

General Election or Referendum?

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AT last the snap general election or the so-called mid-term poll has come. It is indeed a pity that this poll is assuming the character of a referendum and what is being discussed is not the failure or achievement of the ruling party but the title of its leader to remain Prime Minister. Mrs. Indira Gandhi may have failed to give convincing reasons for asking for a poll a year in advance but what is worse for the country is the inability of the democratic opposition to come together on a common platform with a minimum programme.

It became evidently clear in 1967 that alliances and not individual political parties would dominate the political fortunes in the country for the coming ten or more years. The mid-term poll in U.P. and some other states again made it clear that the era of coalition politics and electoral adjustments was very much on us. It also became clear about a year back that the logic of 1967 elections was no more valid and that mere anti-Congressism would not work. Furthermore, the anti-Congress vote in 1967 was chaotic and would continue to be so as long as there was no organised opposition with a definite programme to oppose the ruling Congress.

The Opposition failed to take note of certain very clear trends shown by sample surveys and Gallup Poll. These surveys and polls showed that the New Congress continued to collect about thirty per cent of the popular vote while the Old Congress got just below ten per cent. The total Congress strength which was about forty per cent in 1967 continues to remain forty per cent even today. The theory that the major political ferment which followed the nationalisation of banks in 1969 has had a deep and massive effect on the electorate has been clearly belied. It has also been shown by the sample surveys that the three main democratic opposition parties namely the Old Congress, the Jana Sangh and the Swatantra jointly com-

mand thirty per cent of the popular vote. All this goes to show that the opposition parties need to come together to provide a bipartisan choice to the electorate. It is sad to find that most of these parties have taken such a long time to grasp these basic facts. The Congress(O) has been particularly slow in facing the realities. It has still not made up its mind whether or not it should once for all give up its old identity and become a full-fledged opposition party with a definite programme. The quarrel between the two Congress parties has assumed over a period, the character of a legal battle between two members of a Hindu joint family fighting over ancestral property. Even now it is not too late to make a clean break with the past and assume a new name and a new programme. It is clear that this will not in any way affect its electoral prospects.

The other tragic thing in the past few months has been the attitude of some of our newspapers and periodicals. The simple fact that for any democracy to function effectively, a credible and viable opposition is absolutely necessary has not been grasped. For most of our newspapers, stability and democracy have meant, rule by one party with a so-called national leader at the centre and one important and over-powering personality in each state. Opposition groups will of course be suffered and allowed to express their views. Again freedom of the press has meant freedom to support the one party rule and ridicule the opposition. Ever since the Congress split, most of our papers have ridiculed every attempt of the opposition parties to come together and have harped on the theme of the two Congress parties coming together again in the interest of "stability". One can only hope that the electorate will not have the same ambivalent attitude to the emergence of a powerful opposition party. One also hopes that what the opposition parties have failed to do will be forced upon them by the electorate.

The most important issue in this election is not whether Mrs. Gandhi continues to be the Prime Minister but whether we will get out of the present political chaos and lay the foundation of a democratic polity in which there will be two equally strong parties with definite programmes. This does not mean that we shall not have one or two small extremist parties representing certain groups or some strata of society. But it is hoped that the electorate will not favour parties which have a patently communal outlook. The

logic of democratic politics usually ensures that all those who are thinking on communal lines will work with others not belonging to their community and will accord legitimacy to representatives irrespective of their religious affiliations and cultivate a secular orientation towards democratic process. The Jana Sangh seems to have understood this logic. The Muslim League is still faltering.

I would not like to go into the details of the programme of the ruling Congress which is fairly well known. It is clear that Mrs. Gandhi will continue the economic policies which have been followed during the last twenty years or so. Her radical posture is, however, losing much of the earlier appeal or credibility. It almost appears that she talks of radicalism because radicalism is irresistibly chic and reduces liberal opponents to incomprehension. Most of her radical measures such as nationalisation of some banks, de-recognition of rulers have had no effect on the condition of the extremely poor sections of our society. After the recent Supreme Court judgement on the Privy Purses case, the impression is gaining ground that, for her, radical policies are only a means to an end, which is retaining the radical image of the party and power in her hands. What is more damaging to her is her suspected attitude of contempt for the Parliament and the Judiciary. Her attitude in short is this: To keep up my image I would like to initiate certain radical policies. I will do so, if possible, with the help of Parliament, if not, without its help. This was precisely what was criticised by the Supreme Court.

The other weakness of Mrs. Gandhi's leadership is that she lacks personal loyalty of her colleagues. Even her senior colleagues are surprised by her decisions and support her in a dazed state of mind. In this respect she is very much unlike the late Mr. Nehru. There was a personal loyalty and emotional tie between the late Mr. Nehru and his colleagues. In the ultimate analysis, despite strong differences, none of his colleagues could ever think of hurting the leader. In Mrs. Gandhi's case there is no such emotional tie or sense of personal loyalty. One, therefore, will not be surprised if some of her colleagues join tomorrow to remove her from Prime Ministership. So those who vote for the ruling Congress will do well to vote for the programme and the principles rather than for personalities.

