

## Prohibition and Temperance

S. R. Mohan Das

**W**HEN Mr. Naik dramatically announced his State Government's liberalised prohibition policy, serious thinkers and social reformers welcomed the announcement as it represented rethinking on a very complex question to which an over-simplified, stance had been given all these years. Mr. Naik's scheme of liberalised Prohibition policy came into effect officially on the 1st of April 1964 in the State of Maharashtra.

But the central concept of Prohibition, as opposed to temperance, still clings to the new policy. For instance, inaugurating the "Prohibition Week" from the 6th of April 1964, Maharashtra's Chief Minister stated that the increased revenue the State Government would get, through permit fees and excise duties on liquor, would be utilised to propagate the virtues of Prohibition in the State! With equal tongue-in-cheek came an announcement that the Punjab State Government, no doubt, drawing lessons from Maharashtra, proposed to sponsor the free sale of beverages with 3.5% alcohol content, **IN ORDER TO MAKE PROHIBITION EFFECTIVE!!**

The fundamental grievance about Prohibition is that it denies any relevance to temperance or moderation. Prohibition involves a false anti-thesis of total wetness, the two extremes denying the validity of temperance as a rational policy. While the liberalisation of the prohibition policy was welcomed on the grounds that "stamping out of sin usually ends up by stamping out the sinners only, and not the sin itself," there is an equal danger of the "wet" excess just as the rigid prohibition policy was the excess perpetrated by the puritanic "drys". If alcoholism was an "excess", prohibition represented the antithetical excess in itself. Like any excess, it turned things into their opposites. Reformers became rigid and intolerant reactionaries wearing their righteous wrath on their sleeves. The politicians were affected by straight-jacketry of the puritanic "drys" that they failed to play their customary functions of conciliating and composing opposing interests and mediating between extremes. The politicians became humbugs, who "voted one way while they drank the other way."

In a brilliant analysis of the era of prohibition in the U.S.A., Andrew Sinclair in a recent book, vividly portrays the social forces that were at play during the Pre-Prohibition, Prohibition and Post-Prohibition Era in the country. If Prohibition was a form of rivalism—a "crusade that became a war of extermination because the saloons and churches were rivals in the business of "consolation", it continued to be a war, a see-saw battle in the post-Prohibition era during which the pendulum swung to the other extreme, but the war continuing all the same."

We, in India, have a unique opportunity to make a balanced experiment avoiding prohibition and alcoholism. The current Indian experiments, in liberalizing prohibition, are to be welcomed for a variety of reasons. Prohibition in India, like in USA, became an ideology of rigid puritanism, having no cognitive powers for temperance and indoctrination cannot take place without misrepresentation. To the prohibitionist anywhere, there cannot be "moderate" drinkers. All those who drink must be "alcoholics"! The champions of prohibition in India too, like in the USA, suffered from the same characteristics as their counterparts in the USA. Both were rivalists, with a lot of Xenophobic content in their make-up, detested the growth of metropolitan areas, nostalgically longed for the simplicities, purity and "cleanliness" of the village life, without vices. Both nurtured illusions about the beauties of rural life and bolstered up such illusions by bountiful imagery of attunement to nature, the nostalgic "Ram Raj" of yore. They denied the harsh and ugly reality of rural poverty, drudgery, surplus manpower, unemployment, trek to cities and found these too overwhelming to comprehend, lest

We pay our humble tribute to the memory of our great Prime Minister, leader of our country and our people. Jawaharlal Nehru was the architect of modern India. It was he who steered the ship of our nation in the direction of modernism and towards a society of freedom and equality. He laboured hard for over fifty years in pursuit of these ideals. A steadfast devotion to those ideals and a courageous fight for their attainment will be the best tribute that we can pay to him.

they call for serious action to solve them. The puritans were often in no position to offer meaningful consolation and resented the alcoholic mistress offering consolation though no solutions.

In Indian conditions, alcoholism has not yet been such a serious rural problem so far, though it might surely become so within the next few years, if the pendulum swings to the other end in favour of the "wets". There is a grave risk of the "wets" ushering their "era" during the next years, with the same bigotry and hypocrisy that dominated the "drys". The "wets" are as prone to become self-righteous and abandoned as the "drys" were in their hey-days, particularly after years of suppression with only clandestine outlets available for their wet urges. Policy-makers like Mr Naik, who are trying new trails in Prohibition policy would do well to avoid moral stances if they think of amendments to the present Prohibition policies from a rational point of view and not merely as a demagogic measure. Because, while prohibition poses serious moral problems, its opposite, of total repeal, also poses equally serious problems; alcoholism is a potent evil, recognised in France, Sweden, U.K. today and we must not allow it to fester here. A positive policy would then have to take into account the following facts:—

1. Consumption of beverages with alcoholic content could be in "moderation".
2. Nevertheless, with the prevailing environments, individual and groups tensions could be and are often very high, and alcoholism offers in such cases the consolation of forgetfulness or escape from such tensions.
3. Substitutes to escape into alcohol have to be devised. Since most of the people who drink are not "drunkards" or "alcoholics", their urge to drink is often due to non-availability of substitutes.
4. Government could therefore sponsor such substitutes in the form of clean beverage drink stalls where alcoholic beverages with 3.5% content could be served freely, but with food; food reduces the effect of drunkenness.
5. The manufacture and supply of such beverages should be, preferably, a monopoly in the hands of Government itself, as private manufacture of such beverages could lead to considerable abuses. It was due to such abuses by distillers and saloon-keepers that prohibition campaign succeeded in the United States.
6. In India, toddy, beer and wine could be made available for greater consumption, hard liquors like whisky and rum have very high alcoholic content.
7. Toddy has some nutritional value, a slight Vitamin content, and may be permitted under proper safeguards. Since the main issue of illicit

distillation relates to drinks for the poor, toddy and its problems have the first priority in this consideration.

