

The Press and The Emergency

S. Natarajan

WHEN, at a symposium under the auspices of the Democratic Research Service, I said that, if there was an emergency, it was not an emergency in relations between the Government and the Press, I was corrected by the Chairman who caustically observed that freedom of expression was the right of the individual no less than of newspapers, and the Press could not hope for any greater freedom. An emergency, he clinched the argument, was an emergency for everybody — particularly a national emergency.

The theory of this attitude is unexceptionable. But it is obvious that the attitude of a Government towards the press in an emergency will be, or ought at any rate to be, influenced by the relations existing between the Government and the Press. To be specific, if the present Government of India adopted towards the press the attitude which the Government of India of 1939-1945 had adopted, it would be definitely harmful and itself lead to a special emergency in government-press relations. Moreover, while it is true that the freedom of expression guaranteed constitutionally is equally the right of individuals and of newspapers, there is a significant difference in the exercise of the right by the two: The individual is under no obligation to express his opinion on any public question no matter how important it might be; a newspaper, if it wishes to be taken at all seriously, must take a stand on national questions. I would go further and stress the fact that the Press owes a duty to the public; it owes none to any political party, not even to the party in power.

This duty, which is also its major function, the Press in India had discharged faithfully before Independence. But it has seen it less clearly after political freedom, because it has tended too readily to accept the Government's point of view on what constitutes "national interests." The Press Consultative Committee, I am reliably informed, has drawn up "a code of conduct" for the "national emergency" which, among other things, advises the Press to suppress information which the Government considers against "national interests" or "confidential", to keep out in-

formation and comment (either Indian or foreign) which is "prejudicial" to "national interests", and to discourage any impression in the public that the Press knows more than it publishes. If there is any truth in this, then the Press Consultative Committee has betrayed the Press as a whole and ought to have been repudiated by Indian editors. Failure to do so can only end in the Press being completely discredited in the eyes of the public, and it would be more in keeping with the facts of the situation if all newspapers which accept the Press Consultative Committee's "code" inscribed the name of the Union Home Minister as editor.

It is difficult to accept the official thesis that in an emergency the Press has no other role than that of a diffused wing of the Information Department. No self-respecting editor would agree to this, however impressed he may be by the nature of the emergency and the competence of the Government to deal with it. It is irrelevant that the Government of India has not made extensive use of the wide Defence of India Rules. What is very material is the powers it has taken to itself under the Act and the deterrent use to which these powers have been applied. It is of no significance that the majority of editors are blissfully unaware of the provisions of the Act and that, even if a condensation of the 135-page document were placed before them, very few editors would bother to familiarise themselves with it. What is of importance is that a machinery has been set up to operate the system and that, while the unofficial members of Press Consultative and Press Advisory Committees have only a casual knowledge of the Rules, the administrative side understands all their implications. As a consequence, we have the watchdogs of the Press functioning, in the elegant phraseology of the Communists, as the running dogs of the Government.

The machinery is not an innovation. The system of 'press advising' or 'consultative scrutiny' was devised in 1940 during the Second World War by the joint ingenuity of British bureaucracy and Indian newspaperdom to meet a particular situation. After over 20 years, it might be well to remind the public that the problem then was twofold: For the Government to ensure its own stability in a hostile climate and to reduce the area of provocation; for the Press to secure freedom of operation and to accept minimum restrictions. The British Government — particularly, the British Government in India — was not

quite sure that Indian national opinion was with it on the direct issue of the war itself; Indians — and many newspapers at that — feared that the war was being used to suppress the national movement. The "system" was brought in to deal with these problems. As a consequence, both the Government and the Press as a whole managed to reach a satisfactory working arrangement, the main effect of which was to restrain executive excess. The important fact to bear in mind is that the system was evolved to get rid of restrictions on the Press. It was continued to serve a different purpose when the Congress Governments in the States thought that it could be used to develop a common approach to national problems arising from partition and civic disorders and Editors were less vigilant over Indian Government's policies and attitudes. It is being revived now in order to restrict the freedom of the Press, not to enlarge it. It should certainly not be a matter for the Indian Press to view with complacency.

But, it will be urged, surely there is a national emergency and the Press has a part to play in it. No one denies this. Only my contention is that in a country which professes to be democratic, the part that the Press has to play even in an emergency is not the part of a government. To reduce newspapers to so many productions of the Publications Division of the Government is not to meet the emergency but to go down under it completely. To create a one-way traffic from the Government to the public is not a wise policy at the best of times. In trouble, it is about the worst that could be devised. The ordinary law is more than adequate to deal with any really serious menace to the country's security.

The very desire to seek new powers is sufficient cause for suspicion. In the first place, it is a proclamation that the Government is weak and inefficient. In the second, it creates a widespread impression that

the emergency is being utilized to eliminate points of inconvenience. If the new powers are not applied, it is an unnecessary show of strength rather likely to provoke ill-feeling. A great deal is being said about encouraging the growth of a "responsible press". This is not, however, the business of any government. As a matter of fact, the history of "irresponsible journalism" in India — let it be said, that this has no reference to pornography — shows that it has come up because of the "irresponsiveness" of the great newspapers whose anxiety not to sully their clothes has often impelled them to suppress both news and views. It might be said that really irresponsible writing comes when drastic Press laws are enacted without justification. As a matter of fact, the system of "consultative scrutiny", once the conditions that brought it into existence vanished, fostered irresponsible writing and at one stage threatened to promote irresponsible legislation as well. It certainly paved the way to the dilution of editorial responsibility and on that account of editorial independence.

I believe that the emergency, which is not yet a government-press emergency, can best be met on the information front by relaxing, not tightening, the press laws. I have mentioned before, and it can bear repeating, that the amendment to the Constitution which related to guarding "friendly relations with foreign States" in Article 19, should be totally dropped. No democratic government would expect the press in another democracy to be controlled by its government; only authoritarian governments will. Why should the Government of India be saddled with a onerous task which it cannot discharge without giving up its democratic character? The present emergency which seems to be a crisis of governmental inability to know its own mind — or at any rate, to make its mind known — seems specially fitted to releasing the Press from this restraint.