As for the Opposition, it is clear that either they pull together or disintegrate. They may have their own election manifestoes but they will have to concentrate on the following specific common programme to make things easier for the voter. These essentials are:

(1) A firm faith in and loyalty to the fundamental rights as defined by the Constitution and an under-

taking to uphold the independence and dignity of the Judiciary, the Parliament and the Press;

(2) A total commitment to the creation of a liberal welfare state which will take into account the fate of the extremely poor two hundred million people in this country, who have no stake whatsoever in the present society;

(3) Maintenance of law and order and a concerted effort to channelize the energies of the unemployed city youth and landless labour into constructive activities;

(4) A serious attempt to solve the unemployment problem through immediate specific schemes such as housing, building of roads in the countryside;

(5) Maintenance of industrial peace with special emphasis on social responsibilities of business and protection of consumer's interests; and curbs on price rise and conspicuous consumption;

(6) An effort to run the existing public sector projects at a profit with emphasis on exchange of professionals and managerial personnel between the two sectors;

(7) A more discriminating attitude towards foreign aid;

(8) A foreign policy which would look a little away from the Super Powers and concentrate on improving relations with South East Asian democracies, the European Common Market countries and with Israel.

A liberal opposition committed to such a programme can join hands with small radical parties like the SSP to provide the necessary corrective. After all the SSP is more of a pressure group, which may not have very practicable solutions to the problems, but which certainly articulates the feelings and demands of the poorest section of our society. And who can deny that the so-called socialist policies followed so far have hardly touched this section of our society? It is also necessary that such a liberal opposition, endeavours to distinguish between rational anti-communism and obsessive anti-communism. It must be realized that the younger generation, which hardly knows anything about the opportunism and cruelty of international communism, does not consider anti-communism as *per se* a good thing. It has to be persuaded that rational anti-communism does even today remain a moral necessity for those who care about individual freedom and democracy. In other words the liberal opposition has to adopt an outlook which will be a fusion of liberalism, Gandhism and rational humanism. One can only hope that the coming election, which might almost be the last chance for making such an effort, will not lead to a break-down of democratic politics and render decent and liberal politicians irrelevant.

Notes

The Commonwealth

THE Commonwealth has survived the crisis that it faced in Singapore. The parting of ways that might have come about is avoided. But it is just a temporary respite. The danger may arise again if England goes ahead with its projected sale of arms to South Africa and if the African members remain as firm as they are today in their resolve to leave the Commonwealth to register their protest against that action.

The Commonwealth Conference has done well to appoint a study group to consider "factors affecting the security of maritime trade routes in the south Atlantic and Indian oceans which are of vital importance to a large number of Commonwealth members." That will enable an objective examination of the British claim that the sale of arms to South Africa is essential for the protection of its trade routes over the Arabian sea and the Indian ocean. It is to be hoped that the findings of the study group will be accepted and implemented by all members.

In view of the opposition that it has aroused, it will be useful for the British Government to give a fresh thought to the question of sale of arms to South Africa. It may keep in mind the fact that arms sold for one purpose can be always used by the purchaser for some other purpose. Whatever the agreement, the seller cannot exercise any control over the arms sold, once they are delivered. The fear that South Africa may use the arms purchased from England for the suppression of the people's movements is therefore legitimate. Moreover, it cannot be denied that the sale of arms helps to bolster the strength and morale of the racist Government of South Africa. In view of all this, it is to be hoped that England will in the end drop the idea.

The Conference, it is stated by many, ended on a tame note. But that is a fact which should be welcomed and not deprecated. In an assembly of free and equal nations it is never difficult to stress an argument to a breaking point and secure its breakup. That might appear heroic to some, but it is always fraught with grave danger. Members of the Commonwealth, particularly its African members, deserve to be complimented on resisting the temptation to play that role of mock heroes and agreeing to compromises and adjustments which have enabled them to continue together in the Commonwealth.

That the Commonwealth is an institution worth pre-

serving will be clear to any dispassionate observer from the principles on which it is founded. They are reiterated in the declaration issued at the end of the Conference. According to the declaration, the Commonwealth is "a voluntary association of independent sovereign States", encompassing "a rich variety of cultures, traditions and institutions." These States hold certain principles in common. They are enunciated as follows:

"We believe in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live.

"We recognise racial prejudice as a dangerous sickness threatening the healthy development of the human race and racial discrimination as an unmitigated evil of society. Each of us will vigorously combat this evil within our own nation.

"No country will afford to regimes which practise racial discrimination assistance which in its own judgment directly contributes to the pursuit or consolidation of this evil policy.

"We oppose all forms of colonial domination and racial oppression and are committed to the principles of human dignity and equality.

"We believe that the wide disparities in wealth now existing between different sections of mankind are too great to be tolerated; they also create world tensions; our aim is their progressive removal; we, therefore, seek to use our efforts to overcome poverty, ignorance and disease, in raising standards of life and achieving a more equitable international society."

These are, indeed, noble principles and an institution wedded to them deserves to live and grow.

Developments in Pakistan

AS a result of the elections, held for the first time since Independence, a new situation is developing in Pakistan. The country may have in the course of the next few months a democratic constitution and a democratic government. There are, no doubt, a few snags in the way. The two big parties that have emerged as the representatives of the people, one in East Pakistan and the other in West Pakistan, must agree about the basic principles of the constitution. That is a big hurdle as there is a wide divergence in the principles proclaimed by the two parties. It is to be hoped, however, that realism will come to prevail in both camps and that they will be prepared to accept adjustments in their respective points of view. The other snag, namely, approval of the constitution by President Yahya Khan may not prove difficult. After the overwhelming support that the two parties have secured, the President is not likely to veto a constitution that secures the appro-

val of both. It is on the cards, therefore, that the next few months will see the emergence of a popular government in Pakistan.

India should wholeheartedly welcome this new development. It is in India's interests that there should be a strong and stable democratic government in Pakistan. Such a government alone will be able to take a long-term view of the interests of the people and follow a policy which is consistent with it. There is a bright chance now of such a government emerging in Pakistan as a whole as well as in its two parts. Every well-wisher of India and Pakistan will welcome that prospect.

