

RE-EXAMINING THE FEDERAL SYSTEM

S. P. Aiyar

Federalism is admirably suited for a country as large and as diverse as India for it provides the arrangement within which the cultural diversities as well as the regional aspirations can express themselves. Every genuine federal system is therefore the result of a deliberate choice by the framers of the Constitution who seek to balance the claims of State autonomy on the one hand with the compulsions of economic planning and the preservation of national unity on the other. These opposing pulls, inherent in the very nature of a federal polity, are the very stuff of federal politics rendering the division of powers a theme of perennial debate.

Every federal system must have its vehement centralizers as well as its ardent decentralizers; and their perspectives are fixed by their proximity to the centres of power. This was brought home to me in a vivid manner during a seminar organized many years ago at Simla when some of the more ardent communists unwittingly let the cat out of the bag by indicating that they would prefer a strong centre if they were in power and a weak one if they were not. Thus the arguments for and against a "strong" centre are unavoidably linked up with what I shall describe as the "geography of political power". Politicians ruling at the State level, say in West Bengal or Kerala, Andhra Pradesh or Karnataka, would necessarily view the authority of the Central Government as a frustrating obstacle to their efforts in developing the State and working for the welfare of the local people. But from New Delhi the situation looks very different: Every increase of the Union powers seems indispensable for coordination of national policies and nation-building.

It is against this background that one should view the now controversial *Memorandum on Centre-State Relations* by Jyoti Basu, the Chief Minister of West Bengal. It has set in motion a debate for re-examining the federal system and it has received wide publicity through the press. The Memorandum was adopted by the West Bengal Cabinet on December 1, 1977; it was initially treated casually by the Prime Minister who did not think it wise to open a Pandora's box.

His initial attitude was described by *Mainstream* as a "glaring specimen of short sighted unwisdom." Realizing that it was no longer possible to ignore the demand for State autonomy — the crux of the West Bengal document — Morarji Desai clarified his position at a large public meeting in Calcutta on February 7. He stated that he was not opposed to any dialogue on the issue of more powers to the States but cautioned that nothing should be done "to create bitterness and mounting tension." In a country like India, he went on, the Centre should be strong but not at the expense of the States and he reminded the audience of what had happened to the country for the past five or six years when the States had been weakened.

Indira Gandhi's reaction was in keeping with her style of politics. In May 1975, she had categorically stated, "Our Constitution has struck a fine balance between Centre and States and between State and the Citizen." Since then the political landscape had undergone a transformation. She was no longer in power but she was, as she herself said, *the Opposition*. It is no surprise that speaking at Tiruchi on February 4, she observed that there was no harm in having a national debate. She conceded, however, that even

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IN THIS ISSUE

We offer interesting fare this month. S. P. Aiyar examines Centre — State Relations in the light of the Jyoti Basu Memorandum; V. B. Karnik writes on the Death Penalty; Geeta Doctor has a dig at the warning tourists receive of health hazards in India.

Bernard Levin treats us to an amusing satire on protestors outside the Soviet Embassy in London, in New York and the Kremlin.

We are privileged to carry two book reviews by novelist Manohar Malgonkar and B. P. Adarkar.

FRANKLY SPEAKING.....

Shabash Charan Singh

Ever since Preventive Detention became a part of our Statute Book there has been persistent demand from civil rights supporters and the then opposition parties for its repeal. The demand was stubbornly resisted by the Congress Party on the specious plea that the situation in India needed such a "lawless law". With the opposition now occupying the Treasury Benches, and the Janata Party's pledge to restore the fundamental rights and liberties of the citizen, it was assumed that MISA would disappear — the law on Preventive Detention already having lapsed.

Unfortunately, when the Janata Government started dragging its feet, trotting out the by now familiar argument of arming Government with extraordinary powers to deal with situations not manageable within the framework of the country's normal laws, the response from the intelligentsia as reflected in the debates in the press was loud and clear — no excuse for reinstating Preventive Detention would be acceptable and would be considered a betrayal. It was not a matter for surprise that when on March 23, Home Minister Charan Singh declared emphatically that his government would repeal MISA and had abandoned its intention to replace it with an Amendment of the Criminal Procedure Code to provide for preventive detention, his declaration was cheered by all sections of the House.

While the enthusiasm of Members belonging to the ruling party is understandable it is amusing that Charan Singh's announcement should have been equally welcomed by members belonging to the Congress Party (if press reports are to be believed), who had supported Preventive Detention when they were in power.

Explaining the Janata Government's decision, the Home Minister observed: "The true test of the health of a democracy is the government's responsiveness to public opinion." This in essence is the basic difference in the styles of governance between the present government and its predecessors. As a friend once put it to me "they (Janata) are at least amenable to change."

Unrest In The Campus

On March 9, a group of students forcibly entered the emergency ward of a Kanpur hospital and misbehaved with the nurses on duty. A senior doctor and three other hospital employees, who intervened were manhandled. Another group of students also in Kanpur raided a book-stall, a wine shop and a cloth shop.

On March 21, some students of Bangalore University hit the Vice-Chancellor with his name plate and manhandled his colleague, the Director of Collegiate Education (a lady).

On March 22, a group of students led by the President of the Students Union of Delhi University dragged the Vice-Chancellor, assaulted and kicked

University officials, broke window panes and ransacked the University offices.

The Kanpur incident, according to reports is only a sample of student hooliganism rampant in that city. Both the district authorities and the police have taken no serious action to contain the "student menace".

In the Bangalore incident, a police sub-inspector who was on hand did nothing to protect the lady Director of Collegiate Education, though he watched the students attempt to disrobe her according to her own allegation.

In Delhi, the police watched the scene from outside the University gates and did not enter to protect the Vice-Chancellor as the University authorities had not sought their help!

The immediate provocation which led to gangsterism by the students concerned is not important. For the record, the Bangalore students were agitating against the decision of the University Syndicate to exonerate some M.A. students who had been held guilty of malpractices in the 1974 examinations. In Delhi they were demanding a postponement of the examinations though University spokesmen claimed that the real reason was the decision to ask the Student's Council office bearers to seek a vote of confidence.

We are told that student indiscipline is a worldwide phenomenon. May be. But student indiscipline or unrest if you like, in the affluent West has different reasons. In our country we simply cannot afford this luxury of prolonged states of disturbances in our campuses, anymore than the loss of man-days in industry through strikes and lockouts.

No one can deny that the content of education in India is deplorable with the previous government and now its successor continuing to view educational reform as a problem in arithmetic — $10+2+3$ or $8+4+3$ and so on. The silent majority of students drawn mainly from the middle class suffer as much if not more than their parents who are hard put to pay their wards' college fees. The small minority of students from the affluent sections look on college days as days of excitement — some through an endless succession of socials and similar extra-curricular activities or for the more militant by taking a hand in operations such as the ones reported above. Governments formed by political parties are naturally reluctant to act to enforce student or labour discipline for fear of loss of popularity.

It is in this context that one welcomes an affirmation from a most unexpected quarter of government's intention to be firm. Jyoti Basu, CPI(M) Chief Minister of West Bengal told his State Assembly that his government was determined to put down students indiscipline and ensure that the "University officials can carry on normal work in peace". If necessary, Mr. Basu warned, police would enter the University again (they had done so a day earlier to lift a gherao of Calcutta University officials by students) if hooliganism persisted.

On Our Junior VIPs

The Edinburgh District Council recently turned down a suggestion that Prince Charles, heir to the British throne be installed a Freeman of the City of Edinburgh. A member of the Council minced no words when explaining why:

"This honour should be given to people who have made a mark on society, not just because of nepotism but by individual effort. I do not think he (Prince Charles) has done that yet."

A thousand pities that Prince Charles is not the offspring of a *swadeshi* VIP. No organisation, least of all a municipality, would have dared to treat him in the manner of the Edinburgh Councillors! In fact many would have been the perquisites he would have enjoyed arising from his fortunate parentage. And if to this is added a doting father or a fond mother "to live would have been very heaven."

