

The Right to Property

A. G. Mulgaokar

A LONG, persistent and much dreaded demand seems likely to come to a head in the near future. It is the demand, said to be supported by fifty members of the A.I.C.C. of the Indira Gandhi group, that steps be taken soon to delete the fundamental right to property from the Indian Constitution. It is explained in support that unless this is done neither socialism nor prevention of concentration of wealth in a few hands will be possible. Doubtless, this matter has several aspects from which it requires to be considered but it is necessary to recognise that to some it may honestly and sincerely seem the easiest and speediest road to "socialism in our time". To the Indira Gandhi Government, which seems to be riding at the moment on the crest of the popularity wave, it may prove attractive as a means to prolong that glorious moment; besides, apart from thereby justifying her grievance against her erstwhile colleagues. She must have realised by now that she dare not allow the tempo of her so-called march to socialism to slow down. From her side the appearance of progress must be continuously kept up. But, while all this may be true, let us hope she has not altogether lost the touch with realities which her father usually displayed and her grandfather possessed in an even greater measure. If she has not, then she is bound to see that the seeming benefit from this move is far outweighed by the frightful possibilities it raises. But, as the proverb says, he who rides a tiger cannot afford to step down.

The Indian Constitution in embodying in a separate chapter certain rights including those to personal freedom and to private property and designating this as the Chapter of Fundamental Rights recognised certain cardinal principles, some explicitly and others by implication. What is fundamental if it is not inherent and unalterable; and how much fundamental is a right if it can be restricted or taken away by just an ordinary legislative process as the fancy takes some legislators?

The issue involves not only legal or constitutional but moral as well as social and economic considerations. If all these considerations are fully and dispassionately weighed it will be seen that the move is an

altogether retrograde step. The fundamental rights guaranteed to the Indian citizen in the Constitution are broadly his life and freedom, certain liberties like free speech and right to practice any profession or trade, and lastly acquire and hold property. It should be remembered that the term property covers a very wide field, but it is not necessary to go into all its details for the purposes of our discussion. What is attempted by the contemplated move is *for the present* to remove the right to acquire and hold property from those guaranteed to the citizen in the Constitution. How long, then, before the others are attacked? Perhaps one by one, as the whim or fancy takes the necessary number of legislators. Take the right to move to any place in the union territory given to every citizen. Is it difficult to imagine that it will be one of the next ones to be attacked? At this rate no right can be considered fundamental. If anyone can be taken away, so can all. Now the Indian Constitution in guaranteeing these various rights and freedom to the Indian citizen has not placed them in a totally rigid and inviolate form. They are subject to abridgement and even suspension provided this is reasonable and in public interest. So if the public interest necessitates it and it is reasonably done, a fundamental right can be by legislation restricted. If in spite of all this the move is to be persisted in, then who can believe in the fundamentalness of these fundamental rights? This, then, is the moral issue.

There is also another aspect to this moral issue which no sensible legislator can afford to omit from his consideration. Nature has planted in Man the instinct of self-preservation. We see evidence of it even in a child when it refuses to part with a battered toy and in an adult when he saves for his own future or for his dependents. The result of his savings is his property and he is entitled to do what he likes with it subject to what is known as social control. (Even the paper Constitution of the U.S.S.R. recognises this right). This world-wide, not excluding communist countries, recognition is as much due to the natural instinct planted in man as also because thereby the national economy is strengthened. As the individual citizen saves he adds to national wealth. Therefore, if you take away the individual's rights over his property, two results can be expected to follow. We have already seen what disastrous results have followed from prohibition. This is what naturally happens when an attempt is made to fly in the face of public opinion or a natural human instinct. This is exactly what will happen, there will be widespread evasions

and breaches of the law. In the second place there will be, if this step even partially achieves its desired results, so much dislocation in the country's economic structure as to prove a national calamity. Indian history tells of a Delhi King transferring his seat from Delhi to Daulatabad and forcing the whole population to follow suit. The disastrous results that followed have to be read to be believed. Are we in again for similar mad times and mad rulers?

Having considered the moral and economic aspects of the question, it only remains briefly to consider the legal or constitutional aspect of the matter. By a recent decision of the Supreme Court it has been held that Parliament has no power to amend the Constitution so as to take away or abridge the fundamental rights. The Court has however expressly saved from the application of this ruling all the earlier amendments to the Constitution on the doctrine of prospective overruling. It held that under Art. 368 the Parliament has the power to amend the Constitution. But under 13(2) no law which takes away or abridges fundamental rights is valid. It answers the question whether an amendment is law affirmatively. Five of the six judges who expressed the majority view hold that amendment is made in exercise of residuary power under Art. 245 and Art. 368 prescribes the procedure to be followed. One judge, however, held that the power to amend was explicitly given in Art. 368. But as we see, in any case, as the result of an amendment to a law is also a law and therefore, if it abridges a fundamental right, it must attract the application of Art. 13(2) which prohibits the making of any law which takes away a fundamental right. The only alternative therefore would be the summoning of another Constituent Assembly charged with the specific task of either amending the Constitution or writing up another.

