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The Food Crisis

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IN a discussion on food shortage and high prices, one or two facts stand out conspicuously. The first is that our production of food has not kept up with our population growth. The figures of total food-grains produced are that in 1960-61 we produced 80.97 million tons; in 1961-62, 81.04 million tons; in 1962-63, 78.75 million tons; and in 1963-64, 79.35 million tons. On the other hand, our population has grown steadily in recent years by about 2.4 per cent per annum, and has therefore gone up nearly ten per cent during the time that our food production has been stagnant. This is one basic fact.

The second part of the story is told by the rise in prices. This again shows a very sad picture. The rise in wholesale prices, taking 1952-53 at a hundred, shows that in 1960-61 the level of wholesale prices was 124.9; in 1961-62 it was 125.1; in 1962-63 it was 127.9; and in 1963-64 it rose to 135.3. If you total up the percentage increase, you will find that the level of wholesale prices has gone up by as much as 15% in the last four years. A very steep rise. Food prices have risen even a little more than the general level of wholesale prices. These then are the two basic facts, the failure of production and inflation.

What are the causes of these two phenomena? The major cause is the neglect of agriculture over the last decade. This has been due to a faulty pattern of priorities in our so-called planning. The faulty pattern of priorities so far has followed the following order: first, heavy capital-intensive industries; then, consumer and light industries; and last, agriculture. This has been the pattern since the Second Five Year Plan. That is, for the last eight years there has been a persistent neglect of agriculture and a diverting of resources that should have gone to agriculture to what is called "the heavy capital base".

This order of priorities has been bodily lifted from Soviet Russia and communist planning. It was lifted by our late Prime Minister who had a tremendous but misguided admiration for that wretched Dictatorship. He thought that he would take India along the same path of "progress" which has led Russia today to go begging for food from capitalist countries. So, following that pattern, out of all proportion money was poured into heavy machinery and steel plants;

money that could have gone into food production and given manifold returns.

Now, even in China and Russia, the chickens have come home to roost. The neglect of agriculture in those countries has produced near famine conditions. So the Soviet and Chinese governments go abroad gold in hand to buy grain from so-called capitalist countries. The fact that we are following in their footsteps should not therefore surprise us. This could have been foreseen. This catastrophe was inevitable. In a communist-oriented economy, agriculture is always neglected and, in the end, the entire economy collapses because of this neglect.

Much more so is it the case in India which is a peasant country and will remain for a century, in spite of our rulers, a country of peasants. Therefore it is this basic, false order of priorities, this obsession with steel and machinery, this attempt to grow overnight into an industrial giant, this laughable attempt that is at the root of our problems today. It has acted in two ways. On the one hand, it has starved agriculture of the capital that was needed for investment in the land, and therefore food production has not risen adequately. On the other hand, it has created inflation.

Why does investment in steel and machinery and not in food create inflation? This is due to the fact, which Mr. Lal Bahadur Shastri seems to have glimpsed. When he went to visit the National Planning Commission for the first time, some weeks back, he said that we must now invest in quick yielding projects.

Now, why is it that investment in heavy industries creates inflation? Heavy industry is the most capital-intensive industry or opening for money. It employs the least number of people, and it gives the lowest and slowest return on one's capital investment.

That is the reason why inflation follows from this wrong order of planning. The amount of money in the economy increases, but the volume of goods and services does not keep pace with the amount of money in circulation. In agriculture, you sow one month and four months later you get your crop. Roads give ample return within twelve months time. But a steel plant will not give you a return for several years. Similar is the case with the heavy machinery plant in Ranchi. And it is in these wasteful projects, these White Elephants, as I call them, that the major part of our developmental expenditure has unfortunately been sunk.

Unfortunately, the Bourbons, the Don Quixotes of the Planning Commission seem to have learnt nothing and forgotten nothing as a result of our disasters.

We must learn to walk before we can fly. A country like ours should be proud to export wheat and rice and sugar and raw materials based on our agriculture. We should cheerfully import steel and export our agricultural produce in return. I was in Formosa last October. That country has now been declared by the Americans to be unfit to receive any more aid because they have made such good use of U.S. aid that they don't need it any more! And they have done it by importing steel, by importing machinery, and by exporting pineapples, mushrooms, rice, sugar and every kind of agricultural produce with which they earn foreign exchange and hard currency. That is the path to prosperity.

The inflation created in the manner described above has been aggravated by two or three other factors. One is Excise Duties on the needs of life, and the other is Deficit Finance. Deficit finance is known to be an evil, so the Third Plan document laid down a target—that under no conditions should Deficit Finance exceed Rs. 550 crores during the whole of the Third Plan. That target has already been exceeded. In the first three years of the Third Plan — two more are still to go — deficit finance has exceeded Rs. 600 crores. The safe limit has thus been crossed. Not only that, but we seem to be accelerating deficit finance right up to this very day.

The latest statement of the Reserve Bank for the six weeks ending 10th July, 1964, shows that in those six weeks our Government indulged in more deficit finance than in any other six weeks in the history of independent India since 1947. The figures given by the Reserve Bank are that, during the end of that period, Treasury Bills outstanding rose by Rs. 149 crores. Most of this, though not all, is uncovered deficit. Now this shows that, like the Rake's Progress, we are still going down the slippery slope.

In such a situation, the men in office come forward with some suggestions. The first suggestion they make is that there should be more controls. The second is there should be nationalisation of rice mills. The third is there should be compulsory monopoly procurement from the peasant at fixed prices. And the last and most fantastic is that there should be a State Trading monopoly in foodgrains. As if they have not done enough harm with their reckless policies, they want to go further in the same direction.

