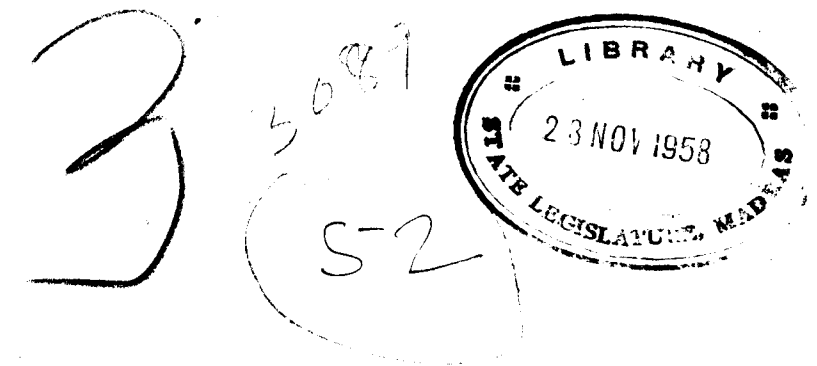


# THE INDIAN JOURNAL OF POLITICAL SCIENCE



JANUARY-MARCH 1958

*Editor:* A. L. LOOMBA  
MODEL HOUSE, LUCKNOW (U. P.), INDIA

VOL. XIX

No. 1

**THE INDIAN JOURNAL OF POLITICAL SCIENCE**  
Quarterly Organ of the Indian Political Science Association

**EDITORIAL BOARD**

A. L. LOOMBA, MANAGING EDITOR,  
Reader in Political Science, University of Lucknow,  
Model House, Lucknow (U. P.), India

N. R. DESHPANDE  
University of Poona,  
Poona—7

J. P. SOUZA,  
Elphinstone College,  
Bombay

A. C. KAPOOR,  
Mahendra College,  
Patiala, (Punjab)

**Editorial Office :**

MANAGING EDITOR,  
THE INDIAN JOURNAL OF  
POLITICAL SCIENCE,  
MODEL HOUSE,  
LUCKNOW (U. P.), INDIA

**Executive Office**

S. C. DASH,  
GENERAL SECRETARY  
& TREASURER  
KUKURIAPADA,  
CUTTACK-1 (ORISSA), INDIA

The Indian Journal of Political Science, published quarterly during the months of April, July, October, and December is supplied to all members of the Indian Political Science Association. Individual and institutional memberships are Rs. 15.00 ( £ 1 10s or \$4.50 ) a year. Students, other than research students, are supplied at a concessional rate of Rs. 10.00 per year. Sixty two n.P. ( 1s. or 75 c ) should be added for Bank charges.

Current issues are priced at Rs. 5.00 ( 7s. 6d or \$1.25 ) per copy. Prices of other issues are furnished on request.

Applications for membership and remittances may be addressed either to the Managing Editor, Indian Journal of Political Science, Model House, Lucknow ( U. P. ), India, or The General Secretary, Indian Political Science Association, Kukuriapada, Cuttack—1 ( India ). Notices of change of address should be received in the Editorial Office by the 5th day of the month of publication.

Correspondence concerning contributions and books intended for review, orders, advertisements in the Journal and editorial correspondence should be addressed to the Managing Editor, Model House, Lucknow.

The Managing Editor does not undertake to return unsolicited manuscripts unless accompanied by stamped addressed envelopes or, in case of correspondents abroad, International Reply Coupons.

The responsibility for statement of facts, quotations given and opinions expressed in the articles and reviews published in this Journal is borne solely by the respective contributors. The Association or the Editorial Board does not necessarily share the views expressed here.

Printed in India by Prem Printing Press, Golaganj, Lucknow (U.P.).

VOL. XIX, No. 1

THE INDIAN JOURNAL OF POLITICAL SCIENCE

**Contents**

|                                                                                                                        |    |
|------------------------------------------------------------------------------------------------------------------------|----|
| SOME IMPLICATIONS OF CHANGES WITHIN THE SOVIET UNION<br>By R. J. Harrison . . . . .                                    | 5  |
| THE UNITED NATIONS TECHNICAL ASSISTANCE BOARD ( U. N. T. A. B. )<br>By Lateef N. Ahmad . . . . .                       | 5  |
| POLITICAL PHILOSOPHY OF LOKMANYA TILAK<br>By Vishwanath Prasad Varma . . . . .                                         | 15 |
| SWAMI DAYANAND'S CONTRIBUTION TO INDIAN NATIONALISM AND HIS<br>POLITICAL PHILOSOPHY<br>By Ram Prakash Sharma . . . . . | 25 |
| MANIPUR STATE CONSTITUTION ACT, 1947<br>By S. K. Banerjee . . . . .                                                    | 35 |
| INFLUENCE OF INDIA ON ENGLISH JURISPRUDENCE<br>By G. S. Sharma . . . . .                                               | 39 |
| THE UNITED NATIONS AND WORLD PEACE<br>By Eddy Asirvatham . . . . .                                                     | 45 |
| INTERVENTIONS IN EGYPT AND HUNGARY, THEIR LEGALITY, AND THE<br>U. N. ACTION FOR PEACE<br>By S. K. Mukherjee . . . . .  | 53 |
| NATURE AND SIGNIFICANCE OF INDIAN NATIONALISM<br>By S. C. Dash . . . . .                                               | 63 |
| SOME REFLECTIONS ON THE SECOND GENERAL ELECTIONS IN INDIA<br>By Bodhraj Sharma . . . . .                               | 73 |
| <b>BOOK REVIEWS :</b>                                                                                                  |    |
| Jennings, <i>Problems of the New Commonwealth</i><br>By G. S. Sharma . . . . .                                         | 78 |
| Sastri, <i>Principles of District Administration in India</i><br>By B. M. Sharma . . . . .                             | 79 |
| Gwyer and Appadorai, <i>Speeches and Documents on the Indian Constitution 1921-47</i><br>By K. P. Misra . . . . .      | 79 |
| <i>The Economic Weekly</i> , Annual Number, January 1958<br>By K. P. Mukerjee . . . . .                                | 81 |
| BOOKS AND PERIODICALS RECEIVED . . . . .                                                                               | 82 |
| DIGEST OF CASES OF CONSTITUTIONAL AND ADMINISTRATIVE IMPORTANCE<br>By Krishnapriya Loomba . . . . .                    | 83 |
| UNION AND STATE STATUTES . . . . .                                                                                     | 90 |

# FORM IV

Statement about ownership and other particulars about the Indian Journal of Political Science required under Rule 8 of Newspapers (Central) Rules 1956.

1. Place of Publication Model House, Lucknow (U. P.).
2. Periodicity of its Publication. Quarterly, published in the last week of April, July, October and December.
3. Printer's name A. L. Loomba  
Nationality Indian  
Address Model House, Lucknow.
4. Publisher's name A. L. Loomba  
Nationality Indian  
Address Model House, Lucknow.
5. Editor's name A. L. Loomba  
Nationality Indian  
Address Model House, Lucknow.
6. Names and addresses of individuals who own the newspaper and partners or shareholders holding more than one percent of the total capital. The Indian Political Science Association. Address for 1958 : Dr. S. C. Dash, General Secretary & Treasurer, Ravenshaw College, Cuttack—3

I, AWANTI LAL LOOMBA, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Dated 20-4-58

Sd/ A. L. LOOMBA  
Publisher.

## TO OUR READERS

In its Nineteenth year the Indian Journal of Political Science offers its Greetings to all its readers. The Managing Editor wishes to offer his apologies for the delay in bringing out the first issue. A lot of time was taken up in the completion of legal formalities consequent upon a change in the Managing Editorship ; but this was unavoidable.

An academic Journal, worth the name, must of necessity be a co-operative effort. The Editorial Board, accordingly, invites the co-operation not only of all the Political Scientists but also of scholars in related fields to extend their helping hand in a co-ordinated study of political problems. Even among Political Scientists in this country, if they are to make creative contribution to the study of political problems, it is time that they declared their special fields of study. It is, therefore, proposed from the next issue to divide each issue of the Journal into four principal sections dealing with Political Theory Governmental Mechanism and Public Administration, Legal Basis of the State, and International Law, Relations and International Institutions. Efforts are being made to form strong advisory boards for these sections and scholars are invited to indicate their special fields of study.

Two new features are offered from this issue. The first is a Digest of cases of constitutional and administrative importance. Due to the shortage of time, we had to depend this time mainly on the A. I. R. and not much editing has been possible. The second is a list of constitutional and administrative legislation passed by the Union Parliament and in the States. Due again to the paucity of time and non-accessibility of data it has only been possible to publish this time the statutes in the State of Uttar Pradesh only. From the next issue, however, it is hoped that both these features will be better organised.

Volume XVII started the publication of researches either completed or in progress in the various Indian Universities. Probably on account of the non-availability of necessary data, it was discontinued last year. From the next issue we hope to resume this feature as well.

The Editorial Board takes this opportunity of placing on record their deep sense of appreciation of the services of its predecessors. It is due to the untiring zeal of that galaxy of scholars who have adorned the Editorial chair in the past that the Journal has attained the status that it enjoys in the academic world. It shall be our earnest effort to maintain the standards set by them. But for this we shall need your active co-operation. And we heartily invite you to send us your suggestions for making the Journal really useful.

MANAGING EDITOR

## ANNOUNCEMENTS

THE INTERNATIONAL POLITICAL SCIENCE ASSOCIATION is organising its Fourth World Congress in Rome from September 16 to 20, 1958. Topics for discussion are:

- |                                                               |                    |                                                                                            |
|---------------------------------------------------------------|--------------------|--------------------------------------------------------------------------------------------|
| 1. Interest Groups                                            | <i>Rapporteur:</i> | Prof. H. W. Ehrmann, University of Colorado, Boulder, Colorado, U. S. A.                   |
| 2. Control of Public Enterprise                               | <i>Rapporteur:</i> | Prof. F. Vito, University du Sacre-Coeur, Milan, Italy.                                    |
| 3. Executive-Legislative Relations                            | <i>Rapporteur:</i> | Prof. Georges Vedel, Faculty of Law, University of Paris, Paris, France.                   |
| 4. Study of International Conflicts                           | <i>Rapporteur:</i> | Prof. J. Freymond, Institut Universitaire De Hautes Etudes Internationales, Geneve Suisse. |
| 5. Local Government                                           | <i>Rapporteur:</i> | Mr. Henry Maddick, Faculty of Commerce, University of Birmingham, Birmingham 15, U. K.     |
| 6. Relations between Theory and Practice in Political Science | <i>Rapporteur:</i> | Prof. Jovan Djordjevic, University of Belgrade, Belgrade, Yugoslavia.                      |

The Secretariat of the Congress will be located C/o Dr. F. A. Casadio, Palazzetto di Venezia, 3 Via San Marco, Secretary, Italian Organising Committee, from 8 September till Tuesday, September 16, at noon. It will then move to the Palazzo Corsini, Via della Lungara (Trastevere)

*For further particulars, please write to*

|                                                                 |                                                                                        |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 172, Route De Ferney,<br>Grand-Saconnex,<br>GENEVA—SWITZERLAND. | JOHN GOORMAGHTIGH<br>Secretary-General,<br>International Political Science Association |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------|

It is regretted that the Proceedings of the Nineteenth Indian Political Science Conference held at Poona could not be included in this issue. They will appear in the next issue.

VOL. XIX, No. 2

April-June, 1958

## THE INDIAN JOURNAL OF POLITICAL SCIENCE

### Contents

|                                                                                                   | Page |
|---------------------------------------------------------------------------------------------------|------|
| LEGISLATIVE-EXECUTIVE RELATIONS IN THE UNITED STATES<br>By Phillips Bradley .. .. .               | 93   |
| UNITING FOR PEACE<br>By S. Nasir Ali .. .. .                                                      | 115  |
| UNITED NATIONS AND WORLD PEACE : INDIA'S CONTRIBUTION<br>By R. N. Mathur .. .. .                  | 124  |
| THE VETO PROBLEM IN THE U. N.<br>By S. C. Singh .. .. .                                           | 129  |
| ORIGINS AND SIGNIFICANCE OF THE NATIONAL MOVEMENT IN INDIA<br>By J. P. Suda .. .. .               | 134  |
| NATIONALISM IN INDIA IN PRE-CONGRESS DAYS<br>By Bimanbehari Majumdar .. .. .                      | 142  |
| SECOND GENERAL ELECTION IN DELHI<br>By Kamla Sethi .. .. .                                        | 148  |
| THE SECOND GENERAL ELECTIONS IN GREATER BOMBAY<br>By Usha Mehta .. .. .                           | 151  |
| CONFERENCE PROCEEDINGS:                                                                           |      |
| Proceedings of the XXth Indian Political Science Conference ..                                    | 161  |
| Report of the XXth Annual General Meeting .. ..                                                   | 186  |
| Annual Report on the Working of the Indian Political Science Association .. .. .                  | 191  |
| Accounts of the Indian Journal of Political Science .. ..                                         | 194  |
| Proceedings of the Executive Committee .. ..                                                      | 199  |
| BOOK REVIEWS :                                                                                    |      |
| <i>The United States and the Far East</i><br>By S. Dakshina Moorthy .. .. .                       | 203  |
| <i>The New India : Progress through Democracy</i><br>By A. L. Loomba .. .. .                      | 205  |
| BOOKS AND PERIODICALS RECEIVED .. .. .                                                            | 208  |
| RESEARCH IN POLITICAL SCIENCE IN INDIAN UNIVERSITIES ..                                           | 209  |
| DIGEST OF CASES OF CONSTITUTIONAL AND ADMINISTRATIVE IMPORTANCE<br>By Krishnapriya Loomba .. .. . | 212  |



## NOTES AND NEWS

(Members are invited to send news items, queries and letters for publication in these columns—Mg. Editor)

Dr. S. N. Verma, Reader, Department of African Studies, University of Delhi, left on a study tour for U. K., and later Europe and Africa, on May 15th.

\* \* \*

Shri N. Shrinivasan, Professor of Political Science, Indian School of Public Administration left for the United States, and later Europe, on June 21st for specialised study of Administrative Law.

\* \* \*

Dr. V. P. Verma, Professor of Political Science, Patna College, and a life-member of the Indian Political Science Association, participated in the Seminar on "Territorial Integrity and Peaceful Change in International Law and Politics" organised at Delhi under the auspices of the Delhi University on 10th, 11th, 12th and 13th July.

The Government of Uttar Pradesh has awarded a prize of Rs. 1200/- to Dr. V. P. Verma for his book *Rajniti Aur Darshana* (Hindi). The Bihar Rashtra Bhasha Parishad has also awarded a prize of Rs. 1000/- for the same book to Dr. V. P. Verma.

## INDIAN CONSTITUTIONAL DOCUMENTS

Edited by

**Dr. A. C. Banerjee, M. A., Ph. D.**  
CALCUTTA UNIVERSITY

Vol. I : 1757 - 1858. Vol. II : 1858 - 1917. Vol. III : 1917 - 1939

The most comprehensive collection of documents on Indian Constitution and administration. With Introduction and Notes.

Price Rs. 32.00

## THE MAKING OF THE INDIAN CONSTITUTION

The most comprehensive collection of documents relating to the crucial period 1939 - 1947.

Price Rs. 15.00

## A SURVEY OF THE INDIAN CONSTITUTION

By

**Dr. A. C. Banerjee & Prof. K. L. Chatterjee**

Best book for advanced students

Price Rs. 6.50 nP.

**A. MUKHERJEE & CO. (PRIVATE) LTD.**  
2, College Square, Calcutta-12



VOL. XIX, No. 3.

July-September 1958

## THE INDIAN JOURNAL OF POLITICAL SCIENCE

### Contents

|                                                                                                                      | Page |
|----------------------------------------------------------------------------------------------------------------------|------|
| INDIAN 'INTEREST GROUPS' AND INDIAN FOREIGN POLICY<br>By Richard J. Kozicki ... ..                                   | 219  |
| CO-EXISTENCE—A WESTERN VIEW<br>By R. J. Harrison ... ..                                                              | 228  |
| THE AWAKENING OF AFRICA<br>By Pargat Singh Muhar ... ..                                                              | 233  |
| EQUALITY—ITS MEANING AND PROBLEMS<br>By B. C. Parekh ... ..                                                          | 242  |
| THE STATE—A NEW POWER SYSTEM<br>By Devendra Pal Verma ... ..                                                         | 253  |
| MARY PARKER FOLLET AND THE STUDY OF PUBLIC ADMINISTRATION<br>By S. P. Aiyar ... ..                                   | 258  |
| THE UNION PUBLIC SERVICE COMMISSION AND THE U. S. CIVIL SERVICE COMMISSION<br>By C. N. Bhalerao ... ..               | 263  |
| ADMINISTRATION AND LAW<br>By Haridwar Rai ... ..                                                                     | 271  |
| ELECTIONS AND ELECTIONEERING IN ANCIENT GREECE<br>By Rajendra Awasthi ... ..                                         | 276  |
| THE SPECIAL POSITION OF THE JAMMU & KASHMIR STATE IN THE INDIAN CONSTITUTION<br>By Bodh Raj Sharma ... ..            | 282  |
| A DECADE OF PARLIAMENTARY LIFE IN BURMA<br>By R. Srinivasan ... ..                                                   | 291  |
| BOOK REVIEWS                                                                                                         |      |
| R. Dwarkadas: <i>Role of Higher Civil Service in a Welfare State</i><br>By N. V. Raghuram ... ..                     | 305  |
| Q. Wright: <i>Problems of Stability and Progress in International Relations</i><br>By Vishwanath Prasad Verma ... .. | 308  |
| Q. Wright: <i>The Study of International Relations</i><br>By Vishwanath Prasad Verma ... ..                          | 309  |
| <i>Current Events Year Book, 1958</i><br>By A. L. Loomba ... ..                                                      | 311  |
| J. P. Suda: <i>History of Political Thought</i><br>By A. L. Loomba ... ..                                            | 312  |
| BOOKS AND PERIODICALS RECEIVED ... ..                                                                                | 313  |
| RESEARCH IN POLITICAL SCIENCE IN INDIAN UNIVERSITIES ... ..                                                          | 316  |
| DIGEST OF CASES<br>By Krishnapriya Loomba ... ..                                                                     | 320  |

## OUR CONTRIBUTORS

- Richard J. Kozicki. M. A. in Political Science from Yale University and Ph. D. candidate at the University of Pennsylvania; author of several articles on Far-eastern and Middle Eastern Affairs; was recently in India in connection with his Research on "Indo-Burmese Relations, 1937-57", attached to the Indian School of International Studies, Sapru House, New Delhi.
- R. J. Harrison. Lecturer in Political Science at Victoria University Wellington; from 1954-56 was lecturing in the United States at the Ohio State University.
- B. C. Parekh. Lecturer in Political Science, M. S. University of Baroda.
- Pargat Singh Muhar. Ph. D. (Harvard). Head of the Department of Political Science in the University of Patna (Bihar); Director, Institute of Public Administration, Patna.
- S. P. Aiyar. Lecturer in Politics, University of Bombay.
- Devendra Pal Varma. Lecturer, Government College, Dharmshala.
- C. N. Bhalerao. Lecturer in Political Science, M. S. University of Baroda.
- Hardwari Rai. Lecturer in Political Science, Patna University.
- Rajendra Awasthi. Ph. D. (Lucknow University). Officiating Lecturer in the University of Lucknow.
- Bodh Raj Sharma. Ex-President of the Indian Political Science Association; Head of the Department of Political Science, Punjab University College, Hoshiarpur.
- R. Srinivasan. Research Assistant, Department of Civics and Politics, University of Bombay.
- N. V. Raghuram. M. A. (Bombay). Research Assistant in Public Administration, Indian Society of Agricultural Economics, Bombay 1955-56; Research Assistant Scholar in Dept. of Political Science, Bombay University 1956-58. Recently submitted Doctoral thesis on "The Nature and Concept of O & M Work." Presently, Research Officer, Indian Institute of Public Administration, Mysore Regional branch, Bangalore.
- V. P. Varma. M. A. (Columbia), Ph. D. (Chicago). Head of the Department of Political Science, Patna College, Patna.
- (Miss) Krishnapriya Loomba. M. A. LL. B. (Lucknow University). Gold Medalist. Was Lecturer in Isabella Thoburn College, Lucknow. She has recently been appointed to the Indian Railways Accounts Service. She has edited the Digest of Cases for the last 3 issues. We wish her God-speed in her new career.

VOL, XIX

October-December 1958

## INDIAN JOURNAL OF POLITICAL SCIENCE

CONFERENCE NUMBER

*Contents*

|                                                                              | Page |
|------------------------------------------------------------------------------|------|
| Parliamentary Government in India ... ..                                     |      |
| By Aloo J. Dastoor ... ..                                                    | 329  |
| Is Parliamentary Government suitable to India ... ..                         |      |
| By Devavrat N. Pathak ... ..                                                 | 335  |
| Reflections on the Nature and Significance of the Opposition in India ... .. |      |
| By Santosh Kumar Nandy ... ..                                                | 343  |
| Role of Civil Service in India ... ..                                        |      |
| By A. R. Tyagi ... ..                                                        | 349  |
| The Sarvodaya View of State and Politics ... ..                              |      |
| By Dev Sharma ... ..                                                         | 357  |
| Significance of Sarvodaya ... ..                                             |      |
| By R. H. Leela ... ..                                                        | 365  |
| Sarvodaya and Democracy ... ..                                               |      |
| By Usha Mehta ... ..                                                         | 368  |
| Sarvodaya ... ..                                                             |      |
| By Buddhadeb Bhattacharyya... ..                                             | 375  |
| South East Asia in World Affairs ... ..                                      |      |
| By G. V. Ambekar & V. D. Divekar ... ..                                      | 388  |
| Implications of the South East Asia Collective Defence Treaty ... ..         |      |
| By Khagendra Chandra Pal ... ..                                              | 400  |
| South-East Asia World affairs ... ..                                         |      |
| By Sushil Chandra Singh ... ..                                               | 410  |
| Book Reviews ... ..                                                          |      |
| K. P. Mukerji : <i>Major Governments of Asia</i> ... ..                      | 417  |
| K. P. Misra : <i>The Organisation of the Government of India</i> ... ..      |      |
| Digest of Cases ... ..                                                       |      |
| By Krishnapriya Loomba & Ramajhikari Sharma ... ..                           | 419  |

## OUR CONTRIBUTORS

- (Miss) Aloo Dastoor, Sir Pherozshah Mehta Professor and Head of the Department of Political Science in the University of Bombay.
- Devavrat N. Pathak, Reader in Politics, Gujarat University, Ahmedabad.
- Santosh Kumar Nandy, Lecturer in Political Science, Ashutosh College for Women, Calcutta.
- Dev Sharma, Lecturer in Politics, R.R. College, Alwar. Has recently joined, as Rajasthan Government Scholar for 3 years, the Indian School of International Studies, New Delhi.
- (Km.) R. H. Leela, Lecturer, Gudivada College, Gudivada, (Krishna Dist.).
- (Km.) Usha Mehta, Lecturer in Political Science, Bombay University, Bombay.
- Buddhadeo Bhattacharyya, Lecturer in Political Science & Economics, Shyamsundar College, Burdwan, (West Bengal,) is doing research on "Evolution of the Political Philosophy of Mahatma Gandhi". He is also the Editor of *Ganayarta*, Bengali weekly organ of the Revolutionary Socialist Party.
- G.V. Ambekar, Head of the Department of Politics, M.E.S. College, Poona.
- V.D. Divekar, Lecturer in the Gokhale Institute of Politics and Economics, Poona.
- Khagendra Chandra Pal, Head of the Department of Economics, Victoria College, Cooch-Bihar, West-Bengal.
- Sushil Chandra Singh, an ex-President of the Indian Political Science Association, is Reader in Politics, University of Saugor, Sagar (Madhya Pradesh).
- (Km.) Krishnapriya Loomba, formerly Lecturer in Isabella Thoburn College, is now in Indian Railway Accounts Service.
- Ramadhari Shukla, practising lawyer, is doing research on 'Civil Liberties in India.'
- Krishna P. Mukerji, formerly Sir Pherozshah Mehta Professor of Politics, University of Bombay, is author of several books.
- K. P. Misra, Assistant Professor, Department of Political Science, University of Lucknow.

## SOME IMPLICATIONS OF CHANGES WITHIN THE SOVIET UNION

By

R. J. HARRISON

*Victoria University College, Wellington*

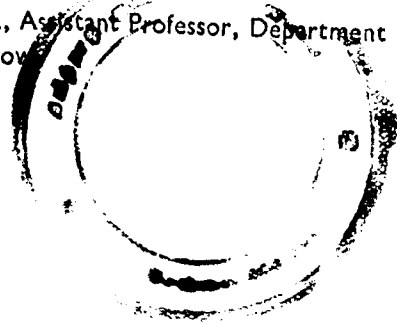
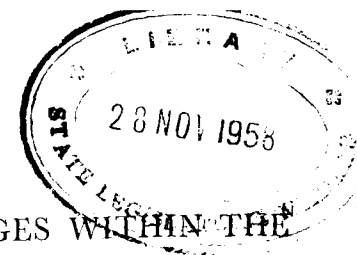
Ten years ago George Kennan urged against greeting Soviet tactical manoeuvres by "gleeful announcements that 'the Russians have changed'".<sup>1</sup> His general warning has not been ignored, and has exercised, directly and indirectly, an influence upon the foreign policy of the United States. It has, by warning us not to jump to immediate conclusions about changes in Soviet policy which are really only changes in means, perhaps also tended to create an atmosphere in which the possibility that ends themselves have in fact changed or been modified, is rarely considered. And yet, vast changes have taken place inside the Soviet Union since 1947. Its population has increased by about 25 million and its national income has probably more than kept pace. In September and October, 1957 the western world was shocked into recognition of the great technological advances that have been made. First the visit of Soviet leaders to England and the United States gave those countries their first glimpse of pure jet passenger planes superior to anything in commercial use in the west. Then came the announcement of the successful firing of an inter-continental ballistic missile, followed shortly by the launching of the first satellite. Have not these changes, and the changes which have taken place in Western Europe since the war, an ideological significance so compelling that Western observers must consider the possibility that they have modified ends in ways which fundamentally affect East-West relations and which call for changes in western foreign policy?

Certainly doctrines of means and the details of the interpretation of history have responded in the past to the logic of circumstances (though they have not been rejected outright). Some of the responses have been so radical as to suggest the possibility that ends themselves might be reconsidered for similar reasons.

The very achievement of Bolshevik power was a conscious and successful refutation of Orthodox Marxist interpretation of history in response to Russian conditions. No bourgeois revolution ever ran its course in Russia. Bolsheviks showed that it was an unnecessary stage and could be telescoped into one with the proletarian revolution. The Chinese revolution is another demonstration of the same fact, while it presents, in addition, a further striking contrast with Marxist interpretation in being not even an urban movement, but so thoroughly peasant based as to defy attempts on orders from Moscow in the later 20's to transform it.

The Russian revolutionaries almost immediately they had attained power, compromised long term objectives by satisfying the peasant demand for land, thus creating a peasant petty bourgeoisie. This action, and the New Economic Policy are of course examples of the familiar tactic of retreat.

<sup>1</sup> G. F. Kennan ("X") The Sources of Soviet Conduct, *Foreign Affairs*, v. 25, July 1957, pp. 571-582.



They were dispensed with as soon as the difficulties which had called them into existence had been overcome. But subsequent retreats differed qualitatively from these. Stalin's doctrine of 'socialism in one country' is a long term project which places the world revolution in a much more remote category. Recently, it is true Molotov's 'error' produced the view that the foundations of socialism have been laid in Russia, but even if one forgets to discount this ideologically, because of its greater propaganda and internal political significance, it hardly suggests that the objective is almost in sight. It has if anything the opposite effect.

Outside Russia, the development of Socialist parties has provided the most serious challenge to the Marxian prognosis. Lenin thought it was just a 'breathing spell'. Trotsky, endeavouring to explain why it had 'stretched out to a whole historical epoch' dogmatised that 'the contradictory social structure of the Soviet Union, and the ultra bureaucratic character of its State, are the direct consequence of this unique and 'unforeseen' historical pause, which has at the same time led in the capitalist countries to fascism or the prefascist reaction'.<sup>2</sup>

Trotsky's analysis is undoubtedly far too simple an explanation of the character or the success of say, the British Labour Party, though it is a factor in both which should not be overlooked. But true or not, the Democratic Labour party is a growth which has made very deep roots and is not simply killed by a change within the Soviet Union. The concept of the Parliamentary Welfare State, it is fair to say, is as deeply rooted in Western Europe as authoritarian communism in the East. Its major threat, the crude 19th century business outlook becoming apparent in the trade unions, is matched in the East by the suddenly apparent force for more democratic Socialism and nationalism.

Khrushchev's recognition of a variety of independent ways to Socialism, including the Parliamentary way, in his speech to the 20th Party Congress, is, among other things, an acknowledgment of the tenacity of the Democratic Labour movement.

Another important prescription of that speech is the easing of International tensions, reinforced when 'opposition to the policy of co-existence, and to friendly relations with other countries' were given as reasons for the dismissal of Malenkov, Kaganovich, Molotov and Shepilov. Both of these are policies which do more than prescribe means. They affect ends.

Of course Soviet leaders have deliberately softened their approach to the western democracies before this, sometimes in response to economic requirements like N. E. P., or to meet a common threat like National Socialism. Since 1945 there has been occasional talk of co-existence as part of the Peace campaign. But the new policy has to be seen in the context of the whole de-Stalinisation movement. The Kremlin leaders are shaking themselves free from the horror they have lived with for so many years, and it would be oversimplification to talk about a simple return to Leninism, except in the sense that Lenin certainly 'did not desire to see the triumph of Marxian Socialism take on the form of a totalitarian nightmare',<sup>3</sup> and that nightmare is being dispelled. Since de-Stalinisation began, the positive aspects of policy have been indications not so much of a new, clear, thoroughly controlled line, as of men feeling their way, responding to what circumstances seem to demand. At such a time western observers are entitled to make a few con-

<sup>2</sup> *The Revolution Betrayed*, (Faber and Faber 1937) pp. 62-3.  
<sup>3</sup> Kennan, (Harpers Aug 56) p. 27.

tures themselves about these circumstances and their logical implications for Soviet Leaders.

#### IMPLICATIONS OF INDUSTRIAL SOCIETY

As Hans Morgenthau has pointed out, Communists are heirs through Marx to the same view of the State as the 19th century English Liberal: This is—"The conviction of the essential evil of politics and of the essential goodness of economics in the light of both reason and ethics. In the end, when the State, the political organisation par excellence, has withered away, the laws of economics will reign supreme, social strife will disappear, and harmony will be permanently established".<sup>4</sup> Liberalism, a vague, uncertain, developing thing (in spite of efforts by realists to define it in order to destroy it), when faced with the realities of industrial society, gradually reversed its view of the state. To it the modern liberal looks for the correction and control of the consequences of industrialisation. Marxism, definite and therefore more rigid, has not made the same ideological adaptation, but is faced in practice with the same imperative.

Lenin in 1917 described the rule of the state after the proletarian revolution and forecast the process by which it would wither away:

"We shall reduce the role of the state officials to that of simply carrying out our instructions as responsible, revocable modestly paid 'managers' (of course, with the aid of technicians of all sorts, types and degrees)... Such a beginning, on the basis of large-scale production, will of itself lead to the gradual 'withering away' of all bureaucracy, to the gradual creation of an order, an order without quotation marks, which will be different from wage-slavery, an order in which the functions of control and accounting—becoming more and more simple—will be performed by each in turn, will then become a habit and will finally die out as the special functions of a special section of the population."<sup>5</sup>

Lenin draws a rather pointless distinction between foreseeing and promising this inevitable process. He writes as though he had his own doubts about it and yet is determined that the proposition shall be expressed certainly, like the rest of Marxian scientific law. Today's Russian leaders have before them the ever new political problems of a complex industrial society which make those doubts certainties. Natural disasters, accidents, huge capital investment, the financing, direction and application of research may be chosen at random as factors which make the bureaucracy essential, and the withering away of the state a nonsense concept, even if one allows the possibility of the necessary changes in human nature. Lenin was convinced that while striving for Socialism 'people will come accustomed to observing the elementary conditions of social life without force and without subordination',<sup>6</sup> 'without the special apparatus for compulsion which is called the state'.<sup>7</sup> The foundations of Socialism have already been laid in the Soviet Union. Communism can be achieved in spite of capitalism encirclement except that the latter will make necessary the retention of the state for military purposes.<sup>8</sup> Nevertheless there are no signs of the Communist Man. There are in fact several indications that some of the problems of a complex industrial society

<sup>4</sup> *Scientific Man vs Power Politics*, (Latimer House 1947) pp 71-2.

<sup>5</sup> p 174 Lenin 'The State of Revolution in "The Essentials of Lenin" v. 2 (Lawrence & Wishart 1947).

<sup>6</sup> Lenin, op cit. p. 197.

<sup>7</sup> Lenin, op cit. p. 202.

<sup>8</sup> See J. Stalin: *Problems of Leninism*, (Eng. ed. 1943), pp. 656-662.

are being solved by methods which are actually unfavourable to the development of this phenomenon. Economic rewards and incentives for individual effort have become more and more important. Equally retrogressive is the utilisation of the traditional moral values—marriage, family, church, patriotism—as forces of order within the state. There is not even much sign that the hand of repression during this period of transition is lighter than it is in capitalist states, although Lenin explained that 'the suppression of the minority of exploiters by the majority of the wage slaves of yesterday is comparatively so easy, simple and natural a task that it will entail far less bloodshed than the suppression of the risings of slaves, serfs or wage labourers, and it will cost mankind far less.'<sup>9</sup>

There is no certainty about the effects which these industrial realities have had on ideological thinking.

No part of Marxist Leninism has ever been officially disavowed nor must we expect it to be. Change of emphasis and rationalisation is the Communist way of fitting ideology to practical policy.

If industrialisation has made the withering away of the state a fantasy then it is no longer important that capitalist encirclement prevents this process.

If on the other hand the requirements and kinds of human talents demanded for administering the industrial state belong to a type of man not much given to theorising, difficult ideological concepts are going to fall into the background. In either case one is back in a world where friendly or unfriendly gestures, economic rivalries and imperialistic rivalries determine friendship or enmity between states.

The West must be careful that it does not keep alive the necessity for world revolution by demonstrating the capitalist encirclement is as much of a threat to a Communist State as it would be to a Communist society in which the State had withered away.

Communism remains and is likely to remain, as the relation of policy to ideology become still more vague, a very complete kind of materialistic Socialism. Its humanistic roots have been undernourished in the preoccupation with the fight for existence. As the material lot becomes better, as education progresses and if the West were cautiously, without relaxing its containment policy, to become less hostile, less menacing, less eager to deliver propaganda barrages, more ready to acknowledge Soviet achievements and to undertake friendly co-operation, the world revolution and inevitability of conflict and capitalist encirclement would be helped into the background.

<sup>9</sup> Lenin, *op cit*, p. 202.

## THE UNITED NATIONS TECHNICAL ASSISTANCE BOARD (TAB)

By

LATHEEF N. AHMAD,

*Assistant Professor, Howard University, Washington D. C.*

The (TAB)<sup>1</sup> consists of the executive heads of all specialized agencies, that take part in the technical assistance program, as members, and an executive chairman. Structurally, it is a dependency of the Economic and Social Council, and functionally a controversial new organ of the United Nations. Its organizational position vis-a-vis the United Nations Administrative Committee on Co-ordination, ACC,<sup>2</sup> has been of late a matter of considerable debate, and is the chief concern of this article.

TAB is an unusual body, even among international organizations where odd creations arise now and then. But quite apart from this, TAB is different today than what it was originally intended to be. The general background of the technical assistance program bears witness to this fact. Particularly noteworthy among the historical data is the position of the Secretary-General in relation to the TAB, as well as to the technical assistance program, as a whole. In short, the Secretary-General is to play the leadership role in the co-ordination of the technical assistance program of the United Nations system and this is the thesis of the following analysis.

### THE MAIN BACKGROUND

The primary objective of the technical assistance programme is to help underdeveloped countries develop their national economies. It is mainly done through three channels, in that order of importance: (1) visit of experts to these countries for advising and training local governments and people in various fields, (2) visit of fellows from these countries to other countries for learning better techniques, and (3) a limited exchange of equipment and supplies.

The so-called Regular Technical Assistance Programme of the United Nations was first called for by the General Assembly<sup>3</sup> in December, 1946. The Economic and Social Council followed up the matter during March 1947, and August of 1947 and 1948. The debates culminated in the General Assembly approving the first major resolution in this regard in December, 1948.<sup>4</sup> This resolution appropriated the necessary funds and laid down certain principles under which technical assistance should be provided. In November 1949, on the basis of the recommendations of the Secretary-General<sup>5</sup> and the Economic

<sup>1</sup> See two very useful Docs. in this behalf: (1) E/2385-E/TAC/49 of May 11, 1956: (2) *An explanatory Booklet* (draft), issued by the TAB of behalf on the participating organizations, United Nations, 1957, New York.

<sup>2</sup> ACC consists of the Secretary-General of the United Nations as chairman, and the heads of these specialized agencies that are brought into relationship with the United Nations as its regular members. It attempts to co-ordinate the work of the United Nations and specialized agencies as a whole.

<sup>3</sup> Always United Nations General Assembly unless otherwise indicated. (Abbreviated in foot-notes as G. A.)

<sup>4</sup> Resolution 200 (III).

<sup>5</sup> Means the "United Nations Secretary-General".

and Social Council, the General Assembly voted to expand this program for the following year, and also to make it a "regular" feature of the United Nations' budget. Thus the program was placed on a continuous basis.<sup>6</sup> It was at this same time and session, in fact by a resolution just preceding, that the General Assembly also approved the so-called Expanded Program of Technical Assistance.

At its eighth session during March 1949, the Economic and Social Council called upon the Secretary-General to prepare a comprehensive plan for an expanded co-operative program of technical assistance through the United Nations and its specialized agencies.<sup>7</sup> In taking up this task, the Council (1) kept in mind the above mentioned resolution of the General Assembly which placed the regular technical assistance program on a permanent basis, and (2) it entrusted the work to the Secretary-General-in-ACC.<sup>8</sup> Both these are noteworthy facts in connection with the origin of the expanded program.

The Secretary-General submitted his report,<sup>9</sup> the Council passed a detailed resolution at its ninth session in August 1949, the fourth General Assembly approved this resolution on November 16, 1949, and thus was born the expanded program of technical assistance. The program works with the help of voluntary contributions made to a Special United Nations Fund and is mainly governed by four principal resolutions of the Economic and Social Council's ninth, thirteenth, fourteenth and eighteenth sessions.<sup>10</sup> The body which administers the program is the Technical Assistance Board, TAB. The TAB acts under the authority of the Economic and Social Council and the General Assembly.

#### THE POSITION OF THE SECRETARY-GENERAL-IN-ACC

The backbone of the expanded program is the above-noted report of the Secretary-General-in-ACC and the ensuing Economic and Social Council's resolution of the ninth session, which continues to be the main statute of the program. The Secretary-General's report, in short, made a committee of the ACC the central point for the program's budgeting, programming, reviewing and reporting activities.<sup>11</sup> Though the Council's resolution did not grant this recommendation *in toto*, the Council did agree, as seen from the following, that the jurisdiction of such a committee lies under the ACC. That is, it was agreed in essence from the outset, that TAB should be a body of the ACC.

The major controversial issue which emerged during the Council's debate on this program (Expanded Program) are summarized below:

<sup>6</sup> Resolution 305 (IV).

<sup>7</sup> Resolution 180 (VIII).

<sup>8</sup> "Secretary-General-in-ACC" is meant to indicate the *leadership* role of the Secretary-General in the ACC. This leadership factor is very clear from the following basic resolution.

Council resolutions, 13 (III) of 21 September 1946, which established ACC, says: "The Economic and Social Council,

"2. Requests the Secretary-General of the United Nations to establish a standing committee of administrative officers consisting of himself, as chairman, and the corresponding officers of the specialized agencies brought into relationship with the United Nations, for the purpose of taking all appropriate steps, under the leadership of the Secretary-General, to ensure the fullest and most effective implementation of the agreements entered into between the United Nations and the specialized agencies."

<sup>9</sup> E/1327, Add. 1 and Add. 2. (E, refers to documents of Economic and Social Council).

<sup>10</sup> Resolutions 222, 400, 433 and 542 respectively.

.....  
Some members felt that the Secretary-General should not be requested "to invite the ACC to set up a Technical Assistance Board" but that the TAB should have been established by the Council directly in the manner in which the ACC was established.

.....  
The majority of the members of the Council, however, took the view ....that, in order to ensure the full co-operation of as many specialized agencies as possible, as well as to facilitate the integration of the work of each organization under the Expanded Program with its normal operations, TAB should be established by inviting the ACC to set it up....<sup>12</sup>

The Economic and Social Council's resolution accepted the main role of the Secretary-General-in-ACC in the program. It requested that the ACC, which means under the Secretary-General's leadership, should set up the Technical Assistance Board, and that it should consist of the executive heads of the United Nations and the participating agencies or their *representatives*. It is to the Secretary-General that the resolution assigned the following functions: (1) it designated him or his *representative* as the Chairman of TAB; (2) it authorized him to appoint an executive secretary and assign inter-agency staff to the Board in consultation with the participating organizations; (3) it called upon him to set up the Special Account, convene the Technical Assistance Conference and allot contributions from the account as per the Council's directive—"to fulfil the responsibilities assigned to him in this connexion."<sup>13</sup> The resolution required the submission to the Secretary-General of all technical assistance requests which involved more than one agency. It also directed that the expanded program should follow the general principles laid down by the General Assembly for the regular technical assistance program.

During the early period, the expanded program of technical assistance did proceed along the above lines, lines that it was supposed to follow. The organization of the program logically fitted in with the title, the "expanded program". The technical assistance idea was now *expanded* on the basis of a program. The new approach based on the principles of the United Nations Charter. It was mainly conceived<sup>14</sup> as a United Nations activity, though "relying heavily on the co-operation of interested specialized agencies". It was not intended to be a "mere amalgam of fragmentary activities", and the United Nations, to be a participant in the program, was definitely assigned the mandate of giving to the program an all-embracing scope, identity and purpose.

In regard to the administration of the program also, the understanding was that it is an *expansion* of the original activities of the United Nations and the specialized agencies. To this extent the TAB members were assumed to be nothing but the *representatives* of their agency heads working under the leadership of the Secretary-General's *representative*.

Both the organization and administration of the program initially followed the principle of *expansion*, and the Secretary-General and the agency heads, who together designed the whole program, continued to be in control of their own organization's share of it, *subject to ACC's disciplines*.

<sup>11</sup> E/1327, Add. 1, pp. 36-42.

<sup>12</sup> GA, *Official Records, Fourth Session, Report of the ECOSOC\**, A/472, para. 66 (\*Economic and Social Council of the United Nations).

<sup>13</sup> GA Resolution 304 (IV).

<sup>14</sup> A/2061, p. 11, (A, refers to documents of the General Assembly).

create other obstacles in, to say the least, leaving the relationship of TAB's new chairman to the Secretary-General "both ambiguous and equivocal".

#### THE PRESENT

According to current arrangements, the fact that the new chairman is to be appointed by the Secretary-General is not enough of a safeguard, since there will be no formal control once the appointment is made. Presently, there may be no reason for alarm since Mr. David Owen, who has been chairman of TAB so far, is personally acclaimed by the specialized agencies, and also because he has only been borrowed from the United Nations staff. But from a long-range co-ordination point of view the existing formal position of TAB's chairmanship does need looking into.<sup>25</sup>

The present position of TAB's new chairman also creates another anomaly. It places the chairman above the Secretary-General. The Secretary-General performs important independent functions under the expanded program, like the custodianship of the program's money under the special account. But in his capacity as head of United Nations Technical Assistance Administration, he comes under the authority of the TAB's chairman in a number of ways. The United Nations program itself thus becomes a mere "participant" in the expanded program on the same level as that of the specialized agencies. This was never intended to be so, according to the basic statute of the expanded program.<sup>26</sup>

Barring the above, the expanded program is now much better organized in other respects. The Economic and Social Council's eighteenth session decision<sup>27</sup> removed two of the basic complaints about the limited co-ordination approach that the program had followed thus far. Automatic allocations, and lack of a central pre-project approval, have both been more or less cured in the new approach. Currently, fund allocations are made by TAC on the basis of TAB's recommendations, which in turn are to be based on country programs, planned and co-ordinated in the field. The new method has improved the central budgetary control of the expanded program.

#### THE FUTURE

What is needed for the future, to complete the organizational and administrative efficiency of the expanded program, is a more realistic approach in regard to TAB's relationship to ACC.

The Secretary-General-in-ACC is the proper custodian of the expanded program. The 1952 trouble arose as the new chairman of TAB was not clearly declared to be the *representative* of the Secretary-General, as the ACC actually wished and suggested. By contrast, the new and effective country planning, attempted for the first time in 1953, originated because of ACC's suggestions and efforts.<sup>28</sup> It is time therefore that the Secretary-General-in-

<sup>25</sup> It may be noted that, though the ATC's report, with which the Council's resolution creating the Executive Chairman's position is connected, said that "the Committee (TAC) understands that the policies and the decisions of the TAB will not be the subject of formal instructions or formal recommendations by the ACC", the Council's pertinent resolution mentions nothing of this report. And the report was never approved formally. Hence this statement of TAC (E/2238, para. 22) on the ACC-TAB relationship has no legal standing. It is only an "understanding" of the TAC.

<sup>26</sup> See A/2661, paras. 44-49.

<sup>27</sup> Resolution 542 (XVIII).