It is shortsighted and churlish to hope for quarrels to develop between the two parts of Pakistan. If quarrels develop and the two parts begin to pull in two different directions, the party to suffer most, apart from the people of Pakistan, will be India and her people. Unsettled conditions in either part of Pakistan and the consequent weakness of the Central Government will not remain confined to Pakistan; it will spill over the borders into India, and make the whole sub-continent a cockpit of international rivalries and jealousies. A weak and unstable government cannot also take any steps to solve the problems between India and Pakistan.

India should welcome the new situation that has developed and is developing in Pakistan and make a fresh attempt to secure a satisfactory solution of the unresolved disputes. The time for making that move will never be more propitious.

Stupid and Inexcusable

ELECTIONS in the State of Jammu and Kashmir have generally not been free and fair. Coercion, undue influence and unlawful practices like rejection of nomination papers on flimsy grounds have vitiated them and prevented the people of the State in many cases from sending their real representatives to the State legislature and the Lok Sabha. The special conditions obtaining in the State and the fact that it is in a remote corner have prevented the general public from getting a clear idea of this infringement of the democratic rights of the people. Whatever may have happened earlier, the action that the Government have taken on this occasion will leave nobody in doubt that the election to the Lok Sabha from the State will not be free or fair.

The Government have outlawed the Plebiscite Front, have arrested over three hundred of its active workers and have prevented the entry into the State of such leaders of the Front as Shaikh Abdulla, Mr. Mirza Afzal Beg and Mr. G. M. Shah. By this action the Government have not only violated the democratic rights and liberties of the individuals and the institu-

tion but have also effectively prevented the people from taking part in the forthcoming elections. It is unthinkable to contemplate a grosser violation of the basic principle of fairness of an election. The action is both stupid as well as inexcusable.

The Chief Secretary of the State has explained that "this action has nothing to do with the forthcoming elections." The arrests, the externments and the internments were done, he said, for "reasons of the security of the State". It is significant to note in this connection that the grounds on which the Government have based their charge have not been made public nor communicated to the persons concerned. The contention of the Chief Secretary cannot, therefore, carry conviction. If any person or institution was engaged in subversive activities, he or it should be placed before a court of law and given the penalty that the action deserves. The failure to adopt that straight-forward course proves the weakness of the Government's contention.

A few days after this action was taken a spy conspiracy was discovered and a few persons were arrested and some incriminating material was seized. If the Plebiscite Front or any of its leaders or workers were connected or associated with the conspiracy, the facts should be placed before the public. Mere suspicion will not be, however, enough and the Government and its agents should desist from making vague accusations against persons who, being behind prison bars, have no chance of defending themselves.

By the action that they have taken the Government have done a grave wrong to the country. They have denied it the opportunity to show to the world that free and fair elections take place in Kashmir and that the freely elected representatives of the people of Kashmir take part in the nation's Parliament and participate in decisions regarding the state.

Without Comment

With the elections a few weeks away the CPM has started its war of 'reconquest' of lost territories. As a result 21 persons were killed within 48 hours ending January 18. Among the persons killed were members of the CPI, FB, SSP and CPI-ML. A few CPM members were also killed in the clashes.

In a report to the Centre the West Bengal police has said that the CPM is primarily responsible for the recent violent clashes and murders in the state.

The police report further discloses that the CPM was collecting arms and preparing for such an offensive. Recently CPM leaders held meetings in these areas and gave the green signal to their followers. And then the attacks started.

—From a Report in *New Age*, January 21

Freedom Of The Press In India

M. D. Kini

EXISTENCE of a free press is *sine qua non* of a democracy. Without a free flow of news and freedom to comment on it there cannot be any democracy at all. Democracy presupposes discussion and discussion requires facts. Facts can be disseminated only by a newspaper which is free.

Freedom of expression, of which the freedom of the press is a part, is guaranteed by our Constitution. Freedom enjoyed by the press in India is considerable and is the envy of many newly independent countries. Anybody can start a newspaper in India and publish almost anything short of defamation of individuals and institutions. No paper has been banned. There is no censorship, prior or preventive. This freedom is not available in most of our neighbouring countries.

Threats to the freedom of the press can come from various sources. Interested parties may try to distort the news or prevent honest comments on it. It can come from influential individuals or a mob. It can come from the proprietor of a newspaper or their own employees. It can come from those who are in authority, executive or legislative.

An individual who can kill a news item which is true is as much a threat as a mob which burns a newspaper office or its van distributing the newspaper. It is difficult to gather information about the former but about the latter we have many instances. In West Bengal, *Amrita Bazar Patrika*, *Hindusthan Standard* and *Statesman*, and in Kerala, *Malayalam Manorama* have been the victims of mob violence. Recently in U.K. the printing press workers threatened to stop printing the *Observer* of London if the editor published a report and an editorial on their labour dispute. This may happen in India too.

The threat from the proprietor can be of a similar nature. It is not disputed that the proprietor has a right to lay down an overall policy as far as the opinion columns are concerned. Even the Press Council has conceded this in its report in 1954. But not even a proprietor or anyone else for that matter has the right to black-out news which is of importance to the community. A few years ago the *Times of India* blacked out a news report about certain allegations about their proprietors.