No one who remembers the filthy toddy shops, round every corner in Bombay, during the days when licenses were sold by the Excise departments to the highest bidder, will subscribe to the complete repeal of prohibition. The evils connected with the previous policy during British days, were due to two reasons (1) the licensing of liquor to the highest bidder resulted in toddy vendors resorting to cheap adulterated liquor and (2) in order to encourage the sale of toddy, credit was given to the worker, the menial servant, the poor consumer. There are many who will recollect the drunken fights at street corners, not long ago and the line of Pathans and toddy vendors waiting at pay offices of textile mills to deprive the workers of most of their wages. It is therefore necessary to ensure that the quality of toddy and its alcoholic content, at say 3.5% should be maintained. Government will have to carry out research, through Haffkines Institute, by which toddy can be preserved for a few days at the stated strength, the bottle being marked for consumption, like a drug, before a certain date. Government must undertake such manufacture through its own distilleries; this is one field where no one should grudge government a monopoly in the public sector. Government should not permit wholesale licenses, all over the place, and the strictest control over sales according to rules should be enforced. Reduction in excise duties will hamper illicit disillation; high excise duties favour bootlegging.

It must be remembered that, by and large, the working classes and the aborigines have benefited by prohibition, even allowing for all its abuses. Women, in working households, have received a larger part of the wages of their menfolk. Those who talk of enormous sums lost to Government by excise revenue, and in maintaining enforcement policy, forget the monetary benefit accruing to middle class and lower class people's households, many of whom still remain law-abiding and do not fly in the face of established law just to consume liquor. It may be well to remember as well that the repeal of prohibition has not eliminated bootlegging in U.S.A.; bootlegging will continue in Bombay, even after prohibition is relaxed, because with the heavy excise duties, the inducement to make illicit liquor will remain. Excise duties should not be fixed with the idea of gaining revenue. To try to use high excise duties for temperance propaganda is an idle dream, helping neither the enforcement of legal liquor consumption nor propaganda. What will happen is that the police will not have to fritter away its valuable energy over a very wide area of bootlegging, which was tolerated, even encouraged by generally law-abiding citizens; and further, the police will be enabled to deal with utmost ruthlessness

ness against the illicit distillers with the fullest approval of all citizens.

In other words, what is needed, whether in USA, U.K., France, Sweden, Finland or India for that matter, is not a Prohibition policy, but a policy on alcohol consumption by the people at large to prevent "alcoholism" and promote "temperance". In other words, India needs a "temperance policy". In many respects the Indian climate is very favourable, in fact more favourable for a "temperance" policy than the climate in the western countries now anxious about the growing rate of Alcoholism. The existing religious and cultural institutions in India are strong and influential enough still to offer the minimum amount

of "consolation" to the bewildered individual, afflicted by the birth pangs of a new metropolitan and industrial civilisation. It is still possible to evolve a temperance policy under which both the "dry" and "wet" excesses will not recur.

Too often, the economic aspects, the "fundamental rights" aspects, have dominated discussions concerning prohibition and robbed the theme of some of the important issues cited in the survey. There will surely be other similar issues, of vital import, which could be discussed in the form of a seminar so that constructive contributions should be made in treatment of this question.

## Common Justice

*Extracts from an address given in Christchurch by Sir Guy Powels, the New Zealand Ombudsman, reviewing his first 18 months in office.*

ALTHOUGH the personal element in the office is important, and I attend to every case personally at some stage, I cannot do the work alone. I began with an administrative assistant and a secretary-typist, and have since added a qualified legal officer, an investigating officer, and a shorthand-typist. I can now cope with complaints without any significant delay. They may have to wait, generally about a month, for action, but if the matter is urgent then it is tackled at once.

I have received 1,100 complaints between October, 1962, when the office was established, and March, 1964. I have fully investigated about half of those. The remainder consists of those cases still under action (about 80) plus all those declined for want of jurisdiction, or withdrawn by the complainant, or not proceeded with for some other reason.

Of the half investigated, I have determined slightly more than 20 per cent (107) to be justified. This has led to remedial action of some kind, either in relieving the actual complaint itself, or in ensuring that it would not occur again, or both, or even leading to recommendations in a wider field. In slightly more than half of the justified complaints, the departments concerned have rectified the matter promptly and without waiting for my full investigation to be completed—or, in some cases, even started.

The complaints cover a wide variety of subjects, from annoyance at what a citizen regards as unnecessary "pin pricking" to complaints of wrongful loss of liberty or of wrongful deprivation of property or of property rights. I have investigated claims that a discretionary decision made by a department or board or statutory board has been unjust; complaints of failure to notify citizens of their rights or of their obligations, with resulting loss or distress; allegations

of incorrect application of legislation, and of injustice or faults in statutes and regulations; conflicts between public interest and private right; claims of unauthorised or improper activity by departments; and complaints of unreasonable delays and of negligence.

I have received relatively few obsolete or petty complaints. I have, however, had a great many calling outside my jurisdiction and sometimes I have been sorry that I could not help the people concerned.

I am clothed by Parliament with extensive powers of investigation—to summon witnesses, to hear evidence on oath, to require the production (without Crown privilege) of official documents, to enter departmental premises. My aim has been to conduct investigations with the maximum informality consistent with full investigation. As departments have co-operated with the production of complete records on request, and have made officers available for interview whenever they have been needed, I have not had to resort to my coercive powers. However, I would not like to prophesy that recourse to the coercive powers will never be necessary.

When the complainant has supplied sufficient information to enable my investigation to proceed, I normally ask the department concerned for a report and usually also for any official papers relating to the transaction. When satisfied that I have the department's reply on all significant points, I generally let the complainant know the substance of the reply and ask for comments thereon. This process goes on until I am satisfied that all necessary facts have been brought to light and arguments delivered. In the meantime, I have proceeded with such other inquiries as I have thought necessary, including study of the relevant law, the file papers, and any papers submitted by the complainant. Sometimes I find it



desirable to ask the complainant (and perhaps others whom he wishes to have heard) or the departmental officers concerned, to attend for discussion or examination.