Two scapegoats have been suggested to us by our rulers so that the attention that would legitimately be directed at them may be diverted to other quarters. The first scapegoat is the peasant. "The peasant holds on to his grain and he eats too much." These are the charges levied against the poor peasant. The man

works in the field, he grows his own grain on his own land. And it is now considered a crime if it doesn't sell at your price, which is determined in terms of what he has to pay for kerosene, cloth and other manufactured goods. A peasant who eats all things you blame him for eating it and not himself and his children so that you can eat it. I am reminded of Mahatma Gandhi's words when he said, "We of the cities will do everything for the peasant except one thing—get off his back". The peasant has every right to hold back his grain and eat it himself. I am sure if we were peasants we would say: "Well, we have grown this grain. It has cost us a lot to get a decent price for it, let us eat it at a decent price. Would't we do that? What's wrong with it? For generations the peasant has gone short, we have been living on his sweat, blood and tears, and then we say we will keep down your price, but our prices will go up as high as we like. Today the parity of prices is such that a peasant would be a fool if he sold more than he had to. Why should he sell grain cheap when he can't get cloth cheap, kerosene cheap, and all his other needs?"

So the first scapegoat is the peasant who grows the grain. And the second one is the trader. Due to a rather foolish attempt, a political stunt tried by the Home Minister the other day in Delhi, the truth has been found out about who is hoarding and who is not hoarding. Mr. Nanda perhaps thought he would be popular with his Leftist friends by raiding godowns and grain dealers offices and shops in Delhi. And, sure enough, on the first day we saw very alarming headlines. The police sold our newspapers a lot of goods. The headlines on the first day were *Indian Express* July 30, "Huge wheat stocks seized in Delhi", *Times of India* — "200,000 maunds of wheat and grain seized", *Hindustan Times* — "2 lakh maunds of food grains seized in Delhi. Biggest ever swoop". The next day one said: "At last we know that these hoarders were there. The foodgrain dealers were cheating. Now at last Government has woken up."

But it didn't take more than twenty-four hours for the truth to come out. Truth marches on. Next day the *Hindustan Times* ate its words. Here is the *Hindustan Times* of 31st July: "The extensive raids, however resulted in a lean catch. Only one case had been registered until late in the evening. The authorities admitted it was only a technical offence. The officials say the raids will continue tomorrow." We waited for the next chapter of this thriller, with Mr. Gulzarilal Nanda as the hero chasing the hoarders. The next day in the *Hindustan Times* of August 1 the story was carried a step further — "The Delhi police have decided to suspend their drive against food grain hoarders. The authorities declined to say why the drive has been called off. But the reasons are not far to seek. After three days of extensive

checking, the police could find no major discrepancy in the records kept by grain merchants." Quite a record for a big city like Delhi that nobody was caught doing anything wrong! "Only in three cases were the merchants found to have committed technical breaches of the Foodgrain Dealers Licensing Order. But none of the cases are fit to be followed up by the police. But the raids, the police claim, have not been in vain. We have learnt some lessons."

Then the next day, on August 1, the Chief Commissioner, Mr. Dharam Vira according to the *Hinduistan Times* of August 2, called a press conference, and declared: "The drive against foodgrain hoarders is still on", 20 hours after the police had announced that it was off. The Chief Commissioner said officials of the food directorate and the police were carrying out "physical verification" of the stocks. The expression "physical verification" implied a climb down from what the police had declared three days ago. They had then claimed that they had raided several godowns and seized 2 lakh maunds of grain. That, said Mr. Dharam Vira was a mis-statement. Not a grain had been seized during the course of the raids, said Mr. Dharam Vira. He did not, however, say why it took the Administration three days to correct the police mis-statement. That the drive has ended in a fiasco has become evident when he said: "No major discrepancy has been found in the records of any godown so far." A correspondent pointed out to the Chief Commissioner that on the other hand prices had started rising following the raids. It is good this political stunt has boomeranged. It is good it has now been found out that it is not the foodgrain dealers of Delhi who are the hoarders and that we must look elsewhere to find the real hoarders in our country today.

Let us now be a little more constructive and consider what are the real solutions for the situation in which we find ourselves. The first long term necessity is undoubtedly the rehabilitation of our agriculture. In a country of peasants, there is only one basic industry and that is farming. That means that the larger part of our developmental expenditure must go to land, irrigation, fertilisers, seeds, roads, credit and floor prices. All these must take priority. So far as heavy industry is concerned, it must be put where it belongs — at the bottom of the list.

Here, even the Chinese Communists, the most dyed-in-the-wool Stalinists in the world, have admitted their mistake. Last year, in 1963, Chou En-lai went to the Communist Congress of China and said: "We made a mistake in putting steel first and agriculture last. Now we reverse the order". Today the official order of priorities in Communist China is, agriculture, consumer goods industries, heavy industries in that order.

One wonders whether our Congress Government

will have the same courage that Chou En-lai has shown. Mr. Lal Bahadur Shastri made an intelligent remark quoted earlier. We must wait and see when it will be put into action. So the only long term solution is to stop this lopsided planning; to change or scrap the planning Commission; and to get sanity where for eight long years we have been led into Marxist insanity.

What are the short term solutions? After all, by the time we put agriculture first and the results show, it will be two or three years. How is India going to tide over the next six months and the next couple of years?

There are three or four definite measures which need to be taken immediately. The first is that the buffer stocks must be brought on the market. According to Mr. Subramaniam, the buffer stocks today in Government's hands exceed five million tons of foodgrains. Where are they? What is happening to them? Are they meant to be eaten or are they meant to rot in the godowns of the Government? For what purpose have the American people given these foodgrains to us without charging foreign exchange? For them to be stocked in godowns or to be put in the market and put in the mouths of our people?

Mr. Lal Bahadur Shastri is an honest man. He admitted this fact also. In the opening speech he made at the Chief Ministers' Conference, he said: (*Indian Express* of June 25) "We had the stocks but we didn't want to bring them out because we wanted to make sure that replacements would come." Now at least Mr. Chester Bowles has promised ample replacements. Why then are these stocks not being brought on the market? I am told that if even 7 lakh tons of these 5 million tons are put on the market every month for the next four months, prices will come down. Because, once fair price shops and traders have the stocks to sell at moderate prices, no profiteer will be able to profiteer. Nobody will buy expensive grain when cheap grain is available in the market.

The second thing is to abolish the Zonal restrictions. Almost everyone is agreed on this. The Bombay Provincial Congress Committee has passed a resolution saying so; the Gujarat Provincial Congress Committee has passed a resolution saying that these zonal restrictions are uncalled for and harmful. Even Mr. S. K. Patil, a member of the Government, is on record on 8th July as saying that these zonal restrictions must go.

