

THE LADY AND THE TIGER

M. R. Masani

A somewhat irritating slogan one saw on buses and elsewhere has suddenly, come alive—"The nation is on the move". After eighteen months of stagnation, in an atmosphere laden with fear and timidity, the Indian people again breathe freely. There is great relief all round. Thousands in captivity have returned to their homes. Many are flexing their muscles and preparing for the exciting days and weeks ahead. Mr. James Cameron, a friend of the Nehru family but a critic of the "Emergency", writes in the *Guardian* of February 7: "All of a sudden the Indian scene becomes politically interesting, even volatile. Is not this what we have been hoping for all along?" He ends with a slogan which he had put aside for eighteen months and remarks with renewed hope for this country: "Jai Hind".

The declaration on January 19 dissolving Parliament and calling for fresh elections was of course the first act in this developing drama. It was followed on February 2 by Mr. Jagjivan Ram and his friends leaving the Congress Party and forming a new party, the Congress for Democracy. Finally came the passing away of President Fakhruddin Ali Ahmed on February 11. Each of these developments has contributed to an entirely new situation where the Indian people are once again on the move.

Let it be said without cavil that the credit for starting this goes to Mrs. Indira Gandhi. There has been much scepticism about her motives. There is an old maxim of equity: "The Devil knoweth not the mind of man". Who then, so bold as to speculate on the mind of a woman? But, whatever the motive, she must not be denied credit for the act.

There is an old limerick which runs as follows:

"There was once a lady from Riga,
Who went for a ride on a tiger,
They returned from the ride
With the lady inside
And a smile on the face of the tiger."

Many in India and abroad during the last eighteen months had wondered whether Mrs. Gandhi was not asking for the fate of the lady from Riga. Maybe she wondered about it too, judging from the fact that she is making a deft effort to jump off the back of the tiger of authoritarianism before he devours her. For this belated wisdom, much thanks.

We say belated because the Prime Minister has



"Dictators ride to and fro upon tigers which they dare not dismount. And the tigers are getting hungry." (Winston Churchill)

—Courtesy: Daily Telegraph

done the right thing somewhat late. As far back as August 31, 1975, some of us had addressed a letter to the Prime Minister suggesting that she might consider doing precisely what she has belatedly done now. Among the other signatories to that letter were a distinguished group of men and women unattached to any political party including S. P. Aiyar, Arvind Buch, M. C. Chagla, R. R. Divakar, Nissim Ezekiel, Rajmohan Gandhi, M. Harris, V. V. John, Kanshi Ram, Maniben Kara, V. B. Karnik, Khuswant Singh, D. K. Kunte, Lalchand Hirachand, G. S. Mahajani, S. R. Mohan Das, Kamalashankar Pandya, Jehangir P. Patel, Achyut Patwardhan F. S. Reporter, T. Sadasivam, K. Santharam, C. C. Shah, S. J. Sorabjee, Ammu Swaminathan, Marjorie Skyes, and Sophia Wadia.

In course of our letter, the contents of which can now be disclosed, we had observed: "Happily, all parties, whether in government or in opposition, are agreed that the people of India should be free to decide their destiny. It is obvious that such a choice can be made freely by the people through a General Election to Parliament. We have discussed the circumstances in which such an election could take place. It is obvious that, under present conditions, with the kind of pre-censorship of the Press that exists, the detention in prison of a large number of men and women of influence in the country, and the threat of detention without cause and without trial under M.I.S.A., no election that would enjoy any credibility could take place. This in turn involves that, in order that an election campaign can be conducted fairly and freely, there would have to be freedom of discussion and expression on the platform and in the press for a reasonable period of time without fear of consequences. On the other hand, in order that an election can take place in a calm and orderly fashion, there should be general agreement that extra-constitutional weapons should be placed aside. In such circumstances the continuance of the Emergency will become unnecessary according to your own statements. You yourself rightly mentioned recently that elections can only take place when there is a proper climate for them".

Let us rejoice, in keeping with the old saying, "better late than never" and do nothing to hamper the success of Mrs. Gandhi's effort which is not only in her own interest but in the interest of the country.

There is, not unnaturally, widespread cynicism and scepticism about the nature and permanence of this move. There are cynics who credit the Prime Minister with an exercise similar to the Maoist one of "letting a hundred flowers bloom"—but only for a little while!

Freedom First has throughout the last eighteen months refused to submit to precensorship or any interference with its freedom of expression and has pulled no punches throughout those dark days. In sticking to our guns we have been sustained by the judgements of the Bombay High Court. Nonetheless we do not share the cynical approach that, consistent with the record, Mrs. Gandhi may resort to further

short cuts. We are glad that the Prime Minister in her interview with the *London Times*, published on the 16th February, has justified this hope by categorically stating, "We will accept the verdict of the people and, after the election, whatever the government, I hope all parties will be able to get together to solve the problems of the country".

In this context one must congratulate Mr. Morarji Desai for the statesmanship of the repeated remark that he accepts the *bona fides* of those in authority.

Likely Result

There can be no doubt that, starting with Mr. Jagjivan Ram parting company with the Prime Minister, the situation has developed and is probably taking a turn which was beyond her calculations. There is a great deal of speculation as to the result of the General Elections. Obviously, there are three alternatives. The first a decisive win for the Prime Minister; the second an outright defeat; and third, the Congress Party and the Prime Minister surviving with a working or bare majority.

The first alternative can be ruled out after Mr. Jagjivan Ram's action. As Mr. Martin Woollacot writes from Delhi to the *Guardian* on February 7, "Jagjivan Ram has opened up an election that looked before like the most controlled of exercises". Mr. Jagjivan Ram's credentials as a St. George riding forth to protect the damsel of democracy from the authoritarian dragon are somewhat tarnished. There is also danger of his being a catspaw for the Moscow Communists whom Mr. Ganesh and Mrs. Satpathy represent in his camp.

The election is now an open one and nothing can be ruled out. This is particularly so because of the archaic electoral system that we adopted from the British. At no time since 1950 did Mr. Nehru or his successors get a clear majority of the electorate to vote for them. Their highest was 48 per cent of the votes polled. In 1971, the "massive mandate" which Mrs. Gandhi is supposed to have received according to the Indian press, turns out on examination to be a miserable 24 per cent of the electorate who backed her since, according to the Election Commission, she polled only 43 per cent of those who voted and only 54 per cent of the electorate cast their votes. The same absurdity that gave Mrs. Gandhi a two-thirds majority in the Lok Sabha can on this occasion give her or her opponents an equally fictitious majority.

The thaw in the Indian political scene has been taken one step further by the passing away of President Fakhruddin Ali Ahmed. The election of a new President is called for by the Constitution within six months of February 11 at the latest. The Indian people thus have an opportunity not only to vote for Parliament and Prime Minister but also, through an electoral college, for the President. How should they cast their vote?

One way to decide would be to turn to the Election Manifestoes of the parties. If this be the test, the Liberal Democrat will undoubtedly vote for the Janata

Party. In our July 1976 issue we had carried an article entitled "A Tired Document From Tired Men". It must be conceded that the present manifesto of the Janata Party is a tremendous improvement on that earlier effort. We are glad to find that objectionable references to an "equalitarian society" and "total planning" have been dropped. The Statist angle to which we had objected has been replaced by a most welcome emphasis on Gandhian principles.