Threat to the freedom of the press is more from a Government, State or Central, than from anybody else. This is because "the press is an instrument of opposition, among other things" as Mr. M. R. Masani observed in a Seminar on the "Freedom of the Press in India" held in Srinagar. As everybody knows, when a man bites a dog, it is news, that is, when something goes wrong, it is news. Since a modern government has

numerous functions, a big bureaucracy to carry it out, naturally many things go wrong and they have many things to hide. In a communist country everything is owned by the government including the press, and it is not difficult at all for the government to publish only those things that they want their people to know. But in a democratic country the press is not owned by the government. The free press exposes the scandals and the skeletons of the government. Here the government resorts to what is called management of news by other means. It uses subtle pressures and persuasions to influence the newspapers.

In India because of the scarcity of many things which are necessary for the functioning of a press the Government exercises a lot of controls. For example, newsprint is a very scarce commodity. All the so-called big newspapers are allowed only some ten per cent increase of newsprint every year while the smaller ones are given more. Nobody denies that the smaller newspapers should be encouraged but the bigger ones should not be penalised for their success. It is alleged that the smaller newspapers do not use all the newsprint quota that is allotted to them but pass it on to others at inflated prices. The best solution to the problem of scarcity of newsprint would be to have more factories for the production of newsprint. It is surprising that with a lot of raw materials necessary for the newsprint factory like bamboos, etc. being available in India why it has not occurred to the government to have more factories.

Though the advertising revenue available for all newspapers in India is something like 50 crores, nearly 5 crores, that is, ten per cent is from the various State Governments as well as the Central Government. Apart from this there are so many public sector companies which have a huge advertisement budget. All the private advertisers, of course, go by only one criterion, that is, the circulation of the newspaper concerned. That is the only way they can reach the maximum people. But in the case of the government they have adopted a new criterion, that is, to encourage smaller newspapers. This is a very laudable objective but it is subject to abuse. There have been allegations that the smaller newspapers are favoured so that they can be influenced easily by the Government. This is what Mr. Chanchal Sarkar, Director of the Press Institute of India, says: "Government is also a big advertiser, perhaps it is the single biggest advertiser, and in the case of the small and medium papers it is probably the decisive advertiser. Most of them, unfortunately, are prepared to do almost anything to ensure that advertisements flow from Government. The States have not hesitated to

cash in on this power and also, in the States, the economic condition of the individual journalist is often so weak and insecure that he becomes more and more dependent on the facilities provided to him by the Government or the Department of Information." ("Slow March to Fast Music, the Indian Press in Twenty years of Independence" *Vidura*, Vol. V, No. 2, May 1968). We also know the famous case of the *Tribune*. The Haryana Government stopped advertisements to the *Tribune* on the excuse that the advertisement tariff of the paper was unreasonably high, and that the *Tribune* was giving more publicity to Punjab than to Haryana, etc. The verdict of the Press Council in this case is as follows: "In view of these findings the Council has come to the conclusion that the action of the Government of Haryana in respect of the matters above-mentioned is calculated to threaten the freedom of the Press and that the withdrawal of advertisements and the attempts to stop the circulation of the paper were in retaliation of the editorial policy of the newspaper which was evidently not relished by the Government. The Council, therefore, considered that this was an attempt to influence the editorial policy of the Paper. The Council must record its disapproval of this invasion of the liberty of the Press and of the freedom of the editor in conducting his newspaper and condemn this action of the Government."

It is not suggested that any newspaper has a fundamental right to advertisements from the government. Since the government collects taxes from the people, the people should know the criteria on which these taxes are being spent. The government cannot use the advertisement revenue as patronage or largesse. The *Tribune* in a great editorial on the "Press and the Government" exposed the fallacy of the Government's argument "Though advertisements are not a fundamental right, the giving or the denial of advertisements can be used as a lever to influence editorial policy. . . . There is no fundamental right to newsprint either, and the Government can very well say that the right to freedom of expression is not impaired so long as people can express themselves by Kathakali mudras."

The rotary machine which is necessary for a modern newspaper requires an import licence. Here one more complication has been added because of the rupee trade agreement. The rotary machines can only be imported from the U.S.S.R. and East European communist countries. Recently there was a case of a new newspaper from New Delhi. It got the import licence but the communist country from where the machine was ordered told the newspaper concerned that it would not be possible for them to supply the machine until after 1972, that is, after the elections. The newspaper has to depend on the sweet will not only of our government but the government of another country as well.

A modern newspaper has to depend for so many things on the government, like the allocation of tele-

printer, phone facilities, etc. that only a strong newspaper like the *Tribune* can stand up to the blandishments of the government. It is the failure of democracy that the press in India should be economically strong and viable. But our democratic government wants to punish the successful newspaper. There are really very small compared to the newspapers of Japan, U.K. and U.S.A. We have only 16 newspapers with a circulation over a lakh. Among them 10 are in English, 2 in Hindi, 3 in Bengali, 3 in Malayalam, 1 in Marathi and 1 in Tamil. Out of nearly 600 Dailies in India only 16 should claim this distinction. A commentary on the situation of the press in India says these 600 Dailies have a circulation of only 0.1% in a population of nearly 60 crores, with 10% literates.