<sup>28</sup> ECOSOC, *Official Records, Eighteenth Session, TAB's Sixth Report*, E/2566, p. 10.

ACC regains control of the program, if any effective results are to be expected from an endeavor having so many other handicaps. The expanded program cannot afford any structural deficiencies. There seems to be no need for TAB any longer. The Secretary-General was only stating this need politely when he said the following recently:

Lastly, although it was true that the TAB enjoyed full operational responsibility in its own field, the executive heads of the specialized agencies and he himself had nonetheless to exercise overall supervision of program development. That responsibility was discharged not only through the ACC, but through the medium of personal contacts. The heads of the participating organizations and he himself would, where necessary, consult privately in attempts to solve problems which had proved intractable at operational level. Such an arrangement—which, indeed, already existed, although it had not yet been formally authorized—would guarantee the smooth development of the great concerted United Nations effort that the Expanded Program represented.<sup>29</sup>

The Advisory Committee also held only lately that TAB's existence as a separate high-level inter-agency body is no longer justified:

The Advisory Committee believes that an effective co-ordination of the program can be achieved only if a clear line of authority runs from the Secretary-General of the United Nations through whatever Secretariat unit he may require to carry out instructions issued by him in accordance with the directives of the Economic and Social Council subject to the overriding authority of the General Assembly. In view of the fact that the authority to be exercised will be mostly co-ordinative and administrative in character, it seems appropriate that the Secretary-General should act, for this purpose, in the capacity of chairman of ACC, and exercise the powers of leadership assigned to him by the Economic and Social Council in resolution 13 (III). In that event, ACC under the leadership of the Secretary-General would become directly responsible for the conduct of the Expanded Program (with the present voting procedures of TAB maintained), assisted perhaps by a subsidiary advisory body, while the Secretariat unit would be under the direct authority of the Secretary-General.<sup>30</sup>

#### SOME PROPOSALS

The basic idea of the expanded technical assistance program was, and is, to expand the United Nations program, United Nations still being in the Centre. Besides this, the complexities inherent in the administration of the expanded program by a board representative of specialized agency interests and headed by a chairman who lacks complete authority, also call for an answer.

The answer lies in the leadership of the Secretary-General. His leading role would (1) eliminate the anomaly of the Secretary-General being under the TAB's chairman, and (2) it would at least minimize the effects of authority-limitations the present chairman has, since the Secretary-General combines in himself a host of other powers and controls. Such an arrangement may also bring about a healthier co-operation between the specialized agencies and the head of the total technical assistance program of the United Nations System, the Secretary-General.

<sup>29</sup> ECOSOC, *Official Records*, 806th Meeting, p. 95.

<sup>30</sup> A/2661, para 54.



The scope of the expanded program is very limited. The estimated project-expenditure for India for 1954, for instance, was about a million dollars. When one compares this with the immensity of Indian problems skepticism is likely to get the upper hand. But this would be ingratitude. Both small and big efforts are necessary. For the very reason that the smallest pieces have to be fitted into gigantic mosaics, most efficient co-ordination is not just necessary, but indispensable. As the expanded program picture stands today, and it is a picture that can justify optimism, the following would seem a necessity.

1. ACC's complete control of, and personal attention to, the expanded program under the leadership of the Secretary-General. Preparatory Committee<sup>31</sup> to be ACC's advisory body in this regard leaving other minor matters to consultative committees.

This would facilitate, *inter alia*, at least a partial reduction in the administrative and operational costs of the United Nations-Agencies technical assistance program. In December, 1956, the Technical Assistance Committee of the Economic and Social Council called again for reduction of these costs in the following terms:

Noting that this was the first occasion in which the administrative and operational services costs of the Participating Organizations and of the TAB Secretariat had been before TAC in any detail, the Committee wished to record its appreciation of the efforts of the Administrative Review Group and of the results achieved. The Committee shared the concern of the Review Group that both the total estimates for the TAB Secretariat and the total estimates of administrative and operational services costs for the Participating Organizations represented absolute increases over the approved level for 1955, as well as increases in the proportion of administrative and operational services costs to total programme expenditures.<sup>32</sup>

2. United Nations Secretariat's direct interest and emphasis on the program through its new Department of Economic and Social Affairs, as planned and repeatedly stressed by the present Secretary-General.

Such an arrangement would amalgamate what is presently called "TAB Secretariat" with the United Nations Secretariat, and thus meet the Technical Assistance Committee's above "concern" for the increasing secretariat expenses.

3. With the present healthy shift of emphasis to the field, there should be an ever present stress on effective Resident Representatives, who should be the centre of all United Nations-Agency co-ordination at the country level.

After its Geneva meetings of July and August 1956, the Technical Assistance Committee also emphasized the role of the resident representative, and suggested definite procedures for achieving this.<sup>33</sup>

4. There is a challenging co-ordination job to be done at the country and regional level. It will speak for itself if the job is done well by perhaps making, as suggested elsewhere by this writer, *three bodies* the crux of the day-to-day United Nations-Agencies technical assistance activities: The Secretary-

<sup>31</sup> It is a body which assists the ACC. It consists of the deputies or senior representatives of the Chairman and the regular members of ACC. See foot-note 2.

<sup>32</sup> E/2938, p. 7.

<sup>33</sup> E/2923: pp. 4-5 and 13-14.

General-in-ACC and the Advisory Committee at the international level, and the Resident Representative at the country or regional level.

It is noteworthy that the Technical Assistance Committee has made the following very recent recommendation to the General Assembly, requesting co-operation of the Advisory Committee in the "review" of expanded program "costs":

*The Technical Assistance Committee,*

*Having considered* the report of the Chairman of the Technical Assistance Committee ((E/TAC/56) on his consultation with the Chairman of the Advisory Committee on Administrative and Budgetary Questions, *Recommends* to the Council the adoption of the following resolution:

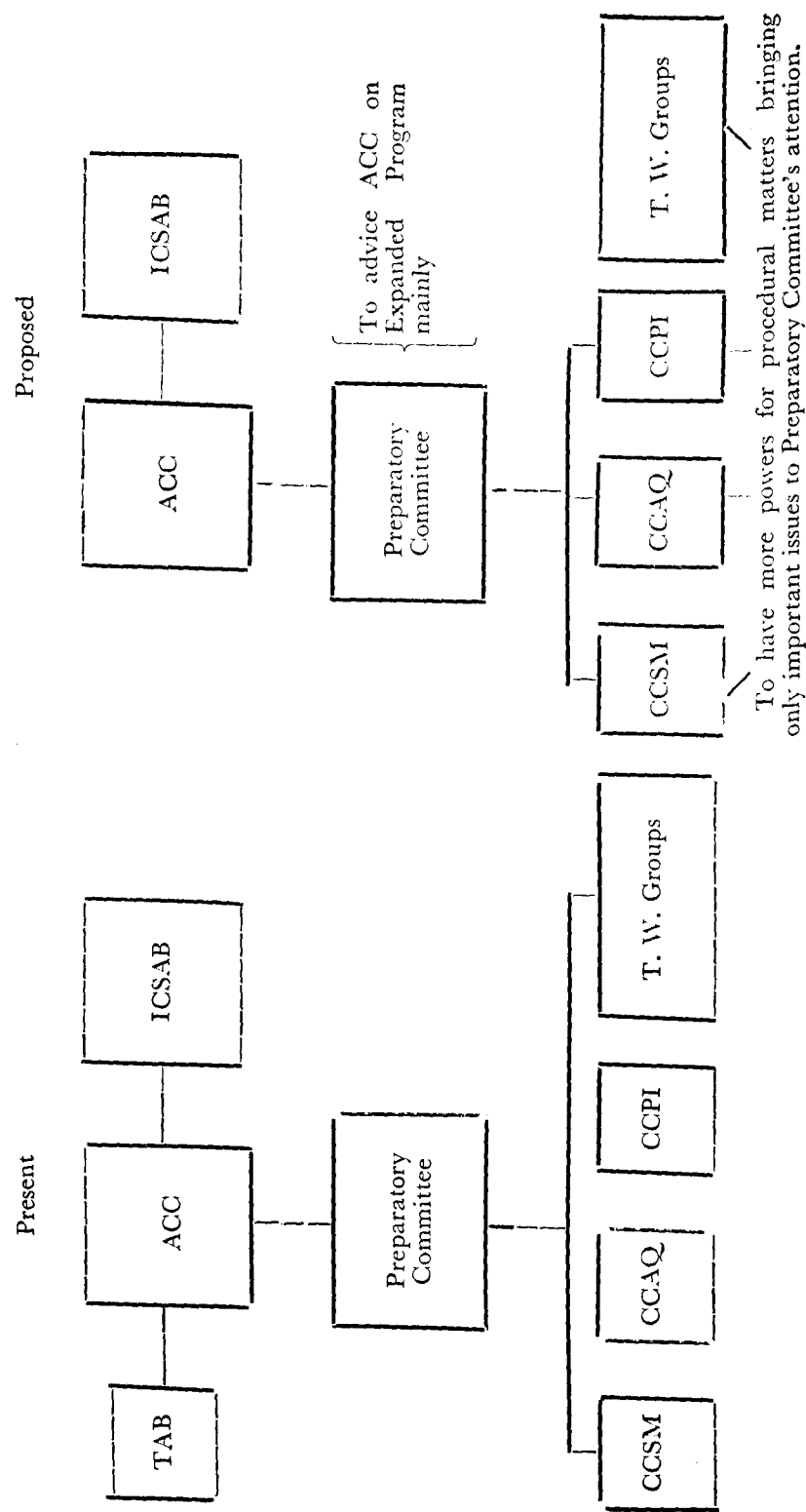
*"The Economic and Social Council"*

*"Recommends* to the General Assembly to authorize the Advisory Committee on Administrative and Budgetary Questions to co-operate with and render such advice to the Technical Assistance Committee or any administrative review group established by it as may be requested by TAC in the review of the administrative and operational services costs of the Expanded Program of Technical Assistance."<sup>34</sup>

Such reviews could be made more co-ordinated reviews under a trio arrangement suggested above.

<sup>34</sup> E/2938, Annex II; p. 1.

## ORGANIZATIONAL CHART OF ACC



## POLITICAL PHILOSOPHY OF LOKAMANYA TILAK

By

VISHWANATH PRASAD VARMA

*Professor of Politics, Patna College*

### I. FOUNDATIONS OF TILAK'S POLITICAL THOUGHT

If political philosophy means the speculative construction of an idealistic utopia, then Tilak has not given us any picture of the politically perfect society in this sense of the term political philosophy. He does not discuss the features and possibilities of the best State as Plato, Aristotle and Cicero do. He does not create the architectonic of the conceptually perfect State in the manner of Hegel and Bosanquet. His main problem in life was the political emancipation of India and hence there is an element of great realism in his political ideas and outlook. However, he was not a realist in the Hobbesian and Machiavellian sense of the term. He was never a political pragmatist. He was deeply versed in ancient Sanskrit philosophy and his political thought represents a synthesis of the some of the dominant conceptions of Indian thought and the nationalistic and democratic ideas of the modern west.

The dominant metaphysical assumptions of Tilak also influenced his political ideas. He was a Vedantist. The metaphysics of non-dualism of the Vedanta, implied, according to him, the political conception of natural rights. Because the spirit is the supreme reality and because all men participate in that absolute essence, hence all have the same autonomous spiritual potentiality. Hence Advaitism taught him the supremacy of the concept of freedom.<sup>1</sup> "Freedom was the soul of the Home Rule Movement. The divine instinct of freedom never aged. . . . Freedom is the very life of the individual soul which Vedanta declares to be not separate from God but identical with him. This freedom was a principle that could never perish."<sup>2</sup> Thus freedom according to Tilak was a divine attribute. Freedom was equated with the autonomous power of creativism. Without freedom no moral and spiritual life was possible. Foreign imperialism kills the soul of a nation and hence Tilak fought against the British empire. Thus there were philosophical foundations for the political struggles for liberty in which Tilak was engaged.

Tilak's nationalism was also influenced by the western theories of national independence and self-determination. In the famous trial speech of 1908 he quotes with approval John Stuart Mill's definition of nationality.<sup>3</sup> In 1919 and 1920 he accepted the Wilsonian concept of self-determination and pleaded for its application to India.<sup>4</sup> Hence Tilak's philosophy of nationalism was a synthesis of the Vedantic ideal of the spirit as self-contained freedom and the western conceptions of Mazzini, Burke, Mill and later on of Wilson. This synthesis he expressed in terms of Swarajya, a Vedic term which was used in Maharashtra to indicate the Maratha polity of Shivaji.

<sup>1</sup> Tilak, *Gita Rahasya* (Hindi edition of 1950) p. 399.

<sup>2</sup> *Speeches and Writings of Tilak* (G. A. Natesan & Co., Madras), p. 354.

<sup>3</sup> *Tilak's Trial* (1908); p. 138.

<sup>4</sup> Tilak's letter to Wilson and Clemenceau in 1919. This letter is published also in the *Mahratta*.

Because of his spiritual approach, Lokamanya regarded that Swarajya was not only a right but a Dharma.<sup>5</sup> He also gave a moral and spiritual meaning of Swarajya. Politically, Swarajya meant Home Rule. Morally, it meant the attainment of the perfection of self-control which is essential for performing "one's duty" (Swadharma). It also had a spiritual significance because it meant the realization of spiritual inner freedom and contemplative delight. Tilak defined the spiritual connotation of Swarajya in these terms: "It is a life centered in self and dependant upon self. There is Swaraj in this world as well as in the world hereafter. The Rishis who laid down the law of duty betook themselves to forests, because the people were already enjoying Swarajya or People's dominion which was administered and defended in the first instance by the Kshatriya Kings. It is my conviction, it is my thesis, that Swaraj in the life to come cannot be the reward of a people who have not enjoyed it in this world."<sup>6</sup> Hence Tilak wanted both political liberty and spiritual freedom.

## 2. NATIONALISM, REVIVALISM AND HINDUISM

Tilak's nationalism had a revivalistic orientation. He wanted to bring to the front the message of the Vedas and the Gita for providing spiritual energy and moral enthusiasm to the nation. A recovery of the healthy and vital traditions of the old culture of India was essential. He said: "a true nationalist desires to build on old foundations". Reform based on utter disrespect for the old does not appeal to him as constructive work. "We do not want to anglicize our institutions and so denationalize them in the name of social and political reforms."<sup>7</sup> Hence he pointed out that the Shivaji and the Ganapati festivals had been encouraged by him because they served to link contemporary events and movements with historical traditions.

But because Lokamanya was, partially, a revivalist, it must not be thought that he was a mere Hindu nationalist. As a person, he had intense pride in Hindu religion and culture. As a political leader he wanted to preserve the legitimate interests of the Hindu people and would not sanction cowardice and surrender. But it is wrong to say that he was a mere Hindu nationalist and was opposed to the Moslems. Zacharias says that Tilak was the spokesman of an anti-Moslem retaliation.<sup>8</sup> A British historian, Powell Price, says that "The Muslim League was an answer to the Indian National Congress, necessary because the possibility of self-government raised the spirit of separation which the intolerance of Tilak had emphasized."<sup>9</sup> Chirol says that due to Tilak's extreme orthodoxy the Moslem members of the Poona Sarvajanik Sabha resigned from that body. Palme Dutt blames Lokamanya Tilak and Sri Aurobindo Ghosh because their identification of national awakening with the revival of Hinduism cut off the Moslem masses from the national movement.<sup>10</sup> But all these are partial and even incorrect interpretations of the political thought and action of Lokamanya. Jinnah, Dr. M. A. Ansari and Hasan Imam have praised the nationalistic sentiments and spirit of compromise of the Lokamanya, because due to his wise counsel and moderation the Lucknow Pact of 1916 could be achieved. Shaukat Ali and Hasarat

<sup>5</sup> Tilak's speech at Yeotmal, after the Lucknow Congress of 1916, *Speeches* p. 256.

<sup>6</sup> B. G. Tilak, "Karmayoga and Swaraj", *Speeches and Writings of Tilak*, pp. 276-280.

<sup>7</sup> Tilak's letters, *Mahratta*, 13 December, 1919.

<sup>8</sup> Zacharias, *Renascent India*, p. 121.

<sup>9</sup> Powell Price, *A History of India*, p. 599.

<sup>10</sup> R. Palme Dutt, *India Today*, p. 383.

Mohani regarded Tilak as their political *Guru*. Shaukat Ali says: "I would like to mention again for the hundredth time that both Mahomed Ali and myself belonged and still belong to Lokamanya Tilak's political party."<sup>11</sup> Hasarat Mohani says: "I even at that early age, chose the Lokamanya as the ideal Leader for me. . . . During that period I had ample opportunities of appreciating the thought and ability of almost all Indian political leaders and basing my remarks on that close personal study, I can state without the least fear of contradiction, that I found the Lokamanya greater and superior to every other leader in every respect; . . . . When I declare that all through Tilak's life I was both intellectually and practically a blind follower of his, anyone can well judge thereby, of that love that I cherished towards him."<sup>12</sup> Hasan Imam as the president of the Bombay special Congress went to the extent of calling Tilak his father in Indian politics. Imam stated: "Let me say, and it is with great pride, that Lokamanya Tilak is my father in point of politics."<sup>13</sup> Furthermore, Tilak had promised to support the Khilafat movement if the majority of the Moslems were behind that. Tilak had proposed the Congress resolution for the release of the Ali brothers. If Tilak would have been anti-Moslem he could never have commanded the confidence of the great Moslem leaders. Hence it can be said, that with the profoundest regard for Hinduism in private life, as a political leader Tilak had a broad policy calculated to lead to national emancipation.

## 3. TILAK'S THEORY OF NATIONALISM

Lokamanya wanted to substantiate the nationalistic movement in India by a strong cultural and religious revival of Hinduism. But he also accepted the economic arguments for nationalism. Dadabhai Naoroji made famous the "Drain Theory" in Indian economics. Both Lokamanya and Gokhale accepted that foreign imperialism resulted in the enormous "drain" of India's resources. In 1897 Tilak wrote three articles in the *Kesari* at the time of the Diamond Jubilee celebrations of Queen Victoria. In the article written on the 22nd June he stated that India's arts and industries had declined under the British rule. He wrote that the various economic enterprises and investments in India, under the ownership and management of the foreign capitalists, only created a delusion of prosperity. He referred to the evidence given by Dadabhai before the Welby Commission<sup>14</sup> of 1896 wherein that veteran patriarch of Indian politics had shown that during the imperialistic sway of Great Britain India had become impoverished and economically ruined. He referred to the economic "drain" of India also in the interview he gave to Nevins in 1907.<sup>15</sup>

Tilak held that the attainment of Swarajya would be a great victory for Indian nationalism. Hence he gave to Indians the Mantra: "Swarajya is the birth-right of Indians". Although in his speeches and writings Lokamanya always said that Swarajya did not imply the negation and severance of ultimate British sovereignty, still people knew that in his heart of hearts he always wanted complete independence. He once wrote that Swarajya is "the foundation and not the height of our future prosperity."<sup>16</sup> He always pointed out that the path of the attainment of Swarajya was full of

<sup>11</sup> S. V. Bapat (Ed.), *Reminiscences of Tilak*, Vol. II p. 576.

<sup>12</sup> *Reminiscences of Tilak*, Vol. III pp. 36-37.

<sup>13</sup> *Reminiscences of Tilak*, Vol. III p. 218.

<sup>14</sup> *Welby Commission Report*, 2 Volumes.

<sup>15</sup> H. W. Nevins, *The New Spirit in India* (London, 1908).

<sup>16</sup> *Speeches and Writings* p. 278.

suffering and misery. During the Home Rule days Lokamanya always was careful to say that he was not opposed to the King-Emperor but he only wanted to change the anglo-Indian bureaucracy. He confidently asserted that to preach against the despotism of the bureaucracy was not sedition. Since Lokamanya did not advocate the doing away with the King-Emperor hence Bipin Chandra Pal says that Lokamanya was a believer in "imperial federation" which would be composed of Great Britain, Ireland and Egypt, India and the dominions, each absolutely autonomous internally but combined for the purposes of protection and progress.<sup>17</sup>

We have earlier referred to the fact that Tilak was a Vedantist in his metaphysical views. His conceptions of freedom as a divine instinct in man, and of Swarajya as inner self-realization, indicate his Vedantic views. His belief in human fellowship also followed from his Vedantism. In a way, he pleaded for the reconciliation between the ideal of nationalism and the Vedantic conception of human unity. In a speech he once said: "If the Vedantic ideal is higher, it necessarily includes the national ideal which is lower. The two are not irreconcilable if you know how to reconcile them. The two are not opposed to each other. One includes the other much in the same way as thousand includes five hundred. The two ideals are mutually consistent and both of them demand a kind of self-sacrifice and self-control. Both of them demand in addition to self-control and self-sacrifice, a kind of higher altruistic feeling by which man is impelled to ignore selfish considerations and to work for persons and for objects which do not in the least savour of any egotistic aim. The feeling is one of love for humanity, for the equality of man before God, and it is the spirit of that feeling that governs the two ideals, Vedantic and national."<sup>18</sup>

Edward Shillito has written a book entitled *Nationalism: Man's other Religion*. In that book there is a chapter entitled "The two Tilaks". Shillito says that Narayan Vaman Tilak, the Christian poet, was a believer in the kingdom of God on earth while Bal Gangadhar Tilak was a strong believer in Swarajya. Shillito has presented an imaginary dialogue between the two Tilaks.<sup>19</sup> But Shillito's interpretation is inadequate. Although Lokamanya Tilak was a great patriot and a convinced nationalist he definitely states in his commentary on the Gita that love of the country is only a step to cosmopolitanism. He quotes part of the famous Sanskrit Shloka which means that for the wise man of generous feelings the whole world is one big family.<sup>20</sup>

#### 4. TILAK AND THE MODERATES

Lokamanya Tilak has won lasting fame by creating the vital foundations of an assertive nationalism. He was an extremist and there were several factors responsible for that. Temperamentally he was buoyant and represented the aggressive vigorous spirit of manhood. He had been inspired by the careers and exploits of Shivaji and the other Maratha heroes who represented struggle and fight and successful victories. His extremism had also been influenced by his growing disillusion at the coercive and repressive technics of the bureaucracy. But although an extremist, he believed in legal

<sup>17</sup> B. C. Pal, *Indian Nationalism*, The Chapter entitled "Tilak".

<sup>18</sup> *Speeches of Tilak* (published by Indian Stores, Bellary), pp. 15-16, quoted in G. V. Ketkar, "Real Basis of Tilak's nationalism", *Mahratta*, August 3, 1951.

<sup>19</sup> Edward Shillito's book on *Nationalism* (London, 1933). The dialogue between the two Tilaks is given in pp. 113-121, as a subsection of the Chapter "Education for Life in the Nation."

<sup>20</sup> B. G. Tilak, *Gita-Rahasya* (Hindi edition of 1950), p. 398.

methods of agitation. He was twice elected to the Bombay legislative Council. He contemplated election also a third time. He formed the Congress Democratic Party in 1920 for contesting elections. But although Tilak accepted the framework of the existing law he wanted to use the areas of action left free by the law of the British government to intensify the nationalist movement in the country. Ranade, Pherozeshah Mehta and Gokhale went to the extent of regarding the British rule in India as part of divine dispensation<sup>21</sup> but the leaders of the extremist party always believed in the independent destiny of India. In a speech in 1909 Gokhale defended passive resistance<sup>22</sup> but although Tilak and Gokhale might at times have used the same words and might have put their faith in the same political objectives still there was fundamental difference in their political technics. The activities of Lokamanya in the famine agitation of 1896, in the movements of 1905 to 1908, and during the Home Rule days were calculated to train the people in organized action. He wanted to infuse a spirit of dynamic activism and assertiveness among a people who had grown enervated and prostrate. His advocacy of no-rent campaign in 1896, his stress on national education, his advocacy of picketing for the purpose of stopping the sale of liquor and his firm support of Swadeshi and boycott definitely showed that Lokamanya wanted that the national movement should have its strong roots in co-ordinated and united action by the Indian people. Before Tilak came into active prominence as a leader, the Indian nationalist movement was committed to a philosophy of intellectual discussion on occidental lines. He taught the gospel of Indianization of the nationalist movement. Hence his technics of political action and his philosophical defence of the people of India. If some of the important moderate leaders looked only to Burke, Mazzini and Spencer for intellectual inspiration, Tilak also looked to Shivaji and Nana Fadnavis and the Bhagavadgita. Tilak's attempts to Indianize the policy and orientation of the nationalist movement brought to him the support of Lala Lajpat Rai who in several respects closely associated himself with Gokhale. Lalaji in distinguishing the technics and ideas of Tilak and Gokhale writes: "Tilak was the man of the people. Gokhale was the man of the intelligentsia. Tilak was a hero for all times to come. His heroism at times verged on recklessness and regardlessness of consequences to himself and his co-workers. Gokhale was a careful politician, weighing every word before he uttered, and balancing every thought he gave expression to, always trying to say the right thing but in a way most inoffensive to the authorities that be, and the people that he criticised. Tilak was a blunt incisive speaker who never minced matters, spoke few words, but gave out the truth free from all embassments of language and all the coverings of diplomacy. Gokhale was an accomplished speaker, full of pathos, who prepared everything beforehand, and realised the significance of every word that he uttered. Gokhale's ethics would not sanction any violence in politics. Tilak would not only justify it but even press it under certain conditions."<sup>23</sup> The later history of Indian nationalism, however, showed the efficiency of the methods of Tilak.

#### 5. THE POLITICAL THOUGHT OF TILAK AND AUROBINDO

Lokamanya was a political extremist but there were differences between his political thought and the political conceptions of the Bengal school of

<sup>21</sup> Pherozeshah Mehta's Speech as Chairman of the reception committee of the Bombay Congress of 1904.

<sup>22</sup> Quoted in the *Life of Vithalbhai Patil*, p. 199.

<sup>23</sup> S. V. Bapat (Ed.) *Three Volumes of Reminiscences and Anecdotes of Lok. Tilak* (In Marathi & English), Vol. II, p. 661.

extremist nationalists. During the days of the anti-partition agitation Pal, Aurobindo, Shyam Sundar Chakravarti, Ashwini Kumar Datta and other leaders of Bengal worked under the guidance of Tilak. Lokamanya was decidedly the acknowledged leader of the new Party. But still on the plane of thought there were subtle differences between the ideas of Tilak and Aurobindo. In Aurobindo we find the concept of Kali as the *Zeit-geist* (spirit of the time). He refers to God as the captain of the nationalist movement. He confesses having visions of Krishna in the Alipore Jail. The writings of Pal and Aurobindo are characterized by an exalted, inspired and fervid emotionalism. In Aurobindo there is a passion for metaphysical abstractions and theological symbols. After return from the Alipore Jail Aurobindo said that Sanatan Dharma itself was nationalism. Lokamanya, on the other hand, had a strong sense for the real and the concrete. There is a constant appeal in his writings and speeches for making immediate changes in the administrative mechanism of the country and there is less emphasis on the visions of the spiritualized society and the gnostic community. If Aurobindo was inspired by the teachings of Bankima Chandra about the country as the Mother, Tilak was influenced by the character and personality of Shivaji and Nana Fadnavis. In the character of Bengal there is an excess of emotionalism and imagination. In Maharashtra we find a predominance of accurate common sense and sober realism.<sup>24</sup> This difference in the characteristics of the two provinces is revealed in the different theoretical approaches of Sri Aurobindo and Lokamanya.

Tilak emphasized the psychological conception of nationalism and said that a feeling of common belongingness was essential for constituting an agglomeration of people into a nation.<sup>25</sup> But Aurobindo and Pal stressed the spiritual-religious conception of nation. Aurobindo considered nationalism as a pure and Sattvika religion. Tilak said that Swarajya was essential for freeing India from the evils of an alien bureaucratic pattern. But Aurobindo said that the political salvation of India was essential for the spiritual redemption of mankind. The notion of messianism, the conception that India was rising for shedding the glories of Sanatan Dharma in the world is very strong in Aurobindo.

Lokamanya had a passionate love for India's independence but as a program for political achievement he always sponsored the concept of Swarajya under British sovereignty. Tilak fought for *Swarajya* (home rule) while the political extremist of Bengal clamoured for *Swatantrata* (independence).<sup>26</sup> Lokamanya was a great politician and hence as an objective he always put forward only the concept of Swarajya or home rule or self-government.<sup>27</sup> Pal and Aurobindo during the Swadeshi days talked of independence. (Later on Pal became an advocate of imperial federation) Aurobindo challenged the right of foreign imperialism to force "an inferior civilization" on India. Tilak spoke cautiously and said after the Calcutta Congress: "As an ideal, independence is all right but you cannot work for it without bringing yourself within the clutches of law. Working for it will be waging war against the King".<sup>28</sup> But although in his speeches and writings Tilak always avoided the word independence and always contented himself with the word self-government still the British government thoroughly realized that he was

<sup>24</sup> Cf. Zacharias, *Renascent India* p. 151.

<sup>25</sup> N. C. Kelkar, *Life and Times of Tilak*, pp. 486-487.

<sup>26</sup> *Tilak's Writings in the Kesari*, 4 Volumes (in Marathi), Vol. III, pp. 248-249.

<sup>27</sup> In a speech at the seventeenth anniversary of Tilak's death, reported in the *Mahratta*, August 6, 1937, V. D. Savarkar stated that Tilak taught the principle of complete independence.

<sup>28</sup> *Reminiscences*, Vol. I, p. 483.

their greatest political antagonist. The British Government knew that there was one individual in India whom no seductions and no favours could ever dissuade from his self-chosen path. The indomitable Tilak was the most relentless and biggest opponent of the British empire in India till the moment of his death.

Both the Bengal extremists and Lokamanya accepted the conception of passive resistance. According to Lokamanya Swadeshi and boycott were the technics of passive resistance.<sup>29</sup> But according to Aurobindo passive resistance had a more comprehensive conception. Passive resistance, to Aurobindo, meant the resistance against or transgression of an unjust law or an unjust decree in a peaceful way. Hence Aurobindo was satisfied not only with preaching Swadeshi and the morality of boycott but he also preached the resistance to unjust laws and unjust decrees.<sup>30</sup>

#### 6. WAS TILAK A REVOLUTIONARY?

The foreign critics of Tilak's political philosophy and technics as also Indian revolutionaries, especially of Maharashtra, regard Tilak as a revolutionary. Chitrol wrote in his book *India*: "Tilak had been the first to create the atmosphere which breeds murders."<sup>31</sup> John S. Hoyland, the biographer of Gokhale says that Mr. Tilak had been "coquetting with doctrines of physical force."<sup>32</sup> Branson, the advocate-general who conducted the prosecution case against Tilak in 1908 said that Tilak's articles contained "a covert threat of mutiny" and in substance he (Tilak) was preaching "Swarajya or bombs."<sup>33</sup>

Lokamanya Tilak was never an advocate of absolute Ahimsa.<sup>34</sup> He never accepted the absolute form of non-violence as upheld by the pacifists and Tolstoy. He supported the action of Shivaji in killing Afzal Khan. He appreciated the daring and skill of Chapekar as also the patriotic fervour of the Bengal revolutionaries. As a philosopher, Lokamanya put the highest premium on purification of intentions. The external action could never be considered the criterion of moral worth. Hence if an Arjuna or a Shivaji or any other ardent patriot would commit some violent deed being impelled by higher altruistic motives Lokamanya would not condemn such persons. (But certainly, he once condemned the revolutionary and violent activities and that was in his letter to the *Mahratta* on the 28th August, 1914). But although a metaphysical defender of altruistic violence, Lokamanya never preached political murder nor did he ever incite any body to commit murder as a political means. For himself he accepted the legal methods of political organization and agitation. He felt that the situation in the country was not suitable for revolutionary activity. In 1906 he had gone to Nasik and he admonished the people there not to engage in violent revolutionary activities. But he would ask people to desist from such activities not on moral grounds but on ground of expediency. Once he said: "From begging to open rebellion choose anything according to your ability and do it, but remember the supremacy of Swadharma."

It is very true that Lokamanya was in touch with some of the leading revolutionaries of those days. He knew Shyamji Krishnavarma well. On

<sup>29</sup> Tilak's Speech at Belgaum in September, 1906.

<sup>30</sup> Sri Aurobindo, *The Doctrine of Passive Resistance*.

<sup>31</sup> V. Chitrol, *India*, p. 122.

<sup>32</sup> John S. Hoyland, *Gokhale*, p. 25.

<sup>33</sup> N. C. Kelkar, *Tilak's Trial of 1908*, pp. 197 and 198.

<sup>34</sup> Tilak, *Gita Rahasya* (Hindi edition), pp. 375, 377, 392 and 394.

July 4, 1905 Tilak wrote an article in the *Kesari* on the work of Krishnavarma and there he compared the latter's political opinions to those of Hyndman, Damodarpanth Savarkar, the father of V. D. Savarkar, was an admirer of Lokamanya. During his school days Vinayak Savarkar composed poems eulogising Tilak. Savarkar and his brother were responsible for founding the Mitra Mela and the Abhinav Bharat.<sup>35</sup> These societies were committed to the ideal of independence for India which was to be won even by armed revolt. In 1906 Savarkar had taken a leading part in the bonfire of foreign clothes and when principal Paranjpey fined Savarkar rupees ten, Tilak denounced this action of the authorities and wrote: "They are not our Gurus".<sup>36</sup> Savarkar kept in touch with Lokamanya while the former was a student at Fergusson College and Tilak wrote a letter of introduction for Savarkar to Shyamji Krishnavarma.<sup>37</sup> Perhaps Tilak was in touch with Savarkar in 1908. The biographer of Savarkar says that from his talks with Gokhale, Morley had scented "that Tilak was in close touch with Savarkar and the British government had asked the India government to arrange for his incarceration. For just before the decision of the Tilak case some of the members of the *Abhinava Bharat* had intercepted in Bombay one night a message from the British government regarding the Tilak affair which contained the information."<sup>38</sup> At the Poona provincial conference of 1915 some of the delegates wanted a resolution urging the release of Savarkar and other political prisoners. But there were chances of division on this resolution. Lokamanya wanted all resolutions to be passed unanimously. Hence this resolution was dropped.<sup>39</sup> It is possible that either during 1919 or 1920 Lokamanya wrote a letter to Montagu requesting the release of Savarkar.<sup>40</sup> But although Tilak knew Savarkar very well and was interested in the latter's affairs and activities there is no proof for holding that Tilak goaded the latter to revolutionary and terroristic activities.

Sometimes it has been said that Tilak was a revolutionary because he was behind the arms factory opened in Nepal in 1903. After the Calcutta Congress of 1901, Mataji, a Maharashtrian woman living in Calcutta requested Tilak and Vasukaka Joshi to go to Nepal. Khadilkar went there and adopted the pseudonym of Krishnarao Bhat. The plan was to open an arms factory in Nepal. Khadilkar began to do some work in this connexion under the guise of engaging in some business activities. But the plan for opening the factory had to be dropped because Damu Joshi of Kolhapur revealed the plan to the Maharaja of Kolhapur. Through the Maharaja of Kolhapur the British Government came to know of the plan and the whole scheme collapsed. Khadilkar was saved through the help of the Maharaja of Nepal.<sup>41</sup> The Nepal incident only shows that Lokamanya wanted an arms factory to be opened in Nepal but it does not necessarily and conclusively indicate that he had plans of creating an armed revolution against the British government during the early years of the twentieth century.

Dr. P. S. Khankhoje in a series of articles in the *Kesari* in the month of August 1953 and February 1954 has tried to interpret Lokamanya as the teacher and preceptor of the revolutionary youth of the country.<sup>42</sup> He also says

<sup>35</sup> Dhananjaya Keer, *Life of V. D. Savarkar* p. 9.

<sup>36</sup> Ibid., pp. 19-20.

<sup>37</sup> Ibid., p. 25.

<sup>38</sup> Ibid., pp. 38-39.

<sup>39</sup> *Reminiscences*, Vol. II, p. 27.

<sup>40</sup> Dhananjaya Keer, *Savarkar*, p. 144.

<sup>41</sup> The second volume of Khadilkar's Marathi essays as also the Marathi biography of Vasukaka Joshi by Deogirikar.

<sup>42</sup> Dr. P. S. Khankhoje's articles in the *Kesari* August 2, 1953, August 4, 1953 and February 23, 1954.

that Tilak instructed some of these young men to acquire military training. It is true that these letters refer to a phase of Tilak's personality which had not been well known so far. But still they do not give any concrete and positive evidence to prove that Lokamanya himself was a revolutionary. Lokamanya was the greatest political leader of the day and was an ardent nationalist and hence young men of patriotic feelings looked to him for inspiration. However, Dr. V. M. Bhatta of Poona holds that till 1908 Tilak closely associated with revolutionists and encouraged them.<sup>43</sup> He says that Tilak did not refer to revolutionary actions and policies in his speeches and writings but only disclosed them to persons in his close confidence like Khadilkar and Vasukaka Joshi.

Lokamanya used to say that there are three types of people in the world.<sup>44</sup> Those who have the preponderance of Sattvika elements in them prefer spiritual and moral contemplation and teach their fellow-men by their own example of virtuous living. Those who have the preponderance of Rajasika element in them take to the work of political agitation and propaganda. Those who have the preponderance of Tamasika element in them take recourse to violent activities. But Tilak discouraged revolutionary and violent activities by the Tamasika people. In 1906 he visited Nasik for the Shivaji festival and was invited for the *Pansupari*. He himself says: "I advised them to confine their activities to strictly constitutional work or education, and not to go wrong."<sup>45</sup>

In the Poona Shivaji festival speech of June, 1907, Tilak said that what the nationalist party wanted might appear "like a revolution in the sense that it means a complete change in the theory of the government of India as now put forward by the bureaucracy. It is true that the revolution must be a bloodless revolution, but it would be folly to suppose that if there is to be no shedding of blood there are also to be no sufferings to be undergone by the people.... Your revolution must be bloodless but that does not mean that you may not have to suffer or go to jail." Thus it appears that Tilak did not contemplate any armed insurrection or revolution.

Some of the greatest Indian leaders who had worked with Lokamanya for several years have denied that Tilak was a revolutionist. Sri Aurobindo Ghosh writes: "It is equally a mistake to think of Mr. Tilak as by nature a revolutionary leader; that is not his character or his political temperament.... In a free India he would probably have figured as an advanced Liberal statesman eager for national progress and greatness.... He is besides a born Parliamentarian, a leader for the Assembly, though always in touch with the people outside as the constant source of the mandate and the final referee in differences.... Such a man is no natural revolutionist, but a constitutionalist by temper, though always in such times necessarily the leader of an advanced party or section. A clear constitution he could use, amend and enlarge would have suited him much better than to break existing institutions and get a clear field for innovations which is the natural delight of the revolutionary temperament."<sup>46</sup>

C.R. Das also holds that Lokamanya was not a revolutionary. There was 'no dark plunge of the revolutionary in him'. Tilak was too solid and strong a personality and he did not have the impatience and the restlessness which characterize a revolutionary. Das thinks that Tilak was a conservative

<sup>43</sup> Dr. V. M. Bhatta expressed this opinion in a letter he has written to the author of this paper.

<sup>44</sup> N. C. Kelkar, *Life of Tilak* (In Marathi), Vol. 3, pp. 46-47 of Section 8.

<sup>45</sup> V. Chitrol, *Tilak*, (Oxford University Press) pp. 130-131 and p. 179.

<sup>46</sup> Sri Aurobindo, *Bankim—Tilak—Dayananda*, pp. 25-27.



by instinct, and compromise was the essence of his politics although he never lost sight of the ideal to which his whole being moved.<sup>47</sup>

Bipin Chandra Pal, a colleague of Lokamanya for over a decade thinks that Tilak was not a revolutionary. In his book *Indian Nationalism* Pal points out that the temperament, the superior native intelligence, the very liberal education and the firm grasp of the solid political realities of Lokamanya, all are against the assumption that he had any real revolutionary aims. The nationalist leaders of Bengal and Maharashtra taught the gospel of "self-reliance and no mendicancy," and not of violent revolution. Lokamanya was opposed to the apathy, despair and frustration that pervaded the national life. Bipin Chandra Pal points out that the teachings of Lokamanya and other extremist nationalist leaders were exaggerated into revolutionary gospels and slogans because the psychological foundations of nationalism were lost sight of by the revolutionists and terrorists. Hence some of the young men "turned from steady, sober but devoted and lawful workers into violent and hysteric revolutionaries." Bipinchandra Pal concludes that it is not at all just to accuse Lokamanya of any criminal or revolutionary aims.

Sarladevi Chaudharani met Lokamanya and in the course of the interview she asked him questions about the appropriateness of the *Lathi* cult. She says: "Tilak told me distinctly he did not approve of the *dacoities* much less authorise them, if for nothing else, simply on the score of their being practically useless for political purposes. But looking to differences in human nature and the varying processes of evolution suited to different temperaments he did not condemn them openly."<sup>48</sup>

Lokamanya did not believe in the possibility of armed mass uprising. There was neither any trained leadership nor any effective party for this type of action, available in India. Lokamanya was never a revolutionary in the sense in which the leaders of radical left-wing movement in the western countries are revolutionaries. Lokamanya's outlook was also different from the nihilists and terrorists of Russia who occasionally committed political murders and assassinations. He accepted legal methods of agitation. He did not sanction on grounds of policy and expediency the use of revolutionary weapons, although he did not condemn the latter on moral grounds.

#### 7. CONCLUSION

Lokamanya, as a political philosopher has given us a theory of nationalism. He did not have the time to elaborate upon the other conceptions of political science like sovereignty, justice, property, etc., although he has referred to these. His theory of nationalism was a synthesis of the teachings of both eastern and western thinkers. He was a thorough believer in democracy and that was the secret of his unique hold on the masses.<sup>49</sup> He did not adopt an idealistic or conceptual and speculative approach to politics. He belonged to the school of realism. But he never tolerated the excesses of realism into the apotheosis of the cult of power, force and success. Hence his school of political thought can be characterized as nationalism founded upon "Democratic Realism."

<sup>47</sup> *Reminiscences*, Vol. II, p. 623.

<sup>48</sup> S. V. Bapat (Ed.), *Reminiscences and Anecdotes of Tilak*, (In Marathi and English), Vol. I, pp. 249-250.

<sup>49</sup> V. P. Varma, "Tilak's Place in World History," *The Indian Nation*, Patna August 1, 1957.

## SWAMI DAYANAND'S CONTRIBUTION TO INDIAN NATIONALISM AND HIS POLITICAL PHILOSOPHY

By

RAM PRAKASH SHARMA

*Head of the Department of Political Science*

*D. A. V. College, Hoshiarpur (Punjab)*

The life of Swami Dayanand has been a source of great inspiration and guidance to a very large number of our countrymen in various spheres of their activities and it is natural, therefore, that the people desire to know more and more of his life and ideals in all parts of the country. Further Swamiji has been widely known as a religious and social reformer only. As pioneer of the Indian nationalism and as a great political thinker his contribution has received very little attention. So with the aim of acquainting my countrymen with Swami Ji's contribution to Indian Nationalism and his political philosophy I venture to write this article.

Nationalism as understood in ancient India was in the sense of having a common soul-life, a common culture, a common social organization and a common political head. It is wrong to presume that nationalism of the east is an attempt at achieving cultural, social and political homogeneity for fighting the west. The essence of nationalism is unity... social, religious, cultural and political. Nationalism understood in this sense we find its traces in the Vedas. The famous hymn of the Atharva Veda which says, "The earth is the mother, I am her son", is interpreted to be an incipient formulation of the concept of the country as the mother-land. Asoka, Chandragupta Maurya, Gupta rulers and Harsh are rightly regarded as the leaders of nationalism in Ancient India. For them Arya Varta was above everything. Though I have doubts regarding the nationalism of Maratha and Rajput rulers, they were inspired by local and segmental consciousness of their own power and its expansion. They never thought in terms of 'India first and India above all', which is the very essence of the psychology of nationalism. They never thought of curing or eradicating those evils, social, religious or political, which were responsible for political subjugation of their motherland by foreigners. India continued to be subjugated by foreign invaders one after the other. So much so that with the advent of the British rule Indian nationalism had reached its lowest ebb. But we must not forget the eternal saying of Shrimad Bhagwat Gita that 'Whenever religion (dharma) is on the decline and evils or vices multiply in the sacred land of India, God incarnates himself and comes to the rescue of the men so that righteousness and truth may prevail'. 'One may accept this view or not, but the past history of India justifies the view that at every critical moment in our history God has always sent us a great man to change the current of thought, social, religious or political. That is true of even other countries. If nineteenth century Italy produced Cavour and Garibaldi to bring her unity and if nineteenth century Germany produced Bismarck to consolidate the German States into one and march her on the road to progress, the nineteenth century India too pro-

<sup>1</sup> Shrimad Bhagwat Gita. Chapter IV Shaloka 7.

duced in the personality of Swami Dayanand a great man who led India out of darkness to light and gave her first lesson in self-government. Dr. B. M. Sharma writes thus: "At a time when India was passing through a gigantic political convulsion, and at a time when the vast fabric of the great Hindu society with all its ancient heritage and inspiring tradition, was crumbling down, the coming in of Swami Dayanand was undoubtedly a matter of the greatest relief. He worked, lived and died for the good of his country and the world... Swami Dayanand may rightly be called the founder of Indian Nationalism in the modern age. His activities were great, and his achievements were still greater. The Arya Samaj is the one institution of India to which Hindus look as the saviour of the society and therefore the nation."<sup>2</sup> Before we actually study Swami Ji's contribution to Indian nationalism we must be aware of the fact that unlike great personalities in the west one unique feature of Indian personalities has been the wide scope of their activities. They did not confine themselves to one particular field only but tried to reform every branch of man's life, social, religious and political. The Indian culture treats man's life as a whole and it makes no distinction between religion and politics. So Swami Dayanand attempted to reform Indian life as a whole.