The End of Ideology

But can one judge the parties by their ideologies alone? With the kind of coalitions that are developing on both sides, can it not be claimed that ideology



—Courtesy: *Indian Express*

has ceased to be an issue in this election? What, for instance, is there in common between the Communist Party of India (only recently traitors, but now so warmly embraced in many States) on the one hand and Mr. Sanjay Gandhi on the other? On the other side the bond between a wide assortment of figures like Mr. Morarji Desai and Mr. Jayaprakash Narayan on the one hand and Mr. Madhu Limaye, Mr. George Fernandes and the CPI (Marxist) on the other can hardly be an ideological one. Several leading figures in the Janata Party happen to be guilty men who have in the past played their part in securing the election as President

of Mr. V. V. Giri and of Mrs Gandhi as Prime Minister and thus opening the door to authoritarianism in June 1975.

Even so, if we go by the old precept, "by their fruits shall ye judge them", it is clear that it is against the country's interest to put back in office these who have been responsible for imposing an authoritarian regime during the last eighteen months, for destroying the Rule of Law and for seeking to destroy the Constitution of the Republic by the infamous 42nd Amendment. That applies almost as much to the Congress for Democracy as to the Congress Party.

To the Liberal Democrat it is the size of the protest vote against these acts that is in a way more important than who does or does not get elected, because he is concerned with how the country can be go back to the democratic path from which it was derailed in June 1975.

Can we get back to the Constitution of 1950? Despite brave proclamations to the contrary, any immediate relief of this nature has to be ruled out since a two-thirds majority in the Lok Sabha for the repeal of the 42nd Amendment is not on the cards. That relief only be provided by the Supreme Court if, following its previous judgements, it strikes down the 42nd Amendment as being contrary to the "basic structure of the Constitution." With the supersession of Mr. Justice Khanna that too does not look very likely.

The New President

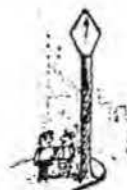
Perhaps the election of a new President might open the door back to normality? Despite the 42nd Amendment which seeks to make him a puppet of the Prime Minister and the Cabinet, the President is still the Head of the State and the Supreme Commander of the Armed Forces. The attempt to make him a puppet is in our view invalid and should be struck down by the Supreme Court. In any event, it is of dubious validity till it is judicially tested. If the new President is a man of independence and eminence, not beholden to any of the political parties, he could play a valuable part in bringing the country back to democracy.

It was because of the dangers ahead that your Editor took the lead with the support of all the parties in opposition, including the Swatantra Party, the Jan Sangh, the two Socialist Parties and the two Communist parties, in nominating in 1967 a distinguished son of India, former Chief Justice Subba Rao, as candidate for the Presidentship. The history of India in the intervening years would have been happier if Mr. Subba Rao had been elected President.

"Humpty Dumpty sat on a wall,
Humpty Dumpty had a great fall,
All the Queen's horses and all the Queen's men,
Couldn't put poor Humpty Dumpty together again."

Can the Humpty Dumpty of Indian democracy, always so fragile and always so delicately poised on the wall of India's backwardness, be put together and restored? We shall have to wait and see.

Between You & Me and The Lamp Post



Supersession of Justice Khanna

IF anyone believed that the calling of General Elections represented a change of heart on the part of those in office, the supersession of Mr. Justice Khanna for the position of Chief Justice of India for which he was next in line of succession should have disabused them of any such illusion. Once again, as happened in April 1973, a distinguished and independent judge who had showed his fitness in every way to be the Chief Justice of India has been passed over for dubious political reasons.

Commented Mr. Soli Sorabjee: "When one of the firm pillars of democracy is thus battered, hopes aroused by the decision to hold elections and other measures are rudely shaken".

The shoddy argument that Mr. Justice Khanna would have functioned as Chief Justice only till the middle of the year does not hold water as is shown by the fact that Chief Justice C. J. Shah was appointed to the same office although he was to hold office for only a month. The real reasons are different, and do no credit to those who gave the President this unfortunate advice.

Mr. Justice Khanna, as behoves a man of dignity, tendered his resignation within ten minutes of learning of this action. The loss is not his, but that of the Supreme Court and the country.

Mr. Justice Khanna had distinguished himself by passing down a minority judgement asserting the right of the citizen to the writ of *habeas corpus* even during the Emergency. *The New York Times* had remarked that the time would come when a statue of his would be erected in every city of India. That time has not yet come but undoubtedly will, for the mills of God grind slow but they grind exceeding small.

Notable tributes have been paid to Mr. Justice Khanna on the distinction thus conferred on him by those in authority. "Generations unborn", observed Mr. N. A. Palkhivala, "will admire his historic judgement as a shining example of judicial integrity and courage and cherish it for the abiding values it embodies. It will be read and quoted when the fierce controversies of our day have sunk into oblivion".

The entire legal profession of India has risen in revolt against this insult to a distinguished jurist and therefore to the judiciary of India as a whole. The Supreme Court and several High Courts stopped functioning for a day in protest.

Those concerned did not have long to wait for proof that the new Chief Justice might justify his nomination in peculiar ways. This has already happened on February 4, when permission was refused to the Supreme Court Bar Association by the Registrar to hold a two-day conference of lawyers in the Bar Library for discussing the prerequisites for holding free and fair

elections. This obstruction to the functioning of the High Court Bar never happened before. Recalling the Supreme Court Bar resolution of January 1 describing the appointment of the new Chief Justice as a political one which had no relation to the merits, the Vice-President of the Supreme Court Bar Association has in a statement reported in the press on February 5 said that the suspicion then expressed had been fully justified by the order of the Registrar banning the meeting which, he alleges, "has the blessings of the Chief Justice of India".

Bullock in the China Shop

THE text of the Report of the Bullock Committee published in the first days of February has justified the fears of those who believe in employee participation in management but wish it should be brought about in a sensible and pragmatic manner.

The Bullock Report does not facilitate employees' participation in the management of their enterprises, as can only be done by the employees electing their representatives by secret ballot from the shop floor upwards.

Lord Bullock and a majority of his colleagues, some of whom are trade unionists like Mr. Jack Jones, have done nothing to facilitate this process when they recommend that the nominees of Trade Unions affiliated to the T.U.V. and not the employees should be on the Board thus disfranchising the members of trade unions not so affiliated and those who do not belong to any union, as also all officers and executives. Anything more reactionary if is difficult to imagine. It makes a mockery of the wonderful concept of "industrial democracy".

It is only natural that the three representatives of Industry on the Committee have penned a vigorous Minute of Dissent against the T.U.C. being thus allowed to get Industry by the throat. What is more gratifying is that public opinion in Britain in general has rejected the Bullock Report.

The *Liberal Guardian*, for instance, has pointed out in an editorial on January 20 that the kind of confrontation to which the Bullock Committee would lead within each Company "will not benefit Mr. Callaghan nor Mrs. Thatcher nor industrial production nor industrial democracy anywhere".

In an article in *The Times*, George Hutchinson expresses the view that the Bullock Report "has added a further element of disharmony and discord to the troubled sphere of trade union politics. . . . Lord Bullock will carry a heavy personal responsibility for any worsening in industrial relations that may result from such divisive and provocative recommendations. This is not a burden that many would care to risk."

Mr. Alexander Macmillan of the well known firm of publishers has this to say: "I suspect, with most business people, my reaction to the majority report of the Bullock Committee is one of horror. Having been led to believe that it was to be about the furtherance of industrial democracy, it came as a blow—albeit not totally unexpected—to find that it is about the furtherance of trade union power. The majority proposals can in way be considered democratic".

