

Consensus Or Conflict?

V. B. Karnik

IT is a pity that the political issues raised by Mr. Asoka Mehta are being confused by the none-too-edifying controversy over the disciplinary action taken against him. To a certain extent Mr. Mehta is himself responsible for the undesirable course of events. If he had resigned from the party as soon as its national executive decided against his action and the policy which he advocated, the controversy over the disciplinary action could have been avoided and attention could have been concentrated on the political issues which concern not merely the Praja Socialist Party but the entire democratic movement of the country. It is true that he held a unique position in the party and severance of relations was not easy for him or for the party. The action that the leadership has taken has created a commotion in the party and is likely to lead to a serious weakening of its influence and strength. But Mr. Asoka Mehta and his friends should have realised that after a categorical rejection of their policy there was and is no sense in their insisting on continuing within the party. It is much better that they part company and each seek freedom to work according to their convictions.

There is no point in denying that there is a basic contradiction between Mr. Asoka Mehta's policy and the policy that the P.S.P. decided to adopt after its Bhopal conference. As a matter of fact, he and his friends should have resigned from the party immediately after Bhopal. The attempts to fit in the Asoka Mehta policy with the Bhopal resolutions were legalistic and technical. Any student of politics could easily see that the two could not be reconciled. Co-operation with the Congress Government could not go hand in hand with a raging and tearing campaign to pull it down. It is another matter that the party's campaign has not proved effective in the least. That may persuade it to revise its line but, as long as the revision does not take place, there is no common ground between the party and Mr. Asoka Mehta and his friends.

The question that Mr. Asoka Mehta has raised is not if the P.S.P. should cooperate or oppose the Congress or if it should merge in the Congress or continue as a separate party but the much larger one

of what should be the attitude and policy of democrats in the present condition of the country. Mr. Asoka Mehta may have addressed his arguments in specific terms to socialists, but they apply as well to democrats. He may have talked about "the consolidation of socialist forces", but the arguments that he has urged in support of that proposition apply equally well to the consolidation of democratic forces which is the greater need of the day.

The problem that the democrats have to face is: what is the need of the hour? Is it to develop a consensus in the country or a conflict? It is never difficult to develop a conflict. It does not require much wisdom or statesmanship. A little rashness, a little doggedness and a little capacity to suffer and sacrifice are enough for the purpose. There are any number of issues on which a conflict can be developed. And as if those which exist are not enough, the Government is daily providing many more by its mistakes of commission and omission and its inept handling of various problems. In such a situation it is only a high sense of public duty and an awareness of the dangerous consequences of fomenting conflicts which will enable a person to resist the temptation of taking to that easy path.

A consensus does not preclude differences of opinion, criticism and even opposition on occasions. Differences of opinion are inevitable in a democracy and it is through a free expression of various kinds of opinions that a consensus develops which keeps it together. Criticism of and opposition to various measures and policies of the Government are equally inevitable as long as there is freedom of speech, press and assembly. But all these critical and oppositional activities of individuals and groups take place within the common framework of certain universally accepted values and disciplines and institutions. Democracy gives a free scope to the organisation and developments of political parties. The political parties criticise and oppose each other and even enter into a race for the opportunity to form the government of the country. But in spite of their opposition to each other there are more things in common between them than the issues which divide them. It is because they agree on ninety per cent of the issues that they can quarrel and contest against each other on the balance of ten per cent. The differences between them are not on fundamentals. They are on matters of minor importance so that, even when one is replaced

by another, there is no basic departure from the course of action that was being followed. This can be clearly seen from the actions of political parties and their governments in England and in America. It is because a consensus has developed and everybody accepts it that democracy has survived in those countries and is growing from strength to strength.

In the absence of a consensus, differences between political parties and social groups prove irreconcilable. In that situation, parties and groups have to think in terms of the utter defeat of one by the other. Until the issue is decided in favour of one or the other, there is an overt or covert civil war in the society. As soon as it is decided, the winning group suppresses the defeated group and establishes its dictatorship. That is the Marxist or Communist view of social relations and that is why there is no scope for democracy under communism. There is no attempt there to create a consensus through free discussion and common consent. A rigid uniformity of thought and practice is imposed from above through the Communist Party and the machinery of the State.

As a new State, in order to hold together as a political community, India will have either to create a consensus or be prepared to accept a uniformity imposed from above through a strict regulation of political and social thought and practice. As an emerging nation which has yet to solve many of its basic social and economic problems, there is no other way open to it. The path of conflict, whatever the intentions of its advocates and practitioners, will lead to the latter alternative which should be repugnant to all democrats. That makes it necessary for all of them, whether socialists or not, to work for and towards a consensus. This is the fundamental issue that Mr. Asoka Mehta has raised since he began talking about the political implications of a backward economy. His present action of accepting the Deputy Chairmanship of the Planning Commission which has led to the termination of his membership of the P.S.P. is the logical corollary of that thesis that he propounded.