The government's case against the leading newspapers is that they are monopolistic and have vested interests. It is not true to say that any newspaper or a chain of newspaper in India is monopolistic. In every city a reader has a choice of nearly half a dozen newspapers, in English and other Indian languages. It is true that except for *Hindu*, *Amrita Bazar Patrika* and *Hindustan Standard*, which are almost family concerns, the other leading newspapers are owned by industrialists. As a matter of fact it is easier for the government to persuade these industrialists to fall in line since they have to depend on the government for permits and licences for their industries. If despite of this there is a lot of criticism in these newspapers of the Government's policy, the editors and the proprietors of the newspapers should be commended for their courage in opposing the government of the day. As long as the news columns of the newspapers give adequate coverage to all the news that is of importance to the people, it does not matter what the editor writes in his editorial columns at all. In a democracy, government has to take all criticisms in its stride because it is a part of democracy itself. But our ministers are used to the applause of newspapers upto now. Immediately after Independence there was almost a national consensus on all important policies. Whatever differences there were muted and muffled by the towering personality of Pandit Jawaharlal Nehru. With the breakup of the Congress the differences are stridently being heard. In a democracy there cannot be committed judiciary, committed civilians or a committed press. The commitment of judiciary can only be to law and justice and that of civilians to impartiality and fairness while that of the press to only facts not to any party or a creed. Press cannot commit itself for a majority, however overwhelming it may be because, today's majority may be tomorrow's minority, today's creed may be tomorrow's anathema, and today's heresy may be tomorrow's orthodoxy. The sooner the government realises this the better it is for our nascent democracy.

Constitution And The Common Man

N. A. Palkhivala

INDIA has never known true democratic freedom in its entire history except during the last 23 years. If Plato's dictum regarding political evolution is correct, our newly won freedom will have to be zealously guarded if it is not to be supplanted by dictatorship. In a nascent republic where freedom is not bred in the bones of the people, the danger of dictatorship is always vastly greater than in democracies which are centuries old.

In India freedom is not more than one election away from extinction. When an attempt to uphold the rule of law is called a manifestation of "vested interests", and when preservation of the sanctity of the Constitution is called the handiwork of "reactionary forces", it should be clear to any thinking mind that freedom is in peril.

Political freedom and civil liberty are the keystone of the Indian Constitution. Our Constitution is primarily shaped and moulded for the common man. The only persons who would be disappointed with our Constitution are those who believe in outdated ideologies which can only result in levelling down and not levelling up. The Constitution believes in the distribution of wealth, and therefore it not only permits but encourages the creation of wealth by enterprising individuals who with their vision and expertise are prepared to take risks and develop their country. That is why our Constitution confers on all citizens the fundamental rights to acquire, hold and dispose of property and to carry on any trade, business or profession.

The great makers of our Constitution clearly intended that the integrity of the Constitution should be preserved against any hasty or ill-considered changes, "the fruit of passion or ignorance". The essential purpose of our Constitution is to ensure freedom of the individual and the dignity of man, and to put basic human rights above the reach of the State and of transient politicians in power whose naked juvenile chatter is covered by the fig-leaf of demagogic claptrap.

With the growing powers of Governments all over the world, it is eminently desirable for any democracy to have fundamental rights which cannot be curtailed or abrogated. In the words of Mr. Justice Frankfurter, man being what he is cannot safely be trusted with complete power in depriving others of their rights. The protection of the citizen against all kinds of men in public affairs, none of whom can be trusted with unlimited power over others, lies not in their forbearance but in limitations on their power. At least such is the conviction underlying our Constitution.

With our varying and widely divergent creeds and ideologies, and a wide variety of religions and languages, our country is pre-eminently a country where inalienable fundamental rights are an absolute necessity. These rights have been called, not without justification, the "conscience of the Constitution" or the "soul of the Constitution". In material terms, they constitute the anchor of the Constitution and provide it with the dimension of permanence.

No time in India's history could be more inopportune than the present for amending the Constitution and empowering Parliament to abridge or take away the Fundamental Rights. With the growing sense of insecurity in different States, when fanaticism of all sorts—regional, linguistic, communal and economic—is gathering momentum, it would be not merely a mistake but a betrayal of the fundamental freedoms to enable Parliament to trifle and tinker with them.

The right to property is often derided as the "least defensible" right in a socialist democracy. Yet a little reflection would show that this right is of the essence of a sound body politic and of a democracy which aims at marching forward economically.

Any attempt to abrogate the Fundamental Right to property would be erroneous, because it would run counter to the eternal laws of human nature. Men will sooner, Machiavelli said, forgive the deaths of their relatives than the confiscation of their property. It is a sad reflection on human nature that, generally speaking, a man will work for himself and his family as he will work for no one else. However, until this law of human nature is changed, the abolition of the right to property can meet with nothing but disaster.

There is no democracy anywhere in the world where as a matter of law and of constitutional practice the right to property is not respected. The right to property is enshrined in the Constitutions of the States where the rule of law prevails, as for example, in the Magna Carta, in the American Declaration of Independence, in the French Declaration of the Rights of Man and in the German Constitution. Even in Communist countries like the U.S.S.R., the right to private property in the fruits of personal labour and the right to inherit such property are recognised.

Under our Constitution the right to property is elastic and flexible—the Legislatures and the Executive are entitled to subject it to all such reasonable restrictions as are in the public interest. The right to property cannot be invoked at all against laws relat-

ing to zamindari and other estates in lands or against other laws relating to agrarian reforms. Sixty-four Acts passed by Parliament and the State Legislatures are constitutionally declared to be valid although they may directly infringe the right to property. The adequacy of compensation cannot be challenged in our Courts of Law. Far from there being any need to abridge the Fundamental Right to property further, the truth is that perhaps in no free democracy of the world does the right to property exist in such an abridged and attenuated form as it does in India.

Countries where freedom has become a way of life can do without the luxury of a constitutional right to property. But in India where economic fanaticism has become a way of political life, it is imperative to retain the right to property.