The fiasco of the Bullock Report has not come as a surprise to those who know or have some experience of the Chairman of the Committee. Lord Bullock's weakness, which is shared by many educationists and intellectuals, is to be known as a "progressive". In America, he would be known as an anti-anti-communist. It is not surprising that he should have succumbed to pressure from a stronger personality than his own like Mr. Jack Jones who seems to have led the docile Bullock by the nose. The damage that Lord Bullock, like the proverbial bull in the China shop, has done may unfortunately last for a long time after he is forgotten.

Censorship by Printers

IN our November 1976 issue we had carried an article by Dr. M. Murlidhar entitled "Trade Unions As Press Censors". An example of the kind of tyranny he had visualised of the printers over a paper actually materialised on January 13 in London when members of the printers' union refused to print an article by Mr. David Astor, for many years Editor of the *Observer*, who had on the basis of his own bitter experience charged that printing workers' unions by sabotage and strike action censored news. When the printers of the *Times* struck work and stopped the publication of the article by Mr. Astor, the Press Council in an Emergency statement issued on January 18 condemned the stoppage. The Council noted that the Editor of the *Times* had told the objectors that they would be given the same right to reply in a subsequent issue which the newspaper normally gave to those criticised in the newspaper.

Members of a trade union in the newspaper industry, observed the Press Council in its statement, "enjoy no privileged position. In fact their rights are no greater, but no less, than those of the general public."

The *Times* itself carried in an editorial on 15th January entitled "Conditions of Freedom" in the course of which it observed: "The editorial independence of the Press exists or survives in only about one-fifth of the nations of the world, but is essential to democracy; unless the press has freedom of speech the public does not have freedom of speech or information. Those who wish to maintain the freedom of a nation must stand behind the editorial freedom of the press, even though they know that it will sometimes be abused and often be wrong in its judgments."

The amusing thing about this unfortunate incident is that the trade unions which went on strike in order to frustrate the publication of Mr. Astor's arti-

cle, by their very action, proved the point of that article and vindicated Mr. Astor's warning.

Henry Ford Quits Ford Foundation

FOR many years we have watched with considerable disquiet and concern the way in which the Ford Foundation has been operating in India over the last three or four decades. Forgetting that they are a non-official institution and arrogating to themselves the trappings of diplomacy, their representatives seemed to imagine, throughout the Prime Ministership of Pandit Nehru and those who have succeeded him, that they were ambassadors accredited to the court of the Grand Moghul. The result was that while undoubtedly doing some good work, they doled out large sums of money to Communist fellow-travellers functioning in academic and other institutions, while offering a cold shoulder to those who were struggling to combat Communist propaganda and infiltration in India. All this was this was done on the ground that they might otherwise incur the displeasure of those at the head of the Indian Government.

We are interested to find that our fears have been shared by no less a person than Mr. Henry Ford, who was one of the Trustees of the Foundation. In his letter of resignation from the Board of the Foundation published on January 13, Mr. Ford complains that "its staff often failed to appreciate the capitalist system that provided the 4,000 million dollars (about £2,400 million) the Foundation has given away since 1950." With a dry sense of honour, Mr. Ford goes on subtly to suggest to the Trustees and the staff that "the system that makes the Foundation possible very probably is worth preserving."

But what is one to think of a situation where it is Mr. Henry Ford who has to quit the Foundation and not its anti-anti-communist bureaucrats?

IN THIS ISSUE

We publish an erudite vindication of the judiciary which forms part of a speech given by Chief Justice V. D. Tulzapurkar of the Bombay High Court when opening court premises in Nagpur.

We are also happy to carry the Citation made on the occasion of the Freedom House Award in New York to Mr. C. R. Irani.

The Editor contributes two articles, one on the front page on the various facets of the new situation created by the General Elections and another on the amusing *contretemps* between the Congress and Communist parties.

There is also a review by Mr. A. G. Noorani.

IN DEFENSE OF THE JUDICIARY

V. D. Tulzapurkar

Extracts from a speech delivered by Chief Justice Mr. V. D. Tulzapurkar of the Bombay High Court on January 16 while declaring open a new court building in Nagpur.

I WOULD also like to express my grave concern about the necessity to maintain the fair name and bright image of the judiciary which has come under a cloud in the recent past. In my view, both internal and external causes are responsible for lowering the image of the judiciary in public esteem. Socrates has said: "Four things belong to a Judge: To hear courteously, to answer wisely, to consider soberly and to decide impartially". To find a combination of all the four things in a single individual is, truly, a rarity. However, every judicial officer must conscientiously endeavour to combine in himself as many things out of the four as possible. After all, what does a litigant, be he a private citizen or Government, expect of a Judge? A sufficient knowledge of law, quickness on the up-take, ability to grasp facts and see the point without repetition he takes for granted, but this is only a part of Judge's picture. A composed dignified behaviour and rectitude, both on and off the Bench, the maintenance of the highest traditions of honesty, integrity, impartiality and hard work go to make the integrated personality of a judicial officer. Such integrated personality requires observance of certain do's and don'ts on the part of every judicial officer. Enjoying free ride in public or private vehicles, enjoying free shows and/or performances, availing of car lifts given by prosecutors, addressing oral or written communications to colleagues or subordinate officers, regarding matters pending before them with a view to influencing their judgment however indirectly, are but a few which certainly bring down the High repute of the lower judiciary. Similarly, hobnobbing with the Ministers or Deputy Ministers or with law officers the Government, seeking favours of free long distance transport for one's family members, at the higher level also sullies the bright image of the judiciary. Instances of using abusive language about one's colleagues in private conversation, particularly in the presence of subordinates, have also occurred. Abusive language does not do credit to the Judge who uses it but on the contrary lowers his reputation. I would, therefore, appeal to every judicial officer, whatever his place in the judicial hierarchy to avoid the temptation of indulging in any activity which would tarnish the fair name and bright image of the judiciary.

Onslaught

I may now refer to the external onslaught on the fair name and great reputation of our judiciary. Now that the heat and dust of the rival warring propaganda in connection with the constitutional amendments has settled down, it would be possible to make a proper

and dispassionate appraisal of the speeches that were made by public men on the floor of the House as well as outside in connection with the constitutional amendments which have now been passed. I am not concerned with either the propriety or legality of constitutional amendments that have been effected nor do I wish to enter into any controversial issue whether the same were justified or the Parliament had mandate and power to put through those amendments, for, as a sitting Judge I would refrain from expressing any view on such controversial issues. But I earnestly feel that the concept of 'basic structure' or basic features' and the Judges who propounded it in Keshavanand Bharati's case need not have been ridiculed by styling the concept as 'Judges' invention'. Whether the basic features of the Constitution should work as a factor limiting the amending power of the Parliament or whether they themselves should be alterable and amendable is a controversial issue and it is not the point at issue before me on this occasion, but the tinge of ridicule contained in the aforesaid criticism of the concept of the Judges who propounded it was really unjustified. For one thing, in no sense, is a concept any 'invention' of the Judges of the Supreme Court. Long before Keshavanand Bharati's case was decided, Prof. Sawar has referred to it in his treatise.....

Further the criticism that the Judges have merely propounded the theory of basic features as a factor limiting the amending power of the Parliament but have not precisely defined that concept is again misplaced, inasmuch as, some of the basic features have been enumerated in the judgments. Moreover, the criticism that the doctrine of basic structure would lead to uncertainty and Parliament would not know where it stands, means, in effect, that the doctrine should be rejected because of its undesirable consequence, namely, uncertainty as to the precise scope of the amending power. As you all know, legal experts and writers on Constitutional Law, have given two answers to such criticism, and those interested would find them in the relevant books, for instance in paras 30.77 and 30.78 in Seervai's Constitutional Law of India, Volume II, at p. 1567-68. Therefore, in my view, the doctrine of basic features as well as the Judges of the Supreme Court who propounded it could have been spared the tinge of ridicule contained in the remark that the concept was "Judge's invention".