Once the necessity of building up a consensus is accepted, the question whether and how far to co-operate with the Congress, whether the P.S.P. should merge in the Congress or continue as a separate party, whether and how far it is possible to develop opposition parties are minor matters over which it is possible to hold divergent views. What is ruled out is the policy of developing conflict as it obstructs the growth of a consensus and helps the forces of disintegration and disruption. Within a consensus there may be a variety of opinions and a free expression can be given to them through political parties and other organisations. They will all, however accept the responsibility of working towards a consensus which in other terms means working for social and

economic progress through general agreement. A consensus is a dynamic concept. The consensus of today may not be the same as that of tomorrow. It changes from time to time and sometimes even rapidly, but the changes that take place are mainly through the movement of the whole society and not merely through that of some sections. A consensus does not preclude a social revolution but it is a revolution brought about through consent and cooperation. A democracy provides ample opportunity for working for such a revolution.

In a democracy means are as important, if not more important, than ends. Between Socialists and Communists there is hardly any difference so far as ends are concerned. But the difference over means puts them in two rival camps, one standing for democracy and the other against it. Similarly, there may be difference between parties, say the Congress Party and the Swatantra Party, regarding social and economic ends; and yet there may be more in common between them because both accept that the means to be used for attaining the ends should be peaceful and democratic. It is the means and not merely the ends which determine the democratic character of a party. Peaceful and democratic means turn around the development of a consensus.

Disinterested students of conditions in the country must seriously consider if it can afford the luxury of conflicts. If a consensus had developed, the conflicts could have taken place within its framework and without doing damage to the democratic structure. But in its absence, as is the case in all new emerging nations, conflicts will only lead to disintegration and destruction of democracy. In view of this, will it not be better if democrats concentrate all their attention for the time being, on the creation and building up of a consensus which will hold the country together as a democratic society?

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Danger In Kashmir

Saadi

THE theft of the sacred relic from Hazratbal shrine in Srinagar which touched off disturbances not only in Kashmir but also in other parts of the sub-continent, resulting in the slaughter of hundreds of innocent people, was undoubtedly a serious matter. Although the matter has ended well and peace has been established in Srinagar with the help of Union Government, it cannot be denied that the Government of Kashmir was found inadequate to the task. The failure to deal with the people who took law into their hands and discover the culprits who committed the crime is an instance which does not speak high of the competence of the Kashmir government. It can also be presumed that the large-scale disturbances in Kashmir following the theft of the sacred relic had political motives. The theft provided a convenient outlet for the general discontent against the government, especially against the Bakshi family, to burst out. The Bakshi family in particular was made the target of attack throughout the disturbances, so much so that the initiative to control the situation was out of the hands of Bakshi Ghulam Mohammed, President and his brother, Bakshi Abdul Rashid, General Secretary of the National Conference. It is also true that the leftists and communist fellow-travellers within the National Conference tried to exploit the situation to bring the Kashmir Government and especially Bakshi family into disrepute. The burning of the two cinema houses and cars in Srinagar, belonging to the Bakshis was the work of the left leaning agent provocateurs.

Now that the sacred relic has been discovered to (the satisfaction of Muslim sentiment and peace has been established in the valley, moves are afoot probably with the active connivance of certain high placed persons in New Delhi not only to get Mr. Gulam Mohammed Sadiq back in the Kashmir Cabinet but even to elevate him to the post of the Prime Minister. If these moves succeed, Kashmir will face a major political disaster and all possibilities of the return of normalcy and stability to the valley will recede into the background.

The danger in having Mr. Sadiq in the Kashmir cabinet or as Prime Minister of Kashmir lies in the fact that he is a confirmed communist and his entire political background has been that of complete collaboration with the Indian Communist Party and communist leaders. One can imagine the political repercussions of a communist being in a position to dominate the state of affairs in strategically important region like Kashmir!

Mr. Sadiq, who is not yet fifty, comes from a rich family, practised law at Srinagar after his graduation from the Aligarh University. In 1934, he joined the Muslim Conference under the leadership of Shaikh Mohammed Abdullah. Three years later, he came under the influence of Abdullah Safdar and Fazal Elahi Qurban, two noted communist leaders of the Punjab and took active part in conspiratorial activities. Since then, the words "Muslim" or "Islam" became anathema to him. For political reasons however, he did not give up his association with Shaikh Mohammed Abdullah, who trusted him for many years. Mr. Sadiq participated in the conversion of the Muslim Conference into National Conference.

It was easy for Mr. Sadiq to betray the confidence of the leaders of the National Conference and work for the infiltration of communists into the leadership and ranks of the National Conference. When India became free and Kashmir acceded to India, Mr. Sadiq became Minister of Development and then the President of the Kashmir Constituent Assembly. While in these positions, Mr. Sadiq helped communist fellow-travellers to occupy important government posts in Kashmir.

While a Minister in Kashmir Cabinet he did not hesitate to organise in 1950 a demonstration in support of the Stockholm Peace Congress in Srinagar. As the President of the Kashmir Constituent Assembly he showed no reluctance in sponsoring a People's Peace Congress in Jammu in the fall of 1952. Throughout the period he occupied official positions, he had been most active in disseminating through governmental as well as National Conference channels communist propaganda material. It is a known fact that in the context of Kashmir issue, he has often denounced, in most violent language "Anglo-American imperialists" and has had always high praise for the Soviet Union. Mr. Sadiq also helped the communists to entrench themselves in labour movement in Kashmir through infiltration in the Central Labour Union, with which are affiliated the Government Transport Association, the Government Sericultural and Silk Labour Union, the Jammu Turpentine Labour Union and the Rent Payers' Association, the Telegraph Employees Union — all these have a membership of a hundred thousand. Further, with the active support of Mr. Sadiq, communists have captured the Students Federation, the Democratic Youth League, the cultural front, the Progressive Writers' League, which published in its monthly "Kunj Posh" nothing but communist stuff.