The Denning Report And India

A. G. Mulgaonkar

WHEN Mr. Harold Macmillan called upon Lord Denning to undertake the inquiry after the sensational revelations in what is known as the Profumo affair, the British Prime Minister told Lord Denning that should he find that his powers were inadequate, he was to ask for further powers. And this is what we find in Lord Denning's report by way of answer: "You were good enough to say that, if I needed further powers, I was to ask for them. I have not felt the need. Every witness whom I asked to come, has come, without being subpoenaed. Every witness has answered the questions I put to him, without being

threatened with contempt. I have been told as much truth without an oath."

These few words set out eloquently what sets apart British public life from that in other countries of the world. Even in the Lynskey Tribunal inquiry in the conduct of Mr. Belcher, Parliamentary Secretary to the Board of Trade, it was noted that Mr. Belcher gave his evidence "for the most part, with almost painful candour." Whatever else handicapped the tribunal in its work, lack of candour on the part of the witnesses (or persons summoned) was certainly not one. The words of Lord Denning will recall to many the words of the Attorney-General and Chief Justice

Chagla at the Mundhra — L.I.C. deal inquiry. Both the Attorney-General and the Chief Justice complained ruefully that truth had been kept back; in other words, the witnesses (some of them occupying positions of eminence) had not been candid with the tribunal.

This aspect of the matter requires to be remembered constantly when considering the usefulness of any inquiry of a similar nature. No matter how eminent the person or persons presiding at the inquiry, no matter how ample his or their powers, the purpose of the inquiry can never succeed unless there is cooperation from all concerned.

The Denning Report has not been altogether free from criticism, though generally speaking it is regarded as having successfully probed into the sensation-mongering that had bedevilled the British public life during the last several months. The Labour Opposition had asked for a Select Committee of one or both Houses of Parliament and is likely to take up the same position that any other kind of inquiry is not satisfactory when the Denning Report is debated in Parliament. In England, they have many different forms of inquiry such as Royal Commissions, Parliamentary Committees of Inquiry, Judicial Commissions (all having historical background behind them) and since 1921, the Tribunals of Inquiry Act.

In India, in recent years, there have been a large number of rumours concerning probity in public life and administration. Indeed, latterly these have assumed such proportions that to ignore them would be to risk the national security. Within the ruling party itself, the voice of comment has made itself heard in no uncertain terms and the term pauper-millionaire has become current coin. The thoughts of many in this country have therefore turned to the consideration of the problem, how best to set at rest these rumours. Since 1952, we have had in the Statute Book of India, the Commission of Inquiry Act, based on the English Tribunal of Inquiry Act, 1921. But so serious has been the Indian Government in this matter that the Rules thereunder were not gazetted till 1960! The English Act has been resorted to on fourteen occasions for the purpose of holding inquiries including the one to investigate rumours about grant of licences. This was the inquiry into the conduct of Mr. Belcher, a Junior Minister in the first post-War Labour Government. The Tribunal under the 1921 Act, acts purely as a fact-finding body and has no power to grant civil redress or to inflict punishment. The report is placed before the two Houses since on a resolution of the two Houses the Tribunal has been set up. The Indian Act empowers the Government, either on its own motion or on a resolution of the legislature to set up a Commission of Inquiry. Under the Indian Act the powers of the Commission are very much restricted and as a result its findings must lack authority. In the meanwhile, the problem of ministerial and admini-

strative probity is getting more acute and indeed, tends to get more complicated when Mr. Nehru, in the teeth of mounting opposition, in cases of his party colleagues, certifies that he is satisfied (whatever that may mean) that the complaints are groundless. Mr. Nehru is, of course, entitled in his capacity as Prime Minister to look into or ascertain any position for his own information but the feeling of dissatisfaction with his conclusions is so rampant now that many are not prepared to accept his conclusions as final. In any case, it will be conceded that the leader of a political party can never be the best judge of his own colleague's or lieutenant's misdemeanour. The question therefore arises what would be the best method of dealing with matters of this kind. Some have suggested the creation of a post like that of the Ombudsman of Sweden, appointed by Parliament and responsible only to Parliament, whose function would be mainly to inquire into complaints of the nature referred to above, i.e. ministerial lapses. Others have recommended the institution of the office of Procurator-General of the Russian type. On a full consideration, both must be rejected as unsuitable to Indian conditions. The first, because India is such a vast country (and Sweden so small) that the Indian Ombudsman will be overwhelmed with complaints so that he will be unable to function excepting by delegating his powers in a large number of cases to subordinates and this will be most unsatisfactory. The second, the Procurator-General (of the Russian type) is also unsuited to the conditions of a democratic country like India, because in Russia these officers are mainly drawn from the military cadre, probably to give them the requisite authority. We have therefore to look about for some method more suited to Indian conditions and which will fit in more readily with our democratic set-up.

First of all, let us recognise frankly that at the rate at which the administrative malaise is growing (and in this I include corruption at the highest levels) we are clearly heading for a national crisis and the fault obviously lies with those who could have but did not take stern steps right at the start to put down ruthlessly the evil of corruption. Let us further recognise that when a ruling party (without the corrective of a vigorous opposition) goes down, it also drags down the country with it. Let the Congress leadership no longer shut its eyes to the evil which is eating into the country's vitals. That time is long past.

Perhaps the best way to deal with the problem in the special conditions of India would be to arm the President and each Governor of State with statutory powers to receive complaints and when these are duly authenticated by affidavits (thereby making the complainants legally liable in the event of false statements), they shall be referred to a judge (of the Supreme Court in the case of the President and of the High Court in the case of the Governor) for the purpose of ascertaining whether there is a *prima-facie*

case. His inquiry shall be private but his finding will be public. Only when he has found that a *prima-facie* case existed that a public judicial inquiry be held. A judge of the Supreme Court speaking at a recent function stated that whenever Government called upon a judge to hold an inquiry, his findings and recommendations should be normally accepted and given effect to by the Government. Nobody will quarrel with this, but judges stultify themselves when they ask their report to be kept confidential as in the Malaviya Case. The same rules should apply to their reports as to their judgements given in the course of their normal judicial duties. Justice must be open in whatever sphere it operates. A judgement is no less open to criticism than a judge's report, so long as *mala fides* are not imputed to him.

