.

7. One more expert says that all the military adventures are just meant for diverting the attention of the people from the economic troubles and make them work harder.

This bewildering variety of reasons offered by the China experts leaves one confused because all these reasons seem to be correct. What, then, is the real intention of China? China's aim is all this and something more. And this something more is to dominate Asia, if not the world. Mao knows that power comes through the barrel of a gun. He has proved it in Korea, Laos, Viet Nam, Tibet and now on the Himalayas.

So let us face the fact—that Communist China is aggressive and expansionist. Once we recognise this fact, once we understand the motives and intentions of China, we have won half the battle against China. It is the non-recognition of this fact even after the Tibetan tragedy that cost us so much. Second significant fact is that Mao has stopped wherever he had to confront USA as in Korea or Indo-China, and that Mao has not extended his military adventure to any countries like Formosa, the territorial integrity of which has been guaranteed and underwritten by USA.

Now we come to the crucial question: how to meet this new religion which seeks fresh fields and pastures new with fire and sword. We have to meet it on its own ground and that is militarily. But, then, can we afford the huge cost of a military machine? Obviously not. We are already spending something like 30 per cent of our budget or nearly 2½ per cent of our national income on military. The Finance Minister has indicated that the defence budget may go up at least by 100 per cent. Even this may fall short of our requirements. Moreover this will put a terrible strain on our developing economy. Another point to be considered is whether we will be able to manufacture all the modern equipments necessary for our adequate defence.

Then what is the way out? The only way out seems to be to forge a military alliance with the Western countries. Military alliance means under-writing the defence and territorial integrity of India by Western powers.

There is a difference between military aid and military alliance. While the aid is temporary, the alliance covers a longer period and can provide aid till we ourselves become stronger. The time factor is very important. A change of administration in USA may affect aid but not an alliance. The only factor that is in favour of aid and against alliance is, some important people have an allergy for alliance but not for aid. It is in our interest to have USA commit itself categorically and unambiguously on our defence, even though USA itself might not like it for their own reasons now.

It has been argued that if we have a military alliance with the West we will be no better than a satellite of the West. To say the least this is absurd. Military alliance need not be a political alliance. Soviet Union has not become a satellite of USA because they were allies during the second world war and USA supplied so much of war material to USSR. With no stretch of imagination can it be said that UK, France and other NATO countries are satellites of USA. Their differences is an open secret. SEATO and CENTO membership has not prevented Pakistan to flirt with China.

The alliance should include all those countries which are threatened by Communist China. It should also have some political and economic content. It should promote and encourage democratic form of government, of course, without interfering in the internal affairs of any country. Economic progress also has to be increased in all these countries. In these tasks we need the co-operation of the Western countries. There is no reason to believe that this co-operation is not forthcoming, if sought, because the Western countries have realised that a threat to freedom anywhere is a threat to freedom everywhere and that prosperity is indivisible.

Give Me Liberty Or Give Me Death

[This speech was delivered by Patrick Henry against the British Government in March 1775. The dangers facing the American Colonies two hundred years ago are very like the dangers facing India today. Henry's words "The next gale that sweeps from the north will bring to our ears the clash of resounding arms"—sounds strangely prophetic in the light of China's treacherous attack. The speech may be found in "A Treasury of Great American Speeches" published by Hawthorn Books, Inc., New York.]

NO man thinks more highly than I do of the patriotism, as well as abilities of the very worthy gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope that it will not be thought disrespectful to those gentlemen, if entertaining as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the House is one of awful moment to this country. For my own part I consider it as nothing less than a question of freedom or slavery.

It is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren, till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth, to know the worst and to provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years, to justify those hopes with which gentlemen have been pleased to solace themselves and the House? Is it that insidious smile with which our petition has been lately received? Trust it not, sir, it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with these war-like preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves. These are implements of war and subjugation; the last arguments to which kings resort.

I ask, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motives for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, she has none. They are meant for us; they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? We have been trying that for the last ten years. Have we

anything new to offer on the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not already been exhausted? Let us not, I beseech you, deceive ourselves longer. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, we must fight! I repeat it, we must fight! An appeal to arms and to the God of hosts is all that is left us!