In 1953, Mr. Sadiq differed with Shaikh Abdullah not so much over the question of accession to India as over the role of the Red bloc in a plebiscite in Kashmir, which Mr. Sadiq strongly favoured. In a note sent to Shaikh Abdullah in 1956, Mr. Sadiq wrote:

"There is of course one alternative that offers a democratic solution to the problem and that is the one suggesting an overall plebiscite. Speaking personally I do not have any doubt about its democratic character, but my main objection is to the agency which will conduct and supervise this plebiscite. If an agency consisting of India, Pakistan, Afghanistan, Soviet Union and China could be created to supervise and conduct the plebiscite, I would suggest that we should immediately ask for an overall plebiscite. Failing this, we may ask for supervision commission representing all the members of the Security Council for ensuring a free and fair plebiscite in the State."

When Mr. Sadiq fell out with Bakshi Ghulam Mohammed as the latter decided to expose the tactics of the communists within the National Conference, he formed the Democratic National Conference. What were the character and composition of Democratic National Conference? A keen observer of Kashmir situation Mr. Balraj Puri has recorded: "Almost all communists (or Marxists as they prefer to call themselves) of the State are members of the DNC. Out of all the Indian parties, only the CPI supports it unreservedly. After its formation, the communist official organ, the *New Age*, splashed its activities week

after week, and continued to report its versions on the situation in the State. The DNC organs, in turn devote their columns to publicise national and international communist events. Besides this reciprocity, there also exist personal as well as ideological links between them. In the literature and statements of the DNC leaders, a persistent theme is of anti-imperialism. Their references to communist bloc are invariably friendly. There has been a remarkable coincidence between the views of the CPI and the present leaders of the DNC on Kashmir issue. One echoed the demands of the other for plebiscite, limited accession, and integration during various phases of Kashmir politics."

All these years Mr. Sadiq and his friends have hidden their identity. They know well that they would expose themselves and lose ground, if they come out in open as communists or fellow-travellers. Hence they prefer to style themselves only as the workers of the National Conference. Their hidden identity facilitates their infiltration into democratic bodies and in hoodwinking the Kashmir people.

It is, therefore, imperative that Mr. Sadiq and his friends must be exposed at once. Mr. Sadiq must be prevented from entering the cabinet or becoming Kashmir Prime Minister. If the Kashmir Government is incompetent, its character can be changed by getting competent democrats in the cabinet. But a communist at the helm of affairs in Kashmir is a far greater disaster than an incompetent government.

Question Of Succession

A. G. Mulgaonkar

THE recent illness of Mr. Nehru has brought to the fore, once more, poignantly the many suggestions and speculations about succession to his leadership. Now that leadership of Mr. Nehru is in two parts. One, is his leadership of the Congress which is the ruling party since Independence and the other is his prime ministership as the leader of the ruling Congress Party. It is with his latter role that the country and, in a larger sense, even the world are concerned. In many ways Mr. Nehru's role as Prime Minister of India has been a unique one. Not only for the first time in history was India a single national unit, in itself unique, but, what was even more unique, for the first time in history of India (and perhaps of the world) such a large compact block of humanity, nearly a fifth of the human race, had surrendered its political conscience willingly into the hands of one single man, Mr. Nehru: for that man to do as he liked,

to take them to a new and better world. That today an ever-increasing number feel themselves further away from that new and better world than before must be regarded as one of the many unfulfilled hopes of the vast multitudes of his countrymen who had reposed such blind childlike faith in his leadership. Of course, this is not the time to make a full assessment of Mr. Nehru's leadership but a general consideration of the political scene becomes relevant to a discussion of the subject of Mr. Nehru's succession. In so far as it pertains to his leadership of the Congress organisation although it concerns only the Congress, it must be conceded at once that Mr. Nehru is irreplaceable from one important angle, vote-getting. No one, Congressman or not, can afford to ignore this fact. The next elections are not far off and if Mr. Nehru's services are not available to the Congress as in the past three elections, when he literally carried the Congress candidates

on his back to victory, many heads are going to roll and the forty-six p.c. electoral voting which resulted in the four to one majority in the Lok Sabha is bound to dwindle to far less striking results. In these circumstances truer polarisation of political parties and even ideologies is bound to be inevitable. Opposition parties will be lacking in a sense realities if they fail to take these possibilities into calculation. For, the Congress under the dominating influence of Mr. Nehru, has developed into a monolithic political front. That influence once gone, there is hardly anything except perhaps self-interest, to keep it together. The Congress must therefore in an effort for survival (for in the coming years it is going to be nothing short of that) must decide to cut its losses as any wise businessman does and bring about a unity of purpose. For lack of it today it is in disarray. Verboisities and inanities have for long passed as policy declarations. The man in the street is little bothered about the great big things to come tomorrow, the ever-receding tomorrow. His concern is his immediate every-day life. And when he judges the party he has voted to power through three elections by the simple facts of his daily life, who can blame him if he is disillusioned and voices his disillusionment with increasing crescendo? If then the Congress or even the Congressman is presenting a tarnished image in the popular mind, the leadership must be held to blame. Never has a leader with so complete a grip on the party organisation and an unprecedented hold on the multitudes abdicated his powers in the direction that really mattered. This in itself is a far more unique phenomenon than the other two. For a man who enjoyed so much power and popularity, if the record of achievement is so poor, wherein lies the explanation? Were the problems too big or was the man too small? There is a little of truth in both. Wrong policies (though not all) but wrong methods mostly would be the verdict of a large number certainly. Statemanship (which concerns with long term policies of national interests) is both sober and self-restrained. As an example, Franklin Roosevelt's feat in bringing a near-unanimous isolationist USA into the War was a marvel of statemanship. Brute majority in legislature may enable a party leader to carry through his pet schemes, but it is only the statesman who focuses popular attention on matters of national interest. Prestige plants may be good advertisements but they do not build national character nor serve national well-being.

