

THE ROLE OF THE PRESS IN INDIA

M. R. Masani

There has been little controversy about the seven point Delhi Declaration on "Press Freedom in India and Democracy" released on November 26, 1977, at the concluding session of the Conference organised by the International Press Institute and the Friedrich-Naumann-Stiftung of West Germany, the text of which was published in our January issue.

The only item to which exception appears to have been taken — by none other than the Union Minister for Information and Broadcasting — is the second item which claims for the press "the inalienable right to an adversary role".

Mr. L. K. Advani demurred on this point immediately after the Declaration was presented to him at the Conference by your Editor on behalf of a small group of newspapermen who had drafted it. Mr. Advani chose to revert to this matter on December 10 while addressing the Indian Agricultural Research Institute in New Delhi. According to the *Sunday Standard* of 11th December 1977, "dissociating with the International Press Institute's recent New Delhi seminar view that the press everywhere is a watch dog and adversary of the Government, he said the situation in India is totally different. Where is the question of Government confrontation with the press in areas of national development, particularly in the social, economic and agriculture sphere?..... In the Indian context, the journalist is not a mere vehicle of information, but is an educator. His social responsibility should not be lost sight of."

In view of this revival of controversy by the Minister, it becomes necessary to question his unfortunate attempt to differentiate between freedom of the press in developed as distinct from underdeveloped countries like India and also to remove a misunderstanding under which he seems to labour.

Let it be said without any cavil that freedom of the press can not differ or vary from one kind of country to another. In any free society, freedom of

the press should be absolute and subject only to the laws of libel, obscenity and treason.

The Prime Minister, Mr. Morarji Desai, did in fact happily accept this position in the excellent address he delivered to the IPI conference a day earlier on November 25. He described the press as one of the four pillars on which the mansion of democracy stood and stressed that "the right to dissent was the key principle of democracy". While assuring the press that he would not touch it or do anything to bring it under Government influence or control, the Prime Minister rightly stressed that the freedom of the press could in the final analysis only be maintained by the press itself.

Mr. Advani, who had a fine record as a journalist, should be careful not to fall for the vulgar Marxist thesis that the standards and values of freedom practised in the Western Democracies can be lowered and diluted with impunity in countries of the Third World like ours. That was precisely Mrs. Gandhi's excuse for her authoritarian regime and for the Soviet support given to it. On the contrary, the more

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IN THIS ISSUE

Some distinguished names are to be found among the authors of the articles in this issue such as Bernard Levin, Leopold Labedz and James Burnham.

Editorial comment deals not only with the Role of the Press in India but the toppling of the Karnataka State Government, the war between communist North Vietnam and communist Cambodia, and the recent political changes in Australia.

Between You & Me and The Lamp Post



Curiouser And Curiouser

The Janata Government's position in regard to the 42nd Amendment to the Constitution is getting curiouser and curiouser and is reminiscent of the old jingle :

"That is how the world ends,
Not with a bang but a whimper".

Step by step, the Janata Government is being pushed down a slippery slope as a result of the trap it so unwisely devised for itself. From total repeal to repeal of most of the Amendments to partial repeal by the consent of the Congress Opposition, we have now reached the stage where only four out of scores of objectionable changes are being undone by the 44th Amendment Bill which was introduced by the Law Minister in the Lok Sabha on December 16, thus giving legitimacy to by far the greater part of the infamous 42nd Amendment.

The only consoling part of this sad story is that even supporters of the Government in the Lok Sabha used the occasion of the debate in Parliament to protest against this backsliding.

Echoing the headline in *Freedom First* of November 1977, Mr. Shyama Nandan Mishra, Deputy Leader of the Janata Party in the Lok Sabha, and Mr. P. G. Mavalankar, the redoubtable Independent, demanded the introduction of a "comprehensive bill to repeal the 42nd Amendment lock, stock and barrel".

According to the *Express News Service* lobby correspondent, these members, along with Mr. Krishna

Kant, succeeded in "extracting an assurance from a reluctant Law Minister that a comprehensive Constitution Amendment Bill would be brought forward in the early part of the next (budget) session".

We greatly doubt whether this assurance will result in what the Honourable Members want. Our apprehension is that even that Bill, as and when introduced, will leave unrepealed a great many vicious provisions of the 42nd Amendment.

Mr. S. N. Mishra was perfectly correct in warning against giving legitimacy "to the 42nd Amendment by walking slowly and steadily into the trap laid by Mrs. Gandhi's party". The pity of it is that the trap is in fact a gratuitous one of the Janata Party's own making.

Toppling In Karnataka

In our issue of January 1977 entitled "Goodbye to Federalism", we had taken Mrs. Gandhi and her government to task for toppling the administration in Orissa led by Mrs. Nandini Satpathy. We had attacked it as a violation of the federal structure and a misuse of Article 356 of the Constitution under which President's Rule had been declared in that State. The same considerations apply to the toppling of the Karnataka Congress Government by the proclamation under Article 356 issued by the President on the "advice" of the Union Cabinet.

The Governor of Karnataka has claimed that there were various "special features" of the situation that did not make it desirable to wait for another two or three days for the State Assembly to meet

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backward a democracy and the weaker the Parliamentary Opposition, as has been the case in India, the greater the obligation on the Press to play an adversary rôle.

As it happens, however, the Minister has obviously misunderstood the Declaration and failed to see its thrust as a whole. Even paragraph two, to which he takes exception, makes it clear that while the press has a *right* to an adversary or watchdog rôle, that is by no means its only function. Paragraph two the Declaration reads as follows :

"In a democracy, a free Press has an inalienable right to an adversary rôle. It should be free to criticise Authority at all levels in the general public interest and to function as a watchdog over the Government's handling of the problems

of the people and the country. The Press should also be responsive to society as a whole and act as a channel of communicating to purvey facts and give fair and considered information on all issues. A free Press should, above all, be conscious of its responsibility to present to the public news without fear or favour or distortion or suppression or censorship".

It will be seen that the Declaration neglects neither the social obligations of the press nor its function as a channel of communication, which the Minister of Information has stressed.

The press would like to claim Mr. Advani as its friend and it is to be hoped that, on a more careful reading of the Declaration as a whole, he will appreciate that there is nothing in it which he should not be in a position whole heartedly to endorse.

and show whether or not it continued to have confidence in the Chief Minister, Mr. Devaraj Urs, and his government. Quite clearly, Mr. Urs has a right to feel he has been denied the opportunity to show he had a majority. The case made out by the Governor is utterly unconvincing and the "special features" were not more "special" than those urged on earlier occasions when the Constitution had been similarly violated by Mrs. Gandhi's government.

On this, as on other occasions, it is the political interests of the party in power in Delhi that have guided the action and not constitutional considerations, and it is good that the bulk of the Indian press has refused to go along with this action.

So long as Governors of States continue to be stooges of the Centre and not independent men who can act as the Heads of their States, such misuse of the Constitution will continue. It is a pity that the President of the Union did not assert his right to refuse to sign the Proclamation and open the eyes of the Union Cabinet to the dubious quality of their action.

Terrorism on the Home Front

It is good that the tocsin that *Freedom First* sounded with its front page article of January 1978 has started resounding in some other quarters. On January 12, Mr. Inder Malhotra wrote a signed article on the editorial page of the *Times of India* entitled "Muscle Power To The Fore" in which he covered a great deal of the ground we had in our article. The January issue of the *Labour Chronicle* carries an article by Mr. S. R. Mohan Das, whose roots are in the trade union movement, entitled "Mafia Trends in Unionism", which points out how the campaign of violence and hooliganism to which we had referred is hurting the genuine interest of workers and trade unions themselves. So too, the veteran trade unionist, Mr. V. B. Karnik has written a perceptive article on the subject in the latest issue of the *Illustrated Weekly*.