Junior VIPs can be found at all levels in our country (why blame only the top). Only the quantum and nature of rewards differ. You can steal cars with a gay abandon and evoke a tolerant smile from the authorities who would see in it a sign of a youthful escapade. You can violate traffic regulations or occasionally knock down a passer-by, there are "higher ups" to hush it up. You can secure admission to a Medical College, never mind if you have "just passed" obtaining the barest minimum required. And in the matter of jobs, its yours for the asking provided your VIP father (or mother) happens to be the right kind. These are "open secrets" and we have got used to this phenomenon. Our response is generally a helpless shrug.

Given the failings of filial loyalty one can even understand so long as they do not impinge too much on the public weal. Unfortunately, this is precisely what happens. For nineteen months we witnessed a Junior VIP running amuck, a law unto himself, surrounded by sycophantic courtiers and even rated by a widely circulated journal as "Man of the Year".

One would have thought that the lessons have been learnt and VIPs would at least, in the interests of their own self-preservation, keep their darlings in rein.

Alas, it would appear that the epidemic survives though in a less virulent form. There are already ugly rumours about a new rising son. A thousand pities, for the father belongs to that rare breed of public men with a proud record of integrity, honesty, and dedication. It is not enough if he asks for proof of his offspring's alleged misdemeanours. Very few have the courage to come forward and provide evidence. What is needed is to keep the son away from the corridors of power. The great Sardar, according to a story circulated during his lifetime, warned government officials that they could show special favours to his son only at their peril. Won't the Sardar's follower emulate the salutary example?

SVR

Never Say Die

"Retirement even at 90 is so rare in Indian politics that Acharya Kripalani's decision to bow out of public life deserves much greater applause than it has received" remarks Inder Malhotra in a charming tribute to J. B. Kripalani.

With his sunken cheeks, long hair, and fierce brooding eyes, he has often been called the Cassius of Indian politics, but at that time he seemed more like a cross between Moses, intent on bringing the Truth to the people, and Scrooge, because of his cantankerous manner towards everyone. One wonders how such a man could possibly have grown any older and yet his finest hour was only to come during what is now inevitably described as the second coming of democracy.

Born in what definitely sounds like the Biblical era, in 1888, in Hyderabad, Sind, he was a Professor of History at Muzaffarpur college in Bihar before he met Mahatma Gandhi in 1914. It was not long before he was arrested as the first Satyagrahi in 1917 at Champaran. From then on his dedication to the path of Truth has been little short of fanaticism.

His relationship with his equally outspoken wife, the late Sucheta Kripalani who was for many years a staunch supporter of the Congress, while he was, as the leader of the Kisan Mazdoor Praja Party and later the Chairman of the Praja Socialist Party, its bitterest critic, has given rise to several amusing stories. The anecdote related by Inder Malhotra provides one such example, and occurred, as he explains, in 1952, when the Acharya was campaigning against the Congress.

"One evening the Acharya was so exhausted that his answers to journalists' questions were hardly audible. "I am an old man and cannot take so much strain," he told someone who asked him to speak loudly. "How I wish," commented Mrs. Sucheta Kripalani that Dada (as the Acharya is often called) was 10 years younger."

This made him perk up instantly. He sat bolt upright and asked in a booming voice: "Lady are you sure you are saying so for purely political reasons?"

Jaundiced Cure

Municipal authorities appear to be undecided on how to prevent the incidence of Jaundice that has been spreading like a creeping yellow plague all over Bombay. Except for vague reports of having checked the water supply, no real attempts seem to be under way to curb the disease. There have, for instance, been no statistics about the number of people who have been struck down by the disease or those who have succumbed to it, so that the hearsay evidence of victims, and friends of victims, only makes one yellow with fear.

In the face of total lack of information on the subject it is heartening to know that the "ancient

Hindoos" according to Sir John Frazer of Golden Bough fame, were quite adept at curing the disease. "The priest in order to infuse the rosy hue of health into the patient gave him water to sip which was mixed with the hair of a red bull; he poured water over the animal's back and made the sick man drink it. Then in order to improve his colour by thoroughly eradicating the yellow taint he proceeded thus. He first daubed him from head to foot with yellow porridge made of turmeric, set him on a bed, tied three yellow birds, to wit, a parrot, a thrush, and a yellow wagtail, by means of a yellow string to the foot of the bed, then pouring water over the patient he washed off the porridge, and with it no doubt the jaundice, from him to the birds."

To the "ancient Hindoos" as with the Bombay Municipality superficiality is all.

Bhutto's fate

As Bhutto lies alone in his condemned cell in Pakistan, his hands manacled during the nights like any common criminal, the only ghost to visit him will not only be that of the elder Kasuri. A hundred thousand Bangladeshi souls — women dishonoured, children dis-embowelled, a generation destroyed — must rise before him and say in the manner of the ghosts of Richard III, "Despair and Die Bhutto."

Nor will they be wrong, for in the wake of his one noble act in saving the life of Mujibur Rahman, his contribution to the precipitation of the Bangla Desh tragedy has all too often been forgotten.

Among the victims of the Bangla Desh tragedy are the wives, mothers and children of all the Indian soldiers who laid down their lives in the struggle to save the newly established country. Indeed we in India do not have much reason to weep for Bhutto's fate. Calling us dogs in the world's foremost international forum the Security Council, and threatening to wage a thousand year war against us, he has personified all the negative impulses that have characterised the official Pakistani attitude towards India ever since it was formed. Hatred for India has in fact been one of his strengths which he has managed to channel into motivating the Pakistani people to build Pakistan, a role he took over from where Jinnah left off. The greatest irony of the moment must be for him to find himself being accused of being secretly an Indian sent to destroy Pakistan from within.

Yet Mr. Bhutto was, until his arrest, the popularly elected representative of the Pakistani people, even if he may have enhanced this popularity through attempts at rigging. Whatever his faults, his courage in building up Pakistan economically and giving back some of the self respect it lost with the breakaway of East Pakistan and the imprisonment of one million Pakistani soldiers in India, will not be forgotten by the Pakistani people. His statesmanship during the Simla summit, his pilgrimage to Bangla Desh to re-establish ties, and the cocky self

confident role he carved for himself among the countries of the Islamic bloc, are all qualities that reveal the leadership traits that he indubitably possesses. There was no doubt, a touch of theatricality also, in the way he played these roles, and if he is finally required to play the part of a Martyr, one can safely assume that the "mercurial" Mr. Bhutto will rise to new heights.

The question is at what cost? Whatever the claims of legitimacy made by the Court at Lahore which tried him, the very fact that it functioned under the auspices of a Martial Law administration must cast doubts as to its impartiality. From the time of Charles I such "judicial murders" have been committed under the full cover of legality and yet people have never doubted that these were carried out entirely on the basis of self interest. With such a start it will be doubtful whether General Zia will ever hold the elections that he had so zealously promised the Pakistani people when he took over.

As its closest neighbour, we, in India, will also be affected by an economically and politically unstable neighbour. This is one reason why we cannot look at Mr. Bhutto's present plight with indifference.

GD

Prof. B. R. Shenoy

Prof. B. R. Shenoy, who died on 20th February, 1978, in New Delhi, was an economist's economist. Though misunderstood by some members of his profession for his views and virtually ostracized by the Indian Government from its forums of economic counsel, none doubted his technical competence nor his intellectual integrity.

He was a firm and uncompromising believer in the virtues of a market economy and was opposed to state intervention except for demonstrable social good. The poor would never see the light of day unless statism was given up, he maintained.

As a teacher in the classroom, he was loved by his students. He used to prepare his lectures painstakingly, and, departing from the normal practice in the profession was always updating his notes for lectures.

A man of clear thinking and simple living, Prof. B. R. Shenoy was first and last a great economist who loved his profession.

In his death, the country has lost a sound economist, a great liberal, and *Freedom First* a good friend.