So long as Mr. Patil was at the helm of affairs, none of these things were allowed to happen, because he understood the need for taking American assistance. He understood the need to maintain free trade and for stopping those mad men of the Planning Commission from going astray. It will be remembered that Mr. Patil was removed. There was

an unsuccessful effort to shift him from the Food portfolio even before the Kamaraj Plan. At that point of time, the move failed, but unfortunately later it succeeded with the Kamaraj Plan. I am quite sure that, if Mr. Patil had been in office as Food Minister throughout, the present situation would not have arisen.

The third thing that needs to be done is to immediately stop the export of all things that can be eaten, not only rice or groundnut oil. In the present conditions of food shortage, when our people are going short, nothing that can be eaten should be allowed to leave this country. This is obvious. It is amazing that some people in Delhi do not think this is a reasonable proposition. Humanity demands it. Self respect demands it. When others are giving food free to us, we sell our food to earn a little

foreign exchange. This is considered socialism—getting foreign exchange when your people starve. This is exactly the kind of socialism that is practised in Russia and China. Don't we know that Communist China, two or three or four years ago, when there was a rice shortage, was still exporting rice, starving its own people in order to carry on its diplomacy abroad? The Soviet and Chinese dictators have traditionally starved their people for the benefit of their diplomacy and their foreign policy. This is what we are starting to do by following in their footsteps.

These three things—bringing the buffer stocks in the market, removing zonal restrictions and decontrolling, as Mr. Rafi Ahmed Kidwai decontrolled, and finally stopping exports for the time being, these are the things that the people of India must demand, if the people are not to starve and the country is to be saved from economic collapse.

Choosing The Leader

A. G. Mulgaonkar

IN recent months some very important political events have taken place in India and the attention, not only of many in India but also outside has been focussed on them. The central theme of this attention has been, of course, the anxious query, what do they portend for the future of democracy in India? Whatever the hopes and beliefs held by the followers by other systems of political philosophy, it is now being recognised by a very large majority of Indians that the democratic way of life would be the most suitable to conditions and that any other way would be alien to their present condition, their long past, the age-long traditions they received in parliamentary institutions during the later British period. To the producing of this mental attitude in this country, particularly among the later generations the credit in a great measure must go to Jawaharlal Nehru, just as similar credit must go to the great stalwarts, Pherojshah Mehta, Ranade and Gokhale for inculcating a yearning in the earlier generations for the introduction of democratic institutions in this country. Indeed, it may even be said that this love for democratic institutions is the most valuable heritage these leaders have left us. When, therefore, the death of Mr. Nehru left the post of India's Prime Minister vacant, it was with feelings of awe that the world watched how the post was going to be filled. Whether it was going to be preceded by an unseemly power struggle in which the considerable anti-democratic forces in the country would successfully combine with the powerful corrupt elements to oppose and even to thwart democracy's choice for the post. When in the result the seemingly insignificant figure

of Lal Bahadur Shastri emerged the question which puzzled most people was how this man, short of stature and mild of manner without any prestige of family background or record of achievement of powerful interests to support his suit had come to the top and so effortlessly. It may not be known generally but it has on occasions been observed that such apparently inconsequential persons possess vast inner resources denied to the seemingly brilliant. Balfour and Baldwin, to name two figures from the British political scene within recent times, were openly held in contempt by their opponents and even within their own party were regarded as second-class brains, but proved themselves to be adroit and tough politicians once in power. The truth was, as it seems in the case of Lal Bahadur Shastri, they represented the common man, his hopes and also his limitations on an uncommon measure. Parliamentary democracy means the expression and play of public opinion in the day-to-day administration. The extent to which such play of public opinion reacts on the government of the day is the measure of the success of the parliamentary democracy. Judged by this test the emergence of Mr. Lal Bahadur Shastri augurs well for the future of democracy in India; public opinion will exert more than heretofore and similarly Mr. Shastri's response thereto will be greater.

Perhaps it will not be out of place here to review some of the occasions, within recent times, on which prime ministers have been chosen by British political parties to ascertain the principles by which such choice has been made. It is necessary to re-

member that though parliamentary government had been functioning in England (in Scotland the term was Estates for Parliament till 1707 when the union with England took place) for many centuries the Cabinet system in the sense of joint ministerial responsibility began in England only in 1705 by the Act of Security by which members of the House of Commons who accepted offices of profit under the Crown i.e. ministerships were permitted to sit in the house. Neither directly or even intentionally did the framers of this Act produce the Cabinet system; nonetheless it begins to take shape from this date and it is noticeable that hereafter ministers jointly accepted or resigned their offices as their party was in power or out. It is also necessary to remember that the term Prime Minister only came into vogue from 1721 (though "Chief Minister" for many years to come was quite as often current) when Sir Robert Walpole succeeded Stanhope, the first George's favourite ministers and remained the Chief of Prime Minister for twenty-one years till 1742. Walpole's contribution to the development of parliamentary government was outstanding and threefold in character. He made the office of the prime minister substantially what it is today; secondly, he developed to a fuller maturity the nascent cabinet system as he found it; lastly, transcending these two, he made a determined effort to make the House of Commons the real centre of political business. During his long Prime Ministership he completely controlled his Cabinet and led the House of Commons with a sure touch but so great was he a Commoner that at his first defeat in the Commons he resigned all his offices. Perhaps it is not as widely known as it should be that the chancellorship of the exchequer before his time was a subordinate post often held by a peer. Walpole not only raised its position so high that most chancellors in future were to step, almost as of right, into the prime ministership when it fell vacant but he also set the tradition, never afterwards broken that its holder must be a member of the Lower House. It is said that he wielded more than royal power, because he had behind him not only the prerogative of the Crown but also the legislative and financial authority of Parliament, but he never forgot the limits of his power and as pointed out above, resigned on his first defeat in the Commons. In many ways his prime ministership of twenty-one years was to influence the future of politics throughout the civilised world. That is why it has been necessary to consider in some detail the impact of Walpole on British parliamentary government.