It would not be too much to say that the right to property is, in a sense, the handmaid to the other fundamental rights. Of what avail is the fundamental right to freedom of speech and expression to a newspaper if its property can be taken away without reasonable compensation; or the fundamental right to form associations or to religious minority is to be held on the sufferance of the party in power?

The myth has been sedulously propagated by wily politicians that it is the Constitution which stands in the way of the nation's economic progress and the uplift of the masses. This is the greatest fraud ever perpetrated on the people. The truth of the matter is that it is the wooden-headed and disastrous economic policies of the Governments at the Centre and in several States which are truly responsible for the miseries of the seventeen million unemployed and the many more millions who, though employed, are still living below the minimum subsistence level due to the erosion in the value of the rupee. There is not a single sound economic policy or scheme for social development of the masses which is in the slightest degree hampered or hindered by any of the provisions of the Constitution.

The significance of the judgment of the Supreme Court in the Privy Purse case is not so much for the Ruler as for the common man. The basic issues involved in the case were not concerned with Privileges and Privy Purses—with the booming of salute guns or the counting of our devalued currency; the basic issues centred round the sanctity of the Constitution and public morality. Could the Constitution be silenced and its mandate sacrificed at the altar of political expediency? If privy purses could be stopped by executive action, the most unsafe investment in the world would be the securities of the Indian Government. The funds of charities and trusts for widows and orphans, and provident funds of millions of workers, are invested in Government securities. If privy purses can be repudiated, so can the Government's obligation to pay the principal

and the interest in respect of Government securities, because the Constitution has used exactly the same words in guaranteeing privy purses as for guaranteeing the Government's obligation in respect of securities. What was at stake was nothing less than the nation's honour and its reputation for financial integrity in the eyes of the world.

The importance of the Privy Purse judgment from the point of view of the common man can be well gauged from the following passages in the judgments:

"The President cannot claim a total immunity for his acts from the scrutiny of the Court. Neither the paramountcy of the Grand Moghul who could give subhedarships to his Generals as he pleased nor the paramountcy of the British Crown has descended to him." (Per Hidayatullah, C.J.)

"... The foundation of our Constitution is firmly laid in the Rule of Law and no instrumentality of the Union, not even the President as the head of the Executive, is invested with arbitrary authority." (Per Shah J.)

"Breach of any of the constitutional provisions even if made to further a popular cause is bound to be a dangerous precedent. Disrespect to the Constitution is bound to be broadened from precedent to precedent and before long the entire Constitution may be treated with contempt and held up to ridicule. That is what happened to the Weimar Constitution.... The basic issue arising for decision in these cases is of far greater significance than it appears at first sight. The question whether the Rulers can be de-recognised by the President is of secondary importance. What is of utmost importance for the future of our democracy is whether the executive in this country can flout the mandates of the Constitution and set at naught legislative enactments at its discretion. If it is held that it can, then our hitherto held assumption that in this country we are ruled by laws and not by men and women must be given up as erroneous." (Per Hegde J.)

There is no doubt that the overwhelming majority of thinking men strongly believe in the Fundamental Rights and are deeply conscious of the outstanding role played by the Courts in preserving our cherished values. But unfortunately they constitute the silent majority. There are times in a country's history when inaction and silence can be a culpable wrong, and we are living in such times. It is not enough that we believe in our national motto that truth will ultimately prevail. We must take active steps to see to it that falsehood does not have a very long innings before the ultimate moment of truth arrives.

(Excerpts from a lecture in Bombay)

Khrushchev Remembers

(The following are extracts from the first couple of chapters of the book, *Khrushchev Remembers*, published by Little Brown and Co. The extracts are taken from the reproduction of parts of the book in *The Times*, London.)

In his preface to the book the well-known Russian expert, Mr. Crankshaw writes: "I did not have to read very far, however, to feel pretty well sure that this was the real thing; and by the time I had finished I was convinced. Here was Khrushchev himself, quite unmistakably speaking, a voice from limbo, and a very lively voice at that. To anyone who had listened to him in the days of his prime or read his speeches in Russian, there was no mistaking the authentic tone.

So what we have is an extraordinary and unique personal history. With all its limitations, its evasions, concealments, deceptions and omissions (some deliberate, some due clearly to the forgetfulness of the old), it is the first thing of its kind to come from any Soviet political leader of the Stalin and post-Stalin eras.

More importantly, nobody now active and in office is attacked directly. The main target of criticism is Stalin himself, after him Beria; a long way after him Kaganovich and Malenkov. All are either dead or retired.

As for the book itself, what we have are the thoughts and memories, highly selective, of an old man trying to justify himself. The material adds up to a rambling, repetitive, sometimes self-contradictory, sometimes inaccurate, usually tendentious narrative in no sort of order and full of gaps. Mr. Talbot, the American translator and editor has taken that fragmentary record and put it into a coherent narrative in more or less chronological order.

(There is a dispute amongst experts about the genuineness of the memoirs. One expert, Mr. Victor Zorza of the *Guardian* has described the memoirs as the "publishing hoax of the century". On the other hand, about thirty American experts on Soviet affairs found after a day's deliberation that the memoirs were authentic. The meeting of the experts was convened by the State Department's Bureau of Intelligence and Research.—Ed.)

I now live like a hermit on the outskirts of Moscow. I communicate only with those who guard me from others—and who guard others from me.

There was unquestionably something sick about Stalin. People of my generation remember how the glorification of Stalin grew and grew and everyone knows where it led. I often see films about China on television, and it seems to me that Mao Tse-tung is copying Stalin's personality cult. If you close your eyes, listen to what the Chinese are saying about Mao, and substitute "Comrade Stalin" for "Comrade Mao" you'll have some idea of what it was like in our time. Huge spectacles were organized in Moscow in much the same way that they're organized in Peking today.