— M. R. Pai

MINORITIES COMMISSION

Not an Arm of the Government

The Minorities Commission will review existing safeguards against discrimination or the denial or deprivation of rights and to recommend legal, administrative and other measures to ensure their implementation, observed Mr. M. R. Masani, Chairman of the Minorities Commission, while addressing a press conference in New Delhi on March 23. Expressing the Commission's determination to "solve problems", Mr. Masani expressed confidence that the spirit in which the Commission had been set up, and the assurances he had received from the Prime Minister and the Home Minister that the recommendations of the Commission would be taken very seriously and be given due weight, led him to believe that Government would honour the word of the Commission. The following is from the text of a statement issued by him on the occasion:

"Although the Commission has been established by executive order and has to report to the President and Parliament, it should not be looked upon in any sense as being an arm of the executive. The functions of the Commission are quasi-judicial and somewhat akin to those of an ombudsman appointed to assess and verify how faithfully the Governments at the Centre and in the States have been implementing the various safeguards, measures and schemes which are embodied in the Constitution and the Central and State Laws for the protection of Minorities. Any Commission undertaking such a task must function, and be seen to function, as an independent and

impartial body not subject in any way to the control and direction of either the Union or the State Government whose performance it has to judge.

The Commission have been assured that the Union Government will take early steps to guarantee the independence of the Commission and its statutory character by moving forthwith an appropriate amendment to the Constitution and that, even prior to such statutory provision, their independence will be recognised and respected. The Commission feel assured therefore that in evaluating the effectiveness of the relevant safeguards and their implementation and in looking into specific complaints, they will be able to function effectively and without fear or favour.

By the same token, the Commission will consider itself responsible not to the Government which has appointed it but to the people to serve whom the government exists.

The Commission hopes to deal with minority rights and safeguards in the larger context of the need for ensuring civil rights for all.

The Commission will, in this context, welcome the views, advice and assistance of all classes and groups who are concerned with, or have experience of, such matters. All communications, whether of a general or specific nature, will be given the fullest consideration. They hope at the same time that those who approach the Commission will be good enough to do so with a due sense of responsibility.

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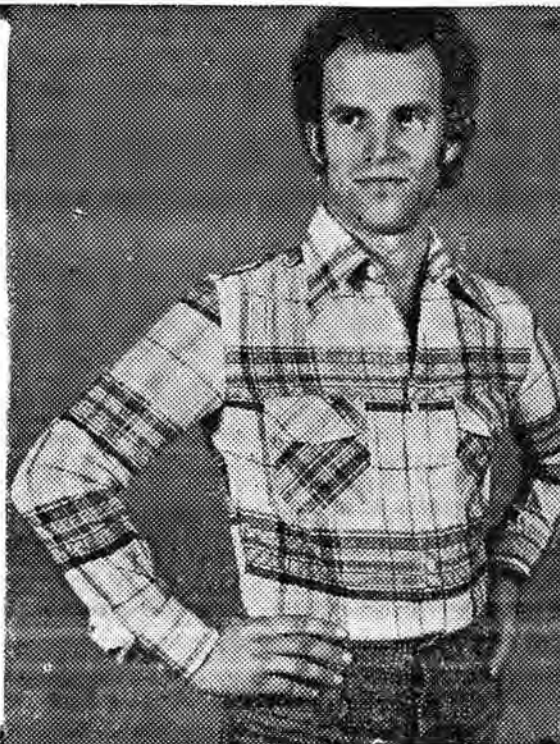
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VIRUS INDIA

Geeta Doctor

Tourist agents may not know it but their greatest propaganda rival lies in the 25 pages of an innocuous looking document entitled "Health and Medical Report", given to unwary travellers about to attempt the terrors of the tropics. Lovingly researched, with graphs, maps and statistics, that give an idea of the variety and virulence of the types of virus he is about to encounter, the language and approach of the report makes it sound like a tourist's guide to hell. "Most personnel coming to India," starts the introductory paragraph, "equate health hazards with diseases such as cholera, smallpox, typhoid, amebiasis and other exotic maladies..." but "not long after their arrival they begin to realize that the traffic situation in India poses a very real threat to life." The report then goes on to say that in fact India with 1.5 million registered vehicles has the distinction of having the highest rate of fatalities in the world for every 1000 vehicles registered," which, in the game of road death one-upmanship, means that we are fifteen times better than the USA or Britain.

The seasoned traveller will not of course be unduly frightened by this, after all he can get knocked off anywhere, so the writer of the report does not linger too long but proceeds to the dangers of Malaria. "Last year 2.5 million cases were reported throughout India" he begins and shows a graph that zig-zags right over the top of the page "to provide you with a shocking visualization as to the enormity of this disease resurgence." As you read, a dry slaking of the tongue sets in, the pulse begins to race and soon there is a violent fit of shivering, for as the study sepulchraly notes, the figure is expected to double every year, which means that by now every man, woman, and child, in India must be a victim of *Plasmodium falciparum*. Apparently its close cousin *Plasmodium vivax* is also doing good business in human blood and as everyone knows, or should know, *Plasmodium vivax* "though not so dangerous has the propensity to relapse for many years following an original attack or exposure." Which means that a tourist may pick up a malarial souvenir without even knowing it and then get zapped by it several years later.

The good news about Malaria, however, is that it is curable and there are elaborate tables which show the variety and method of treatment. For some Caucasian ethnic groups however the news is bad, for as the report goes on, "Sardinians, Sephardic Jews, Greeks and Iranians have an inherited enzymatic deficiency which precludes their using this medicine." Apparently the anti-malarial drugs causes the red blood corpuscles to literally curdle in their veins. The report does not suggest what these poor souls should do instead, but its lofty tone implies that having issued a fair warning, it cannot be expected to look after the red blood corpuscles of every Sephardic Jew and stray Greek, foolish

enough to go around the Indian sub-continent contracting Malaria.

In comparison, though more or less unavoidable due to the filthy habits of the natives, dysentery is really difficult to combat, since "It is the worldwide policy in the Foreign Service not to use Enterovioform a drug considered ineffective and quite possibly dangerous". Not only must a person watch out for solicitous friends who dish out Enterovioform at the very mention of dysentery, but they should also learn to recognise the 54 different trade names under which the deadly drug is disguised. This is followed by an alphabetical list of the 54 drugs which conjures up visions of the poor tourist standing in a pharmacy with an acute attack of dysentery, checking through the list, only to find that though it is quite explicit as to what he should not take, there is no mention of what he can safely take. Will he at this point be strong enough to resist or will he say, one wonders, "Give me Enterovioform or give me death."

However an additional pamphlet at the very end of the bulletin suitably bordered in red gives four pages of "Information and Instructions to the patient with Diarrhoea". Here again one wonders whether a patient in extremis will be in any mood to hear that "While Hyperperistalsis (increased mobility of the bowels) may be a factor, it should be kept in mind that a major cause is the seepage of liquid from the surface of the intestines." It is perhaps in keeping with the enfeebled condition of the patient that the report goes on to explain "If you recall how a scraped knee seeps before it dries and crusts, envision a similar seepage from a large body surface and it is easy to understand how such enormous amounts of liquid can exude from the inflamed raw lining of the intestine."

Recovering from diarrhoea on the other hand does not sound half so bad as getting it. Here, while one does not dare dispute the truth behind the facts that may or may not be the basis of the statements, the language is so lurid as to make one's stomach churn in premature anticipation of the worst. Surely to regale the tourist with the inevitable prospect of consuming "human fecal matter" is to give him a permanent neurosis. "Night soil" states the report is frequently used to fertilize locally grown fruits and vegetables. In markets, these foods are exposed to a variety of flies and other filth-borne insects and handled by individuals unacquainted with ordinary hygiene. In addition they are frequently sprinkled with polluted water." It also warns people from using swimming pools, for even though "there is little epidemiological evidence that swimming pools present major public health hazards, there is reason to believe that exposure to water

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ABOLISH DEATH PENALTY

V. B. Karnik

Amnesty International, the wellknown non-government organisation working for the unfettered right of every individual to hold any political or religious belief he likes, must be complimented on taking the initiative to mobilise public opinion all over the world to demand abolition of death penalty. In December 1977, it held an international conference in Stockholm which adopted a declaration on death penalty and demanded its abolition. The conference was attended by over two hundred delegates from Asia, Africa, Europe and North and South America.