Here, again, another very important constitutional consideration arises. It cannot be said that the last general election was fought by any party on the issue of amendment of the Constitution. It is a cardinal principle of parliamentary democracy that no bill causing major constitutional change should be allowed to be brought in the life of a parliament unless this was placed before the electorate at the election time by the party concerned. Those who know their Constitutional Law will remember that Asquith fought a general election in January 1910 (in Edward VII's lifetime) and came to power. The issue had been the revolutionary Budget of Lloyd George which the House of Lords was blocking. When Asquith approached George V (Edward VII had died in May 1910) to promise to create enough number of peers to ensure the successful passage of the Budget through the Lords, the King, though only a few weeks on the throne, insisted that Asquith face another general election on the specific issues of Budget and amendment of the powers of the House of Lords. So that, although a general election had only taken place in January 1910, the ruling Liberal Party under Asquith had to fight another general election within a few months (in October 1910) and the country had to face all the inevitable dislocation and expense. That Asquith won the election and the two measures the Budget and the Parliament Act, were duly passed is a matter of history. My object in recounting this important event in the constitutional history of British democracy is to point out the great lesson it holds for this country but in a great sense for President Giri. It is his bounden duty to warn the Prime Minister that whatever the Supreme Court does or does not do, he will be unable to accord his assent to an Act amending the Constitution in such a major way unless the people have had a chance of declaring their wishes in the matter in a general election.

WITHOUT COMMENT

Agnew's Ten Commandments of Protest

An "outspoken minority" of protestors in America has shut off rational discussion of problems and built barriers between young and old, says Spiro T. Agnew.

The Vice President voiced his new criticism of some protesters in a speech in Washington, D. C., on December 3. His remarks, made in the presence of President Nixon, were addressed to a meeting of the nation's Governors.

Mr. Agnew listed these "Ten Commandments of Protest" which he said the U.S. faces:

- "Thou shalt not allow thy opponent to speak.
- "Thou shalt not set forth a program of thine own.
- "Thou shalt not trust anybody over 30.
- "Thou shalt not honour thy father or thy mother.
- "Thou shalt not heed the lessons of history.
- "Thou shalt not write anything longer than a slogan.
- "Thou shalt not present a negotiable demand.
- "Thou shalt not accept any establishment idea.
- "Thou shalt not revere any but totalitarian heroes.
- "Thou shalt not ask forgiveness for thy transgressions; rather thou shalt demand amnesty for them."

—U. S. News & World Report

The Need Of The Hour

H. R. Pardivala

THE recent political developments have aroused a great deal of anxiety and concern in the minds of all intelligent citizens having the interest of the country at heart. Indeed, there are many amongst them who feel that our country is on the brink of political disaster and that we are at present living through the last days of democratic institutions as we have known them.

The principal cause of this sad state of affairs is the utter failure of our professional politicians, and particularly those in power, to carry out their duties, obligations and responsibilities towards the teeming millions of our poverty-stricken people.

When we were fighting for our freedom, we blamed the British for all our ills and even misfortunes; and we promised our long suffering masses that we would usher in 'Ram-rajya' as soon as we attained our independence. In the last twenty years, all that our very own rulers (with a very few honourable exceptions, of course) have done, is to indulge in corrupt practices of every imaginable kind to feather their own nests and to entrench themselves in power. They have proved to the hilt Churchill's description of them as "men of straw—without a shred of conscience or character". They have also borne out his grim prophecy viz: "they will in no time reduce the great work done by us to shambles".

Eversince these "leaders" have got hold of the reins of power, they have barefacedly indulged in self-aggrandisement and self-perpetuation. To serve their personal ends and party purposes, they have not only exploited but actively encouraged communalism, casteism, regionalism, linguism and all other weaknesses of our illiterate and gullible masses. They have shamelessly employed bribery, corruption, favouritism and political chicanery and device of every kind, to keep themselves in power. They have brazen-facedly adopted all the tactics of Tammany Hall bosses to elbow all decent elements out of political life, by manufacturing wholesale bogus memberships in their own organisations and engineering bogus voting at public elections. By such reprehensible means and methods, they have managed to create and maintain a fraudulent facade of democracy, reduced politics to a filthy game which nobody wishing to keep his hands clean can play, and turned public life into an arena infested by hoodlums, hooligans and other disreputable elements.

Their self-interest has been not only their first but only concern. The interests of the country and its down-trodden masses have not bothered them in the least. The common people have been made to

live, from day to day, on false hopes created by empty slogans and bogus promises. After two decades of our so-called freedom, what our people find around them is not 'Ram-rajya' but the very antithesis of it. There is no doubt that in this period our country has made some progress in some directions; but the little prosperity which that progress brought about has been monopolised and misappropriated by crooked politicians, "briberous" bureaucracy, unscrupulous industrialists, rapacious landlords and black-marketing businessmen. The total eclipse of moral values which they have brought about in all spheres of life is, to say the least, very distressing. It is hardly believable that our public morality could fall so low within a few years of Gandhi's death. Within this short period, we have made a total mockery of all he stood for, so much so that our celebration of his birth centenary smacks of rank hypocrisy.

While these dishonest and unpatriotic elements are living in vulgar indulgence and ostentation, the bulk of our people have yet to experience freedom from want of the most elementary needs of life. Every day of their lives, they have to go through harrowing experiences of corruption, exploitation and humiliation of every kind. It is difficult for them to appreciate why they should tolerate these abject conditions, when their rulers whom they themselves put in power, are living in pomp and paraphernalia of erst-while Rajas and Nawabs. No wonder the common people all over the country are beginning to lose their faith in non-violence and democracy and turning, in sheer desperation, to anti-democratic forces. It is no use trying to dissuade them from this course by sermonising to them that if they support forces advocating violent revolutions, they will lose their personal freedom and individual liberty. What freedom and liberty have the masses grovelling in degrading poverty to lose, except the freedom to suffer and to starve? What could be worse than the abject plight in which they find themselves today? Non-violent means and democratic methods having failed to bring them any succour, they are now left only with the hope that their condition may improve if other means and methods were resorted to and tried. The politicians who have so dishonestly and ruthlessly exploited them over the last two decades will have no reason to be surprised if, in the near future, nemesis overtakes them and they are made to answer for all their misdeeds by those whom they have deceived and defrauded all these years.