The wider this process of enlightenment spreads and the more vocal the criticism of these dangerous trends the more likely is it that Government policies of appeasement practised by both the Janata and Congress parties will end.

Dog Eats Dog

When thieves fall out, honest people sometimes, though not always, come into their own.

The war of aggression launched by the Hanoi regime against its communist neighbour in Cambodia is enough to make the Gods laugh. The communist regime in Hanoi has always been an aggressor. Having destroyed the Republic of South Vietnam, Hanoi has now turned its attention to Cambodia. What have all those naive gentlemen in this country, including the Ministry of External Affairs, who have been playing footsie with the bandit regime of Hanoi now got to say?

Not that any tears need to be shed for the communist bosses in Cambodia, who have carried genocide of their own people to a pitch not known even in Moscow under Stalin or Peking under Mao-tse-tung. There is very little to choose between these two dictatorships. It is a case of dog eats dog, and no tears need be shed about this clash.

The most ironic part of the whole development is the remark made by the Minister of External Affairs, Mr. Atal Behari Vajpayee, who, while talking to the Vietnamese Ambassador in New Delhi on 3rd January is reported by the *Samachar* correspondent to have observed "that the conflict was unfortunate, especially as both Vietnam and Cambodia were non-aligned countries". "Non-aligned", did you say, Mr. Vajpayee? Since when did a satellite of Moscow, that is Vietnam, and a satellite of Peking that is Cambodia, become non-aligned? And if they are non-aligned, the sooner New Delhi ceases to be non-aligned, the better for its own soul.

Kudos to Subramaniam Swamy

In this context, lovers of freedom will welcome and applaud a great deal of what has been said recently, particularly in an article in *Sunday Magazine*, by Mr. Subramaniam Swamy, the prominent Janata M.P. His article was labelled "Vajpayee Has Done Nothing". Mr. Swamy recalls how remote those pledges sound today to which the Janata Party's Manifesto had given prominence to, namely, 1) self-reliance, and not non-alignment; 2) an "Asian Focus", and 3) Human Rights.

He goes on to point out that, while the Prime Minister in his personal statements has adhered to those objectives, Mr. Vajpayee had already lowered the flag when, in July 1977, he had sought to reassure Mrs. Gandhi and her supporters by claiming in Parliament that there was not even a "subtle and slight change" in the country's foreign policy.

It must be conceded in fairness that Mr. Swamy is not wrong in charging Mr. Vajpayee with doing "a 180 degree turn", be it on the U.S.S.R., Israel or otherwise.

Mr. Swamy concludes by calling for a radical restructuring of India's foreign policy. We would like to echo his call, but must express a doubt whether he will get much change from his party and his Government, constituted as they are at present.

On the Banning of Books

Though we share the widespread distaste about the gossipy and sometimes vulgar and scurrilous books of instant history about the Emergency and allied subjects that have flooded the market since the censorship of books was lifted nearly a year back, we are delighted by the line the Prime Minister has taken by telling off a delegation of ill-advised women M.P.'s that Government would not be pushed into infringing the freedom of expression and the rule of law as a result of their outcry. The remedy, said

the Prime Minister, lies in legal action being taken against the authors and publishers concerned under the law of libel and in the final analysis it is public opinion that counts.

It is not a matter for surprise that the bally-hoo demanding Government action against certain books was initiated in the Rajya Sabha by the communist MP, Bhupesh Gupta. He, of course, would no doubt want the Soviet model to be followed of the Government deciding which publications are desirable and which should be suppressed. It is good that Mr. Morarji Desai has categorically turned down this dangerous incitement to revive the censorship of books so soon after it was removed. As an editorial in the *Tribune* quite rightly asked: "Must the author of every book disapproved by a section of Parliament be banned and its author be put in jail"?

Education Minister Stands Firm

Dr. P. C. Chunder, Union Education Minister, deserves to be congratulated on turning down two ill-digested suggestions made to him recently. On December 12, 1977, in Lucknow, Mr. Chunder rightly asserted that public schools — so badly needed in India for building character and discipline — cannot be abolished so long as our Constitution gives freedom to religious, linguistic and other minorities to have educational institutions of their own.

The Minister also turned down the suggestion that education should not be deleted from the Concurrent List as provided by Mrs. Gandhi's regime and its puppet Parliament. Mr. Chunder rightly stressed that the removal of education from the Concurrent List was part of the general policy of decentralization to which Janata is pledged.

The Centre has already arrogated too much power and reduced State Rights to a dangerous extent. The powers arrogated by the Centre over the years need to be returned to the States. On this point, Sheikh Muhammed Abdullah, Chief Minister of Jammu and Kashmir, and those who agree with him are right.

The Futility of Committees

So another Railway Accidents Inquiry Committee, headed by former Justice of the Supreme Court Mr. S. Sikri, has been appointed. Mr. Madhu Dandavate, the Railway Minister, has by this act indirectly given a quetus to the parrot cry of "sabotage" with which each recent accident has been greeted. Obviously, such a Committee can only advise against accidents and not against deliberate sabotage. That is all to the good.

On the other hand, it would be naive to expect anything to result from the findings of such a Committee. Your Editor was a member of the last such Committee appointed in 1968 by the Union Government with former Justice Wanchoo as its Chairman. We travelled the length and breadth of the country

and worked hard for nearly a year. We made many useful suggestions to deal with the human failures which are responsible for the larger number of these accidents. Not a single major recommendation of ours was implemented by the Railway Board — one of the most reactionary vested interests in this country. 'Qui Bono?' One may well ask about the Committee's appointment.

Changes in Australia

The result of the General Elections in Australia last December will be welcomed by Liberals in India as elsewhere. Not only has the Liberal Party been returned to office by a convincing majority, but the egregious Mr. Whitlam, the Labour leader, who had earlier conducted a rabble rousing campaign against the previous Governor-General, Sir John Kerr, for exercising the royal prerogative of dissolving Parliament two years back and giving the electorate a chance to throw him out, which they did, has now finally accepted reality and retired from public life.

The election results also put in their place the trade unions of printers of certain newspapers who tried to prevent their publication because the papers dared to support Mr. Fraser's re-election as Prime Minister.

Forty-eight hours before the General Elections, Sir John Kerr handed over charge as Governor-General to Sir Zelman Cowen, who was formerly the distinguished Vice-Chancellor of Queensland University and had, as a constitutional expert, helped to establish the legal systems in the West Indies, Hong Kong and China. A couple of years ago Sir Zelman had delivered the Tagore Law Lectures in Calcutta. Sir Zelman has a fine record of service in the cause of human and cultural freedom and your Editor had for a while the pleasure of serving with him on the Executive Committee of the International Association for Cultural Freedom in Paris.

Why not Mother Christmas?

"Trust in God and She will protect you" was the slogan that acted as a backdrop at a conference of Women's Lib somewhere in the West.

This amusing but touching incident is brought to mind by the latest development on the Women's Lib front which is that the question has been raised? Why Father Christmas? Why not Mother Christmas? Why not indeed! So far as we are concerned, both God and Santa are perfectly free to join the female species, for *Freedom First* has always stood for equality of the sexes.

The *Guardian* of London has however an answer to give to this question: "Like all the benevolent despots of our culture (Jehovah, Rockefeller, Rowntree, Cadbury, Gulbenkian, Good King Wenceslas and all), Santa Claus is male. Dispensing goodies to the needy and undeserving — as well as to the simply appreciative — seems to be a male preserve. For women it is definitely more blessed to receive than to give..."