Although it is true that on Walpole's retirement various efforts were made to curb the power of the prime minister and his cabinet and to change the system as he had brought it into play, such efforts were to prove futile in the end. It is incorrect to

contend that the prime minister is only a "*primus inter pares*" (first among equals) at least in Britain. One fact alone should be enough to demonstrate this. He chooses his colleagues and assigns to them such portfolios as he likes; whenever he is so disposed he shifts them to other departments and also dismisses a colleague. The government is his and so long as he enjoys the confidence of the House, he can within reason do anything. From one or two instances given below it will be seen that the efforts of important members of his party to bring down a prime minister by withholding their support have never succeeded; indeed they have recoiled on them. Thus while it is perfectly true that the British Prime Minister wields great power and has in the House of Commons his most potent instrument and in this respect is more powerful than the President of the United States (where the Congress majority is often of the opposite side), there are one or two obvious limitations to his power. Public opinion in Britain exerts its pressure upon the Government to a far greater extent than in any other country of the world. True, there have been times when the House and the Prime Minister were out of tune with the country (as Balfour in 1905 and Chamberlain in 1940) but this usually happens towards the end of the life of the House and is followed by an almost total political eclipse of the Prime Minister and his party. No Prime Minister of Britain within the last seventy years (the period of our survey) has ventured to take any step of major policy without previously making sure that the country was behind him.

The other limitation though less obvious, to the power of the Prime Minister is that imposed by the presence of the Monarchy in England. This was referred to by the late Harold Laski as the Palace influence. While the King is the constitutional head and acts on the advice of his Prime Minister, nonetheless, in a subtle unostentatious manner, he makes his presence felt. Foreign relations and the army (i.e. Defence) are supposed to be his special concerns and in both these spheres his influence is felt. It is now known that Hugh Dalton's going to the Treasury and not to the Foreign office in 1945 was the result of George VI's discussion on the matter with Mr. Atlee. It should be mentioned, though, that Mr. Atlee admits the discussion but denies the influence. Queen Victoria claimed the right of being shown Foreign Office dispatches and even of altering them previous to their being sent to foreign Courts. The institution of kingship suffered in the reign of Edward VII who was more interested in his other less kingly activities, nor has it recovered since despite the great popularity enjoyed by his two successors. This has resulted in a further accession of strength in the Prime Minister's office.

If, therefore, we look at the method of election of

the Prime Minister of England during the last seventy years we shall be surprised to find different patterns emerging and that the three political parties which have ruled the country at various times have certainly not followed one consistent method. Of the fifteen prime ministers during that time nine were Conservatives, four Liberals and two Labour. The method of choosing the prime minister of the three parties differed naturally according to their manner of evolution. Conservatives being a party of heredity put greater weight on family background, palace acceptability, and the right School (the well-known school-tie bond) than other considerations. The Liberals being more democratic in their outlook, looked upon the election of P.M. by voting as the proper method. But even so, as a large number of them belonged to the aristocracy and the landed gentry, the professional and business interests were willing to be led by them. This did not, however, hamper the choice from going to the latter if the most popular figure was from among them. The Labour party has evolved on altogether different lines. Originally they were only a handful and were content to be a wing of Liberal party under the nomenclature of Lib-Lab. It is only since the election of 1906 that the Independent Labour Party came into existence and in 1922, winning 150 seats, replaced the Liberals as the official Opposition. When in 1923, they won 192 seats, Asquith with his 130 Liberals helped them to defeat the Conservatives and form the government. Now the Labour party consists of different wings, which come together at the annual party Conference to elect the national executive and lay down the party programme, but it follows the democratic method of leaving the Parliamentary labour party the choice of the leader to election by the members returned to parliament and the election has never been unanimous, at least initially. Macdonald, Atlee, Gaitskail and Wilson have all been parliamentary leaders by majority vote. It may be surprising but is nonetheless true that though in 1945 Mr. Atlee was already Labour's parliamentary leader for ten years and had just been returned with a sweeping majority, a so-called intellectual wing of the party sought to argue that he should not accept the king's invitation to form a government until the parliamentary Labour party had met and considered the question of "alternative leadership". Of course, the move came to nothing and Mr. Atlee's leadership was confirmed and he became the prime minister.

As against this the method followed by the two older parties is somewhat different. Barring the three occasions when the Sovereign exercised his prerogative of choosing the prime minister i.e. in 1894 Queen Victoria chose Lord Roseberry in preference to Harcourt and Spencer, in 1922 George V

chose Baldwin in preference to Lord Curzon and 1931 when George V persuaded Baldwin to serve under Macdonald, historically speaking there does not appear any instance of a contest for the leadership in the sense of a formal vote. Usually the choice was already made and ratification duly followed or the choice was so obvious that no contest was necessary. That on occasion rebellion was threatened goes without saying. In 1906, when the Liberals came in such large numbers, Asquith, Grey and Haldane decided to stand together and oust Campbell-Bannerman from the leadership of the party by withholding their support. But C-B (as he was fondly called) decided, on the advice of his wife, to fight them and they all meekly gave in and formed C.B.'s government. In recent months the method followed in electing Sir Alec Douglas Hume to the Prime Ministership has been sharply criticised. The method followed by Macmillan, the outgoing Prime Minister, was himself to ascertain the consensus of opinion and then to advise the Sovereign to send for that person who enjoyed the largest measure of confidence. It should be remembered that this method could be followed (perhaps, had to be followed) because there was no simple person who could be regarded as the obvious choice on this occasion.