Now let us take a look at the thing we call India's foreign policy. It has been described as the policy of non-alignment. In an era of self-adulation, when historical distortions come naturally, in the knowledge of India's economic and military weakness this ill-starred child was born. To every Indian it was a matter of pride that his country's Prime Minister was the architect of this new policy and that thereby his

country was rising to great heights of international stature. Non-alignment, however, has had many trade names in the past and within the pages of history (if one cares to read more than its outline) are buried many examples of its futility. In the early years of this century, the British called it "Splendid Isolation". It was not long, however, before it was realised that this splendid isolation was becoming "dangerous isolation" and they were having staff talks with the French. Before this time Belgian neutrality had been guaranteed by the Big Three: the British, the German and the French. This was the famous "scrap of paper". After the 1914-18 War the Americans (like the Indians today) embarked on what was known as the policy of "isolationism" but the emergence of Hitler soon convinced some Americans how America's own security was in danger and that inevitably America would have to fight ultimately. About this time Britain was abandoning the principle of collective security (through the League of Nations) and resorted to appeasement on a grand scale to insure the safety of the British Empire. When in course of time this policy proved disastrous as it was bound to and, leaving aside the Empire, even the safety of the British Isles was hanging in the balance, L. S. Amery (soon to be the Secretary of State for India in Churchill's Government) addressed these words to the Chamberlain Government in Parliament quoting Cromwell "you have sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go." After the war, a new word — neutralism — came into vogue, giving place in due course to its present counterpart, non-alignment.

The first duty of any government and therefore its primary aim, in the sphere of foreign policy, must be self-protection. How was this duty discharged by the Government of which Mr. Nehru was the head? A sane and reasonable foreign policy, eschewing world-wide aims, might have earned India better dividends. But we chose to adopt grand postures, and soon enough we got tangled in our own contradictions when we adopted different standards over Suez and Hungary and the bomb blasts. Lest we lose our perspective, let us not forget that some of the troublesome chickens coming home to roost today are out of the diplomatic eggs we hatched during the grimace-making phase of our diplomacy. Unruffled sauvity is supposed to be the keynote of successful diplomacy. Judged by that standard we chose our representatives not only wrongly but we went further. We chose some that had a genius for losing us friends or making enemies. But the picture is not complete. In Gulliver's Liliput two fabled kings wish to go to war to decide which end of the egg should first be broken. If they had had a United Nations debate on this emergency, one can well imagine how the debate might have gone. The U. K. and the U. S. both would have sup-

ported one of the two sides according to their ideas of enlightened self-support, the roots of which were laid down as far back at 1790 and its modern version being whichever side gave them bases. India would have urged with force that both sides were right but the one supported by Russia was more right before its representative collapsed exhausted. Pakistan would, of course, have voted against India, and the U. N. would then have adjourned to the echoes of the claims of these two that each had defeated the other. That, in truth is where the U. N. has got itself today. There also, is developing a pattern of fatuity.

It is all depressing, the world-scene no less than the Indian; sometimes, even confusing. But a robust democracy is functioning in India, thanks to several factors, not least among them Mr. Nehru himself. Gratitude is a noble virtue but plain speaking, in a democracy, is a necessity, because gratitude is prone to deceive itself. Uncritical hero-worship has done enough damage. The recent U.N. debate has clearly shown how perilous the position of India has become. We can no longer afford to take any chances, for the very question before us is the preservation of Indian independence. Indeed a new emergency has arisen if the old one had begun to fade away. A new down-to-earth leadership is called for which will be able to give a completely new orientation to our policies at home and abroad. Mr. Nehru is obviously not the person to lead it; he is far too committed to what has gone before apart from his health. A new Prime Minister is clearly indicated. There has been a good deal of speculation latterly, particularly in the foreign press as to whose chances are the greatest. Certain names have been mentioned; here, a compromise candidate; there, someone as being nearest to Mr. Nehru, and so on. Let us do away with all such cobweb weaving. It is worse than fruitless; it is dangerous. It will lead to what the *New Statesman* called of the election of Sir Alec Douglas Home, an auction of the prime ministership. Let the Congress Parliamentary Party of its free choice elect its own leader. Surely, its members know the respective merits of the few that are available in their ranks and should be trusted to make the choice. That someone knows Mr. Nehru's mind intimately and enjoys his trust are hardly the criterion by which the Prime Minister of India in succession to Mr. Nehru is to be chosen. What is sought thereby, a perpetuation? But that will only mean a perpetuation of the policies and the follies on which the country must learn to turn back. The same objections must apply to the so-called compromise candidate because he will be expected to stall and not move forward. What is most urgently needed is a fresh strong mind, not afraid of initiating a new thinking all along the line. There is certainly no need to lose the benefit of Mr. Nehru's experience and counsel. Pakistan is extending the line of tensions all