A part of the Denning Report which is of interest in India is the one where he points out the advantages as also the disadvantages of the two kind of inquiries, one under the Tribunal of Inquiries Act, 1921 and the other in which he sat alone in private. The first one he considers costly and cumbersome. He also points out that the report of a Select Committee of both houses, often divergent, may be influenced by political considerations, thereby lacking in authority. The

advantages of the second type (in which he sat alone) were that being in private and strict confidence the witnesses were more frank, that he was able to check the evidence of one witness against that of another more freely and, the most important, aspersions cast by witnesses do not achieve the publicity which is inevitable in a Court of Law or tribunal of inquiry. Lord Denning also points out in another part of his report that various rumours were reported to him to the effect that a minister or person prominent in public life had been guilty of immorality or discreditable conduct of some kind or other but he only inquired into those pieces of such conduct which seemed to be "security risks." It is bad enough to require anyone to meet a charge based on rumour. But if information or material which points to a security risk comes forth, then "I have to consider it to see whether it is of sufficient significance to call for an answer. If it is, I must call upon the person affected to hear what he has to say. Then having heard him, I must consider whether, in the result, it can properly be said there is evidence for believing that national security has been or may be endangered. In short, is there evidence which sitting as a judge, I would think fit to leave to a jury?"

"Sacred" Steel?

M. R. Pai

AN observer of the Indian public affairs remarked that in our country "you can eat the sacred cow, you can beat and ill-treat it, or do whatever else you want to do, but just do not ABUSE it." Not an eyebrow will be raised whatever you do to the sacred cow; but everyone will come down on you the moment you ABUSE the cow. If there is a shift in values it is not with regard to the animal alone. In fact, the cow no longer appears to be the sacred animal. In modern India, steel has become more sacred than anything else.

I am no admirer of "sacred" steel.

The basis of industrialism is, indeed, steel. As such, the production of steel is held to be the indicator of the strength of an industrial nation. In fact, steel is revered so much that in underdeveloped countries it has become an end in itself and an obsession with planners, politicians and, alas, also the public. But, the historical pattern of industrial evolution shows that only when agriculture is put on a sound basis, and the land is harnessed to the utmost that the additional income in the farmer's hand — the discretionary spending power — creates a demand for consumer goods. This gives an impetus to the consumer goods industries and thus a viable industrial sector evolves. This in turn creates demand for producer

goods like machines and processed industrial raw material. Thus, the need for producing steel arises. As a consequence, steel production becomes economically desirable and costwise feasible. Moreover, surplus income from other sectors also provides the massive investment necessary for steel plants. The result is growth without pain and distortions, and an economy based on sound foundations.

Soviet Russia, with her centralised comprehensive planning, and priority to heavy industries (with a view not only to industrialise the country rapidly, but also to build up a War Machine without which the "internal" and external aggression of the Communist Party cannot exist) concentrated on steel. Russia by collectivising agriculture hoped to extract surplus from farming — by denying the farmers their due reward — for investment in steel and heavy industries. The consumer goods industries were neglected. The sanctions of a Police State, needless to add, helped the process.

The result is apparent today in Russia although her blind admirers abroad cannot see them. Farming has been a massive failure in Soviet Russia, being variously described as the "Achille's heel" or the "dead rat" in the Soviet economy. W.W. Rostow, eminent authority on Communist economies, has observed that

before World War I, Russian grain exports were 10 million tons, but "the Soviet leadership has chosen to eat its way through its natural grain exports since 1929, and it has converted the Soviet Union into a country which may import more farm produce than it exports." How prophetic! Recently, Russia has started importing foodgrains from Canada (6,600,000 tons of wheat), Australia (1,800,000 tons of wheat) and now the United States of America (four million tons of wheat) — all capitalist countries. The grandfathers of American grandchildren whom Mr. Khrushchev threatened would be living in a communist world have to send foodgrains to Mr. Khrushchev's communist Russia today to keep communism going!

Mr. Khrushchev, recently addressing a meeting of agricultural workers of North Caucasus, said: "The Central Committee of the Party is presently planning to carry out such measures which will make it possible to lay a stable foundation for our country to obtain big guaranteed harvests, especially of grains." In the bargain, that much despised symbol of an "acquisitive society", incentive, has sneaked into the Soviet system. Added Mr. Khrushchev: "The more important thing is to make people interested in the realisation of this task, to create material incentive for them and to think over and to introduce a more rational organisation and remuneration of labour."

Besides the neglect of agriculture, the price paid for developing steel and heavy industry by the Soviet economy in terms of consumer goods scarcity is also very high. Reports of consumer goods shortages are many. For instance, in December 1961, there were reports of razor blade shortages throughout Russia, each family having a Father Christmas of its own, according to a bitter comment by *Izvestia*. In several cities, black-marketeers, selling blades at Rs. 7.50 per blade, were the only source of supply. One letter writer lamented that there were not "enough" black-marketeers!

A recent report by the Secretary of the All-India Manufacturers' Organisation, on return from a visit to the Indian Fair at Moscow, listed the following items as being in demand from India:

glass ampules, utensils, fresh fruits, tinned and bottled fruits and vegetables, canned prawns, cigarettes, paper products, hosiery (woolen), zip-fasteners, PVC leather products, readymade garments, water and sanitary fittings, refrigerators, linoleums, raw hides, vegetable oil, coffee, plastic goods, rubber tubes, pipes, etc.

This list is educative. Consumer goods dominate it.

The inverted pattern of development of "steel" first and at any cost and its repercussions on the economy are more gravely illustrated in the case of China where the backyard furnaces proved to be a flop and the economy — both agricultural and industrial sec-

tors — is in shambles. Should India, then pursue this blind path?