How far do these many instances provide a precedent for us in India? Considering that for one or two general elections, the Congress is likely to be the single largest party in the Central legislature if not in all the States, we would be justified in considering their application to the conditions of the Congress Party. The conditions of the British Labour Party do not apply to the Congress, seeing that the former consists of separate wings and organisationally widely differs from the Congress. In fact, in the matter of an organisational headquarters, in the shape of the Congress Working Committee and the Parliamentary Board, the Congress comes nearest to the pattern of the Conservative Party. It would naturally, therefore, follow that whatever the method adopted a somewhat tight control would be exercised by the Central Congress executive for years to come in the choice of the Prime Minister (whenever the occasion arises), leaving very little room for the exercise or influence of the back-benchers' opinion in the choice of the opinion. Another aspect which is bound to weigh, at least for some time, is the level of political maturity and calibre of the average Congress legislator, for the Central Congress executive to leave the choice entirely to the chance of a majority vote. While, therefore, the method followed on the last occasion may be presumed to have yielded result satisfactory to the majority in the Congress parliamentary party, it may not be so if and when the back-bencher, in the knowledge of his own rights, becomes more assertive.

Obscenity: Literature And Law (1)

N. S. Ranganath Rao

AN exact and precise definition of obscenity is not possible. It is essentially a relative and a subjective term. It is subjective in the sense that it describes the reaction of the human mind to a certain kind of experience. The same object may not have the same effect on all persons. As D. H. Lawrence observed "What is pornography to one man is a laughter of genius to another". The concept of obscenity would not only vary from individual to individual but it would also vary from community to community and in the same community from one period to another. What is obscene to a community, conceding for a while that such common standard is ascertainable, would be ultimately determined by the attitude of the society, in a particular period, to certain things which are intimate in the life of human beings. The standard of obscenity is the resultant of the cultural values of a given society at a given time. What has been condemned as obscene by one community has been hailed as a masterpiece of literary work by the same community in a later period or by another community at the same time. The classic illustration of this could be found in the reaction of the English and French communities to Emile Zola's *La Terre*. Just at the time Vizetelly, the publisher of *La Terre*, was convicted and sentenced by an English Court for having published the novel, Zola was awarded the Legion of Honour by the French Government. Seven years later, Zola was honoured by literary London. It would be surprising to note that 'Fruits of Philosophy', a work of Mrs. Annie Besant and Charles Bradlaugh, was the object of a criminal trial. Eminent writers like Thomas Hardy, George Moore, Henrik Ibsen and Bernard Shaw have not escaped the accusation of the authorship of obscenity though later, their works have been acknowledged as works of immense literary value.

A person who wants to have a proper perspective of the relation between obscenity and law, and obscenity and literature, must have a large scale map of history before him. A historical survey of the attitudes of different communities to the problem of obscenity would prove beyond doubt the relative nature of the concept of obscenity. In the early stages of the European civilization pornography and obscenity were known. Erotic songs and poems were popular in ancient Greece and were an accepted part of the nation's culture. Plays of Aristophanes are alleged to contain large elements of obscenity. It appears that Plato and Socrates were seriously concerned with the problem of obscenity.

Even in the early Anglo-Saxon literature obscene

riddles were not unknown. It appears that the ancient civilisations of Greece and Rome and even that of the Anglo-Saxons were not as sensitive to obscenity as modern civilisation has been. It may be because literature and drama were the monopoly of the *elite* and probably women were excluded from the enjoyment of these forms of literature. Therefore the problem of obscenity did not present itself in its modern form to these civilisations.

Even during medieval times, when the Medieval Church exercised direct supervision over literature, it appears that the sole concern of the Church was heresy and not obscenity. The few works like those of Ovid or William Ockham which were condemned were so done for reasons of faith and not of morals.

With the invention of printing in the late fifteenth century, book production increased steadily in England and it appears the early attempts made to enforce prior-censorship and licensing of books were not aimed at obscene books. Even the charter of Stationers' Company issued in the sixteenth century was more concerned with "Certain seditious and heretical books" rather than with obscene or pornographic books. As Noraman S. T. John-Stewas observes: "The toleration of obscenity by the Government was not surprising in view of the contemporary standard of taste. The Elizabethians were not squeamish and the delight in coarse and robust humour were shared by all classes." However, in the latter part of Queen Elizabeth's reign puritanism became vocal. The attack of the puritans was directed primarily towards the stage though they disapproved obscene books. In 1580, a draft of "An act of Parliament for the establishment of the Governors of the English print" was published and according to this draft no printing was to take place without prior permission of "Governors of the English Print" but the draft remained a dead letter and was never presented to Parliament.

Coke's juristic works of early seventeenth century do not contain any mention of "obscene libel". It appears that the offence was not known to common law. Until 1727, all obscene offences were treated as being under the jurisdiction of the ecclesiastical Courts. But in spite of the wide and indefinite jurisdiction of these courts to try and punish immoral or sinful acts, there are few reported cases of punishment for obscenity.

Though during the reign of the first two Stuarts the ecclesiastical censorship grew more severe, literature was left free. Reform of the immorality of the stage was the main concern. During the middle of the seventeenth century the Star Chamber Court and

the Court of High Commission as well as the ecclesiastical Courts were abolished. But the Long Parliament introduced a decree which was intended to bring into greater effect the licencing of books. It was this decree which met the well known criticism of censorship by Milton in his *Areopagitica*. But even during this period, it appears that obscenity was not the ground for condemning literary works.

After Restoration in 1660, there was a reaction to the puritan excess of moral zeal. Poetry and drama became freer in their attitude towards morality. The Licensing Act's concern was more with problems, religious and political rather than moral. Poetry and drama reflected the immorality of the aristocratic patrons who formed the brilliant intellectual and cultural circle around the Royal court. Consequently, there was the natural reaction to the licentiousness of the Restoration period.

As the political situation became settled the middle class began to turn their attention to public morals. This puritan trend increased gradually in the eighteenth century, which ultimately led to the extreme moral attitude of the Victorians.

It was only at the end of the eighteenth century the Common Law Courts took over the jurisdiction of the ecclesiastical courts and the new offence of "obscene libel" was created at Common Law. In spite of this it appears that pornographic works were freely circulated. The attitude of the period is illustrated in the Privy Council's attitude towards John Cleland's "Fanny Hill or Memoirs of the Women of Pleasure" which was written in 1748. The author was summoned before the Privy Council and was granted a pension of £100 on condition that he abstain from such writing in future. But in the later decades of the eighteenth century the taste changed rapidly.