As already stated by me India had fallen to the lowest depths on the eve of Dayanand's starting his great work. It was a time when India was passing through a great political upheaval. The power of the Marathas had been finally shattered and East India Company had come to be acknowledged as the over-lord by almost all the states of India. The Mughal Emperor living in Delhi was virtually impotent and the small state of Nepal had been humiliated beyond repairs by a defeat on them in 1814-15. Nawab of Oudh was virtually a prisoner in the hands of the Company. Only in the Punjab Maharaja Ranjit Singh had some independence whose friendship was sought by the English. But after the death of the Maharaja the Sikh power greatly declined and ultimately Punjab too came to be conquered by the Company. India was thus in the hands of foreigners—who had come with the primary object of trading with the East. By the time Swami Dayanand left Swami Virjanand, the great preceptor, in 1862, India had completely passed into English hands. The great war of Independence of 1857 had been suppressed by the British forces and the rule of the Company had ended and the crown had assumed the rule directly. Queen Victoria's Proclamation of 1858 marked the peak of Indian degeneration. Indian Nationalism had received more or less a death blow. A strong and courageous hand was needed to revive it. It came in the form of Swami Dayanand.

On the social side the whole fabric of Hindu society was crumbling down. Foreign rule had demoralized the people much. As a matter of fact the whole of Hindu society was in a chaotic state. In place of four varnas hundreds of castes and sub-castes had sprung up. The lot of women was pitiable. They were even denied the benefits of education. Child marriage was common. There were seen all around beggars and orphans. Dr. B. M. Sharma writes about the social life thus:<sup>3</sup> "In short, illiteracy, caste system, early marriage, diversion from the vedic system and consequent neglect of duty, the ever-increasing number of widows, the criminal neglect of orphans, and the swelling number of so called Sadhus had disrupted Hindu society to a disquieting degree." The spread of Christianity had weakened the belief of the Hindus and Orthodox Hindus were not prepared to take back converts.

<sup>2</sup> Dr. B. M. Sharma: *Swami Dayanand—His Life & Teachings*, Preface pp iii & iv.  
<sup>3</sup> *Swami Dayanand—His Life & Teachings*. Chapt. VI. p. 68.

Dark clouds of ignorance, petty-mindedness, poverty and foreign influence had covered the sky. There was all-round darkness. But the heart of the Hindu community was still sound. It was asleep and not dead. Some firm hand was needed to awaken it. There was still the material for reform. The need was the presence of some fearless, truthful, steadfast and stout reformer. Swami Ji filled that need.

Swami Dayanand wished to live for the emancipation of his nation—politically, socially and religiously. He spent a few years in learning the situation—full five years after he had left Virjanand. He fully diagnosed the causes of India's slavery and knowing them he set out to remove them first and thus pave the way for India's freedom. According to him "The causes of foreign rule in India are mutual feud, differences in religion, want of purity in life, lack of education, child marriage, marriage in which the contracting parties have no voice in the selection of their life partners, indulgence in carnal gratification, untruthfulness and other evil habits, the neglect of the study of Vedas, and other malpractices. It is only when brothers fight among themselves that an outsider poses as judge.... The Aryas are still treading the wicked path of the despicable low Duryodhana, the destroyer of his race, the enemy of his country, and are suffering no end of misery. May God through His mercy rid us, Aryas, of this dreadful disease.... It is only when men remain honourable, just and true that they are politically great; when they become wicked and unjust, they are absolutely ruined"<sup>4</sup>. Swami Dayanand was thus thoroughly convinced that social evils and irreligiousness were at the root of India's political bondage and thus unless these evils were removed, the country would never be fit for self-government or swaraj. So he started a crusade against the social evils in order to pave the way for political independence. He clearly perceived that at the root of India's downfall was the gross illiteracy and ignorance of the people. So he pleaded for the opening of pathshalas. He supported the cause of compulsory education of children including the girls by the state. In his *Satyarth Prakash* he gave a comprehensive scheme of education, including the study of the science of government consisting of two parts—civil and military.

Swami Dayanand fully realized that the cause of Indian Nationalism required some common national language. So he was the first among the Indian publicists to advocate the cause of Hindi or Aryabhash as a national language of India. He abandoned Gujarati, his mother tongue, in favour of Aryabhasha. According to Pt. Ram Rattan, "He felt that a sound system of education was one which made a student feel proud of his language, his country, proud of his nation's past, proud of her glory. This could never be achieved if Hindi and Sanskrit were relegated to the background"<sup>5</sup>. It was at his suggestion that Maharana Sajjan Singh, ruler of Udaipur introduced Devnagari script in his state as official script.

Swami Ji thought that unity among the followers of different faiths was very essential for the attainment of political freedom which was always destroyed by the intervention of third power—the British who could maintain their power by the policy of divide and rule. Towards the end of 1876 Swami Ji left Deccan for Delhi to attend the great Darbar held in January, 1877. He called a Unity Conference there of the greatest men of India

<sup>4</sup> *Light of Truth*. (Eng. Tr. of *Satyarth Prakash*) Edited by Dr. Bharadwaja 1927), p. 303.  
<sup>5</sup> Ram Rattan : *Dayanand Commemoration Volume*, p. 132.



for bringing together all heterogeneous elements of the Hindus and Muslims in India. There were Munshi Kanahya Lal Alakhdhari of Punjab, Babu Navin Chander Roy, Keshav Chander Sen, Munshi Indramuni, Sir Sayyad Ahmad Khan and Babu Harish Chander. Swami Dayanand urged them to forget all differences and unite together to work out the salvation of the country. Although this conference failed Swami Ji pointed out the need of unity for the freedom of the motherland.

Swami Ji was an ardent lover of Swadeshi which later on became the pillar of our national movement for freedom. He fully realized the economic dependence of Indians and by his example, writings and lectures he encouraged and preached the use of Indian made articles. He encouraged the Indians to travel abroad, learn trade and increase their own trade. He writes in his *Satyarth Prakash* thus: "The ancient Indians used to go abroad to all parts of the world for the purposes of trade, travel, or on political business. . . . Those who do not hesitate to go abroad, and thereby associate with peoples of various foreign countries, study their customs, manners, increase their trade, and augment their political power, become fearless and bold, and attain great power and prosperity by studiously imbibing their good qualities, and adopting the good customs and manners of the foreigners, and rejecting their faults and evil habits and bad manners. . . . There can be no harm or sin in learning trade, arts and other good qualities from the foreigners. . . . Can a country make any progress unless its people trade with or extend their rule over other countries?"<sup>6</sup>

Swami Ji attacked the conservative views of the priestly class and blamed them for India's degradation. He preached against idol worship and laid stress on Unity of God. He was against caste system and was a great advocate of Shuddhi—taking back those people who had embraced other faiths. He stood for the rights of women. He preached against untouchability. In short, he laid stress on character-building. He was a great lover of truth. It is character that builds a nation. According to Aurobindo Ghosh "Dayanand brings back an old Aryan element into the national character".<sup>7</sup> According to T. L. Vaswami "he created a new pride in India. When he went upon his mission, the people were immersed in tamas—in inertia, in mental and spiritual darkness. The masses were engulfed in superstition. The educated turned westward for light and strength. Dayanand raised the cry: 'back to yourselves!' With the vision of a Rishi, he saw the greatness of Aryan civilization and culture."<sup>8</sup>

It is not improper to call him by the name of the Rishi of modern India. There was a beautiful song often sung during the Swadeshi movement of 1906-8 in Bengal and it said:

One Country, one God

One nation, one mind,

and Swami Dayanand lived to achieve this end. T. L. Vaswami in his book "Torch-bearer", calls him by the name of an exponent of Aryan India, a symbol of Aryan India, a prophet of the dawn, a herald of the future. Swami Dayanand believed neither in caste nor in sect. He had faith in universal brotherhood. His heart was full of love for the poor and the down-

<sup>6</sup> *Light of Truth* : Eng. Tr. of Satyarth Prakash by Dr. C. Bharadwaj pp. 299-300.

<sup>7</sup> Aurobindo Ghosh : article on 'Dayanand, the Man and his Work' in *Swami Dayanand Saraswati* a collection of articles, published by Arya Samaj Calicut, 1924.

<sup>8</sup> T. L. Vaswami : an article on 'A Prophet of the Dawn' published in 1926 by Arya Samaj Calicut

<sup>9</sup> T. L. Vaswami : *Torch-bearer* p. 42.

trodden and without such love you cannot build a great nation. He kindled a new nation's consciousness. He aimed to rebuild Indian national life on knowledge and sacrifice. His heart felt that there was no rest for him until India was re-awakened and the Aryan race rejuvenated. His message for the Indian people was inspired by the spirit of the Aryan race and Indian nationality. He got from the Vedas three slogans—the mother-tongue, the race-culture, the motherland. These three are the sources of blessings and Swami Ji stood for all the three. He advocated Hindi as the lingua franca of India, he advocated the Vedic culture based on oneness of God and he preached love and adoration for mother country. Very few people know it that Swami Ji used the word Swaraj long before it was used by great patriots like Dadabhoi Naoroji and Lokamanya Tilak. He wrote in *Satyarth Prakash*, "Say what you will, the indigeneous native rule is by far the best. A foreign government, perfectly free from religious prejudices, impartial towards all the natives and the foreigners, kind benevolent and just to the natives like their parents though it may be, can never render the people perfectly happy".<sup>10</sup> Do not these words express the very philosophy of Swaraj—self-government is better than good government?

The greatest asset of a nation are its pioneers and prophets. One of them was Swami Dayanand. He is that personality of whom any nation and any age may be proud. He was definitely very hard for Hindu orthodoxy but 'all creators are hard, must be hard' as said by the German philosopher Nietzsche. He was the real nation-builder who led India out of darkness into the light and showed her the way of freedom—which was to be lighted by the torch of vedic wisdom. According to T. L. Vaswami "He had a vision of India purged of her superstitions, filled with the fruits of science, worshipping one God, fitted for self-rule, and honoured as the primeval source of the world's science and religion"<sup>11</sup> Swami Ji firmly believed that Independence could not be got by mere begging. It could be got by building character based on knowledge and sacrifice. He wanted the youths of India to develop their mental and physical powers. His advocacy for the study of vedic wisdom was with a view to liberating both Hinduism and India. Cultural Swaraj must fulfil political Swaraj. His message to the people was that of Unity and sacrifice—the two pillars of Indian Nationalism. According to Maharaj Anand Swarup Ji, "He was the first to raise his voice against the denationalization and to think of openly fighting the causes responsible for it, as Hindus were lost to their religion, to their culture and tradition"<sup>12</sup>. As a matter of fact Swami Ji believed that if Indians became physically strong, religiously pure and socially simple, their political freedom will follow. By successfully driving out the social evils from Hindu society, he laid the foundations of strong Indian Nationhood. He loved the people of India with the fervour of Mazzini and Wallace. He was the true nation-builder, father of modern nationalism. According to C. F. Andrews, "He revealed in a living and inspiring form by his own magnetic personality what in truth ancient India was, what in truth she stood for, what was the vital spirit of her past."<sup>13</sup> Even Romain Rolland has acknowledged Swami Ji's great contribution to the cause of Indian Nationalism. He writes: "He (Swami Dayanand) was in fact the most vigorous force of the immediate and present action in

<sup>10</sup> *Light of Truth* : Eng. Tr. of Satyarth Prakash by Dr. C. Bharadwaj p.

<sup>11</sup> T. L. Vaswami : *Torch-bearer*. Page-28.

<sup>12</sup> Sahib ji Maharaj Anand Swarup in *Dayanand Commemoration Volume*, p. 14.

<sup>13</sup> C. F. Andrews:—*Swami Dayanand*, an article in *Swami Dayanand Saraswati* (Arya Samaj Calicut 1924) page 41.

India at the moment of the rebirth and reawakening of the national consciousness. His Arya Samaj, whether he wished it or not, prepared the way in 1905 for the revolt in Bengal. He was one of the most ardent prophets of reconstruction and of national organisation. I feel that he was he who kept the vigil.... His purpose in life was action and its object his nation."<sup>14</sup>

#### SWAMI JI'S POLITICAL PHILOSOPHY

Now we come to the second part of this article, that is, Swami Dayanand as a political philosopher. If Swami Ji had an idea of free India, he also had a vision of the form of government that he wanted India to have. He is not, of course, original in his political philosophy. His ideas are from the Vedas, a few chapters of Manu, Vidurprajagar, Rajadharma, Apatdharma and a few chapters of Mahabharata. He gives his political philosophy in Chapter VI of his Satyarth Prakash and he is ardent follower of democracy, though he supports a limited benevolent monarchy as pattern of government for his ideal state.

Swami Ji wanted the King to rule with the help of three assemblies—Religious, Legislative and Educational. He got this idea from Rigveda which says:—"Let there be for the benefit of the rulers and the ruled three Assemblies: Religious, Legislative and Educational. Let each discuss and decide subjects that concern it."<sup>15</sup> He then wishes the three Assemblies, Military Councils, and the Army to work harmoniously together to carry on the government of the country. He was a great democrat and believer in the conception of popular sovereignty. According to him "No single individual should be invested with absolute power. The King who is the President of the Assembly and the Assembly itself should be inter-dependent on each other. Both should be controlled by the people, who in their turn should be governed by the Assembly."<sup>16</sup> Swami Dayanand was against absolute power and he describes the evils of the king being independent and enjoying absolute power. For it he quotes Shatpatha Brahman which says, "that an absolute king would impoverish the people—being despotic and hence arrogant—and oppress them, aye, even eat them up, just as a tiger or any other carnivorous animal pounces upon a robust animal and eats it up. A despotic ruler does not let any one else grow in power, robs the rich, usurps their property by unjust punishment, and accomplishes his selfish end. One man should, therefore, never be given despotic power."<sup>17</sup>

Dayanand regards the King as the Chief official of the state and quoting from Manu prescribes his qualifications for being elected: "He should be powerful as electricity; as dear to his people's hearts as their very breath, able to read the inmost thoughts of others, and just in his dealings as a judge. He should enlighten people's hearts by the spread of knowledge, just and righteousness, and dispel ignorance and injustice as the sun illuminates the world. He should be like one who consumes wickedness like fire, keeps the wicked and the criminal under control like a jailor, who gladdens the hearts of the good like the moon, who makes the country rich and prosperous as a treasurer keeps his treasury full, who is powerful and majestic like the sun, keeps the people in fear and awe, and on whom no one in the whole world dares to look with a stern eye. He alone is then fit to be the head of the state who

<sup>14</sup> Romain Rolland: *The life of Rama Krishna*, Chapter VI pp. 164, and 165.

<sup>15</sup> *Rigveda II 38, 6*, quoted in *Light of Truth*: (Eng. Tr. of *Satyarth Prakash*) by Dr. C. Bharadwaj p. 141.

<sup>16</sup> *Light of Truth*, (Eng. Tr. of *Satyarth Prakash* by Dr. C. Bharadwaj) p. 150.

<sup>17</sup> *Shatpath Brahman*. XII, 2, 3, 7, 8.

is like fire, air, the sun, the moon, a judge, a treasurer, a gaoler, in keeping the wicked under control, and like electricity in power."<sup>18</sup> Swami Ji further quotes Yajur Veda, saying, "O ye, learned men! Proclaim that man with one voice your king—the President and head of the State—who is just, impartial, well-educated, cultured, and friend of all."<sup>19</sup>

Swami Dayanand was a great advocate of the Rule of Law and quoting from Manu he proclaims its supremacy. He writes: "The Law alone is the real king, the dispenser of justice, the disciplinarian. The Law is considered as the surety for the four classes and orders to discharge properly their respective duties. The Law alone is the true governor that maintains order among the people. The law alone is their protector.... When rightly administered the law makes all men happy but when administered wrongly, i.e. without the consideration as to the requirements of justice, it ruins the king. All the four classes would become corrupt, all order would come to an end. There would be nothing but chaos and corruption if the law were not properly enforced. Where the law rules supreme, there the people never go astray, and consequently live in happiness if it were administered by a just and learned man. He alone is considered a fit person to administer the law by the wise who invariably speaks the truth, is thoughtful, is highly intellectual and very clever in the attainment of virtue, wealth and righteous desires.... Great is the power and majesty of the law. It cannot be administered by a man who is ignorant and unjust."<sup>20</sup> After describing the majesty of the Rule of law Dayanand calls upon the people to obey the law passed by the Assembly, if they wish to be happy and prosperous. The members of the Legislative Assembly must be well-versed in the four Vedas, keen logicians, masters of language and men conversant with the science of religion.

Following the ancient shastras Swami Dayanand prescribes certain qualifications for being elected to the membership of the Assembly. He also describes the qualifications and duties of such officers as ambassadors in details. He quotes Manu for it which says: "Those men alone are fit to fill such high offices, as of the president or a member of the political assembly, who have learnt the three kinds of knowledge of good deeds and their practice, of elevation of mind by meditation and contemplation of abstruse subjects and of that superior wisdom that results from the first two—from the scholars of the four Vedas—the true system of government, the science of logic, the Divine Science and the arts of elocution and debate."<sup>21</sup>

With regard to the question of the Executive, Swami Ji while entrusting the king with the headship of the state and so also of the executive, quotes Manu in support of "the very great necessity of the king's having seven or eight good righteous and clever ministers who are natives of the country, are thoroughly conversant with the Vedas and the Shastras, are very brave and courageous, whose judgment seldom errs, who come from good families and are well-versed men."<sup>22</sup> Swami Ji gives reasons for assigning the work of government to a council of seven or eight. He says: "Even an act easy in itself becomes difficult to be accomplished by a man when single handed. How much more so is the great work of government of a country by a

<sup>18</sup> *Manu*, VII, 4, 67.

<sup>19</sup> *Yajur Veda* IX, 40.

<sup>20</sup> *Light of Truth* (Eng. Tr. of *Satyarth Prakash*) by Dr. C. Bharadwaj. pp. 152, 153.

<sup>21</sup> *Manu*, VII, 43-53.

<sup>22</sup> *Manu* VII, 54-57, 60, 64.

<sup>23</sup> *Light of Truth* (Eng. Tr. of *Satyarth Prakash*) by Dr. C. Bharadwaj Page 57.

single-handed man. It is, therefore, a most dangerous thing to make one man a despotic ruler, or trust the affairs of the state to one single man."<sup>23</sup> Swami Dayanand makes it compulsory for the king to consult his ministers on the affairs of the state and after attaining the opinion of all, he should abide by the majority opinion. What more democratic there can be! Swami Ji also deals at length with the various duties of ministers and other high officials. Even such subjects as training of the army, the behaviour of the armed forces, administration of the conquered territories, treatment of neutrals and aliens are not neglected by the great Swami.

As regards levy of taxes Swami Dayanand was fully conversed with the principle of 'no taxation without representation'—the principle which is the very foundation of democracy. In support of this principle he quotes Manu, saying, "Let the king in conjunction with the Assembly, after full consideration, so levy taxes in his dominions that they may conduce to the happiness of both the rulers and the ruled."<sup>24</sup>

His treatment of administration of justice, was very exhaustive and was based on 'Rule of law' and other democratic principles. Here again he follows the teachings of Manu, saying, "Let the king, the court and the judges daily decide justly law suits—which are classified under eighteen heads—according to the laws of the land and the teachings of the dharam shastras."<sup>25</sup> Swami Ji was of the definite opinion that a judge must observe the eternal law of justice and decide all cases of disputes among men justly, that is, without partiality. He says, "Where justice is destroyed by injustice and truth by untruth under the very nose of the judges whilst they simply look on, all the judges in that court are as if dead, not one of them is alive. Justice being destroyed shall destroy the destroyer. Justice being protected shall protect the protector. Let no man, therefore, violate the laws of justice lest justice, being destroyed, destroys him."<sup>26</sup> Swami Ji allows only those persons to appear as witnesses who are men of character, learned, straight-forward, who know their duty properly and who are truthful and free from covetousness. He wants the judge not to examine the witnesses very strictly in cases of violence, theft, adultery, the use of abusive language and assault as all these things are done in private and witnesses are not easily available in such cases. The present system of law lays too much stress on witness. How silly it appears that the police or court may ask a lady in whose presence she was outraged or a person whose property has been stolen may produce a witness for the fact that a theft took place in his presence. It so happens many a times that there is contradictory evidence. What should a judge do in that case? Here again Swami Ji's ideas are democratic. He says, "If there be contradictory evidence let him (the judge) accept as true the evidence of the majority, if the conflicting parties are equal in number, that of those distinguished in good qualities; on a difference between equally distinguished witnesses, that of the best among the twice-born, viz., sages, seers and Sanyasis—altruistic teachers of humanity."<sup>27</sup> Swami Ji was particular in prescribing the oath to be taken by the witnesses before giving their evidence, in the name of truth and God.

With regard to punishment Swami Ji's views are not in conformity with modern times. He seems to be reactionary in that respect. He had faith in the deterrent theory of punishment. He was an advocate of inflicting

<sup>23</sup> Manu VII, 128, 129, 139, 140, 142, 144.

<sup>24</sup> Manu VIII, 3-8, 12, 19.

<sup>25</sup> Light of Truth. Eng. Tr. of Satyarth Prakash by Dr. C. Bhargadwaja p. 180.

<sup>26</sup> Ibid, p. 181.

ever punishments with an aim to set an example for others. On this issue he says, "Whosoever calls it severe punishment is ignorant of true principles of Right government. The infliction of a heavy punishment on one man prevents others from committing similar crimes, and tends to keep them steadfast in righteousness."<sup>28</sup> But where lies the justice when a man is punished in excess than is required in conformity with the seriousness of the crime? The aim of punishment is to reform the criminal, and make him a useful citizen of the state and not to create terror and awe in the hearts of others. Has the death sentence decreased the number of murders in any state? The case is rather the reverse. Swami Ji here seems to have failed in understanding the psychology of the criminal mind. We would have expected a highly reformatory theory from such a Rishi.

Violation of law is to be punished. All are equal before the law and all are under the law. There is no special law for the governors as administrative law in the countries of Europe. He is most democratic here. Quoting Manu he says: "Whosoever—be the father, tutor, friend, wife, son or spiritual teacher—deviates from the path of duty, becomes liable to punishment."<sup>29</sup> He wants the king and state officials to be punished more heavily than ordinary people. He says, "Punishment inflicted on a king should be a thousand times heavier than that of an ordinary man, the king's minister eight hundred times, the official lower than him seven hundred, and one still lower six hundred and so on; even the lowest official such as a constable, should be punished not less than eight times as heavily as an ordinary man would be, for if the government officials or servants be not punished more severely than ordinary people, they would tyrannise over them."<sup>30</sup> He further says, "What is a king but a man endowed with virtue and favoured by fortune. Were he to go unpunished, why would others obey the law? Were the king and other high personages to go free, the king, ministers and other men of influence and power would simply set justice and righteousness at naught, sink into the depths of injustice and, ruin the people as well as themselves."<sup>31</sup>

Swami Ji requires from the ruler an exemplary conduct. He wishes that the proverb "As the king, so shall the people be," should never be lost sight of. He says, "It, therefore, behoves the king and other high personages never to misconduct themselves. Instead let them always set a good example to others in the matter of just and righteous living."<sup>32</sup> Alas! our present rulers learn a lesson from this saying of Swami Ji and set an example of selfless service before the people. As Swami Ji invoked Divine assistance for the performance of state duties, I would invoke Divine assistance in making wisdom dawn on our present rulers and enable them to become means of advancing His eternal justice.

Such were the views of Swami Dayanand Ji regarding the form of state and the system of government. Though all his views may not be acceptable in the present day secular state but nonetheless they are full of wisdom and provide many a good lesson for our people—both governors and governed. He has given to us a sketch of an ideal state in accordance with the lines of ancient Indian culture and this very fact makes him a political

<sup>28</sup> Light of Truth :—Eng. Tr. of Satyarth Prakash by Dr. C. Bhargadwaj p. 188.

<sup>29</sup> Ibid, p. 183

<sup>30</sup> Ibid, p. 185

<sup>31</sup> Ibid, p. 187

<sup>32</sup> Ibid, p. 189

philosopher of first rank. He was the man whose highest ambition and whose greatest delight was to revive good old days—fully free from foreign influence. He was a true nationalist who gave the clarion call to the slumbering Indians to wake up and shake off their social evils and superstitions and work for the emancipations of their motherland. All homage to him—the saint, seer and philosopher,

## MANIPUR STATE CONSTITUTION ACT, 1947

By

S. K. BANERJEE

*Lecturer in Political Science, Imphal College, Imphal*

### I

Manipur became independent with the lapse of paramountcy. Later, Manipur merged with India in 1949. For a short period between these two events independent Manipur had a Constitution of her own. The Constitution was called "Manipur State Constitution Act, 1947." That there was such a Constitution does not appear to have been known in other parts of India.

In this very brief article I would try to summarise the salient features of the Act with one or two general comments. These comments would necessarily be of an academic character, specially so, as I could not secure permission to examine the records relating to the actual working of the Constitution. It is unfortunate that the Government of Manipur should refuse permission in the matter.

### II

The first chapter of the Act may be likened to a preamble. Section 3 lays down, "All rights, authority and jurisdiction which appertain or are incidental to the Government of such territories, are exercisable by the Maharajah (of Manipur) subject to the Provisions of this Act." (Territories mean 'territories' for the time being and hereafter vested in the Maharajah and governed by and in the name of the Maharajah.) "This," observes Sri Brij Narayan, Honourable Judicial Commissioner, Manipur, in the case *Dr. Ram Manohar Lohia and six others versus Sri V. S. Sundaram, Deputy Commissioner, Manipur*, and two others, "means that the Maharajah agreed to become a Constitutional Ruler."<sup>1</sup> This conclusion is reinforced by Section 9 (b) which reads, "The Maharajah means His Highness the Maharajah of Manipur, the Constitutional Head of the State." The magnitude and the importance of these provisions become clear when it is seen that what had taken ages in England had been achieved in Manipur at a stroke.

### III

A State Council of Ministers, consisting of six ministers elected by the State Assembly, and one, the Chief Minister, appointed by the Maharajah in consultation with the elected ministers of the Council, was created under section 10 (a), (c), (d) and (e) of the Act. Out of the seven ministers two were to be the representatives of the Hill People [section 10 (d)]. The Executive Authority was vested in the Council of Ministers [section 10 (a)].

Section 12 laid down, "The Council of Ministers shall...be jointly responsible to the Maharajah for the administration of the State." This, coupled with section 22, "when in any case the State Council (of Ministers) ...is in the special circumstances of any case unable to accept the advice

<sup>1</sup> See *All India Reporter*, December, 1955, Manipur, Page 45.

of the Assembly,....the State Council (of ministers)....shall communicate in writing the reasons which have led to such course and shall give facilities of personal discussion of the matter with a representative or representatives deputed by the Assembly," makes the State Council of Ministers, in effect, responsible to the State Assembly. So we see that a cabinet type of executive is provided for; the executive being jointly responsible to the representatives of the people, i.e. the State Assembly.

## IV

Section 17 of the Act provided for a State Assembly, elected on an adult franchise and on the basis of Joint Electorate. Under section 18, the Assembly enjoyed freedom of discussion and debate. Section 19 required that the support of a majority of the Hill Representatives in the Assembly must be obtained for measures of primary concern to the Hill people. The Assembly had a three-year term. The Hill People were to occupy about 36% of the seats of the Assembly.

The law-making authority was vested in the Maharajah-in-Council in collaboration with the State Assembly (section 26). Section 30 enabled the Assembly to pass by a seventy-five per cent majority bills to which the assent of the Maharajah had been previously withheld.

The Assembly had complete authority over taxation and expenditure (Sections 34 and 36) except for the Civil List and provided that 17½% of the average real revenue of the State for the preceding three years shall be allocated for expenditure on the welfare and administration of the Hill People (section 32). Section 35 laid down, "The Maharajah's Civil List shall be fixed at a figure equal to 10% of the real revenues of the State over the preceding three years, provided that no extraordinary revenues shall be taken into account when determining this amount and provided that no State revenue in excess of rupees twenty lakhs shall be taken into account in any one year. The appropriation to the Maharajah's Civil List shall be non-votable and shall not be the subject of debate in the Assembly." This 10% limit on the Civil List is in keeping with the ancient Indian ideals found in the Dharmasutras. Buddhayana says, "Let the king protect his subjects, receiving as his pay a sixth part." Further, the total of the Civil List is, *ipso facto*, limited to rupees two lakhs a year. This is much less than the amount paid by the Government of India, after integration, to the now non-functioning Maharajah. This 10% limit is highly commendable, specially in a poor country like India. Under section 36 no taxes could be imposed without the 'due-process of law.'

These make the people's representatives the real rulers. The interests of the minorities were also duly safeguarded.

## V

Under section 41 (a) the Judiciary was completely separated from the Executive. In the Indian Union this desirable step is still to be taken. The independence of the judiciary does not, however, appear to be complete as there was no provision in the Constitution of charging the emoluments of the judges on the state revenues. The Chief Justice and two Puisne Judges shall be appointed by the Maharajah-in-Council and shall hold office till the age of 65 years (section 42).

## VI

Coming to the question of fundamental rights we find section 52 and allied sections. Section 52 reads, "There shall be guaranteed to all people,

Justice, Social, Economic and Political; equality of status, of opportunity and before the law; freedom of thought, expression of belief, faith, worship, vocation, association, and action, subject to law and public morality." This section covered a large sphere and combined into one the Preamble and articles 14, 16, 19 and 25 of the Constitution of India. Section 44 establishes equality before law and lays down that titles and privileges of birth shall not be recognised in the eyes of law. Section 45 guarantees liberty and resembles the 'due process of law' clause of the Constitution of the United States of America (Amendment XIV, Section 1). Under section 49 capital punishment cannot be inflicted for purely political crimes. Banishment or expulsion from the State or internment shall not be ordered 'save in such cases as may be expressly determined by law' (section 50). Section 51 says, "dwelling shall be inviolable save under express provision of law." Section 54 throws open all public institutions to all citizens of the State without any distinction. Under section 55 both the Government and its officials may be sued in the courts by the citizens of the State. But the right to constitutional remedies was not granted. Notwithstanding, the range of fundamental rights granted is wide and, on the whole, satisfactory.

## VII

Thus, we find that the Manipur State Constitution Act, 1947 was quite democratic. The Maharajah remained as the Constitutional Head of the State: the real power being in the hands of the representatives of the people. It also had certain noteworthy features like complete separation of the judiciary from the executive and a chapter of fundamental rights.

## VIII

We now come to the interesting question of whether the Manipur State Constitution Act, 1947 is still in force or not. At page 239 para 456 of Halsbury's Laws of England, Volume 11 (1933 edition) we read, "in conquered or ceded countries which at the time of their acquisition, had already laws of their own, the Crown has power to alter and change those laws, but until this is actually done the ancient laws of the countries remain in force." From this we may conclude that if the Manipur State Constitution Act, 1947, has not been specifically repealed it is to be taken as being still in force.

The Manipur State merged with the Dominion of India on the 15th of October 1949.<sup>3</sup> Under the Merger Agreement the Maharajah ceded his prerogative, authority jurisdiction and powers in relation to the governance of the Manipur State to the Dominion Government. But the prerogative, authority, jurisdiction and powers of the Maharajah were subject to the provisions of the Manipur State Constitution Act, 1947, for it was already in force when the merger took place. So the Dominion Government should also be considered as exercising its prerogative, authority, jurisdiction and powers (in relation to the State of Manipur) only in accordance with the provisions of the Act.

The Dominion Government passed the Manipur Administration Order, 1949, under section 3, and 4 of the Extra Provincial Jurisdiction Act, 1947 (Act XLVII of 1947). "Para 5 of this Order clearly lays down that all laws in force in Manipur or any part thereof immediately before the com-

<sup>2</sup> Quoted in the above-cited case. See *All India Reporter*, December 1955, Manipur, page 46.

<sup>3</sup> For the text of the Merger Agreement see Appendix XXXII of the White Paper on Indian States.

mencement of this Order shall continue in force until repealed or amended by a competent legislature or authority."<sup>4</sup> Para 7 of this very Order lays down that as from the 15th of October, 1949, 'the Ministers' in Manipur State shall cease to function and 'the Legislature' of the State shall stand 'dissolved'. This para 7 can in no way be taken as repealing or amending the Manipur Constitution Act, 1947, as para 7 is inconsistent with para 5 of the Order which keeps the Act in force.

Again, "...the Manipur State Constitution Act, 1947, was never repealed. Its provisions, therefore, so far as they are not inconsistent with the provisions of the Indian Constitution will continue to remain in force under Article 372 of the Constitution of India."<sup>5</sup> Further, "under the Manipur Administration Order, 1949, Manipur State Constitution Act, 1947, had been kept intact under para 5 but under para 7 the existing Legislature was dissolved and the Ministers then functioning ceased to function. The abolition of the Legislative Assembly and the Council of Ministers is not a mere matter of procedure and as no action was taken by the President (of India) for a period of three years (under Article 372 of the Constitution of India as amended by section 12 of the Constitution (First Amendment Act, 1951) nor by the Parliament (of India) under article 239 and article 245 (1) of the Constitution of India, the Manipur State Constitution Act, 1947, cannot be deemed to have been repealed."<sup>6</sup>

From what I have said above it may not be wrong to conclude that, legally speaking, the Manipur State Constitution Act, 1947, is still in force in Manipur as far as its (Manipur State Constitution Act, 1947) provisions are not repugnant to and inconsistent with those of the Constitution of India.

<sup>4</sup> See case cited above (*All India Reporter* December, 1955, Manipur, p. 46).

<sup>5</sup> *Ibid*, p. 46.

<sup>6</sup> *Ibid*, p. 46.

## INFLUENCE OF INDIA ON ENGLISH JURISPRUDENCE

By

G. S. SHARMA

*Professor and Head of the Department Public Law  
University of Lucknow*

"Jurisprudence is the name given to those studies, researches, and speculations which aim primarily at answering the plain man's question: what is law?"<sup>1</sup> It is not surprising that no serious attempt in a doctrinal way was made in England till the beginning of the 19th century to answer that question. Most of the English law consisted in the judgments of the courts, and the study of the source and history of a particular rule of law was the function of the counsels of the parties engaged in contesting a claim before a court of law. Whatever written law existed was rendered uncertain and inaccessible by a defective system of recording. The famous *Casement Case* during World War I brought these defects<sup>2</sup> to light. Before the 19th century, therefore, English law was in truth 'a codeless myriad of precedents' and 'a wilderness of single instances'.

"At the end of the 18th century and the beginning of the 19th century the labours of Blackstone had given to the *corpus juris* of English law a definite form, and its sources had been made the subject of doctrinal exposition. ... It was at that time that jurisprudence in the sense of 'the general theory of law' first became a subject of study in England; its chief, if not its sole object, was to present a reasoned analysis of sources of law."<sup>3</sup>

Once the English law took a definite form in Blackstone's *Commentaries*, the 19th century with its characteristic quest for certainty, occupied itself with a doctrinal analysis of the rules it laid down. The logical system of John Austin found this certainty in what Jones<sup>4</sup> calls the politico-psychological character of the law. "It represents a systematising reaction from centuries of chaotic and fiction-ridden growth of English law assisted by only spasmodic parliamentary activity. It reflected the young faith of the period in the new democratised legislature."<sup>5</sup> The historical jurisprudence of Sir Henry Maine found that certainty in the evolution of law in progressive societies from "Status to Contract." Both Austin and Maine, though they differed in the answers they gave to plain man's question what is law, had in common a faith in legislation—a faith that dominated the century. John Austin recognised the science of legislation though he would have none of it in his system of jurisprudence. Maine, the founder of the Historical School, did not dislike the dislike of his continental forerunner towards Codification, and even supported Codification for India.

Whatever may be said about the legal isolationism of the English,<sup>6</sup> when an assessment of the present Anglo-American legal thought is made, the work

<sup>1</sup> *Encyclopaedia Britannica* Vol. 13, p. 197.

<sup>2</sup> In 1801 the House of Commons authorized the King's printer to print off copies of each public general statute. Winfield: *The Chief Sources of English Legal History* p. 94. These privileges were in 1882 transferred to the Stationery Office.

<sup>3</sup> Levy Ullman: *The English Legal Tradition*: Introduction, XXXiii.

<sup>4</sup> Jones: *Historical Introduction to the theory of Law*.

<sup>5</sup> Julius Stone: *The Province and Function of Law*, Ch. 1, p. 4.

<sup>6</sup> "It is by no means suggested that English and American scholarship has limited itself to the analytical field. Such a suggestion would merit a quick rebuke from the shades



of Maine and his followers appears as an epoch-making contribution. The credit for drawing attention of the English-speaking world to the importance of study of laws on the genetic method belongs to Sir Henry Maine. It is not an exaggeration to say that Maine's contribution made sociological jurisprudence possible, and it lay in particular in his breaking away, 'from the semi-mystical *dues ex machina* of the Volkgeist.' The Volkgeist emphasised the uniqueness of each people and its law and was an obstacle to scientific comparison and to the discovery of common principles of co-relation of social and legal change. Professor Julius Stone points out that two lines of intellectual development culminated in sociological jurisprudence: the historical jurisprudence from within jurisprudence extending its view from the law itself to its social inter-relations, modern sociology, invading the field of law from outside as one element of social inter-relations. But it is common knowledge that modern sociology itself was influenced by Maine's work. Maine had pointed the way for anthropological vistas to be opened up by Morgan, Frazer, Boas, Andrew Lang, Westermarch, Hartland, Malinowski and others.<sup>7</sup>

In England itself 'he converted lawyers to the belief that law and legal institutions must be studied historically if they are to be understood.'<sup>8</sup> His influence on James Fitzjames Stephen, Maitland, Pollock, Vinogradoff and Holdsworth was considerable. In Maitland Maine's comparative method is used to suggest the changes needed to bring the present law in harmony with its modern environments.<sup>9</sup>

It is my purpose in this paper to show that the historical and comparative jurisprudence of Sir Henry Maine was influenced to a considerable degree by the expansion of British power in India. British expansion overseas favoured the Comparative Movement and in 1834, even before Maine started writing or lecturing, Burges' *Commentaries on Colonial and Foreign Laws* had led the way. If not earlier, at least ever since the charter of George I of 1726 which established the Mayor's courts in all the three presidency towns of Madras, Calcutta and Bombay, the law intended to be applied was the law of England, and with many subsequent modifications it continued to be applied till the era of Codes was ushered in India. The Charter Act of 1833 established a Law Commission to draw up a program of law reform in India. The purpose of the Commission as envisaged by section 53 of the Charter Act was to provide a common law for India. The Common Law which the Law Commission set up in 1834 and the later Law Commissions were to provide was to be the English law found suitable to Indian conditions. The test of suitability was the test of natural reason and justice. While, therefore, the Courts were applying English law in the presidency towns under the charter of 1726, and the provincial courts were borrowing from English rules on the principle of equity, justice and good conscience except in certain matters regulated by personal laws, and while the various Indian Law Commissions were engaged in digesting and codifying the rules of English law

of Maine, Holmes, Gray, Maitland, Vinogradoff, Pollock and Cardozo; and from the living exponents of the subject of whom it would be invidious to compile a list."

J. Stone: *The Province and Function of Law*, p. 5.

<sup>7</sup> "He more than others kept his purpose vividly in mind, yet when at last he came to lay aside his pen whole sciences had been generated, and all their paths diverted." *Encyclopaedia Britannica*, vol. 13, p. 197.

<sup>8</sup> Holdsworth: *Some Makers of English Law*, p. 272.

<sup>9</sup> Speaking of Maitland's paper on Law of Real Property, Holdsworth says: "It shows that a knowledge of legal antiquities could be used not only to teach old law and to explain present law, but also to suggest the changes needed to bring the present law into harmony with its modern environment." *Some Makers of English Law*, p. 277.

for the purpose of providing a common law for India, the English rules of law were constantly being put to test on the basis of natural reason and justice. In the process much of the English law lost its fortuitous and insular character and came to be viewed at apart from the peculiar English spirit it embodied. When Maine wrote his famous works this process was nearing its completion and it is not surprising that he broke away 'from the semi-mystical *dues ex machina* of the Volkgeist, which by emphasising the uniqueness of each people and its law presented obstacles to scientific comparison. It is true that "Maine's different time and social context give the key to the divergent interests of the English and German historical schools."<sup>10</sup>

A provision for the exercise of judicial powers by the East India Company was for the first time made by a Charter of Charles II in 1661. The jurisdiction of the Company's Courts was confined till 1765 to the "factories" of the Company only. The charter of 1726 introduced into the Presidency towns of Madras, Calcutta and Bombay, the Mayor's Courts, and the law intended to be applied was the law of England as it stood in 1726. After the reconquest of Madras from the French in 1749, a new charter of George II in 1753 provided that the Mayor's Courts were not to try actions between Indians unless the parties submitted to their jurisdiction. But this provision reserving their laws to Indians was not actually followed by the Courts.<sup>11</sup> In 1774, Calcutta the Mayor's court was replaced by the Supreme Court in 1774. But the manner in which the Supreme Court exercised its 'wide and ill-defined' powers led to a conflict between the Governor and the Court. In 1781, therefore, the Parliament defined the powers of the Supreme Court and gave it jurisdiction over Indian inhabitants of Calcutta but directed that 'their inheritance and succession to land rent and goods and all matters of contract and dealing between party and party' were to be determined by reference to personal laws. The provisions of the Act of 1781 were extended to Madras in 1800 and Bombay in 1823.

The administration of the provinces came into the hands of the East India Company in 1765 when the Company obtained the grant of Bengal, Behar and Orissa from the Mogul Emperor at Delhi. Article 27, of Regulation II of 1772 of Warren Hastings provided that in matters relating to inheritance, marriage and caste and other religious usages and institutions the Hindus and Mohammedans were to be governed by their own laws. It also provided that where no specific directions were given the judges should act 'according to justice, equity and good conscience'. Section 93 of the Revised Regulation of 1781 dealing with rules of procedure for the guidance of Civil Courts, superior and inferior, provided "That in all cases, for which no specific directions are hereby given, the judge of the Sudder Dewanee Adawlat<sup>12</sup> do act according to justice, equity and good conscience." Section 6 of Regulation V of 1831 provided that in all cases of inheritance of or succession to landed property, in which the plaintiff was of different 'religious persuasion' from the defendant, the decision was to be regulated by the law of the latter. But in cases in which the above rule could not be applied, the Munsiffs were to act according to justice, equity and good conscience.

In Madras a similar provision was made by section 17 of Regulation II of 1802. Section 16 of Madras Civil Courts Act of 1873 still provides for the application of the maxim. Bombay Regulation IV of 1827 section 26 which applies to the Mofussil Courts of Bombay provides "The law to be

<sup>10</sup> Julius Stone: *The Province and Function of Law*; p. 451.

<sup>11</sup> *Morley's Digest* (1) cl. X (x)—referred to by Sir George Rankin: *Background to Indian Law*, p. 2.

<sup>12</sup> Superior Civil Court.

observed in the trial of suits shall be Acts of Parliament and Regulations of Government applicable to the case; in the absence of such acts and regulations, the usage of the country in which the suit arose; if none such appears, the law of the defendant; and in the absence of specific law and usage, justice, equity and good conscience alone."

Thus from the very beginning of legal history of British India the judges had been directed to administer justice, equity and good conscience in certain cases, and English law being the only law they were familiar with, generally based their judgments on the rules of English law. Sir Barnes Peacock said in 1868 "Now, having to administer justice, equity and good conscience where are we to look for the principles which are to guide us? We must go to other countries where equity and justice are administered upon principles which have been the growth of ages, and see how the courts act under similar circumstances and if we find that the rules which they have laid down are in accordance with the true principles of equity, we cannot do wrong in following them."<sup>13</sup> Their Lordships of the Judicial Committee of the Privy Council remarked in 1837 that "equity and good conscience" had been "generally interpreted to mean the rules of English law if found applicable to Indian society and circumstances."<sup>14</sup> The process of borrowing to which Sir Barnes is referring had become quite old and customary by 1868. It is through this process of analogical application that the rules of English law were rationalised, broadened and humanised. But analogical application<sup>15</sup> was a dangerous weapon in the hands of the insufficiently equipped judges of the Company's courts. In their inability to distinguish the rational from the merely technical and historical English rule, these judges introduced rules ill-suited to the habits and institutions of the Indians.

Acharya, in his Tagore Law Lectures<sup>16</sup> on Codification attributes the uncertainty of law prevailing in India at the time of the Charter Act of 1833 partly to the application of the maxim equity, justice and good conscience. Whatever may have been the causes of this uncertainty the Charter Act of 1833 aimed at putting an end to it by an extensive program of legislation. Macaulay's speech upon the second reading of the Bill makes it clear:

"We do not mean that all the people of India should live under the same law; far from it;... we know how desirable that object is but we also know that it is unattainable... Our principle is simply this—uniformity where you can have it; diversity where you must have it—but in all cases certainty."

The Charter Act of 1833 provided for the establishment of a Law Commission for India. The first Law Commission was appointed in 1834 with Macaulay as the head. Indian Penal Code was drafted by this Commission and after Macaulay left India the activity of the Commission declined. In 1853 the Charter Act of that year appointed the Second Indian Law Commission which was now to sit in England. This Commission sat till 1856 and reported:

"We have arrived at the conclusion that what India wants is a body of substantive civil law, in preparing which the law of England should be used as a basis, but which, once enacted, should itself be the law of India on the subject it embraced. The framing of

such a body of law though a very arduous undertaking, would be less laborious than to make a digest of the law of England on those subjects..."<sup>17</sup>

As Sir George Rankin puts it "the Mutiny precipitated the Codes". By 1861, the Code of Civil Procedure, the Code of Criminal Procedure and the Indian Penal Code had been passed.