The critical situation in which we find ourselves today is undoubtedly due to the fact that our

politicians have forfeited the trust and confidence of the common people; and, in the result, a crisis of faith prevails all over the country. This is an extremely dangerous situation for any country cherishing democratic values to be in. It provides the ideal condition for those who are eagerly looking out for troubled waters to fish in.

Unless the right kind of people bestir themselves immediately and take the necessary steps to stem the rot, we may soon reach the point of no return and the situation may become irretrievable. To stave off this calamity, what is needed immediately is a good, efficient and honest government manned by competent people of unquestionable character in whom the people can repose their confidence.

In the opinion of Khan Abdul Gafar Khan and Acharya Vinoba Bhave who are probably the most respected leaders in the country today, "The situation may be prevented from worsening if good and incorruptible persons enter politics", and dedicate themselves to the task of removing poverty, injustice and exploitation from our midst. They have called for the building up of a cadre of selfless and devoted workers who "through their own organised strength must attempt to control the political trends and problems". These leaders believe, and rightly, that there is no dearth in our country of basically good and competent people to provide such honest and able leadership as well as such dedicated and sincere workers.

It is indeed very gratifying to learn, even at this late hour, that Mr Jayaprakash Narayan has come to see that "this suggestion (made by Badshah Khan and Vinobaji) is worthy of further examination". As a friend associating with him in many of his activities, I have been trying, ever since the death of Gandhiji, to impress upon Mr Narayan the necessity of making such a move, but in vain. Now that the same suggestion has come from such revered and responsible leaders, may I make the same appeal to him once again?

After spending the best part of his life in active politics, and playing a very heroic role in it, Mr Narayan suddenly left it in the early fifties to join Vinobaji in the Sarvodaya movement; and since then he has come to regard active politics as untouchable. It is a matter of common knowledge that the Sarvodaya movement is inspired by the noblest aim of uplifting our down-trodden masses, and actuated by the highest ideal of selfless service. What is difficult to understand about it, however, is the attitude of its leaders and workers towards active politics. They regard it as a plague to be despised and shunned. It is surprising that they should not realise, even after their long experience, that to promote their aims efficaciously and to achieve their objects expeditiously, it is very necessary for them to take interest in and even to participate in active politics.

Gandhiji did not, at any time, refrain from playing his part in the politics of the day. It is true that for some periods of time he was not even "a four-anna member" of the Congress, but he was never out of active politics. "Gandhi never thought of spiritualising politics from outside". It is, therefore, very difficult to understand why the Sarvodaya leaders and workers who are engaged in carrying forward his work should try to out-Gandhi Gandhi himself. In the best interests of their own work, they should play their part in the active politics of the country and help to form a party of their own persuasion and ultimately to bring about a government sympathetic to their own aims and ideals. If they fail to do so and, by their default, allow hostile elements to capture the government of the country, will they remain free for long to carry on their work and to pursue their cherished aims and objects? Surely, Mr Narayan with all his knowledge and experience of world politics, should know better.

Let us hope and pray that Mr Narayan has come to realise all the implications of his non-cooperation with active politics and that he is now prepared to do what his country expects of him. If he takes up the suggestion made by Badshah Khan and Vinobaji and tries to give it a practical shape, he will have the support and co-operation of any number of sincere and selfless workers who are at present feeling terribly distressed at what they see around them, and frustrated at their inability to do anything for want of the right leadership and organisation.

The need of the hour, very late though it is, is to rescue our country from the strangle-hold of professional politicians by setting up, without any further delay, a new political party representing Gandhian ideals and values, with a "Lok Sevak Sangh" of Gandhiji's conception to back it up. No apology is needed for adding such a party to the innumerable ones we already have. The existing parties have had ample chance and opportunity to prove their worth. They have been found not only wanting but grossly inadequate to the needs of the country and the people as a whole. A new party dedicated, by and large, to Gandhian aims and ideals alone can hope to be accepted by the people, and may yet save the country from slipping behind the Iron Curtain into the abyss of totalitarian dictatorship and slavery. It may even provide to some of the existing parties (which have become irrelevant in to-day's changed circumstances) the eagerly-awaited face-saving formula to dissolve themselves and to divert their followings to help build the mass base of such a new party which alone can cope with the present critical situation. Will Mr Narayan fail the country in its hour of need?

And for the resurrection of Gandhi, what can be a more appropriate or auspicious time than the Centenary of his birth?

Monopolies: State Or Private?

M. R. Masani, M.P.

I SPEAK for a Party which believes in competition. That is the classical Liberal school of economics. We believe that any restriction on competition is *prima facie* undesirable, though in rare cases it can be connived at by the State for social purposes. We believe that competition is a therapeutic element which cures a lot of things including exploitation of the consumer and many other malpractices. Therefore, we are vigorously opposed to all restrictive trade practices and to monopolies of any kind.

We are also opposed to concentration of power in the same hands, whether it is concentration of economic power or a combination of economic and political power. This Liberal point of view is not really different from an intelligent Democratic Socialist point of view.

We believe in the ballot of the market place, where the consumer decides the pattern of production. We are prepared to support any anti-monopoly legislation which is honest and genuine. It is against this very friendly background that we judge the Monopolies and Restrictive Trade Practices Bill.

We find the Bill terribly disappointing because it is not an anti-monopolies Bill at all. It was bad enough when it was introduced in Parliament. Even then it was not on the lines of the draft Bill attached to the Das Gupta Commission's Report. It was a Bill entirely different from what the earlier Monopolies Commission had recommended. After coming back from the Joint Committee, I regret to say that the Bill has got much worse, and it is a great pity that it should be so.