What I say is not slander, and it's not malicious gossip. I speak as a man who spent his whole life in close touch with the Soviet people and who also stood for many years at Stalin's side in the leadership. As a witness to those years, I address myself to the generations of the future, in hope that they will avoid the mistakes of the past.

Those last years with Stalin were hard times. The government virtually ceased to function. Stalin selected a small group which he kept close to him at all times, and then there was always another group of people whom he did not invite for an indefinite period to punish

them. Any one of us could find himself in one group one day and the other group the next.

We usually got together for bureau meetings in the following way. There were no official sessions as such. When Stalin was coming into town from the dacha where he lived, he would call us together through the Central Committee secretariat. We would meet either in his study at the Kremlin or, more often, in the Kremlin film theatre. We would talk about various matters between reels.

Collectivization was begun the year before I was transferred from the Ukraine, but it wasn't until after I started work in Moscow that I began to suspect its real effects on the rural population—and it wasn't until many years later that I realized the scale of the starvation and repression which accompanied collectivization as it was carried out under Stalin.

My first glimpse of the truth was in 1930, when the Party cell at the Industrial Academy tried to get rid of me by sending me out into the country on a business trip. The Academy sponsored the Stalin Collective Farm in the Samara Region, to which I was supposed to deliver money which we had collected for the purchase of agricultural implements. Sasha (Aleksandr) Sdobnov, another student at the Industrial Academy, accompanied me on the trip. He was a good comrade

from the Urals. Later he got caught in the meatmincer of 1937.

We spent only a few days at the collective farm and were appalled at the conditions there. The farmers were starving to death. We called a meeting to present the money which we'd brought them. Most of the workers on this collective farm were drawn from the Chuvash population, so we had to speak to them through a translator. When we told them that the money was allocated for farm equipment, they told us they weren't interested in equipment what they wanted was bread. They literally begged us to give them food.

I'd had no idea that things were this bad. We'd been living under the illusion promoted by *Pravda* that collectivization was proceeding smoothly and everything was fine in the countryside.

Then, without warning, Stalin delivered his famous speech laying the blame for the excesses of the collectivization on active local Party members. I remember being bothered by the thought: if everything has been going as well on the collective farms as Stalin has been telling us, what's the reason for the speech all of a sudden?

When the failure of the collectivization became widely known we were all taught to blame scheming kulaks, rightists, Trotskyites and Zinovievites for what was happening. There was always the handy explanation of counter-revolutionary sabotage.

Perhaps we'll never know how many people perished directly as a result of collectivization, or indirectly as a result of Stalin's eagerness to blame its failure on others. But two things are certain: first, the Stalin brand of collectivization brought us nothing but misery and brutality; and second, Stalin played the decisive role in the leadership of our country at the time. If we were looking for someone to hold responsible, we could lay the blame squarely on Stalin's own shoulders.

Stalin's character was brutish, and his temper was harsh; but his brutishness did not always imply malice. It was sort of inborn brutishness. He was coarse and abusive with everyone. I often experienced his rudeness myself. Stalin liked me. If he had not liked me or if he had felt the slightest suspicion toward me, he could have got rid of me any time he pleased. More than once, after being rude or spiteful with me, he would then express his goodwill. But God forbid that there should have been any kind of apology! No, apologies were alien to his very nature.

Neither the Central Committee, the Politburo, nor the Praesidium Bureau met regularly. But Stalin's regular sessions with his inner circle (usually Malenkov, Beria, Bulganin and Khrushchev) went along like clockwork. If he did not summon us for two or three days, we would think something had happened to him.

He suffered terribly from loneliness. He needed people

around him all the time. When he woke up in the morning, he would immediately summon us, either inviting us to a film show or starting some conversation which could have been finished in two minutes. But he stretched it so that we would stay with him. This was an empty pastime for us. It is true that sometimes state and party questions were decided, but we spent only a fraction of our time on these. The main thing was to occupy Stalin's time so he would not suffer loneliness. He was depressed by loneliness and he feared it.

He had a deep fear of more than just loneliness and being ambushed by his enemies on the road to the dacha. Whenever we had dinner with him, Stalin would not touch a single dish or hors d'oeuvre or bottle until someone else had tested it. This shows that he had gone off the deep end. He did not even trust the people serving him, people who had served him for years and who were undoubtedly loyal to him. He did not trust anyone at all.

These dinners were frightful. We would get home from them early in the morning, just in time for breakfast, and then we would have to go to work. During the day I usually tried to take a nap in my lunch hour because here was always a risk that if you did not take a nap and Stalin invited you for dinner, you might get sleepy at the table; and those who got sleepy at Stalin's table could come to a bad end.

I would say that Stalin found it entertaining to watch the people around him get themselves into embarrassing and even disgraceful situations. For some reason he found the humiliation of others very amusing. Once Stalin made me dance the Gopak (a Ukrainian folk dance) before some top Party officials. I had to squat down on my haunches and kick out my heels. Which frankly was not very easy for me. But I did it, and I tried to keep a pleasant expression on my face. As I later told Mikoyan: "When Stalin says dance, a wise man dances".

Review

India and the ILO

N. K. Kakkar, Sultan Chand and Sons, Delhi, Rs. 10.

THE author has told in this small book of 127 pages the story of the ILO and fifty years of its work. It gives useful information about ILO Conventions and Recommendations and their impact on labour legislation in India and the conditions of Indian workers. The ILO has done a lot for labour in industrially backward countries, but the author's concluding description of the ILO as "the mother which is nourishing and cherishing the underdeveloped countries" is too enthusiastic an overstatement.