Law Minister Answered

On October 28, 1976 the Union Law Minister Shri H. R. Gokhale while replying to the 3-day general

discussion of the Constitution (44th Amendment) Bill indulged in the following three types of remarks:-

(a) He recalled that some years ago a certain member of the Rajya Sabha had made the observation that the law was one generation behind, the lawyers two generation behind. He added amidst laughter that "the developments since the Rajya Sabha member made the observation proved that the Judges are not merely three generations behind but many more."

(b) Referring to the judgements delivered by the Supreme Court he stated that some of the judgements were very long, running into more than 100 and 200 pages and he added: "One does not know whether all the Judges are saying the same thing or different thing. Sometimes we do not know whether they are saying anything at all."

(c) Emphasising the fact that Art. 386 was being further amended to ensure against a recurrence of any confrontation between Judiciary and Parliament, he hoped that the Supreme Court Judges would do a bit of 'introspection', realise that the Supreme Court was not after all that supreme and resist temptation to intrude into the fields which did not legitimately belong to them but further went on to observe without mincing words that if a confrontation occurred "it will be a bad day for the Judiciary of this country". (Samachar News Agency: *The Hindu*, 29-10-76)

In all humility I would like to point out that in making the first remark he could be said to have spoken derisively of the judiciary, in making the second remark he could be said to have spoken contemptuously of the judiciary and in making the third remark he could be said to have indulged in giving a threat to the judiciary and the Judges manning the same. Was all this really necessary to convince the Members of Parliament about the justification of the proposed Constitutional Amendments?

On November 8, 1976 during the debate on the Constitutional Amendment Bill Mr. Sikandar Ali Wajid (Cong.) cited as an instance of red-tape how he got his confirmation order from the Bombay High Court recently according to which he had been confirmed as a Sessions Judge with effect from 9th December 1958 long after he had retired as a Sessions Judge in 1964 and he added amidst laughter "such is the administration of justice". (National Herald dated 9-11-1976). As such remarks are bound to create a wrong impression on the mind of the public, I had the matter enquired into and after going through the relevant files and papers I found that for this red-tape the Bombay High Court is not at all responsible. A scrutiny of the relevant files clearly shows that the delay in giving confirmation to the Hon'ble Member of the Rajya Sabha as a Sessions Judge was primarily due to the stupendous and complicated problems that arose out of Reorganization of States regarding equation, absorption, fixation of seniority, preparation of final gradation list and the like in connection with the judicial officers allotted to old bilingual State of Bombay with effect from 1-11-1956 and in bringing

about a fair and just integration of all the services. I may mention that while bringing about such fair and just integration of services, confirmation orders initially issued were required to be revised as 'a five-year rule' which had been initially adopted for the purpose had to be abrogated at the instance of the Central Advisory Committee set up by the Government of India and when it was noticed that no sanctioned posts for the absorption of District Judges and Assistant Judges as on 1-11-1956 existed, Government was requested to sanction some supernumerary and temporary posts of District Judges and Assistant Judges, which was done in June 1973, whereafter revised absorption orders of District Judges were issued by the State Government on 18th October 1975 and in fact the High Court had issued its order within 7 days from the receipt of the Government order absorbing Mr. Sikandar Ali as District Judge with effect from the relevant date. Secondly, till the Supreme Court rendered its decision in the case of High Court of Punjab & Haryana v. State of Haryana & others on 24th January 1975, the settled position was that the Government was the competent authority to issue orders of confirmation of District Judges and Assistant Judges. Since the aforesaid decision of the Supreme Court, however, it is the High Court which under its power of control under Art. 235 of the Constitution which is the competent authority to order confirmation of District Judges and Assistant Judges. This would clearly show that no responsibility for the delay that occurred in giving confirmation Mr. Sikandar Ali as District and Sessions Judge could be laid at the door of the High Court but it lay elsewhere. My real grievance is that the concerned Ministry in the Central Government could have obtained all the aforesaid information from the Bombay High Court and should have apprised the Members of Rajya Sabha of the correct position in the matter, but it is regretted that nothing was done in this behalf. The Bombay High Court and its administration was unnecessarily permitted to be ridiculed.

A few months back at a public meeting at Aurangabad while speaking on the topic of prohibition the Hon'ble Chief Minister of Maharashtra made a remark: "Now, Judges come drunk to Courts." (आता न्यायाधीश दारू पिऊन कोर्टात येतात). The fact of the matter is that there was a solitary instance of one judicial officer who was guilty of such misbehaviour during his probationary period. When this was brought to the notice of the High Court, enquiries were immediately caused to be made and a report obtained and after giving an opportunity to the officer concerned to give his explanation the High Court recommended to the State Government to remove him from service and the State Government also accepted the High Court's recommendation; in actuality however, the officer concerned tendered his resignation which was accepted. Such a rare or exceptionally solitary instance hardly justifies a sweeping remark of the type made by the Hon'ble Chief Minister at a public meeting as it creates a wrong impression about the judiciary as

IRANI HONOURED

Freedom House Award

(At its 35th Annual Meeting in New York on January 31, 1977, the recipient of the Freedom House Award announced was Mr. C. R. Irani, Managing Director of **The Statesman** who was unable to be present because his passport had been arbitrarily impounded by the authorities. In a cable that he sent on the occasion Mr. Irani observed: "Thank you for the honour you have done to my newspaper and to me as a symbol of our collective will to resist these encroachments on basic Human Rights. I would like to feel that in thus honouring **The Statesman** you are also honouring the many publications, big and small, who are with us in this common struggle. To those who have been forced to stop publication, let us say that they will not be forgotten. We are confident that some day their voices will be heard again."

Mr. Irani is in distinguished company, since previous recipients of the Award included Winston Churchill, Eisenhower and Willy Brandt. We reproduce below extracts from the citation given on the occasion.)

ONLY one nation in four today permits relatively free press and broadcasting services. Fewer than one person in five lives in a free society. Governments, by harassing or repressing journalists, demonstrate the regime's intention to restrict and oppress an entire nation.....

Whatever the ultimate outcome of the struggle for press freedom in India, Mr. Irani and *The Statesman* have shown by their courage and intelligence, by confidence in the courts as the testing ground of constitutional guarantees, that the spark of freedom, once ignited, must be continuously tended; that, indeed, the press, when upholding constitutional commitments to freedom, can be the primary defender of an entire nation's liberties.

On the occasion of the Thirty-fifth Anniversary Meeting of Freedom House, we acknowledge with admiration the courageous, principled efforts of

Cushrow R. Irani and *The Statesman* of India in resisting so effectively, for so long—particularly during freedom's emergency years—diverse governmental efforts to harass and control the free flow of information in India.

We acknowledge Mr Irani as a first class defender of freedom, borrowing words he used to close his 1975 report in *Freedom at Issue*:

"It is no part of the duty of the press to pay heed to the sensitivities of governments. It is bound only by its own high code of journalism, to report objectively, to analyze logically and to criticize fearlessly, but always with an ear to the voice of dissent. As the great scientist, G. H. Hardy, once said, It is never worth a first class man's time to express a majority opinion; by definition there are plenty of others to do that."