In 1851 a third Law Commission was appointed. The Commissioners were authorised to prepare a body of substantive law for India and the law of England was again to be used as a basis for such preparation. This Commission also sat in England. As soon as the draft on one branch of civil law was ready it was sent through the Secretary of State for India to the Legislative Council in India to be discussed and passed as law.

It was during the continuance of the third Law Commission that Sir Henry Maine was appointed the Law Member of the Governor-General's Council in India. Appointed in 1862 he continued till 1869. He was succeeded by James Stephen who retired in 1872. During the time Sir Henry Maine and Sir James Stephen were in charge of the legislative portfolio (1862-1872) as many as nineteen major acts were passed. Twelve out of these were passed during Maine's time. But Maine was not a legislative draftsman. His genius lay elsewhere. "It would be a mistake to infer from the large number of Acts which were passed in his time that Maine was a great adept in the art of drafting, like his friend and contemporary, Lord Thring. That was not at all the bent of his genius. His power lay in seeing very quickly what ought to be done in the way of legislation, ... in piloting his bills through the ordeal of Select Committee, and finally in carrying it safe and sound through the Legislative Council."<sup>18</sup>

The task before the English administrator in India was one of a correct appraisal of existing Indian conditions and skilful adaptation of the English rules to suit these conditions. In such a period of unusually rapid transition Maine's instinct of discernment and skill in adaptation were most valuable. Such capacity was not often displayed in the circumstances which led to the resignation of the third Law Commission in 1870 reveal a lack of adaptation on the part of the members of that Commission. While the Bill on Contract Law prepared by the Law Commission in 1866 was being introduced in the Legislative Council, objections were raised to the Commissioners' proposals regarding penalties and the rule of market overt. The result of these objections was that the Secretary of State for India permitted the Government of India to alter the Bill. The Commissioners made an issue of it and resigned. Any one familiar with conditions in India would see that the purely historical English rule of market overt would operate dangerously in India. Leslie Stephen gives us a picture of the nature of the Council in Maine's time. He says "The Council was composed of men capable on the one hand of judging of the expediency of the general policy involved, and willing on the other hand to trust for details to the official in charge of the measure, without any desire for the captions interference with details."<sup>19</sup> The Council often acted as a check upon the arbitrary introduction of technical English rules into India, but between themselves the Law Commissions and the Legislative Council did a great deal to broaden the rules of English law and take them out of their local context.

<sup>17</sup> Quoted by Acharya : *Codification*, p. 65.

<sup>18</sup> Grant Duff : *Life and Speeches of Sir Henry Maine*, p. 25.

<sup>19</sup> Leslie Stephen : *Life of Fitzjames Stephens*, p. 251.

<sup>13</sup> *Saroop v. Trolakhoth* (1868) 9 W R 230 at 232.

<sup>14</sup> *Wagheba v. Sheikh Masludin* (1887) 14 I A 89 at 96.

<sup>15</sup> "But in India judicial legislation is, besides, in the long run, legislation by foreigners, who are under the thralldom of precedents and analogies belonging to a foreign law, developed thousands of miles away, under a different climate and for a different civilisation I look with dismay, therefore, on the indefinite postponement of a codified law of tort for India."—Maine. Minute of 1879.

<sup>16</sup> Acharya : *Codification in British India*, pp. 80, 81.



Maine's best and more varied work came after his Indian experience: *Village Communities in the East and in the West* in 1871; *Early History of Institutions* in 1875; and *Early Law and Custom* in 1883. It is interesting and useful to read an account of his work in the *Encyclopaedia Britannica*.<sup>20</sup> It says.

"The comparative study of primitive law assumed a wholly different aspect in the work of Sir Henry Maine. His best personal preparation for the task was that he had come into contact with living legal customs in India. For him the comparison between the legal lore of Rome and that of India did not depend on linguistic roots or on the philological study of the laws of Manu, but was the result of recognizing again and again, in actual modern custom, the rules and institutions of which he had read in Gaius or the Twelve Tables. The sense of historical analogy and evolution had shown itself already in the lectures on Ancient Law, which after all, were mainly a presentment of Roman legal history mapped out by a man of the world, averse to all pedantry. But what appears as the expression of Maine's personal aptitude and intelligent reading in Ancient Law gets to be the interpretation of popular legal principles by modern as well as by ancient instances in *Village Communities*, the *Early History of Institutions*, *Early Law and Custom*. This breadth of view seemed startling when the lectures appeared, and the original treatment of the subject was hailed on all sides as a most welcome departure in the study of legal customs and institutions."

Paradoxical though it may appear the English legal crusade in India had two different consequences on the English law itself. It helped on the one hand a separation of the national and more equitable rules of English law from the purely technical and historical rules and on the other hand brought the mind of the English jurists to bear on the relation of law to political, social and economic needs. It needed a mind like that of Sir Henry Maine to perceive that relation from a series of administrative experiments that were more than a century old. On its rational side common law "has long passed its boundaries" and as Lord Wright says "England cannot have a monopoly or even a primacy in this great and widespread development."<sup>21</sup> On the historical side Maine's work has led to the vast and complex structure of Sociological Jurisprudence.

<sup>20</sup> 1936 vol. 13, p. 202 under "Jurisprudence".

<sup>21</sup> Lord Wright : *Legal Essays and Addresses*, Preface, p. xiii.

## THE UNITED NATIONS AND WORLD PEACE

By

EDDY ASIRVATHAM

*University Professor of Political Science, Bihar University*

If one is to do justice to the United Nations, it is necessary to avoid the two extreme attitudes which are usually adopted towards it — that of over-estimating it or of underestimating it. Very few can object to the statement that, in spite of its many defects, the United Nations is the finest international organization that the world has seen so far. It certainly has not accomplished wonders, but it has done as much as it was allowed to do by the member States, particularly by the U. S. A. and the U. S. S. R. and their respective associates. It is a tremendous improvement on the League of Nations which could not function efficiently, partly because of its limited membership and partly because a few nations made it an arena from which to conduct their national policies.

The Security Council is a vast improvement on its predecessor. It is a permanent body and meets at least once every fourteen days. In times of emergency, it can be summoned at a moment's notice and can act quickly and in a business-like manner. This happened on June 26, 1950, soon after news reached the U. N. that the North Koreans had invaded South Korea.

Another improvement of the Security Council is that while the League of Nations allowed both the Council and Assembly to deal with matters of international peace and security, the Charter makes the exercise of this power a virtual monopoly of the Security Council, and thereby avoids the overlapping of functions and indecision. It is true that the "Uniting for Peace" resolutions of 1950 have altered the situation somewhat, but not materially. If the Security Council fails to take action on an important matter of peace and security or is rendered ineffective by the operation of the veto, by a vote of any seven members of the Council the matter may be taken up for discussion by the General Assembly. But it must be a matter which threatens peace of the world. Even then the General Assembly can only "discuss, consider, and recommend"; it cannot take action.

In spite of this limitation, any recommendation of the General Assembly carries with it a great moral weight. During the nearly twelve years of its existence, the General Assembly has grown much in prestige, while the prestige of the Security Council has declined somewhat. Rightly has the General Assembly been described as "the open conscience of the world" and "the town-meeting of the world". What this means is that the smallest Member of the U. N. no less than the biggest can express its ideas on the momentary questions of the day without fear or favour. Incidentally, this power of the General Assembly has enhanced the status of every one of the 82 Member States. They can say what they like and take the stand that they like — except in a few cases — without an imperialistic mentor watching every one of their steps. Besides, meeting as equals in the various bodies of the U. N. day in and day out, small nations have come to assume a place of real equality with the big. There is developing something of a genuine international fraternity which may eventually lead to the formation of a world community.

Even the veto exercised by the Security Council, while most annoying, particularly when it was used time after time to block the admission of new members, has been a blessing in disguise. In the early years of the U. N. it was frequently said that the veto was the villain of the piece and that once it was removed or seriously modified, international peace and security would be assured. But subsequent events connected with the prolonged cold war situation, commencing from about 1947, has given the lie to such an argument. Undoubtedly the veto has prevented precipitous action by a large group of powers determined to have their own way in international matters. Twice in 1957 the U. S. S. R. was able to save the situation relating to Kashmir. In January of that year it vetoed the resolution of the Anglo-American bloc which sought to turn the hands of the clock back to 1948. The result of the veto was that a second resolution more acceptable to all concerned was adopted, and Mr. Jarring, the President of the Council, was sent out to India and Pakistan to help solve the riddle of Kashmir. In November, 1957, when the same Anglo-American bloc practically ignored the Jarring report and brought up a resolution reiterating the principal of demilitarization, a threat of veto by the U. S. S. R. resulted in the adoption of a milder resolution.

#### CASES WHERE THE U. N. HAS ACTED EFFECTIVELY

In some cases at least, the U. N. was able to act effectively. When Iran complained of the continuous presence of Russian troops on Iranian soil after World War II, simply by keeping the matter on the agenda of the Council despite the protest of Russia, the U. N. was able to effect the evacuation of Russian troops. Shortly after Syria and Lebanon complained about the presence of French and British troops in their respective countries; and the U. N. was able to bring about their speedy evacuation in a peaceful manner.

The State of Israel offered several headaches to the U. N. But eventually a solution was found through the good offices of the U. N. mediator, Dr. Ralph Bunche. A cease-fire agreement was reached and has been respected on the whole, although there have been frequent incursions into each other's territory. The most flagrant violation took place in 1956 when, taking advantage of the situation in Egypt over the Suez Canal issue, Israel penetrated into Sinai peninsula and the Gaza strip. But when public opinion against this manoeuvre reached a high pitch, the U. N. was able to secure the evacuation of Israeli troops from Egyptian territory.

The record of the U. N. in the Indonesian struggle for freedom was not an unbroken record of success. After much hesitation and delay the U. N. succeeded in getting the parties concerned to meet at a Round Table Conference, which eventuated in the full freedom of Indonesia. Dr. Frank Graham and others did a valuable piece of earlier negotiation resulting in the well-known Renville agreement.

The most important case of U. N. intervention in the interest of world peace was in connexion with the Korean war. Within a few hours of the commencement of hostilities, the Security Council summoned the Member-States of the U. N. to come to the aid of South Korea in repelling invasion. Anticipating sanction, the U. S. A. had already moved into the area and despatched the Seventh Fleet to protect the waters in this area. Some fifteen other nations followed suit. The U. N. intervention in Korea is often cited as an excellent example of collective security in action. This is not a well-deserved praise. For one thing, the war in Korea was a U. S. one with U. N. blessing. For another, the U. N. intervention was made possible by the wilful absence of the Russian delegate, Mr. Jacob Malik, from

the meeting of the Security Council which decided upon resisting North Korea. Such a situation is not likely to repeat itself; and so long as the cold war situation continues there is not likely to be another U. N. declared war. Soviet Russia is wide awake today and will not allow herself to be caught napping.

The Berlin blockade in 1949 caused much concern to the U. N. The U. S. A. and her associates exercised considerable self-control and used large-scale air lift operations to combat the situation. When Soviet Russia found that her tactics would not work, her representative, Mr. Vyshinsky, came to an informal agreement with Dr. Philip Jessup of the U. S. A. on the corridors and committee rooms of the U. N. This incident may be regarded as a good illustration of the use of non-violence in the solution of knotty political issues.

The war between Viet Minh and the French in Indo-China went on for seven or eight years; and China and the U. S. A. at least at a later stage of the war informally helped Indo-China and the French imperialists respectively. The U. N. took no direct steps to bring the war to an end. But as the result of a conference held in Geneva, the parties concerned came to a settlement with the help of certain U. N. Member States acting in their individual capacity.

In 1956 when Britain and France tried to force the issue in Egypt over the Suez Canal dispute by means of armed intervention, the U. N. served as a platform from which world opinion against the intervention was able to express itself in no uncertain terms. Contrary to expectations, the U. S. A. joined the protest; and to clinch matters the U. S. S. R. threatened to enter the war on the side of Egypt. All of this resulted in the prompt termination of the war in Egypt and the U. N. sent out an Emergency Force for clean-up activities.

The U. N. has had some success at least in terminating imperialism. The independence of Abyssinia was restored after World War II and Eritrea was added to it. Over a portion of Somaliland, trusteeship was given to Italy for a period of ten years. Libya which had been a part of the colonial empire was enabled to become an independent State under U. N. auspices. Over Morocco and Tunisia a battle royal was waged in the United Nations several times, but at long last France relented and the two countries attained their independence. Algeria, however, has defied solution because of the adamant attitude of the French settlers in that country.

#### FAILURES OF THE U. N.

In dealing with the Iranian Oil Dispute the U. N. virtually played into the hands of the oil interests of England and the U. S. A. and the interests of the people of the country were allowed to go overboard. The record of the U. N. has been an utter failure in its relation to the Union of South Africa which has defied the U. N. by refusing to prepare a trust agreement and by declining to open honest negotiations with the Governments of India and Pakistan in finding a satisfactory solution to the vexed question of the treatment of Indians in South Africa.

The record of the U. N. in the case of Kashmir has been far from praiseworthy. The question has been made a part of the cold war issue. The original complaint of India was that Pakistan has invaded Indian territory and that her continued presence there was a threat to world peace. Instead of tackling that issue squarely, the Western Powers in the U. N., with the

The U. N. was unable to prevent Communist aggression in Czechoslovakia and Hungary. The lawful Governments of these countries were overthrown by Communist parties, with the connivance, if not the active help, of Soviet Russia. When world opinion mounted high against Russia as regards her intervention in Hungary, it was suggested that Mr. Hammar-skjoeld, the Secretary-General of the U. N., should go to Hungary and conduct an on-the-spot investigation, but Hungary, backed up by Russia, refused to give the necessary permission. Later on the General Assembly appointed Prince Wan Waithayakon of Thailand to go to Hungary on a one-man mission and report on matters. He has now reported the "complete failure" of his mission since no co-operation was forthcoming either from Hungary or Russia.

## EVALUATION OF U. N. ROLE IN THE PROMOTION OF WORLD PEACE

In some instances at least the situation would have been the same whether there was a United Nations or not. In other cases, the situation would undoubtedly have been very different. While the Kashmir dispute still remains unsettled, it is conceivable that in the absence of the United Nations, India and Pakistan would have been at war with each other a long time ago. The United Nations has kept the two countries talking on a neutral platform and so long as that is done war is at least delayed, if not completely prevented.

In the case of Egypt, there is no doubt whatever that without the active intervention of the U. N., Great Britain and France, in the true imperialistic style, would have pushed their way through the Suez and presented the world with a *fait accompli*. Likewise, it is more than possible that without the U. N., which provides a platform for the dispassionate discussion of all points of view, the Middle East might be ablaze with war by now.

The United Nations has acquired so much moral prestige that would-be aggressors are generally afraid to incur its displeasure. The three outstanding exceptions are the intervention of Russia in Czechoslovakia and Hungary and of the British and French in Egypt. In the last mentioned case at least aggression was not allowed to last long. What could formerly be done with ease and secrecy in diplomatic enclaves has now to be done in the open under the searchlight of the U. N.; and this is not easy. So far since the inception of the U. N., there has been nothing like the infamous Hoare-Laval Pact.

Even military alliances such as the NATO, SEATO, and the Baghdad Pact are interpreted by their sponsors as coming within the provisions laid down by the U. N. for regional arrangements. They are said to be in no way

## STRENGTHENING THE BASES OF PEACE

The Secretariat of the U. N. is another cementing factor between nations. It is fast becoming a genuine international service. People from all over the world are recruited for work and are trained to serve humanity as a whole, not worrying too much about their own nationalities. In this connexion, it is regrettable that some years ago under the spell of McCarthyism and the "Red-Scare" the Government of the U. S. A. put pressure upon the U. N. to dismiss some of the U. S. employees suspected of Communist sympathies. The present Secretary-General, Mr. Hammarskjöld, is a credit to the U. N. He has been able to hold the scales even between the various contending groups in the U. N. and has taken the lead in turning the attention of the U. N. to some of the serious problems of the world. Not being aggressive, as his predecessor Trygve Lie was inclined to be at times, he has been able to win the good opinion of all Member-States. He has been an expert in the difficult act of pouring oil on troubled international waters. Recently he has been on a mission of study and good will to the Middle-East. The Secretariat and he serve as a buffer between combatants. It is a good thing that the Charter of the U. N. endows the Secretary-General with the power of bringing to the notice of the U.N. any matter which threatens international peace and security. It is to be regretted that well-known to Mr Hammarskjöld to visit Hungary soon after the Communists had captured power in that country by forcible methods.

The International Court of Justice has not yet become a great force for world peace. Its opinions on the virtual annexation of South West Africa by South Africa and the Iranian Oil dispute were legally correct. But its recently expressed opinions on the Goa issue seem to follow the line made familiar to us by the cold war contest. It is desirable that more and more

nations should adopt the "optional clause", accepting the compulsory jurisdiction of the Court in certain types of cases.

#### DISMAL FAILURE OF THE U.N.

The dismal failure of the U. N. has been in the field of disarmament. Several conferences have been held on the subject, but none of them has produced any tangible results comparable to those produced by the Washington Naval Conference of 1921-22. The U. S. A. and the Soviet Union have been carrying on a large-scale competition in arms and armaments. The discovery of nuclear weapons and guided missiles has brought the world to the edge of a precipice. Any slight push may result in the destruction of the world as a whole. The boast of a country like the U. S. A. seems to be that if Soviet Russia can blow up the world three times over, the U. S. A. has enough stockpile to blow it up nine times over. It looks as though mankind is losing its commonsense and is becoming increasingly bereft of a due sense of moral and social responsibility. In the scientific and technical fields it seems overdeveloped; but in the moral and social fields it is moving backwards. A recent case in point is the irresponsible way in which nuclear experiments have been carried on, endangering the lives of human beings and fish in the oceans.

Under the present circumstances, it is good that the projected International Police Force of the U. N. Charter has not yet materialized. The Collective Measures Committee has not yet done anything substantial. Anything like an International Police Force at the present stage is likely to be captured by one set of powers or another, making the second stage worse than the first. The U. N. observers in Kashmir have not been paragons of the virtue of impartiality.

#### HOW TO STRENGTHEN THE U. N.

To anyone who has eyes with which to see, it is obvious that the U. N. is a pre-atomic instrument based upon such antiquated ideas as absolute sovereignty, excessive nationalism, and pride in one's own particular race and culture. If the U. N. is to become an instrument for good, it should be brought into line with the atomic era and the era of satellites and inter-continental ballistic missiles. Mankind can no longer afford to think in terms of exclusive sovereignty and exclusive nationalism and national culture. It needs to think, plan, and work in terms of the planet as a whole.

One of the first things that the rank and file of present-day mankind has to realize vividly is that war no longer pays anybody. It is as harmful to the victors as to the vanquished. War, therefore, as an instrument of settling international disputes is to be abandoned once and for all. But what agency or agencies are to take its place is not yet clear. Peaceful Co-existence with all its implications is no doubt a way out but even that may not be enough. We need to devise and adopt more positive measures. It is not enough merely to educate the minds of people on the utter futility and moral wrongness of war. We need also to educate and control people's emotions and feelings.

In the realization of this object, the curbing of excessive nationalism and national zeal can play a vital part. Twentieth century man is still fighting the problems of the age with the nineteenth century weapon of nationalism. The artificiality of the use of Hindi by India in conducting certain forms of diplomacy is a case in point. Here at least India has shown no originality, but is foolishly putting on the castaway clothes of the Western world. India

can set an excellent example in the sphere of internationalism by boldly adopting English as the language of diplomacy.

One reason why the world has reached its present sorry plight is that it has allowed itself to be governed by narrow-minded and ill-informed politicians who keep alive and magnify national fears and jealousies. The cold war situation provides the right kind of atmosphere in which such politicians can thrive. The Russian and American peoples, for example, could get along together much better if it were not for their McCarthys, Knowlands and Molotovs. The U.N. could become a much better agency for international collaboration if the better type of politicians and statesmen—such as Jawaharlal Nehru were sent to it. The trouble is that there are not enough of them even for domestic consumption!

It is a pity that the conception of world citizenship is making no advance at all. World Citizen I Davis has not been a shining example of it, in spite of his great zeal and enthusiasm for the cause. It is time that at least some of the enlightened people of the world forsook their nationalism in favour of internationalism. The treatment of the Korean prisoners of war while they were in India and their later absorption by other countries are excellent examples of what may be done in the direction of world citizenship. Temporary citizenship with the right to vote may be extended to men of good education and sound discrimination when they go abroad to live and work in foreign lands for a number of years.

There should be less hindrance in the matter of international communications and travel. It is a pity that air travel, while becoming increasingly popular, is not within the easy reach of people of moderate means. Passport, visa and customs regulations, some of which are necessary, and most of which are born of excessive national pride, chauvinism and stupidity, rob international travel of all joy.

Attempts may also be made in recruiting qualified people from various lands for educational, scientific and technical services in all the principal countries of the world. This is likely to promote efficiency and international understanding and save us from narrowness and pride born of ignorance. Instead of leaving the monopoly in the field of international contacts to businessmen and hand-picked Government representatives, initiative must now be taken by scientists, technicians, professors of humanities and representatives of the people who are singularly free from excessive nationalism and narrowness of outlook. "Stuffed shirts" who put on airs, talk in a sophisticated manner, and act superior are a menace to international peace and good will. We need more and more contacts between people on the common human level.

A changed attitude toward property and earthly possessions can go a long way in eliminating war and conditions making for war. If individuals can be less attached to private property, and nations to what they call their vital national interests, and all work together for securing a minimum standard of living everywhere and a vast network of social security schemes, much can be done to lay the foundations of world peace. Such a state of affairs calls for responsible citizenship on the part of all people which will make every man realize the duty and responsibility of lifting his own weight. Otherwise, we shall have the ugly spectacle of some people living on the labour of others.

#### PRACTICAL SUGGESTIONS FOR PROMOTING WORLD PEACE

Certain changes in the U. N. may be made along the following lines in

promoting world peace:\*

1. Restriction of the power of veto, particularly as regards the admission of new States.
2. A closer definition of 'domestic jurisdiction' so that a country like the Union of South Africa cannot go on flouting the U. N. indefinitely.
3. Bringing the entire colonial world under the Trusteeship system and the liquidating of colonialism according to a given time table.
4. More attention to disarmament and effective steps being taken in the direction of an International Police (or Peace) Force and the proportionate reduction of national forces as the international force increases.
5. A closer definition of Articles 51 and 52 so that geographically separate States cannot be brought together into a military alliance such as NATO and SEATO.
6. A closer definition of what constitutes the use of force for defensive purposes.
7. Close restriction of the right of a nation to carry on experiments with the exploding of atomic and hydrogen bombs and other such deadly weapons.
7. Closer attention to the utilization of "atoms for peace".
9. An adequate machinery for the enforcement of human rights already provided in the form of a Declaration.
10. The adoption of active steps for the creation of world citizenship and a limited world Government.

\* See my Political Theory, 6th ed. 1957, p. 676.

## INTERVENTIONS IN EGYPT AND HUNGARY THEIR LEGALITY AND THE U. N. ACTION FOR PEACE

By

S. K. MUKHERJEE

*Calcutta University*

Intervention in general has been defined as "the rightful use of force or reliance thereon to constrain obedience to international law."<sup>1</sup> Out of this have emerged the different concepts of Intervention by right and Intervention in default of right.<sup>2</sup> But Intervention in international law is also understood in another sense, as a compulsive method or short-of-war method. As a compulsive method it is usually defined as "the dictatorial interference of a third state in a difference between two states, for the purpose of settling the difference in the way demanded by the intervening state."<sup>3</sup> That is the meaning of Intervention as a compulsive means of settlement of state differences.

Actions in Egypt and Hungary in 1956 come under the category of Intervention as a compulsive method. But are compulsive methods by one state against another without the prior sanction or authorization of the Security Council admissible under the law of the U. N. Charter? The answer, we shall see, is a positive 'no'; and hence these interventions stand condemned in law, though there may be some difference in the degree or volume of illegality charge in the two cases. Let us for analysis turn to the necessary minimum facts.

It will be recalled that the situation in the Middle East was tense on account of the prolonged Arab-Israeli dispute and Nasser's seizure of the Suez Canal. On 29 October, 1956 Israeli army attacked Egyptian positions in the Sinai Peninsula. On the next day, 30 October, 1956, the British and French Governments sent 12-hour ultimatums to both Israel and Egypt, asking the parties to cease hostilities immediately, to withdraw their forces to a distance of ten miles east of the Suez Canal in case of Israel and ten miles West of the Canal in case of Egypt, and requesting Egypt to allow the Anglo-French forces to be stationed temporarily at three points on the Canal — Port Said, Ismailia and Suez.<sup>4</sup>

Immediately after the Israeli invasion on Egypt the chief of the U. N. Armistice Commission, General Burns, intimated on 30 October, 1956, to the Israeli Minister of Foreign Affairs that the Israeli invasion of Egypt was in violation of the General Armistice Agreement and the Security Council Cease-Fire Order of August 11, 1947, and he requested Israel to withdraw the invading forces to the armistice line and to cease hostilities not later than noon of 30 October, 1956. The same note was sent to Egypt as well with a cease fire

<sup>1</sup> Stowell : *Intervention in International Law* (1921) Preface, p. vi. Intervention has also been defined as "dictatorial interference by a State in the affairs of another State for the purpose of maintaining or altering the actual condition of things." Oppenheim (Lauterpacht) : *International Law*, Vol. 1 (7th Edn. 1948) p. 272.

<sup>2</sup> Oppenheim : *Op Cit* § 135, 136 for details.

<sup>3</sup> Oppenheim (Lauterpacht) : *International Law*, 11 (7th Edn. 1952) p. 150.

<sup>4</sup> Keesing's *Contemporary Archives* (KCA-1956) p. 15173.

request. No reply by the parties was given. Hence on the urging of the United States<sup>5</sup> the Security Council met on 30 October, 1956, in an emergent sitting to consider an American resolution<sup>6</sup> 'censuring Israel and demanding the immediate withdrawal of her armed forces behind the established armistice lines'. The Anglo-French ultimatums were sent while the Security Council was debating this resolution. Great Britain requested for a postponement of the debate but America wanted immediate voting on the resolution. Seven members supported the resolution, Australia and Belgium abstained, and England and France voted against. The resolution was thus vetoed. The Soviet delegate made some changes in the U. S. resolution and resubmitted it to the Security Council. This was also vetoed by England and France. In the meantime with the expiration of the Anglo-French ultimatum period and Egypt's refusal to comply with the same, aerial operations were started against Egypt by England and France and these were followed by land operations.

On account of the Anglo-French veto the Security Council met again in emergency session on 31 October, 1956 and adopted a Yugoslav resolution<sup>7</sup> calling an emergency special session of the General Assembly under the 'Uniting for Peace' Plan. This was adopted by seven votes to two (Britain and France) with Australia and Belgium abstaining. The Veto did not apply here as in the 'Uniting for Peace' Resolution (377 V) of the General Assembly adopted on 3 November, 1950, it was laid down that emergency special session of the General Assembly in case of the Security Council's paralysis on account of veto had to be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations.<sup>8</sup> Of course the French delegate questioned this transfer of the issue from the Security Council to the General Assembly, and he was supported by Britain. The Assembly, however, rejected this Anglo-French stand by 62 votes to 2 (Britain and France).

The issue was thus taken up by the General Assembly. On 2 November, 1956, the General Assembly adopted (by 64 votes to 5 with 6 abstentions) a U. S. resolution<sup>9</sup> urging the parties to agree to an immediate ceasefire and to withdraw all forces behind the armistice lines and laying down other points in this connection. Immediately after the vote the Secretary General "appointed a three-man group of senior U. N. officials to report to him daily on how far the General Assembly's resolution was being complied with". At the request of the Egyptian Government the Assembly met again in emergency session on 3 November, 1956, to consider four draft resolutions. One of these was of Canada for setting up an Emergency International U. N. Force to secure and supervise the cessation of hostilities in accordance with the General Assembly resolution of 2 November, 1956. This was adopted by the General Assembly on 4 November, 1956 by 57 votes to nil with 19 abstentions. Thereafter the general ceasefire was ordered and still later there was the withdrawal of the Anglo-French and Israeli forces from Egypt, when UNEF reached and took control of the situation. These are the facts of the case and this is how large scale war has been averted and peace in the

<sup>5</sup> The Security Council meeting was called "at the request of Mr. Cabot Lodge, the U. S. representative, acting on direct instruction from President Eisenhower." KCA, 1956, p. 15177.

<sup>6</sup> For the Text see KCA 1956, p. 15177.

<sup>7</sup> For the Text see KCA 1956, p. 15178.

<sup>8</sup> For the Text of the 'Uniting for Peace' Resolution see U. N. Year Book 1950-pp. 193-5.

<sup>9</sup> For the Text see KCA 1956, 15186.

Middle East has been preserved, though the final and permanent political settlement of all the Middle East issues is still to come.

This Anglo-French action in Egypt is an example of armed 'intervention' but not of 'war' in the legal or technical sense. Of course use of armed 'force' on a large scale and 'war' in the material sense are not basically different; yet technically, formally and legally mere use of force cannot be equated with war in the legal sense. We call this action 'intervention' as at no stage of the conflict was there a formal declaration of war by any party nor was there an ultimatum with a conditional declaration of war. That will be seen from the official pronouncements made from time to time in England. In an announcement to the House of Commons on 30 October, 1956, the British Prime Minister said — "It has been made clear to them (Egypt and Israel) that if at the expiration of that time (12 hours ultimatum period) one or both have not undertaken to comply with the requirements, British and French forces will intervene in whatever strength may be necessary to secure compliance."<sup>10</sup> The Leader of the Opposition while questioning the legality of this action used the term 'armed intervention' to designate the same. Again in connection with a question by the Opposition Leader as to whether a declaration of war had been made on Egypt, the Prime Minister said in the House of Commons on 1 November, 1956 — "There have been no declarations of war by us... We never admitted there was a state of war in any technical or legal sense. We are not at war with Egypt now."<sup>11</sup> The Lord Privy Seal in the course of the debate observed — "The position of the Government is this. They do not regard their present action as constituting war." Hence we see that technically Britain and France were not at war with Egypt. But on 1 November, 1956, an Egyptian spokesman at the U. N. said that Egypt considered herself "in a state of war" with Britain and France. In a broadcast on that day President Nasser declared that Egypt would fight a "total war from village to village." Egyptian leaders then occasionally used the term "war" in this context. But I believe that in the absence of any 'declaration of war' by any party or of the issue of a conditional ultimatum containing war as an alternative measure it is legally proper and accurate to regard this action as 'intervention' and not as 'war' in the legal sense. And it is armed intervention as compulsive method. Is this action justified under the law of the U. N. Charter? And is the ultimatum issued by Britain and France compatible with the same? Let us turn to these questions, the second one being taken up first.

Can a U.N. Member issue an ultimatum to another containing the threat of force? Article 2, Paragraph 4, of the Charter gives a precise answer to this question in the negative. All Members shall refrain from "threat or use of force" against the territorial integrity or political independence of any other state, etc. The Anglo-French ultimatum contained the threat of force and hence stands condemned by the law of the U.N. Charter. It may be recalled in this connection that perhaps on account of this law of the U.N. Charter, the ultimatums issued by the United States to Yugoslavia and by Britain to Albania in 1946 were differently drafted.<sup>12</sup> In those cases the ultimatum note did not contain the traditional threat of force but simply the threat that in case of non-compliance with the terms, the issue would be referred to the Security

<sup>10</sup> KCA 1956, p. 15174 (Italics mine)

<sup>11</sup> KCA 1956, p. 15182 (Italics mine)

<sup>12</sup> See my book—*International Law Re-defined* (1954) pp. 125-6 and Jessup: *A Modern Law of Nations*, pp. 175-6.



Council. Today then on account of the U.N. law [art. 2 (4)], ultimatum in its traditional form cannot be legally retained and permitted; and if it is to be retained at all it must abandon its traditional pattern and must remould itself in the light of the U.N. law, as America and Britain did in 1946. It is very unfortunate that a State (Britain) respecting the U.N. law in 1946 would deliberately and arrogantly violate the same in 1956. In any case Britain and France can legally be condemned on the ground of issuing ultimatum containing threat of force.

And if 'threat of force' is illegal, more so will be the 'use of force' under the same [Article 2 (4)]. It has been pointed out above that after the period of ultimatum was over and Egypt refused to accept the terms thereof, air operations were started by Britain and France against Egypt. There was thus a large scale use of 'force'<sup>13</sup> and armed force—perhaps planned and deliberate against the territorial integrity and political independence of Egypt and in a way inconsistent with the purposes of the United Nations as well. If then Article 2 (4) of the Charter is the key article of the whole document, we may argue that in deliberately going against that, Britain and France have been guilty of striking at the base of the United Nations for purposes, neither holy, nor noble, nor decent. It was really shocking to the world to see that a traditionally law abiding state committed with unpardonable arrogance a deliberate, gross and monstrous act of illegality. General Burns, Chief of the U.N. Armistice Commission, declared that the Israeli invasion was contrary to the General Armistice Agreement and the Security Council Cease Fire Order of 11 August, 1949. Hence Israel was guilty of an illegal invasion and perhaps of aggression and Egypt was the victim thereof. To attack the victim of aggression in violation of the basic and fundamental law of the U.N. Charter and that again in the name of peace is to make a caricature of the latter and to commit a double illegality—abetting the aggressor and injuring the aggrieved. In the U.N. era there have been many violations of law but none perhaps so gross, so base, so dishonourable and so unchivalrous as that in this case.

The Anglo-French action can again be condemned by Article 2, paragraph 3 of the Charter. This paragraph enunciates the norm of pacific settlement and establishes the principle of 'peaceful solution' versus 'coercive solution'.<sup>14</sup> In fact on account of this Article 2 (3), imposition by a member of any solution to a controversy on any other member with force becomes fundamentally illegal. And the drafting of Article 2 (3) is that all members "shall settle their international disputes by peaceful means", etc. The terms "shall settle" signify a compulsory obligation on the part of all the U. N. members. Britain and France had the obligation to settle their quarrel with Egypt by 'peaceful means', i. e. by non-coercive measures and not by armed intervention. In so doing these two states were surely guilty of a breach of their obligations under this paragraph. Moreover for the U. N. members the failure of the amicable methods does not create a right to apply compulsion but it breeds the obligation to refer the case to the Security Council. That can easily be seen from a joint reading of Articles 33 and 37.<sup>15</sup> And this obligation to refer the case to the Security Council is mandatory in a sense

<sup>13</sup> Anglo-French intervention in Egypt surely comes within the fold of the term 'force' of Article 2 (4) of the U.N. Charter. For full discussion see my book—*International Law Re-defined* pp. 118-120.

<sup>14</sup> For details see my book — *International Law Re-defined* p. 120.

<sup>15</sup> For a full discussion see my book, pp. 121-4.

as the language is "they shall refer", 'shall' in such documents containing a kind of compulsory obligation. Hence England and France are surely guilty again of a breach of Article 37. They did not refer the case to the Security Council; rather they in complete disregard of this Article used armed force against Egypt just at the time when the issue was being discussed by the Security Council on U. S. reference.

Moreover, regarding Intervention International Law is developing along a healthy line in the post-U. N. era. There has been no crystallization as yet of that developing law in a positive form. On the basis of the incipient and growing but not-yet-positive and not-yet-universal law Intervention becomes specifically banned. On account of the vivid part played by Intervention in the inter-American relations which under the cloak of the Monroe doctrine became a weapon to establish the hegemony of the United States over the South American States, attempts were made from time to time by the latter to restrict and limit that right of Intervention. To some extent that purpose was achieved by the Draft Declaration of the Rights and Duties of American States approved by the Governing Body of the Pan-American Union in 1946. It was laid down therein that: "Intervention by any one or more states, directly or indirectly, and for whatever reasons in the internal or external affairs of another state is inadmissible." Some have suggested the 'universalization' of this law but the term 'or more states' should be deleted as the purpose of the U. N. is to prohibit individual Intervention by one state but to permit Collective Intervention by the U. N. In fact the International Law Commission in preparing the Draft Declaration of the Rights and Duties of States according to the General Assembly Resolution of 1947 has acted along this line, the relevant Article of the International Law Commission's Draft stipulating that "every state has a duty to refrain from Intervention in the internal or external affairs of any other state."<sup>16</sup> This Draft is not yet a part of positive International Law as it has not been accepted and ratified by the states. Yet if it has any force, either semi-legal or moral or prospectively jural, by that force the Anglo French action in Egypt can be condemned in the strongest terms.

There have thus been gross violations of U. N. law by Britain and France in their armed action against Egypt. The British Prime Minister tried to justify this Intervention by emphasis on various purposes, viz., to separate the combatants, to stop conflict and to restore peace, to guarantee freedom of safe transit through the Suez Canal, to protect the lives of the British citizens and the vital international rights which were at stake there, etc. But none of these stands serious scrutiny. Perhaps because of this feeling, the Leader of the Opposition in the House of Commons debate on the issue on 30 October, 1956, said—"I must ask the Prime Minister under what authority and with what right he believes British and French forces are justified in armed intervention before there has been any pronouncement by the United Nations upon it... There is nothing in the Charter that justifies any nation appointing itself as world policeman. The great danger of the situation is that if we can do this so can any one else." It must be noted in this connection that under the law of the U. N. Charter, the Members can never have the right of applying sanctions against other states without a prior authorization by the Security Council. Another member (Labour) in the same debate commented: "The British and French Governments were taking the law into their own hands."<sup>17</sup> Another member of the Labour

<sup>16</sup> For a fuller discussion of this point see my book—pp. 124-5.

<sup>17</sup> KCA. 1956, p. 15175.



Party went so far as to assert in this connection that "for a long time the Prime Minister and the Government had been determined to have some excuse for landing British troops in the Canal area."<sup>18</sup> In the debate of 31 October, 1956 the Leader of the Opposition observed: "The action not only involves the abandonment of, but a positive assault upon, the three principles which have governed British Foreign Policy for the last ten years—solidarity with the Commonwealth, the Anglo-American alliance, and adherence to the U. N. Charter.... I can only say that any impartial observer must recognize that this is a clear breach of the U. N. Charter."

The Anglo-French action in Egypt was then definitely illegal but did it amount to 'aggression'? 'Aggression' has not yet been defined, though there have been various approaches—Enumerative, General, Mixed or Synthetic.<sup>19</sup> The trend, however, is towards the General and Mixed variety, and to regard the use of armed force by one state against another as aggression except in the case of self-defence, individual or collective: or of U.N. action: or of consent of the State within whose territory armed force is being used.<sup>20</sup> Anglo-French armed intervention in Egypt cannot be justified by any of the three exceptions. Hence it amounted to a kind of aggression, and would thus earn a double condemnation—a transgression of law and an act of aggression.

There was another armed intervention in 1956—in Hungary by the Soviet Union. The Warsaw Pact, 1955, permits the Soviet Union to station troops in Hungary by agreement among the States parties. The Hungarian Revolution started on 23 October, 1956, in Budapest. On 24 October the members of the Hungarian Government requested aid from the Soviet forces stationed in Hungary under the Warsaw Pact. Imre Nagy became Prime Minister on 24 October but he declared on 30 October that he did not sign the appeal for Soviet help and was not a party in it. On 30 October, the Soviet Union, in pursuance of the policy of peaceful co-existence, friendship and co-operation, declared its intention to withdraw the Soviet army units from Budapest. Nagy accordingly demanded immediate withdrawal of the Soviet troops from Hungary and announced Hungarian withdrawal from the Warsaw Pact. On 4 November, 1956, the Nagy Government went out of office and the Kadar Government came into power and this new Government requested Soviet aid with troops for restoring order.

The Security Council met in emergency session on 28 October, 1956, at the urgent request of the U. S., British and French delegates to consider "the situation created by the action of foreign (Soviet) military forces in Hungary in violently repressing the rights of the Hungarian people, which are secured by the Treaty of Peace to which the Governments of Hungary and of the Allied and Associated Powers are parties." The issue was brought before the Security Council under Article 34. In spite of the Soviet objection that the issue was within the domestic jurisdiction [Art. 2 (7) of the Charter] of Hungary, the Security Council decided by 10 votes to 1 (Soviet Union) to hold a debate on Hungary. On 4 November, 1956, the Security Council again met in an emergency session to discuss an American Resolution, calling upon "the Soviet Union to desist immediately from its military

<sup>18</sup> Another Labour Member said that "the day of the Anglo-French action in Egypt was the blackest day in the history of Britain since Munich, with this difference—at that time we had a telegram of congratulations from Roosevelt."

<sup>19</sup> See my Article in the *Calcutta Review*, December, 1955, on "The Problems of International Law involved in the Kashmir Dispute" IV. Limited space does not permit detailed discussion here.

<sup>20</sup> *American Journal of International Law*, July, 1956. Article by O. Wright.

action in Hungary and to withdraw its troops without delay from Hungarian territory" The resolution was vetoed by the Soviet Union. The U.S. delegate thereafter moved that the General Assembly should consider (under the 'Uniting for Peace' Resolution) the Hungarian situation and this was adopted by 10 votes to 1 (Soviet Union).

The General Assembly met in an emergency session on 4 November, 1956, and adopted a U.S. Resolution<sup>21</sup> (by 50 votes against 8, with 15 abstentions), among other things condemning the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights, requesting the Secretary-General to investigate the situation, and calling upon the Governments of Hungary and the U.S.S.R. to permit observers designated by the Secretary-General to enter the territory of Hungary, to travel freely therein and to report their findings to the Secretary-General. In a message to the Secretary-General on 12 November, 1956, the Kadar Government of Hungary refused to allow U.N. observers to enter Hungary mainly on the basis of the Domestic Jurisdiction clause [Article 2 (7)] of the U. N. Charter, though it agreed to facilitate the receipt of food and medicine sent for the Hungarian people. The Soviet Union claimed that the movement of Russian troops into Hungary was a domestic question for the two countries, because it was covered by the Warsaw Pact<sup>22</sup> of May 14, 1955, and the request of the Hungarian Government. The Secretary-General expressed disappointment at the Hungarian Government's refusal to allow the entry into Hungary of U.N. observers and requested the latter to reconsider the decision and to co-operate in the clarification of a situation causing so much concern in the U. N. headquarters of the world. On 16 November, 1956, it was announced a three-man Committee to investigate the situation in Hungary. The Committee (composed of three men, one each from Colombia, Norway and India) announced its decision on 27 December, 1956, to suspend its operations as it was no use continuing its work so long as direct observation in Hungary was not permitted. On 5 January, 1957, the Secretary-General proposed the setting up of a five-member fact-finding Committee. On 10 January, 1957, a 24-nation resolution was adopted by the General Assembly by 59 votes to 8 with 10 abstentions for creating the fact-finding Committee,<sup>23</sup> to be composed of five members representing the five countries, Australia, Ceylon, Denmark, Tunisia and Uruguay. The Kadar Government of course protested arguing that no Committee of any kind had a right to conduct an investigation into Hungary's internal affairs.

The report of this Committee was published on 20 June, 1957. It was a unanimous report. It denounced the Soviet intervention and rejected in toto the frequent allegations made by the Soviet Government and the Kadar regime that the uprising was the work of the reactionaries. The Committee took evidence from 111 witnesses of all ages, both men and women, and had tried to present a "calm and sober account." The Committee was of opinion that in the light of the extent of foreign intervention, consideration of the Hungarian question by the U. N. was legally proper. "Moreover it was requested by a legal Government of Hungary (i. e. Nagy's Government)."

<sup>21</sup> For the Text of the Resolution see KCA 1956, p. 15221 (India abstained from voting).

<sup>22</sup> Article 4 of the Warsaw Pact permits the Soviet Union to station troops in Hungary provided it is "by agreement among the states and in accordance with the requirements of their mutual defence."

<sup>23</sup> K.C.A. 1957. p. 15407.

Thereafter the General Assembly passed a resolution on 14 September, 1957 (by 60 votes to 10 with 10 abstentions) condemning the Soviet Union for its action in Hungary.

The Soviet action surely raises the questions of moral and legal admissibility. But from the purely legal and academic point of view the Soviet Intervention is not perhaps open to the same specific charges as the Anglo-French action in Egypt is, if the Kadar regime is a legal one. The Anglo-French Intervention was External Intervention; the Soviet Intervention was Internal Intervention.<sup>24</sup> The Soviet Union intervened in a dispute between two sections of the people of Hungary and not in a dispute between two States (as in the case of Anglo-French action). Moreover Soviet aid was sought by the pre-Nagy regime (refuted by the Committee) and the later Kadar Government. There was no such thing in the case of Egypt. It may be that these were puppet regimes. But the Soviet Union may argue, as it did, that that was a matter for Hungary to decide, it being entirely within her domestic jurisdiction.<sup>25</sup> Moreover the Soviet Union may point out that if the Kuomintang clique can even now represent the State of China in the U. N. circles, the Kadar Government can surely represent the State of Hungary. If the Kuomintang voice is taken as the legal voice of China, the voice of the Kadar Government can also be taken as the legally valid voice of Hungary. There cannot be two philosophies of 'puppetism'—one to be applied to the case of China and the other to the case of Hungary. Let me emphatically declare that I hold no brief for the Soviet Union. Everyone knows that two wrongs do not make a right. I condemn the Soviet action as strongly as anybody else. The Governments of Hungary and the Soviet Union refused entry to the U. N. observers. There is hence an absolute presumption that the whole game was vicious, that there was something basically wrong and unfair and that the Soviet Union was repressing the spontaneous will of Hungary. This view is confirmed by the report of the U. N. fact-finding Committee. The facts tell heavily against the Soviet action. On that ground an impartial mind must condemn the Soviet action. But this is rather an extra-legal, though nonetheless important, stand, for the General Assembly resolutions have no legally binding force. Strictly from the legal point of view the Soviet action cannot be exposed to the same series of charges of illegality as the Anglo French action is and has been, for if the Kadar regime is accepted as the legal Government of Hungary, then the Soviet action at the request of the same stands formally within the fold of law. But the report of the U. N. fact-finding Committee establishes that the Kadar Government did not have popular support in Hungary, that Mr. Nagy did not issue any invitation to the Soviet authorities to intervene and the Committee had doubts whether such invitation was issued at all. And if these be the correct facts, the Soviet action becomes worse and more condemnable than the Anglo-French action in Egypt from the point of view of law, and it becomes open to the specific charges of illegality, as in the case of Egypt. And the Soviet action definitely amounts to a kind of aggression as well.