Let me turn to some features of the Bill and show why I say it is a bad Bill. The first is that the Bill does nothing to stop monopoly. Monopoly is a hundred per cent domination or control or possession of production of a particular article or commodity. Judged by that test, there is not a single monopoly outside Government enterprises. I will mention three. The Life Insurance Corporation is a hundred per cent monopoly because when anyone tries to compete with LIC he can be punished and sent to jail. The Indian Airlines Corporation is another monopoly, and Air India International is a third one. Then, the Indian Railways are a monopoly. Telegraphs are a hundred per cent monopoly, telephones are a hundred per cent monopoly, All India Radio is a hundred per cent monopoly. There are partial monopolies also. There is the STC, MMTC, FCI, and so on.

Now, the sad thing is that all these State monopolies, which are the only monopolies in India, are specifically excluded from the purview of the Bill.

Therefore, the first aspect of the Bill is that it does not deal with the only monopolies that exist; it pretends to deal with non-existent monopolies that do not exist.

The Government monopolies are the worst monopolies, because they are irresponsible. Private monopolies have the police power of the Government to check them. There is the doctrine of countervailing power between the corporation and the Government. But where the Government becomes a factory-owner or the factory-owner is the same as the policeman, there is no appeal. So the poor consumer who has to buy from the Government enterprises is completely at the mercy of the Government monopolies. The worker in the establishment also has no right to appeal to any third party. That is why I would call the doctrine embodied in this Bill industrial feudalism of the most reactionary kind. The Bill is a fraud on the people of India because it pretends to fight monopoly while it does nothing of the kind.

A second aspect of the Bill is the way in which the Commission that is sought to be appointed is downgraded into a mere advisory body while all real power is to be exercised by the Minister. That is the second aspect of the Bill which we cannot accept as being honestly anti-monopoly.

A third aspect of the Bill which does not commend itself to us is that it tries to restrict competition. It does not foster competition as an anti-monopoly Bill should. It restricts competition in two ways. First of all, it restricts competition between private enterprises and State enterprises by giving the latter a complete monopoly. Secondly, as between private enterprises, it gives the Government power to stop free competition by inhibiting real competition between rival private enterprises by using their permit-licence powers and their anti-monopoly powers.

The entire Bill is based on a confusion between size and monopoly. Size and monopoly have nothing to do with each other. You can have a small concern completely dominating the market in a particular product and it would be monopolistic, even if it is small. You can have giant companies like the American automobile companies, fighting a struggle to the death in competition; yet, none of them would be a monopoly. This elementary distinction between size and monopoly has been completely ignored by this Bill.

That brings me to ask the question: Why did they introduce this Bill? I can only say that, as in Russia and Yugoslavia about which Mr Milovan Djilas, the

(Continued on page 8)

Freedom And Partition

A. G. Noorani

HISTORY writing is a difficult exercise at the best of times. If Henry Ford rejected history as "bunk", there are many who write "bunk" as history. In India the history of the recent past is complicated by the fact that so much of it has spilled into the present. Struggling India's relationship with the British overlords is a story complex enough to strain objectivity. The strain becomes far, far greater by reason of the partition on communal lines.

It is evident in both, India and Pakistan. To this day Pakistani historians have not quite been able to make up their mind as to whether Pakistan was a triumphant achievement of the Muslims, worthy of being applauded, or a result of "Hindu bigotry" which could have been averted by statesmanship on the part of the majority community. The later view is quite different from the former interpretation. Yet both are often propounded simultaneously—the achievement worth striving for and the avertable error with its overtones of tragedy.

In India if the impact of the State is minimal, that of the preponderant Establishment consensus is overwhelming and only a few care to resist it by questioning freely the received doctrine about the role of Satyagraha, the 1937 ministry-making, the Cripps offer, the "Quit India" agitation and the Cabinet Mission's plan, to mention a few sensitive topics.

Two recently published works^o merit the attention of any serious student. *Struggle for Freedom* is the eleventh volume in the Bhavan's series on the "History and Culture of the Indian People" under the editorship of Dr. R. C. Majumdar assisted by Dr. A. K. Majumdar. It begins with the agitation for the partition of Bengal in 1905 and ends with the partition of India.

The other work is *The Break-up of British India* by Dr. B. N. Pandey in the "Making of the Twentieth Century Series" by the publishers. The period covered is very nearly the same as in Dr. Majumdar's but then the range varies.

Dr. Majumdar's is a mighty tome, a work of great labour which traces in detail not only the political events but has whole chapters on Indian economy, art, the press, literature, religion and social reform. If Dr. Pandey's compass is narrower, his style is far more lucid, and approach more objective.

At the outset Dr. Pandey mentions the two schools of thought on the partition and independence of India—one regarding the partition as inevitable and the other, not.

Certainly it was *not* inevitable by mid-1946 as Sir Chimanlal Setalvad once pointed out. The League had accepted the Cabinet Mission's plan and so had Congress. Each had its inhibitions and mental reservations understandable in the circumstances. The former was giving up its demand for partition and in a major climb down accepting the Mission's plan. The latter's stand was being largely accepted but it now had fears about the implications of provincial grouping, the Mission's concession to the League. The test was, despite the mental reservations of both, would they follow the *agreed* procedure outlined in the Mission's plan as a fair compromise? It is the Congress dithering on this score which led to the collapse of the Mission's plan. Dr. Pandey accuses the Congress of "misinterpreting and virtually sabotaging" the Cabinet Mission's plan. He, however, falls for the popular legend by attributing the major blame to Mr. Nehru for his outburst in July 1946.

It was of a piece with the events of 1937. As Dr. Majumdar writes: "Between the League and the Congress, the only two organised political bodies in U.P., there was hardly any difference in ideas and programmes save on the communal representation. The electoral programmes of the two were also very nearly the same in all essential matters, and the leaders of the two organisations fought the elections in 1937 on a more or less common platform".