IN DEFENSE OF THE JUDICIARY (contd, from p. 7)

if scores of instances of judicial officers indulging in such misbehaviour have occurred. The judiciary could have been spared such a sweeping remark.

I would like to emphasise here that I have referred to the aforesaid attacks on the judiciary with deep regret, first because every one of us—citizen, lawyer, legislator and Judge—is concerned to maintain the high position which the Courts of Justice occupy in our country; and, secondly, because to a person who has conscientiously worked as a Judicial Officer for the last 20 years and who has striven hard to maintain the highest traditions of the Bench, these attacks coming as they do from responsible persons occupying high public positions, are deeply hurtful.

Censorship of Judgments

There is yet another matter to which I would like to refer on this occasion and that is in connection with the manner in which the Censorship Order is being implemented *qua* Court proceedings and Court judgments. Our Prime Minister has observed more than once that censorship on newspapers and periodicals has been relaxed and has almost gone but it

appears that the Prime Minister has not been correctly informed. I am concerned not with the censorship of publication of political or other news but with the censorship as it is operating *qua* the publication of Court proceedings and Court judgments. Even factual news items (without any comments) pertaining to pronouncement of judgments delivered openly in Courts are not allowed to be published. As an instance in point I would refer to the judgment of the Gujarat High Court delivered in a writ petition filed by one of the Judges of that High Court challenging his transfer order. Similarly it is difficult to understand the attitude displayed by the censoring authorities when objections are taken to the publication of news items pertaining to Court judgments in certain news-papers, even when news items of those judgments have appeared in other news-papers after having got clearance from the censoring authorities. I have referred to the censorship of judgments delivered by Courts because it is of the essence of our judicial system that Courts are open to the public and news-papers enlarge the area of the public which is entitled to the scrutiny of judicial pronouncements.

WANTED—A PINCH OF SNUFF

M. R. Masani

THE sudden outbreak of war between the Congress Party and the Communist Party of India has been following a course which is positively hilarious. Contrary to the old saying that the lion and the lamb cannot lie together, they evidently did so in great comfort from 1969 till December 1976. Then suddenly, the lamb discovered that its sleeping partner, the lion, was out to destroy it and since then the lamb has been bleating pitiously about the evil intentions of the lion.

All this started, inappropriately, on Xmas Day which is supposed to bring "tidings of comfort and joy". The *Times of India*, a constant supporter of the Congress regime, complained in an editorial on Xmas Day that "it will not be too much of an exaggeration to say that the CPI leaders expected to turn the emergency into a revolution". How very wicked of them to entertain such an impious thought!

Like the proverbial rat quick to leave a sinking ship and get on the bandwagon, a Mr. Kranti Arora, member of the Punjab State Council of the Communist Party of India, announced the same day his resignation from the Party and explained that "the Prime Minister's revelations about the true character of the CPI have clarified doubts of the members of the CPI and the Congress party and people in general". Presumably all these years that he was a member and functionary of the Party, Mr. Arora lived in blissful ignorance of the real character of his party.

On the same day, Mr. Satpal Kapur, M.P., like a knight in shining armour, rode to a rally in front of the Prime Minister's home and chivalrously tilted a lance by declaring: "People have clearly understood the nefarious game of the CPI". Pray, Mr. Kapur, when did the people become aware of these ugly realities? And what, pray, were you doing all these years to spread enlightenment among the public about the ugly designs of the Communists?

An echo came the same day from Karnal in Haryana where Chief Minister, Mr. B. D. Gupta, came out with the diagnosis that "the CPI was the greatest reactionary party in the country". Tut, tut, Mr. Gupta, are you really saying that your communist allies of yesteryear are even greater reactionaries than the Jan Sangh and the R.S.S.? Perish the thought!

Not to be outdone, sixty-eight Congress legislators in Bihar joined to make a statement saying: "Bihar has remained a haunting ground of the CPI leaders in the past". Quite apart from their failure to distinguish between a hunting ground and a haunting ground, have these Bihar MLAs forgotten that the enemy in Bihar is that dangerous character, Jayaprakash Narayan, and not the Communists?

And so one could go on picking one nugget of gold after another from the columns of the newspapers

of the those weeks. Now, this amusing charade has been by no means confined to the members of the Congress Party. No less an opposition leader than Mr. Karunanidhi, the DMK chief, while addressing a public meeting on December 26, complimented the Prime Minister on "the appropriate time" at which she had exposed the Communists and their tactics. Presumably the time when she exposed Mr. Karunanidhi a little earlier was not quite so appropriate?

By January 7, 1977, the campaign had escalated. Speakers at a symposium in New Delhi organized by the University Teachers Congress, with the President of the Delhi Pradesh Congress Committee in the chair, accused the CPI of spying for the British during the campaign for the Peoples War against the *Quit India* movement from 1942 onwards.

A couple of days later, Government archives were opened up to prove that the CPI, who had given their full co-operation to the British against the *Quit India* campaign in 1942, had tried to infiltrate the army and the police.

In case anyone among these men imagine that these are sensational revelations, it is suggested these Johnnies-come-lately turn to the pages of a *History of the Communist Party of India* by M. R. Masani published in 1954 and they will find a great deal of documentation about the Communist treachery of that time on pages 80 to 86 of that book.

Old Hat

All this is, to any student of Communism in India, old hat. An interesting question, however, arises: what were all these gentlemen doing all these years from 1942 onwards and in what kind of world were they living? Is it that they knew these facts all these years and were guilty of keeping this information to themselves? Or is it that they were so grossly ignorant till their eyes were suddenly opened by New Delhi? Either way, one can hardly be impressed by this ballyhoo, however gratifying it might be.

The official organs of the CPI reacted angrily to these tirades. "Lies, Damn Lies and Samachar News" was a headline in *New Age* of January 16. Some of their supporters have raised a more feeble *cri de coeur*. Thus, G. N. Acharya, wrote in *Blitz* on January 8, under the title "The Anti-Communist Witchhunt". On another page of the journal the same day that well-known Communist fellow traveller, K. A. Abbas, also made a gentle protest against the onslaught in an open letter to the Prime Minister under the title 'Beg Your Pardon, Madame!' Mr. Abbas went so far as to say: "The atmosphere is too reminiscent of Germany on the eve of the rise of Hitler".

Meanwhile, students of the subject will note with interest that not one word has been uttered in all

WORLD NEWS

INDIANS TO MEET POWELL

THE president of the Confederation of Indian Organisations in Britain has asked to meet Mr Enoch Powell to discuss his prediction of "civil war" over race relations.

The organisation, with 40,000 members in Britain, yesterday warned that the speech could greatly damage efforts at a reconciliation between Indians and the rest of the community.

It pointed out that 500,000 children and young people from the Indian community were born in Britain and their first loyalty is to this country. They ask that Mr. Powell meet the organisations's president, Mr. Tara Mukherjee, in the next few weeks.

—*The Guardian*, January 29.

HARE KRISHNA BANNED IN ARGENTINA

ARGININA'S military Government has banned Oriental religious sects from proselytizing in the country. A decree declared their activities anti-national and contrary to the principles and institutions of the state.

Police yesterday shut down the Buenos Aires headquarters of the Hare Krishna movement, detaining five of its members. The Divine Light mission of the 18-year-old Guru Maharaj-ji was also affected.

—*The Times*, January 28.