<sup>24</sup> See Winfield: "The History of Intervention in International Law" in the *British Year Book of International Law* (1922-23), for the meaning of and difference between the two. Limited space does not permit a detailed discussion here.

<sup>25</sup> This point may be countered by reference to Article 2 of the Hungarian Peace Treaty which imposes an obligation on the Hungarian Government to take all measures necessary to secure to all persons in Hungary the enjoyment of human rights and fundamental rights, freedom of expression, etc. The modern trend is that the protection of the fundamental human rights is not a matter within the absolute domestic jurisdiction of a State. For example, Art. 3 of the Geneva Conventions of 1949.

England and France then acted according to the General Assembly Resolutions; the Soviet Union did not. But did England and France obey these Resolutions because they had a respect for the same? Perhaps, not. Other factors and forces explain the situation. The Anglo-French action in Egypt was condemned by all, except the members of their Governments. The world opinion rose against this arrogant aggressive action; the British public opinion also grew restive and unhappy. Moreover England and France by their sudden and unilateral action had lost America's support in the game. Further there was the Soviet threat that if this aggression on Egypt continued, the Soviet Union might think of sending Russian volunteers to help the victim of aggression. These factors were largely significant in securing Anglo-French compliance with the General Assembly Resolutions and along with these the traditional British sentiment of law-abidingness might have been in operation. But one must not be too naive to infer from this compliance any binding character of the General Assembly resolutions or a remoulding or reshaping of the United Nations itself. That will be indulging in credulity at the cost of reason. The Soviet non-compliance, in the case of Hungary, not being illegal, serves as an instance in point.

In fact the resolutions or recommendations of the General Assembly are not legally binding on the parties. It may be recalled that the General Assembly under the "Uniting for Peace" Resolution "shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures...." But recommendations can have no binding force.<sup>26</sup> "The term 'recommendation' seems to indicate the intention of the legislator not to attach to the act of the Security Council any binding force", observes Kelsen in connection with the 'recommendations' of the Security Council. And if this be true in the case of the Security Council's recommendations, it would be truer still in the case of the General Assembly's recommendations. Hence failure or refusal to comply with the 'recommendations' of the General Assembly does not make a state liable to the charge of illegality. The Soviet Union or the Kadar Government then cannot legally be condemned for their refusal to act according to the recommendations of the General Assembly, though extra-legal and moral condemnation is justified.

To make the recommendations of the General Assembly legally binding is to amend the Charter and to introduce the democratic principle of majority rule in international organizations. How fervently the citizens of the weary world would hail it. But is the world ripe for that—politically and psychologically? Surely, not. Attempt to amend the Charter along this line may be welcomed by the Bloc having a majority following in the General Assembly but would be resented by the minority Bloc. The result may be a dissolution of the United Nations with the Soviet Bloc going out of its fold. That will be more dangerous, as in reforming the U. N. we deform it. A very cautious approach is necessary. Let things remain as they are under the Charter. But let every case, after veto in the Security Council, be referred to the General Assembly under the "Uniting for Peace" Plan. And let the General Assembly act as the necessary guardian—but simply considering the issues and making recommendations. Let the General Assembly secure through debates and discussions the necessary "cooling-off" period, as under the Bryan Peace Plan in the pre-League era. Recommendations

<sup>26</sup> For details see Kelsen: *The Law of the United Nations*, pp. 459, 444 ff.

should not irritate but standing on justice should contain the force of persuasion. And by a slow process of persuasion, justice and goodwill, the political climate of the world is to be changed—from cleavage to co-operation, from tension to co-ordination, and from ill-will to good faith. When the political climate is changed, the question of Charter amendment may be taken up. Any attempt at that now with the political climate remaining tense is not to heal but to conceal the disease. And so long as that change in climate is not possible, we must proceed by compromises and concessions, mutual and reciprocal among the Blocs. Let us have a compromise peace now as a step to the correct peace of the future—as 'gradualness' is the dictate of wisdom in a world of tension and distrust.

## NATURE AND SIGNIFICANCE OF INDIAN NATIONALISM

By

S. C. DASH

*Ravenshaw College, Cuttack*

Nationalism is a by-product of British rule in India. Indian history is replete with instances of conquests and invasions resulting in loot and plunder and in some cases, in the establishment of foreign rule in this country but never before in our history, not even during the palmy days of Ashok, Samudragupta and Akbar, the country had come under one common administration. There were neither facilities for communication throughout the land nor was there a common vehicle of expression among the people speaking numerous languages. Despite the artificial division of the country into two segments as India and British India, all parts had owed a common loyalty to the British Sovereign and this common subjection was cemented by the unifying factor of the English language which served as the common medium of expression among Hindus, Muslims, Christians and others or among Oriyas, Bengalees, Telugus, Tamils, Marhattas, Gujratis, Punjabis and Hindusthanies. One can draw up a bill of liabilities against the British on many counts but none can deny their gift of nationalism to the citizens of this country.

Political Scientists may attribute several elements to the formation of nationalism but geographical unity and a common administration are essential desiderata for its evolution and growth. As Ramsay Muir says, "A nation may be defined as a body of people who feel themselves to be naturally linked together by certain affinities which are so strong and real for them that they can live happily together, are dissatisfied when disunited and cannot tolerate subjection to peoples who do not share these ties."<sup>1</sup> The Indians constituted such a body of people and this consciousness of nationhood was lacking, when they were under the subjection of the Turko-Afghans or the Mughals, as all the residents of India had not come under the foreign rule and even fusion of all territories into one integrated unit was not universally realised. The Britons not only brought us together and generated a feeling of oneness amongst us; they had also made us dissatisfied with the thought that our rulers did not share with us common traditions, history, political aspirations and economic objectives and as such were different from us. Merely concrete factors do not create nationalism, for "it is an instinct and cannot be exactly defined; it is the apotheosis of family feeling... it is a union of hearts once made never unmade.... it is a spiritual conception, unconquerable, indestructible. So soon as clans, tribes or provinces catch the glow of this wider enthusiasm, they form a nation."<sup>2</sup> This enunciation while emphasising upon the subjective character of nationalism does not ignore the necessity of concrete elements for its development; its abstractness and gradual evolution is more picturesquely brought out by Lord Morley who

<sup>1</sup> Ramsay Muir : *Nationalism and Internationalism* p. 38.

<sup>2</sup> Rose : *Nationality in History* p. 147.

says, "From instinct, it became idea; from idea, abstract form; then fervid prepossession where it is today, a dogma."<sup>3</sup>

## II

Nationalism is an abstract concept and a concrete reality. It is a positive consciousness of unity, homogeneity and national aspiration and it is simultaneously a desire to escape the odium of a common subjection and national injustice or injury. History of growth of nationalism proves its positive and negative aspects. The chroniclers of the world say that it is a modern concept dating from the days of the Congress of Vienna, 1815, when the peace-makers after the Napoleonic Wars, oblivious of emergence of nationalism in countries overrun by Napoleon, failed to satisfy the expressed desires of various nationalities while redrawing the map of Europe and consequently when nationalism had assumed almost an aggressive form, frantic efforts made in the Paris Peace Conference of 1919 for the creation of nation states did not heal the wounds inflicted by its predecessor; rather it had unwittingly brought into existence a number of weak and unstable states which crumbled down to pieces with the first impact of greater and more powerful neighbours. Nationalism, as historians will prove, has hardly rendered any positive service to humanity; it has had invariably the effect of creating mutual bitterness among states and resultant disorders. In India, nationalism has served the self-same purpose throughout. It started with the British rule in India, it had its first manifestation with the Sepoy Mutiny of 1857 when a nation-wide struggle was launched to overthrow the East India Company with disastrous consequences for about a century and later, it was aimed at exploiting the Indian vocal opinion in favour of the British rule through the establishment of the National Congress of educated Indians but ended in taking an aggressive turn in the Bengal Partition agitation of 1905, terrorist outbreaks, Non-co-operation and Civil Disobedience Movements and ultimately in the Quit India Movement of 1942. Indian Nationalism had thus the negative purpose of overthrowing the settled pattern of administration in the country and replacing it by our own model. Today, after we have attained independence for our country, calls are going forth for redirecting the forces of nationalism for the positive purpose of realising economic objectives but with no significant success. One cannot therefore be wrong when he says that nationalism is intrinsically a negative force; it involves a denial of some settled system of human affairs and though originally an abstract idea, it inevitably ends in a concrete movement for expressing dissatisfaction against that system and replacing it by one more satisfying.

## III

No one realised the implications of nationalism more than Sri Jawaharlal Nehru who as far back as 1939 said, "Nationalism is in ill odour today in the West and has become the parent of aggressiveness, intolerance and brutal violence. All that is reactionary seeks shelter under that name—Fascism, Imperialism, race bigotry and crushing of that free spirit of enquiry which gave the semblance of greatness to Europe in the 19th Century. Culture succumbs before its onslaughts and civilisation decays. Democracy and freedom are

<sup>3</sup> Lord Morley : *History and Politics*, p. 72.

its pet aversions and in its name, innocent men, women and children are bombed to death and fierce race persecution takes place. Yet it was nationalism that built up the nations of Europe a hundred years or more ago and provided the background for that civilisation whose end seems to be drawing near. And it is nationalism which is the driving force today in the countries of the East which suffer under foreign domination and seek freedom. To them, it brings unity and vitality and a lifting of the burdens of the spirit which subjection entails. There is a virtue in that up to certain stage; till then it is a progressive force adding to human freedom. But even then, it is a narrowing creed and a nation seeking freedom can think of little besides its own struggle and own misery, India has been no exception to this rule and often in the intensity of her struggle, she has forgotten the world and thought only in terms of herself."<sup>4</sup> Sri Nehru very clearly appreciates that nationalism when positive unleashes the forces of tyranny and when negative promotes narrow exclusiveness and more often than any one else, he has striven to give an economic bias to its positive goal and internationalism has coloured its negative manifestation; yet Indian nationalist struggles had clung steadfastly to the objective of negativism and even nihilism. There was a moment when Mahatma Gandhi shouted that he preferred anarchism to imperialist domination.

## IV

The Indian National Congress was founded with the main aim of harnessing educated Indian opinion in favour of the alien rule by bringing all the educated men on one common platform and when this could be done, the members started supplicating for more favours from the British Government in India in form of Indianisation of legislative councils and public services. When demands are made, disappointment for their non-acceptance is a possible alternative and a disappointed man can resort to any means. Reiteration of these claims created necessary flutter in the ruling circles and when it was found that the Hindu intelligentsia of Bengal took a lead in aggressive activities, attempts were not only made to suppress them through the partition of their Province and establishment of a separate Muslim-majority Province of Eastern Bengal and Assam but Lord Minto II also made desperate efforts for driving a wedge between the Hindu and Muslim communities through the engineered deputation of the Muslim League under the leadership of the late Aga Khan for demanding communal electorate. As the States Reorganisation Commission says, "With the emergence of nationalism as a new factor in the last quarter of the 19th century, the policy of balance and counterpoise began to override purely administrative considerations in making territorial changes... Thus Bengal was divided with a view at least as much to dispersing revolutionary elements as to securing more manageable administrative units."<sup>5</sup> *Divide et impera* became the policy of the British power in India ever since and it ultimately culminated in the division of India and establishment of Pakistan. The partition of Bengal was a challenge thrown against developing nationalism of India which thereupon became more militant. There was a chance for the Briton to divert the forces of nationalism into constructive channels and when he missed this chance and arraigned himself against the nationalist elements, the latter took up cudgels against the hostile ruling authority. The struggle of the Indians took positive shape in the form of

<sup>4</sup> J. S. Bright (Edited) : *Speeches of Jawaharlal Nehru* Volume I, p. 155.

<sup>5</sup> S. R. C. Report, p. 3.

Swadeshi Movement which involved boycott of British goods and when it is realised that the British people had at first come here to trade and stayed behind to rule, the Swadeshi Movement assumes particular significance. It cannot further be denied that this Movement had a class interest behind it; for this Movement focussed attention on boycott of British piecegoods which had acquired a bad odour because of imposition of countervailing excise duties on those of Indian origin in 1895 at the instance of the Lancashire Chamber of Commerce. However nationalist the motive and provocation may be, there was undoubtedly a tinge of class interest in it and that it was not entirely calculated to advance the cause of freedom is evident from the treatment meted out by the Surat Congress to Bal Gangadhar Tilak who claimed "Swaraj as our birthright." Thus the first phase of militant Indian nationalism resulted in the fusion between nationalist and capitalist forces.

This fusion continued unabated throughout the subsequent phases of the Nationalist Movement. Till 1920, Indian national struggle remained the work of a handful of educated Indians and it is only after the advent of Mahatma Gandhi that the struggle took a democratic turn. Referring to the movements before 1920, Sri Jawaharlal Nehru says, "Our educated classes have so far taken the lead in the fight for Swaraj. The economic pressure was on them considerable and others were only vocal elements, and so the demand has taken the form occasionally of Indianisation of services, of higher posts being thrown open to the Indians. They are to blame for these demands. They have acted as every class conscious of its interests acts. But, in doing so, they have seldom paid heed to the needs of the masses. Whenever vital questions affecting the masses have arisen, they have been shelved, they have been asked to stand over till Swaraj has been attained. . . . Like all class-conscious groups, they have considered themselves the most vital elements in the nation and in the name of freedom, have really sought to advance their own interests."<sup>7</sup> If nationalist movement was to be democratic, certain programs have to be formulated that will catch the imagination of the demos. For this, the Congress thought of non-co-operation with British made institutions in 1921 and Civil Disobedience Movement of 1930 in which laws relating to salt and opium were violated and bonfire was made of heaps of British piecegoods. Salt and clothing were two things in which the common man was most interested and the schools, colleges and law courts were places where he frequented the most; this program had naturally provoked enthusiasm in him and the average Indian was drawn to the vortex of the struggle. It was no mean achievement of Mahatma Gandhi that he could carry his program to the very door of the average Indian who was uneducated and unenlightened. One can understand Indians with liberal education raising their voice of protest against alien stranglehold but when this could be done by the general mass of people, immense credit is due to the genius of the leader or effectiveness of the program. It is argued and that with some amount of justification that an unarmed nation can fight against the strongest Empire in the world only with the novel weapon of civil disobedience which was based on non-violence and which drew its inspiration from the soul-force of the civil resister but one cannot at the same time fail to realise the significance of the items in the program. Salt Tax was an indirect tax whose impact cannot be directly felt by the consumer, the middlemen only had to pay it to Government. Likewise boycott of British goods was expected to push up domestic industries where the industrialists benefitted. The vacuum created by the boycott of British goods was soon filled up by

<sup>7</sup> J. S. Bright : Op. Cit. p. 138

other foreigners and those who remember those days know that Japan was the greatest beneficiary of this policy. Despite its democratic appeal, the direct action program of the nationalist movement had indirectly benefitted the capitalist and mercantile classes. This capitalist bias of Indian Nationalism could be effectively curbed only by the Socialist preachings of Sri Jawaharlal Nehru.

Referring to this period of struggle, he says, "Our direct action struggles in the past were based on the masses and especially the peasantry but the backbone and leadership were always provided by the middle classes. . . . A middle class leadership is often distracted leadership. . . . Being too much tied with property and the goods of this world, it is fearful of losing them. . . . That has been very evident during our recent struggle, when our propertied classes were hit hard by the Government's drastic policy of seizure and confiscation of monies and properties."<sup>8</sup> He apprehended that without a reorientation of the program, the masses cannot for long continue to take interest in a struggle which does not touch them intimately. As he said, "The Congress must be not only for the masses, as it claims to be but of the masses; only then will it really be for the masses."<sup>9</sup> At the first instance, he took an active part in the formulation of the Karachi Declaration of Fundamental Rights which included many items of a socialist society particularly agrarian and other economic reforms and later evolved a mass contact program. This move of his was directed towards democratisation of the Indian Nationalism but he was filled with apprehension that the Congress as it was then constituted, would not evince enthusiasm in the implementation of the new programs. In his Presidential Address to the Lucknow Congress, he said "The real problem for us is how in our struggle for independence, we can join together all the anti-imperialist forces in the country, how we can make a broad front of our mass elements with the great majority of the middle classes which stand for independence. There has been some talk of a joint front but so far as I can gather, this refers to some alliance among the upper classes, probably at the expense of the masses. That surely can never be the idea of the Congress. and if it favours it, it betrays the interests it has claimed to represent and loses the very reason for its existence."<sup>10</sup> A little later, he says, "I work for Indian independence, because for me, it is the inevitable step to social and economic change. I should like the Congress to become a socialist organisation. But I realise that the majority in the Congress as it is constituted today, may not be prepared to go this far."<sup>11</sup> During the thirties of this century, there was a distinct shift of emphasis in the Congress ideology and this was reflected in the Government of India Act, 1935. The British Power in India felt panicky that with the Congress victory at the polls, the Congressmen in power would go ahead with the implementation of the Karachi Program of 1931. The Act therefore provided safeguards against it. The propertied element was given second chambers in the Provinces where the zamindari system was most prevalent, so that land reform legislations cannot be enacted and Article 299 erected the legal barrier in the form of adequate compensation and previous consent of the Secretary of State for India. The British mercantile community was provided a safety-valve through the special responsibilities of the Governor-General and the Governors in regard to

<sup>8</sup> Bright : Op. Cit. p. 98-99.

<sup>9</sup> Ibid, p. 99.

<sup>10</sup> Ibid, p. 101.

<sup>11</sup> Ibid, p. 102.

commercial discrimination wherein they can override the advice tendered by their Councils of Ministers. The Act had thus helped in transferring the National Movement from the political to the constitutional plane and after 1937, the Congress harped on its demand for a Constituent Assembly and the right of the Indians to draw up their own constitution, so that these deliberate impediments against fulfilment of socialist objectives could be eliminated. Thus till the outbreak of war, Indian nationalism was functioning only in the political sphere and kept aloof from constitutional politics, which was the business of the Liberals and the right wing of the Congress called the Swaraj Party and from 1937 till 1947, the main problem was how to end British domination and acquire the right of drawing up a constitution for the land. The swing towards constitutionalism was so great that the Congress actively participated in the negotiations concerning the Cripps Offer of 1942, Wavell Offer of 1945 and the Cabinet Delegation of 1946 and when the British Government held out a promise for the Constituent Assembly, the Congress went all out in forming the Interim Government and working out the Constituent Assembly. It is therefore no surprise that the moment India got her independence, the Congress Governments started eliminating the zemindaries and bringing about planned economic development with a view to establishing a socialist pattern of society and for this, the Constitution provided for elastic Fundamental Rights and a code of Directive Principles and even suffered frequent amendments. Here Indian Nationalism assumed a positive form and discarded the negative goal of overthrow of British control.

The Nehru touch in the Congress saved its nationalism from being a negative force altogether. Beginning from Swaraj, it adopted Dominion Status as its objective and juridical concepts that these are, the mass of people could not have felt enthusiastic about its attainment. Sri Nehru therefore felt that complete independence would be a more attractive slogan. This was no mere political phraseology for him; he interpreted it in the broadest possible sense and explained all its implications in the words, "It means complete independence. It means control of the defence forces of the country. It means control over the economic and financial policy of the country. It means control over our relations with foreign countries. Without these things, independence would be a travesty and camouflage."<sup>11</sup> While Mahatma Gandhi emphasised on constructive program, Sri Nehru accepted all that and also gave an economic content to the creed of independence. But for this twist from the formative stage, Indian Nationalism would have spent its force after the attainment of its negative goal and thereafter, either the Congress would have wound up its organisation or remained as a public service corporation in accordance with the last testament of the Mahatma. If complete independence was an attractive ideal, a socialist program was far less and for this, nationalism in the economic domain today is not as much exhilarating as it was during the period of struggle for independence.

# V

Nationalism begets a strong sense of unity and is itself begotten by it. The British Government could realise that nationalism knows no barrier, racial, linguistic or religious, even though commonness in these spheres is a

<sup>11</sup> Ibid, p, 150

strong base for it. Deliberate attempts were therefore made to divide the Indian people in as many ways as possible. The foremost step was introduction of communal electorates and consequent growth of *communalism*. If Indians claimed that they constituted a nation, the Muslims were made conscious of their separate nationalism and this was a master stroke of the Imperialist Power. The Congress had at first lost sight of its fissiparous potential and because of the short-lived Lucknow Pact and Khilafat agitations, it did not adopt radical remedies for its cure. The intention of the British Government is clear from the statement of the Indian Statutory Commission which says, "The communal tension is a manifestation of the anxieties and ambitions aroused in both communities by the prospect of India's political future. So long as authority was firmly established in British hands and self-government was not thought of, Hindu-Muslim rivalry was confined within a narrower field... The coming of reforms and the anticipation of what may follow them have given new points of Hindu-Muslim competition."<sup>12</sup> Sri Nehru's economic program was a counterpoise to this growing communal bitterness and he was alive to its nefarious character. He said, "The Congress argued that the communal problem had arisen from a certain set of circumstances which enabled the third party to exploit the other two. In order to solve it, one had either to get rid of the third party (and that meant independence) or get rid of that set of circumstances... In my opinion, a real solution of the problem will only come when economic issues affecting all religious groups and cutting across communal boundaries, arise. Apart from the upper middle classes who live in hopes of office and patronage, the masses and the lower middle classes have to face identical economic problems. It is odd and significant that all the communal demands of any group of which so much is heard, have nothing whatever to do with these problems of the masses and the lower middle class."<sup>13</sup> This shows the superficial character of the communal problem and this took a heavy toll in the form of the partition of the country. The *second step* against Indian unity was bolstering up of the Indian Princes. They had created terrible barriers on the way to establishment of responsible government in India. The States Rulers were made to feel that with the advent of democracy in India, their *Guddies* will be exposed to danger and as they had been faithful friends and allies of the British Sovereign, His Majesty's Government could not leave them in the lurch while transferring power to the Indians. Like the Muslims, the Indian States' Rulers were made distinct partners in administration through the contemplated Federation of the Act of 1935 and they were given an assurance that when the British eventually quit India, they will be handed back their sovereignty. His Majesty's Government constantly harped on agreements with the Muslims and the Princes as the condition precedent to conceding the demands of Indian nationalism. Of course Sri Nehru while commending the Objectives Resolution to the Constituent Assembly on the 13th December, 1946 said, "Some people have pointed out to me that our mentioning a Republic may somewhat displease the Rulers of the Indian States. It is possible that this may displease them. But I want to make it clear that I do not believe in the monarchical system anywhere... Our view in regard to the Indian States has been that the people of those States must share completely in the freedom to come... And I hope that in all matters relating to the States, this House will deal with the real representatives of the States... Finally when we make a Constitution for India, it must be through the representatives of the people of the States as with the

<sup>12</sup> Report of the Indian Statutory Commission, Volume I, p. 29.

<sup>13</sup> Bright: Op. Cit. p. 110-111



rest of India."<sup>14</sup> This forthright enunciation of principles and policy was a red rag to the States' bull and the States Rulers created no little trouble at the time of transfer, and thanks to the statesmanship of Lord Mountbatten and later expert handling of the situation by Sardar Vallabhbhai Patel the States problem was happily solved without any bloodshed. Nationalism knows no artificial boundary of territory and when it achieved a manner of success in British India, the States had to succumb to it. The third attempt for destroying Indian unity was the establishment of a Federation. This was a device to assuage the Muslim's demand for regional autonomy and the British desire to rope in autocratic States with semi-democratic Provinces. Provincial autonomy stood as the *sine qua non* of a federal structure and this had engendered provincial bitterness which threatened to destroy the fabric of national unity. Referring to the demand for Provincial Autonomy in the political sphere, Sri Nehru said, "An astonishing and fatal suggestion for playing into the hands of our imperialist rulers! We who have laboured for Indian Unity can never be parties to any proposal which tends to lessen that unity. That way lies disaster and a disruption of the forces working for freedom... First issues will sink into the background, independence itself will fade away and the narrowest provincialism will raise its ugly head."<sup>15</sup> His apprehensions came very near being true; the Provinces became the battle-grounds for various political parties and groups and once in office, Congressmen showed symptoms of following independent and sometimes even conflicting policies in different Provinces. Political centralisation through the Congress Parliamentary Sub-Committee arrested the centrifugal tendency, and the Individual Civil Disobedience Movement of 1940 and the Quit India Movement of 1942 chastened Congressmen with reinforcement of the nationalist touch. The Cabinet Delegation of 1946 had almost succeeded in Balkanising India through their Group Plan. It is only attainment of independence in 1947 and Chairmanship of the Union Powers Committee of the Constituent Assembly by Sri Jawaharlal Nehru that saved the situation. Nationalism in India had thus provoked British Imperialism to adopt counter-measures in the form of communalism, incitement to Indian States and establishment of Provincial Autonomy as a prelude to a federal set-up, each of which had serious repercussions on the ultimate evolution of constitutionalism.

## VI

George Bernard Shaw said, "National patriotism is the firm conviction that the best country in the world is the one you happen to be born in."<sup>16</sup> An American publicist, L. A. Dexter, says, "(in nationalism)" "the tendency to attack outsiders is reinforced by the need to hate... In our society, the foreigner is the easiest person to hate."<sup>17</sup> The same idea is differently expressed by Schwarzenberger when he says, "The exclusiveness of nationalism is one of its characteristics... Uncritical are the views which are held in most countries regarding the supposed national characteristics of other countries."<sup>18</sup>

<sup>14</sup> C. A. Debates, (1946), 13, 12.

<sup>15</sup> Bright : Op. Cit. p. 108.

<sup>16</sup> Quoted in Schuman : *International Politics*, p. 280.

<sup>17</sup> Ibid, p. 284.

<sup>18</sup> G. Schwarzenberger : *Power Politics*, p. 59.

The significance of these statements is the alleged arrogance of nationalist movements. The nationalists hold all others in contempt and sing a hymn of hate against them. They keep themselves isolated from other nations and live in a world of their own. Indian Nationalism has steered clear of both these tendencies. Mahatma Gandhi and all other leaders have emphasised on non-violence both in thought and action and even though they hated British Imperialism and all its manifestations, they never preached against the British nation. Sri Nehru said, "It is not England that is our enemy. It is imperialism and where imperialism is, there we cannot willingly remain.... The day England sheds her imperialism, we shall gladly co-operate with her."<sup>19</sup> This has been the burden of millions of speeches of the Mahatma. None of our leaders ever arrogated to themselves the right of either castigating England or for the matter of that, any other nation for their national characteristics. India stood for uncompromising hostility towards British Imperialism and when she got back her freedom, she voluntarily decided to stay in the Commonwealth of Nations. In the words of Gandhiji, "I always make a distinction between the doer and his deed. The deed might be worthy of dislike, never the doer. Men generally confused the deed with the doer and the orbit of condemnation included both the doer and the deed."<sup>20</sup> There was no hostility towards other nations as well. Sri Nehru had always given an international bias to Indian nationalism and he said, "The only right way of looking at our own problems is to see them in their proper place in a world setting. There is intimate connection between the connection between national problem is but a part of the world problem. To look at each event apart from the others and without understanding the connection between them must lead us to the formation of erratic and erroneous views."<sup>21</sup> This high priest of internationalism even went all out in his drive for support for the United Nations. He said to the Constituent Assembly "We wish for peace. We do not want to fight any nation if we can help it. The only possible real objective that we in common with other nations can have, is the objective of co-operating in building up some kind of world structure. The beginnings of this world structure have been laid in the United Nations Organisation. It is still feeble; it has many defects; nevertheless it is the beginning of the world structure. And India has pledged herself to co-operate in its work."<sup>22</sup> This may be noted that this was his approach a year before India became independent. One cannot therefore condemn Indian Nationalism as exclusive and hostile to other nations.

Indian Nationalism has passed through diverse stages of evolution. If Mahatma Gandhi may be accepted as the Father of modern Indian Nationalism, Jawaharlal Nehru is its prophet. As a political movement, nationalism has ever been a negative force and as such, it loses all its force when the goal is achieved. It is Sri Nehru who gave it a positive content by building up an economic program and if nationalism still prevails, it is only by reason of implementation of the programs that the Congress had adopted during the days of nationalist struggle. In normal course, Nationalism would have died out with the attainment of independence; it continues as a dynamic force till today merely by its positive programs. Cankers of casteism,

<sup>19</sup> Bright : Op. Cit. p. 133.

<sup>20</sup> *Delhi Diary*, M. K. Gandhi, p. 96.

<sup>21</sup> Bright : Op. Cit. p. 101.

<sup>22</sup> J. S. Bright : *Speeches of Jawaharlal Nehru*, Volume II, p. 418.



linguism, provincialism and even communalism have helped in enfeebling the unifying potentiality of nationalism and the country is agitated over it but one should not forget that once the goal set before itself by the Nationalist Movement is attained, other forces may keep it alive but cannot provide the same amount of unity and virility. In this dynamic world, nothing remains static; the forces of nationalism cannot. In the context of growing internationalism and interdependence of nations, regionalism rather than nationalism and internationalism rather than nationalism will ultimately prevail.

## SOME REFLECTIONS ON THE SECOND GENERAL ELECTIONS IN INDIA

By

BODH RAJ SHARMA

*Head of the Department of Political Science  
Punjab University*

The Second General Elections in India have given another experience to the people and governments in India in the working of democratic institutions. That the elections were again peaceful redounds to the credit of the people and their governments. This time the electorate was larger than that in 1951-52 by 17 millions. Nineteen crores and odd voters went to the polls. There was corresponding increase in polling stations, election officials and ballot boxes and the actual polling process was completed between the 25th February and 12th March, 1957. The electoral machinery worked smoothly and efficiently.

Consequent on the redistribution of State boundaries, delimitation of Constituencies entailed a more exacting work. Several Single Member Constituencies were converted into Double Member Constituencies and vice versa. All Triple Member Constituencies were abolished both for the Parliament and the State Assemblies and the number of reserved seats for Scheduled Castes and Tribes was increased because of the Scheduled Castes and Scheduled Tribes Order Act, 1956. This order increased the number of groups who were to be designated as Scheduled Castes and Tribes. Though elections did not take place to the Andhra Assembly (except Telengana area) and to the Kashmir Assembly, they were held later, yet in the former state the electorate did vote for elections to Parliament ( Lok Sabha ).

The Election Commission recognised four Political Parties as National Parties, viz, those who had secured atleast 3% votes in the first general elections. These were the Congress, the P. S. P., the Communists and the Jan Sangh. In the States eleven political parties were recognised as political parties on the same basis as for the country as a whole. These were the Chhota Nagpur Santhal Parganas Janta and Jharkhand parties in Bihar, Forward Bloc (Marxist) in West Bengal, Gantantra Parishad in Orissa, Gantantrik Sangha in Tripura, Hindu Mahasabha in Bombay, Madhya Pradesh and West Bengal, Peasants' and Workers' Party in Andhra Pradesh, Bombay and Mysore, Ram Rajya Parishad in Bombay, Madhya Pradesh, Rajasthan and Uttar Pradesh, Peoples' Democratic Front in Andhra Pradesh, Revolutionary Socialist Party in Kerala and Scheduled Castes Federation in Andhra, Delhi, Punjab, Himachal, Mysore, Madhya Pradesh and Bombay.

The Congress Party took great pains in the selection of its candidates both for Parliament and for the State Legislatures. The Central Election Committee decided to give more chance to women and new entrants who satisfied its conditions. Two of these conditions were the social outlook and participation in constructive activities.

Because of its position as the ruling party the Congress had to face keener opposition. The redistribution of states also left a sting in its wake and the Maharashtrians, and the Gujaratis decided to give the Congress a straight fight. The Samyukta Maharashtra Samiti and the Maha Gujarat Samiti scored heavily against the Congress in their strongholds. Even the top leaders of the Congress were not permitted to address the election meetings in a large number of places in Maharashtra and Gujarat. The Communist Party tried its best to organize electoral alliances in the states so as to pin-down the Congress. It particularly was anxious to win over the P.S.P. Jai Parkash Narain was also favourably disposed for an understanding between the C. P. I. and the P.S.P. A large number of P.S.P. leaders were against this proposal. At long last, the P. S. P. Executive was authorized to permit local alliances. In Bengal five leftist parties—P. S. P., C. P. I., R. S. P., Forward Bloc and Forward Bloc (Marxist)—agreed to make adjustments. A minimum common program was evolved and triangular contests were avoided.

In the Punjab, the Congress High Command won over the Akali Sikhs by conceding to them the substance of their demands. The reorganised state of the Punjab (with PEPSU merged into it) has been divided into the Hindi-speaking and the Panjabi-speaking areas. Regional Committees will be formed in both the parts which will make recommendation to the State government and the State legislatures on certain specified matters. These recommendations will normally be accepted by the State government and the State legislature. The Hindus (particularly the Arya Samaj) have lodged a strong protest against the language clauses of this regional formula. During the last six months a few thousand men and women have been arrested and are behind the prison bars.

However, as a result of this understanding between the Congress and the Akali Sikhs, most of the Akali leaders (excluding Master Tara Singh) joined the Congress party and fought elections on the Congress ticket. Those whom Master Tara Singh wanted to be included among the Congress candidates but whom the Central Election Committee of the Congress refused to include, were directed by Master Tara Singh to stand as independent candidates and they actually stood as such and almost all of them lost the elections. However, a Congress majority, and a thumping majority at that, was returned to the Punjab Vidhan Sabha and to the Lok Sabha.

The Congress has won; but in the elections both to the State legislatures and the Lok Sabha the percentage of those who have got an absolute majority is small. In the States it has fared badly this time. As compared to the first General Elections it has lost about 200 seats. It is quite likely that it might fare worse in the future when the factors that help it to win elections are no more. It does not enjoy even the loyalty of all its members. Even those who have been members of the Congress for two decades resent when they are told not to fight the elections. A fairly large number of Congressmen stood as independent candidates when they were not given the Congress ticket and in some cases defeated official Congress candidates.

The greatest single factor which helped the Congress to win the elections was Pt. Jawahar Lal Nehru's popularity with the masses. Pt. Nehru has served India with single-minded devotion for the last 40 years and more. He sacrificed his all for the motherland and was instrumental in winning for India its independence. He is selfless. His only ambition is to make India great. But for a great political party to bank upon the name and fame of one leader is to build on sand. Pt. Nehru is now 68 and he cannot remain

in the Congress party for ever. The slogan "Strengthen the hands of Pt. Nehru" was the most common and the most loudly shouted one throughout the length and breadth of India. If Pt. Nehru were Hitler or Mussolini minded, he could become a dictator in no time. All the Congress Members of Parliament, the Congress members of State legislatures and the leaders of the Congress party, including Dhebarbhai, are his creations. The Ministers of the Union, the Chief Ministers and Ministers in the Congress States, the Governors in all the States, the Indian ambassadors in all parts of the world are his creations. The whole of Congress India makes oblations to this great leader. He is the final authority in all India planning. He deserves the respect of all of us. He is our beloved leader. But a nation is greater than the greatest leader. The Congress party must change its slogan. Its achievements and its future program should be the cornerstone of its electioneering propaganda rather than the services of a great leader. To future generations of India Pt. Nehru's past services will be only stories and his continued enjoyment of the power and position of a Prime Minister a reality. The Congress party must, therefore, think in terms of a party without Pt. Nehru if it wishes to appeal successfully to the future electorate as it has done in the past.

The Congress party must also reorganize its financial position. At present its purse is filled up by the contributions made by the great business concerns of India. Industrial concerns have changed their Memoranda of Association to enable them to pour their subscriptions into the Congress Party funds. In this connection the remarks of Mr. Justice Mukherjee of the Calcutta High Court on the application of the Indian Iron and Steel Company are very damning both for the Company and the government. Big transport magnates make offerings of lakhs to the Prime Minister for the Congress Party funds. The Chief Ministers of states go about asking for contributions for the Congress party. All this must be very demoralizing. Pt. Nehru may be above suspicion but the rank and file of Congressmen who go about collecting funds for the Congress party have to make payments in forms which do not do credit to the name of Mahatma Gandhi and to the great organization which he nurtured. This sets a bad example for other political parties. The Congress cannot object to or prevent the Communist party in Kerala from asking for contributions from commercial and banking houses or from industrial and manufacturing concerns. The contributions must come from the Congressmen and the major portion must be from the subscription of the primary members. Administration must remain pure and it can remain above board only if the ministers do not go seeking monetary contributions. The party leaders, rather than leaders in the legislature, should take it upon themselves to provide the wherewithal with which to run the Congress elections.

The Congress needs large amounts of money because the elections have become very expensive. As it is the Constituencies for Lok Sabha and even for the state legislatures are so large that the party and the candidates must engage a whole army of agents to take the message of the party to each home. What is true of the Congress is also true of the other political parties. All candidates require large amounts of money. India is a poor country and most of the people who fight elections are not rich. If they use the money of the party they sell their conscience for ever. They cannot maintain their independence of opinion or action in the inner councils of the party. They become 'yesmen' of the party bosses. If they get the money from some rich friend or acquaintance, they must repay him or the concern which has helped

them during their term of membership. They must get him or the concern some permits or contracts through which the friendly party may continue to help them. This is not what a self respecting legislator should do. His integrity of character is at stake. Something revolutionary, therefore, is of urgent necessity to maintain the integrity of the nation. If direct elections and large Constituencies must entail heavy expenses as they do in all the world, India must chalk out a new line. India must not only follow other democratic nations, but it can also lead.

And the remedy for heavy electioneering expenses lies in indirect elections. Now that India has launched upon Gram Raj, and Panchayats have been established in almost every village, the Legislatures of India should be elected by the Panches of the Panchayats and the Municipal Commissioners of Urban areas. This will reduce the expenses considerably and the bother to collect funds by means, fair or foul, will be considerably lessened.

The process of indirect election will also help in another way. At present the propaganda by the parties and mostly by the candidates degenerates to very low leve's. Slandorous and defamatory remarks are made indiscriminately against even those candidates who have had a spotless career. Even great men with great achievements to their credit are not spared. When the elections are over, they leave behind a bad taste. The candidates win or lose and get reconciled to their fates. But the people in the villages and towns continue to nurse the hatreds and feuds so incidental to elections. If the direct elections are replaced by indirect elections much of the bitterness which is the consequence of elections will disappear.

Another very disturbing feature of the elections is the large number of election petitions which have to be referred to the election tribunals. If we compare the number of petitions in India with those in other large countries of the world it would appear that the defeated candidate in India is very litigation-minded. It is necessary that the occasions for these petitions should be reduced to the minimum. The nuisance value of some of these petitions, as they actually are, should be reduced. The effective work by a member of a legislature, particularly if he is a Minister, is seriously affected when the Damoclean sword of an election petition hangs over his head. Election tribunals take a considerable time in deciding these petitions. It is necessary that the powers of the courts should be enhanced to dismiss election petitions summarily in cases where the results of the election would not be materially altered by the charges levied by the petitioner against the elected Minister. An election petition against Pt. Nehru is, on the face of it, of nuisance value. Undoubtedly the petitioner should be given all opportunities to have the satisfaction of calling in question his election to the Lok Sabha. But if the charges against him are flimsy, the petition should be summarily dismissed so that the Prime Minister can devote himself to the service of the nation. Similar should be the case with other election petitions also.

It is also desirable that the elections should be held on one day in the whole of India and the day should be a public holiday. It should be a day in the month of June when elections can be held in all parts of India. There should be no separate elections in snow-clad Himachal or Tehri Garhwal or Chini in the Punjab Hills. This time the Supreme Court was moved that the election of the President of India should not be permitted on the appointed day because all members of the Lok Sabha and of State legislatures would not be elected till then. The objection was serious

because sometimes in a hotly contested election even one vote may matter. Since the office of the President is an elected office, all those who are qualified to vote for the office must have been elected by the time the election is held. Hence the Election Commission would do well to consider the advisability of holding the elections in June.

That all elections must be held on one day is very desirable. The election fever must not last for too long a period. It is neither desirable for the candidates, nor the voters nor the political parties. The results of the elections must be announced in a couple of days after the polling. And this is quite possible if most government servants of the States and the Union are employed as polling and presiding officers. The police force could be supplemented by special police recruited for the purpose. Election Commission should consider the advisability of this healthy change in the election rules.

If the elections are made indirect, it would become more easy to hold the election on one day and to announce the results on the next day.

### JUST PUBLISHED

|                                                                                 |           |
|---------------------------------------------------------------------------------|-----------|
| Mahajan — Constitution of India, 2nd Edn. 1957                                  | Rs. 6.25  |
| Mahajan — English Constitutional Law 2nd Edn. 1958                              | Rs. 6.00  |
| Shukla — Commentaries on the Constitution of India 2nd Edn. 1957 Supplement.    | Rs. 15.00 |
| Mahajan — International Law. Revised & Enlarged Edn. 1958                       | In Press  |
| Raj — Manual of International Law (in the form of questions & Answers) 1958 Ed. | Rs. 3/50  |

### EASTERN BOOK COMPANY

LAW PUBLISHERS & BOOKSELLERS

Head Office  
LALBAGH ROAD  
LUCKNOW

Branch Office  
KASHMERE GATE  
DELHI

## BOOK REVIEWS

**PROBLEMS OF THE NEW COMMONWEALTH.** By SIR IVOR JENNINGS.  
COMMONWEALTH STUDIES CENTRE, *Duke University Press*, 1958. Pp 114. Price  
\$2. 50

Like all Mr. Jennings' books this book bears the mark of originality. One often finds it difficult to agree with his conclusions but it is not possible to deny him a freshness of approach. This book is a study of some problems of India, Pakistan, Ceylon and Malaya and it is to these countries that the term 'New Commonwealth' has been applied. This nomenclature owes its origin to the Duke University and has a reference to the term 'Old Commonwealth' by which name that University designated the association of England, Canada, Australia, South Africa and Newzealand. The use of the terms the 'old' and the 'new' for the Commonwealth is not a very happy one. There have been doubtless changes in the concept of association for which the British Commonwealth stood before 1947 and afterwards. But these changes do not justify the use of the terms, the 'old' and the 'new' Commonwealth.

The book under review is a collection of the revised texts of three lectures delivered by the author at the Commonwealth Studies Centre of Duke University, North Carolina, in April 1957. The first lecture was mainly intended for historians, the second for economists and the third for political scientists. There is, however, a common theme in all the three lectures. There is, here, a penetrating insight into the relationship of western constitutionalism and eastern culture. Perhaps Professor Jennings' first hand familiarity with developments in countries under review prompted him to undertake a difficult task of evaluating the viability of categories of western thought and practices in eastern climate. The author's generalisations are thought-provoking but they do not apply to all the four countries to the same extent. Each distinct piece fits some and falls loosely upon the shoulders of another. Professor Jennings' observations about the all pervading problems of the joint-family and land are cases in point. While I cannot speak with any definiteness about Ceylon and Malaya, sentiments about the joint-family and land are fast disappearing in India and any generalisations based on them as elements of social lag cannot be wholly justified.

The central note of all the three lectures of Professor Jennings turns out to be an indirect justification of the consequences of British rule. Perhaps the justification is subtler than is found in other books by Englishmen because it comes through an appraisal of the most fundamental Asian problem. He seems to think that blaming the British was both a device as well as the necessity of nationalist movement in India and that whatever the British did in this country, was more a result of accident than of conscious planning and they do not deserve either a share of praise or blame because neither is merited.

Professor Jennings has rightly pointed out that the problem of modern India and Pakistan and, indeed, that of the other countries of New Commonwealth is mainly a problem of securing a compromise between the indigenous cultural standards and the problems raised by the western democratic patterns of behaviour and that of industrial civilisation which have been borrowed by these countries. According to the author the political elite in this country

is the English speaking middle class and it has not been able to find a compromise of the two aforesaid necessities as yet. Professor Jennings seems to suggest, though he never makes it clear, that a complete westernisation is hardly possible in any of these countries because the problems with which these countries have to cope are so diverse and the separatist tendencies so many and so pressing and vital that a simple solution of this type will hardly be either possible or acceptable. To achieve a social fusion of the western variety in any of these countries may be a theoretical necessity but is not, at least in the foreseeable future, a practical possibility.

Some of the observations of Professor Jennings come as a bitter pill to the readers in Asia. He has, not without some apology, referred to certain complexities that form a part, according to him, of the heritage of the Asian people. He refers to what he calls the fictitious bogey of 'colonialism' which, he says, has replaced the nineteenth century bogey of imperialism and is a slogan that is raised almost everywhere in and out of time by the leaders of Asian thought. He thinks that this attitude on the part of Asia is fanned and supported vigorously by the recent Communist propaganda, though he himself admits in his last lecture on 'Nationalism and Rationalism' that the Asiatic Communist parties are self-contained units. Professor Jennings' book may appear to be unpalatable but I think it is a book which should be read by every educated Indian to realise certain home truths and to do a little heart searching about a system of social, political and economic values upon which he would like his India of the future to be built. For this purpose Professor Jennings' book would be an excellent starting point.