The declaration affirmed *inter alia* the conviction of the conference that the death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life" and that "the imposition and infliction of the death penalty is brutalising to all who are involved in the process". Holding that "abolition of the death penalty is imperative for the achievement of declared international standards", the conference declared its total and unconditional opposition to the death penalty and pledged itself to work for its abolition. It called upon the United Nations to declare that the penalty "is contrary to international law" and appealed to all to work collectively and individually for its abolition.

The declaration has received weighty support in many countries from individuals as well as organisations. In India it was endorsed by a number of national leaders, like Mr. Jayaprakash Narayan and Acharya J. B. Kripalani. It has also received the support of a good number of organs of public opinion.

The Indian Section of Amnesty International organised in New Delhi on April 8 a seminar to mobilise further support to the declaration and to demand the deletion of death penalty from Indian law.

Much has been written on the subject of death penalty during the last few decades. Two contradictory attitudes have developed, the abolitionist and the retentionist. However, in spite of many and powerful arguments in their favour the abolitionists have not been able to make much headway as public opinion has still remained indifferent to the grave issue involved in the debate.

The issue is the sacredness of human life. Has anybody, including the State and the Law, the right to destroy a human life? If murder is a heinous crime because the murderer destroys a human life, will not the State be guilty of the same crime when it destroys another life as a punishment for the first crime? Law and public opinion sanction the act of the State, but from the point of view of the ultimate result, which is the destruction of a human life, it is no different from the earlier act of murder.

Murder must be punished, they say. But is it necessary to punish it by a similar act of depriving a man of his life? It can be justified only on the basis of the old barbarous custom of a tooth for a tooth and an eye for an eye. The civilized world has long outlived that primitive practice of wreak-

ing revenge. Why need it continue in the case of murder?

Besides, a murder is usually committed for a variety of reasons, some of which may be social, psychological and pathological, in which case the murderer deserves sympathy and, may be, medical treatment and not the condign punishment of death. Laws of many countries have kept in mind these distinctions and have provided, depending on the evidence and a judge's appreciation of that evidence, for a lesser punishment than death. But that places a heavy burden on the conscience and the sense of discrimination of a judge. He will be spared that burden if the heavier penalty of death is removed from the statute book. To sentence a man to death is not a light thing for a judge. To carry it out is a much more odious task. The Stockholm declaration is correct when it states: "the imposition and infliction of the death penalty is brutalising to all who are involved in the process".

The penalty is justified on the ground that it acts as a deterrent. All available evidence shows that, in fact, it does not. No murderer stops committing a murder because, if arrested and convicted, he will have to face the gallows. It does not also have any effect on the public mind. Executions are carried out in secret and nobody in the modern world is going to advocate public executions in order to create an effect on the public mind. On the other hand, information collected by Amnesty International goes to show that crimes, particularly crimes involving the penalty of death, have not increased in countries that have abolished it. This is an irrefutable answer to the argument of deterrence.

Death penalty is supposed to be quick. But, as Arthur Koestler has shown in his famous book, it is not quick even when an electric chair is utilised as an instrument for putting an end to the life of a criminal. Many a time he has to wait for months, sometimes even years, in the death cell before he is led to the electric chair or the gallows. The delay is inevitable because the penalty, which is final and irrevocable by its nature, cannot be imposed lightly. The mental torture that a prisoner has to go through during that long period of waiting cannot be imagined. It amounts as a matter of fact to another punishment inflicted upon him.

The Stockholm declaration has cast its net too wide. It calls for the abolition of not only the death penalty imposed by the State but also of all killing, authorised or unauthorised, by the State or private individuals or groups. That is a laudable aim, but, seriously meant, it will have to include within its scope wars and guerilla activities as well as all excesses of a Government resulting in loss of life. It will be difficult to organise a movement with such wide aims. Will it not be better in that case to limit the objective, for the time being, to the abolition of death penalty imposed by law? In India at least it may yield better result.

OPIATE FOR THE MASSES

S. A. A. Pinto

The new Drug Policy among other things seeks to alter the placement of foreign drug companies in the scale for dilution set out in the FERA guidelines. Such companies engaged solely in formulations will have to reduce their foreign equity to 40 per cent and, out of the balance, sell 40 per cent to government financial or public sector undertakings and 20 per cent to Indian investors. In the case of other companies, where also some shedding of foreign equity will be required, such equity will need to be distributed in a similar proportion.

The prices of a hundred bulk drugs whose cost structure has already been investigated has been frozen initially for one year. The prices of the others will be investigated within a short time. Formulations have been divided into four categories according to a sliding scale of importance. Category 4 is free from price control. For categories 1 and 2 and, to a lesser extent, for category 3 a "leader" product will be determined and the prices of other producers will be realigned according to that of the leader product. Similarly, prices of bulk drugs required for production of formulations in categories 1 and 2 will be maintained at 14 per cent, and of other bulk drugs at 12 per cent, post-tax return on capital employed.

Pricing, so long as one accepts a highly controlled economy, may seem not merely desirable but even reasonable, and hopefully, in the actual fixation of the prices in individual cases the proper level will be reached, no doubt through the travail of trial and error. Unfortunately, this is an area which is surcharged with emotional misconceptions. Even the Hathi Committee accepted that the drug industry is pre-eminently a research oriented industry. It is inevitable that the prices of the successful products carry the cost of all the research. In a free, or freer, economy what, in the ultimate analysis, controls the price of the successful and therefore efficacious and much needed medicines, is the ever increasing efficiency egged on by competition. Artificial price fixing can only tend to dry up the sources of manufacture and there is nothing to prevent a company from concentrating on only those products which are remunerative.

If the object of introducing government and private Indian equity into the capital of foreign companies that are solely in formulations is to compel them to manufacture bulk drugs then the method is bound to be self defeating. Moreover, such companies will not be given licences for expansion. Even the capacity which is in excess of the industrial licence may not be regularised; although a cut in the production will only deprive consumers of essential drugs which even today reach only about 20 per cent of the people (Hathi Report). If companies manufacturing only formulations close down and take away their brand names there will be nothing left to take over except machines and raw materials which can only have scrap value. All their production will be

as good as lost. On the other hand, with such companies being condemned to the present level of manufacture of formulations, the parent companies may be only too delighted to sell 60 per cent of their equity to government and Indian investors and repatriate the proceeds. Is it in the interests of the country that foreign investment should be deliberately dislodged and asked to remove itself, thus causing a drainage in foreign exchange, and that scarce Indian capital should move into its place when the companies will just continue to manufacture formulations and only formulations? (Otherwise they would be entitled to keep a higher foreign equity and the question does not arise.)

Perhaps there is something other than public interest involved in this strange logic. The Hathi Committee had amongst its members Mr. Yashpal Kapur, Mr. Vasant Sathe and Mr. C. M. Stephen, stalwarts of the Indira faction. Notwithstanding this, Mrs. Gandhi's government cleverly avoided taking action on its report which was published as long ago as April 1975. Mr. Bahuguna has taken it upon himself to state that several discussions with representatives of the industry and inter-ministerial consultations were held and views "put up to the cabinet in February 1977 could not be considered". In almost the same breath he continues in the next sentence, "Immediately after the general elections of 1977, the Minister for Petroleum & Chemicals directed that the recommendation should be examined in priority", as though nothing at all happened in March 1977, and as though Mr. Bahuguna belonged to the same government whose cabinet had considered the matter in February 1977! Why then did we elect a new government, may we ask?

The present government was wise enough to appoint a sub-committee of the cabinet to consider the Hathi Report. Even in this sub-committee, Mr. Bahuguna, relying on a majority recommendation of the Hathi Committee, initially proposed the nationalisation of nine drug companies which were engaged only in formulations, of whom at least one was a company with 60 per cent Indian equity! Mr. Bahuguna perhaps wished to go on record as being more Marxist than even the CPI(M) government of West Bengal which has shelved (at least for the present) its ideas of nationalisation. The cabinet sub-committee, fortunately, disagreed on the proposal and the matter went back to the cabinet which has now accepted the modified proposal by which there is virtually back-door nationalisation by spending good Indian money on what is abandoned by foreign companies in distress.