along and following the policy of Hitlerian dictation of seeking adventures abroad to ease home tension (with China and now the U.K. and U.S.A. to spite pathise) the emergency has deepened; there is no knowing how far things will go in the foreseeable near future. The time has come to consider whether to meet the situation and to draw the whole nation into the effort, a high-powered Supreme Emergency Council be brought into existence. With Mr. Nehru at the head (relieved of his day-to-day duties) a small council of seven or eight including two or three stalwarts from the opposition like C. Rajagopalachari and Acharya Kripalani, though not a coalition government, should have the policy-making in the international and the defence spheres in its purview. This set-up will be able to avoid the governments failure of a year ago to channel the great national upsurge. It will also ensure a continuity in broad policies in international and defence matters which is most desirable. Mr. Nehru's stepping down from the Prime Ministership at this juncture will not only be a graceful but a magnificent historical act. A freely chosen prime minister will have the full support of the party and thus ensure a smooth carry-over as against possible disorderly takeover. It is to the best interest of India that this carry-over is a smooth one. The greatest danger to Indian parliamentary democracy is unstable governments in the immediate future. A seeming respect for civil liberty and constitutional forms may present an attractive front but the political ignorance of the masses and the deterioration in the ruling class can hardly prevent the political structure from ultimately crumbling. This is the picture the democracies which have recently gone down present.



"Patience son! We'll boycott Chinese receptions too—the day China behaves as wickedly as Sir Patrick Dean!"

Courtesy: *Hindustan Times*

Bangalore Convention Of Swatantra Party

M. R. Pai

HAVING observed the inaugural convention of the Swatantra Party in Bombay in 1959 and the first Convention in Patna in 1960, I found the Third Convention at Bangalore on February 1 and 2 present some interesting features worthy of serious study.

The tone for the Convention was set by General Secretary M. R. Masani's report. He brought to bear an objective approach to the assessment of the working of his party. This was a departure from the established pattern of political parties which always see the fine cloth of gold on the naked king. Setting a new pattern, like a critic Mr. Masani observed the lack of a devoted cadre in the organisation. Equally forthright was his confession of "the deficiencies in the way of organisational competence and discipline which only too often mark the Party's functioning." Also, one would scarcely expect to find the following line in the report of a party which is spoken of by rivals as the Party of Big Business. "There are two basic reasons for our distressing experience (about lack of finances). The first is the supine and cowardly attitude of the larger part of Big Business in India which, aside from a few honourable exceptions who practise enlightened free enterprise...."

The General Secretary's report is an essay in political science which no student of the subject can afford to miss.

The Convention was preceded by two days of deliberations by the Central Organising Committee. In all 13 resolutions were adopted by the Convention. The important ones were the resolution on economic policy (presenting an alternative to the present economic policy and present method of planning); on international relations and defence (attacking "non-alignment" and urging strong steps against Communist China); the Constitution (17th Amendment) Bill (stoutly opposing the measure in order "to defend Farm, Family and Freedom"); on State's right (a subject which will assume great importance in days to come when the Hero of the Indian Revolution ceases to be the Prime Minister of India, and no other Hero-replacements can be found). In the front of political strategy, there were two important resolutions: one seeking to convert the party into a tight-knit cadre party by providing for active workers paying a yearly membership; and another advocating electoral understanding with other parties, excepting the Communist Party, to oppose Congress which is to be deprived of its "undue advantage" owing to multilateral contests of Opposition parties.

Then there was a resolution urging the formation

of a non-political board to administer all licences and permits. Apparently, this was designed to make political capital out of present public dissatisfaction with permits and licences, because the moment such a board is set up it not merely results in the ruling party losing its hold on vital sections of society, but also undermines the present method of planning itself!

But it is not the resolutions which the Convention adopted that entitle it to be viewed with interest. The focus of interest is the party itself.

One distinct impression I got from the Convention was that the party had been institutionalised. While Rajaji pleaded, towards the end of his inaugural address, that "Let us gather more and more strength quickly: I cannot wait longer, friends", he seemed to be well aware that the hard work which he and his colleagues had put in the last four years had institutionalised the party.

The second impression is that the philosophy of the party had crystallised now in more definite terms. The party must thank the Government for this. Through Compulsory Deposit, Gold Control, mid-term Plan appraisal and other concrete instances, the Government has given Swatantra Party an opportunity to illustrate its own philosophy in concrete terms. But what has helped the Swatantra Party most is the 17th (Constitution) Amendment Bill. Free enterprise, freedom and other elements in Swatantra Party philosophy are appreciated by a large number of people in the light of the threat to land.

The third impression was the changing character of the party, and one wishes, a new trend in Indian politics. One could scarcely find the professional politician in the party convention. In earlier days, there were dissident Congressmen and a left-over of the pre-Independence day professional politicians in the party. But this time, one found small business men, executive and self-employed men like farmers, doctors and lawyers in large numbers. That this important class which had withdrawn itself from politics after Independence is re-entering into the field is a happy and healthy sign for our young Republic.