TACKLING THE LAW'S DELAYS

K. S. Venkateswaran

TRULY has it been said of the Indian nation that its general reaction to a difficulty or a crisis is determined by what is lazily assumed or hastily glimpsed or piously hoped. No dispassionate observer of Indian events can pretend that this has not been so. Egregious examples of this deplorable tendency can be found in a plethora of decisions taken by the Government with a view to override a crisis or remedy a painful malaise gripping the national polity at various times ever since independence. The recent move, reportedly afoot, of the Union Law Ministry to introduce legislation aiming at reducing the mounting arrears in the High Courts, is an instance in point.

While one readily understands, and even appreciates, the Government's concern over the problem of law delays which has, in recent times, assumed alarming proportions, one cannot, at the same time, escape the feeling, on perusing the contemplated proposals, that many of the suggested remedies, besides being ill-conceived, are patently self-defeating in character. Not only has the diagnosis been partly erroneous but also the avenues of improvement do not seem to have been fully explored.

For one thing, the proposed legislation has paid scant attention, if any, to the fact that the principal reason for the immense backlog of cases in our High Courts is that vacancies of judges in these courts have remained unfilled for long periods. As Mr. F. S. Nariman, a former Additional Solicitor — General of India, observed in a recent radio talk, "If the machinery of justice is slow, the process of appointing new judges has been even slower". This is undeniably true. The problem, being one of momentous significance, brooks no delay. The remedy lies not merely in expeditiously filling the existing vacancies but, as Mr. Nariman himself suggests, in realistically re-assessing the total number of judges required in the superior courts. "It is time to take a new look at the total complement of judges without financial restraints. In most High Courts — especially the old Chartered High Courts like Bombay, Calcutta and Madras — there are just not enough judges to cope with the workload even if all the vacancies are filled. If you walk into the Supreme Court at Tilak Marg at 10.30 in the morning on any working day, you will get a visual demonstration of the workload of the judges of the superior courts, — a sheaf of papers two on three feet high to the right of each judge represents the miscellaneous matters for the day: about a thousand pages or more every day which each judge has to read overnight. And this is only the judicial hors d'oeuvre. Then there are the regular matters which have also to be read and studied, arguments to be heard, judgments to be prepared in each of the cases. It is a staggering burden — a burden made

more difficult to bear by the Constitution Forty-Second Amendment.

Nor would a mere increase in the number of judges help in ameliorating the situation for quality is as important a criterion as quantity. What we need to do is to appoint judges of the right type — men quick in perception, broad in vision, fresh in approach. This may not be an easy task either but a good beginning can be made by offering to pay our judges better and enforcing better conditions of service, so that leading members of the Bar who have made their mark as competent and efficient practitioners of the law, are induced to accept judgeships. In this context, it is heartening to note that the Law Ministry's proposals envisage the appointment of at least two retired judges, known for their quick disposal, as ad hoc judges in each High Court. This is indeed commendable and will, it is hoped, go a long way in reducing the arrears substantially.

While there can be no denying the fact that the administration of justice is a co-operative effort in which the lawyer has as decisive a role to play as the judge, it would, at the same time, be inadvisable to approach this aspect of the problem in an over-zealous and unrealistic manner as the Union Law Ministry seems to have done. To say that "unnecessary, lengthy and repetitive arguments may be declared a professional misconduct, proceedings for which may be initiated by a complaint of the court", is tantamount to throttling the very basis of professional freedom. The solution to the problem of loquacity on the part of counsel lies, in fact, elsewhere. In this regard, it would be instructive to consider the suggestions put forward by Mr. M. C. Chagla, a former Chief Justice of the Bombay High Court and himself a distinguished jurist known for his phenomenal capacity to reduce arrears. Mr. Chagla, in his autobiography, *Roses in December*, says: "Despatch is important, but despatch at the cost of justice is a complete perversion of the judicial process. Also, expedition should not be equated with hustle. Quick disposal results from a judge's quick understanding of the point that is being argued before him, and preventing a repetition of the same argument. This can be done without rudeness and bursqueness. The judge can tell counsel courteously that he has understood his point, and if necessary, he can even formulate the point over again and put it to counsel. There are counsel who wish to convert the judge to their point of view just as there are judges who expect counsel to agree with what they are saying. The judge is not always expected to be converted, and counsel is paid to argue his client's case, and not to accept what the judge may be putting to him".

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WHY RHODESIA?

James Burnham

IAN SMITH has proved himself a brilliant political tactician. Under his leadership, his government — of a meagerly developed, landlocked country, with exposed borders and relatively small population — has managed to survive for 12 years against the world's opposition.

What is it about the present government of Rhodesia that has united all the nations of the world in a resolve to destroy it? What can explain this extraordinary situation that has, I believe, no precedent? Let us consider possible explanations:

CHOOSE YOUR ANSWER

1. *The Rhodesian government is non-democratic, despotic.* No go. There are more than 150 governments in the world. The majority are less democratic and more despotic than the Rhodesian government but have not been made everyone's enemy. Although under the present Rhodesian government only 5 per cent of the population possesses a considerable degree of democracy, that is of itself enough to put Rhodesia well up on the democratic scale. But even for the remaining 95 per cent of Rhodesians, the level of democracy and of legal rights, slight as it is,

TACKLING THE LAW'S DELAYS

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Perhaps the most ill-conceived provision in the contemplated legislation is the suggestion of a maximum time limit of 15 minutes for the hearing of a case at the stage of admission and 10 minutes of hearing of a related matter. This is manifestly ridiculous. One might as well suggest that counsel shall confine his arguments in court to, say, a few thousand words and no further, however lengthy the matter before him may be. It is true that brevity has become a compulsive necessity with the lawyer but to impose restrictions of a wholly unrealistic and ludicrous nature seems to be the very travesty of justice. The difficulty can be eased to a fair extent if the Bar spontaneously rises to the occasion by realising (if I may quote Mr. Chagla again) that, "it is the duty, the right and the privilege of the Bar to put before the court the relevant and material facts which ultimately lead to the judgment and the decision. It is for him to sift unconnected documents and unconnected facts, and present to the court a coherent and harmonious picture on which the court can rely." After all, as Daniel Webster has said, the power of clear exposition is the great power at the Bar. The Indian Bar has seen the exercise of this great power with amazing results by men like Motilal Setalvad whose greatest contribution, as everyone who had been or heard him argue will acknowledge, lay in "the example he set — of putting across the best points in the briefest length of time". Today, there is a sure need for our lawyers to follow his example.

is higher than in many other nations—higher, specifically, than in the large majority of nations in Rhodesia's continent as well as in any Communist nation. Furthermore, it is certain that whatever government replaces the Smith government will be less democratic than Smith's.

2. *The Rhodesian government is aggressive, and a threat to peace.* No go; indeed, obviously ridiculous. All aggressive moves in the Rhodesian situation, whether or not justified, have been initiated against, not by, Rhodesia.

3. *The Rhodesian government violates human rights.* No go. It is certainly true that human rights have been in a less than ideal condition in Rhodesia, but this cannot explain why the Rhodesian government has been singled out for destruction. The condition of human rights is not ideal in any nation; in scores of other nations — a sizable majority — human rights have been and are being violated far more widely and more harshly than they have been in Rhodesia.