The Evangelical movement and Benthamism were to a great extent responsible for the puritan approach of the Victorian period towards literature and art. Probably expansion of literacy, the circulating libraries and the magazines which made reading by a large number of people possible must have emphasised the need of a stringent attitude towards pornographic materials. It was during this period that writings of writers like Byron, Swinburne attracted the wrath of the community. Even writers like George Eliot and George Meredith do not seem to have escaped this wrath. Probably it was felt that the restraint imposed by literary reviews and public opinion expressed through societies was inadequate to meet the challenge of pornographic material produced in England and imported from outside. Lord Campbell's Act was passed in 1857. The Act empowered the magistrates to order destruction of books and prints if, in their opinion, such books or prints were pornographic. Magistrates were also

empowered to grant warrants to the Police to search suspected premises. It was in 1868, that the law of obscenity assumed its new form which it retained till the passing of the new Act of 1959 in England. "The Confessional Unmasked", a pamphlet, published by Militant Protestant Society, was the subject of a trial in a famous case which is known as 'Hicklin's case'. In this case Sir Alexander Cockburn formulated the test of obscenity. The test of obscenity laid down in the case has also been followed by the Indian Courts. The defects of the test are discussed later.

If the above historical survey suggests the relative nature of the concept of obscenity and the varying attitude of the society to it, it is not to be concluded that the concept of obscenity has no constant elements. The constant element is that obscenity has always been confined to matters related to sex and excremental functions. It is, usually the manner rather than the theme that has been considered to make a work obscene. As different from this, pornographic work is one which is deliberately designed to stimulate sex feelings.

The central question in the problem of obscenity is the extent to which law should permit liberty and tolerate freedom and the extent to which it should prevent material which has a tendency towards obscenity. The object of the law is certain. Pure pornography which is dirt for dirt's sake must be suppressed while the law of obscenity should in no way restrict freedom of expression and investigation. Though it may be comparatively easy to assess the pornographic nature of pictures and other objects yet in the case of books of literature the problem is not so easy. Literature is a social institution and its values are of very great importance to a society. Freedom of literary expression particularly embodied in the form of a book is important not only from the point of view of the contemporary society but also from the point of view of human civilisation. Ideas expressed in the form of books may have enduring value. The value of a book may not be confined to a generation or to one particular epoch. He who assesses the value of a book containing literary expression must have a proper perspective of the dynamics of the history of ideas and civilisations. It is common experience that the dissents of yesterday may in fact constitute the laws of today. It is possible that such dissents might invite the wrath of the contemporary society but at the same time they might be pioneering works. As the field of literature is human experience it is not proper to exclude from such field matters concerning sex or social morality. It is just in this field, where opinions are rigid and conservative, pioneering efforts may be necessary and pioneering efforts might be unpopular. The unconventional might be considered to be immoral. New values emerging, might clash with

accepted values of a time. A work of a genius and a pioneer might be considered to be immoral and anti-social. It may be true that a genius is not born every day and that every writer is not a genius. But the birth of a genius is never announced before. The pioneering work of a genius needs an atmosphere of freedom. On that freedom depends the progress and development of an open society. At the same time, it is not to be overlooked that some cheap commercial attempts might be made to clothe pure pornography in the form of literature. Therefore it is not surprising that there are opinions sharply divided on the problem.

Opinions on the question of restraint on matters which may be considered obscene are broadly divided into two patterns. There are some who value freedom of expression to the utmost and who believe that it is not for law to suppress and restrict such freedom of expression but it is for the educators and psychiatrists to educate and cure the mind which is likely to be susceptible to what are called obscene matters.

These champions of freedom would not have either pre-censorship or condemnation of published literary and scientific works. They point out that laws imposing restrictions on freedom of literary expression are unwanted and imprudent attempts to interfere without just cause. For, according to these champions of freedom it is not established that there is a cause and effect relationship between obscenity and delinquency or depravity. They would argue that sex is such an important element in human life that discussion of sex might have an exhilarating effect rather than a depraving and corrupting influence. They would point out that the dirt for dirt's sake, the pure pornographic material, is never sought after by a person who is mentally healthy. Therefore it would hardly have any corrupting influence on him. On the other hand, it is the depraved, the corrupt who go after such pornographic material. Pornography does not corrupt but it is the corrupt who go to pornography. A similar point was being made by Samuel Johnson when he is supposed to have said to a lady when she criticised his dictionary for containing improper words—"Madam you must have been looking for them."

Attempts are made to show by conducting social surveys that delinquents and criminals in the society are hardly the type who would deviate into delinquency and crime as a result of their reading habit. On the other hand it is the type which does not read anything that is likely to go astray.

They further point out that in the very nature of things the law of obscenity which attempts to restrict freedom of expression might be vague, inconsistent and incapable of being enforced except by arbitrary and capricious administration. They point

out that in the case of other crimes every one understands exactly what the criminal act is. But in the case of obscenity it is very difficult to say whether every one would understand that the book or literary work is obscene. The Law of Obscenity adopts the most susceptible as the standard of victims and those who are most susceptible cannot be easily ascertained by any creative artist. Again the concept of obscenity is changing from time to time and country to country. "Lady Chatterly's Lover" was obscene once in England though now it is no longer so. It is condemned to be obscene in India and Japan. Books which were once considered obscene have been held as great works of literary import. It is contended that in view of this uncertainty freedom of expression is curtailed and such restriction of freedom of expression does greater harm than the imagined evil arising out of obscenity. This difficulty would arise in cases of works of literary and scientific import and it is just to create such work that utmost freedom of expression is necessary.

It is also argued that even if obscenity laws were to prescribe severe punishment it is bound to be futile. The law cannot eliminate obscene materials. It can only suppress them and it is this suppression that makes such materials more desirable. It is pointed out that it is only in those countries where obscenity laws are sought to be enforced vigorously that pornography thrives. On the other hand, in countries like France where the laws of obscenity are lax the people pay scant attention to pornographic material and the racket survives only on export trade. It is pointed out that if pornography survives it is not for want of legislative enactments but it is on account of the difficulties in enforcing such laws. In its very nature, where the offender and the victim seem to have a common purpose, lie the cause of the weakness of the law.