The ideological justification of "steel first" is thus discredited. What about the economic context? On no account can the gross wastage of scarce resources of a poor country be justified on purely economic basis. The three steel plants of Hindustan Steel had, till March 31, 1963, cost the country Rs. 698 crores and incurred a loss of Rs. 61.5 crores. The original estimates were Rs. 353 crores. Can this huge loss be justified in terms of scarce resources and idle manpower in the country? Prof. P. C. Mahalanobis, at whose instance the Second and Third Plans were drawn up on the Soviet model, has himself pointed out the output and employment potential of investment in heavy industries, consumer goods and agriculture. Every crore of rupees produces the following results:

	Output Rs.	Jobs
Agriculture	57 lakhs	4,000
Consumer goods industry	33 „	1,150
Heavy industry	19 „	500

With a backlog of unemployment placed at 9 million at the end of Second Plan (1961), and more than 3 million expected to join their ranks by 1966 — spillover of Third Plan labour force — should scarce resources be tied up in steel plants employing a few thousands, while the same investment in agriculture and consumer goods industries can create more employment and national income?

Then there is the consideration of the technological level of the country. Yugoslav experience, in this regard, is illuminating:

"What is the use of many highly trained experts if their will is broken, if they have no feeling for what is economically possible, if they have no sense of responsibility, and if the conditions under which they work do not promote judgement and responsibility." (Prof. Mirkovic, Professor of Economics at the University of Zagreb, and a member of Yugoslav Communist Party).

Finally, on grounds of social justice and human welfare, should steel have priority over drinking water and other basic amenities? The mute millions of this country suffer in silence because they are not organised like industrial labour, or industrialists, or professional politicians or bureaucrats (the last two categories being the real beneficiaries of more steel plants and heavy industries reserved for the Public Sector). The masses go without basic amenities. For instance, a Madhya Pradesh Minister pointed out that out of 70,000 villages in the state, only 10,000 had been provided with drinking water. In some places, people had to walk up to 14 miles to fetch drinking water.

If we need steel, let us import it. By building up

our agriculture and consumer goods industries, the value of the Indian rupee can be strengthened instead of being allowed to depreciate at present, thanks to the huge wastage on an economic adventure based on inverted priorities.

The debacle of NEFA woke up the country from the dreamworld of "bhai-bhaism" and "panch sheel".

Is an Economic NEFA required to wake up from the dreamworld of "sacred steel"? Would we not be better off if the already set up steel plants and other industries are consolidated, more attention is given to agriculture and consumer goods industries, and basic amenities are provided to the people, particularly in rural areas?

The Seventeenth Amendment

V. B. Karnik

IN his article published in the last issue, Mr. A. G. Mulgaonkar has based his opposition to the proposed Seventeenth Amendment to the Constitution mainly on the ground that it will enable the Government to impose collective farming on the peasants. I am at one with him in this opposition to collective farming and regard steps taken in that behalf in Russia, China and other communist countries as measures of great oppression against peasants which, incidentally, did not also yield the desired result of increasing agricultural productivity. Collectivisation deserves to be condemned both as highhanded and criminal interference with the life of peasants as well as a wasteful and unsatisfactory method of carrying on agricultural operations.

But the question to be considered is: Is the introduction of collectivisation the overt or covert object of the Seventeenth Amendment? The Amendment is proposed in order to remove doubts about the legal validity of hundred and twenty-four Acts passed by State legislatures during the last fifteen or sixteen years. A look at the Acts proposed to be validated will give a clear idea of the intention of the Government. All the Acts are measures of agrarian reform. They either abolish feudal land-tenures to which, it appears, Mr. Mulgaonkar has no objection or take steps for protecting and improving the rights of tenants. Some of them impose ceilings on land and provide for the distribution of surplus land amongst tenants, agricultural labourers and other poor people. Generally they are in favour of tillers of the soil and against absentee landlords and their exactions.

As an example, I may refer to some of the Bombay and Maharashtra Acts. The most recent of the Maharashtra Act sought to be protected is the Maharashtra Agricultural Lands (Ceilings on Holdings) Act 1961. One may disagree with the idea of putting a ceiling on land when there is no ceiling on other sources of income. But the Act is not in any case an attempt to introduce collectivisation. According to the preamble the object of the Act is "to impose a maximum limit (or ceiling) on the holding of agricultural land", to acquire "land held in excess of ceiling" and to distribute surplus land amongst "landless and other per-

sons." One may question the utility or otherwise of the enactment, but the obvious purpose is to extend the ownership of land rather than to abolish it.

The other Bombay Acts mentioned in the schedule are most of them tenancy laws or laws for the abolition of various feudal tenures. No sensible person would take objection to any of those laws. All of them are in conformity with modern conditions and the demands of social justice. They are all in favour of actual cultivators and peasants and were therefore heartily welcomed by them.

The hundred and twenty-four laws which are sought to be protected by the Seventeenth Amendment were all passed by elected State legislatures with no or very little opposition. Peasants are very well represented in State legislatures. They constitute the main social base of the Congress in the countryside and that is why it is not able to do anything which has a direct adverse effect on them. The unwillingness of Congress Ministries to impose agricultural income-tax and similar levies on peasants will illustrate the point. That is also the reason why the Nagpur resolution of the Congress, mentioned by Mr. Mulgaonkar, has remained unimplemented. The laws were adopted by the legislatures since 1948. Since then, there were three general elections and in each election the legislative measures of the Congress in the field of agrarian reform were clearly before the voters. There is no force, therefore, in Mr. Mulgaonkar's question if "the issue underlying the 17th Amendment" was placed before the electorate. The issue was before the electorate in the form of laws and no opposition party campaigned for or suggested the repeal of those laws.