In the process, the Hathi Report has metamorphosed into a policy which can be appropriately described "the opiate for the masses" — words, we assume, which are familiar to Mr. Bahuguna. Flying in the face of economic facts, it may never bring medicines within the reach of the poor, but it might certainly — needlessly and recklessly — chase away foreign investors from Indian industry as a whole.

FREEDOM—LOST AND REGAINED

Manohar Malgonkar

The barrage of books about the Emergency continues unabated. The one idea in the minds of their authors and publishers alike, seems to have been that they should be "fustest with the mostest" in the bookshops. Which uncouth phrase of battlefield coinage also describes the quality of writing to be seen in most of them. They are like dishes prepared by short-order cooks for rush hour lunchers, highly seasoned but not well-cooked or well-presented.

It is therefore with misgivings that one opens yet another book on the Emergency, particularly one with a somewhat laboured, double-barrelled title, *WHEN THE WIND BLOWS, INDIA'S BALLOT-BOX REVOLUTION*.^{*} It is jointly authored by Dr. S. P. Aiyar, a professor of Public Administration at the University of Bombay, and Mr. S. V. Raju, an active political worker who was the Executive Secretary of the Swatantra Party throughout most of its existence.

I was pleasantly surprised to discover that *WHEN THE WIND* etc., is not the familiar crude, slapdash offering of Emergency fare at all. It is better written more carefully edited and proof-read, and less hastily indexed than most other books about the Emergency that have come my way. Above all, it is more even-tempered. Whereas the other books have concentrated on the shady deals and the wheeling-dealing that was indulged in by the perpetrators of the Emergency, *WHEN THE WIND* casts its net wider and it is much more intensively researched. For instance the authors devote as many as 75 pages to those who organized and carried out the resistance movement. They bring out what the most fearless among us, Durga Bhagwat, Mrinal Gore, M. C. Chagla, V. M. Tarkunde, A. D. Gorwala, and dozens of others were doing to oppose the regime. They tell us about the resistance movements launched by Indians living abroad, and how the passports of those who protested against the Emergency in America were impounded by our Embassy, and of the ringing denunciation of this act by a U. S. Senator, Eugene J. McCarthy:

"Repression must be resisted, whether at home or abroad. (Indira Gandhi's) action is an act of desperation which exposes her methods of suppression of civil rights and repression of political and moral opponents ... (and) must be condemned by all who value freedom."

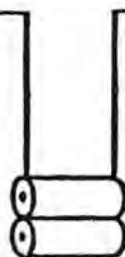
And condemned it was, but alas, not by all. To me as to most thinking people, the darkest hour of the Emergency came in April 1976 when the Supreme Court of our country ruled that, when the Government in power chose to declare an Emergency, the citizen's rights of *Habeas Corpus* or even of life, stood abrogated.

In the shock of that terrifying pronouncement, it did one good to recall that there were in our land

other judges who believed in less legalistic and nobler basic human values; to read, even through clandestinely circulated sheets, what Mr. D. P. Madon and Mr. M. H. Kania of the Bombay High Court had said about the censorship of the press; to read of other judges, Mr. J. B. Mehta and Mr. S. H. Sheth of the Gujarat High Court, declaring that the guidelines of the Chief Censor "threw on the people of this country a mask of suffocation and strangulation."

The 470-page Aiyar-Raju book covers more ground than most others of its kind, and attempts to show how, over the years of her reign, Mrs. Gandhi had contrived to enslave her own party before making a bid to enslave the country. It is good to be reminded of those times, to realize what we had lost and how it was recovered by a miracle. I for one had forgotten why it was that Mrs. Gandhi said she had gifted Maruti to her son: "I just could not say no to him ... If he is not encouraged, how can I ask other young men to take risks?"

I relived the tragedy and the triumph of those times, chuckling at the Pimpernel pranks of Subramaniam Swamy, and said "Wha Guru-ka Khalsa!" to the Akalis who, at the height of the Emergency, staged a morcha to offer Satyagraha to Mrs. Gandhi. I remembered how few of us were mentally prepared for a Janata landslide, the all-night vigil to hear election results, and the glorious morning of the Hindu New Year's day of 1899, which brought freedom back to the country.



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^{*} *When the Wind Blows, India's Ballot-Box Revolution*, by S. P. Aiyar and S. V. Raju. (Himalaya Publishing House; pp 482; Rs. 55/-).

AN ORACLE IN THE RUINS?

B. P. Adarkar

The "twilight", of which Mr. Harrington speaks in this rather oracular production, is the twilight of sunset rather than of the morning. That is at least the hope and conviction of the author. He describes Karl Marx in the opening Chapter as "an oracle in the ruins", but he seems to take credit for "resurrection" of true Marxism, and for having "sought to liberate the spirit of the new Karl Marx from the mausoleum in which ironic history has imprisoned it." And, of course, he seems to imagine that he himself is the messiah of the New Marxism. Pontifically, he warns that "For most people the first step in grasping the new and future Karl Marx is to forget everything they have heard or read about the familiar Marx. At the same time, they must accept one of history's strangest ironies: that Marx and the Marxists made a major contribution to the misunderstanding of Marxism." So now "all Ye know" what is the truth of Marxism *a la* Harrington!

Mr. Harrington, as the jacket of the book describes, has been an "activist in American social movements for more than twenty-five years", and his main approach here is to consider the problems of contemporary America within a Marxist (or neo-Marxist) framework. The jacket also quotes J. K. Galbraith as saying: "Since there are more readers for truly good though difficult books than publishers imagine, this book will have an impressive audience... Harrington is a lucid writer, able to say plainly and exactly what he means." However, so far as this reviewer can see, few writers can beat Harrington for presenting obscure ideas in still more obscure language bordering on pure abracadabra, with a great show of learning bordering on intellectual jingoism. For instance, here is a typical passage: "The welfare state is indeed an organic whole of reciprocal causality, with a pervasive capitalist lighting and an atmosphere which bathes, but does not predetermine, every relationship within it. It is not, as some of the left think, a conspiracy, but a process filled with unintended consequences, surprising its rulers as well as the ruled. It is not, as the technocratic center imagines, a neutral, problem-solving apparatus that divies up the proceeds of a crisis-free economy in a rational manner. It is a contradictory, crisis-prone last stage of capitalism." So there is the Q.E.D. in abracadabra!

In the art of self-praise, again, Mr. Harrington can have few rivals. He describes his book as "a scholarly rediscovery of Marx," but he is "not concerned with vindicating a ghost... For I hope to introduce a living presence into the late-twentieth — and even the twenty-first — century. Let me call him 'the new Marx'." He takes credit for rescuing the doctrine from "vulgar Marxism." In his view, "Marx made his own contribution to vulgar Marxism, and Engels

The Twilight of Capitalism: By Michael Harrington. Published by MacMillan Press Ltd., London. Pp. 446. Price £8.95.

helped to codify it. The two most massive movements calling themselves Marxist were actually proponents... of the misunderstood Marx." Therefore, he says, "For most people the first step in grasping the new and future Marx is to forget everything they have heard or read about the familiar Marx."

Mr. Harrington has no use for the Keynesian "revolution," although Keynes "is sometimes pictured as a radical or even a quasi-Marxist," because, Keynes described Marxism as "a creed which, preferring the mud to the fist, exalts the boorish proletariat above the bourgeoisie and the intelligentsia." In his view, therefore, Keynes was a "Principled anti-revolutionary." Also, Mr. Harrington has no use for the contemporary American welfare state, which he says is "a dialectical and complicated phenomenon... predominantly and unconsciously (ideologically) structured so as to help the corporations more than the people." Again, he has strong objection to the Keynesian concept of GNP, which has "become a commonplace of all political and policy discussions." In this context, he quotes Pigou and Gunnar Myrdal with approval, as having pointed out that GNP omits to take into account "some crucial dimensions of life as pollution, the distribution of income and wealth, the depletion of resources," and various other "social costs" resulting from advanced capitalist production. However, far from refuting the concept of GNP, he only leads us to the conclusion that governments must take such social costs into consideration, while promoting the nation's GNP, and if possible mitigate their incidence. But surely that does not make nonsense of the GNP idea.