Elections over, the Congress offered to the League terms which "meant, in plain language, that the Muslim League in U.P. would cease to exist for all practical purposes and merge itself in the Congress". Comment is superfluous.

If these crucial episodes have any lesson it is this—the unwillingness to share power, to compromise, and the lust for uniformity spelt division. Those who advocated division as a solution betrayed a total lack of understanding of the binding, unifying elements in the sub-continent which were strong enough to make any partition a tragedy of appalling proportions and a source of innumerable problems of its own.

Neither the "one-nation" nor the "two-nation" theory was sound. Only while the former was merely inaccurate, the latter was poisonous. In truth we were a nation in the making. "Leaders could either set both communities apart by playing on their social differences or bring them closer by promoting common political and economic interests."

Both, Dr. Majumdar and Dr. Pandey hold that the League did the former and the Congress latter, but their own verdicts on the Congress' arrogance in ministry-making in 1937, at the first sight of power, and in 1946, the last opportunity for a realistic compromise, prove Congress culpability to a far greater degree than they feel inclined to accept.

^o *Struggle for Freedom* Edited by R. C. Majumdar, Published by Bharatiya Vidya Bhavan, Rs. 50/-.

The Break-up of British India, B. N. Pandey, Published by Macmillans, 18sh.

Badshah Khan And His Movement

Moin Shakir

THE life and struggle of Badshah Khan is indeed the story of the vigorous movement of the Pathans, of their social, political, cultural and economic upliftment as well as the independence of the country. The movement produced a robust "Pakhtoon nationalism" which always responded to the call of freedom struggle against the British rule. It had always been a part and parcel of the anti-imperialist fight. The Pakhtoon nationalism was more than a criticism of the existing system, a protest against the tyranny of the rulers. It was a search for the identity of the Pathans, which implied the recognition of the glorious past which could be restored by joining the progressive forces in the country.

Badshah Khan played a major role in the creation and the direction of the "Pakhtoon nationalism", rooted in the cultural traditions, awareness of the grim realities of the present and a faith in future guaranteeing the full development of the individual personality of the Pathans. Badshah speaks of the glory of the past without becoming a revivalist. He wants it to act as an agent of the dynamic unity of the people. He holds that the land of the Pathans, in the past, was the "cradle of learning and culture". Here the Aryan civilization flourished, and the Buddha preached his gospel. It was the land of birth of Zoroaster and Panini. Then the Arabs conquered it, took away the splendid culture without giving, in its place, the true spirit of Islam. The last few centuries, according to Badshah Khan, "have been years of darkness for us, years of suffering. From the Mughal to the British period, and from British to Pakistani rule the tribal Pathans have never been treated with equality and dignity. . . . Imperialist powers used their armies, and turned a peaceful country into a battlefield. It resulted in the decline and decadence of the rich culture and civilization." The people were steeped in ignorance, illiteracy and superstition which was the deliberate work of the rulers. Badshah realised that the past of the Pathans might be of glory but the present was of frustration. The attitude of the British Government was least helpful to the advancement of the region. The obnoxious Frontier Regulation Act promulgated by the British was injurious to the unity, harmony, self respect and the honour of the people.

Badshah Khan held that the basis of the awakening and the enlightenment of the Pathans should be the elimination of the illiteracy and the ignorance of the people. In this sense Badshah Khan was to the N.W.F.P., what Sir Syed was to North India. The British Government was indifferent to the educational

needs of the Pathans. It had established few schools but the education of the children in these schools was opposed by the Mullahs, wrongly believing that Islam and modern education did not go together.

Badshah Khan launched a campaign for the establishment of schools. During this period, he and his companions came under the influence of Azad, Zafar Ali Khan, Mahmmdul Hasan and Obeidullah Sindhi. What they borrowed from these leaders, was love of the oppressed, hatred of the alien government and passion for justice, which was described as the true spirit of Islam. The Khilafat movement was launched with great clamour but its unintended effects made the innocent Muslims sufferers. The Hijrat movement was a "Calamity". It caused terrible loss of property and lives.

In 1929, Badshah Khan launched the Khudai Khidmatgar movement to make the Pathans more socially conscious. It aimed at service to humanity in the name of God, refraining from violence, forgiving the oppressive or cruel, refraining creating enmity, treating every Pathan as brother and friend, refraining from anti-social customs and practices, promising to live a simple life and practising virtue and devoting at least two hours of the day to social service. This movement was obviously not a political one. But the British Government never took the Pathans into confidence. They had to suffer under the wave of tyranny and oppression which the Government launched. Its aim was "to crush the Pathans and destroy their very existence."

At this stage, the Khudai Khidmatgar movement needed the help of the organization and the leaders functioning on all-India level. The Muslim League was not prepared to extend its support to any anti-British movement. Since the Congress had no such reservations its support was secured by Badshah Khan. The alliance between the Khudai Khidmatgar movement and the Congress is equally significant in the politics of N.W.F.P. in the Congress. Apart from this, it went a long way in shaping the ideas of Badshah Khan regarding the future of the Pathans within the frame work of the nationalist movement. The Gandhian influence could also be discerned in the technique adopted by Badshah Khan. He preached the doctrine of non-violence. He believed that violence had "created fear and cowardice" in the people's mind, it had weakened people's courage and morale. But the non-violent movement had made people fearless and brave, and inspired them with a high sense of morality." In N.W.F.P., non-violence "spoke of a new life for the Pathans, a life of dedication to their nation

and to their brethren. It spoke of a great and splendid revolution in art, in culture, in poetry, in their whole social life."