Finally I write my report. This is usually a full one, containing a summary of the evidence, a statement of any law involved, my reasoning, my conclusions, and my recommendations (if any are called for). My recommendations have no binding force so the report has to be fully and clearly persuasive.

Some of the more simple cases may serve as illustration. There was a small farmer who owned and worked a one-man farm in foothill country. He had two sons who were deaf, and who had to be educated in special schools. He had been seeking to buy a property next to his farm with a view to settling his two sons on part of it, so that the family could keep an eye on them and help them. He had difficulty in raising the money required, and negotiations with the seller dragged on.

Finally, when he was well within sight of obtaining the necessary finance, the child welfare division of the education department stepped in and, in a very short time, bought the land for cash. The department proposed using the area for forestry instruction for the inmates of a boys' training centre. The farmer protested in vain, and the department refused his request to be allowed to buy even a 130-acre block which immediately adjoined his, and which he said was too good for forestry but would be very suitable for his boys. He complained to me, alleging undue secrecy and speed on the part of the department, and too adamant an attitude.

My investigation satisfied me that the department had acted in good faith, the superintendent of child welfare saying he had 60 delinquent boys to weigh in the scales against the farmer's two handicapped boys. I discovered, however, that there was a 100-acre block suitable only for forestry available near the two properties already mentioned. I suggested to the department that it should acquire this 100 acres and release the 130 acres for sale to the farmer. The department eventually agreed to this course subject to certain other conditions, and, finally, although those other conditions were not fulfilled, it agreed to sell the 130-acre block to the farmer.

In another case, a man and his wife set off for a tour of India and Europe by car. The car was bought in Singapore but when the couple were driving through Kashmir, the wife suffered a serious illness that dictated return to New Zealand at the earliest possible time. The next boat left from Ceylon, so the couple proceeded there and embarked, leaving the car in bond in Colombo. The husband was unable to sell the car in Ceylon, where it had been temporarily imported on a triptyque only, and he requested a licence to import the vehicle into New Zealand.

This was declined, and he appealed to me. I was satisfied that the difficulties the complainant faced were real and could result in serious hardship. I therefore represented the special circumstances of the case to the Comptroller of Customs, and a licence was granted.

These two cases are representative of many cases of hardship to individuals. Let me now instance one involving principle.

Two coastal farmers were convinced that a proposed drainage scheme would result in the flooding of their land and they lodged objections. The competent authority then, without consulting the objectors, appointed an *ad hoc* tribunal of one man—the chairman of a neighbouring county council—to hear the objections. The farmers protested to me that such a tribunal offered no guarantee of impartiality.

I came to the conclusion that, as a matter of principle, such an appointment was open to criticism as it took no account of the interests of the objectors, and could be interpreted as an appointment made in the interests of one side of the dispute only. I recommended that the appointment should be vacated and that the authority should then appoint one man on the nomination of the objectors and one on the nomination of the other side, and that these two should agree on a chairman. The authority, with some reluctance, agreed.

Departmental carelessness and obduracy are illustrated by another case. The complainant applied for a new importer's licence on November 15, 1960, but received no reply. When he wrote again on February 14, 1961, he was informed that his previous letter was mislaid, but as the provision for new entrants in his field had been withdrawn on December 31, 1960, he no longer qualified for a licence. He made personal representations then, and over the next three years, but without result, and he complained to me. The Collector of Customs himself re-examined the case on receiving my inquiry, and concluded that the complainant should now receive a current licence.

Liberty today is threatened on two sides—by a militant political philosophy from outside and by suffocation from within. The latter is probably the more pressing, the more insidious, and the more lasting because it is based on the general acceptance of the fundamental responsibility of the State for the welfare of its citizens—a principle which now stands alongside the historic principles of liberal democracy. The acceptance of this responsibility for welfare has necessarily involved a great enlargement of the area of State activity, and this has in a thousand ways directly and indirectly affected the liberty and interests of the citizen.

Sometimes the consequent restriction of a former liberty is the inevitable price that has to be paid

for social progress. Sometimes such restriction is merely convenient to the enlarged Government administration. The Welfare State brings with it the need for ways of checking the growth of unnecessary restrictions and the wrongful use of the wider authority of Government.

The Ombudsman is an officer of Parliament. He must tread his own path, being careful to maintain

his independence of both the executive and the judiciary so as to be able to build a tradition of strong and impartial criticism of Government administration on the one hand and of helpfulness to citizens in their dealings with the administration on the other. If this is achieved justice will be better served, and efficient and humane administration will be promoted.

Courtesy: *The Guardian*, London, May 14, 1964

## The Food Crisis—Who Is Responsible?

M. R. Pai

RECENT months have witnessed a few instances of food riots and agitation by some political parties and organisations for nationalisation of the foodgrains trade. While such an ill-advised step is ideologically inspired, the fact remains that continuously rising foodgrain prices have posed a serious problem to the country and some solution should be found both on humanitarian as well as economic grounds. The situation continues to be what it was in 1959 when the Agricultural Production Team sponsored by the Ford Foundation reported. It had said:

"This is a report on India's food crisis. It reaches the inescapable conclusion that an immediate and drastic increase in food production is India's primary problem of the next seven years. It points out that without enough food India's hopes for improving human welfare, achieving social justice, and securing democracy will become almost impossible of attainment."

Now a crisis has been precipitated by the Foodgrains Licensing Order promulgated by the Union Government. The trade has resented this Order as impracticable, had once threatened to go on strike, and in Jaipur even went on strike for a few days. The Government, after making some modifications in the Order, has stuck to its guns.

At the convention of the Federation of All-India Foodgrain Dealers' Associations in New Delhi, on May 3, lines were drawn by the trade as well as the Government.

The Union Minister for Food & Agriculture expounded the basic philosophy behind Government's food policy: The Government and society cannot tolerate the law of supply and demand to operate in the field of foodgrains. Therefore, discipline had been imposed on the trade, as regards margin of profits, returns of stock and sales, restrictions on movement of foodgrains from one zone to another, etc.