G.S. SHARMA

**PRINCIPLES OF DISTRICT ADMINISTRATION IN INDIA.** By DR.  
K.N.V. SASTRI, M.A. PH. D. (*Metropolitan Book Co., Private Ltd., Delhi*)  
Pp. 102. Price Rs. 5.00

Ever since the acquisition of Independence by India, the problem of the reorganisation of the administrative machinery to meet the new demands of a democratic goal, has become important. This importance has further increased on account of the Five-year plans whose execution depends upon the district level. The system of district administration in India has been the bed-rock of the whole administrative set up of the country. In view of this, the appearance of the present book written by a distinguished scholar of political science, laying down the principles upon which the present district administration in India is carried on shows the deep interest aroused in the study of our administrative machinery. Dr. Sastri's work is comparative inasmuch as it cites examples from foreign countries like England and France. Of particular interest is the last chapter in which the author gives a critical review and makes suggestions. The book, no doubt, will provoke further thought and discussion. Dr. Sastri deserves to be congratulated on bringing out this useful study.

B. M. SHARMA

**SPEECHES AND DOCUMENTS ON THE INDIAN CONSTITUTION**  
1921-47, SELECTED By SIR MAURICE GWYER AND A. APPADURAI (*Oxford University Press*, 1957) Pp IXX-802 in 2 vols. Price. Rs. 22. 50 nP.

This book has been organised for use in courses dealing with the growth of political institutions in India, a subject that almost inevitably demands

familiarity with certain amount of source material. Before now the student has been provided with many collections of documents covering earlier phases and in some all phases of Indian constitutional history. The novelty of this book is that it has a special bearing on the period 1921-47.

Sir Maurice, one of the selectors of documents, was preeminently suited for the job. He brought with him the traditions of English Bar and Bench and presided over the highest judicial tribunal of India for many years when the federal experiment was in its infancy. He watched the constitution grow from an early state and was behind the scenes of many constitutional developments. His collaborator, Dr. Appadorai, also is not unknown to students of Indian constitutional history particularly because of his 'readable book' *Dyarchy in Practice*.

This compilation, which covers a period of twenty-seven years, has been divided into six parts. First five parts have been arranged on the chronological basis dealing with :—

- (i) The working of Constitution, 1921-37
- (ii) Towards the New Constitution, 1921-37.
- (iii) The Working of Government, 1937-47.
- (iv) Towards partition, and
- (v) Towards Independence, 1937-47.

The last part is concerned with the documents and speeches relating to Indian States right from 1918 upto 1947. The documents of the first part have been sub-divided into six sections covering important aspects of that particular period. Such a division has the advantage of correspondence with text books on the subject. This is obviously very helpful to students and for this they should be grateful to the eminent authorities responsible, for the selection. It is to be regretted that the selectors have not deemed it proper to follow this method in the rest of the five parts. Surely it would have added to the utility of the book.

Like most other selectors of documents, Dr. Appadorai has also contributed to the book an introduction of about forty-two pages with a view to 'enabling the reader to study the documents included in the volume in their proper setting. Owing to the sad demise of Sir Maurice, the introduction could not get the benefit of his exceptional knowledge of the subject and gift of objectivity which was so essential for the sound interpretation of Indo-British relations. Yet the credit must be given to Dr. Appadorai for his overall objective assessment and dispassionate treatment. However a criticism or two may not be out of place here. The introduction begins with the Charter Act, 1833, leaves out altogether the earlier period and is rather sketchy in its treatment upto 1920. This is probably because the book is concerned with the period after Montford reforms. But as the constitutional history of a country cannot be divided into watertight compartments, the later period cannot be properly understood without having some knowledge of the earlier. Nobody expects an exhaustive treatment of the entire constitutional history in an introduction but its value would have been enhanced had the period upto 1833 been not ignored and the period between 1833 and 1919, received more adequate attention. Moreover brief prefatory notes in case of important documents would also have been helpful.

The attention of Dr. Appadorai may perhaps be drawn to what appears to the reviewer a serious omission, that of the White Paper, 1933, which later on formed the basis of the Government of India Act, 1935.

Dr. Appadorai has done well to introduce a new feature in his book. Towards the close of the book he devotes about nine pages to biographical notes, intended to give a general indication of the political status and role of those who took part in the developments of the period under review.

On the whole the book is a valuable and welcome addition to the existing literature on the subject. It has also a selected bibliography.

The Oxford University Press, as usual, has done a fine job.

K. P. MISRA

Lucknow University

THE ECONOMIC WEEKLY : ANNUAL NUMBER, JANUARY, 1958.  
EDITOR : SACHIN CHAUDHURI, 104, Apollo Street, Fort, Bombay—1. Price Rs. 2.50 nP.

This is the tenth Annual Number of one of India's most distinguished weekly journals for current economic and political affairs. In fact the Economic weekly is a high class miscellany and has been giving to the reading public much more food for thought than a mere economic weekly would be able to do. From this point of view Mr. Chaudhuri has been ultra modest.

The volume under review contains some thirty-five articles ranging from 'Focus on Social Change' to the 'End of Bear Market' and four 'Eco-Comic' cartoons by S.L.F.D. Nyle on the 'Felicific Calculus'; 'The Dynamics of Entrepreneur'; 'Static and Dynamic Models'; and 'Long-term Projection'.

It is difficult to single out articles for special reference from a journal which has maintained a high standard in all its career. Of outstanding excellence, however, are the three editorials (on *Focus on Social Change*; *State of the Republic* and *Narrowing Exchange Gap*); the two illuminating articles on Social Psychology contributed by An Outsider (on *These Indian People*) and by the inimitable Fibbertigibbet (on *The Profile of a Bengali Businessman*) and the two scholarly papers contributed by Professor A.K. Das Gupta (on the *Assumption of Unlimited Supply of Labour*) and Mrs Irawati Karve (on *What is Caste?*)

The Editor is to be congratulated for the devotion, energy and enterprise with which he brings out this weekly. It is hoped that Mr. Chaudhuri would continue to do his useful work for many more years to come and that other Indian journalists trying to edit serious periodicals would emulate the Editor of the Economic Weekly in their professional duties.

K. P. MUKERJI

## BOOKS AND PERIODICALS RECEIVED.

### *Publications of the Indian National Commission for Co-operation with UNESCO.*

- The Race Concept* ( Hindi : जाति सिद्धान्त ) Translated by NEMI CHANDRA JAIN ( Orient Longmans 1957 ). Pp. 103, Price Rs. 2'25 nP.
- Race and Psychology* ( Hindi : जाति और मनोविज्ञान ) by Otto Milanberg, Translated by DR. HARVANS LAL SHARMA ( Orient Longmans 1957 ). Pp. 41, Price Rs. 1.12 nP.
- The Roots of Prejudice* ( Hindi : पूर्वाग्रह के मूलधार ) by Arnold. M. Rose, Translated by INDRANARAYAN GURTU ( Orient Longmans 1957 ), Pp. 40, Price Re. 1'00.
- The Racial Myths* ( Hindi : मानव जातियों में ऊँच नीच के गलत विचार ) by Juan Comas, Translated by SUNDER LAL ( Orient Longmans 1957 ). Pp. 38, Price Rs. 1'50 nP.
- Race and Biology* ( Hindi : जाति और जीव-विज्ञान ) by L. C. Dunn, Translated by M. V. LAL ( Orient Longmans 1957 ). Pp. 50, Price Rs. 1'12 nP.
- The Significance of Racial differences* ( Hindi : जातिगत विभिन्नताओं का महत्व ) by G.M. MORANT ( Orient Longmans 1957 ). Pp. Price 48, Rs. 1'25 nP.
- Report on the Work and Programme of the Indian National Commission for Co-operation with UNESCO* ( Ministry of Education and Scientific Research, Government of India. 1958 ).
- The Second General Election in Sholapur* by A. R. Kulkarni, Assistant Professor of History and Economics, Dayanand College, Sholapur ( Institute of Public Administration, Sholapur. Dec. 1957 ). Pp 38.
- Gandhi Marg* — A Quarterly Journal of Gandhian Thought, Vol. 2 No. 1, January, 1958.
- Public Administration Abstracts*, Indian Institute of Public Administration, New Delhi, Vol. 2 No. 2, February, 1958.
- World Affairs*, School of International Relations, University of Southern California, Vol. XXVIII No. 4, January, 1958.
- Ford Foundation. Annual Report* 1957.
- The Elphinstonian*, March, 1958. Edited by J. P. de Souza.

## DIGEST OF CASES

OF

### CONSTITUTIONAL AND ADMINISTRATIVE IMPORTANCE<sup>1</sup>

- Preamble - Interpretation of the Constitution—4th Amendment—Rule of liberal construction. *Surendranath Jana v. State of West Bengal* ( A. I. R. 1958 Calcutta 96 ).
- Art. 5-7 - Citizenship At The Commencement Of The Constitution ( Art 5 )—Domicile—Essential—Presumption of intention to remove to Pakistan—Residence in India—Effect on Domicile.
- Rights Of Citizenship Of Certain Persons Who Have Migrated To India From Pakistan ( Art. 6 )—Persons returning from Pakistan under temporary permit.
- Rights Of Citizenship Of Certain Migrants To Pakistan ( Art. 7 )—Meaning of Migration—Presumption of Migration—Presumption of intention to migrate. *Nisar Ahmed v. Union of India* ( A. I. R. 1958 Rajasthan 65 ).
- Arts. 5 & 248 - What is domicile and permanent residence—No separate domicile in state ( Citizenship Act 1955, S 3 ). *The State v. Narayandas Mangilal Dayame* ( A. I. R. 1958 Bombay 68 ).
- Art. 13 & Art 19 (1) (f) and (5) - Laws Inconsistent With Or In Derogation Of The Fundamental Rights ( Art 13 )—Madras Estate Land ( Reduction of Rent ) Act of 1947—Though Act be valid, notification under Act may infringe fundamental rights. *Kennepalli China Venkata chalamaya Sastri v. State of Madras* ( now Andhra Pradesh ) ( A. I. R. 1958 Andhra Pradesh 173 F. B. )
- Art. 14 - Equality Before Law—Railway Services ( Safeguarding of National Security ) Rules—Rules whether *ultra vires*. *P. Balakotaiah v. Union of India* ( A. I. R. 1958 S. C. 232 )
- Recovery of municipal dues by criminal prosecution. *The City Corporation, Trivandrum, v. M. Muhammad Haneefa*. ( A. I. R. 1958 Kerala 61 )
- Scope of Art.—Constitution of different Tribunals—Appointment of individuals having different qualifications—No discrimination ( Election, Representation of the People Act 1951 S. 86 ). *Sita Ram Khemka v. K. K. Banerji & others*. ( A. I. R. 1958 All. 137 )
- Scope—Test of permissible classification—Applicability to Law of procedure—Cr. P. C. ( 1898 ) S. 207A—Validity. *Servetikotiwamy v. State of Andhra Pradesh*. ( A. I. R. 1958 Andhra Pradesh 90 )

<sup>1</sup> We are indebted to Km. K. Loomba, Lecturer, Isabella Thoburn College, Lucknow, —Mg. Editor for preparing this Digest for this issue.

- Art. 14 & 13 - If Sections 6 and 17 of Land Acquisitions Act 1894 affected by Article. *R. L. Aurora Ram Ditta Mal v. State of U. P.* (A. I. R. 1958 Allahabad 126)
- Art. 14 & 16 - Scope—Legislative or executive acts of discrimination—Validity—Delimitation under Secs 4 and 5 of Rajasthan Act of 1953—Few instances of discrimination—Sections not invalid—(Election—Rajasthan Panchayat Act of 1953) *Bhopal Singh v. State of Rajasthan.* (A. I. R. 1958 Raj. 41)
- Art. 15 - Applicability — Administrative direction — Reasonable classification—Test—Restriction with respect to fundamental rights and statutory rights—Distinction—Duty of Govt. *Joseph Thomas v. State of Kerala.* (A. I. R. 1958 Kerala 33)
- Art. 16 - Classification—Religious basis—Equality before Law—Promotion to higher post—Absence of minimum qualification—Jurisdiction of Court to interfere. *Jagan Nath Babu & others v. State of Jammu and Kashmir* (A. I. R. 1958 J & K 1)
- Art. 19 - Panchayat election—Delimitation—Constituencies formed on the basis of castes—One particular community benefited—Delimitation held invalid (A. I. R. 1958 Raj 41)
- Art. 19 (1) (c) - Equality Of Opportunity In Matters Of Public Employment—Validity of an order meant to remove communal disparity—Discrimination infringing fundamental rights. *State of Jammu and Kashmir v. Jagannath* (A. I. R. 1958 J & K 14)
- Art. 19 (1) (f) - Protection Of Certain Rights Regarding Freedom Of Speech etc.—Passport Act—Rule 3 does not contravene Art 19. *Abdul Rahim Ismail C. Rahimtulla v. The State of Bombay.* (A. I. R. 1958 Bombay 115)
- Art. 19 & 31 - Compulsory Acquisition Of Property (Art 31)—Decision in *of Bobbili v. State of Madras* A. I. R. 1952 Madras 203 is valid though meaning given to acquisition therein is not good Law—*Kannepalli China Venkatachalamayya Sastri v. State of Madras (Now Andhra Pradesh)* (A. I. R. 1958 Andhras Pradesh. 173)
- Art. 19 (1) (c) & 311 - Protection Of Certain Rights Regarding Freedom To Form Association Or Unions—Notice to appellant under R. 3 Railway Services (Safeguarding of National Security) Rules—Reference to appellant being a member of Communist party and to his activities in Trade Union—No violation of Art. 311—Order terminating service whether contravenes Art. 19 (1) (c). *P. Balakotaiah v. Union of India and others* (A. I. R. 1958 S. C. 232)
- Art. 19 (1) (c) & (4) - Scope—G. O. MS No. 418, Education and Public Health Rr. 3 & 4—Rules making it compulsory for every teacher in elementary school to become member of Associa-

- tion—Validity—*N. Sitharamachary v. The Senior Deputy Inspector of Schools, Gannavaram Range* (A. I. R. 1958 Andhra Pradesh 79)
- Arts. 19 (1) (d), 19 (1) (e) & 19 (5) (d), (c) & (f) - Protection Of Certain Rights Regarding Freedom To Move Freely Throughout The Territory Of India (Art 19 (1) (d))—Freedom To Reside And Settle In Any Part Of The Territory Of India (Art 19 (1) (e))—Subject to reasonable restrictions—Rights under clauses (d) & (e)—Restrictions imposed by Act 23 of 1949 and Permit rules—Reasonableness—*Nisar Ahmed v. Union of India.* (A. I. R. 1958 Raj 65)
- Arts. 19 (1) (f) & 31 - Scope—Reasonable restrictions—Principles and test of—*V. K. Balarama Chetty v. State of Madras (now Andhra)* (A. I. R. 1958 Andhra Pradesh 93)
- Distinction—Art 19 (5)—S 6 (3) and 17 (4) of Land Acquisition Act—If ultra vires—*R. L. Aurora Ram Ditta Mal v. State of U. P.* (A. I. R. 1958 All. 126)
- Art. 19 (1) (f) - Protection of certain rights to acquire hold and dispose of property—Bengal Municipalities Act (15 of 1932, S. 129)—Validity. *Gourepore Co. Ltd. v. Chairman, Naihati Municipality* (A. I. R. 1958 Calcutta 151)
- U. P. Municipalities Act (2 of 1916) S 221—Declaration of a Street as a Public Street—Duty of administrator. *Lallai Ram v. Municipality of Allahabad.* (A. I. R. 1958 Allahabad 209)
- Art. (1) (f) (5) - Orissa Merged States' (Laws) Act (4 of 1950) S. 4 Tenancy Laws—Applicability to private lands of ex-ruler and tenants in occupation of private lands. *Jagannath Bahera v. Raja Harihar Singh Maharaj Bhramarbara Roy. The State of Orissa, Intervener.* (A. I. R. 1958 S. C. 239)
- Art. 20 (2) - Conviction for offence under S. 169 (8) Sea Customs Act—Subsequent trial for conspiracy is not barred—Collector of Customs acts judicially under S. 167 (8)—*Leo Frey v. Superintendent Dist. Jail, Amrirsar, & other* (A. I. R. 1958 S. C. 119)
- Art. 20 (3) - Privilege given by—Accused if can waive—Exercise of power under S. 73, Evidence Act (1872) S. 73.—Order directing accused to furnish his specimen writing—Order if hit by Art—Presumption—Evidence Act (1872) Secs 73 and 114. *Ram Swarup v. The State* (A. I. R. 1958 All. 119)
- Art. 20 (2) - Protection in respect of convictions for offences—Prohibition against self incrimination—Validity of S 73, Evidence Act (1872). *Hiralal Agarwalla v. The State* (A. I. R. 1958 Calcutta 123)
- Art. 22 - Protection Against Arrest And Detention In Certain Cases—Whether Sec 111 (i) Preventive Detention Act 1950



- contravenes Art 22 (4) & (7). *Puranlal Lakhanpal v. Union of India* (A. I. R. 1958 S. C. 163)
- Art. 25 - Freedom Of Conscience And Free Profession, Practice And Free Propagation Of Religion—Art 25 (1) is subject to Art 25 (2) *State of Mysore v. Sri Venkata Ramana Devaru* (A. I. R. 1958 S. C. 255)
- Arts. 25 (2) (b) & 26 (b) - Freedom of religion subject to legal restriction for social welfare and reform throwing upon Hindu religious institutions a public character—freedom to manage religious affairs—“Matters of religion”—Scope of expression in Art 26 (b)—Denominational temples—Right to exclude others from worship—Art 26 (2)(b) if covers denominational institutions—In case of conflict between Art 25 (2) (b) and 26 (b), Art 25 (2) (b) prevails—Government agitating on behalf of public—Public if bound by decision—Rights conferred by Art 25 (2) (b) available against individual under Art 25 (i) or against denomination under Art 26 (b). *State of Mysore v. Sri Venkataramana Devaru* (A. I. R. 1958 S. C. 255)
- Arts. 29 (2) 15 - Scope—Admission to educational institutions—Discrimination basis held not place of birth but residence—Art 29 (2) and not Art. 15 (1) held applicable. *Joseph Thomas v. State of Kerala* (A. I. R. 1958 Kerala 33)
- Admission into educational institutions—Special provision for benefit of backward classes—Provision in effect abridging their rights—Constitutionality. *Raghuramulu v. State of Andhra Pradesh*. (A. I. R. 1958 Andhra Pradesh 129)
- Art. 31 - Compulsory Acquisition Of Property—“Acquisition”—Its narrow and comprehensive meaning. *Kannepalli Chinn Venkatachalamayya Sastri v. State of Madras* (now State of Andhra Pradesh) (A. I. R. 1958 Andhra Pradesh 73)
- Art. 31 (2) - Acquisition—Requirements of (A. I. R. 1958 All. 126)
- Arts. 31 (2) & 15 - If affected by legislative list (A. I. R. 1958 All. 126)
- Acquisition or taking possession of property—Law enacted for purpose of acquiring estates or rights in estates—West Bengal Estates Acquisition Act (1954) invalid on the ground that it does not provide for payment of compensation by State—Failure to make compensation a charge on consolidated funds—Effect on validity of Act. *Surendranath Jana v. State of W. Bengal* (A. I. R. 1958 Calcutta 96)
- Art. 31 (2)(b) - Meaning of “other intermediary”. *Anant Kumar Datta v. Land Revenue Officer, II Estates Acquisition Branch, Nadia* (A.I.R. 1958 143)
- Arts. 31 A & 31 B - Acquisition of land under U. P. Act 26 of 1948—Art 31 B applies by its own force irrespective of provisions of Art 31. *A. S. Barrow v. State of U. P. and others* (A. I. R. 1958 All. 154)
- Arts. 31 A 31 B & 368 - Scope—Act mentioned in the Ninth Schedule—Power of subordinate legislature to amend—limitation (Bombay Tenancy

- and Agricultural Lands Act of 1948 S. 34) *Abdul Rahiman Jamaludin v. Vithal Arjun and others* (A. I. R. 1958 Bombay 94)
- Estate—meaning of—Extinguishment or modification of any such rights—S 34 (2-A), Bombay Tenancy and Agricultural lands Act—If extinguishes or modifies the rights (A. I. R. 1958 Bombay 94)
- Art. 31 A - Zamindari abolition laws—West Bengal Estates Acquisition Act of 1954 Chapter 6 and S. 52—Amendment of—Validity in so far as it enables acquisition of rights of raiyats and under-raiyats in possession (A. I. R. 1958 Calcutta 96)
- Art. 32 - Remedies For Enforcement Of Rights Conferred By Part III—Art 32 (2A) as applied to Jammu and Kashmir State—Petition under S. 103 of constitution of J. & K.—Retrospective effect—Order of premature retirement in 1953—Right to challenge not barred—Availability of remedy under 103. *Pl. Gopinath Wali v. State of Jammu and Kashmir* (A. I. R. 1958 Jammu & Kashmir F. B.)
- Organization Of Agriculture And Animal Husbandry—U. P. Prevention of Cow Slaughter Act. *Dulla and Others v. State* (A. I. R. 1958 Allahabad)
- Art. 48 - Qualifications For Election As President—See Art 102 (i) (9)—
- Arts. 58 (i) & 71 - Matters Relating To Or Connected With The Election Of President Or Vice President—Presidential and Vice-Presidential Election Act, 1952. S. 18 and O. 37—Supreme Court Rules—If ultra vires. *Dr. N. B. Khare v. Election Commission of India* (A. I. R. 1958 S. C. 139)
- Arts. 102 (1) (a) & 58 (1) - Disqualifications For Membership—Office of profit under Govt. of India—“office of profit” tests—Distinction between 102 (1) (a) and 58 (1) *Abdul Shakur v. Rikhabchand and Others* (A. I. R. 1958 S. C. 52)
- Art. 132 - The Appellate Jurisdiction Of Supreme Court In Appeals From High Courts In Certain Cases—C.P.C. Sec 122—Practice of Supreme Court—New cases—Question of fact. *Jagannath Behera v. Raja Harihar Singh Maharaj Bhramarbara Roy v. The State of Orissa, Intervener.* (A. I. R. 1958 S. C. 239)
- Arts. 132 & 133 - Appellate Jurisdiction Of Supreme Court In Appeals From High Courts In Regard To Civil Matters—Preliminary issue in suit raising question of vires of Act—State impleaded as party—Certificate of appeal to defendant against finding on issue—Death of plaintiff pending appeal—Action personal to plaintiff—Maintainability of appeal. (C.P.C. 1908 O. 22 R. I.) *Syedna Taher Saifuddin Saheb v. State of Bombay* (A. I. R. 1958 S. C. 253)
- Art. 133 - “Judgment, decree, or final order”. *Sales Tax Commissioner (First member, Board of Revenue, Kerala) v. M. Peres and Co. Ltd.* (A. I. R. 1958 Kerala 58)
- Art. 134 - Appellate Jurisdiction Of Supreme Court In Regard To Criminal Matters—Legal position under article—granting certi-

- ficat on mere question of fact. *Sidheswar Ganguly v. State of W. Bengal* (A. I. R. 1958 Cal. 143)
- Art. 136 - Scope—Power of Supreme court to interfere with judgment of Acquittal—Extent of—*State of Madras v. A. Vaidyanath Iyer* (A. I. R. 1958 S. C. 61)
- Art. 141 - Law Declared By Supreme Court To Be Binding On All Courts—"Obiter dicta". *Kannepalli China Venkatachalamayya Sastri v. State of Madras* (now Andhra Pradesh) (A. I. R. 1958 Andhra Pradesh 173)
- Art. 141 - Law declared by the Supreme Court—*Ramswaroop v. The State* (A. I. R. 1958 All. 119)
- Art. 226 - Powers Of High Court To Issue Certain Writs—Citizenship Act (5 of 1955) S. 9 and R 30 (Framed under S. 18)—Question whether person is Indian national—Forum for determination of question. *Abdul Rahman S/o Alla Bux v. State of Uttar Pradesh* (A. I. R. 1958 All. 165)
- Income Tax Act (II of 1922) S. 45—Payment of Tax pending appeal—Discretion of authorities—Improper exercise of—Application of writ. *Sushilchandra Ghose v. Income Tax Officer* (A. I. R. 1958 Cal 159)
- U. P. Municipalities Act (2 of 1916) S. 143 (2), 147 and 160—Orders under—Nature of—Whether Subject to Certiorari jurisdiction of High court. *Brijpal Das v. Banaras Municipal Board*. (A. I. R. 1958 Allahabad 211)
- Panchayats—Assam Rural Panchayat Act (27 of 1948) S. 135—Powers given to Provincial Government—Effect on Art 226. *Garganarayan Barman v. State of Assam* (A. I. R. 1958 Assam 20).
- Public Safety—Preventive Detention Act (4 of 1950) S. 10—Advisory Board not making report within 10 weeks—Detention becomes illegal—*Dharma Singh Rathie v. State of Punjab* (A. I. R. 1958 S. C. 152)
- Action against appellants under Railway Security Rules—Writ petition on ground that Rules were *ultra vires*—Judgment proceeding on grounds not raised by Railway authorities (See also Art 14) A. I. R. 1958 S. C. 232)
- Powers of High court—Power to quash orders—Manifestly erroneous in Law (A. I. R. 1958 All. 211)
- Scope—Questions of fact—Affidavit. *The Vice-Chancellor, University of Calcutta and Others v. Somesh Charan Chowdhury* (A. I. R. 1958 Cal. 131).
- Power of High Court under—Appointment to official position cannot be directed. *State of Jammu and Kashmir and another, v. Jagannath* (A. I. R. 1958 J & K 14)

- Territorial Jurisdiction of High court—Office of Custodian General located outside High Court's Jurisdiction. *Premchand Lalchand v. State of Madhya Pradesh* (A. I. R. 1958 M. P. 68)
- Judicial inquiry—Presiding Officer himself giving evidence—Violation of principles of natural justice. *State of U. P. v. Mohammed Nooh* (A. I. R. 1958 S. C. 86)
- Certiorari and Mandamus—Other remedy open—Certiorari if and when can issue—Distinction in case of Mandamus—Order of dismissal—Order held in departmental appeal and departmental revision—Writ if can issue. (A. I. R. 1958 S. C. 86)
- Retrospective operation—Revision dismissed after passing of constitution—Writ petition if maintainable. (A. I. R. 1958 S. C. 86)
- Mala fide exercise of power—Facts to be given in affidavit—Public purpose within S. 6 Land Acquisition Act of 1894—High court if can examine facts. *R. L. Aurora Ram Ditta Mal v. State of U. P. and others* (A. I. R. 1958 All. 126)
- Facts in controversy—Petitioners are not entitled to any relief under Art 226—*Raja Ram v. State* (A. I. R. 1958 All 141)
- Who can apply for Mandamus. *The Rent Control and Eviction officer, Etah, v. Asharfial and others*. (A. I. R. 1958 All 153)
- Other remedy open. *State of Andhra represented by Collector of Anantapur v. Tarvini Gangappa and others* (A. I. R. 1958 Andhra Pradesh 140)
- Arts. 226 & 329 - Bar To Interference By Courts In Electoral Matters (Art 329) —Writ petition challenging entire election—Maintainability of —Municipalities—Bihar Municipal Election and Election Petition Rules 1953 R. 62. *Parmeshwar Mahaseth v. State of Bihar* (A. I. R. 1958 Pat. 149)
- Power of superintendence over all courts by the High courts—When exercised. *Mt. Savitri Devi v. Naukhi Ram* (A. I. R. 1958 Himachal Pradesh 15)
- Art. 304 (6) - Restrictions On Trade, Commerce And Intercourse Among States—Proviso and Sch. 7, list II entry 57—Travancore-Cochin Vehicles Taxation Act. (14 of 1950)—Validity—Want of sanction under Art 304 (b) *M. K. Parmeshwaran Nair, v. Sub-Magistrate, Kooththukulam* (A. I. R. 1958 Kerala 52)

## UNION AND STATE STATUTES

## INDIAN PARLIAMENT ACTS 1957

The Appropriation Act, I of 1957  
 The Appropriation ( No. 2 ) Act, 2 of 1957  
 The Appropriation ( Vote on Account ) Act, 3 of 1957  
 The Kerala Appropriation Act, 4 of 1957  
 The Finance Act, 5 of 1957  
 The Appropriation ( Railways ) Act, 6 of 1957  
 The Prevention of Corruption ( Amendment ) Act, 7 of 1957  
 The Kerala Appropriation ( Vote on Account ) Act, 8 of 1957  
 The Appropriation ( Railways ) Vote on Account Act, 9 of 1957  
 The Sea Customs ( Amendment ) Act, 10 of 1957  
 The Foreigners Laws ( Amendment ) Act, 11 of 1957  
 The Provisional Collection of Taxes ( Temporary Amendment ) Act, 12 of 1957  
 The Essential Commodities ( Amendment ) Act, 13 of 1957  
 The Copyright Act, 14 of 1957  
 The Appropriation ( No. 3 ) Act, 15 of 1957  
 The Central Sales Tax ( Amendment ) Act, 16 of 1957  
 The Life Insurance Corporation ( Amendment ) Act, 17 of 1957  
 The Industrial Disputes ( Amendment ) Act, 18 of 1957  
 The Reserve Bank of India ( Amendment ) Act, 19 of 1957  
 The Coal Bearing Areas ( Acquisition and Development ) Act, 20 of 1957  
 The State Bank of India ( Amendment ) Act, 21 of 1957  
 The Appropriation ( Railways ) No. 2 Act, 22 of 1957  
 The Appropriation ( No. 4 ) Act, 24 of 1957  
 The Railway Protection Force Act, 25 of 1957  
 The Finance ( No. 2 ) Act, 26 of 1957  
 The Wealth-Tax Act, 27 of 1957  
 The Essential Commodities ( Second Amendment ) Act, 28 of 1957

## U. P. ACTS 1957

The U. P. Industrial Disputes (Amendment and Miscellaneous Provisions) Act, I of 1957.  
 The U. P. Women's and Children's Institutions (Control) Act, II of 1957  
 The U. P. State Legislature Members (Prevention of Disqualification) (Supplementary) Act, III of 1957.  
 The U. P. Land Revenue (Tehri-Garhwal Amendment) Act, IV of 1957

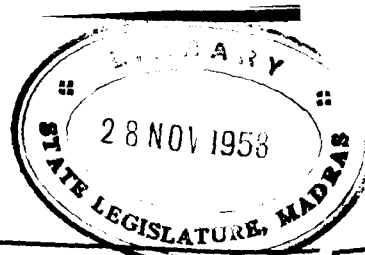
The Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, IX of 1957  
 The Co-operative Societies (U. P. Amendment) Act, X of 1957  
 The U. P. Appropriation (Second Supplementary 1956-57) Act, XI of 1957  
 The Criminal Law (Composition of Offences) (U. P. Amendment) Act, XII of 1957  
 The U. P. Appropriation (Regularization of Excesses 1952-53) Act, XII of 1957  
 The U. P. Appropriation (Vote on Account) Act, XIV of 1957  
 The Uttar Pradesh Sales of Motor Spirit Taxation (Amendment) Act, XV of 1957  
 The U. P. Consolidation of Holdings (Amendment) Act, XVI of 1957  
 The Provincial Small Cause Courts (U. P. Amendment) Act, XVII of 1957  
 The Uttar Pradesh Labour Welfare Fund (Amendment) Act, XVIII of 1957  
 The U. P. Panchayat Raj (Amendment) Act, XIX of 1957  
 The Uttar Pradesh Land Reforms (Evacuee Land) Act, XX of 1957  
 The Uttar Pradesh Appropriation Act, XXII of 1957  
 The Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Act, XXIII of 1957  
 The U. P. Sales Tax (Amendment) Act, XXIV of 1957  
 The Uttar Pradesh State Legislature Members (Prevention of Disqualification) (Amendment) Act, XXV of 1957  
 The U. P. Entertainment and Betting Tax (Amendment) Act, XXVI of 1957  
 The U. P. Court Fees (Amendment) Act, XXVIII of 1957  
 The U. P. Ministers and Members (Salaries and Allowances) (Amendment) Act XXIX of 1957  
 The Indian Divorce (U. P. Amendment) Act, XXX of 1957  
 The U. P. Large Land Holdings Tax Act, XXXI of 1957

## A REQUEST TO SUBSCRIBERS

The Managing Editor will be grateful to subscribers (who do not wish to maintain a permanent record of the Journal) for sending him the following back numbers of the Journal so that he can help complete the sets in university and college libraries:

Vol. V—Nos. 3 and 4  
 Vol. VI—No. 1  
 Vol. VIII—No. 4  
 Vol. XII—No. 3  
 Vol. XIII—No. 1  
 Vol. XIV—No. 1

A Payment of Rs. 3/- per copy (post free) will be made, if desired, up to a limited number of copies. Please write immediately to the Managing Editor, The Indian Journal of Political Science, Model House, Lucknow (U. P.) India.



## THE AMERICAN POLITICAL SCIENCE REVIEW

Published quarterly by the American Political Science Association

Subscription: \$ 10.00 a year, \$ 2.50 per issue

Editorial Office  
Managing Editor  
The American Political  
Science Review

100 University Hall, Ohio State  
University, Columbus 10, Ohio

Executive Office

Executive Director

The American Political  
Science Association

1726 Massachusetts Avenue, N. W.  
Washington 6, D. C.

## THE INDIAN JOURNAL OF POLITICAL SCIENCE

### Rates of Subscription

|           | Annual               | Single issue      |
|-----------|----------------------|-------------------|
| Inland :  | Rs. 15/-             | Rs 5/-            |
| Foreign : | £ 1.10 s.<br>\$ 4.50 | 7.6 d.<br>\$ 1.25 |

If paid by cheque please add Re. 1.00 ( 12 s. or 50 c. ) for postage, etc.

### Rates of Advertisement.

Cover page 3 & 4

|                 |           | Others.   |
|-----------------|-----------|-----------|
| One page        | Rs. 125/- | Rs. 100/- |
| One-half page   | Rs. 80/-  | Rs. 60/-  |
| One-fourth page | Rs. 50/-  | Rs. 30/-  |

Extra concession rates are offered to members of the Association.

For particulars, please write to

THE MANAGING EDITOR,  
Indian Journal of Political  
Science  
Model House,  
Lucknow ( U. P. ), India.

## POLITICAL STUDIES

The Journal of the Political Studies Association  
of The United Kingdom

Published : Three times a year

Subscription: 33 s. 6 d. or \$ 5.00 a year, and  
13 s. or \$ 2.00 per issue.

For articles and books for review write to —

The Editor, Political Studies  
The Queens College.  
OXFORD.

## LEGISLATIVE-EXECUTIVE RELATIONS IN THE UNITED STATES

by

PHILLIPS BRADLEY

Head of the Department of American History and Institutions  
Indian School of International Studies, New Delhi

"From almost the beginning of our Government, relations between President and Congress have been marred by misunderstanding, deadlock, open warfare. Can such conflict be avoided? Or is it part of the price we pay for strong government in crisis times?" Many observers, past and present, echo these questions, sometimes from inside Congress or the White House. They reflect widely held opinions, American as well as foreign, about the working of the so-called Presidential system. How can this view of legislative-executive relations in the United States be reconciled with the obvious fact of day-to-day governmental co-ordination? Are the image and the reality compatible?

To answer these questions, one must analyze several facets of the relationship, historical as well as contemporary. First, it may be useful to review briefly the theoretical framework within which legislative-executive relations have been and are still conducted. Second, the practical aspects of these relations today may be examined in order to appraise the roles, powers and operating practices of these two "branches" of American government. Third, a survey of proposed changes in the relationship will afford an opportunity to compare the working of the Parliamentary and the Presidential systems.

### THE THEORETICAL FRAMEWORK AND ITS PRAGMATIC EVOLUTION

The concept of the separation of powers and its correlative system of checks and balances are too well known to require extensive review here. The concept was adopted as a fundamental tenet by the delegates to the Philadelphia Convention of 1787; its source was Montesquieu (the most frequently quoted "authority" at the Convention). Whether Montesquieu missed the current trend toward cabinet government in early 18th century England offers interesting antiquarian opportunities to the student of theory. That he identified, in his *Spirit of the Laws*, the separation of powers as a major bulwark of individual liberty certainly made the concept attractive to the delegates to the Convention of 1787.<sup>2</sup>

They had had, however, practical experience during colonial days of its utility, from struggles over the slowly evolving colonial charters as well as from bitter controversies with the home government. From these conflicts, they derived a lively sense of the importance of preventing concentration of legislative and executive powers in a single agency—especially if it were politically irresponsible to the people. They implemented this view in all

<sup>1</sup> Burns, J. M., "President and Congress: A Crucial Test," *New York Times Magazine* (Jan. 4, 1953) 7.

<sup>2</sup> The influence of Isaac Newton on American thought about the separation of powers and checks and balances is noted by Galloway, G. B., *The Legislative Process in Congress* (N. Y., Crowell, 1953) 437-39.

the revolutionary state constitutions, nowhere more precisely than in article XXX of the Massachusetts Bill of Rights (1780):

In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that this shall be a government of laws and not of men.

It was only natural, therefore, that the concept should be adopted without serious question as the cornerstone of the national government.<sup>3</sup> Nor has it been discarded—in theory—in any of the 35 subsequent state constitutions.

When it came to the business of implementing the concept, both the early state and the federal constitutions followed more or less similar paths. In the states, the legislature was viewed as the most direct expression of the people's will; its powers were broadly outlined, while those of the executive were rather narrowly restricted. In only four states was the governor elected by the people, in nine by the legislature—and generally for a one-year term. In only one (Massachusetts) was he given the power of veto. On the whole, the executive power was broader in the national than in the early state constitutions; the federal system of checks and balances was, therefore, more comprehensive and complex. Without detailing the entire list here, it will be recalled that they revolved around major areas of executive initiative such as appointments and treaties—and, of course, legislation.

Another facet of checks and balances may be noted briefly: the bills of rights which are so integral an element in all American Constitutions. They enshrine the doctrine of limited government, with reservations of certain powers against both legislative and executive in favor of the people. Few provisions of bills of rights bear specifically on legislative-executive relations. They may, however, affect those relations by the limitations they impose on positive governmental action or by the grants of direct legislative power (initiative and referendum) to the people.

#### THE IMPACT OF EVENTS

What has happened to the concept and the system over the past 175 years? Formally, there has been little change at the national level. In the states, the formal expansion of executive powers has been considerable. Among factors influencing the expansion have been: reduction in the number of elective state officers and the consequent accretion to the governor's appointing power; increased executive control of state finance and personnel; broader gubernatorial powers over legislation, both in initiation and veto.

Changes in the setting in which government in America operates have, however, vitally affected the balance of practical influence on policy-shaping of the legislative and executive branches. As in states functioning under a cabinet system, the shift toward executive initiative in policy as well as in administration has been cumulative, if not always continuous.

First there has been a steady expansion of national action on matters of nation-wide economic or social impact. Reinterpretations by the Supreme Court of the range of the federal tax and commerce powers have made

<sup>3</sup> The classic expression of the concept at the time was that in *The Federalist* (any edition) Nos. 47-49.

possible whole new areas of national action in such fields as agricultural aid, labour-management relations, and social security. These and other national programmes have, of course, altered the balance of policy-development between the states and the Centre in many areas of popular interest and concern. Their blueprinting in policy and statutory terms has also demanded concentrated expertise—available, until very recently, only to the executive. Thus, an actual, if not a theoretical, shift in the balance of practical influence in policy initiative from the legislative to the executive branch has occurred—at an accelerated pace since 1900.

Second, the White House has been occupied by more than one man who understood the importance of the office as the focus of policy initiative. Other Presidents have had to assume policy initiative because they were confronted by crises which demanded rapid executive action. Whether by personality or traits or from necessity, they accepted the responsibility of the office and so added, as if by accretion, to its policy-shaping role. One need recall only such names as Jackson, Lincoln, Theodore Roosevelt, Wilson, F. D. Roosevelt, Truman, to identify the nature of the crises they had to meet.<sup>4</sup>

The same trend has been discernible in the states—again, especially since 1900. Many functions traditionally local in programme and administration such as education, highways, welfare, health, have increasingly become matters of direct state administration or of state grants for local services. The latter approach to improving these services has meant at least general administrative supervision by the state of local governments and so has enhanced executive responsibilities. In this process, the governor has often become the principal source of policy proposals and almost universally the repository of administrative responsibility. Moreover, the cumulative development and refinement of state programmes once started—a trend apparently inherent in any democratic government's response to popular interest and need—has been primarily an executive concern. Thus, the governor's policy initiative has grown through the very evolution of modern government toward the service or welfare state.

This brief review of the impact of events suggests that the theoretical concept of the separation of powers has undergone substantial revision in—or from—practice. Although the original system of checks and balances remains formally almost intact, its efficacy in guaranteeing the survival of the concept as a working formula of legislative-executive relations is today greatly diluted. How these relations operate “in action” will indicate how far the concept “in books” has been modified in practice.

#### PRACTICAL ASPECTS OF LEGISLATIVE-EXECUTIVE RELATIONS

Legislative-executive relations in practice are at once fluid and stable. New conditions or situations stimulate innovations by one branch or the other. On the recurrent “warfare” over the balance of influence between them. On the other hand, institutional traditions and practices impinge on the individual discretion of the temporary spokesman of the role and prerogative of Congress or the President.

<sup>4</sup> An incisive interpretation of this aspect of the Presidency will be found in Rossiter, C., *The American Presidency* (N. Y., Harcourt, Brace, 1956). Alternative views of the President's role will be found in Taft, W. H., *The Chief Magistrate and His Powers* (N. Y., Columbia, 1916); Wilson, W., *Constitutional Government in the United States* (N. Y., Columbia, 1908). Wilson was the first President to suggest (five years before he entered the White House) that the role of the President in policy-shaping was essentially that of a Prime Minister. Cf. also Small, N. J., *Some Presidential Interpretations of the Presidency* (Baltimore, John Hopkins, 1932).

The characteristics of the relationships may also be viewed from the perspective of their formality or informality. Some contacts between Congress and the President and administration ("the Hill" and "Downtown" respectively in Washington parlance) stem from constitutional or legislative requirements. These contacts may be considered formal in character; they change, in content and use, however, with changing conditions and situations which may modify existing balances of influence in policy and administration. Other contacts arise from the exigencies of day-to-day relations. The development of a legislative programme as well as of specific bills, the conduct of legislative hearings or of administrative action, the appeals of each branch "to the country" in pursuit of its objectives, involve subtle interplay between the Hill and Downtown. Many of these contacts are informal, often "off the record". They are not, however, less significant aspects of legislative-executive relations because they are not formalized in precedent or publicized in the press.

#### FORMAL ASPECTS OF THE RELATIONSHIP IN WASHINGTON

Without reviewing the constitutional or legislative requirements of legislative-executive contacts in detail, they may be grouped under several broad heads. One is the provision of information by the President (and administration) to Congress (and its committees). A second relates to the clearance of legislation through the Capitol and the White House. A third revolves around appointments, a fourth around foreign policy (including treaties and the declaration of war). A brief review of how the balance of influence between Congress and the President varies in these areas will suggest how the two branches interact in their more formal relationships.

*Executive Information: Presidential Messages.* The Constitution requires the President to submit an annual message to Congress; legislation has imposed two others on the White House. He is, of course, not prohibited from submitting others; every President does so on a wide range of matters relating to his special interests and concerns.

The annual "State of the Union" message is traditionally the major source—for Congress and the country—of an explicit Presidential legislative programme.<sup>5</sup> Here, the President states his policies and his legislative expectations. It is frequently followed almost at once by a series of implementing bills, introduced in one or both houses by members of the President's party but actually drafted Downtown. In any case, the people as well as their representatives know what the President's (and administration's) legislative programme for the session is. In recent years, the press throughout the country presents several "box scores"<sup>6</sup> during the session, showing how the programme is progressing through committee and in floor debate. Thus the country is increasingly aware of executive leadership in policy planning.

Two others annual Presidential messages are now required by law. Under the Budget and Accounting Act of 1921 (31 USCA 4), the President must submit to Congress a unified budget; it is accompanied by a message

<sup>5</sup> Jefferson discontinued the practice, started by Washington, of appearing personally before Congress to read the annual message. Wilson revived the practice, which has been followed by all subsequent Presidents.

<sup>6</sup> "Box score," a term describing the statistical summary of baseball games appearing daily in the press during the baseball season, is a popular phrase for describing summaries of legislative action (or inaction). Since F. D. Roosevelt, Presidents have talked about their "must" lists of programme bills—those on which they desire Congressional action before adjournment. The tensions over programme are often highlighted in Presidential press conferences and national radio talks.

explaining (and defending) the programme defined by its expenditure proposals.

A marked shift toward Presidential policy leadership through a co-ordinated budget presentation to Congress developed after 1921. Previously, separate appropriation bills were submitted by individual agency heads with little or no prior clearance with the White House. These bills were normally referred separately to a dozen or more House committees, each independent of the other and all competitively concerned to obtain the maximum appropriation for "their" agencies. After 1921, the House, confronted by a unified executive fiscal programme, was forced to co-ordinate its own appropriation analysis. It did so by creating a single Appropriations Committee which, through its sub-committees first and later through the whole committee, could subject executive fiscal requests to a unified review.

The Bureau of the Budget, created by the 1921 Act, became the President's major control device vis-a-vis the entire federal administration. It has since played an increasingly important role in advising on the fiscal implications of all spending bills.<sup>7</sup> Through the Bureau, the President can—and does—exercise a pervasive management control (and so, policy planning) within the executive branch. Whether his party controls Congress or is in opposition (as is currently the case), modifying the President's budget proposals is a complex and difficult legislative operation. Details may now and then be altered, generally as a result of pressure-group activities, often with their spokesmen within Congress.<sup>8</sup> The impact of Presidential prestige outside Congress insures general acceptance of his budget-policy proposals within it.