THE UNFORGIVABLE

4. *The Rhodesian government is racist.* Still no go. It is in fact racist, but, again, this is not a sufficient explanation. Many other nations — maybe all nations — are in one or another degree and kind racist. Children of mixed marriages as well as the aboriginal Ainu know Japanese racism at first hand; the black Dravidians of southern India know the racism of the lighter skinned northerners; the Asian peoples of Siberia, like the Soviet Jews, know Great Russian racism; and so it goes. Nowhere is racism more pervasive than in Rhodesia's native continent. In Rhodesia itself the Shona-speaking tribes bowed under the racist tyranny of the Ndebele minority before they had ever heard of the white man. Idi Amin's treatment of Uganda's Indian population was more ruthless than Kenyatta's, but the racist drive behind Kenya's anti-Indian moves is plain enough, as it is in the treatment of whites in most of the black-ruled countries. No one even bothers to remember the ferocious racist vengeance visited on the racist Arab rulers of Zanzibar by the racist blacks who overthrew them in 1964.

5. *The Rhodesian government is white racist.* Finally we have located it accurately. Mere racism is no crime; is, rather, a common human impulse, almost as integral as hunger, aggression, and sexual desire. *White racism* is the one unforgivable sin. *Ergo, Rhodesia delenda est.* Who dares say nay when this is proclaimed ex cathedra by the synod of the United Nations? And, as in every crusade, the banner is unfurled: *Death to the Infidel.*

Ian Smith is not, however, the last of the infidels, and it does not seem likely this will be the Last Crusade. It has more the flavor of an appetizer.

WHAT THE POLES MAY READ

Leo Labedz

(We in India have just been enlightened about the censorship of the press in India and how it operated in 1975 and 1976. It is particularly interesting therefore to learn for the first time how censorship operates in Communist Poland. Mr. Labedz is Editor of the prestigious magazine *SURVEY* and one of the most erudite and dependable students of International Communism and life behind the Iron Curtain.)

How did the Egyptian priests manage the empire of the pharaohs? What were the real methods of administration in the *historia arcana* of Byzantium? Contemporary historians and analysts are asking similar questions about twentieth-century totalitarian states, where the secrets of the mechanisms of control are no less jealously guarded. We are lucky that an exceptional piece of information about one such mechanism — censorship — has now come to light.

Until now our picture of censorship in communist countries has been derived exclusively from the receiving end, that is to say, from its victims: communicators who are prevented from expressing their thoughts and from the readers, listeners or viewers presented with the end product. One can, of course, get a good idea of the general character and the far-reaching scope of this censorship by reading the controlled press itself and by learning from the testimonies of exiled writers and western correspondents. So far, though, no direct evidence has come from the commanding end, i.e. from the censors themselves about their work. Any such information has always been carefully kept as a state secret. Not even the Polish October or the Hungarian revolution of 1956 or the Prague Spring of 1968 have provided such *prima facie* evidence.

It is ironical that just now, before the Belgrade conference on the implementation of the Helsinki Agreement, a documentary collection of this kind has, for the first time, become available. It consists of highly secret documents issued by the chief Polish censors between 1974 and 1976, documents only recently smuggled out to the West. Here are laid out — in all their comprehensive bureaucratic glory — detailed instructions on the obligatory do's and don'ts of the Polish communications media, as well as periodical reports and statistical information about the results (according to subject) of the censors' interventions. All in all, this makes a bulky and pertinent volume "straight from the horse's mouth". The censors' functions are not only negative — prohibiting undesirable material — but also positively didactic: recommending what the press and mass media should write and how subjects should be selected and publicized.

There can be no doubt whatsoever about the authenticity of these documents. They come directly from the Polish censor's office and are as fascinating and as genuine as — say — the famous Smolensk Archive. Because of their wealth of detailed information the documents give an extraordinary in-

sight into the workings of the Soviet-type system. Here at last we are given a close picture of how the mechanisms of totalitarian communications control works. It is Kafka's *Castle* without mystery and Orwell's 1984 with a record of the humdrum daily routine of the bureaucratic "thought controllers", rather than Big Brother's *Grand Guignol*.

The most popular Polish columnist, Stefan Kisielewski (frequently mentioned in these documents) recently wrote that "censorship is a highly detailed precautionary activity" (*Tygodnik Powszechny* August 28, 1977). This description well fits the official evidence. The fact that Kisielewski's definition was permitted to appear in print reflects, as do also the documents, the difference between the more ham-fisted Soviet censorship and its more fine-fingered Polish derivative. Yet in spite of its somewhat greater permissiveness, the Polish censorship remains essentially totalitarian. Unlike the old-fashioned type, it is unlimited in scope, not just preventive but prescriptive. It totally suppresses some authors and subjects, and frequently operates "beyond the reality principle".

The 1974-1976 censorship documents vividly illustrate all these points. They consist of various types of directives issued by the Central Office of Press, Publications and Spectacles Control (COPPSC). All of these are marked confidential and their numbered copies are distributed to the censors who work at operational levels. The *Bulletins* are described in the sub-title as "analysing main tendencies in the material withdrawn from all the mass media in the country" during quarterly periods, they also provide statistics on the censors' intervention during the time in question and compare them with similar figures from the previous quarter. The fortnightly *Information* reproduces the censored texts as do the daily *Signals*. All the reports of the censors' interventions are conveniently divided into sections dealing with the political situation, economic problems, state social policy, cultural problems, contemporary history and church affairs. *Notifications for the Censors* keep the censors informed on current requirements and practices; the aim here is obviously to achieve a pattern of uniformity in their work. The shorter *Information Notes* and *Instruction Notes* serve the same purpose. Most important of all, however, are the *Directives* and *Recommendations* which are continuously added to the current *Book*

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ELECTIONS IN MONGOLIA

Bernard Levin

(New Delhi receives from time to time delegations of so called "Members of Parliament" from the U.S.S.R. and the captive countries of the Soviet Empire. Our own Speaker and Members of Parliament choose to keep up the pretence and return these visits. Here is an extract from a description of the latest of the "elections" at which such parliamentarians are elected.)

I AM dismayed and astonished at the lack of any comment (at least I have seen none) on the recent elections in Mongolia. If the press of the so-called free world so ignominiously fails in its duty to bring to its readers' attention so important an expression of Mongolian public opinion, I am not surprised at the growing tide of criticism of that press which is now flowing even in the so-called free world itself, let alone in the genuinely free world represented by the People's Republic of Mongolia. Be that as it may, I must now do what little I can to repair the omission.

The elections of which I speak took place throughout Mongolia. The voters were choosing the members of the People's Great Hural, which seems to be what is known elsewhere as a parliament, so you may well suppose that the elections were considered vital in those parts, and the contest keenly fought.

I have before me the report of the Central Electoral Commission, which is apparently the body

charged with supervising Mongolian elections, and from this report, I learn first that there are 354 constituencies in Mongolia, and next that by the most astonishing and heart-warming coincidence there were exactly 354 candidates, and neither more nor fewer than that. (This works out, as a simple calculation will show at precisely one candidate for each seat.) But such figures are bloodless things; it is only when we look beyond them to the human reality that we begin to understand Mongolian politics. What a wealth of meaning for instance, there is in such a statement as this:

After reviewing the election results, the Central Electoral Commission has declared that the elections to the Mongolian People's Republic People's Great Hural were held in complete accordance with the requirements of the Mongolian People's Republic Constitution and its provisions on elections.

Courtesy: *The Times*

WHAT THE POLES MAY READ (Continued from page 7)

of *Instructions and Recommendations*, issued periodically by the COPPSC as a basic guideline for the censors. Precautions are even taken to avoid the repetition of mistakes by the regular distribution of the self-critical *Censor's Oversight*.

The Polish *samizdat* publication *Zapis II* gives further details about the operation of censorship. The COPPSC itself receives every week from the party's central committee a detailed list of guidelines, which include prohibited names, subjects and formulations. These guidelines are then incorporated in the COPPSC internal publications. A special group of censors deals with the reports of the speeches made by prominent party leaders, including those by the Prime Minister, and by delegates to party conferences and congresses.