It was also interesting to note a large number of young faces in the gathering. Perhaps most of them were in the 25-40 age group. The party would do well to make a survey of age and profession groups.

The businesslike manner in which the session was conducted and arrangements had been made—take for instance, the transport arrangements for delegates,

in charge of a retired D.S.P.—and the lack of pomp so usual with political parties were also impressive factors.

While an overall picture of consolidation and gaining strength emerged from the Convention, some other factors also cannot be overlooked.

For instance, the Convention failed to make any reference to Indo-Pak relations at a time when that problem was politically hot. Important issues like this have got to be faced squarely. Similarly, it could not *directly* link its philosophy to the day-to-day existence of the bulk of people in the country in order to appeal to them as their own party. For instance, poor civic administration or local government is a curse which affects most people than is commonly realised; or, once again, educational facilities are eagerly sought after by even poor parents who want a better life for their children. While all these benefits and much more might flow from the overall philosophy of the Swatantra Party, to the unsophisticated mind nothing of immediate relevance to their plight could be found in the Party's deliberations. This aspect needs serious consideration by the seasoned leaders of the party.

Another aspect is the schizophrenic attitude on some anachronistic political attitudes which still persist in the country. Somehow, the word "Satyagraha" in connection with opposition to 17th Amendment was welcome to a section of the audience. Perhaps, taking into consideration the fact that that is the only language which the present rulers understand, there was some meaning in the reception given to that word. Perhaps, because "Satyagraha" connoted some concrete *action*, there was some enthusiasm for it. But the real point is whether the Swatantra Party can adopt the "Satyagraha" technique—an unconstitutional means—without losing its distinct character. It may be effective for the time being, but can salt which has lost its savour find any use?

All said and done, the Swatantra Party is an interesting phenomenon in Indian Politics. In terms of Realpolitik, its role may be limited for the time being, but its influence on the general thinking and direction of the country in years to come is bound to be momentous, so long as brain dominates brawn in human affairs.

The Law Of Obscenity

N. S. Ranganath Rao

IT has been pointed out before¹ that the law of obscenity as contained in the Indian Penal Code has the following defects:

As the Indian Penal Code does not define obscenity such definition has been adopted from an English decision *R. V. Hicklin*. Secondly, such definition ignores the intention of the author or the creator and holds a matter obscene if it has certain tendencies. Thirdly, the artistic, literary or the scientific purpose of the writer is ignored. Fourthly, quite often isolated words or passages are taken into consideration. The book as a whole is not taken into consideration. The entire and the dominant effect of the work is ignored in preference to isolated words and passages. Fifthly, the standard of those who are susceptible to the influence of the work is the standard of the weakest in the society. Sixthly, quite often absolute liability is imposed even on book-sellers and importers.

Having in view the above defects certain changes in the law of obscenity as contained in the Indian Penal Code are suggested here. The most controversial question is as to whether a precise definition

of obscenity be attempted in the Indian Penal Code. A rigid definition of obscenity may have the advantages of clarity and precision but at the same time in the context of the changing concept of obscenity such a rigid definition might not be workable. Probably having this problem in view The Obscenity Publication Act, 1959, passed by British Parliament, does not attempt an independent definition. It slightly modifies the definition of obscenity as laid down in the *Hicklin's* case. Similarly certain Commonwealth Countries which have recently attempted to define obscenity have more or less attempted to modify the *Hicklin* test and tried to improve on it. Therefore, a similar modified definition is considered to be advisable in India also. It may be done by including an explanation to Section 292 of the Indian Penal Code. The explanation may be as follows.—

"For the purpose of this Section any book, pamphlet, paper, drawing, painting, representation or figure or any other object shall be deemed to be obscene if its effect, if taken as a whole, is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in such

¹ FREEDOM FIRST 138 (Nov. 1963) and 140 (Jan. 1964)

object." Further, Sec. 292 as a whole can be recast in the following manner—

- (a) Whoever *knowingly and without lawful justification or excuse* sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or
- (b) *knowingly and without lawful justification or excuse* imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or
- (c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or
- (d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or
- (e) offers or attempts to do any act which is an offence under this section, shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Explanation:

For the purpose of this section any book, pamphlet, paper, drawing, painting, representation or figure or any other object shall be deemed to be obscene if its effect, if taken as a whole, is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in such object.

Exception 1—This section does not extend to any book, pamphlet, writing, drawing, or painting kept or used bona fide for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purposes.

Exception 2—Nothing contained in Sec. 292 or Sec. 293 shall apply to any book, pamphlet, writing, draw-

ing, painting, representation or figure or any other object meant for public good or for bona fide purposes of science, literature, art or any other branch of learning.

Provided the opinion of experts may be admitted as evidence as to the literary, artistic, scientific or other merits of the object and also as to whether the object tends to deprave or corrupt.

(The amendments suggested are in italics)

The proposed changes are expected to achieve the following results:—

1. The definition of obscenity as contained in the Explanation makes it necessary to take into consideration the entire work and its dominating influence while assessing its tendency to deprave or corrupt.
2. The inclusion of the words "knowingly or without lawful justification or excuse" in clauses (a) and (b) would make intention or knowledge of the accused a necessary element of the offence. This would also remove doubts regarding the nature of the liability of booksellers and importers.
3. The literary, artistic or the scientific purpose of the object shall be a relevant consideration.
4. The admissibility of the expert evidence regarding the merits of the object and its tendency to deprave and corrupt may do away with the "well brought up school girl of fourteen" test.
5. Exception 2 may also mitigate the hardship arising out of the absence of trial by jury in India.