The trade expressed its conviction that the licencing order was impracticable as well as undesirable and the zonal system did not help to bring down prices. It blamed the Government for failure to give sufficient attention to increase in production of foodgrains. It gently remonstrated that the blame for rising prices is not to be laid at the doors of the trade, but of the Government. Cooperatives came in for devastating criticism. However, the trade agreed to abide by the Order so that the market is not dislocated and the consumers are not put to trouble.

The rise in foodgrain prices is to be traced to a number of factors.

Basically, foodgrains production in the country is not adequate to meet the demand which is increasing: first, as a result of rising population, and, second, owing to the pressure of inflationary deficit financing by the Government.

Because of the Soviet model of planning adopted by our Government, an attempt is being made to invest resources beyond the normal saving capacity of the country. Having taxed—directly and indirectly—the country till it hurts the people, having obtained all that the people can spare as loans and small savings, (Public Borrowings), and having borrowed generously from abroad (other people's savings), and got some revenues from commercial enterprises like railways, and telegraphs, the Government is still short of funds. So, over Rs. 1,800 crores of deficit financing—in brief, the simple expedient of printing currency notes to pay off Government bills—has been resorted to since planning started in 1951. Consequently, money supply with the public has increased. Between 1950-52 and February 1964, money supply with the public has increased from Rs. 1,848 crores to Rs. 3,690 crores. Since most of the projects are long-term ones, and the priority is given to heavy industries, the balance between money supply on

the one hand, and goods and services on the other, has been upset. Money supply has increased much more than goods and services available for consumption. Consequently, prices have risen, and are still rising.

The imbalance has been aggravated by the pattern of expenditure under the Soviet model of planning. In the Public Sector, which is to expand rapidly, performance has been disappointing. According to the

Comptroller and Auditor-General of India, the result is as follows;

| Year    | Investment          | Result                |
|---------|---------------------|-----------------------|
| 1962-63 | Rs. 1,294.11 Crores | Loss Rs. 12.38 Crores |
| 1961-62 | Rs. 1,090.75 Crores | Loss Rs. 10.60 Crores |

In the meantime, the number of government servants has progressively increased. At a glance, the magnitude of the growing bureaucracy can be realised from the following figures:

#### ESTIMATED EMPLOYMENT IN PUBLIC SECTOR

| At the end of the period | Central Govt. Establishment | State Govt. Establishment | Quasi Govt. Establishment | Local Bodies | TOTAL     |
|--------------------------|-----------------------------|---------------------------|---------------------------|--------------|-----------|
| 1960                     | 20,71,200                   | 29,52,300                 | 7,81,500                  | 11,31,100    | 69,36,100 |
| 1961                     | 21,63,500                   | 30,56,800                 | 8,59,600                  | 12,40,400    | 73,20,300 |
| 1962                     | 22,59,500                   | 31,66,000                 | 9,83,100                  | 14,00,800    | 78,09,400 |
| Sept. 1963               | 23,82,000                   | 32,59,000                 | 10,40,000                 | 14,94,000    | 81,75,000 |

Source: Director General of Employment and Training,  
Ministry of Labour and Employment

The cost of civil administration has multiplied by leaps and bounds.

|            |         |                |                 |                |
|------------|---------|----------------|-----------------|----------------|
| Centre:    | 1951-52 | Rs. 24.1 Crs.  | 1964-65 Budget: | Rs. 81.8 Crs.  |
| All State: | 1951-52 | Rs. 106.7 Crs. | 1964-65 Budget: | Rs. 214.9 Crs. |

Excepting those engaged in commercial ventures like the railways, by and large, this bureaucracy is unproductive. It acts as a drag on the economy in more ways than one: for instance, by giving rise to corruption, the mill through which permits and licences must be processed, thus impeding productive efforts by private enterprise.

If inflation, i.e., general and sustained rise in the price level, is the cause of rising foodgrain prices, why blame the trade which merely acts according to the laws of the market? By nationalising the foodgrains trade, ideological considerations can be satisfied, but not economic. The only result would be to deprive of their livelihood over six lakhs of traders dealing with an annual trade of over Rs. 2,000 crores, at about 600 well-organised *mandis* in the country.

The production problem would still remain. So also, till present planning methods last, as a result of inflationary economic policies, prices would continue to rise. In addition, if war-time experience of rationing, record of state trading in foodgrains and the working of the cooperative sector is any guide, there would be a big increase in corruption and a further price rise due to wastage and bureaucratic growth, and the consumer would be worse off.

The record of state trading in foodgrains is one of losses. The Audit Report (Civil) 1964 points out that the losses on this account amounted to about Rs. 24 crores in 1962-63 and cumulative losses since 1943-44 have amounted to about Rs. 131 crores.

One of the several instances of inefficiency in state trading given in the report is cited below to show the shape of things to come if state trading were adopted:

"Extra expenditure due to loose bagging of wheat — At the ports of Vishakhapatnam and Madras, wheat unloaded from the hatches of vessels is filled in gunny bags by the Stevedoring Association. The average weight of wheat per bag was about 186 lbs. at Vishakhapatnam; the weight ranged from 185 to 198 lbs. per bag at Madras. These figures were appreciably lower than the capacity of a B. Twill gunny bag which can hold 205 lbs. of wheat, after allowing a margin of 5 lbs. for stitching, etc.

"It has been estimated that the failure to fill the bags to their capacity resulted in the use of about 2 lakhs of extra gunny bags at Vishakhapatnam during the period July, 1960 to December, 1961, and of 2.36 lakhs bags at Madras during the period January, 1960 to December 1961. The additional expenditure incurred by the use of extra gunny bags which under the conditions of sale are given free to the purchasers of wheat, has been estimated at Rs. 3.00 lakhs at Vishakhapatnam and Rs. 3.54 lakhs at Madras. A further avoidable expenditure of about Rs. 1.09 lakhs was incurred on the handling of a larger number of bags at the storage depots, than would have been necessary, if the bags had been properly filled.