Apart from the above mentioned institutions, there are special bodies in the Party's Central Committee which deal exclusively with the press, culture and science. They have priority of access and censorship powers on any material they may be interested in and they can override COPPSC decisions.

At a lower level, in journals and publishing houses, censorship is also carried out by the editors, who, while selecting material for publication, themselves cross out the "undesirable" or "uncertain" passages even before these have been questioned by the official censors. The same practice is carried out by the reviewers of book manuscripts, whose job it

is to recommend material for publication. The Polish radio, television and the Academy of Science all have their own individual lists of proscribed authors and contributors, and so do many editorial offices and other institutions.

Two more mechanisms of censorship must be mentioned. One is the tactic of delay: an endless deferment in granting permission to publish the reluctantly approved text. The other is the limiting of the published copies, either through a direct order or through the withholding of the paper supply. All these official activities generate in turn the mechanism of self-censorship: editors and writers having had the experience of what is unlikely to "get through the censors" eliminate in advance passages or whole texts which they know will be stopped. For the censors, this has, of course, the double advantage of cutting down their work load and of educating the authors into submission.

A close look at censorship interventionism reveals its truly amazing scope. There is hardly a pronouncement, on however trivial a subject, where the censors do not try to dictate *ex cathedra* what it should be. This develops its own bureaucratic momentum, where life is an object of minute regulations, and any spontaneous expression is seen as dangerous in principle.

WORKERS' GRIEVANCES IN U. S. S. R.

David K. Shieler

(In India, workers in most factories have a "Grievance Procedure" which is available to them for ventilating their grievances up to the highest echelons of Management. Here is how the Soviet worker stands when he has a grievance. This article is reproduced from The New York Times to which it was despatched from Moscow on December 2, 1977.)

WHAT happens when a worker in the Soviet Union asks for a raise, complains about safety violations on the job or uncovers corruption among his employers?

Chances are that he will be insulted, reprimanded or fired and, if he persists, confined to a mental institution.

That summation was given by a group of workers who say they have been persecuted for exercising what they call "the right of complaint."

A half-dozen of them gathered the other day in a small apartment on the southern edge of Moscow to tell their stories to U.S. news correspondents. It was a rare event, perhaps unprecedented in this country, for these people were not dissidents fighting for political freedom or Jews trying to emigrate.

They were, for the most part, ordinary workers — among them were a waitress, a coal miner, a locksmith and a housing maintenance man — who seemed basically loyal to the Soviet system and who had dutifully reported wrongdoing to agencies of the government and the Communist party before turning to the Western press as a last resort. Their letters to their own country's newspapers, they said, had never been published.

BOSSSES' CONTEMPT

What they had to say revealed a pervasive contempt in Soviet society for workers' safety and interests, a widespread tolerance of embezzlement and corruption and intense friction at times between employees and their bosses — a class-consciousness as acute as any in the capitalist West.

Their stories are unverifiable because of the Soviet practice of withholding comment or criticism on citizen complaints. But the workers insisted that their experiences were common and that the places where they all had first met — the reception rooms of the Central Committee of the Communist party, the prosecutor's office and the halls of the Supreme Soviet (the parliament) — were filled every day with at least 100 people who had gone there in the mistaken belief that higher authorities would hear them sympathetically.

Thirty-eight persons from 24 cities have recently taken the risky step of signing an open letter denouncing "the groundless repressions" and "the plundering of people's dignity, the measures of terror used in an attempt to frighten honest citizens."

The prime mover in this growing group is Vladimir Kelbanov, 45, a coal miner from Donbass who encountered trouble when, as a shift foreman, he grew concerned about his men's safety.

Because of the "unrealistically high plan" of coal production that his mine was forced to meet, he said,

miners were often working 12-hour days instead of the normal 6 hours. As a result, they became tired and careless; accidents regularly killed 12 to 15 persons a year and injured 600 to 700 in his mine alone, he said.

Authorities kept the deaths and injuries as secret as they could, he charged, and refused to investigate the causes. For his complaints, he said, he was dismissed — after 16 years in the mine — and was then put in a psychiatric hospital for 4 1/2 years.

Nadezha Kurakina, a middle-aged woman, had worked for 25 years as a waitress in the Restaurant Volgograd, a restricted dining establishment run by the local party organization.

"Fidel Castro was in our restaurant; comrades Brezhnev, Kosygin — I served all of them," she said, referring to the Cuban President, Soviet President Leonid Brezhnev and Alexei Kosygin, the Soviet Premier.

Mrs. Kurakina said she discovered that the restaurant administrators were stealing crockery, reporting that it had been broken, and then were docking the salaries of waitresses they accused of breaking it. She first wrote letters to authorities, but got no response, and then she complained in an open meeting of restaurant workers.

She was dismissed, she said, and her husband also lost his job. The party secretary of the Volgograd region, whom she had served for 20 years, would not even receive her, she said.

She lost her pension rights and her ability to find other jobs. As in all these cases, her dismissal was noted in her "work booklet," a passport-like document that she must show wherever she applies for work.

Since, in this Socialist system, all jobs are government jobs, there is really only one employer, and no agency, factory, office or retail outlet will take her or anyone else dismissed on such grounds, except occasionally in part-time work.

Anatoli Poznyakov worked as a locksmith for 75 rubles (\$103) a month at Moscow's Institute of Biochemistry. When he asked for a raise, "they insulted me crudely," he said. After he appealed to the local party organization, he was told that he had apparently forgotten that his destiny in life was to eat from a pig's trough, he said.

PENSION INSUFFICIENT

Angry, he continued his protests and was dismissed from his job. At the age of 39, he receives 21 rubles a month for a semi-disability — he is an epileptic. He lives on that and aid from his mother's

(Continued on Page 10)

MICHAEL JOSSELSON

THE HAPPY WARRIOR

Michael Josselson, who passed away in Geneva on 7th January, was one of the gentlest and sweetest of men. He was also a fine intellectual, a passionate lover of freedom and an opponent of tyranny and oppression of every kind.

Kind and generous to a fault, Mike Josselson had the opportunity, as chief executive of the Congress for Cultural Freedom in Paris, soon after its establishment in Berlin in 1950, till his retirement in 1967, to aid and encourage many an exile from communist and other forms of dictatorship and those engaged generally in keeping alive the values of freedom. Among those to whom Mike Josselson extended his hand of friendship were such great figures as Jayaprakash Narayan and Dr. Kofi Busia of Ghana. He belonged to that fraternity of fighters for freedom which included Sidney Hook, Michael Polanyi, Raymond Aron, Ignazio Silone, Arthur Koestler, Manes Sperbe, Leo Labedz and Melvin Lasky. The Indian Committee for cultural Freedom found in him throughout a warm and appreciative friend.

Mike has passed away, admired and loved by a wide circle of friends which extends around the globe. During the past few years, he had lived on borrowed time — a victim of circulatory troubles and repeated surgery—looked after by his devoted wife Diana.

In a letter I received from Geneva a day after he had passed away, Mike, while conveying his New Year greetings, mentioned that he had finished the book on which he had been working for several years in Geneva on the Russian Field Marshal Barclay de Tolly and had left it with a literary agent during a recent visit to London. During that visit he was able to meet his many friends in London.

Next time I land in Geneva, I shall miss at the airport his smiling face and the warm, welcoming wave of his hands.

WORKERS' GRIEVANCES IN U.S.S.R.

pension of 45 rubles a month. It is not enough. But, when he asked for help from the Academy of Sciences, which oversees the institute, an official told him: "If you can, live. If you can't, die."