Mr. Harrington almost gloats over the economic decline of the United States. He admits that there have been several major factors responsible for the crisis, particularly the Middle East oil revolt and the "catastrophic impact of Vietnam on the home front" caused by the "multibillion-dollar intervention in Southeast Asia", but the point that he makes is that all this is "a portent of change" which is almost on the horizon. As regards the OPEC cartel and its aggressive activities, he further states: "That some of the powers in the Middle East exercising this new freedom are feudalist and others authoritarian, that most seek to exterminate the right of Jewish national self-determination in Israel, and that their cartel has had a fearful impact upon the masses who live in the Fourth World of starvation, does not alter this basic point."

The capitalism of which Marx spoke in *Das Kapital* — the capitalism of the 18th and 19th centuries — is dead long ago dead as the Dodo. Capital today does not exploit Labour; it is often the other way round. Today, it is Labour that exploits Capital. Secondly, in civilised modern democracies, everyone

(Continued on page 15)

AND THE KINDLY KGB HANDED OUT SOUP

Bernard Levin

The Soviet Union's military participation in the fighting between Ethiopian and Somali forces (it is reported that the Ethiopian role is now restricted to that of ancillaries, the actual fighting being done by Soviet and Cuban troops) has, as I would have expected, produced immediate and widespread protests in Britain. It began with a mass march on the Soviet Embassy, organized jointly by Mr. Tariq Ali, Miss Vanessa Redgrave and Mr. Paul Foot and attended by, among many others, Mr. Norman Atkinson, MP, Mr. Jack Jones, Professor Ralph Miliband, Mr. George Melly, Messrs David and Jonathan Dimbleby, Mr. Trevor Griffiths, Mr and Mrs Kenneth Tynan, Mr. Clive Jenkins, Mr. Hugh Jenkins, MP, Ian Mikardo, M.P., Mr. Adrien Mitchell, Mr. Sidney Bidwell, MP, Canon Collins, Professor Raymond Williams, Miss Jo Richardson, MP, Miss Joan Maynard, MP, Mr. Michael Kustow, Mr. Alex Kitson, Mr. Alan Sapper, the Editor of *The New Statesman* (ex-officio), Lord Macleod of Fuinary, Lady Castle, Mr. Joe Ashton, MP, and that woman whose name I never can remember but who used to do so much of the organizing for rallies opposing American involvement in Vietnam. The march was led by the Massed Bands of the *Tribune* Group MPs, and passed off peacefully.

When the march arrived at the Soviet Embassy, it halted in the road outside while a delegation, consisting of Mr. Peer Hain, Mr. John Arden, Mrs. Judith Hart, MP, and Mr. Richard ("Gusher") Gott, was invited in. The Soviet Ambassador received them personally, and listened with grave courtesy to their forcibly-expressed protest at the Soviet action in Africa. "Many of us, indeed almost all", said Mrs. Hart, "were wholly opposed to the American action in Vietnam, and took various measures to express our view of the matter. We believed that the Americans were quite unjustified in sending troops to intervene in a quarrel that was no concern of theirs, and that even if they were right in principle (and the savage and increasing repression now being practised by the victorious communist regime strongly suggests that they may have been), the suffering caused by their action was wholly out of proportion to any good it seemed likely to do."

The Soviet Ambassador nodded. "Go on", he said encouragingly: "but please explain how this analogy fits your protest against my country's action in Africa."

"Why don't you see?" said Mr. Michael Foot (I forgot to mention that he was one of the delegation, too, though he had arrived at the embassy by taxi instead of going on the march) "Surely you can understand how we, never motivated during the Vietnam war by anything but a burning sense of injustice at the action of a mighty military power against a small nation struggling for independence and freedom, would be regarded — rightly, as a matter of fact — by ourselves as well as others, as

no better than so many hypocrites if we remained silent now, in the face of another action by another mighty military power against another small nation."

The ambassador said that, although he felt sure that the members of the delegation would understand that he was unable to make any comment on what they had said, he had taken careful note of it and would certainly communicate their views to his government. The delegation then thanked the ambassador and left; before the march dispersed Mrs. Tynan addressed the marchers through the loud-hailer, urging them to be particularly careful not to deface the embassy property in any way, let alone paste messages of protest to the furniture and mirrors.

As was only to be expected, a substantial number of groups, have sprung spontaneously into being, designed to achieve the widest possible variety of protest against the Soviet action. None of these, of course, has any connexion with any other, and indeed few are even aware of the existence of others (the fact that they all operate from the same address is a coincidence). These include the Committee for Peace in the Horn of Africa, the Peace in the Horn of Africa Committee, the Horn of Africa Peace Committee and the Africa Horn of Committee for Peace. There are also Doctors Against Soviet Imperialism, Teachers Against Soviet Imperialism, Journalists Against Soviet Imperialism, Trade Unionists Against Soviet Imperialism, Actors Against Soviet Imperialism and Dr. Joan McMichael and Mrs. Peggy Duff Against Soviet Imperialism.

Of course, it must not be thought that such protests as I have described are confined to this country. There is a particularly strong organisation in the United States, for instance, working along the same lines; among its leaders are Miss Susan Sontag, Miss Mary McCarthy, the Brothers Berrigan, Miss Lillian Hellman, Miss Jane Fonda.

It is in the Soviet Union itself, of course, that the biggest volume of public protest is to be found; I was particularly impressed by what happened when the Soviet Committee for an End to Soviet Involvement in Africa held an all-night vigil outside the Kremlin walls. Friendly KGB men joked and laughed with the demonstrators, and at one point during the cold night appeared with cans of hot soup which they proceeded to distribute. But most notable of all was the action by Mr. Brezhnev, who emerged from the Kremlin at about one a.m. and moved among the crowd of protestors quite freely, talking to them, listening to their views, and assuring them that, although he disagreed with what they said, he would fight to the death for their right to say it.

Editor's note: (THE TIMES offers its apologies to readers for the fact that, owing to technical errors beyond anyone's control, the word "not" has unfortunately been omitted throughout the article above.)

— The Times, London.

WORLD NEWS

BREZEVINSKI — CARTER'S CAT ON A HOT TIN ROOF

Zbigniew Brezezinski, President Carter's national security adviser, is his own mixture of hawk and dove, dreamer and practitioner, idealist and cynic...

A hawk? Yes, he certainly is if one considers there are few men in public office in today's world who would talk so matter of factly about the consequences of nuclear war. "Only about 10 per cent of humanity would be killed", he said, "it's not the end of humanity"...

Earlier in a similar vein he used the same kind of savage bonhomie to free U.S. options vis-a-vis Eurocommunism. I asked him, "If Communists came to power honestly and democratically, would there be no circumstances in which you would engage in covert activities to unsettle these regimes?"

"I think if somebody came to me," replied Brezezinski, "and asked me to make a promise not to beat my wife I would find that an offensive requirement. I think if anybody came and asked this country to make that kind of a promise, which is implied in your question, I would reply in the same fashion."

Inside the hawk there is a liberal spirit determined to reverse the recent U.S. isolationism from the turbulent poverty of the Third World and the racial conflict of southern Africa. An obsession with the West's GNP is not enough, Brezezinski says, "unless the West stands for something transcendental it is likely to be viewed increasingly as a materialist, hedonist society without much historical relevance to the dilemmas of our time"

On the role of Marxism there is an openness to its contribution rare among high U.S. policy makers: "I think it's undeniable that Marxism, by focusing attention on historical stages, on the relationship between economic, social and political dynamics, on identifying the nature of the transformation that the Western world was the first to experience, gave man a series of categories with which he could analyze change more sharply and more preceptively."

Of course he is quick to dilute any suggestion of praise: "What is wrong with Marxism is its institutionalization, its bureaucratization and, above all else, its dogmatization."

— *International Herald Tribune*, December 2, 1977.

TRAGIC PRINCESS

The tragic double execution of a Saudi princess and her husband has gravely embarrassed the country's conservative but cautiously reformative leadership.

The position of women, according to thoughtful younger Saudis, is the most sensitive issue facing the kingdom's social planners. Restricted to a degree which is unthinkable today in most other major Arab countries, women are forbidden to drive cars and risk insults, from policemen if they appear 'immodestly' dressed in public. Hotels are unable to serve even coffee to any Saudi woman and amusement parks have separate days for men and women.