"Further, we affirm the right to break diplomatic relations with China, if we want to, to expel the Chinese troops from our soil, if we want to, to..."

Courtesy: Hindustan Times

Tradition Looks At Marx

M. A. Venkata Rao

WHILE Macaulayans, like their alienated counterparts in the West, succumb to Marxism both as theory and as social policy, those retaining their moorings in traditional values, in various degrees of conscious acceptances, are trying to effect a synthesis between the two claims that challenge their conscience today.

From the practical point of view, if Marxism connoted only humanitarianism in outlook and social policy backed by political programmes looking toward the amelioration of the disinherited, they concede it without qualification.

They recall the humanist or universalist elements both in Vedic and non-Vedic streams of culture, the orthodox Hindu *sampradayas* such as *vaishnavism* and *saivism* on the one hand and the ethical teachings of Buddhism and Jainism on the other.

The brahmanic systems of religion and ritual develop their metaphysical Absolute to afford a logical support to a universal ethics. The good life consists in expansion of self (*sarvatma bhava*) since the essence of the self is *brahman* which means the cosmic, universal and infinite self of which the entirety of the universe is the outward expression.

The Buddhist goal of *nirvana* is evolved to support the morality consisting in the death of the individual ego and its rebirth into state of desire-less-ness — *brahmavihara*.

Jainism postulates a potential infinite self within each finite embodied being (*jiva*) whose moral destiny is release from the load of matter. Such a release is obtained by a life of non-injury to all living creatures and abstention from egoistic desireful action, which colours the ego with passion. All varieties of moral virtue are in the view of Jainism but *forms of ahimsa* or non-injury in the various relations and situations of life. *Ahimsa* discolours the ego. The aim is self-less action helped on by meditation, austerity, self-denial and service of teacher and mankind so as to attain a pure state of the self which is free from matter. The whole *pluralistic, realistic*, Jaina metaphysics and ethics of non-violence have been evolved to support a universalist code of conduct making for universal welfare in the highest sense.

All the three streams of tradition — the vedic, the buddhist and jain — assume that in the body-mind organism of the empirical individual we call the human being, (*jiva*) there is an eternal and immortal element which is above and beyond the body, whose welfare has the highest value and is an end in itself.

So when Marxism, is supposed to support the wel-

fare of the "poorest and lowliest and lost," of the neglected, submerged tenth or ninety-ninths of humanity, those who understand the essence of traditional morality open their eyes, do some re-thinking and agree that this is a goal of social thought and policy that they should endorse and work for.

But they find it impossible to endorse the philosophy urged by Marxists to support their social gospel.

Apart from the details of social evolution in terms of the conflict of classes from stage to stage — pastoral, agricultural and feudal, superseded by the bourgeoisie at the time of the industrial revolution and now to be in turn to be *liquidated* in favour of the proletariat — all as an inevitable march of destiny, the traditionalist finds all this a tall order.

In the first place, while agreeing that the *first impulses* in man as an individual and social being are *egoistic* and possessive, he rejects the thesis that this is the last word of human nature. This is only the first layer (or sheath or cover or *kosha*) in which human nature is enveloped.

The course of life and morality demands that the first impulses should be controlled — *indriya nigraha*, control of the sense-prompted desires is the first foundation of the ethical life according to all streams of tradition.

Such a self-controlled and disciplined life is enjoined on *all* — the highest rulers as well as the lower classes — not merely on the poor to instill fear in them so as to prevent them from plundering the rich.

The egoistic impulse is sought to be *inhibited* so that the larger self in *all* may have a chance to deploy itself which will enable social life to be built. Such social community can expand in widening circles from family and village to town and country until it embraces the whole of humanity. All Indian traditions proclaim that the wise man thinks of the whole world as his family (*Vasudhaiva Kutumbakam*). Nothing in the world is alien to him. In fact, morality is defined as conduct that will hold society together, that will as a matter of practice promote social solidarity, "a consciousness of kind", not confined to nation or race but extending to the whole of creation.

Tradition disagrees with Marx in thinking that conflict can and ought to be overcome. Such *sublimation* of conflict, to use modern terms for the ancient meaning, is possible because all humans are at bottom expressions of one and the same universal spiritual reality — whether *brahman* or *jivatman* or self-less state called *nirvanam*.

Tradition digs deeper than Marx into the nature of man and has evolved in all three religions elaborate systems of psychology to enable the transformation of the unregenerate human being into the higher state to which he is called by his inner mission.

Even from the standpoint of political and social institutions, tradition is not nonplussed by the elaboration and complexity and learning of Marxism. It has its own learning in support of the higher values.

As regards the nature of the State and government, tradition holds that the Raja (and consequently the rajya or State) has the specific duty of maintaining the external conditions of the good life. *Raja dharma* consists in enabling each occupation and class of people to perform *its duty* to society and to obtain its fair reward.