Valentin Poplavsky, 44, worked for a factory in Klimovsk, near Moscow, as a supervisor of maintenance in workers' housing. He said that officials were using factory funds to finance drunken parties and, when a woman employee complained, he was ordered to write a false criticism of her in her record.

He refused. The factory's party organization admonished him when he complained about his orders. The country prosecutor warned him that if his accusations could not be proved "we'll take the strongest possible measures against you." He was finally fired from his job. Because of the entry in his work booklet, he said, he cannot find another position.

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WORLD NEWS

SADAT AS 1977 MAN OF THE YEAR

Cairo, Dec. 16 (UPI).—

TIME magazine's man of the year will be President Anwar Sadat of Egypt.

The secret slipped out yesterday because of a fuss between newsmen at Time and the America Broadcasting Co.

David Kennerly, the White House photographer in former President Gerald Ford's administration, who now works for Time, set up a picture of Mr. Sadat in front of the Sphinx.

Mr. Kennerly succeeded in persuading Mr. Sadat to pose for the picture and ABC newsman Arnold Collins was in the President's offices at the same time. He pleaded with Mr. Kennerly to permit him "just two minutes" with Mr. Sadat for an interview. Mr. Kennerly refused.

To get back, Mr. Collins took an ABC crew to the site of the posed shot to film Mr. Kennerly snapping it. Thus, Time's riddle of the year has been solved.

— *International Herald Tribune*,
December 17-18.

ULSTER PARTY CONDEMNS 'THE SOUND OF MUSIC'

From Christopher Walker
Belfast

Taking a break from a vigorous campaign against reform of Ulster's homosexuality laws, followers of the Rev Ian Paisley have turned their collective wrath against the moral dangers inherent in the musical, *The Sound of Music*.

The apparently innocuous story of a novice nun who becomes governess to an Austrian family was selected as this year's Christmas play at the predominantly Protestant high school in Kilkeel, a picturesque co Down fishing port.

Millions of admirers of Miss Julie Andrews may not have regarded the choice as over-controversial. But according to the influential local branch of Mr. Paisley's Democratic Unionists, the third largest political party in Northern Ireland, it posed a severe threat to the Protestant heritage.

As a result of what the party describes as the "disgusted reaction" of many local Protestant parents, the party has issued a formal statement of protest and demanded an urgent meeting with the school's management committee.

Although the move may seem ludicrous to those unfamiliar with the religious prejudice that marks much of Ulster life, the protest and the seriousness with which it has been presented go far to explain the province's continuing and apparently insoluble difficulties.

Without the slightest hint of tongue-in-cheek, the statement declared: "We wish to protest in the strongest possible manner about the staging of *The Sound of Music* in Kilkeel High School. We see this as yet another inroad of the great ecumenical deception."

Last night Mr. George McConnell, the party's local publicity officer, said: "*The Sound of Music* is full of Romanish influences which Protestants abhor. At one point candles are lit on the stage, some of the children have to appear in the garb of Catholic nuns and they also have to bless themselves publicly in the way that the Romans do."

— *The Times*, December 17

PROF. MAX BELOFF JOINS CONSERVATIVES

PROFESSOR Max Beloff, a former Liberal, has joined the Conservatives. Formerly Gladstone Professor of Government and Public Administration at Oxford University he was a past president and member of Oxford City Liberal Association until he resigned from the party in 1972.

Liberal policies on education, defence, industrial democracy and finally the pact with Labour had convinced him that the Liberals had lost their way. Professor Beloff, now Principal of the independent University College, at Buckingham, said: "Classical Liberalism was concerned with the development of the individual and the breaking down of social, political and religious barriers, but that stand in the British political tradition seems to have gone into the Conservative Party".

— *The Times*, December 15.

GEORGE MEANY SOLDIERS ON

"His influence was rarely thrown on the side of innovation in policy. He believed that the way to success for the unions lay through securing the respect of employers and managers and through avoiding state intervention." Though this is an American historian's description of Samuel Gompers, the country's dominant labour leader in the early part of this century, it applies just as well to Mr. George Meany, a diehard anti-socialist elected in Los Angeles this week to his 12th straight two-year term as president of the American Federation of Labour and Congress of Industrial Organisations (AFL-CIO).

For better or worse, this is probably Mr. Meany's last hurrah. Now 83 years old and in failing health, though still in stentorian voice, he has lost the support of much of the rank and file union membership. This was not easily apparent from the public part of the AFL-CIO convention in an ugly hall that resembled an underground parking lot hung with chandeliers. American labour leaders try to keep disputes within the family. Mr Meany was treated by most with respect.

That all was not right with the labour movement was admitted only in the corridors, and then reluctantly. There union officials recalled two disagreeable facts nearly overlooked in the public proceedings — a 528,000 fall to 13,542,000 in the AFL-CIO membership in the past two years and a mere 4% increase in the buying power of the average weekly wage of a worker with three dependants between 1965 and mid-1977.

But a turn to the political left in reaction to the

Meany years is not yet apparent, despite the exaggerated attention given to the vaguely social democratic opinions of Mr. William Winpisinger, the newly elected president of the International Association of Machinists and Aerospace Workers, and other comparatively youthful labour leaders. Instead the American labour movement is likely to become still more isolationist.

Mr. Meany led the AFL-CIO, to which most American unions belong, out of the International Confederation of Free Trade Unions, headquartered in Brussels, in 1969. He supported the United States' withdrawal last month from the International Labour Organisation, a United Nations affiliate. Now political isolation may be reinforced by economic isolation, for the strength of labour support for protectionism at the Los Angeles convention is hard to overstate. Applause for denunciation of foreigners' trade practices by Vice-President Walter Mondale, Mr. Meany — "do unto others as they do to us, barrier for barrier, closed door for closed door" — and the rest was exceeded only by applause for tributes to Senator Hubert Humphrey, whose combative cheerfulness in a speech over the telephone to the convention impressed even the most hard boiled.

— *The Economist*, December 17.

RUSSIAN PRODUCTION DROPS

By Kevin Klose

THE Soviet Union, its economy again affected by harvest setbacks, has announced production goals for 1978 that are lower than those called for in the current five-year plan, which was announced last year as a blueprint for narrowing the economic gap between the United States and Russia within the decade.

In addition the Soviet parliament, the Supreme Soviet, was told today by state planners that some other sectors of the economy, including various oil and gas production facilities and some basic metals industries, may not meet their 1977 goals because of production lags, construction delays and other factors. The leadership exhorted the country's factories and farms to meet and exceed the 1978 goals.

— *International Herald Tribune*
December 15.

MOSCOW BOWS TO INFLATION

THE Soviet state enterprise system is bowing to a demand for better quality clothes and shoes — but the consumer will have to pay more, informed sources said yesterday. The decision follows repeated official complaints about the way that Soviet industry falls short of consumer expectations.

Among the critics is Mr. Brezhnev, who recently rebuked the entire consumer goods industry for not improving its goods. Officially, the Soviet Union has no inflation, but the expected price rises for quality clothes are only the latest in a growing list.

At present a pair of men's shoes costs 40 roubles (about £30) and a good suit about three times as much. The recent rise in tailoring charges, which

could provide some guide to the new increases, was about 30 per cent — *Reuter*.

— *Guardian*, November 30.

IS "ONE MAN ONE VOTE" THE ANSWER?

Harry Oppenheimer

HARRY Oppenheimer is not only internationally known as an industrialist and mining magnate but also for his liberal views and his consistent opposition inside and outside Parliament to the South African policy of multi-national development. In fact he is a major financial supporter of opposition parties in South Africa. Mr. Oppenheimer recently addressed the Foreign Policy Association in New York. The following are extracts of his speech.

The United States Government's condemnation of the present South African system was fully justified.