However, change is coming. More women are being educated, though they attend classes on separate campuses and are taught by men via television. Many have jobs, although they are not allowed to work with men. Jedda's smartest boutique is owned and managed by four prominent Saudi women. ...

But Saudi officials including many bright younger technocrats who have gone from camel-back to Concorde in their own lifetimes — feel traditional rules must be maintained, both to allow time for the Saudi population to adjust to new ways and to impose law and order on the temporarily imported workforce of unaccompanied men helping build the kingdom's infrastructure. ...

The regional tensions also motivate Saudi Arabia's campaign to encourage the revival of Islam in surrounding countries — in the Gulf, and in Pakistan and around the Red Sea. ...

However, change appears inevitable, some senior princes confide that Saudi absolutism is already tempered by the need to retain the loyalties of the newly indispensable technocrats. Today more than 20,000 young Saudis attend universities in Britain and the U.S. many with their Saudi wives.

— *The Observer*, January 20.

SYRIA OPTS FOR FREE ECONOMY

From John Palmer in Damascus

Syria's slow but unmistakable evolution away from dependence on the Soviet Union and from a State-planned economy seems likely to survive both the crisis in its relations with Egypt and an official visit to Moscow today by President Assad. The signs are everywhere in Syria of a desire for closer economic ties with the West. ...

Their attitude was summed up by the Minister for Planning, Mr. Georges Horaine, this week. "We have made a change in our basic policy towards foreign capital and foreign investment in this country," he said. "In the past foreign companies could only come in as contractors, but now they can invest in some sectors without having any involvement with the State..."

— *The Guardian*, February 20

RE-EXAMINING THE FEDERAL SYSTEM (Continued from page 1)

under the existing arrangements the States enjoyed enough powers.

In March, the demand for State autonomy by the Government of West Bengal received support from a prestigious quarter. President Sanjiva Reddy delivering the Sixth Govind Vallabh Pant Memorial Lecture at New Delhi remarked that there was need for a greater devolution of authority from the Centre to the States within the constitutional framework without endangering the fundamental unity of the country, if the common man was to play an effective role in national development. The Centre and the States, he said, were not big and small brothers but *joint partners in national development* (emphasis added).

With such weighty support and the set-back which the ruling party at the Centre had received in the February elections, it is no wonder that the debate on Centre-State relations should have erupted during the meetings of the National Development Council on March 18 and 19. Chief Ministers complained that they were not even consulted before the Sixth Plan was drafted. Said the West Bengal Chief Minister: "It seems somewhat disconcerting that a document of this nature is rushed over the preceding weekend to State capitals and it is assumed that the State Governments would be in a position to give their considered views almost instantly on the most important issues raised in the document."

For those who were familiar with the history of the National Development Council and the way it has functioned in the past this was nothing new. The NDC had been used as a "sounding board" in the hey-day of one-party dominance. The political situation had changed but the institutions of government continued to function as they had always done and were now out of tune with the temper of the times.

The demand for greater autonomy for the States must be seen against the background of the massive centralization which had taken place in the federal system for more than a quarter century since the framing of the Constitution. Even in the original document governmental powers were so heavily tilted in favour of the Union Government that many people doubted if the Constitution could at all be described as federal. Significantly, the word "federal" was used nowhere in the Constitution. But the States did have an ambit of autonomy, however restricted, and in the field of planning the Union and the States were seen as "partners in development".

The establishment of the Planning Commission and the Statist policies of the Congress Government at the Centre led to federal centralization to a degree undreamt of by the Constitution-makers. Some time after World War II, Karl Loewenstein had described planning as the D.D.T. of federalism, a process which enervated the autonomy of the States. The history of Indian planning was a commentary on that remark. The working of the Planning Commission introduced several distortions in State planning as a result of the

complex system of financial assistance. As the Setalvad Report observed, State plans tended to become a conglomeration of centrally-aided schemes in the belief that this would make for an inflow of central assistance. He who pays the piper calls the tune and this was an easy thing to do when the Congress dominated both the Centre and the States. In many important areas of nation-building which fell within the jurisdiction of the States, power shifted to the Centre under the pretext of coordination. Coordination was, of course, necessary and could not be wished away but too often it had an enervating effect on state initiative. The "D.D.T. effect" is best seen in the field of higher education. The expansion of university departments, the creation of new positions, the salary-scales of teachers, the strengthening of libraries and laboratories and the funding of research schemes have all depended on funds from the Central Government through the University Grants Commission as well as the Indian Council of Social Science Research. The States have not only shown little interest in the improvement of University education but have positively become obstacles to the implementation of central plans.

In other areas, the central Government has functioned like a back-seat driver dictating to the States what they should do or not even in matters well within their jurisdiction. Its power to legislate in respect of industries, the control of which is considered to be in the public interest, has been an avenue for increasing Central control over industrial development. Palkhivala has pointed out that while the Industries (Development and Regulation) Act of 1951 was a legitimate and reasonable exercise of legislative power by Parliament, its actual use had the effect of subverting the Constitution.

The Janata Government has agreed to examine the need for greater decentralization and recommend to State Governments that they should exempt tiny village and cottage industries from the existing regulations. How does this touch the demand for greater State autonomy? There can be administrative decentralization with regard to the existing powers of the Union Government. This will not satisfy the States. On the other hand, the State Governments themselves need to relax control over many areas of development. There would be no point in shifting the locus of power from the Union Government to the States if the latter maintain their deadly grip over development areas. The Basu Memorandum is, however, silent over this aspect of the problem.

There is much to be said in favour of greater State autonomy and for reordering the relations between the Union and the States. There is scope for more liberal financial allocation to the States so that they can carry out their development programmes effectively. Jyoti Basu has pointed out that at present two-thirds of the total financial resources transferred to the States were at the discretion of the Central

authorities. He described this as a major roadblock thwarting the State's effort to quicken the pace of planned economic development. In the past, others have described the States as being no more than municipalities with a thin veneer of autonomy. The Memorandum wants all this to be changed. It has suggested that the National Development Council and the Planning Commission should be specifically mentioned in the Constitution; that the composition of the latter should be determined by the N.D.C. In the field of planning and economic coordination, it wants the Centre to conform to the general guidelines laid down by the National Development Council.

The language of the Memorandum conceals the radical nature of its recommendations, for what it is demanding is no less than a U Turn in Centre-State relations. Its radicalism goes much beyond the Report of the Rajamannar Committee (Government of Tamil Nadu 1971). It has suggested, *inter alia*: an amendment of the Preamble to include the word "federal" and the replacement of "Union" by "Federation" throughout the text; the location of residuary power with the States; deletion of article 249 empowering Parliament to legislate on an item in the State List under the plea of national interest; a reformulation of the lists in the Seventh Schedule, empowering the States to have exclusive jurisdiction in certain categories of industries; the withdrawal of the right of the Union Government to deploy the Central Reserve Police and other security personnel, leaving law and order exclusively within the domain of the States; the introduction of a provision whereby 75% of the revenues raised by the Centre from all sources are allocated to the States, thus ending their mendicancy; the according of more powers to the States for imposing taxes on its own and determining the limits of public borrowing; the removal of the right of the Union Government to tax the property and income of the States; the deletion of articles 356 and 357 which empower the President to suspend the State Government and dissolve its assembly; the abolition of the authority of the Governor to reserve State Bills for Presidential assent; the enforcement of the principle of equality among the federating units in the Rajya Sabha and the amendment of article 368 so as to ensure that no amendment of the Constitution is possible without the concurrence of two-thirds of members present and voting in each House of Parliament.

One of the most striking — and perhaps the most controversial — recommendations pertains to the abolition of All-India Services like the I.A.S. and the I.P.S. The authors of the Memorandum want only Union Services and State Services and wish to do away with the Central Government's authority over State personnel. It will be readily conceded that the All-India Services have created problems in personnel administration; it is also well-known that I.A.S. officers are overloaded with functions of a diverse nature, specially at the district level. But the case for the All-India Services is basically sound, given the great

inter-State disparities, and cannot be dismissed lightly the way the Basu Memorandum does.