Every vocation has its own *dharma*, its own laws laying its own rules for the observance of its practitioners. Every *sreni* or craft guild had its own recognised standard of excellence to which every practitioner aspired. It trained its own apprentices and employed them or helped them to find employment. It settled disputes among members and negotiated disputes with masters or employers or rajas or municipalities or *nagar sabhas*. They gave a *place in life* to their members. Thus there were no *alienated individuals*, filled with resentment and fury like the *de-classé* intelligentsia of decadent modern societies.

The society was a *community of communities* or *sub-societies* each with its world of interests and each entrusted with a distinct line of service to the greater society. Even defence was assisted by groups of rajas or military leaders each with a following of his own who could be mobilised in times of war or invasion.

The duty of the State was *not* to usurp the duties of sub-societies in the arts and crafts, sciences and humanities, social and economic institutions, trades and occupations, shipping, transport, commerce, mining etc. but to maintain order among them and to reconcile their conflicting interests by means of a *framework of laws* impartially administered.

Morality was a matter largely of custom, *svadharma* or social ethics, *sittlichkeit* as Hegel calls it. But it also involved a stage on the part of individuals, of rising into the level of *reflective morality* and *conscience*, which accepted the laws consciously as necessary for social harmony. If necessary, the guild or *sreni* or *nagara sabha* or the ruler's council would hold *dharma sabhas* and enact *new laws* to take account of changing circumstances. But Law was a rule of action meant to maximise social harmony.

Tradition therefore is not impressed with the Marxist argument that law and government are always in the interest of birth or of the stronger or possessors of wealth.

Tradition paid the highest respect *not* to wealth

but to Truth and learning. The class of truth-seekers occupied the first place in social honour.

The class of rulers and administrators maintaining impartial justice using *force in accordance with dharma* for the welfare of all were accorded the second place.

The bourgeoisie were accorded *only the third place* and were kept in their place by the people and their sense of social values.

Tradition did not exalt the capital-holding class to the first place of power and rule in society. It did not sanction any *Kuber Raj* or plutocracy which might have been a phenomenon of the West in the recent centuries.

Tradition does not agree with Marxism that man is condemned by his psychology to subordinate truth to his economic needs. It rejects the economic determination of history and culture.

It upholds the power of man to seek Truth and to find it and postulates an identity between the human mind and spirit with the structure and essence of the external universe in some way.

Tradition therefore whether in its orthodox form or its modern reformist form as in Dayanand Saraswati, Sri Ramakrishna or Shri Aurobindo or Swami Vivekananda does not find it necessary to accept materialism or class war or jettison the spiritual view of life or accept the revolutionary method for reform associated with current Marxism.

But Marxism has no doubt acted as a catalytic agent and quickened the *social conscience* of the mass of people living in touch with tradition and made them more open to radical reforms tending towards social amelioration and the salvation of the underprivileged.

Marxism has made traditionalists more hospitable to the spiritual appeal of democracy, the dignity of the common man and the absolute need to afford him a *decent chance* by means of effective social institutions and governmental policies.

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

Please enrol me as a subscriber to FREEDOM FIRST.

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Signature

With Many Voices

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

You will see how we hang people and burn them like chickens. Others will be executed by being cut into pieces that will be spread on the streets. Still others will be thrown into the sea, while others will be tied to trees and shot by novice marksmen. Anyone who tries to be a hypocrite will be punished by 50 years in jail.

—“Field Marshal” John Okello, *Time*, January 31.

I shudder when I think of the greatness of the Great One. And so let the world know, and the word go forth, that indeed we do have a miracle called Kwame Nkrumah who walks the face of Africa today.

—*Ghanian Times*, quoted in *Time*, January 31.

As a hoaxer of the United States, Prime Minister Jawaharlal Nehru is unequalled.

—Edgar A. Mowrer in *U.S. Press*

Being tricked has become an American habit.

—Edgar A. Mowrer in *U.S. Press*

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Adam Adil

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Ceilings and floorings are good for offices and houses, but for farms the best flooring is the good earth and the finest ceiling, the sky.

—Mr. M. A. Sreenivasan, in a recent speech on
Agricultural Production.

The Congress should be left out of power for five years so as to make it face the realities of the national situation.

—Mr. K. K. Shah, former AICC General Secretary,
Indian Express, February 3.

We need American protection, but we are not an American protectorate.

—Chancellor Erhard, *New York Times*,
Weekly Review, January 12.

The war we have to face today has only one goal and that is to make the world safe for diversity.

—Mr. U. Thant, U.N. Secretary-General, *New York Times*, Weekly Review, January 12.

The moment the Government decided to nationalise banks, all opposition would die.

—Mr. N. V. Gadgil, *Indian Express*, February 1.

It is a great advantage to this nation to have people telling its story who have the reputation of saying what they mean.

—Mr. Carl T. Rowan, *U.S. News and World Report*,
February 10.

It has often been noticed that when a great man makes a mistake, it is usually a great mistake that he makes.

—*New York Daily News*, quoted in *Time*, Feb. 7.

At the bidding of the Opposition, I would not even go to heaven.

—Punjab Chief Minister Kairon, *Statesman*, Feb. 13.

Non-alignment is not enough.

—Mr. D. R. Mankekar, *Indian Express*, February 12.

You will see the collapse of Khrushchev, that paper tiger.

—Mr. Mao Tse-tung, *Hindustan Times*, Feb. 22.