But the U.S. and other major Powers should not think a one man, one-vote type of constitution is the answer.

"Peaceful change is... not possible unless the White Afrikaners can be brought to believe their identity would not be threatened should they cease to hold their present monopoly of political power."

"The way to peaceful change, freedom and justice is still open to us, but so is the path to an embattled White lager with all the ghastly consequences to which it would surely lead."

"The international community, and in particular America, can help South Africa to choose the right path."

"But external pressure, if it is to be effective, must carry the conviction that it is being applied impartially with knowledge of our circumstances, with patience and with genuine goodwill to the Whites as well as the Blacks."

"Above all, it must be directed to helping South Africans to solve their own problems, not to imposing ready-made solutions from outside, particularly if these solutions are seen, in South African eyes, to have been tried and have generally failed in the rest of the African continent."

"If America, in formulating, applying and expressing its policy in relation to South Africa does not give attention to the facts underlying this paradox, the end result will not be the establishment of human rights and freedoms but an age of tyranny and violence."

"Any foreign opposition to the policy is resented and denounced as an unwarranted interference by outsiders in South Africa's internal affairs."

After a glance at American policies in Angola, Rhodesia and South West Africa, and their tendency to neglect the views and interests of the large proportion of the people who were not in possession of guns, "The American attitude toward Southern Africa begins to appear to be based neither on defence of human rights nor of majority rule but on a policy of supporting Blacks against Whites and armed Blacks against unarmed Blacks."

(Continued on page 13)

DOUBLE STANDARD

(One of the seminal books of recent times is Jean Francois Revel's The Totalitarian Temptation. Arnold Beichman, an American Liberal who works closely with the AFL-CIO, has abstracted passages from Revel's book to show the double standard practiced by certain people throughout the world including some in India.)

Democracies may not :

Condemn the Moscow-controlled COMECON since to do so would injure detente.

Condemn communism in the USSR or anywhere else because of the dangers of detente.

Interfere with other countries in the "sphere of influence" because that would be imperialist.

Expose genocide in Cambodia, or Laos and expose suppression and persecution of nationalities in the USSR because that would be interference in the internal affairs of these countries.

Receive Russian dissidents at the White House, like Solzhenitsyn, because of detente.

Make such demands on the communist press and, of course, no opposition press is legal and western publications are prohibited from any but carefully controlled distribution.

Argue that the awful things in capitalist democracies are the exceptions, that the marginal event is not the basic phenomenon. The West must accept the argument that the evils of capitalism are systemic but the evils of communism are not.

Argue against the communist thesis that capitalist democracy betrays the worker and must therefore be overthrown.

Make such a claim because by definition a non-communist power is imperialist and neo-colonialist.

Prevent liberalizing changes; in fact, liberalization is expected especially from ex-Fascist states like Spain and Portugal where the test of liberalization is the legalization of the Communist Party.

Discuss Soviet subsidies to Western Communist Parties, say, in Portugal.

The Soviet Union or CP's may :

Condemn the European Economic Community as exploitative, imperialist and neo-colonialist.

Condemn anti-communism as sinful and a danger to world peace and may make similar accusations against capitalism.

Enunciate and implement with the Red Army the Brezhnev doctrine which permits the USSR to suppress actions in the East European bloc displeasing to the USSR.

Denounce "racism" or expose non-existent genocide in the capitalist world.

Receive any kind of delegations of Communists it wishes from democratic countries and Brezhnev can confer, as he did, in New York with Gus Hall, Communist Party USA secretary.

Demand and receive the right of reply to unflattering statements in the bourgeois press. Communist publications are published freely in the West.

Explain away all the awful things which occur in Iron Curtain countries as the exception, never the rule; as episodic, as a momentary aberration which will never occur again. Terrible events in capitalist countries are inevitable and irreversible.

Ignore and disclaim responsibility for unhappy events like Stalin or failure of economic planning.

Claim that no Communist power can be guilty of imperialism Czechoslovakia, Hungary or Tibet to the contrary.

Ignore demands for liberalization since there can be no challenge to the Party's rule once the Party is in power.

Expose U.S. agencies or U.S. multinational corporations for secretly funding, say, Italian political parties or other organizations.

WORLD NEWS (Continued from page 12)

Most, Whites, he said, were resentful and frightened by American policy as they understood it, and most thinking Blacks were doubtful and confused.

The South African Government had already accepted that racial discrimination must go "and it would certainly be legitimate for the international community to press for the rapid implementation of this policy." The implications were tremendously far reaching.

"The finding of the right solutions will require study and sympathetic understanding and cannot be

bought ready-made, however devoted we may be to the defence of human rights.

"After all, it has not proved so easy to preserve human rights and freedoms in other parts of Africa that we South Africans should be too severely condemned for doubts as to whether the sort of arrangements accepted when most of the new countries obtained their independence would work satisfactorily with the much more complicated racial distribution of our society and our much more highly developed economy."

— The Citizen, Johannesburg.

Letters

AN UNWANTED CODE

ONE of the most disquieting developments in the recent days is the increasing tendency on the part of the Supreme Court, as demonstrated by the actions and pronouncements of some of its learned judges, notably the Chief Justice, to make ostensible inroads into the integrity of the higher judiciary. Beginning with the controversial elevation of Mr. Justice D. A. Desai to the Supreme Court in preference to three of his senior colleagues in the Gujarat High Court, the process has assumed alarming proportions with the recent move, reportedly afoot, of evolving a code of ethics for High Court judges. This proposal, which unfortunately seems to have the blessings of the Union Government as well as ignited a sharp controversy, and not without reason. As one leading member of the Bar succinctly put it, "it is so utterly inimical to the independence of the judiciary, violative of the constitutional safeguards in that respect and offensive to the self-respect of the judges as to make one wonder how it was conceived in the first place".

The bewilderingly ill-conceived move to set up a "body consisting of all the Chief Justices of the High Courts and presided over by the Chief Justice of India to formulate a code of judicial ethics and propriety and to set up a committee, to be elected afresh every two years, to inquire into allegations of either misconduct or impropriety or conduct unbecoming the office of the judge of a superior court", is open to strong criticism both on the legal and moral planes.

Among other things, the proposed legislation contemplates the abovementioned committee of judges to be empowered in the matter of removing a High Court judge from office by a procedure which is patently unconstitutional. If transformed into law, it would obviously offend Art. 217 of the Constitution which relates to the procedure for the removal of a High Court judge, and which is exactly identical to Art. 124 (4), a provision which was drafted with meticulous care and precision and after prolonged deliberations. A reading of the Constituent Assembly Debates will leave no doubt on the point that it was not for nothing that the founding fathers of our Constitution thought it necessary to provide so many cast-iron guarantees in the said clause.

As regards the code proper, which presently assumes a tentative character, the less said the better. Suffice it to recall the unequivocal condemnation by one perceptive writer of the undertakings envisaged under the Code, as being "utterly unrelated to the proper discharge of the duties of a judge" and "of doubtful legality". Besides being an affront on the personal freedom of our High Court judges, it verges on the ludicrous.

Legal considerations apart, the irony of the whole scheme lies in the fact that it has emanated from a quarter which, morally speaking, has virtually forfeited any claim to tender advice in the matter of judicial behaviour. The record of the Supreme Court dur-

ing the recent Emergency was far from heartening. The unfortunate judgment delivered by the Court in the monumental Habeas Corpus case still remains a blot on our body politic, Justice Khanna's glorious dissent notwithstanding. On the other hand, the role of the High Courts at a time when the nation underwent a traumatic experience, has been exemplary. True to the light within them, most of our High Court judges had the courage to remain unmoved, unshaken, unswayed and unterrified. In the words of an eminent jurist, generations unborn will admire the historic judgments of these fearless judges as a shining example of judicial integrity and courage and cherish them for the abiding values they embody. "They will be read and quoted, when the fierce controversies of our day have sunk into oblivion."