The foundation of the movement was not religion in the strict sense of the word. Badshah Khan characterized it as a spiritual movement which only meant the acceptance of the universal ethical values. His religion stands for service to the humanity and fight against tyranny. He declared that "there is no better jihad from the point of view of Islam than to free your country from slavery and foreign yoke." Incidentally the religion-based politics in India was hand in glove with the alien Government. Hence his opposition to religious politics. He thought that the religious solution of the socio-economic problems of the common people was least desirable.

The Pathans had already given their verdict on the issue of Pakistan before the partition of the country. Therefore the referendum on that issue in 1947 as proposed by the Viceroy was illogical. The Provincial Legislative Assembly could have decided it as it did in other provinces. Here lies the bone of contention between the Congress and the Khudai Khidmatgar movement. The Congress did not properly anticipate the consequences of the Partition, particularly regarding the Pathans. Badshah was not even consulted on such a vital question. Whatever was suggested by the Viceroy was accepted by the Congress leaders. The proposed referendum was certainly meaningless. The support of the Khudai Khidmatgar movement to the Congress was based on principles and enlightened self interest.

In 1947, the dream of Badshah Khan was shattered, the object of the Khudai Khidmatgar movement was frustrated. "I have one great dream, one great longing. I want to see all the Pathan tribes, from Baluchistan to Chitral, united into one brotherhood. I want to see them share each other's sorrow and happiness, I want to see them work together as equal partners. I want to see them play their national role and take their rightful place among the nations of the world, for the service of God and humanity. I have one great desire. I want to rescue these gentle, brave, patriotic people from the tyranny of the foreigners who have disgraced and dishonoured them. I want to create for them a world of freedom, where they can live in peace, where they can laugh and be happy. I want to kiss the ground where their ruined homes once stood before they were destroyed by savage strangers. I want to take a broom and sweep the alleys and the lanes, and I want to clean their houses with my own hands. I want to wash away the stains of blood from their garments. I want to show the world how beautiful they are, these people from the hills and then I want to proclaim: "Show me, if you can, any gentler, more courteous, more cultured people than these." said Badshah Khan.

In Pakistan, the hopes and the dreams of the Pathans could not be realized. The ruling class was not concerned with the welfare of the common people. Pakistan was "founded on hatred. She was born not of love but of hatred and she grew up on hatred, on malice, on spite and hostility."

It is to be noted that Badshah Khan has always been a misunderstood man. The League leaders described him as "Hindu" and an agent of the Congress as he did not subscribe to the two-nation theory. These leaders forgot that Badshah Khan's alliance with the Congress was based on the principles of democracy and common citizenship. He held that the prosperity of the Pathans lies in the independence of the country. His participation in the freedom struggle was an exercise and an experiment in democracy. Moreover after Independence, India was to be a democratic republic. "If the Hindus agree to this we will join the Federation and if they do not agree, our province will leave the Federation. I will then be in favour of seceding from the Federation and making our province into a sovereign state" declared Badshah Khan. The criticism of the League leaders could be ignored as they were motivated by political opportunism. What is distressing is the attitude of Maulana Azad. After the Partition of the country he advised Badshah "you ought to join the Muslim League now." One does not know the intention of the Maulana but he ignored one fact that Badshah Khan was too marked to sail under false colours. Badshah Khan has been a great sufferer at the hands of the British Government and the Islamic Government of Pakistan. But he never submitted to the oppressive authority. His principle, like Prometheus, was "I shall never exchange my fetters for slavish servility. It is better to be chained to the rock than bound to the service of Zeus."

(Continued from page 5)

well known Yugoslav Communist, has written in his book, *The New Class*, there is a New Class in India also. It is this class which exploits its political power to get its hands on the economy and to extort what Karl Marx would have called "surplus value" out of the peasants and workers and the middle class of this country.

Ours is a mixed economy. So it is a mixed class. This class has three heads—the political head, the official head and the business head outside—who conspire to loot this country and squeeze out the hard-earned earnings of the common people. If there is one vested interest in India today, it is the one symbolised by this Government, corrupt officials—such of them as are corrupt—and corrupt businessmen outside who join hands with them to loot the people.

—Based on a speech in Parliament

Hunger-Strike And After

Analyst

THROUGHOUT the month of November and December the centre of the stage in West Bengal was occupied by the controversy regarding law and order and the background was provided by interparty clashes, forcible harvesting and assaults in the colliery areas, followed by satyagraha by hunger-strike led by the Chief Minister himself in an open park in the centre of the city starting from December 1.

It is undoubted that the effect of the hunger-strike movement has had a sobering effect in the CPM and the number of reported interparty clashes has gone down considerably. In the last week of November and the first week of December there was an increase in political tension and it was expected that the life of the UF ministry might end any moment. That phase is now over and there are signs of temperature cooling down and the constituent parties of U.F. settling down to some adjustments at least for some time.

It is understood that one reason for the steep rise of temperature was the fact that Smt. Indira Gandhi discussed with Shri Ajoy Mukherjee at Delhi the pattern of the new UF or mini-front government if the CPM withdrew from the present government, but they could not agree. The CPM, sensing this "conspiracy", threatened to take the fight to the streets. But Smt. Indira Gandhi, it is reported, felt that she needed CPM support at the Centre rather badly and therefore could not afford to displease them at this moment. The CPM's public statement that it may even vote with the Syndicate made her nervous, and, as a result, nothing came out of the confabulations. In the Writers' Buildings the current rumour is that it is due to Indira Gandhi that the fall of the UF government was prevented in the first week of December, but most UF partners heaved a sigh of relief.

Ajoy Babu's three-day satyagraha drew huge crowds and the CPM-men who had thought of ignoring the "stunt" initially, decided to demoralise it through their *agent provocateurs*. But that boomeranged. The result is that whereas there were 50,000 volunteers to go on fast on the eve of December 1 the number jumped to double that figure within a week. This indicated the popular feeling, though it is strange that noted citizens are keeping scrupulously quiet on this issue while they are so vociferous on minor issues.