On the language question it makes a plea for the use of all languages in the Eighth Schedule and the retention of English along with Hindi as long as the non-Hindi speaking regions desire. But the Memorandum goes too far in claiming that every citizen of India should have the right to use all the languages of the Eighth Schedule in his dealings with any branch of the Government upto the highest stage. A little reflection would show that if this suggestion is accepted it may well end up in administrative paralysis not only at the Union level but at the State level as well.

The core of the Basu Memorandum is intrinsically sound in so far as it indicates the need for a second look at India's federal system. But it errs by overstatement. Not many people would support the scheme for the dismantling of Central authority which would be a disaster considering the political and economic problems of a complex country like India. The over-centralization in the past led to tensions in Centre-State relations, distortions in planning and the dependence of the States on central assistance. That period of Indian federalism culminated in the Emergency which witnessed the virtual death of federalism in India. The present controversy is partly a reaction to the "excesses" (horrible word) of the past. Like all reactions the result is a swing to the other extreme and may end up in anarchy. The path of wisdom here, as elsewhere, may lie in the integration of opposing views rather than in adherence to the inflexible practices of the past.

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AN ORACLE IN THE RUINS

(Continued from page 10)

can be a capitalist, owing to the joint-stock principle. Thirdly, extensive systems of Social Insurance provide social security to the people, from the womb to the tomb, from the cradle to the grave — in spells of sickness, unemployment, and disability, and in old age. Fourthly, in most modern countries, the system of taxation is steeply and intensively progressive, bringing about transfers of wealth and income from the rich to the poor, through the agency of public finance and by provision of social services of various kinds. When Marx and Engels wrote, most of these things did not exist, and, therefore, their prescriptions for the ailments of society have now become completely out-of-date and inappropriate. Not only this, but Communism itself has become out-of-date, and does not "deliver the goods" as effectively as the New Capitalism — as we may prefer to call it — so far as the common man is concerned, i.e., so far as production of wealth and provision of social welfare are concerned. This does not mean that all is well with the world. No system, in fact, is or can be perfect, but if, instead of adding to the conflicts and inequities of the world, the communist powers desist from inflicting their way of life on the Third or Fourth World and from destroying the fabric of international peace, they would be making a real contribution to the happiness of mankind.

VIRUS INDIA (Continued from page 6)

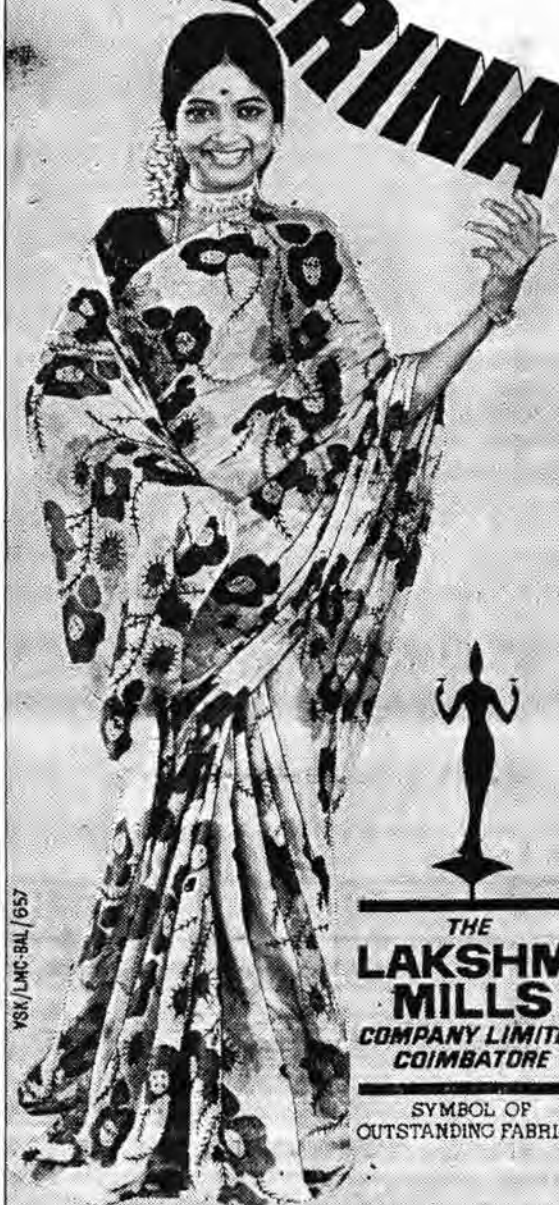
polluted by human excrement, secretions and discharges" due to the "not uncommon practice of entering the pool without prior soap and water shower, washing of sandals in the pool, spitting and use of facilities by individuals. ... is a means of acquiring disease." In the old colonial days a small sign, saying, "No dogs and Indians allowed" used to convey the same message.

Strangely enough none of the wilder animals are mentioned. There is no word about what to do about tigers falling off trees or hyenas howling in the backyard. This probably accounts for the misfortune that befell two businessmen who were taken for the routine elephant ride through the game sanctuaries of Mysore. Though the story is based on second hand information and may seem somewhat exaggerated the facts of the case are, that as the pachyderm was progressing placidly through the jungle, a bear attacked it from the rear. The Indian host who was sitting in front quickly slid off the elephant, shouting to the two businessmen to do the same. But they clung on with the tenaciousness with which the white race is said to be well endowed, even as the enraged elephant charged and trumpeted through the jungle trying to shake off the bear. It was only several bruises and broken bones later that the two businessmen fell off and came back limping.

One hopes that the Health and Medical Information report will make a note of this incident, and add the warning, "When riding an elephant PLEASE jump off if attacked by a bear."

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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."

—Pennyson

Everybody knows that China has nothing like free elections and everybody is right.

— *The Economist*, February 25.

An economy is not a slot machine which spews out the desired article if the right coin is put in.

— West German Economics Minister,
Count Otto Lambsdorff in
The Economist, February 25.

A Finnish coalition is usually a marriage of inconvenience.

— *The Economist*, February 25.

Mrs Gandhi is back in business as leader of India's opposition, but she is not yet on the march back to power.

The Economist, March 4.

I am the opposition, says Mrs. Gandhi. There is no gainsaying it.

— *The Economist*, March 4.

Violence gets attention.

— *The Economist*, March 4.

Non-alignment can be irritating, sometimes mischievous, often self-serving.

— *The Economist*, March 18

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The only noble thing that has happened in the Middle East for a very long time is Mr Sadat's journey to Jerusalem.

— *The Economist*, March 18.

Poor Nasser — he died without ever experiencing *joie de vivre*, his whole life consumed by hatred and tantrums. Anxiety gnawed continually at his heart, as he regarded everybody with suspicion.

— Extracted from 'In Search of Identity' by Anwar el-Sadat quoted in the *Observer*, March 19.

As in cocktail it's the mix that counts.

— Mrs. Margaret Thatcher quoted in the *Guardian*, March 20.

The majority of the French people said "no" to misery and "no" to absurdity.

— L'Aurore in the *International Herald Tribune*, March 21.

Good old France, at heart it really is a conservative, prudent country. People talk a lot about change but they do not really want much.

— Jean-Christian Taittinger, a centrist politician and former minister quoted in *International Herald Tribune*, March 21.

Sindh is my body. The Punjab is my soul. Baluchistan is my pride and NWFP is my courage.

— Mr. Bhutto quoted in the *Indian Express*, March 30.

Janata is a Government without a party.

— Senior leaders in the *Statesman*, March 27.

We have to live with multinationals.

— Industries Minister, George Fernandes quoted in the *Indian Express*, March 30.

I always dreaded socialism because it meant the take-over by the government of all big industries.

— Dr. Ram Manohar Lohia quoted in *The Times of India*, March 25.

The French economy is not in a situation to withstand accumulated electoral promises.

— President Giscard D'Estaing quoted in the *Guardian*, March 9.

Democracy is only top-dressing in Indian soil, which is essentially undemocratic.

— Dr. Ambedkar quoted in *The Sunday Standard*, March 19.