To suggest a code of ethics for such men of proven integrity is, to say the least, outrageous.

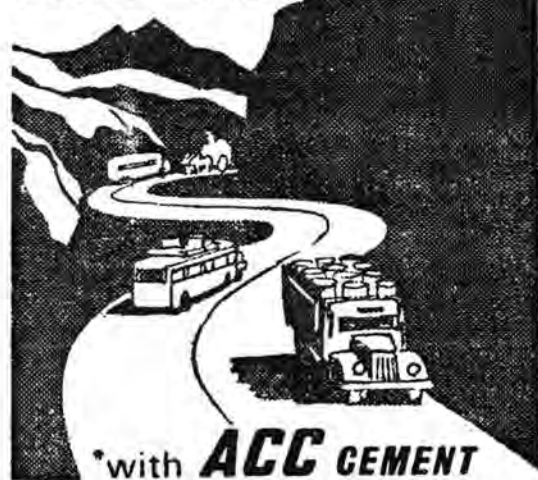
K. S. VENKATESWARAN

MOTHERLESS MOTHERLAND!

Eccentricity is often a kind of innocent pride in men of genius who are unafraid of the opinions and vagaries of the masses. To call such men eccentrics would be the height of foolishness when we have so many politicians on hand. Our politicians upon becoming political leaders mix up their arrogance, pride and prejudices ever so badly that they project pathetically comic images of themselves.

When Mr. Morarji Desai tells us that it will be a matter of pride for him and his Janata Party if his Government falls over the Prohibition issue, he has got his pride and prejudices so cluttered up that the whole attitude smacks of childish stubbornness. His

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arrogance has just brushed aside all the expert opinions which clearly indicate that reintroduction of Prohibition in the country would not only be a total disaster but would increase corruption to delirious heights.

One cannot tell Mr. Morarji Desai to put anything in his pipe, as he does not smoke. West Germany is about the size of Maharashtra State. It rose from the dust and the debris of World War II to become one of the most prosperous nations within just seven years flat. Today, its people have a very high standard of living, and also have a very high rate of life expectancy. They are very industrious and despite the energy crisis their economy just goes booming year after year. Yet, these good Germans drink beer and wine by the millions of gallons every year to keep themselves healthy, industrious and inventive.

West Germany was shattered to all hell at the end of World War II. But its leaders did not tell its people to start practising yoga in order to get over hypertension, or to stop guzzling beer and wine. They did not tell them to pay ridiculous taxes in order to rebuild the nation out of total ruins. Their leaders and economists just played upon the inherent pride and the will of the Germans to rise once again after forgetting the dreadful past. The people were not fed on fads and fancies and there were hardly any taxes. Just free enterprise all the way.

Our country was not in such a shambles in the year 1947. We had not lost all the flower of our youth in the war. While some of our Jawans laid down their lives fighting the Japanese and the Germans under the British, our people at home made up for all such losses and then some! We did not lack any abundance. We had crores in foreign exchange reserve when the British left. Why are we so poor while our land is so rich?

Because, immediately after achieving Independence our politicians took a deep breath of fresh air on stepping out of the jails, acclaimed themselves national heroes and started raising themselves instead of the nation and its people.

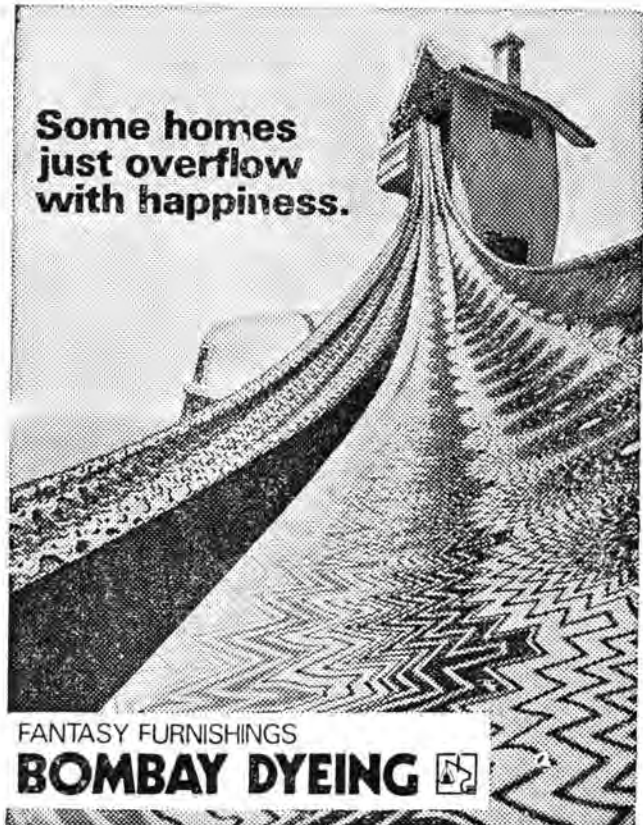
We have lost 30 precious years fiddling with personal fads, fancies and whims. We have so lost out on our education with the politicians playing ducks and drakes over the language issue that today our universities are pouring out a whole lot of dithering nincompoops fit for nothing on this blessed earth. We continue to remain blind to the fact that English is now an international language and that communication within the country is only possible through the English language.

The moment anyone talks sense, our politicians will tell the gullible masses all about our ancient culture, our spiritual way of life and our lost heritage.

Our culture and our lost heritage! Our heritage and our lost culture! Anyone care to take a walk with me down the filthy lanes of our cities or down the dusty tracks of our villages? It will show you our moral and spiritual values, and our long lost culture at work!

JAL IRANI

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—Tennyson

VIPs only mean "very insolent persons" and "very impudent persons".

— Mr. Morarji Desai in *Times of India*, December 9.

You will find it an excellent thing. Sir, to examine your assumptions at least once every six months.

— Dr. Johnson quoted in *Times*, November 1.

There are now more people working for the Inland Revenue than for the British Navy. But this is justified, because the taxmen are doing far more to keep foreigners out of Britain than the Navy ever did.

— Observer in *Financial Times*, November 25.

I'd rather be kissed than slapped.

— The Prince of Wales quoted in *Times*, November 12.

To be an African national one does not have to be dirty and slovenly with uncombed hair.

— President Banda in *Malawi Times*, November 11.

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Sir Harold regards an ability to sleep as a Prime Minister's biggest asset. His book helps to make Prime Ministers of us all.

— Colin Welch in *National Review*, August 5.

We are going from a welfare state to a state where workers will fare well.

— Yehiel Kadishai, Prime Minister Begin's aide, in *Time* November 14.

The world needs multinationals more than it does the United Nations.

— Dr. John Marsh at Management Seminar in Bombay, December 1977.

There remain only around 8000 days till the end of this century.

— Dr. John Marsh at Management Seminar in Bombay, December 1977.

It's about time that missionary activity be directed to the white people.

— Alan Paton in *Time*, November 28.

I don't give a good damn what my public image is. I have one image of myself and that is of a man who is shaving.

— Edward Teller, in *Time*, November 28

We're sorry we lost, but we're glad that cricket has won.

—Bishen Bedi in *Times*, December 7.

It is impossible always to foresee the full extent of other people's mistakes.

— George Bernard Shaw quoted in *Encounter*, September 1977.

It takes a while to realise there's no one at the other end of the telephone.

— Mr. Henry Kissinger quoted in *The Economist*, December 17,

When the Delhi elephant trumpets, Katmandu is deafened.

— *The Economist*, December 17.