The partners of the United Front are becoming a little concerned at this swing of popular opinion, mainly because none of them wish the Ministry to go. All that they want is that the reins of the CPM

should be bridled and that their own domains and 'spheres of influence' should be accepted by the Big Brother. The CPM itself also realises that it would be foolish to get out of the Ministry in a huff just at a time when their "men" are reaping the rich harvest or collecting the levy from those cultivators who seek their protection. Thus December, the critical harvesting month, has been negotiated through. Politics will begin again after that!

Meanwhile Bangla Congress is going through the ritual of the satyagraha as there is no formal disposal of the issue. Ajoy Mukherjee is busy addressing large crowds in the districts and his speeches reflect his changing moods. One day he asks Jyoti Basu to give up his portfolio and on another he says that he may quit but that does not mean the end of the UF government. One day he laments that the District Magistrates hesitate to listen to him, next day he thunders that he has the power to throw out Jyoti Basu from the Home Department.

On December 28 Ajoy Mukherjee is going to lead another hunger-strike to be started at 1000 centres simultaneously.

And thus it goes on like a rigmarole and one fails to get a grip over the politics of the State.

Let us now try to make some sense out of this sprawling, drawling, unending, spongy, plastic politics that pervades the political life of West Bengal.

One thing seems to be certain—that Ajoy Mukherjee, as Chief Minister is convinced that law and order in the State has broken down, that the integrity of the police and the administration has been tampered with and that the Home Department has been utilised for the above purposes. In all his current pronouncements Ajoy Mukherjee has struck to this theme consistently. But he has not taken any step as *Chief Minister* to improve the situation. The argument that he has given in defence of this inaction is that he is bound by the agreement between UF partners made at the time of the formation of the Ministry. This seems to be his line of thinking and he is so dominated by this commitment to the original agreement that he cannot think of going against it. The contents of the agreement, if in writing are not known to the public.

Jyoti Basu, however, contends that there is no breakdown of law and order, and thus there is no meeting ground between the C.M. and the Home Minister. Jyoti Basu, however, concedes that the Chief Minister *has* the constitutional right to take the port-

folio away from him, but he cannot do so because of the prior understanding. If that is done, the CPM will be entitled to let hell loose on the people of West Bengal.

Therefore the first thing that the public expect is that the document of agreement should be made public, so that the exact nature of the commitment could be examined. Secondly, that agreement was made at a time of allocation of portfolios. Does that take away the constitutional right and responsibility of the C.M. to see that all his Ministers function properly in the discharge of their respective responsibilities? That right remains with him personally as long as he is Chief Minister and cannot be restricted or passed on to any other agency. Thirdly, each Minister is expected to discharge his responsibility properly and not otherwise. A Minister, for instance, entrusted with the task of maintaining law and order and providing just and fair administration, is not expected to subvert these. But if the Minister does exactly this, is the C.M. still bound by that agreement in spite of his constitutional right and responsibility? Are these Ministries like old style zamindaries to be gifted away by the Chief Minister to the various parties once and for all? Or is not the Chief Minister responsible to the public to see that his Ministry functions as a team in

the due discharge of the responsibility of government?

Unfortunately Ajoy Mukherjee seems to believe that the so-called private agreement between parties is something higher than his constitutional and political responsibility.

If a Minister loses the confidence of his Chief, can he stay on? Should not the Chief Minister in such a case ask the Minister concerned to resign, or at least to give up the particular portfolio? But if the version of Somnath Lahiri, a leading CPI Minister, is to be believed, the question of asking Jyoti Basu giving up the Home portfolio has never been raised by any constituent party of the United Front. Is this not something strange?

It seems to us that once the Chief Minister comes to the definite opinion that the Home Minister has failed to discharge his due responsibilities, it is his personal responsibility to take the initiative to ask the Minister concerned to give up the portfolio if not to resign altogether. If the Chief Minister does not take this logical step, there is no sense in his pronouncements and in his hunger strike. In fact, these make sense only if he takes this political-constitutional step. Let us hope he will no longer waver or escape this duty of decision-making or try to shift it on to others.

HAVE YOU JOINED THE FORUM?

In order to understand current economic problems, read Forum of Free Enterprise booklets which are issued every month. Annual Membership is only Rs. 15/- (plus entrance fee Rs. 10/-) and Associate Membership Rs. 7/- (entrance Rs. 5/-). College students can become Student Associates by paying only Rs. 3/- per year.

Please write for particulars to:

Forum of Free Enterprise

Sohrab House, 235, Dr. D. N. Road,

Post Box 48-A, Bombay - 1.

Letter to the Editor

P.M. and Party President

Sir,

SHRI A. G. Mulgaokar's article in October 1969 issue, appears to give 'totalitarian' powers to a P.M. I disagree with that view. Under our Constitution, the Government functions through a 'Council of Ministers' under a Cabinet system and there is collective responsibility. A P.M. cannot overrule the majority view of his Cabinet, although, as Head of the Council, he might have chosen the Ministers. True, the proceedings of Cabinet meetings are secret. Still the majority view counts. If a P.M. has no confidence in any Minister, he may remove him, but if the Cabinet has no confidence in a P.M., he must resign.

Further, the P.M. and the Cabinet are collectively responsible to the legislature and the entire Cabinet must resign, even if one Minister loses the confidence of the legislature, although a particular Minister may be made to resign for his own fault.

The above provisions are necessary to prevent 'dictatorship' tendency in a clever leader.