It is also argued that if obscene literature exerts corrupting influence, on any plea the best remedy lies in education, parental guidance and in the freedom to learn. The remedy lies not in forbidding all which might corrupt the most corruptible and thus forcing us "To take our literary standards as being the level of something that is suitable for the decently brought up girl aged fourteen" but in curing the corruptible and educating the young. They argue that the protection of genuine literature is the concern of the law and not the guardianship of the subnormal, prurient or disordered people hurt by it. According to them these matters are the concern of the educator or psychiatrists rather than that of the jurists.

Even some of those who might concede that the law of obscenity has some role to play would definitely oppose any attempt at pre-censorship. Such pre-censorship has a slow killing effect. It will not

only destroy the creative activity but also the creative thinking.

As against these, arguments of the champions of freedom, the champions of morality assert that the very philosophy of the champions of freedom is wrong. They contend that it is easy, as Milton did, to advocate freedom of expression on the assumption that everyone in the society is capable of discrimination and possesses cultivated taste. They point out that the basis of criminal law is not that the whole society is either capable of committing crime or is susceptible to be its victim. It is the marginal case which needs the fear of law and the protection of law. The very basis on which the advocates of freedom place their arguments is wrong.

There are people in the society who are susceptible to obscene matters. Obscene matters do excite them and quite often such excitement leads to perversion. The children and the young in society certainly need to be protected against such corrupt influences of obscene matters. They point out that it is not always true to say that only the corrupt go to the pornographic material. The youth might be innocently

directed to such material and it might lead to harmful consequences.

Meeting other arguments of the advocates of freedom it is contended that it is not the law of obscenity alone that it is vague. Precise and clear concepts in criminal law are exceptions rather than the rules. Nobody would think of abolishing the Law of Murder due to the vagueness and the defect of the concept of murder and its distinction with culpable homicide not amounting to murder. Is not the whole concept of negligence based on the standard of that elusive figure, the reasonable man or the prudent man? Obscenity is as familiar as the absence of the standard conduct of an ordinary prudent man. Judge Musmanno of Pennsylvania reacting against the suggestion that the word, obscene, is vague observed "It is about as vague as the word cat". He said "I doubt that there is a newspaper reader, radio listener or television watcher, no matter how meagre is his education, who does not know the meaning of the word obscene."

(To be continued)

Goulash And Ballet

Alexander Frater

NIKITA KHRUSHCHEV slipped his well-thumbed copy of *Happiness is a Warm Puppy* into his rucksack and strolled humming through the backstreets. A Chinese minstrel in a smoking jacket sidled from the door of a snuff emporium and caught him by the hand. "This way, dad," he said. "I've hired me a private cellar for the afternoon. We won't be disturbed."

"Who are you?" snapped Khrushchev.

"Just keep walking, old fruit," smiled the Chinaman, sucking noisily at a betel nut. "My fist lies in the small of your back and if you squeal I shall crush a couple of vertebrae between finger and thumb."

They entered the cellar. The Chinaman closed the door, removed his red Mohawk wig bland eyelashes and said: "Thought it was time we compared notes."

"I don't know you. If you're another destitute Mongolian hoping to break into Moscow high society by masquerading as the Dalai Lama, I warn—"

The Chinaman slipped a pair of teeth from his fob pocket and screwed them into place between his jaws. He smiled and polished them with a chamois.

"Good God", hissed Khrushchev. "Mao".

"In Person, old friend. My junk, the *Joseph Stalin*, is moored down the Volga. Draw up a butter box and sit down".

Khrushchev pressed his hand fondly. "Dear old apostasist, how are you?"

"Very chipper, you roguish revisionist."

"Nationalist!" beamed Khrushchev. "Deviationist, reorganisationist, imperialist, brutalist, bigamist, arsonist, pragmatist, coon!"

"Coon!" wheezed Mao, shouting with laughter. "Who used that one?"

"*Pravda*," gasped the Russian premier. "I fed it to them last week. 'Mao is a coon' I said at my press conference and they carried it in two-inch Times bold headlines."

The Chinaman wiped his mean, blackbutton eyes. "You have done well," he said. "And so have our public relations boys. This schism between us has strengthened our positions enormously. At home I push Stalinism and steel, you push goulash and ballet and we are both heroes and defenders of our people. Meanwhile, the West..." He sighed contentedly. "Things are going well."

"So when do we make our move?"

Mao lit a filter tip opium cigarette. "I am undecided, old fruit. The undeclared Africans are coming over to us slowly and I don't want to alarm them at this stage. One of our most ardent champions is this Black Muslim fisticuffs champ who sings pop songs. I entertained him recently to a small supper of warm ghee and sheeps' eyes. A lovely boy, though he has trouble thinking in the abstract. The Africans adore him. One reason, of course, why they're all coming

over to us. I'll encourage them for another year or so then repudiate them utterly."

"Why?"

"Because they're black, old fruit. You know I've started an intensive breeding campaign and I'm damned if I'm going to have any subfuse niggers tinting my Ideal Orientals. Hell, no. Would you tolerate that?"

Khrushchev shook his head with a twitch of indignation. "Certainly not. Look at the way I've been stamping out the Jews. Same thing."

"Ah, the Yids. Thank God we haven't been saddled with that problem."

A tear glinted in the Russian's eye. "Life can be tough," he whispered huskily.

"Life can be *merde*, said Mao, raising a pocket flask of gin and honey. "To Adolph Hitler."

The two old men sat in silence, the room silent but for the companionable rustling of their cardiac murmurs.

"I hear," said Khrushchev, "that you're giving stamps with every picture post-card of Rasputin sold in Peking."

"Uhuh. It's a promotional stunt. Rasputin would have made a superb Stalinist had he been born half a century later, you know. He treated humanity with all the contempt it deserves." He whistled a short snatch of Boccherini. "The postcards are selling like hot cakes."

"Good". The Russian examined him fondly. "Old sloe-eyed buddy, you have something on your conscience, haven't you?"

Mao nodded sheepishly. "Remember the golden days of youth? The duels we fought? The actresses we shared? The days when you cast aside your rude peasant wit and actually wrote *verse*?"