The Amendment has become necessary because the restricted meaning given to the term "estate" may render those laws, adopted by elected legislatures with a very wide measure of popular support and enforced and implemented for many years, void in the eyes of the Supreme Court. The definition of the term must be therefore widened and that is exactly what the Amendment is seeking to do. There is no attempt here to deprive the peasants of their lands and to force them into collective farms. On the other

hand, the endeavour is to remove all doubts regarding the legality of the rights and privileges secured to them and to enable them to enjoy them without any interference from landlords and others. As such, the Amendment should enjoy the support of all those who stand for social progress and social justice.

Mr. Mulgaonkar has raised the issue of the "sanctity of private property". It is too late in the day to raise it in the manner that he has done. Private property is no doubt a useful and desirable institution. But it cannot be regarded as sacrosanct. The society has the right, it is now accepted, to encroach upon or abolish, if necessary, private property in the interest of public good. The right is accepted even in the classic land of private property, the United States of America. The only question that remains is of fair compensation. It can be readily agreed that a fair compensation should be paid. It should be fair in terms of social realities and an elected legislature representing the will of the people may be in a better position to assess the changing social realities of the day than a judge accustomed to interpret and apply the law as it exists. One can understand the demand for a fair compensation, but not the rigid insistence on making it a justiciable issue. The demand is more legitimate in the case of self-acquired or recently acquired prop-

erty; it may not, however, have the same force in the case of landed property which has passed on from father to son for generations without any improvement. The claim is still lower in the case of a property like a zamindari where even the legal title to land is in doubt. Mr. Mulgaonkar has expressed concern about the condition of those zamindars and landlords who were affected by the First and Fourth Amendments. Distress always evokes sympathy, but it is necessary to remember that they were not "enjoying the fruit of their labour" as stated by Mr. Mulgaonkar; they were enjoying the fruits of other people's labour.

Mr. Mulgaonkar has quoted with approval Locke's dictum that "the people in the exercise of their sovereignty have the right to govern themselves in the way they judge to be for the common good." It is in the exercise of that sovereign right that the people have enacted a number of laws of agrarian reform. There is a danger that a legal technicality may strike them down. The Seventeenth Amendment seeks to remove that danger. Can it not be said then that the Amendment, if carried, will enable "the people to govern themselves in the way they judge to be for the common good" in accordance with the principles elaborated by Locke?

The Civic Strike: Another View

Madhu Limaye

I HAVE read Mr. V. B. Karnik's article on the civic strike published in the September number of *Freedom First* which had been forwarded to me for perusal and comments.

I was surprised and not a little pained that a seasoned trade unionist and a friend like Mr. Karnik should allow himself to make uncharitable and, in many places, factually wrong statements on the biggest ever working class action in Bombay.

First of all let me say that the whole movement including the climacteric 20th August token strike was conceived by my colleagues and me as one powerful mass protest against the index fraud, the CDS and for increased D.A. for all workers.

It would be wrong to separate the civic workers' struggle for a rise in D.A. from the great token general strike. The six-point charter of demands which formed the basis of the mass protest of 20th August also included the specific civic workers' demand for a 25 per cent increase in D.A. The civic workers were thus only the advance-guard of the big labour battalions which gradually threw themselves in the spectacular struggle of the toiling people for a better life.

The civic workers' struggle as well as the big strike of 20th August were trade union actions and

not political struggles. The workers had not set themselves the task of overthrowing the state. Had the state power remained neutral and tried to use its good offices in favour of a reasonable settlement, as it should have done consistent with its proclaimed socialist ideals, then the struggle would not have assumed a political character. However the State government surrendered its judgement completely to the local reactionaries, and became an instrument of the anti-labour policies of the Congress Corporation Party and the INTUC.

The Chief Minister started talking about taking a broom-stick in his hand to crush the strike long before the workers had even threatened a civic stoppage. They declared the Municipal services essential services first under the I.D. Act and then under the D.I.R. They showed their partisanship by refusing to refer the dispute to adjudication as they could on their own initiative do in the case of essential services. They imposed a ban on processions and meetings, and prevented the Union workers from approaching the employees. Over 1,700 workers were arrested and many employees were offered the choice of "going back to work or to jail". All this proved that even in a democratic state pledged to the achievement of a

socialist order the government many times plays the role which Marx said it always does in his famous Communist Manifesto written more than a century ago.

In spite of this repression the strike could not be broken. It is my guess that Mr. Karnik has not made any investigation on his own, and so it is a matter of deep regret that he should swallow the fabricated reports of the Municipal Commissioner wholesale. Throughout the strike the total attendance never exceeded 15 per cent. I had challenged the Commissioner to let a mixed team of journalists, civic officers and union representatives to investigate the truth during the strike but my challenge was never accepted. Even now I challenge the civic authorities to let an independent team check the attendance registers for the entire strike period.

The Municipal workers deserve the highest tribute for their total and entirely peaceful strike. In the face of the D.I.R., the large-scale arrests and suppression of processions and meetings it must be said that they put a really magnificent fight. It is a pity that instead of praising them for their bravery Mr. Karnik should seek to lend credence to the false statements of the civic authorities and the government.

Mr. Karnik's article is full of contradictions. He concedes the right of the Union "to choose for its direct action the time that would make it most effective", but then he warns that if it causes inconvenience to the public (which strike in public utilities does not?) then it must forfeit "public support and sympathy". And yet earlier he observes that this particular civic strike enjoyed the general support of all workers! Do not the workers and middle class employees constitute the bulk of this public?

Mr. Karnik says that before the strike other authorities such as the Standing Committee and the Mayor were not approached by the Union and that the leaders tried to force a "political settlement". Nothing can be farther from the truth. The Mayor, the Standing Committee Chairman and the leader of Congress Municipal Party were repeatedly approached, but they all said that the Union should deal not with them but with the Commissioner!

That the Municipal administration refused to negotiate is a fact which only the purblind or the partisan can deny. The so-called clarification that the Municipality had not set any pre-conditions for negotiations but had merely put forward a few proposals for consideration was also made *after* the strike began. At the time of the last year's settlement of the civic dispute Mr. Bandoorkwala, the present Mayor, had told me that in the event of any trouble in future I could depend on his active assistance. But this time when he was sounded about the D.A. demand he said that his position as Mayor did not permit him to intervene in the dispute! That did not,

of course, prevent him from speaking against the strike later!