They tell us, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance, by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? We are not weak, if we make proper use of the means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle is not to the strong alone; it is to the vigilant, the active, the brave. Besides, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat it, let it come!

It is in vain, to extenuate the matter. Gentlemen may cry peace, peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

The effect of the second stage of guerilla operations will be the immobilisation of the administration. Police and military forces will lose control of rural regions. Their movements will be known to guerillas but they will not obtain information of communist movement and plans! The local rural folks will have been partly won over and partly terrorised. Whole settlements of remote tribals had to be moved nearer towns in Telengana to deny their assistance to hostile guerillas!

The stage will then be set for the invasion of the regular armies of Communist states across the border or of armies built up of locals under the leadership of international Communism. Russian technicians and pilots and Chinese generals figured in the final battles that captured Din Bien Phu in Indo-China, though the bulk of manpower was local. Then the human wave tactics will come into effective play.

Today we may expect preparations for the introduction of guerilla bands in Uttar Pradesh, Bihar, Sikkim, NEFA, Darjeeling and Assam, preparatory to soften the area still further and achieve full control of the rural hinterland.

A national volunteer frontier guard of several thousands (some 50,000) will be needed. They should encamp in villages along the borders in twos and threes and engage themselves in some useful activity

—adult education, showing documentary films, (historical and geographical) teaching golden periods of history, social ideals of the constitution etc. They will inform the police of the entry of strangers into the area and warn the villagers of their anti-national activities.

The volunteers should be non-party in leadership. They can work for short periods—one or two years for the nation. They should be taught the use of pistols and rifles. They may be paid only expenses—food, clothing, travel expenses and pocket money.

Young workers of all parties except the Communist can offer themselves for a year or two of national service near the frontier, along with others.

Emotion will be consolidated into practical patriotism and effective citizenship if mobilised in this way. It will need a general staff to prepare slogans, posters, folders, and essential information to be broadcast.

Village units will operate a community radio and read newspapers to the people, sing and teach the national anthem and other patriotic songs.

Such a voluntary body is necessary to supplement in an informal flexible way (without red-tape) the organised efforts of Home-guards, the CID, police and military, guerilla and commando units. They will prevent the simple people from going under the control of Communists.

(THE ATTORNEY-GENERAL—continued from page 7)

But the "Study" is altogether silent about the undesirability of a Cabinet Minister appearing in courts.

In keeping with this deliberate downgrading of the post, it is suggested that, by a Presidential Order under Art. 77 of the Constitution, "the entire work of legal advice" has been allocated to the Law Ministry. Actually the main object of the Order was to "split up the Law Ministry into two separate departments: Legal Affairs and Legislature." Among the subjects assigned to the first was "advice to Ministries on legal matters, including interpretation of laws legal proceedings and conveyancing." There can be little question that this is the function of the Law Ministry: to advise on those routine questions of law that arise every day, whereas the function of the Attorney-General, as the Constitution itself provides, is to advise on important legal questions which are referred to him. The figures cited support this. Thousand of cases appropriately enough are dealt with by the Law Ministry. The Attorney General opines on much fewer but far more important cases. Moreover it is upto the Government to make the maximum use of the Attorney-General's services.

Yet one is told that "the Law Minister is the Chief Legal Adviser to the Government of India" by virtue of the Presidential Order. It would be a thousand pities if this were so. Three of the most eminent Attorneys-General of the century have criticised the practice of having a Cabinet Minister as a legal adviser. Lord Reading said that "for the Attorney-General to be a member of the Cabinet is in principle a mistake." Adding, he said: "His primary concern is less with laying down policy than with advising on questions of law; and he is better able to fulfil this task if he is

in a position to regard the successive problems as they arise with an impartial and objective eye than if he has been deeply engaged from the outset in the discussions from which they have emerged."