"Hazily."

Mao leant forward. "Nikky, I need a bomb."

"We've been through all this before," said Khrushchev tiredly. "I'd love to oblige you for old time's sake, but I *can't*. Not yet. The West would be on to me like a flash; you can't disguise explosions of that magnitude, you know. It would give the whole game away."

"I don't intend to disguise it. I'll come right out into the open and drop it on Washington on the 18th of next month."

"What on earth for?"

"It's my birthday, old fruit."

"It would be far too early." He meditated a moment. "You're trying to bluster your way into UNO, aren't you?"

"Of course, but not for my sake, believe me." He stared at the Byzantine mosaic floor, frowning. "It's for Splendid Pearl, my mistress. She's the one who wants us in UNO, and I'm afraid I've promised it to her. She's an ambitious girl and wants to be a lady

Ambassador, like Clare Booth Luce. She wants to meet Cary Grant."

"A lovely boy," said Khrushchev.

"I know. But unless I hand her the Red Chinese Ambassadorship to the United Nations on a silver platter she's going to transfer to the scruffy bed of Ping Kong, my Finance Minister. Without her I would be half a man. Do you know I write all my best sonnets on her silken thighs with jasmin ink?"

Khrushchev sighed. "Is she beautiful?"

"Soft as a rose."

"But surely there must be other...."

"There are, but this one has something on me", whispered Mao with alien lips. "She is the only one who knows that I am not Chinese at all. I am Japanese. A thousand years ago a Chinese princess was raped by a monkey. The offspring of that union was the first son of Nippon. I am descended from that union. Look at my ears; they're anthropoid. And I have a compulsive lust for nuts. But don't grieve for me; remember that in my veins flows the blood of a royal princess."

"Mao," murmured Khrushchev, shocked. "You're a petty bourgeois."

"Only in private. Publicly I am a lion of the people. You know yourself it is impossible not to be a bourgeois in one's bath." He stroked Khrushchev's hand pleadingly. "Do I get my hydrogen cracker, old friend?"

"I suppose you must. But let's compromise. Let's wait another year."

"That's reasonable, I suppose. The balloon mustn't go up quite yet. Now," he said briskly, "let us briefly examine progress. One. You have publicly ignored the opportunities of revolution in Africa, Asia and South America. Two. You have supported peaceful co-existence. Three. You have capitulated over Cuba. Four. You have signed the nuclear test ban treaty. All of which is good. What else have you planned?"

"There has been recent pressure from my satellites to adopt a more positive attitude to you. This I shall do."

"Good, You can all repudiate China together. And?"

"I am trying with the idea of withdrawing from Cuba and calling Castro a deviationist."

"Splendid!" Mao beamed delightedly. "We shall support him and berate you, of course."

"Of course. Then the Berlin Wall will come down. We shall extract all possible publicity from the event; perhaps the Allied troops and Ulbricht's goons might harmonise 'Silent Night' together around the fallen rubble. After that my course is a little undecided. But I shall bombard America with culture: music, ballet, lectures, anything that goes."

"Swamp them with five cent cigars?"

"That sort of thing, yes."

"Good," said Mao dreamily. "Meanwhile we shall

(Continued on page 12)

With Many Voices

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

"Universal franchise and majority rule mean totally different things to a liberal and a Communist."

—South African Liberal writer, Mr. Alan Paton,
Swiss Press Review and News Report,
July 23.

"It is getting difficult for us to move about with our Gandhi caps on."

—Congress workers in Poona,
Times of India, July 26.

"Sukarno is to us what Hitler was to Europe."

—Prime Minister Tunku Abdul Rahman,
Time, July 31.

"Beware of visiting African delegations that come to enjoy your hospitality and praise you to your face, but stir up insurrection behind your back."

—President Philibert Tsiranana of Malagasy Republic, *Time*, July 31.

"All I hear is blah, blah, blah. We all talk too much and we must purge ourselves of this disease."

—President Philibert Tsiranana of Malagasy Republic, *Time*, July 31.

GOULASH AND BALLET—Continued from page 11

deepen the rift between us. I shall call a press conference every week and label you with all the obscenities the doctrine contains. You will reply in kind and inch gradually towards the West. You might even encourage free enterprise in a restricted way, though anyone who makes more than a million roubles should be shot. The West, meanwhile, will lower their guard and start to love you. They will start to *trust* you."

"They've started already. The pundits not, but the masses, yes. And even pundits are susceptible, you know." He smiled wolfishly. "And then, Mao, old buddy, and then....."

The two men hugged themselves with delight.

"Tell you what," said Mao. "Come and have a quick jigger of vodka aboard my junk."

"Love to," said Khrushchev and arm in arm they went out into the bright lemon dusk. In the river the trout were jumping, leaving sickle-shaped ripples which widened and widened and widened.

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"We do not believe in a conference called to ratify terror."

—President Johnson, *Time*, July 31.

"No one has to convince us the contest between freedom and communist imperialism is for keeps. For this struggle is our first order of business in the State Department. And it must never cease to be our first order of business until a worldwide victory for peace and for freedom has been secured."

—U. S. Secretary of State Dean Rusk,
Hindustan Times, August 4.

"Because the Ministry (External Affairs) was run by Jawaharlal Nehru, everyone working in it was naturally wiser than the rest of the country."

—Prem Bhatia, *Indian Express*, August 5.

"Aggression unchallenged is aggression unleashed."

—President Johnson, *Times of India*, August 6.

"While the fact of Plan implementation being defective was being increasingly realized, it had equally to be recognized that planning itself was defective."

—Mr. Asoka Mehta, Deputy Chairman of the planning Commission, *Hindustan Times*, August 6.

"The only guns that would boom now over the American air strike against North Viet Nam would be the propaganda guns."

—*Indian Express*, August 7.

"A Prohibition that has failed is no Prohibition."

—Mr. G. L. Nanda, Home Minister,
Indian Express August 10.

"Those who put their faith in Machiavelli all too often forget that the Florentine died both broke and out of office."

—John P. Roche, *Time*, August 14.