MR SMITH REJECTS BRITISH SELL-OUT

THE new British proposals for Rhodesia were rejected yesterday by Mr. Ian Smith, the Prime Minister. In a broadcast he said: "If we were to give way now it would not be to majority rule, it would be to a Marxist indoctrinated minority." Before flying from Salisbury to Johannesburg Mr. Ivor Richard, the British envoy, said he could see no virtue in reconvening the Geneva conference of which he is chairman. Negotiations had effectively stopped.

—*The Times*, January 25.

SADAT ATTACKS KREMLIN

IN an outspoken defence of his regime, President Sadat of Egypt has called Israelis "fools" and described the Soviet Union as maintaining a basic principle of "bloody conflict".

The Egyptian leader chose a weekend in which labour union leaders were meeting in Cairo to make his first public statement since the riots, which security authorities claim were incited by Communist and Marxist elements both inside and outside Egypt.

Moscow has retaliated by postponing vital talks on factory aid for Egypt and blamed the clashes on Mr. Sadat's "open door" policy.

Mr. Sadat called on his audience to purge their ranks of "the bands that take their orders from

WANTED—A PINCH OF SNUFF (contd. from p. 9)

these tirades against the essential nature or the doctrines of communism. The only crime of the communists is that they have dared to rise against the almighty Congress, first in 1942 and again now. This charge of course is true.

Dialectics

But now what happens to Indo-Soviet Security Pact? The Fifth Column of the Soviet Government having committed numerous crimes against India's national interests, is it still possible to remain in close alliance with the Kremlin?

In case it is suggested that the Soviet Government will now recognise its obligations under that Treaty and cease to give aid and comfort to these enemies of our country, it may be pointed out that *New Age* (the Central organ of the CPI) in its issue of January 9, 1977, carried the text of a letter sent by Comrade Brezhnev to Comrade C. Rajeswara Rao, Secretary of the CPI. In the course of that letter, Mr. Brezhnev says: "I would like to take this opportunity to express confidence that the close fraternal relations between the CPSU and the Communist Party of India, the tie of friendship between the Soviet and the Indian people will continue to develop and grow stronger. I wish the fraternal Communist Party of India success

in achieving the unity of action of all the democratic forces of the country, in the struggle for the interests of the working people, for peace, democracy and social progress".

Now, this makes life very difficult for simple people like ourselves who have always found dialectics somewhat hard to take. The Congress leaders say the communists are enemies of the country whom they must isolate and suppress. These actions are, however, understood by Mr. Brezhnev to be of a highly meritorious and constructive nature. Now, who is the poor Indian citizen to believe? Mr. Brezhnev on the one hand or the Congress leaders in New Delhi on the other? Obviously, both cannot be correct. It will be helpful if this confusion is cleared up by those concerned.

Till then, it will be hard to accept the genuineness and sincerity of this crusade against the CPI. In fact, it seems to call for men and women of caution to take the advice given by an officer in the Central Secretariat in Delhi in British days who was well known for his aptitude for the mixed metaphor. "We must take their cock and bull", he once wrote in a State paper, "with a pinch of snuff".

February 1, 1977

abroad" and said Russia was attacking Egypt's principles of "social peace".

A basic tenet of the Kremlin was bloody conflict, "but we are a nation that has faith running in its blood and the spirit of the family".

Egypt's criticism of Russia, co-chairman of the Geneva Middle East peace conference, comes after a series of conciliatory gestures by Mr Sadat towards the Kremlin.

—*Daily Telegraph*, January 31.

FAST WEAKENING MIHAJLOV

JAILED dissident writer Mihajlo Mihajlov has been starving himself since early last month to press demands favourable to political prisoners and fellow dissident Milovan Djilas said today his friend is in "dangerous condition".

"Yugoslav officials cannot escape their responsibilities," Mr. Djilas, 65, said. He has been in touch with Mrs. Mihajlov. She visited Mr. Mihajlov, 42, in prison yesterday and told Mr. Djilas he lost 39.6 pounds in a month and a half. Mr. Mihajlov, a former university professor, was sentenced to seven years in prison in February, 1975, for spreading anti-state propaganda.

—*International Herald Tribune*, January 17.

TROTSKY MURDERER WINS MOSCOW AWARD

THE man who murdered Trotsky is alive and well and living in Russia. He has been made a Hero of the Soviet Union, Gold Star—an honour equivalent to the Victoria Cross.

So high an honour would seem final proof—if proof were needed—that Trotsky was killed on the orders of his archenemy Stalin.

He was murdered in 1940 while exiled in Mexico. His assassin, Ramon Mercader, had insinuated his way into a wellguarded compound through his relationship with a female Trotsky aide....

The battle over Trotsky's murder is far from over and is likely to intensify now that it is known that his assassin has been so highly honoured by the Russians.

—*Times*, January 9.

SAKHAROV FEARS KGB BOMBED SUBWAY

SOVIET dissident Andrei Sakharov said today he feared that last weekend's explosion on the Moscow subway may have been staged by KGB security police to discredit the dissident movement.

Mr. Sakharov and representatives of seven Soviet dissident of groups claiming to speak on behalf of about 300 active dissidents denied any link to the blast or any other form of violence.

He said, "I cannot dismiss the feeling that the blast in the Moscow subway and the tragic deaths of people is the latest and most dangerous provocation in recent years by the repressive organs."

According to unofficial sources, the blast on a subway car last Saturday killed from five to seven persons and wounded as many as 20 others.

Although official Soviet spokesmen and news agencies have not even confirmed that the explosion was caused by a bomb, Mr. Sakharov referred to an article in the London Evening News, signed by Soviet journalist Viktor Louis, which said that the blast was caused by a "terrorist bomb" that may have been planted by dissidents.

Mr. Sakharov said he feared that the hint by a journalist known to have close ties to the Kremlin leadership might constitute a new policy of repression against Soviet dissidents.

The nuclear physicist said he feared that the incident might be aimed at creating an atmosphere of "people's wrath" against the dissidents.

Mr. Sakharov said, "It is especially significant that the activities of these people (dissidents) are based on full denial of the use and propagation of violence. Our main aim and sole weapon is publicity and accurate and full information.

"Namely for that reason, the organs of authority which are oriented toward suppression of freedom of thought and strengthening totalitarianism cannot oppose dissidents on the basis of legal, open and honest discussion.

"There are attacks, beatings, provocations, slander, threats of death and even apparent acts of political assassination," Mr. Sakharov said.

—*International Herald Tribune*, January 15.

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EUTHANASIA AGAIN

Mr R. R. Patil's comments on my letter are most welcome. They indicate that this subject of vital importance to every living person is at last generating some interest in this country. Nothing can be as frustrating to an advocate of social reform as apathy on the part of the public, which is his common experience.

I agree with Mr Patil that "every human being has a right to live in this world", and that even an old man who is an incurable patient cannot be asked to die". But the issue here is quite different. Where the patient himself, in full possession of his mental faculties, after having exhausted all possible avenues of healing—even "spiritual means"—realising that there is no cure for him and therefore he must continue to suffer indefinitely, desires that his life should be ended, has the society any right to refuse that wish, and demand that he be condemned to suffering indefinitely—just because life, lived in whatever shape, form or condition is held to be sacrosanct? The patient after all is in the weakest position. Would not then even the most elementary sense of chivalry require that his suffering should be ended? Allowing or causing him to die is then only an act of compassion.