Viscount Simon observed: "The Cabinet from time to time needs the legal advice of the Attorney-General on some aspect of an urgent and complicated political question, either international or domestic, and this advice often requires research and reflection. If the Attorney-General is a party to the earlier deliberations of the Cabinet out of which the need for technical guidance has arisen, it may be difficult for him to approach the problem ultimately presented to him as a lawyer with an entirely open mind. Moreover, as long as he plays his full part as the chief counsel for the Crown in the court.... as he ought to do, he really has no time to discharge the constant burden of Cabinet duties as well."

Sir Hartley Shawcross, (as he then was) said: "The independence and detachment of his office should not be blurred by his inclusion in the political body, the Cabinet, which may take decision on policy after taking his advice." The "Study" cites instances to show the high quality of the present Law Minister's advice, one of them being with regard to a case still pending in the Supreme Court. Modesty is as much at a discount as propriety. Of one such advise one is told "it is regarded as a locus classicus on the subject." The Concise Oxford Dictionary defines a locus classicus as the "best known or most authoritative passage on the subject." The same may be said of this publication. It is not a "Study" but a brief and its partisanship and distortions go to make it an eloquent locus classicus—on the Law Ministry of the Government of India.

With Many Voices

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

It is an unspeakable tragedy that the world organisation which was set up to prevent war and preserve the peace should be starting wars.

—Senator Thomas Dodd quoted in *Time*,
January 11.

A moment of pause is not a promise of peace.

—President Kennedy quoted in the *Hindustan Times*, January 15.

The essence of non-alignment is to be non-aligned.

—Sri V. K. Krishna Menon, *Blitz*, January 9.

—Asked by Kenneth Harris, his inquisitor, if he could stand another six years as Prime Minister, Mr. MacMillan with the ghost of a smile replied: "I think I could stand another six. The question is: whether the people could stand another six."

—*Stateman*, January 13.

Mr. Khrushchev hailed the concrete and barbed-wire Communist Wall dividing Berlin as a great achievement of the East German regime.

—*Hindu*, January 6.

We are now witnessing in the Congo the birth of a new colonial power—the United Nations acting for the United States.

—British official quoted in *U.S. News and World Report*, January 14.

Mrs. Lakshmi Menon said that messages were sent to 60 Afro-Asian countries.....Twenty-six had sent messages expressing concern and suggesting peaceful settlement of the border conflict. Nine countries expressed sympathy and concern while three others sent messages which were non-committal.

—*Hindu*, January 22.

Time is not neutral. It has to be made an ally, not an encumbrance. Weak diplomacy should not add to the gains the Chinese have won with their military might.

—Asoka Mehta, *Hindustan Times*, January 22.

Mr. Nehru said India had undergone three fundamental changes as a result of the Chinese invasion—new anger, new determination and new gratitude.

—*Times of India*, January 19.

People like Nkrumah are worse than imperialists because they are dividing brothers.

—Martin Shikuku, General Secretary, KADU, Kenya, quoted in *Hindustan Times*, January 16.

If the civil war between India and China is not stopped forthwith, it may well become a prelude to the third World War.

—Dewan Chamanlal, Congress MP and a known fellow-traveller, quoted in *Thought*, January 19.

The unity of freedom has never relied upon the uniformity of opinion.

—President Kennedy, quoted in *Time Magazine*, January 18.

Revisionism is the opiate of the people. It is a beguiling music for the consolation of slaves.

—Mao Tse-tung quoted in *Time Magazine*, January 18.

The Colombo Formula, it must be remembered, is not the Chinese formula. It is only the formula of an honest if slightly confused broker who mistakenly believes that the only way to bring the aggressor and his victim together is to equate both. Here lies the basic fallacy and the weakness in the Afro-Asian proposals.

—Frank Moraes, *Indian Express*, January 21.

"I would rather see the country overrun than accept military assistance to keep out the aggressor."

—Nehru, quoted in *Opinion*, January 22.

Educated classes fail to understand Prime Minister Nehru while common, less educated masses well understand him and his doctrines.

—Balraj Sahni quoted in *Indian Express*, January 28.

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