The second legislative-message requirement result from the Employment Act of 1946 (60 Stat L., I, 23). Here, again, the President was equipped with a special staff, the Council of Economic Advisers, to aid him in providing Congress (and the country) with a unified picture of economic conditions and trends. The Reports of the Council, now generally on a semi-annual basis, were intended by Congress to provide the basis for legislative proposals for maintaining economic stability. The President was given primary responsibility for presenting them to Congress. An Economic Message must be submitted annually within a few weeks of the opening of each session; other messages on economic affairs may be transmitted at the President's discretion.

The President (and the administration) is then the source of much information to Congress, formally presented in both policy and fiscal terms. As will be noted below, the White House and the executive agencies are also the foci of much informal information-presentation to Congress and its committees.

*Clearing Legislation.* The President's initiative in policy-programming has, as already suggested, increased at an accelerating rate over the past four

<sup>7</sup> The early struggle to establish Presidential control over agency requests for appropriations is interestingly portrayed in Dawes, C. C., *The First Year of the Bureau of the Budget* (N. Y., Harper, 1928). There is a large literature on the budget process; both the first and second Hoover Commissions devoted considerable study to its improvement (see their relevant studies and reports). (Cf. also Smith, H. D., "The Budget as an Instrument of Legislative Control and Executive Management," *Public Administration Review* (1941) 181; Smithies, A., *The Budgetary Process in the United States* (N. Y., Mc Graw-Hill, 1955).

<sup>8</sup> Cf., for instance, Bailey, S., *Congress Makes A Law* (N. Y., Columbia, 1950) re the Employment Act of 1946; Schattschneider, E. E., *Politics, Pressures, and the Tariff* (N. Y., Prentice-Hall, 1935) re the Tariff of 1930; Truman, D. B., *The Governmental Process* (N. Y., Knopf, 1953) generally.

decades—a period which included two world wars and a deep depression. From the standpoint of formal relations, the veto power and its countervailing check of Congressional passage of vetoed bill, provide recurrent tests of Congressional-Presidential influence. It would be interesting to trace the record—the “box score”—on Presidential vetoes; actually, it is irrelevant, since it is only the “warfare” on the great bills which is significant. Jackson’s veto of the Second U. S. Bank Bill, Truman’s of the Taft-Hartley Bill (passed over the veto), Eisenhower’s of the Natural Gas Bill and, of course, many others illustrate the range of motivations, political and ethical, which animate both parties to the struggle.

It may be more significant to note the more informal means at the disposal of Congress and the President in the arena of controversial legislative proposals. Here, the President can appeal over the heads of Congress to the country. A special message to Congress or a press conference will receive front-page attention in the press. A nation-wide radio or T. V. hookup from the White House will reach tens of millions of listeners. If the measure is of wide public concern, letters and telegrams, even delegations of citizens, will pour in on Washington—pro and con. It is said that, during Truman’s consideration of the Taft-Hartley Bill, White House mail and telegrams rose to 140,000 a week.

The pressure of public opinion can be mobilized more quickly and sharply by the President than by Congress. He can, therefore, direct it toward his policy objectives more effectively. It will inevitably play on Congress, not always, perhaps, as the President may wish, because popular opposition to his views will move to support the opposition on the floor. Generally, however, the President can win the contest in the arena of public opinion—if he picks his ground and deploys his access to mass attention skillfully.

On the other hand, Congress is not without weapons to combat a threatened veto. Its most powerful counterbalance is the “rider”. An item (sometimes a budget increase or new appropriation) or a policy bill known to be opposed by the President, will be attached to a major bill which he cannot afford to veto. Since the President does not have the power to veto part of a bill, his dilemma is rarely soluble on principle. He may have to accept an unpalatable measure to avoid jeopardizing legislation which he has himself advocated. Further, Congress can and often does provide for nullifying delegations of executive discretion granted to the President by the device of a concurrent resolution.<sup>9</sup>

An interesting development of an informally formalized process of bill clearance has developed around (or out of) the post-1921 budget procedure. All executive-agency bills involving expenditures must be cleared through the Bureau of the Budget before submission to Congress. It attaches a memorandum as to whether or not the bill conforms to the President’s fiscal programme. If the Bureau’s memorandum is negative, the bill will receive short shrift on the Hill. The House Appropriation committee has followed the

<sup>9</sup> Cf. Generally, Binkley, W. E., *President and Congress* (N. Y., Knopf 1947); Chamberlain, L. H., *The President, Congress and Legislation* (N. Y., Farrar, Straus, 1940); Milton, G. F., *The Use of Presidential Power* (Boston, Little Brown, 1944). On the concurrent resolution, Cf. White, H., “The Concurrent Resolution in Congress,” 35 *American Political Science Review* (1941) 886; Millett, J. D. and Rogers, L., “The Legislative Veto and the Re-states possess the power of vetoing items in appropriation measures. Several bills and constitutional amendments to equip the President with the item veto have been introduced in recent Congresses: none has reached the floor.

practice for some years of referring any money bills originating in Congress to the Bureau for similar analysis; it will generally accept the Bureau’s report.<sup>10</sup> The Bureau’s analysis now covers a wide range of general legislation. During the 80th Congress, for instance, the First Hoover Commission found that the Bureau advised the President or executive agencies on nearly 6000 bills introduced and analyzed for the President 1,438 bills passed.

*Presidential Appointments.* The Constitution provides that the President “with the advice and consent of the Senate, shall appoint . . . judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law . . .” The power to appoint is, of course, a highly political one and is so treated by both the President and the Senate. Political-strategy considerations apply to all except a few executive positions, such as Cabinet members, and Supreme Court (and, to a less extent, other federal) judges. Practical power to dictate appointments is considered a major factor in the control of state and local party organizations.

The “custom” of “Senatorial courtesy” is well known. Its ramifications are numerous. The Senate frequently seeks by various devices to extend its power of confirmation to subordinate employees—and the President as often resists the Senate’s efforts. The “warfare” over the extension of Senatorial courtesy is especially acute when, as during F. D. Roosevelt’s first two terms, there is a proliferation of direct federal or federally-aided programmes. Many of these programmes involve the rapid addition of thousands of new employees paid from federal funds. The control of their selection at least indirectly through the party machinery becomes a crucial issue to both President and Congress—whether or not the same party controls both branches.

In general the senior Senator of the President’s party in any state must be consulted by the President before nominating a person from that state. If both Senators belong to the opposition party, then the senior Representative of his party will be consulted. In practice, a Senator (or the Senior Representative will consult the Representative of a district when an appointment in that district is being considered.

The political nuances of such an interplay are obvious. Although the Senate very rarely interjects a bar to a Presidential nomination of a top political post (e. g. the Cabinet), it does (increasingly, perhaps) insist on a more less detailed scrutiny of even these nominations. The same is true of Supreme Court nominations and particularly of nominations to the lower federal courts. Many kinds of criteria are applied by individual Senators (in committee or on the floor): geographical distribution, party “regularity”, personal ethics, economic and social affiliations, past occupations, and associations. A President may be hard put to it to forecast the fate of a particular nomination for a position in his most immediate political family. The Senate is also, as a body, jealous of maintaining standards of propriety in nominations which, because they are largely undefined, are often the more esoterically applied.<sup>11</sup>

<sup>10</sup> Cf. Neustadt, R. E., “Presidency and Legislation: The Growth of Central Clearance,” 48 *American Political Science Review* (1954) 641.

<sup>11</sup> It would be interesting to review various instances like those, for example, of Wilson’s nomination of L. D. Brandeis as Associate Justice of the Supreme Court in 1916 (hotly debated in and out of the Senate), of Coolidge’s nomination of C. E. Warren as Attorney General in 1925 (rejected, of Eisenhower’s nomination of C. E. Wilson as Secretary of Defense in 1953 (agreed to only after conditions imposed by the Senate Armed Services Committee had been met). The whole range of legislative-executive relations in this area has recently been definitively analyzed by Harris, J. B., *The Advice and Consent of the Senate* (Berkeley, California, 1953).



JL Wm 2, 1958  
NSE-19

Efforts of the Senate to extend its control over nominations to "subordinate" federal positions by category of job or by salary range have met with limited and, on the whole, temporary success. The burden of committee scrutiny of thousands of these nominations annually (at least at the beginning of a new President's term, especially if there is a party shift in the White House), militates against concerted Senate demand for formal review. Senatorial courtesy provides for most Senators individually and for the Senate as an "institution"<sup>12</sup> effective informal control of Presidential discretion over patronage.

*Treaties and Foreign Policy.* The "warfare" between the President and the Senate in this field is well known the world around. From Washington to Eisenhower hardly a President has been immune from Senate "interposition" in the treaty-making process. However interesting it would be to trace the course of a number of these conflicts, the literature in this field is so comprehensive as to make it unnecessary.<sup>13</sup> A few aspects of the relationship may be noted. First, executive initiative subject to legislative review in foreign relations generally, and specifically in treaty-negotiation, stems directly from the Constitution. Popular, even if indirect, control of the conduct of foreign relations was unknown in 1787; the constitutional formula drafted by the Framers was, indeed, a pioneering venture in the democratic process. That modern democratic constitutions have gone further in assuring popular control in this field does not make the formula of 1787 a less significant benchmark in legislative-executive relations as to foreign policy.

Second, although the Senate was given exclusive responsibility as to treaties, the House of Representatives plays an indirect role through its power to initiate appropriations. The role of the House is becoming more evident and influential—as foreign relations include more fiscal and military, as compared with strictly diplomatic, elements. Thus, the two Houses are today intimately involved in the process of foreign-policy drafting and do not hesitate to insist on sharing with the President responsibility for its formulation as well as its implementation. Recent experience in Congressional review of legislation for foreign technical, financial, and military aid underlines the growing influence of the House. Although the Senate retains its exclusive prerogative over treaties as such, it shares increasingly with the House decisions on general foreign policies proposed by the President.<sup>14</sup>

Third, the aftermath of the Second World War, in expanding the range

<sup>12</sup> Cf. White W. S., *Citadel* (N. Y., Harper, 1956) passim and especially 46-8.

<sup>13</sup> Among the more important sources are: Colegrove, K., *The American Senate and World Peace* (N. Y., Vanguard, 1944); Corwin, E. S., *The President's Control of Foreign Relations* (Princeton, 1917); Dahl, R., *Congress and Foreign Policy* (N. Y., Hartcourt Brace, 1950); Dangerfield, R., *In defence of the Senate* (N. Y., Putnam, 1930); Holt, W. S., *Treaties Defeated by the Senate* (Baltimore, John Hopkins, 1933); Kalijarvi, T. V., and Merrow, C. E., Eds., *Congress and Foreign Relations* (289 *Annals* 1953).

<sup>14</sup> The nuances of legislative-executive relations in this as in other fields are worked out through the contacts of executive-staff members with the relevant Congressional Committees and their staffs (described below). In the foreign-relations field, besides the Senate committee on Foreign Relations and the House Committee on Foreign Affairs, several others are of increasing importance in their impact on foreign policies. The Armed Services Committee in each house and the Joint Committee on Atomic Energy are obviously directly concerned. Only less so are committees dealing with appropriations (House—Appropriations; Senate—Finance), banking, agriculture, commerce, labour. Indeed only a few committees in either house are not concerned at least indirectly with some aspect of foreign policy. On the Senate and House committees dealing with foreign relations cf. Dennison, E. B., *The Senate Foreign Relations Committee* (Palo Alto, Stanford, 1942); Westphal, A. C. F., *The House Committee on Foreign Affairs* (N. Y., Columbia, 1942). Cf. also 289 *Annals* (1953), op. cit., Note 13, 53, 73, 84, 145. On proposals for reform, cf. Elliott, W. Y., and others, *United States Foreign Policy: Its Organization and Control* (N. Y., Columbia, 1952).

and complexities of American overseas commitments and in accentuating a bipolar alignment of nations, stimulated the emergence of bipartisanship in foreign policy. Under the leadership of Senator Arthur Vandenberg, Republican Chairman of the Senate Committee on Foreign Relations in 1948, the Republican majority agreed to maintain a united front with a Democratic President on foreign policies. The price exacted was prior to consultation by the President with the Committee and other Senate leaders before any policy was publicly announced. The practice of bipartisanship has been continued since, with few, if any, breaches of faith by the executive, although with occasional grumblings by individual Senators that consultation is not adequate. On the whole, questions of foreign policy have since 1948 been kept out of party politics as such. Legislative-executive differences have frequently been sharp, but they have been debated in Congress and in the country on the principles rather than the party strategies involved.

Several further points as to treaties and foreign policy are relevant to a review of legislative-executive relations. One is the thin line between a "treaty" and an "executive agreement". The latter is generally considered an implementing administrative agreement under, for instance, an international convention (e. g. postal). The use of the executive agreement by successive Presidents (often under Congressional sanction) goes back many decades; only recently has it become a political issue. As matters involving broad foreign policies are treated by the executive as susceptible of implementation by agreement rather than by treaty, the Senate becomes increasingly sensitive to its potential loss of control over foreign relations.<sup>15</sup>

The question seemed more acute to the Senate with the development of United Nations activities, which involved still broader administrative co-operation between nations. Where would the line be drawn between treaties which must come to the Senate for "advice and consent", and executive agreements entered into at the President's discretion?<sup>16</sup>

The issue came to a head in 1952-3, when Senator Bricker introduced his famous constitutional amendment to limit the President's independent action as to executive agreements. Briefly, Senator Bricker and his supporters sought to eliminate executive discretion. President Eisenhower strenuously opposed the amendment. Opinion in and out of Congress was divided; the many pressure groups lined up on each side. A modified version of the amendment was defeated on the floor in 1954—with only one vote to spare.<sup>16</sup>

<sup>15</sup> Cf. for instance, Theodore Roosevelt's "Modus Vivendi" with Santo Domingo regarding collection of customs (1905), made after Senate rejection of a similar "treaty"; and F. D. Roosevelt's agreement with Great Britain for the exchange of destroyers and bases (1940). F. D. Roosevelt's strategy in securing U. S. adherence to the International Labour Organization by Joint Resolution (requiring a majority) rather than by senate action (requiring two-thirds) is an analogous example of executive by-passing of the Senate.

<sup>16</sup> On executive agreements, cf. McClure, W., *International Executive Agreements* (N. Y., Columbia, 1941). The controversy over the Bricker Amendment produced many columns of debate in Congress and pages of Committee Hearings and Reports, law-review articles and general discussion. *The New York Times Index* is a valuable source for tracing the course of events 1952-54. Senator Bricker has announced that he intends to reintroduce his amendment. Another source of the Senate's sensitiveness arises from the fact that a treaty (made "under the authority of the United States") has apparently a broader operative effect than a law (made "in pursuance" of the Constitution). This effect is seen, for instance, in the case of *Missouri V. Holland* (252 U. S. 416, 1920). Here a treaty with Great Britain provided for the protection of migratory birds flying between Canada and the U. S. Congress re-enacted a law to implement the treaty—identical in language with a law previously enacted under the federal commerce power and held unconstitutional in the lower courts on the ground that these birds were within the exclusive jurisdiction of the States. The implications of this decision in *Missouri V. Holland*, which seemed to allow by-passing the federal principle through the treaty process (as would be the case, for instance, with ILO conventions) was not lost on supporters of the Bricker Amendment.

Again, one may observe the effects of the "warfare" in the efforts of various Presidents to blunt the edge of Senate disagreement on treaties and foreign policies. One device is the appointment of Senators on a bipartisan basis as treaty negotiators, especially on international-conference delegations. The practice is now so usual as to have become almost a "custom" certainly since at least the Washington Naval Conference of 1921-22.

Another device, initiated recently by President Eisenhower, is a request for prior Congressional or Senatorial approval of contemplated foreign policies not yet precisely defined or exactly timed as to execution. His submission of proposals to give military aid to Formosa in defense of the offshore islands (1953) and to offer financial aid to the Middle East countries (1957) for prior Congressional approval provoked strenuous opposition on the Hill. The opposition was both substantive and procedural. On the procedural side, it was widely argued that the President was seeking to commit Congress to policies involving unpredictable contingencies which it would later be precluded from even criticising. Although the form of the President's action was bipartisan, many queried whether it conformed to the understandings which had developed. In both cases the President obtained the approval he desired; it required strong political pressure from the leadership on the Hill as well as from the White House.

This brief review of the formal aspects of legislative-executive relations suggests their variety and subtlety. As the informal aspects of these relations play on the operation of the formal, the latter may become more co-operative in action; the "warfare" becomes less virulent and continuous. Before turning to the former, however, we may note how formal legislative-executive relations operate in the states.

#### FORMAL ASPECTS OF LEGISLATIVE-EXECUTIVE RELATIONS IN THE STATES

To give a detailed review of the nature and conduct of these relations in the states would go beyond the scope of this paper. A few notes will suggest similarities and contrasts.

Like the President, governors are charged by most state constitutions with submitting annual messages to their legislatures. They may, of course, submit special messages—and most governors do—on many measures which they consider especially vital to their programmes. In those states (about one-half) in which the executive budget has been adopted, the governor's, like the President's, budget message becomes the nexus of the executive programme and the focus of legislative criticism. Further, the elaboration of a comprehensive legislative programme is likely to be undertaken by every governor with positive executive talents or political ambitions. Here, as at the White House, the energy and continuity of state programming by the governor will depend on the personality of the incumbent.

As to the impact of the governor's veto power on legislative policy, as already indicated, 38 governors possess the item veto on fiscal measures. More important, perhaps, is the longer veto period after legislative adjournment enjoyed by many governors. Even more than in Congress, there tends to be a legislative log-jam at the end of the session in many state legislatures; over half of all bills are passed during the last week or two of the session. Thus, if the governor possesses, as in some states, up to 45 days in which to act on bills before him, he becomes, in effect, a third house of the legislature. Not infrequently, therefore, the governor exercises far more influence through his general veto power than does the President—because the legislature is not

in session to check his use of it. Vetoed bills can, of course, be introduced at the next legislative session, but the momentum of independent legislative action is retarded, if not lost.<sup>17</sup>

In general, legislative initiative in policy-making seems broader in the states than in Washington. Only in those states in which constitutional amendment has equipped the governor with broad policy power (*e. g.*, the executive budget) does he exercise anything approaching the President's policy initiative. Despite the longer veto period possessed by many governors, the exercise of the veto is at best a negative policy sanction.

Legislative (or Senatorial) review of gubernatorial appointments is common under state constitutions. It operates much as it does in Washington. The number and range of appointments are, of course, much more limited in all the states, especially in those (about one half) with civil-service systems. In the others, it may include more positions than in the civil-service states but it is still a less important item in the political strategy of the two branches. When the legislature and the governor are under opposite party control, the chances of legislative "sniping" at the governor through his nominations are, of course, enhanced. It is also still true in some states—an inheritance from the early 19th century strong legislature, weak-governor tradition—that some key administrative positions are filled by legislative selection or by election.

It is probable that in half or more of the states the governor is weaker than the President vis-a-vis the legislature. This condition is accentuated by the more frequent occurrence in the states of opposite-party control of the two branches. As of 1957, of the 47 two-house legislatures, one house was controlled by the party opposite to the governor in five states, both houses were so controlled in 12. Nor is this situation exceptional. It seems, indeed, to have become almost endemic, especially in the post-war period. Thus, the normal tensions between legislatures and governors are enhanced, at the point of the most crucial political concern for both: control of local (and, thereby, state) party organizations.

As in Washington, informal relations between the branches tend to mitigate the "warfare". We may, therefore, review how these informal relations operate in the 49 capitals.

#### INFORMAL ASPECTS OF THE RELATIONSHIP IN WASHINGTON

It is not always easy to differentiate the formal and informal aspects of any governmental system. What are here treated as informal are those institutional relations and practices not deriving from specific constitutional or legislative requirements. To put it another way, they are those aspects of legislative-executive relations which develop from the necessities and the means—of both branches—to carry out their respective responsibilities. In order that government should fulfil its purposes, it must move; it cannot

<sup>17</sup> In only two states (South Carolina, Washington) does the governor possess the item veto on all bills. In three states (Maine, Mississippi, South Carolina) he must return all vetoed bills to the next session of the legislature. The New Jersey Constitution of 1947 provides that the legislature re-assemble 40 days after adjournment to consider all vetoes. Provisions regarding the veto vary widely among the states. In some, all bills not specifically vetoed within the time-limit become law. In others, the reverse is true—bills not signed do not become law. It is in this situation, of course, that the governor becomes a virtual third house. Cf. Robinson, S. R., "The Governor as Legislator", 40 *National Municipal Review* (1951) 515. For a tabulation of the Governor's veto power, cf. Council of State Governments, *Book of the States* (Chicago, the Council, Biennial) current edition.

The result of these developments was the 1946 Act. Under it, the Legislative Reference Service was greatly strengthened by adding a highly qualified professional staff in the functional fields paralleling the major Congressional Committees. These committees were equipped with professional staffs of their own. Individual members of the Senate were provided with administrative assistants and larger personal staffs. Larger appropriations were made for all these staff services. A small Office of the Co-ordinator of Information was envisaged and actually created in 1947. Provision was also made for staff aid to the party policy committees in each house.<sup>21</sup>

It may be noted that Congressional committees still utilize experts from the administrative agencies to aid in drafting or reviewing bills. Administrative personnel is detached for varying periods and becomes, in effect, part of the Congressional staff. This device is used especially by those committees which have developed "harmonious" relations with their counterpart administrative agencies.

The results of the 1946 Act have at least partially redressed the balance of expertise between Congress and the executive. Congress has regained not only the ability, but a sense of its capacity, to develop public policies independently and also to review administrative performance objectively and not in the atmosphere of inquisition—committee investigations. Formal as well as informal relationships have been improved. What are some of the informal methods now operating in Washington to facilitate legislative-executive relations?

*Congressional Liaison: (i) The President.* Most Presidents have maintained contacts with the Hill, often sporadically as concern for a particular measure dictated. In recent decades, most have also conferred more or less regularly with the Congressional leadership of their party. Not until President Eisenhower has either facet of liaison been so thoroughly organized or so publicly identified.

As part of his White House staff, the President has a top-ranking officer with several aides, to "lobby" on the Hill for his programme. The nature of the persuasions used are not, of course, by their very purpose open to public scrutiny. Their obvious intent is to convince the members of the President's party to hold the line, and of the opposition to follow. The Eisenhower "box score" to date indicates that the second has often been the more successful effort.

Again, President Eisenhower follows an old but sporadic practice of consultation with his party leaders in Congress (F. D. Roosevelt established the practice on a weekly basis). It is generally understood that he continues the weekly conference on the progress of his legislative programme with the Speaker (when of his party), the Vice-President, and the two Republican Floor Leaders. On particular measures, the Chairman (or Ranking Minority Member, as at present) of the relevant committees may be included. Occasionally, also, he invites the opposite-party leadership, when he wishes to cast the issue of passage of a particular measure in a non-partisan mould. This tactic is now, of course, more than ever essential, with the Democrats in control of both houses.

<sup>21</sup> Galloway, op. cit., Note 2, Ch. 17, reviews the current situation as to all types of staff aid in Congress. Cf. also, Kammerer, G.M., *The Staffing of the Committees of Congress; Congressional Committee Staffing Since 1946* (Frankfort, Kentucky, 1949, 1954).

Many of these conferences are noted in the press; most are not, nor is much revealed beyond the fact of the conference. Congressional members who attend rarely break the convention, even indirectly, that any announcement of the substance of the conversations should come from the White House. Their political utility would otherwise be completely dissipated. It is probable that they induce more actual co-operation, even through the compromise of differences, than any other device at the President's disposal.

*Congressional Liaison: (ii) The Agencies.* Several of the departments (e.g. State, Defense, Labour) have established major liaison units, some with a chief of the rank of Assistant Secretary. They perform the same role as their counterpart in the White House. Many departments have also established internal legislative-clearance units to insure overall policy co-ordination among the varied bureaus of a multi-functional agency. They facilitate the appearance of appropriate agency witnesses at committee hearings and provide information on Congressional actions to relevant departmental officers. One of the most effective of these agencies is the Legislative Service Section of the Department of Agriculture.<sup>22</sup>

Agency liaison develops at a lower level also. Most of the daily grist of mail and telephones in the office of every member of the House and Senate consists of requests from constituents for governmental aid, information, advice (many hundreds of such requests also come weekly to the relevant House). These requests are forwarded almost routinely to the relevant agency for reply—and a prompt reply is expected by the member. Many involve what may amount to a favor, for instance, as to the application of a particular rule to a particular case. The tradition is strong on the Hill not to seek special treatment for constituents but to insist on thorough administrative review of a case. Much of this kind of give-and-take goes on over the telephone and, if effectively handled in the agency, helps to increase its stockpile of Congressional goodwill.

The armed services generate many thousand special requests from constituents each month. Parents want their sons nearer home for training; trainees want permission to change jobs; etc., etc. To meet the overload of this kind of request from constituents to the Hill, at least two of the services (Army, Navy) maintain a permanent staff in one of the House Office buildings. They seek to expedite rapid clearance of members' requests—in and out.

Perhaps the most effective technique of agency liaison is completely informalized: off-the-record consultations between the top administrators (from Secretary to Bureau Chief) with committee chairmen and other key members. Here, personality plays a critical role on both sides. The nuances of when and how and about what to consult are insusceptible of rule-of-thumb classification. Long before a bill has taken shape—on either side—may be the most effective time for co-operative collaboration on its ultimate shape.<sup>23</sup>

*Congressional Liaison: (iii) Bureau Relations with the Hill.* Many informal relationships develop around the contacts resulting from the flow of constituents' request for aid of all kinds to their members in the House or Senate. Members and their staff assistants established working agreements to expedite

<sup>22</sup> Cf. Papp, C.R., "Executive Assistance in the Legislative Process", 66 *Public Administration Review* (1946) 10.

<sup>23</sup> Cf. comments on this point by Johnson, E. D., (Under Secretary of the Army) in U.S. Department of Agriculture Graduate School, op. cit., Note 20, 26 ff.

answers to these requests from the appropriate agencies. Particular individuals in the administrative agencies become channels of communication for one or another Congressman's or Senator's office. When a request comes in, it will be this individual in a given agency to whom the member or his staff will turn. If the relationship develops on a mutually satisfactory basis of confidence and effectiveness, generalized relations of that agency with the particular member concerned will assume greater cordiality, even intimacy. Since there are 435 Representatives and 96 Senators, the range of possibilities for broadening Congressional acceptance or, at least tolerance, of practically the whole range of Downtown administrative agencies is considerable. It is, indeed, widely recognized that a request from the Hill receives top priority in the day-to-day work (even to its redirection to get the answer fast). This aspect of informal relations is, as already indicated, especially close between some Congressional committees and their administrative-agency clientales. It is, in fact, at the bureau-committee level that long-term relations at times achieve an almost co-operative complexion. Here, the parties and the pressure groups sometimes aid the process of accommodation of outlook and objective between the two branches. The Hill and Downtown are in almost daily contact with the pressure groups, which seek to influence the viewpoints of legislator and administrator alike. The same is true only less often as to party spokesmen; they also act as liaison between the two.<sup>24</sup>

Within the bureaus, much attention is given to committee relations. Strategies and tactics are outlined with care around the personalities interests of individual members as well as around the committee's overall traditions and practices. The formal hearings on budget and other matters affecting the agency are, of course, the major focus of its attention. Here occur the public opportunities for putting its case, winning public support and Congressional approval. Much of the agency's fate as to appropriations depends on the effectiveness of its "presentations" at hearings. Its preparatory activities are, therefore, of vital importance to its success. These activities absorb much of its attention—not alone just before the hearings but the year around.<sup>25</sup>

*The Executive and Public Opinion.* A more generalized approach to winning Congressional assent to executive policies has been increasingly utilised by the President and, to a more limited degree, by top executive officials, Radio and later TV, opened new avenues of access to a national audience for presenting policies and programmes. The value of appealing to the voters over the heads of the legislature was first recognized by Alfred E. Smith. While confronted by a hostile legislature as Democratic Governor of New York in the early 1920's, he utilized the then embryonic radio to bring pressure via the voters at home on reluctant Republican state legislators. His success demonstrated the value of the technique of seeking popular (voter) support for executive proposals—even against legislative majorities in opposition to them.<sup>26</sup>

The President and, more occasionally, Cabinet members now hold periodic press conferences and special appearances on radio and TV. F. D.

<sup>24</sup> Cf. Truman, op. cit., Note 8, especially chs. 11-14. Cf. also Rovere, R. H., "Letter from Washington," *The New Yorker* (Aug. 31, 1957) 68 for a recent example of this collaboration regarding the 1957 civil-rights legislation.

<sup>25</sup> Bureau-committee relations are acutely analyzed by Freeman, J. L., *The Political Process* (Garden City, Doubleday, 1955).

<sup>26</sup> Even in the early 1900's, President Theodore Roosevelt, sensing the paucity of news in Monday papers, made press announcements on important issues on Sundays—thus assuring wider press coverage for his proposals.

Roosevelt's "fireside chats" are well known examples of using an appeal to national public opinion as a weapon in the legislative-executive "warfare". The character and form—and the success—of the appeal will vary with the personality of the user; the objective is nearly always the same.

*Congressional Pressures on the Executive: The Investigation.* Congress' armory of weapons in the legislative-executive "warfare" is less extensive than that of the executive. It exercises pressures, secures compromises, seeks to win at least partial support for its viewpoints, through counter-balancing activities in the areas of informal as well the formal relations already noted. Its access to national public opinion is less direct or effective than that of the President. Its influence is diffused over 531 members—or least, among its perhaps 35-40 leaders: the committee chairman and the party leaders of the House and Senate. Each chamber does, however, possess one high-calibre offensive weapon in dealing with the executive: the Congressional investigation.

It would be interesting to review the history of Congressional (and state legislative) investigations and their impact on policy and administration. Such a review would, however, be a study in itself. One or two points may be noted.

First, the investigatory power of a legislature of the American type is one of its most essential prerogatives. Its utility lies as much in the area of the legislature's role in checking on the actions of the executive as in that of formulating public policy. Congress and the state legislatures are jealous protectors of this prerogative. They are equally sensitive to its effectiveness in its indirect almost as much as its direct impact on executive conformity to the legislative will. The threat, always implicit, of an investigation may prove as certain a sanction of that will as its actuality, in inhibiting executive independence in the twilight zones of policy-interpretation and programme-administration. An investigation or a hearing may also, of course, be used to aid an agency by offering it a friendly public forum. The strategy of investigation or hearing may be positive; it is, however, more generally negative.

Second, Congress and the state legislatures have been reluctant to curb their untrammelled exercise of their investigating powers by delimiting their frontiers of inquiry very precisely or by establishing clear cut rules of procedure. The McCarthy episode was perhaps the unhappiest in 20th century Congressional investigatory experience. Its results went far beyond the Senate "censure" (itself a device very infrequently used by Congress to curb individual misbehaviour). Both before and since the episode, several committees in both houses established rules of procedure for conducting hearings and an unsuccessful effort was made to write appropriate procedures into the general rules of the House and Senate. The net effect of the episode was to create some self-imposed if unwritten rules of propriety for the conduct of investigations.<sup>27</sup>

One reason why it seems to prove difficult to limit the scope of or the "rules of the game" in investigations is the opportunity they offer the

<sup>27</sup> There is a very considerable literature on Congressional investigations; a number of law reviews devoted special issues to the problem (Cf. *Index to Legal Periodicals*, 1950). Cf. also Barthl A., *Government by Investigation* (N. Y., Viking, 1955); Dimork, M. E., *Congressional Investigating Committees* (Baltimore, Johns Hopkins, 1929); Eberling, E. J., *Congressional Investigations* (N. Y., Columbia, 1928); Galloway, op. cit., Note 2, ch. 24; McGeary, M. N., *The Development of Congressional Investigative Power* (N. Y., Columbia, 1940); Taylor, T. *Grand Inquest* (N. Y., Simon and Schuster, 1955); *Congressional Power of Investigation* (83rd Cong., 2nd Sess., Sen. Dec. 99).

ambitious legislator to make a national reputation. The mover of a motion for an investigation usually becomes the chairman of a subcommittee of a standing committee or of a special committee to conduct it. An important or controversial issue insures not only a crowded hearing room but a nationwide radio, perhaps TV, audience. The temptation of the limelight is strong; the exploitation of national publicity is not overlooked by many (but not all) members of both houses. Too rigid rules of procedure might reduce a hearing's news value to the point of its losing its audience appeal.<sup>28</sup>

Proposals for reform of the investigatory process in Congress usually turn to the British Royal Commission or Tribunal of Inquiry for models. Congress makes occasional use of the Commission and the results are generally above average in usefulness in obtaining information and developing legislative proposals. Congress also not infrequently requests administrative or private research agencies to report on broad policy and programme matters. The value of this type of executive or mixed legislative-executive body needs no elaboration as a technique for eliminating personal ambitions and partisan motivations from the process of investigation.<sup>29</sup>

#### INFORMAL RELATIONS IN THE STATES

Since the scope of state action is narrower than that of the federal government, legislative-executive relations do not cover as wide a range. Treaties are not a matter of state concern. Most of the other formal and informal relations operative in Washington do, however, emerge at the state level.

Within his domain of action, the governor is in some ways a more powerful executive leader and spokesman than the President in his. He is more the undisputed head of the state administration and speaks for it as comprehensively as does the President in Washington. In those states which have created a strong-governor structure (e. g. the executive budget, the item veto, few elective officials, post-session approval of bills), this trend is particularly evident. In other states, the balance of influence may lie more on the legislative side; the governor's will still, however, generally be the principal, if not the only, executive voice.

The governor's use of the weapons available to him—those available to the President—will vary (as in Washington) with his personality and inclinations. There are "strong" and "weak" governors, as there are Presidents. When, as already noted, the executive and legislative branches are in opposite political control, the governor must persuade rather than lead on policy and programme.

<sup>28</sup> One possible reason for the increase over the past decade in Congressional investigatory activity may be the cumulative tendency of the executive branch to withhold documentary information from Congressional scrutiny. Under the pretext of "security", both Presidents Truman and Eisenhower considerably enlarged the discretion of administrative agencies to "classify" their records and thus place them beyond the power of standing (and other) committees to review. A special Subcommittee (Moss, California, Chairman) of the House Committee on Government Operations established in 1955 has been examining executive policy in this area in some detail. Its *Hearings and Reports* are uniquely interesting examples of Congressional reactions to the growth of executive reticence in providing Congress with full information on its actions under laws passed by it. This area is, indeed, a nice example of how the nuances of legislative-executive relations interact.

<sup>29</sup> Cf. Galloway op. cit., Note 2, 429-34; Marcy, C., *Presidential Commissions* (N. Y., King's Crown, 1945). From Theodore Roosevelt on, practically every President has utilized the commission-of-inquiry device in areas of controversial or emerging public policies, often on their own initiative without Congressional authorization. Presidents have also participated in appointing joint commissions established by Congress; the first and second Hoover Commissions are recent outstanding examples.

On the legislative side, state legislatures use their investigatory powers to check or embarrass the executive—no less than in Washington. This attitude is, of course, aggravated by political partisanship, especially when one or both branches of the legislature are in the control of the party opposed to the Governor.

More impartial devices are found in the states as in Washington. Perhaps the best known is a commissioner (or commission) appointed by the governor to investigate the operation of any state or local law or administrative agency. This device, originating in New York in 1907 (N. Y. Executive Law, Sec. 8), is now found also in Idaho, Montana, New Jersey, and Wisconsin. It equips the governor with the initiative in non-political investigations of policy and its administration—and so can avoid charges of partisanship in the findings. Another device is that of the executive-initiated inquiry (often by an official or a citizen's committee) in areas of emerging public interest. More important, and more general, is the legislative-initiated joint commission of inquiry, with both legislative and executive representation in its membership. It provides a channel for developing policies and programmes through co-operative and non-partisan examination of the issues. New York has perhaps the longest experience of frequent resort to this device; it is utilized more sporadically in most states.<sup>30</sup>

This brief review of legislative-executive relations in the United States suggests their wide deviation from those implicit in the Parliamentary system. We may, therefore, turn to proposals for modifying existing American practice—to reduce the incidence of the "warfare" on the development of policy and programme.

#### FROM "WARFARE" TO COLLABORATION—?

Are the opportunities (one might almost say, incentives) for disagreement between the legislative and executive branches inherent in the Presidential system susceptible of mitigation? Can institutional arrangements or procedures be developed to induce more harmonious working relationships? Can, in short, channels of collaboration be created? These questions recur to thoughtful observers—within as well as outside the American government.

To the sponsors of the legislative Reorganization Act of 1946, for instance, this problem was one of their principal targets. Before and since, many political analysts on the Hill and Downtown as well as outside official circles have devoted their attention to its solution. What have been some of these proposals?

At least one American writer believes that legislative-executive disagreement is so "built in" that the most effective solution would be to scrap the Presidential and adopt the Parliamentary system.<sup>31</sup> Institutional forms and traditions are not so easily modified; however attractive the proposed change may be in theory, the viability of the Presidential system seems to survive its recurrent frustrations.<sup>32</sup>

<sup>30</sup> Cf. Bradley, P., "Interlocking Collaboration in Albany" 17 *Public Administration Review* (1957) 180.

<sup>31</sup> Hazlitt, H., *A New Constitution Now* (N. Y., McGraw-Hill, 1942). Cf. Wilson, W., *Congressional Government*, op. cit. note 17; Elliott, W. Y., *The Need for Constitutional Reform* (N. Y., McGraw-Hill, 1935) for modified suggestions in the same direction.

<sup>32</sup> Since 1913, Congress has been in control of the opposite political party from that of the President as follows: both houses—eight years; one house—two years (Wilson—1919-21; Hoover—1931-33 (House only); Truman—1957-49; Eisenhower—1955-59). The parallel situation in the states is noted above.



Several less drastic proposals appear from time to time on the floor of Congress and in the literature. One of the easiest of application is the provision of a Question Period, during which members of the Cabinet and other top administrative officials would appear before the houses. Here, they would be subjected to the same type of inquiry from members as that, for instance, in the Indian Parliament.<sup>35</sup> This proposal has undoubted merit; in bringing the administrator and the legislator face to face at a stated time and for a stated inquiry, more effective mutual understanding might develop. The right to speak but not to vote would have the further advantage of providing the whole house (rather than a single committee) a more comprehensive view of executive proposals and actions.

The proposal has never been implemented, although resolutions to establish a Question Period have been introduced occasionally in both houses at least since 1913. One reason for Congressional indifference may lie in the pretext, sometimes advanced, that its adoption would somehow dilute the separation-of-powers principle. A more persuasive reason is no doubt the feeling of most members that access to the executive's viewpoint is already sufficient, through standing-committee hearings or special investigations. The limited perspective of most committees, as contrasted with the more national outlook of the floor, already noted, suggests that a question period might prove useful in facilitating wider collaboration. Participation in floor debate is itself debatable—but not inherently objectionable.

A second and more far-reaching proposal is for the creation of Congressional-executive "advisory councils" to major departments or in crucial areas of public policy involving several agencies. These councils would create direct channels of communication between Downtown and the Hill. They would stimulate contacts on a continuous day-to-day basis, as contrasted with antagonist relations, "only softened by a quasi," too often the atmosphere of the formal committee bearing.<sup>31</sup> Here, again, the creation of new entities such as joint councils run counter to tradition and sentiment on the Hill. How to define the jurisdiction of these councils in relation to standing committees would provide almost endless opportunities for delaying tactics—which tradition-minded legislators would be quick to exploit.

The logic of the previous proposal would imply creation of an overall legislative-executive council, which would be representative of the broadest perspectives on the Hill and Downtown. It would include the party leadership (of the President's party) from both houses and members selected by him from the Cabinet and other top administrative posts. Thus it might become a forum for presenting and reconciling opposing viewpoints in Congress and in the administration in initiating and formulating policies and programmes.

The idea of creating such an overall council has been suggested by many, in and out of Congress. Although there are variations in their proposals as to composition and powers, all have shared the common objective of facilitating

<sup>32</sup> Galloway, op. cit., Note 2, 445 ff.; Kefauver, E., and Levin, J., *A Twentieth Century Congress* (N. Y., Duell, Sloan & Pearce, 1947).

<sup>31</sup> Cf. Galloway, op. cit., Note 2, 455 ff. Other suggestions for Congressional "visitors" to administrative agencies or for more general functional committees, have been made by Borchardt, K. in Joint Committee on the Organization of Congress, *Suggestions for Strengthening Congress* (Washington, Government Printing Office, 1946) 43 ff.; Lasswell, H. D., *National Security and Individual Freedom* (N. Y., McGraw-Hill, 1950) 106 ff.; Parks, W., *United States Administration of Its International Economic Affairs* (Baltimore, John Hopkins, 1951) 217 ff.

collaboration between the two branches.<sup>35</sup> Some of these proposals would add further refinements to the Presidential system, such as equipping the President with the power of dissolving Congress and calling for a new election. Others would make the terms of President, Senate, and House the same.

As can be readily seen, these proposals look toward strengthening party responsibility in Washington. Many American as well as foreign observers note its absence as a major cause of the recurrent "warfare". They believe that the warfare can be most effectively converted into collaboration by enhancing the identifiable positions and actions of the parties.<sup>36</sup>

It would be interesting to examine the nuances of this proposal. Some of its logical derivatives, such as the right of dissolution or equating terms in Congress and in the White House, would obviously require constitutional amendment. The fate of F. D. Roosevelt's effort to modify the structure (not at all the powers) of the Supreme Court suggests the extreme difficulty of persuading Americans to alter ("tamper with") their inherited institutional forms. This conservative outlook (in the sense of change by popular action) runs deep. It may explain in part the current trend in Washington and the states to elect "balanced" governments with divided party control of the two branches. If this is at all the case, then the chances of so substantial a change seem slight.

This is, of course, not the case with the more limited proposal of an overall legislative-executive council within the present framework. It would be feasible without constitutional amendment. That it might create an environment for more effective collaboration between the two branches is almost universally recognized. Why has such a council not been established?

Without exploring this question in detail, it may be noted again how deep the separation-of-powers concept runs in the American political tradition. Present institutional patterns are not only ancient (and so time-tested) they reflect structures and processes which serve the political interests of the protagonists—at least on the Hill. To modify them would mean the invention of new devices by which these protagonists could protect their vested interests in established channels of influence and control over policies and programmes.<sup>37</sup> It is probable, too, that many administrative agencies, especially in the "sub-system" of the functional bureaus below the top, are content with the existing arrangements.

Party responsibility, however tenuous at present in identifiable institutional forms, operates haltingly but more or less clearly—so far as the people

Among the more specific proponents of the idea are the Joint Committee on the Organization on Congress; cf. *Report* (79th Cong., 2nd Sess., Sen-Rept. 1011, 1946); Corwin, E. S., *The President: Office and Powers* (N. Y., New York Un., 1951, 3rd ed.) 361 ff.; Finletter, T. K., *Can Representative Government Do the Job?* (N. Y., Reynal & Hitchcock, 1945) ch. 5, 11-13; Hyneman, C. S., *Bureaucracy in a Democracy* (N. Y., Harper, 1950) 571 ff. Cf. Galloway op. cit., Note 2, 452 ff.

<sup>36</sup> Two reports of the American Political Science Association are particularly relevant: Galloway, G. and others, *The Reorganization of Congress* (Washington, Public Affairs, 1945); Committee on Political Parties, *Toward a More Responsible Two-Party System* (N. Y., Rinehart, 1950). This report stimulated a considerable literature and some attention in Congress; cf. Ranney, A., *The Doctrine of Responsible Party Government* (Urbana, Illinois, 1954).

<sup>37</sup> The development of party "policy committees" in both houses of Congress offers some co-ordination in legislative planning and scheduling. These committees, evolved gradually since about 1920, are now recognized institutional segments of Congressional organization. They are provided with staffs of their own and could thus become, although they have not done so completely, the foci of party responsibility (both majority and minority) for legislative action. The official party leadership, noted above, is more frequently consulted by the President. The Bureau of the Budget is a more effective legislative coordinating agency on the executive side.

are concerned. The voters do draw conclusions on party policies and programmes. They are not always clear on where responsibility for party action in these fields lies. The dilemma results as much because the parties are themselves very close to each other on major aspects of policy or programme as because the voters are indifferent to party politics. The apparent popular desire for balanced party control of the two branches may reflect the people's concern to hold both parties accountable for short-term rather than long-term objectives in policy and programme.

At the state level, an analogous development has occurred in the creation of Legislative Councils. Thirty-four states have adopted the idea since Kansas pioneered it in 1933.<sup>38</sup> Only a few councils include executive as well as legislative members. They do perform, however, useful research services—in varying degrees—for their legislatures. Bipartisan in composition, they provide a potential instrument for co-ordinating legislative programmes.<sup>39</sup>

The processes of legislative-executive relations in the United States are not as "neat" as those in a Parliamentary system. They operate, however, with sufficient identifiability to allow the people to exercise, a continuing, if not an instantaneous (as in Parliamentary government), impact on the two branches. This is, perhaps, an adequate guarantee of the viability of democratic processes under the Presidential system.

<sup>38</sup> Cf. Davey, H. W., "The Legislative Council Movement in the United States, 1933-1953," 47 *American Political Science Review* (1953) 785.

<sup>39</sup> Little formal development of programme-co-ordination has developed on the executive side of state government beyond the devices already noted. Cf., however, Gaus, J. M., "The Wisconsin Executive Council," 26, *American Political Science Review* (1932) 914. Cf. also Ransome, C. B. Jr., *The Office of Governor in the United States* (University, Alabama, 1956) chs. 7, 10; *Model State Constitution* (N. Y., National Municipal League, current ed.).