"Locking-up of funds: Out of 3,650 bales of gunny bags purchased in May 1961 and received by the



Department in August, 1961, and stored in a godown near Calcutta, only 226 bales were issued during the period from August 1961 to August 1963. The balance of 3,424 bales is still in stock (August, 1963), involving the locking up of Government funds to the extent of Rs. 17.05 lakhs for over two years. These gunny bags were purchased at a cost of Rs. 166 per 100 pieces; the average price during the period January to August, 1963 ranged between Rs. 108.40 and Rs. 114.45 per 100 bags."

Cooperatives have an equally sad record. Many of them are not genuine cooperatives, but are bogus organisations started by politicians who want to make quick money by trading (in many instances profiteering) in short-supply commodities. They seldom go in for trade in items which are sold in a competitive market.

It is ironical that while foodgrain dealers, many of whom do not have the equipment and resources to cope up with Government requirements of form-filling, under the new Licensing Order, are required to fill in forms once every three or six months, and have to file income-tax returns once every year, many cooperative societies go without audit for any length of time, as is evident from the latest Reserve Bank Report on Cooperatives.

A report in a Delhi paper of May 7, 1964, is typical of the way cooperatives function and indicate the likely state of affairs if the entire trade or a large portion of it, as is reported to be the Planning Commission intention, is handed over to the cooperative sector:

"The co-operative consumers' store is saddled with the problem of disposing of 500 bags of indigeneous wheat without losing money on this stock.

"The wheat was bought in the last week of March for sale at Rs. 19.60 per 40 kilos. Then it was sold like hot cakes. But now prices have gone down and there are no buyers at the rates offered.

"The store authorities now find that Rs. 25,000 in stocks have been blocked and are trying to surrender the wheat."

It is clear that neither state takeover of the foodgrains trade nor cooperatives is the solution to the problem of foodgrain prices.

The solution lies, first, in the direction of improvement in production. Land ceilings, and measures like the 17<sup>th</sup> Constitutional Amendment have played havoc with agricultural production by their general unsettling effect. It is time to cry halt to such experiments. The clear need is to run agriculture as an industry wherever possible, as the success of coffee plantations has shown. And, where it is not possible, to leave the farmer to himself and help him with infrastructure facilities like irrigation.

Second, better care of food crops and storage. Recently the Plant Protection Adviser to the Union

Government disclosed that crops worth Rs. 1,000 crores were annually lost in the country owing to incidence of plant diseases and owing to pests, insects, rodents, etc.

Third, buffer stock operations combined with the well-developed private market mechanism can see to the proper distribution of foodgrains to the consumer at the minimum handling costs. But all these measures will be useless unless there is a check to population increase and change in the present techniques of planning which involves heavy deficit financing.

### Forecast: Cloudy, Windy

Thus Spake Asoka Mehta:—

"It follows that we must learn to live with increasing burdens, because then alone will rising incomes be channelled to development."

February 22.

"The present generation which was a bridge between the stagnant present and a bright future, would get 'trampled upon the process.' But that could not be helped."

March 22.

Mr. Asoka Mehta warned the people that there was no escape from an annual increase of Rs. 100 crores in taxation. The severest curbs on consumption would be necessary to ensure surpluses.

March 22.

Industrial growth fails to trigger agricultural growth. There is little of the spread effect inter-sectorally and, therefore, intra-regionally.

March 24.

"India had reached a difficult stage in its planning for progress and if the ship was not to be wrecked in the gathering storm it had to be steered through with 'shared vision'."

*Times of India*, April 10.

Allegiance to socialism grows, but there is no corresponding consultation of the forces. Only when the shared awareness is matched by organisational consultations can we hope to transform daunting difficulties into levers of progress.

*Times of India*, April 10.

# Kashmir-A Plea For Fresh Thinking

V. B. Karnik

IT is not difficult to understand and appreciate the bewilderment and resentment of the people over the reopening of a "closed chapter" which, they feel, is happening over the Kashmir problem after the release of Sheikh Abdulla and his talks with the Prime Minister and other Indian leaders. For over ten years it had been dinned into their ears that the Kashmir problem had been solved, that the people of Kashmir had voluntarily decided to merge themselves into India, that they were contented and happy and that the little difficulty that remained was on account of the evil intentions of Pakistan and the machinations of England and America. The utterances of Sheikh Abdulla therefore came to them as a rude shock. The speeches were also unpleasant as they destroyed the pretty illusion that they had been persuaded to hug to their hearts as a reality.

There is no attempt even today to tell the people the truth. They are still being fed on slogans, half-truths and lies. Most of the leaders of the Government and political parties, in power or in opposition, vie with each other in asserting and reasserting that the accession of Kashmir is final and irrevocable, that the people of Kashmir have voluntarily decided to throw in their lot with the Indian people and that there was nothing to be discussed or done with respect to that issue. With just a few honourable exceptions the press as a whole has joined the same chorus. The natural popular reaction is that Sheikh Abdulla is a traitor and betrayer and an ungrateful person who deserves to be locked in jail.

The fact of the situation, however, is that what Sheikh Abdulla is stating happens to be largely the truth. The truth is that the problem of Kashmir is not solved. The truth is that the people of Kashmir never had the opportunity of expressing their views on the issue of accession. And the truth is that there will never be peace and stability in Kashmir as long as India and Pakistan continue to quarrel over the issue. These truths may be inconvenient and unpleasant but, as long as they are ignored, Kashmir will continue to be a festering sore in the body politic of India.

The problem of Kashmir cannot be regarded as solved as long as the people do not get a government which they can consider as their own and which is at the same time clean and efficient. Since the dismissal of Sheikh Abdulla, Kashmir has been ruled by persons and cliques who are regarded by the people of Kashmir more as the agents of New Delhi than their representatives. The Bakshi regime was moreover extraordinarily corrupt and inefficient. That

it did not enjoy even an iota of popular support became crystal clear when the authority of the Government, led then by Mr. Shamsuddin, a nominee of Mr. Bakshi, collapsed like a pack of cards after the theft of the sacred relic from the Hazratbal shrine. Mr. Sadiq who succeeded Mr. Shamsuddin is in power only for a short while, but he enjoys little support in the State and in the legislature and is clearly a nominee of the Government of India. The National Conference, the ruling party, enjoys that status only because no other party is allowed to function and because the people are denied all political rights. Elections were, no doubt, held twice, but they were more a formality than an opportunity to the people to elect their rulers.