At no stage had the Union maintained that its demand was not negotiable. It was always prepared for a reasonable settlement of the dispute. Nor was it averse to the reference of the dispute to private arbitration in case negotiations failed. What it resented was the refusal of the Municipal authorities to negotiate and of the State Government to intervene on the ridiculous ground that no negotiations had taken place, as if it was the Union which was at fault. It will thus be seen that the Municipal authorities, having been buttressed by governmental support in their intransigence, were determined to have a showdown with the workers. The workers had, therefore, no alternative but to fight. When the state threw the whole weight of its apparatus of coercion against the workers, the fight became an unequal fight and had to be terminated after the massive protest of 20th August. In the process the State government was thoroughly exposed and isolated. It did lasting damage to the image of the Government as a progressive, friendly force which Mr. Y. B. Chavan had tried to project during the 6 years of his stewardship as Chief Minister. The "victory" which the Municipality and the Government claim they have secured is, therefore, a hollow victory. Their methods did not meet with approval either from the Centre or the MPCC, and soon the authorities had to retrace their steps. The strong-arm methods of the State administration have solved no problem. They could not crush the workers' organisations nor evade the issues which the workers' action had highlighted, namely the question of rising prices, the CDS, the index fraud and increase in D.A. All that they have achieved is increased bitterness among the employees and their own exposure as a reactionary, anti-people Government!

The whole course of the development of trade unionism in the Municipality and the BEST Undertaking proves that it was the presence of small men in big posts that has caused repeated stoppages in these services. In the Samiti days it was Messrs. S. A. Dange and S. M. Joshi whom the Corporators denounced for their "interference", and since last year these petty men are blaming Mr. Y. B. Chavan and the Central government for their pro-union intervention. However there is nothing wrong in these interventions. Even in free enterprise America Presidents have been doing this, these last many years. However the local Municipal Congress Party wanted state power to be used for crushing the trade unions. Thanks to the gullibility and weakness of the Chief Minister and Home Minister and the machinations of the arrogant Municipal Commissioner, the councillors and the INTUC bosses headed by Mr. Shantilal Shah, they had come within an ace of success. However it was the completeness of 20th

August strike, towards the success of which the civic struggle and the supporting actions of the BEST, and Dock workers and taximen had made splendid contributions, induced the Central Ministers to pull up the State government, and tell them that it was not their job to further the partisan interests of a reactionary clique!

With obvious exaggeration Mr. Karnik calls the Municipal strike a colossal failure! In what way was it a colossal failure? Even its short-term failure is more apparent than real. The State Government stands condemned in the eyes of the people and has been taken to task by its effective leader, Mr. Y. B. Chavan. The new BPCC set-up also does not look with favour at victimisation. The Municipal administration has been asked to abandon its vindictive attitude and even the question of demand which they tried to shelve cannot be evaded for long.

According to Mr. Karnik wisdom consists in avoiding confrontation with the Government at any cost, even if it is forced on them by official stupidity and vindictiveness. People like me would differ. As long as your case rests on justice and you enjoy wide support, the ultimate losers in such an encounter would not be the workers but the civic administration and the Government! If the working class organizations are going to fight only if the Government is

friendly, then there is not much hope for the trade union movement in this country. All this runs counter not only to our national experience but also to the international experience of the working class.

What surprises me greatly is that Mr. Karnik who was a party to the decision to create the Bambai Mazdoor Sangharsha Samiti and its platform and action programme should attribute base political motives to the leaders of the strike. When men like him openly admit that their object in supporting the formation of the Samiti was to isolate the Communists it does not behove him to accuse others of being politically motivated! As far as we are concerned, to us the question of increased D.A., the Index fraud and the CDS are trade union questions and so we were prepared to work with one and all to achieve these limited objectives. We are grateful to all those who co-operated with us in this mighty struggle!

Mr. Karnik who wanted the 20th August strike to succeed should not forget that it was the Municipal strike and the supporting actions of the BEST, Taxi and Dock workers that ensured its success.

Whatever the immediate difficulties and sufferings of the Municipal and BEST workers, I have no doubt that the results of their heroic struggle are in the end bound to be beneficial all round.

Formosa Today

From a Correspondent

TO OUTSIDERS, the Nationalist Chinese goal of reconquering mainland China from the Communists appears quixotic, if not farcical. However, even a brief visit to Taiwan (Formosa) convinces one that the Nationalist goal is not so unreal as it appears from outside. It is not without reason that even the Chinese Communist Government which, until 1958, was annually promising the liberation of Taiwan as the revolutionary task of the year, has now adopted a defensive posture and is openly showing its concern about the prospect of "restoration" of the Nationalist regime on the mainland. Several impartial observers and analysts of Red Chinese affairs have recently cited reports about the removal of equipments of major factories in Kiangsi and Kwantung provinces on the Southern coast, opposite Formosa and warnings issued in official journals against the activities of Chiang Kai-Shek reactionaries, who "still think of a come-back and of a restoration on the mainland" (*Chinese Youth Daily*, Peking, May 4, 1963). These instances show that even the Chinese Communists now consider the Nationalist regime as a serious threat to their own security.

But how far is it possible for the Nationalists to

conquer the mainland? The Nationalist troops number only six lakhs while the Communist Chinese have a standing army of about 2.6 million. The military and population figures of the Reds and the Nationalists certainly do not justify the Nationalist confidence. But on the other hand, the Nationalists claim that they do not want American or any other foreign troops to assist them in their mission. What they need, they assert, is only logistic support (i.e. the supply of arms and ammunition) from the United States. What is the basis for the Nationalist claim that they do not need foreign troops to accomplish their mission?