As for the powers of the ruling political party, 'politically' the P.M. and the other Ministers are 'subordinate' to the Party President and the Executive, and the P.M. must endeavour to carry out the Party's policies and programmes. If there is any difficulty or difference of view, the P.M. must offer to resign and ask the party to choose a new leader, or resign from the party and join or start a new party. Having got the Premiership under the party ticket, a P.M. should not continue banking on other political parties' support. That will be 'disloyalty'-'unethical'.

Even so, the party President and other members should not interfere in normal Government functions; for the Government is responsible for the benefit of all people. The party can question only deviations from approved policies.

Government resources must not be used for any or even ruling party's purposes. That will be unfair to other parties.

Tamil Nadu
November 24, 1969

R. VANCHINATHAN

I do not think anything I said in my article warrants the inference which your Correspondent draws. I discussed the constitutional position of the Prime Minister and gave example of similar incidents from recent British constitutional history. The conclusion which I sought to derive briefly was that the claim of the Congress (Undivided) President to make the Prime Minister subject to his and the Working Committee's control was untenable. It is precisely because I wanted to emphasise the responsibility of the Prime Minister to the Parliament that I pointed out that no other control was possible or could be permitted. It is true that as the parliamentary party-

government takes greater root in this country, the pattern of other countries will most probably follow, that is, cabinet government will tend to become more and more Prime-Ministerial government. As an instance, I may cite the occasion when Macmillan was able to get rid of eight of his senior colleagues including the Lord Chancellor by just a stroke of the pen. "Totalitarian" is an ugly word. Perhaps your correspondent is anticipating events, but it is futile to anticipate events too far ahead.

A. G. MULGAOKAR

Review

Democracy and Development

A Report on an International Colloquium, Indian Liberal Group, 127, M. Gandhi Road, pages 143, price not mentioned.

BREAD or Freedom?—is a stock question always posed by Communists to the people. The question is false, as there is no guarantee that dictatorship will produce bread. In fact, dictators neither produce bread nor give freedom to the people. They produce war materials instead and generate wars to satisfy their ego. Ultimately, they ruin the country. While Liberals are just the opposite. They recognise the importance of individual liberty and free society. They recognise the role of competitive free market economy. They also realise that there is no short-cut to development and there are no simple answers to various problems facing the country.

The outlook of Liberals all over the world is portrayed in the book under review which is the report of an International Colloquium on "Democracy and Development" held recently in Coonoor. Thirty-five Liberals from fourteen countries from Asia and Europe had gathered, not to say that "we told you so" but to pool their knowledge and experience. The Colloquium was sponsored by the Leslie Sawhny Programme of Training for Democracy and the Indian Liberal Group in cooperation with the Freidrich Naumann Stiftung Foundation of West Germany.

The report embodying the discussions that took place looks at the problems of democracy and development from a variety of angles. It deals with economics, agriculture and industry and also with social, educational and other problems.

The report brings out well the conviction of the participants that democracy is not only morally superior but has also proved more progressive and efficient than dictatorship of any kind. Liberals, it is clear, value democracy and development as two important essentials for the prosperity of a country. But this cannot be achieved unless there is stability within the country and security from outside against external aggression. The Colloquium, therefore, warned against

(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.

Mrs. Gandhi's socialistic programme is very definitely the best kept secret in Delhi. Some say the real secret is that there is no programme.

—Nandan Kagal, *Indian Express*, November 27.

Socialism has supplanted patriotism as the last refuge of a scoundrel.

—Nirad Chaudhuri, *Hindustan Standard*,
December 1.

Like Britannia of old the Prime Minister rules and rides the waves—radio waves.

—Frank Moraes, *Indian Express*, December 1.

It is a matter of indifference to the end outcome whether it is the so-called rightists or the leftists that may emerge successful in the present power struggle.

—B. R. Shenoy, *Economic Times*, December 3.

All Communists are potential Naxalites waiting for favourable opportunities.

—C. Rajagopalachari, *Swarajya*, December 6.

Communists regard their partners in any united front not as colleagues or comrades-in-arms but as their prisoners.

—Janata, December 7.

Today persons who had amassed wealth and secured good positions with my help have left me.

—K. Kamaraj, *Indian Express*, December 8.

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

Please enrol me as a subscriber to FREEDOM FIRST.
I remit the annual subscription of Rs. 5.00

Name:

Address:

Signature

Mr. Promode Dasgupta, Secretary of the CPI(M)'s West Bengal unit explained that his party had extended support to Mrs. Gandhi "not out of love but as part of a plan". The CPI(M), he added, wanted to dislodge her from power ultimately.

—A news item in *Statesman*, December 8.

More and more will the two Congress groups vie with each other to advocate extreme policies.

—J. B. Kripalani, *Indian Express*, December 9.

Mrs. Gandhi's socialism is winding up in a most inglorious manner.

—Tarakeshwari Sinha, *Current*, December 13.

The whole of West Bengal will be in flames if on the false plea of deteriorating law and order, the Centre ventures to impose President's rule in the State.

—Jyoti Basu, Deputy Chief Minister of West Bengal,
Economic Times, December 12.

The oldest form of citizenship: that one man, simply by determined complaining, can still accomplish a great deal in a free society.

—Time, December 12.

With Mrs. Gandhi, Ministries broaden from crisis to crisis while Ministers shrink.

—Frank Moraes, *Indian Express*, December 15.

What will bring communism, however, is not unorthodox steps but inadequate ones.

—Pran Chopra, *Citizen*, December 13.

(Continued from page 11)

the idea of going "Nuclear", to produce nuclear weapons as a prestige symbol at the cost of the basic economic stability.

There is a lot in the report which will be of value to thinking people in the country. The Editor deserves appreciation for compiling the report and publishing it in the form of an attractive book.

M. R. CHANDVADKAR