At the moment things appear to be quiet and normal in the State. But it is a very deceptive picture. Any time the situation may get out of hand and any cause may be enough for a general flare up. What happened after the Hazratbal incident should not be dismissed as a rare occurrence which will not be repeated. Dispassionate observers who have seen things for themselves are generally of the view that things are not going well for India in the Valley. India has poured a large amount of money in the State, but she has not been able to win any good will. In the first place, the money did not reach the common man and, in the second place, bounty is no substitute for self-rule. What the people of Kashmir desire is self-rule. The present arrangements do not give them the feeling that they have got it. The feeling may be justified or unjustified; the important point to note is that it exists, and as long as it exists the problem of Kashmir will remain unsolved.

On the issue of accession it is necessary to remember a few facts. The accession of Kashmir is not of the same type as the accession of other States. It took place when the State was in imminent danger of being overrun by tribal raiders acting under the instigation of the Government of Pakistan. It is a limited accession restricted only to three subjects: defence, foreign affairs and communications. India accepted it as a provisional accession as will be clear from the following sentence from a letter written by Lord Mountbatten, the then Governor General of India to the Maharaja: "it is my Government's wish that, as soon as law and order have been restored and the soil is cleared of the invader, the question of the State's accession should be settled by a reference to the people." On numerous occasions India made clear her determination to give an opportunity to the people of Kashmir to express their views on it by holding



a plebiscite. The assurance was given to the people of Kashmir as well as to the United Nations. The assurance given by Mr. Gopalswami Ayyangar, the leader of the Indian delegation, to the Security Council in February 1948 may be quoted here. He said: "We accepted Kashmir's offer of accession at a time when she was in peril, in order to be able effectively to save her from extinction. We will not, in the circumstances, hold her to this accession as an unalterable decision on her part. When the emergency has passed and normal conditions are restored, she will be free, by means of a plebiscite, either to ratify her accession to India or to change her mind and accede to Pakistan or remain independent. We shall not stand in the way if she elects to change her mind." Similar assurances were given many a time by the Prime Minister and other accredited leaders of our country.

We are now refusing to hold the plebiscite on the ground that the Constituent Assembly and the two subsequent general elections have already ratified the accession. In the case of the Constituent Assembly it is necessary to remember that the resolution ratifying accession was passed after the arrest and imprisonment of Sheikh Abdulla. It is his complaint that after his arrest members of the Assembly were bribed and coerced into adopting the resolution. Whatever the truth of the complaint, the resolution is not in any case binding upon Sheikh Abdulla and he cannot be blamed if he still regards the issue as open. It is desirable also to remember what Sir B. N. Rau told the Security Council. He said: "Some members of the Council appear to fear that in the process the Kashmir Constituent Assembly might express its opinion on the question of accession. The Constituent Assembly cannot be physically prevented from expressing its opinion on this question if it so chooses. But this opinion will not bind my Government or prejudice the position of this Council."

The argument regarding ratification through two general elections is equally weak. In the first place, accession was never an issue in the elections, and, in the second place, the elections were neither free nor fair. Except in the Jammu area there was no rival political party. Kashmir was a one party State and both general elections were a one party affair. In the 1957 election in the case of 59 seats out of 72 secured by the National Conference there was no contest. In 1962, 34 were uncontested. There were several complaints about illegal rejection of nomination papers and of the use of bribery and force to compel candidates to withdraw from contests. The wellknown political commentator, Mr. B. Shiva Rao has written the following about these election results: "These figures have been claimed as 'overwhelming evidence' of support for the State's accession to India. But they are too overwhelming and create an element of sus-

picion, since such massive majorities are not normally known in truly democratic countries." Moreover, the people did not enjoy any political rights. Repression has been all along a constant feature of the political life in Kashmir. Even under Sheikh Abdulla, when he was the Prime Minister, there was repression. It rose to new heights under Bakshi Ghulam Mahomed when there was not even an excuse of an emergency.

The occupation of a part of the State by Pakistan is a much stronger argument. It is true that Pakistan should have removed her troops from the area of Kashmir held by her. Pakistan has failed to carry out her part of the relevant resolution of the Security Council. But is it legitimate to penalise the people of Kashmir and deny them the right that belongs to them for a misdeed of Pakistan? We are entitled to ask for a vacation of her aggression by Pakistan, but the latter's default will not justify our going back on a solemn promise that we made to Kashmiris and to the nations of the world.

There may be difficulties and dangers in holding a plebiscite; and a plebiscite may not be the only way of ascertaining the will of the people. Sheikh Abdulla is aware of this position and that is why he is prepared to consider other ways and methods. But it is one thing to suggest alternatives and an entirely different thing to deny the necessity of giving people an opportunity. We have repeated *ad nauseam* the trite formula that accession is final and irrevocable. It is time we devote some attention to finding out a solution that will be acceptable to the people of Kashmir.

Ordinarily it should be self-evident that there will be no peace and no progress in Kashmir as long as any solution that may emerge is not acceptable to both India and Pakistan. One should not forget that two-fifths of Kashmir is in the occupation of Pakistan and that it is only through an agreement with the latter that that area will be reunited with the other three-fifths of the State. Moreover, as long as the quarrel continues, Pakistan will miss no opportunity to create and foment trouble and discontent in the Indian part of the State. As a result Kashmir will be in a state of perpetual instability. This will be harmful to Kashmir and will also be a constant danger to communal harmony in both countries. It is the realisation of this fact that has persuaded Sheikh Abdulla to insist that a long-term and satisfactory solution of the Kashmir problem will not be possible without an agreement between India and Pakistan. In emphasising this position he has kept in mind interests of not only Kashmir but the Subcontinent as a whole and more particularly of minorities in both countries. He must be complimented on adopting such a broad, cosmopolitan and humanist point of view.