Mr Patil would appear to admit in para 3 of his letter that there are "incurable patients" to find cures for whose melodies intense research is indicated. We all welcome such research. It is being carried on the world

over. We hope that specific remedies can be found for such illusive diseases as Cancer and Arthritis. But until that time arrives, should there be no ray of hope for million of victims of such incurable diseases all round the world. Must they all continue to suffer intensively and indefinitely because of some extra ordinary sanctity attached to the mere act of being alive, regardless completely of the circumstances in which life is lived. If Mr Patil values life itself to such an extent, he would not perhaps justify even the shooting in self defence of a wild animal! Mr Patil's slant and mine on the problem are poles apart. To him life is super sacred and it must be lived in any condition, howsoever agonising, distressing or undignified. To me (and to all rational beings, I hope) life would not be worth living except under reasonably livable conditions.

Since my article was written, euthanasia has received support from a most unexpected orthodox religious quarter—from no less than the Archbishop of Canterbury, Dr Coggan. Speaking recently to the Royal Society of Medicine in London, he is reported to have stated, according to the London Times "it was wrong to prolong life 'just for the sake of doing so' and a fallacy to think that the Christian view was in favour of life at any cost. ... A Doctor was not obliged to administer extra ordinary treatment in terminal cases, and a patient was not obliged to accept it. ... He

FORM IV

(See Rule 8)

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I, J. R. Patel, hereby declare that the particulars given above are true to the best of my knowledge and belief.

J. R. PATEL

Publisher

Dated Feb. 28, 1977



quoted Anglican and Roman Catholic authorities including the Pope in support of the view that medical treatment became optional and not morally or legally obligatory beyond certain limits". The London Times, by no stretch of imagination an unorthodox or radical paper, has given support to the Archbishop's views in a full length editorial.

The State of California in USA has gone much further in this direction. A recent law grants to persons who are terminally ill, the right to authorise withdrawal of life prolonging remedies when death appears imminent. Besides "living wills" whereby a person can declare in writing that his life should not be prolonged by super artificial and extra ordinary means, also will henceforth be recognised as valid. There is every possibility that other States in USA, as also the Federal Government, will follow suit.

I request Mr Patil to recognise that the idea behind euthanasia is only to reduce the total quantum of human suffering in the world. It is not intended to inflict suffering on the patient or his dear ones. Euthanasia in fact is in the nature of insurance against the possibility of intensive indefinite suffering which any of us faces at any time in this world. Would not Mr Patil be unhappy to hear that Karen Quinlan, whose case I had referred to in my article in your May issue, after nearly 22 months of being in a comatose state, is still alive, even without the help of the respirator which her parents had desired should be switched off, so as to give her a chance to die? Her heart just will not stop beating. Even assuming that in her unconscious state, she is not suffering pain, what about the distress her parents and those near and dear to her are subjected to, today, and during an indefinite long future?

F. P. ANTIA

THE COMING GENERAL ELECTIONS

The contention of the opposition parties that the dice is very heavily loaded against them is not quite correct. As a traditional voter and campaigner for the Congress in all the previous elections, I feel that the Emergency, the press censorship and the one-sided propaganda during the last 18 months have proved Counter production, (although I did welcome these measures in the beginning, and I feel that all these measures should have been withdrawn before they became counterproductive). The result now is that today nobody reads the statements or articles by the ruling party leaders and even the truth spoken by them is dismissed as propaganda! The ordinary voters do not understand the economic theories, much less the arguments in favour of the bonus ordinance or impounding of their D.A. or C.D.S.! That these measures were essential to curb inflation also do not convince them now as the prices of all essential commodities have reached the pre-Emergency level! Although a staunch Congress supporter, I now dare not ask even my friends to vote for the Congress candidates without inviting brickbats! My campaign for the Congress party

invariably ends in quarrel and I do not want to lose my friends for the Congress party much as I still love and support it.

Another contention of the opposition parties is that the ban on company donations to political parties was lifted only to get funds for the Congress party (as no companies will now dare to give donations to any opposition party). This is also not true, as the bill is not yet passed by the Lok Sabha and no company can give donations to any political party even now, unless the President issues an ordinance. Whether the President can issue such an ordinance when the Lok Sabha itself is dissolved is another question.

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Review

A VOICE FROM THE CHORUS

—ABRAHAM TERTZ

Collins & Harvill Press, London; £4.95.

UNTIL his arrest in September 1965, Audrey Donatovich Sinyavsky was known only as a teacher and a writer of articles and essays on modern Russian writers and poets. They won him a certain fame for literary felicity, courage and erudition. *The Poetry of the Revolutionary Era*, which he wrote with A Meunshin and published in 1964, was the first work of its kind to revive names suppressed in the Stalin era. His introduction to Pasternak's poems just passed the censors for publication in June 1965.

They little knew the storm that was raging within him. Several factors were responsible for it. Association with a French lady, Helene Pelletier, in 1947, the arrest of his father in 1951 on trumped up charges, and Khrushchev's famous speech in 1956 were among them. So were the personality and work of Boris Pasternak.

Sinyavsky, wrote Helene Zamoyaska, as she was after marriage, "was even more influenced by him as a person than as a writer." Sinyavsky asked Zamoyaska to arrange for the publication of his writings abroad under the pen-name of "Abram Tertz". They began to appear in Western journals from 1959. A month after his trial, *Encounter* published a final story "Pkhentz".

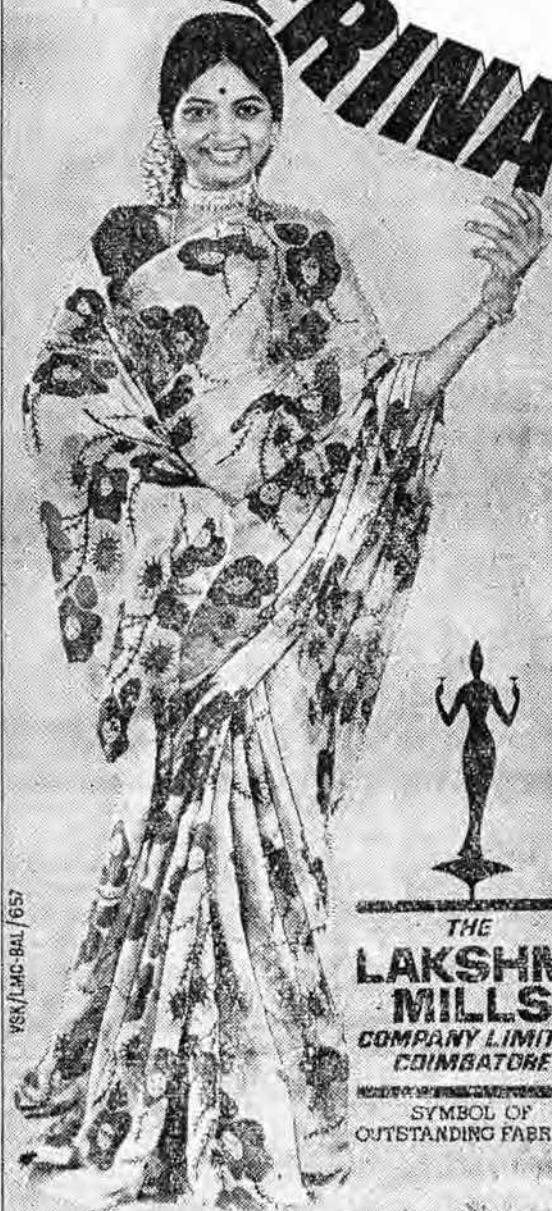
In September 1965 he was arrested by the KGB along with his friend Yuri Daniel whose manuscripts had also been smuggled abroad and published under the pen-name Arzhak. In 1967 the publishers of the volume under review published an account of their trial and its aftermath with superb photographs and excellent preface and Epilogue by Leopold Labedz. Introduction by Max Hayward and an account of Sinyavsky, the man and the writer, by Helene Zamoyaska. The trial marked the beginning of dissent on large scale and samizdat literature. Sinyavsky was sentenced to seven years and Daniel to five years forced labour. They served out their sentences in forced labour camps—"corrective labour colony".