N.D.

Without Comment

Patrice Lumumba University

THE Patrice Lumumba University in Moscow, run by the KGB, is a centre for the training of propagandists for Communism and Soviet power. Students of history, philosophy and in particular economics and law, are subject to thorough communist indoctrination.

The tasks of the University are described by Mr. Anthony Okotcha, a Nigerian student, trained in Moscow to go home and work for the overthrow of his brother-in-law, Dr. Azikiew, the then Governor-General. Facts presented by Mr. Okotcha, are given in a book, *Embassies of Subversion* by Mme. Suzanne Labin, the well-known French writer. The following is an extract from the book: "After Marxism-Leninism, the theme of my studies was the 'secret sciences'. The class for 'witch doctors' was available only to African students. The professor started his course with "You know that in certain undeveloped parts of Africa, the people are highly superstitious. From this arises the necessity of spreading the methods which permitted the agitation of the Mau revolt in Kenya. A single witch doctor, working among primitive people can accomplish more than a dozen political speakers. He can incite the masses to any objective at his discretion. You see what you can gain if he is a Communist".

Letter to the Editor

Positive Alternative

THERE is the need to foster some kind of faith, if that is the word, among the students I see around me. The crippling sense of purposelessness, the mindless vacuum that they live in is something frightening; and yet if there was only something to which they could respond, they would be quite different. However right political parties may be in painting a black picture of the conditions in this country and exposing the ineptitude of the Government, I cannot imagine how they will create any sense of determination in people if they do not give them a positive alternative. If people are made to believe that this country has gone to the dogs, they are not going to care whether the breed is Russian or Chinese, and with our past record for passive endurance we shall probably endure the process for another hundred years. Surely, this is not the attitude that political parties want to foster. Surely, there is still something left for us to believe in and fight for and surely it is the young, with their capacity for idealism and hope, with their enthusiasm and energy who should be kindled with what sparks that remain. I am sure this must all sound quite 'cliche-ed' but I am tortured by the thought of what can be done and how little is being done about it.

Malabar Hill, Bombay.
27th December, 1970.

(MRS) GEETA DOCTOR

CANCER IS CURABLE IF DETECTED IMMEDIATELY

These are the 7 Danger Signals

1. Any sore that does not heal.
2. A lump or thickening in the breast or elsewhere
3. Unusual bleeding or discharge
4. Any change in a wart or mole
5. Persistent indigestion or difficulty in swallowing
6. Persistent hoarseness or cough
7. Any change in normal bowel habits.

If you notice any of these 7 Danger Signals—consult
a doctor AT ONCE.

YOUR MONEY CAN SAVE A LIFE!

The Indian Cancer Society is in urgent need of funds with which to fight cancer. However small your donation, it can help to save a life. Post your contribution to THE INDIAN CANCER SOCIETY, Hospital Avenue, Parel, Bombay 12.

GIVE TO CONQUER CANCER

With Many Voices

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

No people can escape from their history.

—Willy Brandt, West Germany's Chancellor,
Time, January 4.

If the socialism of Mrs. Gandhi comes, no kisan would remain owner of his land, no worker would be allowed to go on strike, and new taxes would be imposed on the common man.

—Balraj Madhok, *Current*, January 9.

The country is a cohesive force while class is a divisive force.

—Frank Moraes, *Indian Express*, January 8.

✓ I therefore look upon this not as a general election but as a Referendum on the single question whether the country approves of Smt. Indira Gandhi's plan to tear up the Constitution and annul the liberties of the people and replace democracy by totalitarianism.

—C. Rajagopalachari, *Swarajya*, January 9.

The Commonwealth has undoubtedly been a curious family.

—*Thought*, January 9.

Mrs. Gandhi is systematically proceeding to destroy the independent image, both of the judiciary and of bureaucracy.

—S. K. Patil, *Current*, January 23.

To the Editor,
FREEDOM FIRST,
C/o Democratic Research Service,
127, Mahatma Gandhi Road,
Bombay 1.

Please enrol me as a subscriber to FREEDOM FIRST.

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The election is a referendum on Mrs. Gandhi, and the case against her continued leadership is strong.

—P. Spratt, *Swarajya*, January 16.

The elections will be decided more on the basis of the general images of the various parties in the minds of the people than on the merits of their election manifestoes.

—*Times of India*, January 26.

The extending charisma of the Prime Minister becomes increasingly clear.

—*Free Press Journal*, January 27.

✓ The Ruling Congress Party's election manifesto is more notable for what it conceals than what it reveals.

—*Financial Express*, January 26.

✓ I am always wary of the man who disdains power and spends half his life trying to get hold of it.

—Sir Leslie Cannon, *The Observer* (London),
January 17.

Nowadays God has been replaced by the "people" to swear by.

—D. N. Das Gupta, *Hindusthan Standard*,
January 26.

Thirty years ago who could have imagined that in 1971 the free world would be protesting against persecution of Jews by Communists!

—*The Illustrated Weekly of India*, January 31.

The privileges of a Parliament member are those of the House, and not of the individual. The Member has no privilege except to go to Parliament.

—Lord Hailsham, Lord Chancellor of the British House of Lords, *Bhavan's Journal*, January 24.

We shall win because we have a secret Weapon: we have no alternative.

—Mrs. Golda Meir, *Observer Review*, January 24.