As against such a broad, cosmopolitan and humanist point of view we have been adopting so far mainly

a technical and legalistic point of view. Kashmir is legally a part of India. Pakistan is therefore an aggressor and must be asked to vacate her aggression, having become a part of the country, Kashmir cannot claim self-determination, her accession is final and irrevocable as there is in law no such thing as a provisional accession — has been the burden of our song for the last fifteen years. Whatever its legal merits, we must admit that it has failed to carry conviction to most nations. Even if we discount the indifference and opposition of the major Powers of Europe and America, how do we explain our failure to win support amongst a large number of Asian and African countries?

The present position is that we have to rely mainly upon the veto of Russia and the support of her satellites. This position in which we find ourselves landed should give us some food for thought.

If some dispassionate thought is given to the matter, it will be realised that such broad issues as a people's claim to self-determination appeal to the world conscience more than the assertion of a legal right. As a party aggrieved by the aggression of Pakistan, the sympathy of the world ought to have been with us. But it is not with us because we do not appear to be behaving in a just and equitable manner with the people of Kashmir. The sooner this position is rectified the better will it be for the international reputation of India.

Apart from reputation, even the security and the integrity of the country are at stake in the quarrel over Kashmir. It is the unanimous opinion of all military experts that the Subcontinent must be defended as a whole and not as two mutually antagonistic parts. The armies of the two countries are today ranged against one another and not against the northern neighbour who threatens the security of both. There are many differences which separate India and Pakistan, but the Kashmir problem is the most important amongst them.

It is desirable to solve that problem so that the relations between the two countries may improve. An improvement in those relations is also necessary for the safety of the minorities. We are a secular State and we afford all possible protection to our minorities, but we cannot always stop or prevent reactions to what happens in Pakistan. It is possible that even after the solution of the Kashmir problem Pakistan may not change her attitude towards India. Even then an attempt should be made so that the world may see and realise that India has done all that is humanly possible to improve the relations.

The Swatantra Party has put forward a point of view in this connection which deserves thoughtful consideration. At a meeting of its Parliamentary Board held in Madras it adopted a resolution on Kashmir which states inter alia: "This Board is of the view

that, whether the accession of Kashmir to India be considered in the light of the statements made by India's Representatives before the Security Council in February-March 1948 as provisional or, as a result of what has happened later, a completed accession to India, it should not stand in the way of a re-consideration and re-adjustment in order to attain Indo-Pakistan amity, thereby strengthening India's security against foreign aggression and helping the progress and prosperity of both India and Pakistan." The resolution further states: "No decision in politics, particularly when it relates to matters which involve India's security against foreign aggression, should be deemed final or irrevocable, so as to prevent re-thinking and revision for advancing the welfare and security of the country."

We are a secular State and we do not believe in "the two nation" theory. But is it necessary for that purpose to retain Kashmir in India against the will of her people? We have already given convincing proof of our secularism by giving equal rights to our Muslim citizens and by refusing to allow considerations of religion, caste or community to have any influence on our public policy. Will it not be a greater triumph of secularism and a more effective repudiation of the two nation theory if Kashmir is reunited and enabled to exist and grow as a secular State with its Muslim and Hindu residents living together in amity and equality, if necessary, even as a separate entity? Will it not be a greater ideal to strive for? It is difficult to say if it will be attained, for much depends on Pakistan and it is not possible to predict its reaction. Sheikh Abdulla is visiting that country to explore possibilities and the best thing that can be done at the moment is not to create fresh complications and to wish him success in his mission.

Whether Sheikh Abdulla succeeds or not, it will be necessary to give fresh thought to the problem of Kashmir. The *status quo* cannot continue. It is full of dangerous possibilities. One course of action that is suggested is the full integration of Kashmir through the abrogation of Article 370 of the Constitution. Those who advocate this course appear to have forgotten the circumstances under which the Article came to be included in the Constitution. It was drafted to make provision for the special position enjoyed by the State of Jammu and Kashmir. The Article is of a provisional character but it cannot be abrogated or altered unilaterally or as stated in proviso to clause (3) without a recommendation of the Constituent Assembly of the State. In a speech delivered at the Constituent Assembly in August 1952 Sheikh Abdulla, who was then the Prime Minister, explained the significance and import of the Article. He said: "Here I would like to point out that the fact that Article 370 has been mentioned as a temporary provision in the Constitution does not mean



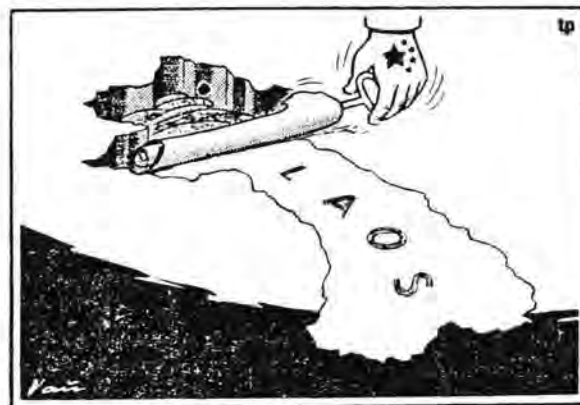
that it is capable of being abrogated, modified or replaced unilaterally. In actual effect, the temporary nature of this Article arises merely from the fact that the power to finalise the constitutional relationship between the State and the Union of India has been specifically vested in the Jammu and Kashmir Constituent Assembly. It follows that whatever modifications, amendments or exceptions that may become necessary either to Article 370 or any other Article in the Constitution of India in their application to the Jammu and Kashmir State are subject to the decision of this sovereign body." This view of the Article was not challenged then and has not been also challenged so far.