The Nationalists feel they can return to their homeland with the help of the Chinese people. Though the Communists still continue to hold the population in their firm grip, the popular discontent, hidden and open on the mainland, has been admitted by the Chinese Communists themselves to be widespread. Chinese Communist reports have indicated that there have been hundreds of uprisings, many of them armed, on the mainland during the last two or three years. Added to this is the fact that the discontent has spread deep into the Chinese armed forces. The extent of this discontent became evident in July last

when the U.S. State Department published reports from Chinese Communist sources giving instances of the widespread dissatisfaction and the spirit of rebellion prevalent in the Red Army. Any one who peruses Red Chinese newspapers, (and the Nationalists scrupulously gather their intelligence from, among others, Red Chinese newspapers) is struck by the Communist regime's concern about the widespread dissatisfaction among the masses and especially among the youth—a bulwark of their support in the past. Even within the party, what the Communists term "subversion", "opportunist ideological tendencies" and "bourgeois" influences have now developed.

To be sure, the present widespread discontent is largely due to the failure of the Great Leap in 1958-59 and the resultant agricultural collapse in 1960-62. The low point in the struggle for existence was the winter of 1960-61, but the estimates of China's food production for 1962 indicate an increase of 8-10% over 1961. Though it does not promise any real relief from grey austerity, it should certainly help the Government to reduce some of the internal tensions. But, at the same time, the Communists, claiming full credit for somewhat improved circumstances, have begun to reimpose the dogmatic tight control methods they clamped on the country prior to the failure of the Great Leap; and agriculture even now is no less vulnerable than before to adverse weather conditions and mismanagement.

The people are still sullen and resentful. Given a hope, the Nationalists say, a vast majority of the people would definitely turn against their rulers. They point out that even as early as in 1954, when the Communists were still popular, more than 14 thousand (out of a total of 21 thousand) Chinese prisoners-of-war in Korea refused to be repatriated and chose to settle in Taiwan. Then, every month a few thousand Chinese from the mainland trek to freedom in Hongkong and Macao (very few of whom are allowed to settle in Taiwan for political reasons). Besides, these, the Nationalists cite the instance of a communist pilot who flew his MIG 15 to Taiwan two years ago, another Chinese who escaped in a Communist AN 2 plane from Shantung, members of a Red Chinese Opera troop who sought asylum in Taiwan *en bloc* about a year ago and many other similar incidents. They also cite reports, from Red Chinese papers, of Communist cadres and militia men repeatedly rising against their rulers and thousands of farmers in various provinces rising in revolt against the Communists. Thus the situation is ripe they claim, for renewing their "civil war" and attempting to reverse the tide against the Communists.

And the Nationalists have been preparing for this eventuality for the last several years. Facts about guerilla operations conducted by the Nationalists on the mainland are not yet fully known to the people

outside, but anyone who gleams some information about them is impressed by their extent and effectiveness. The Quemoy and Matsu group of islands are two important bases of Nationalist guerilla operations. They are, in fact, the island fortresses whose strategic value could never be over-emphasised. The Red Chinese have tried to capture them time and again since 1949, but the Nationalist forces have heroically defended them everytime.

Quemoy is a group of eleven islands right in the centre of the deep-water Red Chinese port of Amoy in the coastal province of Fukien. The largest of these islands is Kinmen which has an area of a little more than 50 square miles. It has 51,000 human beings over and above troops, which are some of the most magnificent in the world. These islands are in some places little more than a mile away from the Red territory which surrounds them on three sides. They not only render Amoy, one of the three deep-water ports of China, useless to the Reds, but also serve as an effective base for conducting psychological and guerilla warfare. Leaflets, balloons, and radio transmitters are used day and night on these islands for carrying on anti-Red propaganda and relaying information about "Free China" to the people on the mainland. To the north, the island group of Matsu (area: 10 sq.miles, civilian population: 13,000) performs the same rôle and similarly blockades the other deep-water Red port Foochow. Because of these two groups of islands, the Red Chinese have not had the use of virtually any real deep-water port below Shanghai. And while there are about 75,000 Nationalist troops stationed on these islands, the Communists have had to keep about 5 lakh troops in the vast sector of their coastal belt opposite Formosa.

Besides Quemoy and Matsu, there are a few other bases of Nationalist guerilla operations in South-East Asia. From each of these bases, commandos sneak into the Red territory to carry on guerilla activity. Each commando is supplied with some arms and ammunition and a wireless set to keep in touch with headquarters. His main task is to raise guerilla units on the mainland with the help of people of the area, and carry on guerilla activity. Many of these guerillas have even established on the mainland clandestine radio stations and printing presses for anti-Red propaganda. The Nationalists have sent a few thousand commandos so far and most of them, they claim, are still alive and active. If this is true, it means that there are a few thousand Nationalist guerilla units already active in South China, which is quite an achievement. There are large areas in Chekiang, Kiangsi, Fukien, Kwantung, Yunnan, Hunan, and Hainan which are affected by the guerilla activity. The Nationalist guerillas are also reported to be in touch with the Khampas in Tibet.

How much effective are these guerilla operations?

The Nationalists claim that the guerilla units, in some places, are in effective control of their areas and the writ of the Peking Government does not run there. In last February, they had taken a few foreign correspondents to the mainland to show them some of the coastal areas controlled by the Nationalist guerillas. The Correspondents remained there for a day and were brought back safely without any hitch or hindrance.

There are similar guerilla units in North and North-West China working independently of the Nationalists. These units have sprung up from among the disaffected local sections and have taken to the mountainous regions raising the flag of open revolt against the Communists. Their activities are still uncoordinated and the Nationalists are now trying to establish contacts with them with a view to coordinating their activities and supplying them the necessary material.