This volume is based on Sinyavsky's bi-monthly letters to his wife, Maria, during that period and constitutes one of the most unusual forms of prison literature. Max Hayward has picked up the thread, as it were, from his contribution to "On Trial" by writing a most informative Introduction. Sinyavsky was released in 1971. Two years later he was allowed to leave for France with his wife and son. He now lectures on Russian literature at the Sorbonne.

As Max Hayward sums up, "The predominant theme in *A Voice from the Chorus*, the theme from which nothing distracts the author for long, is art in all its forms. It was the subject of many of the books he ordered from home (two packages a year under the regulations), or borrowed from fellow-prisoners. Apart from miniature essays on the general nature of art,

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literature, myths, and folklore, we find vignettes devoted to an astonishingly wide range of individual writers, artists, works and styles: Swift and Defoe, Akhmatova, Rembrandt's "Prodigal Son", Hamlet, Hogarth, Stevenson's "Dr. Jekyll and Mr. Hyde", Matisse, Kipling, the Javanese shadow theatre, Mandelstam, the Irish legend of Cuchulainn (inspired by the perusal of a rare work by Alexander Smirnov, the only Russian Celtic Scholar), Yoshida Kenko and early Japanese painting, the myths of Oceania, Russian church architecture, and many others which the reader may browse among at will—as the author himself emphasizes, his book is not the usual purposeful affair that progresses in one direction to a final destination. There is no lack of topics of a different kind: the code of the Russian criminal underworld, the theory of evolution, the importance of the Holy Ghost for the Russian national character, the reason for the ten years' war over Helen of Troy (what an illumination to come from Durovlag!), and—particularly dear to the heart of Abram Tertz—a great deal on magic and fairy-tale transformations, which are assigned no less credibility, and certainly not held in lower esteem than all the monkey tricks of the prideful technology they anticipated." There is not a trace of bitterness in the writings. They reflect only serenity and scholarship.

It is pointless to cite instances at any length. Two will suffice.

"The Indian 'Tale of the Knave' (according to the *Mahabharata* and the *Puranas*) tells the story of Brahma's temptation by the beautiful maiden Tilottama, who was created by the artist Vishvakarman and whose beauty eclipsed that of goddesses. Tilottama dances before Brahma. Her gestures and movements and the way in which Brahma contemplates her beauty are depicted in the style characteristic of India, where sculpture seems to have grown out of the dance—into a forest of many-armed and many-faced gods. Reading on a little further about Tilottama and Brahma, we suddenly realize why elephants live in India: their trunks are in the style of the country. We also see the birth of the image as the eyes of an object. In actual fact, it is the beholder who grows new eyes, but they are transplanted to the picture or as the case may be—to the language of the narrative, or to a temple. These new eyes open more and more the closer we look at them.

".....Sensing this, like a river full of nectar and delights, she passed to the right of him in her dance. And he, spellbound by her beauty and filled with the passion of love, in order continuously to admire her charms created for himself another face looking southwards, a third gazing westwards, and a fourth turned to the north. And when she swept over his head as she leapt, he created fifth face for himself directed upwards."

"It is just like a tree growing and bearing fruit in the form of eyes. At the sight of it you understand that art or poetry consist above all in the opening of eyes in the raw material and thereby endowing it with their own vision, and that an image, a true image, is akin

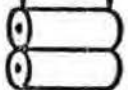
to Transfiguration."

The Chechens are a Muslim group in the Caucasus who rebelled against Russia under the leadership of their Imam, Shamil, in 1824-29. Sinyavsky wrote to his wife! "I have started collecting Chechen songs which, apparently, have never been recorded in writing. They are rather in the style of Russian 'spiritual verse', and represent a blend of Arabic tradition with local legends and customs. They are extraordinary for the complexity and suppleness of their psychological portraiture—something usually lacking in songs. Everything is built on half-tones and nuances, and the song is borne along on an eddying current that produces constant shifts of meaning while conserving the monotony of the general melody—this is mainly choral, though with strong lyrical overtones.

"It should be borne in mind that this vast and complex body of religious songs which epitomize the soul of the people and are alive to the present day, was composed in Daghestan no earlier than the last century when the ideas of Islam came to new life in the conflagration of Shamil's uprising. This means that the genesis of an epic cycle which with other peoples happened in time immemorial has in this instance taken place almost before our very eyes."

This is an authentic record of the thoughts one of the most creative Russian writers of our times.

A. G. NOORANI



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WITH MANY VOICES

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

—Tennyson

Persons in authority see in every challenge a conspiracy.

—Mr. Jagjivan Ram quoted in *The Times of India*,
February 5.

It might be easier for Brezhnev and Carter to start a dialogue then for the government and opposition in India to begin one.

—*Democratic World*, January 9

The butcher, the baker, the car repairer and all the other people who ease the grind of daily life are coming back into fashion in Eastern Europe.

—*The Economist*, January 1

In July and August every tenth person one jostles or is jostled in Oxford Street is un-British.

—*The Economist*, January 1

The trouble with the Marxists of various shades is that they will not accept that under any system men can be bad as well as good.

—Bernard Levin quoted in the *Statesman*, January 9

Fifty-four per cent of Britons interviewed in a Gallup Poll believed Mr. Jack Jones to have more power and influence than the Prime Minister.

—Martin Adeney in *The Guardian*, January 4

The United States is the most hated country of the world in India, and the United Kingdom is the most despised.

—Nirad Chaudhuri in *Encounter*, November 1976

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In India people react strongly to any sign of loss of power and position, and desert the side which seems to be losing.

—Nirad Chaudhuri in *Encounter*, November 1976

Such a tyranny as Mrs Gandhi has established and is sustaining cannot be without a firm basis in the mental and social life of the Indian people.

—Nirad Chaudhuri in *Encounter*, November 1976

Egypt is a country without a leader; I am a leader without a country.

—Col. Moamer Qadhafi quoted in the *International Herald Tribune*, January 5.

The outstanding social development of the reign of queen Elizabeth has been the proletarianization of the middle class.

—Paul Johnson, former editor, the *New Statesman*,
in *The Times*, January 5

I can still consider myself a political prisoner—but on holiday.

—Bukovsky quoted in *Time*, January 3

Russia is no big bad wolf, Yugoslavia is no Little Red Riding Hood about to be gobbled up, and anybody who tells you otherwise is inventing a wicked story.

—*The Economist*, November 20

Inside every indecisive man there is a decision struggling to get out.

—Prime Minister Yitzhak Rabin in *The Economist*,
December 25

At least they (the British) only gave half of Germany to the Russians, this thing (the British proposals) will give the whole of Rhodesia to the Russians.

—Mr. Vahder Beyl, Rhodesian Foreign Minister,
in *The Daily Telegraph*, January 26.

When the Attorney General comes, as he does here, and tells us that he has a prerogative by which he alone is the one who can say whether the criminal law should be enforced in these courts or not, then I say he has no such prerogative. He has no prerogative to suspend or dispense with the laws of England.

—Lord Denning giving judgment quoted in
—*The Times*, January 28.