Curiously enough Communists and Socialists have joined the Hindu Mahasabha and the Jan Sangh in putting forward that demand! It must be conceded that it enjoys a measure of support in the country. The course is not, however, easy. It may provoke violent reactions in Kashmir. Pakistan on its part will not remain a silent spectator. Clandestinely and otherwise, she may give all possible support and encouragement to those in Kashmir who are opposed to the Indian decision. It cannot be denied that there are many in Kashmir who will find themselves in that position. They have made clear on numerous occasions their opposition to integration. It is likely, therefore, that an attempt to impose integration may involve us in largescale repression and suppression which will not reinforce internal stability or add to our reputation abroad.

The other course could be to devise, in consultation with the accredited leaders of Kashmir, an appropriate method for ascertaining the desires of the people and to give effect to it. This could be done, if necessary, on a regional basis so that the people of the different regions of the State get an opportunity to give expression to their particular desires. Once the will of the people is ascertained, it should be given effect to irrespective of questions of prestige or legal technicalities about sovereignty and accession. It will be necessary, in case the Kashmir Valley decides to remain separate, to provide safeguards for our lines of communications and defence and to secure international guarantees for the preservation of the integrity and autonomy of the separate territory. With goodwill on both sides it should not be difficult to get the safeguards as well as the guarantees. The most important point, however, is that we must realise that the Kashmir issue is, as stated by Mr. Jayaprakash Narayan, "a moral and political issue" and not a quarrel over legal technicalities. It may be also remembered that the position that Kashmir enjoys under the Constitution is not the same as that of other States of the Union. A perusal of Article 370 will make it clear as also all the special provisions made for the State during the last sixteen years.

The fact that the talks between the Prime Minister and Sheikh Abdulla are continuing, that the latter has found some "basis" for continuing them and that he was hopeful of finding a solution "that would be equally acceptable to India and Pakistan and would assure the Kashmiri people a 'place of honour' without weakening India's secular basis" should give some comfort to those who are anxious to find an early solution to the problem. The Prime Minister deserves to be complimented on keeping an open mind and not adopting a rigid attitude so voiceferously demanded by some of his colleagues and many public men in the country. Mr. Lal Bahadur Shastri, who has during the last few months shouldered the main burden of the complicated Kashmir affair, also deserves similar praise. They should, however, remember that communal forces are getting stronger in the country. They are making themselves attractive and are securing support in unexpected quarters by wearing the mantle of nationalism and secularism and anti-imperialism. They are making full use of all the crimes and misdeeds of Pakistan in order to mobilise public opinion against any reconsideration of the Kashmir problem. A curious unity has developed between the communal forces on one hand and the Socialists and Communists on the other hand. Very few are the voices of sanity like those of Rajaji and Jayaprakash Narayan and a few others. Unless the Prime Minister and other Congress leaders take the situation boldly in hand they may prove voices in the wilderness and the country may slide down the path of communalism.

This is a plea not for any particular course of action. It is a plea for rethinking on the issue. It is a plea for a realistic evaluation of a problem which yet remains to be solved. It is also a plea for not subordinating moral considerations to considerations of prestige and legal formalities.



Chinese directions for use: Insert opener, turn to the left and slowly roll up!

Courtesy: B.P.A.



# With Many Voices

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

"The more I see of men, the more I think of women."

—One of memorable sayings of Nancy Astor, passed on, May 2.

Our adventure with democracy has been an expensive disappointment.

—C. Rajagopalachari, *Swarajya*, May 2.

Chavan's mission is a dangerous one. The US trap is set, ready to catch India the moment we put our foot in it.

—Editorial, *New Age*, May 3.

Now if Krishna Menon were really the Congressman he would like us all to believe him to be, and not the crypto-communist he really is, why should the Communist leader of the Rajya Sabha have been so very worked up about Mrs. Gandhi's comments regarding him?

—*Opinion*, May 5.

When Mr. Krishnamachari indicated the limit of money power by saying — "you can bribe probably a hundred people, probably a thousand people, but you cannot bribe 400 million people" — he was thinking of his own election, and completely forgetting the role money plays in winning elections for the Congress.

—Piloo Mody, *March of the Nation*, May 9.

Sir, The Archbishop of Westminster is advising married couples of the value of joint prayer as an aid to the problem of family planning. One wonders whether such advice is to be taken, "before", "after", or simply "instead of"? Yours faithfully, M. Freedman.

—Letter in *Guardian*, London, May 14.

He (Khrushchev) was the most loved visitor to Egypt since Anthony barged in on Cleopatra.

—*Time*, May 15.

Communism does not travel by taxi.

—King Mahendra quoted in *Time*, May 15.

Indeed, I harbour the conviction and hope that it is only Sri Jawaharlal Nehru that can make India accept the necessary sacrifices for the purpose of Indo-Pak amity.

—C. Rajagopalachari, *Swarajya*, May 23.

Love is 'the illusion that one woman differs from another.'

—H. L. Mencken quoted in *The Spectator*.

What is incomprehensible to me about the Don Juan is that he is willing to undergo so many hours of vertical tedium for such a short interlude of horizontal satisfaction.

—Alan Brien in *The Spectator*.

Leaders, instead of giving a lead, are themselves being led away.

—R. D. Birla, *Current*, May 23.

India, it was said, was Churchill's 'blind spot'. For many of our public men, as imperialistic as he was but devoid of his greatness, Kashmir is like a cataract in the eye.

—K. N. S. in *Swarajya*, May 23.

I do not like the communists. I like neutralism, but the communists try to destroy the neutralists every time, so from now on, I announce that all who are against communists I will support and my neutralist forces will join them in the fight.

—Gen. Kong Le quoted in *Times of India*, May 24.

Nikita Khrushchev is the greatest farm expert of all time. He sows in Kazakhstan and reaps in Canada.

Quip circulating in U.S.S.R. quoted in *U.S. News & World Report*, May 25.

*What Tek Chand Report omitted:*

"The Maharajah (Ranjit Singh of the Punjab) said he understood that there were books which contained objections to drunkenness, and he thought it better that there should be no books at all than they should contain such foolish notions".

Emily Eden in "Up the Country".