Thus the Nationalist guerilla operations need to be taken seriously, especially by India. They seem to be able to secure the support of peasants and other sections of the people on the mainland. At many places, even the Red Chinese troops are reported to have come over *en bloc* to the Nationalist side and joined the guerilla units. The American Government was rather sceptical in the beginning but there is evidence to believe that it has now begun to take the Nationalist claims a little more seriously. The Nationalists say that if the logistic support would be forthcoming in ample measure, they could step up the commando landings and link up the isolated pockets of guerilla activity scattered all over South China. Once this is accomplished, they could establish a sizeable foot-hold and control large areas in South-China. After this, they can land their troops on the mainland which would be a signal for the full-scale civil war in which they expect not only the Chinese masses but also the Red Chinese troops to come over to their side in overwhelmingly large numbers. It should also be remembered that the Nationalist Army is the best trained and equipped in non-Communist Asia and they have an excellent air force. As against this, the Red Army is seething with discontent and its air force, because of the lack of spare parts and fuel, is weak; the average weekly training (or practice) flight-hours for an air-force officer have been only six for the last one and a half years.

But the civil war between the Nationalists and Communists can never be waged in isolation. It has to be viewed in the context of the present world situation. Even if the U.S. troops did not participate in the civil war, its logistic support to the Nationalists would be tantamount to an intervention in the Chinese Civil War. What attitude then, would Russia adopt?

Though Mao and Khrushchev are today at daggers drawn, it is obvious that the Kremlin would any day

prefer China under Mao to China under Chiang who, according to them, is a U.S. protegee, if not a puppet. It is, however, likely that in the case of a civil war, Mao's Government would not seek Moscow's support until it feels really threatened by the Nationalists. But if such an eventuality arises, Moscow is bound to exploit the situation to its own advantage to get rid of the Mao clique and install, in its place, a new group which would be amenable to their influence. Thus it is likely that the Nationalist attempt to recover the mainland would not only be defeated by the superior might of the Soviet Union; it would, in addition, make the Communist bloc stronger in as much as it would assist the Kremlin to remove its rivals from power in Peking.

The Nationalists do not accept this reasoning. They say that their struggle is aimed not against international or Soviet Communism, but only against the Chinese Communists. In any case, they point out, China is a country of about 700 million people, and if a large majority of them including members of the Red Chinese army join the nationalists in their struggle, even a modern strong State, like the Soviet Union would not be able to suppress them with all its might. "Do not forget", the Nationalists point out, "China is not a small country like Hungary; its terrain and population make it impossible for any outside power to impose its will on the Chinese, especially if they are united in their struggle."

The Nationalist argument, of course, is not convincing, but, at the same time, it cannot be lightly brushed aside. Their course is full of many imponderables and the risk involved is too great to warrant any firm decision. This places the U.S. Government in an unenviable position. Until now, it has unswervingly supported the Nationalists in their claim to represent China in the face of hard facts of history. But because of the risks involved, it has to restrain the Nationalists from taking any steps that may eventually lead them to their goal of a national recovery. Judging from the present trends, the U.S. is bound to continue placing restraints on the Nationalists unless, of course, the Soviet Union gives its tacit approval to such a course of action.

Commenting on the U.S. dilemma, a foreign correspondent in Taipei remarked: "If the Nationalists have to recover the mainland, they have to do it within the next two or three years. After that there is no chance of success as Peking would by then have consolidated its grip beyond any possibility of challenge. If the Americans do not unleash the Nationalists, in frustration they would turn anti-American and most of them would turn Maoists. Do not, after all, forget the Chinese are intensely nationalistic. Their predominant passion is to return to their homeland. If the Americans do not help them, they would turn to Peking for help. It is dangerous to underestimate their longing to return to the mainland."

With Many Voices

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

Moscow's tourist "Hotel Peking" has been renamed
"Hotel Washington."

—*Guardian*, Manchester, September 23.

Chinese frontiers were never sharply drawn; just
another way of saying that to the Chinese every
frontier was only a base for a further one.

—Mr. Owen Lattimore, *Century*, October 5.

It would take his country (China) less than ten
years to infiltrate into Nepal.

—A Peking diplomat to a Nepalese visitor.

—*Thought*, September 28.

If half of mankind be completely destroyed, the
other half of mankind would still remain.... But in
return imperialism would be completely destroyed
and only Socialism would remain in the world.

—Mr. Mao to Prime Minister Nehru, (in 1956)
Thought, October 5.

If socialism today has to win and has to be put
into action, Congressmen who believe in it, have to
fight a struggle, first to define it clearly as the philo-
sophy of the working class and then to put it in
practice.

—Mr. S. A. Dange, *New Age*, October 6.

Mr. K. D. Malaviya, a former Union Minister,
urged the Congress leadership to define socialism to
remove the prevailing confusion about the party
objective.

—*Times of India*, October 7.

To the Editor,
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C/o Democratic Research Service,
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Rs. 11 crore Dam has so far not turned out one kw.
of power nor irrigated even a single acre of land.

—Former Auditor General A. K. Chanda, *Current*,
October 26.

The Soviet Union also believed in fomenting revolu-
tion in other countries.... policy of peaceful co-
existence was meant to avoid nuclear war with the
United States; it did not mean the Soviet Union was
divorcing itself from promoting and aiding socialist
revolutions.

—*Pravda* quoted in *Hindustan Times*, October 7.

The Union Finance Ministry has made a survey of
40 establishments in the Public Sector and has found
out that except two none else was running or progres-
sing on the right lines.

—*Blitz*, October 12.

What matters in politics is not being in the right,
but getting one's own way.

—Dr. Adenaur, ex-Chancellor of the Federal
Republic of Germany, *German News*
Weekly, October 5.

Race question is in essence a class question.

—Mr. Mao Tse-tung, *Encounter*, October 1963.

As I have said in one of my poems, I.... would
sacrifice a million people *any day* for one immortal
lyric. I am a scientific socialist. I have no use whatever
for emotional humanism.

—Mr. Hugh MacDiarmid, the Scottish Communist
poet, *Socialist Commentary*, October 1963.

All power is good, and absolute power is absolutely
wonderful.

—Mrs. Ngo Dinh Nhu, *Times of India*, October 29.

Yes-men of the ruling party (Congress) and
betrayers of the working class have now infiltrated
into the party (Communist Party of India).

—Mr. A. K. Gopalan, *Hindustan Times*, October 27.