## UNITING FOR PEACE\*

By

S. NASIR ALI

*Muslim University, Aligarh*

The history of the world is replete with harrowing tales of bloody conflicts. They constitute the most thought-engaging pageant of human history. One would not be far wrong if he gets the impression that wars have been a normal feature of our civilisation. These conflicts seem to be inherent in the organisation of our society which has always been a conglomeration of religious groups, racial entities, linguistic units and territorial divisions.

Man has worked for peace because war has always been immanent. Rule of law and respect for human dignity which have become a characteristic feature of our civilised life have not permeated the international sphere. Attempts have continually been made to minimise the chances of war but it has presented itself too often as a ruthless reality. It has been considered as the most effective weapon for the redress of grievances arising between nations or groups of nations. Religious teachers, moral philosophers, social reformers, political thinkers and international jurists have denounced war as a symbol of barbarism, manifestation of our baser instincts, a sign of immaturity and a symptom of mental disease. Multipartite treaties have been concluded to give the interstate concord a sound basis and to renounce war as an instrument of national policy. Conventions have been adopted from time to time to popularise the methods of pacific and amicable settlement of disputes. Arrangements for collective security have been thoughtfully devised to prevent these spasmodic outbursts. World public opinion has been marshalled against impulsive behaviour and the preservation of the essential unity in mankind. States have readily agreed, at least in theory, that international anarchy leads to a degradation of the fundamental values and demoralisation of human conduct. Nevertheless these efforts have proved abortive. Wars have persisted and with the improved means of communication, and scientific inventions, have become more horrifying and destructive than before. Moral degradation of international behaviour has followed suit. The natural instinct of jealousy and suspicion, unsettled claims, disparity in socio-political ideologies, economic interests, imperialistic-ambitions and a false sense of national prestige have, in one way or the other, contributed to this persistently recurring disaster.

The two World Wars of this Century, however, proved beyond doubt that in the long run the worries and difficulties of the defeated become those of victors also. War is no longer the medium through which international issues can be decided. It invariably augments the difficulties and complicates the issues still further.

An analysis of the trends in the world politics during the last ten years will give us an idea, however, paradoxical it may appear, that nations seem to have consistently worked for peace and have still more persistently prepared for war. The devastations of the Second World War and the human misery that was its natural outcome shocked the conscience of the world. The

\*Paper read at the XX Indian Political Science Conference at Poona.



U.N. Charter was intended to initiate an era of peace and good will amongst the nations of the world. It was the declared intention of the participants of the Dumbarton Oaks Conference and the more representative San Francisco Conference to make the United Nations organisation a shock-absorber and a safety-valve against all possible threats to peace, and a bulwark against warlike designs and aggressive ambitions. A concerted effort was made to remove the organisational defects and eliminate operational anomalies which had undermined the prestige of the League of Nations and had reduced it to a mere sham. The nations were determined to save the succeeding generations from the scourge of war, which "twice in our life time has brought untold sorrow to mankind".<sup>1</sup> One of the main purposes of the U.N. Charter as set forth in the first article is "to maintain international peace and security, and to that end : to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".<sup>2</sup> The other purposes enumerated in respect of "friendly relations among nations", and "international co-operation in solving international problems of an economic social, cultural or humanitarian character" were virtually dependent upon the realisation of the first objective. International co-operation in various spheres could not be possible without a sustained effort on the part of member nations and international organs to create an atmosphere of mutual goodwill and trust. To further strengthen this motto, stress was laid on the condition that membership of the U.N. was open to "all peace-loving nations which accept the obligations contained in the present Charter".<sup>3</sup>

The primary responsibility for the maintenance of peace and security and the power to use force against the aggressor as an ultimate responsibility was given to the Security Council. It was intended to be a continuously functioning body consisting of eleven member-states; five of which were to be permanent and were mentioned in the Charter, i.e. China, France, Russia, Great Britain and United States. Six non-permanent members were to be elected by the General Assembly for a term of two years, and while electing them due regard was to be paid to their contribution to the maintenance of peace and security, to other purposes of the United Nations and to equitable geographical distribution (Article 23). Decisions on procedural matters were to be made by an affirmative vote of seven members and other matters were to be decided by a concurrent vote of seven members including the five permanent members. The requirement of Unanimity of five permanent members "is based on the assumption, which is unwarranted, that unity of view and action on the part of the great powers is indispensable condition of the proper functioning of the United Nations, that no permanent member can properly be expected to submit to decisions which it disapproves, and that the powers to prevent decisions of an otherwise unanimous security council will not be abused".<sup>4</sup>

The weakness inherent in the organisation of the Security Council and the doubts with regard to its equitable, effective and expeditious functioning were reflected in the resolutions adopted by the General Assembly in December, 1946 and 1947. The resolution of December, 1946 requested the

permanent members of the Security Council to ensure that the use of their voting privilege shall not impede the Security Council in reaching decisions promptly. It also recommended to the Security Council the adoption of practices and procedures calculated to reduce the differences in the application of Article 27 with a view to ensuring the effective exercise by the Security Council of its functions.<sup>5</sup> The proposal adopted by the General Assembly in 1947, to set up an interim Committee functioning during the period between the regular session of the General Assembly constitutes another effort to circumvent the effects of veto.<sup>6</sup> The very fact that successful and effective implementation of the objectives of U.N. Charter in respect of ensuring peace and security was doubtful from the very inception of the Security Council called for an amendment of U.N. Charter. The principle of U.N. Charter with regard to unanimity could not be remedied except by express amendment but within the scope of that principle the U.N. General Assembly could make recommendations in respect of disputes with regard to which the Security Council is exercising the functions assigned to it. This may happen in cases in which the Security Council though formally seized of a dispute, does not in fact exercise any function thereto (Article 12).

The Korean conflict 1950-53 was a test case for the Security Council's effectiveness. The Northern Korean armies crossed into South Korea in July, 1950. Russia was absent from the Security Council and the Nationalist Government of China, to whose credentials Russia objected, was its active member. Hence the subsequent Security Council resolution finding that a breach of peace had been committed, recommending assistance to the South Korean authorities and constituting the U. N. command under the U. S. direction were without Russia's concurrence. Russia challenged the validity of the resolution on the ground that any such decision required her concurrence under the veto provision of U. N. Charter and also the concurrence of the Government of People's Republic of China which was the real successor of the Pre-revolutionary China. In reply to Russia's contention it was maintained that her absence had necessarily to be disregarded in the same way as, in practice abstention from voting and that Chinese nationalist government rightly represented China (a legal monstrosity completely divorced from reality). U. N. intervention in Korean hostilities made possible only by an unusual concurrence of circumstances, a situation favouring the non-exercise of veto, the presence of American troops in Japan, the presence of Assembly's Commission in Korea and the possibility of appointing an American staff in command of the U.N. Forces. "It is, therefore, fair to say that although the Korean conflict revealed the potentialities of international armed action to maintain peace, it under-scored in that connection the deficiency of the Security Council machinery".<sup>7</sup>

#### UNITED ACTION FOR PEACE

The inadequacy of the U. N. Charter with regard to the composition and working gave rise to genuine apprehensions in the minds of member nations that decisions would be indefinitely delayed or dead-locked on account of intransigence of any of the big powers. It was to remedy this defect that "the even power resolution" was moved in the fifth session of the General Assembly on the request of United States Delegation. It was designed to eliminate the element of chance and to remedy certain organisational and

<sup>1</sup> Preamble of the Charter of United Nations.

<sup>2</sup> Article I section 1 of the United Nations Charter.

<sup>3</sup> Article IV Section II of the United Nations Charter.

<sup>4</sup> Lauterpacht: *Oppenheim's International Law*, p. 433, Vol. 1.

<sup>5</sup> Year Book of U.N. 1946.

<sup>6</sup> Year Book of United Nations, 1947.

<sup>7</sup> Stark: *An Introduction to International Law*.

procedural deficiencies of the U. N. "The principle of the U. N. Charter could not be remedied except by express amendment but within the scope of that principle the General Assembly resolution was a step in the right direction of freeing the U. N. from the shackles of impotence resulting from the requirement of unanimity of the permanent members of the Security Council in matters pertaining to the maintenance of international peace and security".<sup>8</sup>

As referred to above the item "United Action for Peace" was included in the Agenda of the fifth session of General Assembly. There were several other resolutions on the anvil of the committee. It was considered by the Assembly's First committee from 9th to 21st October, 1950. The Committee had on its agenda five draft resolutions, one submitted jointly by Canada, France, Philippines, Turkey, the United Kingdom, the United States and Uruguay; two submitted by U. S. S. R. and one submitted jointly by Iraq and Syria. The joint seven power draft resolution and the U. S. S. R. draft resolution formed the basis of the general discussion in the Committee. The Iraqi-Syrian resolution was considered separately. The General Assembly reaffirmed its faith in the two stated objectives of the United Nations namely to maintain international peace and security, and to develop friendly relations among nations based on respect for the principle of equal rights and self determination of peoples. It also expressed its fear that "international tension existed on a dangerous scale". It unequivocally admitted the failure of the Security Council to discharge its responsibilities, and re-asserted its right to take whatever steps it deemed fit to discharge its responsibility in the event of a dead-lock in the Security Council. It was given the title "Uniting for Peace" because it was intended to give the General Assembly the power to act unitedly in times of crisis. The resolution read as follows:

"If the Security Council because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be threat of the peace, breach of the peace or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendation to members for collective measures, including in the case of breach of peace or act of aggression, the use of armed force when necessary to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty four hours of the request therefor. Such emergency special session shall be called if required by the Security Council on the vote of any seven members or by a majority of members of the United Nations".<sup>9</sup>

A Peace Observation Commission was also established to observe and report on the situation in any area where there existed international tension, the continuance of which was likely to endanger the maintenance of peace or security. It also established a Collective Measures Committee to study and report to the Security Council and General Assembly on methods which might be used to maintain and strengthen international peace in accordance with the purposes and principles of U.N. Charter.

The resolution though adopted by a majority of votes and made the basis of U.N. action in Korean and Egyptian crises left doubts in the minds of the Soviet block as to its fair and just application at all the subsequent occasions. The representatives of the Bylorussia, Ukraine, Czechoslovakia, Poland and U.S.S.R. characterised it as "illegal, harmful

and full of danger to the peace of nations".<sup>10</sup> The charge of illegality, however, could not be sustained because Article 12 of the U.N. Charter restricting the role of the General Assembly when the Security Council is seized of the problem does not deprive it of the power to take steps when sufficient evidence exists as to its ineffectiveness. "The words while the Security Council is exercising the functions may be interpreted to mean while a dispute or situation is still on the agenda of the Council. But it may also be interpreted to mean: while the Security Council is actually exercising its function so that when the Council because of the exercise of the Veto right is reduced to inaction it should not be considered as exercising its function".<sup>11</sup>

#### MILITARY PACTS AND REGIONAL ALLIANCES

It is usually believed that another way of ensuring peace is the evergrowing number of regional organisations and military pacts. They are in themselves the proof of our lack of faith in the effectiveness and justice of the United Nations Organisation. For the most of them the major objective has been peace and security, but the means employed have varied and often conflicted. It is significant that despite a universal international organisation, there is a net-work of regional military alliances to which 58 out of the 82 members of the U.N. belong. It is hard to reconcile multi-partite military pacts with an urge for peace. What is more significant is the fact that these military groups have been transformed into systematic, permanently functioning, regional treaty organisations. The regional groups outside the United Nations tend to further undermine the prestige and operative value of the U.N. They reflect a tendency on the part of big powers to tighten their grip over the smaller powers. These regional pacts, with an assurance of mutual military aid in case of attack from any quarter outside their network, widen the area of tensions instead of narrowing it. They, besides serving as a perennial source of raw material for the bigger ones, (and thus help building up their war potential) serve as markets for their finished product and also provide air bases and strategic 'jumping grounds' for their military operations. But unfortunately for these alliances the advent of powerful inter-continental missiles and rocket propelled sputniks have rendered them somewhat anachronistic. "Just as the development of nuclear weapons ushered in a new era in warfare twelve years ago, we can grasp the fact that when nations can produce inter-continental ballistic missiles in quantity yet another era will begin. That we are on the point of entering that era is the sobering conclusion to be drawn from the Soviet announcement".<sup>12</sup> The very strategy of war has undergone a radical change, and distances and natural or physical defence lines or barriers have become immaterial.

#### DISARMAMENT

Article 26 of the U.N. Charter contemplated a system for the regulation of armaments. After eleven years of abortive attempts at disarmament there appear some signs of positive progress in this direction. Optimists feel that the stalemate has come to an end and there is some hope for a limited agreeable acceptable to great powers. This year efforts have been mainly directed towards achieving the 'first step' in place of comprehensive schemes

<sup>8</sup> Lauterpacht: *Oppenheim's International Law*, Volume II, page 76.

<sup>9</sup> Year Book of the United Nations, p. 194, 1950.

<sup>10</sup> Year Book of the United Nations, 1950 p. 191.

<sup>11</sup> Kelsen; *The Law of the United Nations*, pp. 216-17.

<sup>12</sup> John C. Dufrenbaker, Prime Minister of Canada—Statement, of August 27, 1957.

of disarmament tried so far. The meetings of Disarmament Commissions between Third and Sixteenth July, 1956 resulted in partial agreements on levels of armed forces and phasing but on questions of inspection systems, limitation of nuclear testing and the nuclear arms reduction there is still great divergence of views. On 12th July 1956, the Soviet Union accepted the force levels proposed by the Western powers on 3rd April 1956 as the first phase of armament reduction.<sup>13</sup> On the inspection issue the U.S.S.R. continued to support the Bulganin plan of ground posts at strategic centres; the United States continued to urge acceptance of the Eisenhower "open Skies" proposal for aerial inspection and exchange of military blue prints. The necessity of obtaining a limited first step agreement that could be implemented in the near future and necessity of limiting or banning of testing the nuclear weapons were the main themes in the First Committee early this year. U.S.S.R. offered to reduce its armed forces of both in East and West Europe with aerial inspection as a means of verifying compliance in return for dismantling of the overseas base system of the U.S.A. The inspection system would provide against surprise attacks and thus reduce the danger of a major war. The U.S.A. also offered to bring testing of outer space missiles and satellites under international inspection and participation as a first step towards ensuring that "future development in outer space would be devoted exclusively to peaceful and scientific purposes". This proposal was promptly rejected by the U.S.S.R. The two powers were furthest apart on the question of nuclear disarmament. The U.S.S.R. proposed complete prohibition of atomic and nuclear weapons including cessation of production and destruction of existing stockpiles. The West considers the destruction of stockpiles impracticable basis of agreement because of the technical impossibility of detecting hidden stockpiles of atomic weapons. The Soviet Union also proposed the cessation of weapon tests as first step towards nuclear disarmament but the West again pointed out the impracticability of detecting small atomic explosions at mountains or under the water. In place of an immediate ban on nuclear testing the United States urged an agreement "under which at an early date, under effective international inspection all future production of fissionable materials shall be used or stockpiled exclusively for non-weapon purposes under international supervision. If this pre-condition were met U.S.A. saw the possibility of a limitation and ultimately banning test explosions. These proposals are still being discussed and no solution is in sight. The main reason for an indefinite postponement of decision on this issue is the lack of faith in each others motives. Fresh complications undo the efforts of the various agencies and the big powers are reluctant to part with the balancing power that they possess. Mere talks of disarmament do not seem to carry us any where. The question then arises as to why governments continue to discuss disarmament if in their heart of hearts they do not want to arrive at any solution. It is perhaps because the governments are responsive to public opinion and public opinion is definitely opposed to war. They continually promulgate plans which they know will be rejected by the other party on some ground and this rejection will give the proposer a moral or a propaganda victory.

The foregoing survey gives us an idea of how attempts have been made from time to time by the United Nations organisation collectively and by various nations individually to seek peace and secure it but there appears to be something fundamentally wrong with these institutions or their working

<sup>13</sup> The numbers agreed upon were 2,500,000 men each for China, U.S.S.R. and U.S.A. and 750,000 men each for France and U.K. The proposal of U.S.S.R. to a limit of 200,000 men for other states was rejected by Western Powers.

which is responsible for making efforts abortive. It is difficult to find out the main causes which lie at the root of the continuous discord amongst nations. The reasons are mainly historical. The smouldering embers left by the First World War were subsequently fanned into flames by a spirit of aggrandisement and vindictiveness. The Second World War was in the nature of settling of accounts left over by the First World War. The United Nations organisation was founded to rule out the possibility of a third conflagration. But in its very fabric were woven those threads of discord and suspicion which have forced the bigger powers to indulge in a race of armament. The expanding war potential of the leading nations of the world, the diversion of intellectual and physical resources of the big powers for scoring a position of primacy over others, and the investment of major assets of the country in the creation of destructive weapons is sufficient indication of the impending danger.

#### AN INTERNATIONAL FORCE

Another method suggested for ensuring world peace is the creation and maintenance of a United Nations force. Mr. Auriol, former President of France, speaking at the open session of the World Veterans Federation on 28th October, 1957 advocated the creation of an international army and compulsory and automatic settlement of border and other disputes. Prominent British Politicians, service chiefs and churchmen supported this call for a permanent U. N. force. These proposals, published by the Federal Union (an organisation advocating world government) envisaged an initial force of 20,000 men like the present U. N. Emergency Force with the main aim of positioning itself between opposing national armies and garrisoning areas of potential conflict. The proposals also envisaged this force growing into a medium force strong enough to take part in military operations. This would enable the U. N. to be "the effective policemen of the world". The statement further said that if the force had been available before the Israeli offensive last year it might have prevented the outbreak of hostilities. Similar situation are bound to arise in future in the Middle East or elsewhere and only a permanent force can act quickly enough to keep the peace.\*

These suggestions prima facie appear to be very sound but there are a number of practical difficulties in the actual implementation of these proposals. The first difficulty is with regard to the size of the force. If the size and strength of the force is less than those of any of the big powers it will fail to serve any purpose. If it is greater, who will finance it. The expenses involved in the creation and maintenance of this force will be colossal. The scientific and technical personnel needed for the upkeep of this force will not be easily available. The second difficulty would be in respect of choosing a site for stationing these forces. The third difficulty would be with regard to the determination of the occasion on which the use of such force is imperative. This will again raise many political controversies. The fourth difficulty is that nations have not prepared themselves mentally to part with their national sovereignty and are not going to take the risk of placing such a potential force at the disposal of the U. N. organisation, capable of being used against their own interests. The use of force in the Korean crisis has already raised so many controversies, since in essence it was alleged to be a U. S. force functioning under the flag of the United Nations. The U. N. E. F. in Egypt was not intended to be an instrument of enforcing a settlement but

\*Reported in Statesman of October 29 and 30, 1957.

to assist in establishing conditions in the area which would be of benefit to both the parties concerned and advantageous to peace and security.

It can be said with sufficient justification that neither the "United Action for Peace" Resolution of 1950, nor any block manoeuvring, nor the talk of disarmament, nor the U. N. E. F. can ease the world tensions. They serve only as palliatives. These tensions which result into a permanent atmosphere of Cold War have their origins somewhere else. Unless the outstanding disputes between nations are resolved amicably and a deadline fixed, these sources of disruption will continue to exist. All talk of co-existence, the endorsement of Panchshila, policy of non-alignment and neutrality will lead us nowhere if we do not take a united decision in respect of some basic issues in our international dealings. Firstly, one source of tension is colonialism. The days of colonialism are over but some countries still cherish this legacy of the past, and prefer to fight a losing battle instead of facing facts squarely and gracefully. The Psychosis cannot abate unless the danger spots of the world are not amicably but effectively eliminated and the pending problems are not expeditiously solved. In the interest of universal harmony and world peace the problems of Algeria, Cyprus, West Irian, Suez Canal, Kashmir, Goa, Palestine, Hungary and Formosa may be settled through the International Court of Justice or some other adjudicating authority created for that purpose. The nations concerned should agree to abide by the decision of such an authority even if it goes against their interest. Discussions in the General Assembly are usually actuated by ulterior political motives and decisions are taken as a result of political lobbying, block manoeuvring and log-rolling processes, and the frequent allegation that Assembly follows a double standard of morality has some element of truth in it. Such decisions instead of solving the problem aggravate them.

The second important factor which is at the root of continued friction amongst nations is the existence of aggressive ideologies. So long as the phobia of "capitalist encirclement on the one hand and the 'menace of world Communism' on the other persists the slogan of peaceful co-existence is nothing more than international hypocrisy, and possesses only a propaganda value. The fear of economic imperialism on the one side and that of ideological imperialism on the other is the most effective plea for armament race. The smaller nations are made pawns in this game of power politics. This perpetuates tensions and the so called benevolent attitudes based on policy of enlightened self-interest is paraded to cover up the real intentions of the parties.

In the third place military pacts and regional alliances based on mutual fear or as a means of settling accounts with other blocks is necessarily opposed to the idea of World peace. "Perhaps the strongest indictment of regionalism is its alleged incompatibility with universal legal obligations and global techniques for the solution of problems which are world wide rather than regional in nature—in short, incompatibility with United Nations. The more alliances develop into permanent centres for coalition diplomacy against other alliances and the more they acquire permanent organisations outside the U. N. the stronger the inconsistency is said to become."<sup>14</sup> Big powers become the kingpins of these interlocking regional alliances and thereby widen the area of tensions. It is, therefore, essential for the creation of an atmosphere of peace that the U. N. Charter be amended so as to ban military alliances and pacts.

Fourthly, the world public opinion is sufficiently ripe to welcome the idea of total renunciation of war or military action as a method of settling international disputes. There is no gainsaying the fact that a third World War would throw civilisation centuries back. Will it therefore not be a constructive step to out-law war altogether? Disarmament will become easier if the opportunity to use arms becomes extinct. The annual exercises on disarmament cannot be said to advance the matter very far except keeping the subject before the public. The Assembly serves as a useful forum in which to push the great powers towards more and more serious consideration of limiting nuclear tests but it cannot take any effective measures. Some think that world peace can be secured only through a 'balance of power'. But an attempt to balance power necessarily leads to increased armament on the part of all. Such an arms race is by its very nature fraught with dangerous consequences. History indicates that wars occur at the climax of an unrestrained arms race or in a situation of unilateral weakness. The world is, therefore, faced with a dilemma. There is a world-wide condemnation of war and there is an unprecedented preparation for war. Proposals and counter-proposals are being placed before the relevant international forums but never is compromise reached. A never ending talk about plans of disarmament still continues and proposals such as "phased disarmament", international control of atomic weapons, destruction of stock-piles inspection facilities and exchange of blue prints, are very day chiselled and re-chiselled. Appeals from shuddering humanity are pouring in for stopping nuclear tests and hot-headed pursuit of arms production. The only remedy is to agree unanimously that war will never be resorted to as an instrument of national policy. This will make disarmament easier. This may sound utopian but this is the only way to save humanity from total annihilation. This will also help diverting the total resources of the nations to production for peaceful purposes, and will herald the dawn of a new era both in the national as well as the international spheres. It is, therefore, of the essence of any united action for peace that agreement on some basic issues should precede all talk of disarmament. These most important basic issues, as pointed out above, are those of lingering colonialism, militant and aggressive ideologies and military alliances. Unless an understanding is reached with regard to these running cancers in our civilization, all efforts at peaceful-co-existence, eradication of violence from international sphere and a better and peaceful world will be useless and life will remain as before "poor nasty, brutish and short".

<sup>14</sup> Ernest B. Hass: *Regionalism, Functionalism and Universal International Organisation*: (World Politics), January, 1956 p. 238-63.

## UNITED NATIONS AND WORLD PEACE INDIA'S CONTRIBUTION\*

By

R. N. MATHUR

*S. G. T. B. Khalsa College, Delhi*

The United Nations, in accordance with the provisions of the present charter, has two functions : first, it is a forum for international discussions and secondly, it is an instrument of collective security and international peace. The latter function is more significant than the former, although the importance of international exchange of views cannot be under-estimated. Unfortunately the United Nations has not lived up to the intentions and objectives enshrined in the charter and has not succeeded in performing its function of maintenance of peace and security effectively. When the charter was drafted, it was assumed that the five sponsoring powers would continue to co-operate in concluding peace treaties and in establishing the basis of an enduring peace. But this expectation did not materialize. Even before the cessation of hostilities, disagreement and conflict developed between the two major powers U. S. A. and U. S. S. R. which has been considerably widened now. The United Nations—the last hope of the world to bridge the gulf between the East and the West—has become an arena of power politics. The world has become bipolarized, namely the Anglo-American bloc and the Russian Bloc. The U. S. A. has been trying to bring into its sphere of influence the entire non-Communist world by means of political and military alliances—NATO, SEATO, MEADO—and defence Pacts with Spain, Pakistan, Philippines, Formosa etc. The Russians on the other hand are busy extending their sphere of influence by subtler methods of communist infiltration and by concluding mutual defence Pacts between Syria, Egypt, Saudi Arabia and Yemen.

In the United Nations every problem is judged by the world powers and their satellites not on its merits but in the context of world strategy. The world is gripped with suspicion and hatred and with the increased race of armaments including dangerous weapons like Atomic and Hydrogen Bombs, intercontinental ballistic missiles and rockets, the people of the world are haunted by the fear of total extinction in the case of a major showdown. In the midst of the mounting walls of suspicion and ill-will India alone stands out as a beacon-light of peace exercising its moral influence and emphasizing the practical need of peaceful co-existence. It is proposed here to assess briefly India's role in the United Nations in the field of maintenance of peace and security.

### INDIA'S FOREIGN POLICY OBJECTIVES AND THE UNITED NATIONS

Among the main objectives of India's foreign policy is the pursuit of peace. India advocates the establishment of peace on moral grounds. She thinks that War is morally unjustifiable and can solve no problem. India's greatest teachers Buddha, Nanak and Gandhi have preached the doctrine of love and peace. Apart from moral considerations India desires enduring

peace in her own self-interest, for such peace is absolutely necessary for the successful implementation of her Five Year Plan for raising the living standards of life for her teeming millions. India therefore has always endeavoured to support policies and measures in the United Nations which will promote peace in the world.

India believes that the area of peace can be extended by the pursuit of an independent foreign policy. India has refused to align itself with one power bloc or the other because that, instead of lessening tension, would aggravate the danger of war. She would rather serve the cause of peace by performing conciliatory functions between the hostile camps and by emphasizing the role of the United Nations in the field of pacific settlement of disputes. As Pandit Nehru in a speech delivered in New York said, "The very process of a marshalling of the world into two hostile camps precipitates the conflict which it is sought to avoid. It produces a sense of terrible fear and that fear darkens men's minds and leads them into wrong courses. There is perhaps nothing so bad and so dangerous in life as fear. . . . . Our problem, therefore, becomes one of lessening and ultimately putting an end to this fear. That will not happen if all the world takes sides and talks of war. War becomes almost certain then"<sup>1</sup>

India's foreign policy is not to be confused with neutrality. An independent foreign policy only means that India refuses to commit herself in advance to either bloc by means of a pact or otherwise to surrender her freedom to judge each issue as it arrives in its merits. As explained by Pandit Nehru "When freedom is menaced, justice threatened or where aggression takes place, we cannot be and shall not be neutral"<sup>2</sup>

India's independent policy followed in the pursuit of peace was explained explicitly by Shrimati Vijay Lakshmi Pandit at the 1947 session in the United Nations. Speaking in the General Debate she said "We shall offer our support to, or withhold it from the proposals that come before the members solely in the light of our judgment of the merits of the case in question. We stand for peace, and will devote our resources and energy towards the abolition of all causes which lead to war. To those nations, which work with this end, we shall gladly offer our full co-operation. . . . ."

### PRINCIPLES OF THE CHARTER

India has an abiding faith in the principles of the U. N. Charter and wants to observe the spirit and the letter of the Charter faithfully, not only when it is convenient to it, but at all times and in relation to all problems and difficulties. As explained by Shrimati Vijay Lakshmi Pandit in the same session "We are indeed more firmly convinced than ever before that the only way to save a catastrophe, the only road to peace, freedom and well-being for us all, is through our steadfast and whole-hearted co-operation at whatever inconvenience within the frame work of the United Nations and in the spirit of the Charter".

India believes that the edifice of a lasting peace can only be built by elimination of colonialism, racial discrimination and want and poverty. India has therefore championed the rights of dependent people in International Conferences. In the U. N. General Assembly on November, 1948, Prime Minister Nehru said, "It was an astonishing thing that any country could still venture to cling to that doctrine of colonialism, whether by direct

\* Paper read at the XXth Indian Political Science Conference at Poona.

<sup>1</sup> Jawahar Lal Nehru (Visit to America) p. 31.

<sup>2</sup> Ibid p. 31.

or indirect rule. After all that has happened, there is going to be no mere objection to that, but active objection, an active struggle against any and every form of colonialism in any part of the world.<sup>3</sup>

India fought for the freedom of Indonesia and championed the cause in the United Nations of dependent countries like Libya, Tunisia, Morocco, and others. India is focussing the attention of the world to the policy of racial discrimination followed by the Union of South Africa. India has demanded full control of the United Nations in supervising the administration of trust territories according to the letter and spirit of the Charter. India has also demanded that in the administration of non-self governing territories the colonial powers should be answerable to the United Nations in the same way as the trustee powers are in regard to trust territories. India has also struggled that under-developed countries be assisted through International Agencies and not on bilateral basis, because the assistance offered by a big power to a backward country may lead to domination by the former over the latter.

#### REGIONAL PACTS

India has expressed its opposition to regional security arrangements which are permitted under Art. 51. The establishment of such organizations for collective self-defence, according to India, leads only to the consolidation of power blocs and increases world tension. Such defence organisation established by one power bloc will lead to the establishment of another organisation by the rival power bloc resulting in bipolarization of the world. It is well known that SEATO and BAGHDAD Pact have brought cold war in the Middle East and Kashmir. Members of the defensive organizations become biased and tend to think of most problems in terms of world strategy and not on their merits. This is particularly so in the discussion of the Kashmir question where the Council has completely ignored the issue of aggression by Pakistan and is considering extraneous matters.

India has made repeated efforts to reduce tension and to solve the much vexed question of the control of Atomic and nuclear energy and disarmament. India has insisted time and again on complete cessation of tests of nuclear and thermo-nuclear weapons because of their dangerous radiation effects. Such action would also open the way of lowering world tensions and facilitate progress towards further agreements on the control of armaments. India is keenly interested in the use of atomic energy for peaceful purposes and therefore would not favour its unconditional control by an outside agency. On the question of general regulation and reduction of armaments India wants an agreement to be concluded between the United States and the Soviet Union.

India played significant role in the United Nations in halting aggression of North Korea on South Korea and Anglo-French aggression in Egypt. [When North Korea attacked South Korea India lost no time in joining democratic nations in condemning North Korea as an aggressor, but she stopped there and did not get involved in cold war. Before the United Nations authorized General McArthur to cross the 38th Parallel India advised him not to do so as it would involve conflict with Red China.] India also used her good offices in reducing tension and securing armistice in Korea and Indo-China and in securing withdrawal of Anglo-French forces from Egypt over the Suez Canal question.

<sup>3</sup> General Assembly Official Records, 3rd Session.

#### INDIA'S ATTITUDE TO ORGANIZATIONAL AND STRUCTURAL QUESTIONS IN THE UNITED NATIONS

India feels that in the United Nations Asian countries have not been adequately represented. The Indian view is that membership of the United Nations must be as universal as possible subject to strict adherence to the qualification for membership laid down in the Charter. India is opposed to imposition of restraint on admission of new members, solely on political considerations because such restriction was affecting the effectiveness of the organisation and preventing it from functioning as a world organization representative of all sections of the world. India exercised her moral influence on the power blocs not to refuse admission to new members and as a result of her persuasion 19 new members were admitted to the organization increasing the total membership to 82. The United States still continues to oppose the seating of the representative of the Chinese Communist regime, in spite of appeals from India and other world powers. India's recognition of Red China as early as December, 1949 was an act of statesmanship. India does not think that everything is black in the Communist camp and white in the Western Camp. India is convinced that the new regime of China has proved itself more competent to tackle its economic affairs as compared to the corrupt old regime and that it should be accorded recognition by all States in the world and should be given a seat in the United Nations Security Council, at present allocated to the Chinese representative from Formosa.

India's attitude to the Veto is different from that of other countries. India takes the view that the Veto, though an anachronism in a democratic Assembly is essentially a reflection of the realities of the International situation. The Veto is a reflection of the tension prevailing in the International sphere. If this tension is reduced, the exercise of the Veto will be automatically reduced. What was needed was not to restrict the area of the Veto but to regulate its use which was to be decided by the Big Powers themselves. India is also of the view that there is no need for revision of the Charter. Many of the difficulties of the United Nations arise not so much from structural defects as from the atmosphere in which it is functioning. In the absence of good will and understanding among the members structural changes in the U. N. Constitution will be of no avail.

#### INDIA AND PANCH SHILA

India has given effect to its policy objectives by the profession and practice of the doctrine of five principles of peaceful co-existence known as "Panch Shila" which governs India's foreign policy. These principles are :—

1. Mutual respect for each other's territorial integrity
2. Non-aggression
3. Non-interference in each others' internal affairs
4. Equality and mutual benefit, and
5. Peaceful co-existence.

These principles are not new; some of them are derived from the Buddhist scriptures and are a part of the cultural heritage of India. They also confirm to the United Nations Charter. They were first enunciated in the



agreement entered into between the Republic of India and the Peoples' Republic of China on 29th April, 1954. These principles were adopted at the Bandung Conference which were attended by Afro-Asian Nations. Countries which have pledged to abide by these principles include the Peoples' Republic of China, Indonesia, Burma, Nepal, Laos, Cambodia, Afghanistan, the Democratic Republic of Vietnam, Saudi Arabia, Yugoslavia, Liberia, Poland and the U. S. S. R. The propagation of these ideals of peaceful co-existence has helped in easing world tension and has added a third to the two existing blocs—the uncommitted world which has refused to be drawn into the cold war and which has stood out boldly for its independence inspite of great pressure from the power blocs. Three countries stand out clearly following a policy of peace and non-alignment with the two power blocs—Yugoslavia, Egypt and India—which are giving a lead to other small nations in the path of peace.

From the above short review it would appear that India has played a mighty role in promoting peace and easing world tensions. In the words of the Prime Minister of India in his address at the Columbia University on 17th October, 1949 the main objectives of India's policy is 'pursuit of peace, not through alignment with any major power or group of powers, but through independent approach to each controversial or disputed issue; the liberation of subject peoples; maintenance of freedom both national and individual; the elimination of racial discrimination; and the elimination of want, disease, and ignorance which afflict the greater part of the world'.

Though conscious of the defects of the U. N. India has not wavered in her faith in the principles of the Charter. It is true that the organisation is dominated by Power Politics and that it has failed effectively to establish peace and security in the world. India, however, realizes that the U. N. is the only hope of the future and provides a forum where there can be interchange of views among different nations leading to mutual understanding and goodwill. India may be misunderstood and criticised by the major powers but it is appreciated and respected by the oppressed nations who look upto her for guidance and support in their sore hour of need.

## THE VETO PROBLEM IN THE U.N.\*

By

SUSHIL CHANDRA SINGH

Saugar University

*The Use of the Veto.* The insertion of veto provision in the Charter was bad but its frequent use in the Security Council votings has been still worse. The voting procedures in the Security Council and General Assembly are "far more liberal" under the Charter and "a considerable advance" over the League Covenant but voting in the League organs never created a problem. The League organs failed to achieve satisfactory results but the voting procedure was not to be blamed for all that. On the other hand, the faulty voting arrangement in the Security Council has become a headache for the sincere well-wishers of the U.N. "No article of the Charter has in practice aroused greater controversy than Article 27".<sup>1</sup> No problem in the United Nations "has gained as widespread public attention as the voting arrangement in the Security Council, popularly referred to as the veto".<sup>2</sup> "Nothing has done more to lessen public confidence in the United Nations than the frequent use, or abuse, of the veto in the Security Council".<sup>3</sup> The wranglings over the veto have delayed the making of the peace treaties and held up the reconstruction of war-devastated parts of the world.<sup>4</sup> The Big Five contemplated the veto provision to be a guarantee of Council effectiveness but in practice it has paralyzed the working of the Council. "...its frequent use has tied the hands of the Security Council in many crucial matters...."<sup>5</sup>

Soon after the Charter began to take shape it became apparent that the U.S.S.R. was not going to follow the spirit of the Charter. Shelter was taken behind the veto power given to a permanent member. "In the actual operation of the Security Council, the veto became almost entirely an issue between the Soviet Union and the other permanent members."<sup>6</sup> By January 1951 more than forty clear cases were torpedoed on account of the negative vote of one permanent member. The only veto used by a member other than the Soviet Union was by France in August 1947 when she opposed the establishment of a commission to study the Indonesian question. As it seemed that "the antics of the Soviet Union were likely to make a nonsense of the Security Council," it was considered wise to get the Balkan and Korean Commissions set up by the General Assembly. For this very reason the question of Palestine was referred to the General Assembly. Such steps are "wholly to be welcomed." It has become now quite clear that Soviet Russia is badly after utilizing the veto at every point. "In practice, this power of veto has been grossly abused.... So far as I can recall, veto was only used twice during the 20 years of the League's existence, whereas it has been used between forty or fifty times during the four and a half years' existence of

\* Paper read at the XXth Indian Political Science Conference at Poona.

<sup>1</sup> Goodrich and Hambro: *The Charter of the United Nations*, p. 220.

<sup>2</sup> Leonard: *International Organization*, p. 200.

<sup>3</sup> N. D. Palmer and H. C. Perkins: *International Relations*, p. 1090.

<sup>4</sup> L. M. Goodrich and E. Hambro: *The Charter of the United Nations*, p. 224.

<sup>5</sup> N. D. Palmer and H. C. Perkins: *International Relations*, p. 1090.

<sup>6</sup> Vandenbosch and Hogan: *The United Nations*, p. 146.



the United Nations. And on all of these occasions except once it was employed by the Soviet Delegate".<sup>7</sup> The Soviet veto has been so frequent that it is not possible to take any effective action through the Security Council and "the right of the veto with which its permanent members have been clothed has, by its abuse, crippled its effective functioning".<sup>8</sup> Hence the apt statement of Peter Stursberg of the "Observer" Service that "the Soviet Union has paralysed the Security Council with its veto. So effective has the Soviet use of the veto been that when the recent shooting in Jerusalem occurred—and this was more than just another border incident but a battle which could have resulted in the resumption of the Palestine war—neither the Israelis nor the Arabs considered asking for a Security Council meeting".<sup>9</sup> Pt. Nehru also stated that the Government of India had no intention of referring the Goan dispute to the Security Council. It is, therefore, not surprising if nations, bent upon maintaining peace and safeguarding their independence seek measures and decisions out of Court. It is not their intention to overlook, ignore or by-pass the world organization. Only when they have been disgusted with the inactivity of the Security Council that they have taken recourse to regional arrangements. It is a patent fact that the primary responsibility for maintaining international peace and security lies with the Security Council. But when it is paralysed by inaction by misuse of veto naturally the good offices of the General Assembly have to be utilized. During the discussion of Korean events in the fifth session of the General Assembly in September, 1950 the New Zealand delegate observed that, if there were any who could not yet convince themselves of "the existence of evil" or of the fact that the world today faced an organised and long planned attack on all that was right, "then surely the performance of the Security Council in the month of August must have been decisive proof of evil intention."<sup>10</sup>

The Interim Committee, the Collective Measures Committee and Peace Observation Commission have been set up and Uniting for Peace Resolution passed by the General Assembly only because of the possibility of veto in the Security Council. The suspension of the work of the Military Staff Committee is a clear indication that no military operation can be sanctioned so long as Russia is not favourably inclined towards it. The world peace has become synonymous with Soviet peace or with the peace of Soviet conception. This is not the way to maintain peace.

The repeated use of the veto by Russia has been the object of bitter criticism in the General Assembly. As early as 1946 the Philippine delegates declared: "The 'veto' is a Frankenstein.....It prevents all practical results in the United Nations....it therefore endangers the fate of all mankind....Why do we not admit the plain fact....that the United Nations as now constructed is incapable of freeing mankind from the scourge of war?"<sup>11</sup> The Russian partiality towards the veto is still more disappointing when we recollect that the Soviet Union was a party to the joint statement issued during the San Francisco Conference by the Sponsoring Governments which *inter alia* stated: "It is not to be assumed, however, that the permanent members, any more than the non-permanent members, would use their 'veto' power wilfully to obstruct the operation of the Council." Dr. Herbert

<sup>7</sup> Sir Alexander Cadogan: *The Year Book of World Affairs*, 1951, p. 7.

<sup>8</sup> Sir Homi Mody's Speech at the Rotary Club, Bombay. *The Hindustan Times*, 26th October, 1953.

<sup>9</sup> *The Hindustan Times*, July 22, 1954.

<sup>10</sup> *United Nations Bulletin*, Vol. IX No. 8, October 15, 1950, p. 355.

<sup>11</sup> Leonard: *International Organization*, p. 206.

Evatt could tell his people that the Soviet delegate had told the press that the five Great Powers would rarely exercise the "veto".<sup>12</sup>

There are a few writers who do not yet realise the harmful effects of the use and misuse of veto. They think that the importance of the veto has been much exaggerated, that it was not the cause of U.N. difficulties but only a symptom of prevailing party politics. Dr. Philip C. Jessup observes: "...in considering those instances in which the veto has had the effect of preventing United Nations action it is important to remember that veto is a symptom and not a cause. The veto is indeed the link between nation-state system of power and the developing power of the United Nations. It is the safety-valve that prevents the United Nations from undertaking commitments in the political field which it presently lacks the power to fulfil."<sup>13</sup> Another writer under the pen name of 'John Maclaurin' remarks: "The veto is responsible for more misstatements than any other feature of the United Nations Organisation....It is true that each time the veto is used, it means a failure; but it is not the U.N. machinery that is at fault, nor would abolishing the veto do away with the trouble."<sup>14</sup> He further goes on to say that the veto applies to a small part of U.N. activities. The body where it can be used solely is Security Council which has negative functions such as reducing armaments, removing tension and ending disputes or nullifying aggression and violence, screening applicants for membership etc. It is said that a majority of seven members of the Council can remove an item from the agenda and it can be taken up the General Assembly.

The interposition of veto causes "merely a delay". It makes "little practical difference." The use of veto has not prevented practical results from flowing from the U.N. machinery. These arguments in favour of veto do not seem to us convincing. Due to veto the functions of the U.N. have not been fully carried out. A number of applications have been kept pending for U.N. membership for years. It is only recently that 16 nations have become U.N. members after prolonged waiting. Japan for no fault of hers was kept out for long. Keeping the doors closed for more than a dozen members for such a long period was not a minor matter so far as the functioning of the U.N. was concerned.

We admit there is an additional forum for discussion of world problems in the General Assembly when there is a stalemate in the Security Council. The passing of the Uniting for Peace Resolution, the establishment of Collective Measures Committee, the Interim Committee and the Peace Observation Commission—these are all reactions of Council inactivity. We have already mentioned that several important problems have been taken to the General Assembly only because the Security Council had no mind to act. But we cannot forget that the General Assembly has its own limitations of time number, procedure and strength. It can not be substituted for the Security Council on which rests the primary responsibility for maintenance of international peace and security. The General Assembly is not always in session and it can make only recommendations. Real effective action in time of emergency can only be taken by the Security Council. Miss Ruth C. Lawson observes in *Current History*: "The Acheson Plan is unquestionably important in enabling the Assembly now to make recommendations of the type so fortuitously made by the Security Council with regard to Korea in June and July, 1950. It is, however, to be noted that, while it is a step forward in the

<sup>12</sup> L. C. Green: *The Year Book of World Affairs*, 1948, p. 143.

<sup>13</sup> Leonard: *International Organization*, p. 208.

<sup>14</sup> *The United Nations and Power Politics*, p. 196.

evolution of a more effective security organization, it does not transform the United Nations into such an organization. General Assembly action continues to take the form of recommendations to member states on which rests moral responsibility but in which alone rest legal power for their implementation. The Peace Observation Commission is authorised to investigate threatening situations only if the states concerned admit it to their territories. And the reports from members on the armed forces readily available for U.N. action on Assembly recommendation, called for in the Uniting for Peace Resolution, have not been encouraging. Of the states reporting many have said that their forces now in Korea represent the most that can be expected in the foreseeable future.<sup>15</sup> Professor Clyde Eagleton of New York University holds similar views. He says "...approval of the Uniting for Peace Resolution did not mean that it gave a satisfactory answer to every possible situation. It operated solely on a recommendation basis so far as the Charter is concerned; it is purely a matter of co-operation on the part of those member who participate each time; it merely makes it possible to encourage members by offering them the possibility of getting together and co-operating."<sup>16</sup>

Had the General Assembly provided the needs of the Security Council there would have been no necessity of resorting to regional organizations like N.A.T.O. and S.E.A.T.O. or the Baghdad Pact. They are the direct result of Council ineffectiveness. Some of the Great Powers feel that no useful purpose can be served in the Security Council in the presence of Soviet veto. As regards the contention that the use of a veto does not make any practical difference and does not stand in the way of practical results it is enough to point out the solitary example of effective U.N. action in Korea against the North Korean aggression. The Security Council moved swiftly in the matter because of the fortunate absence of Soviet Russia. Had there been a use of a veto the U.N. forces would not have gone to the help of South Korea and who knows those poor people would have been overwhelmed by superior communist forces. South Korea would have become a satellite country like those in Eastern Europe.

In the earlier years of the U.N. world statesmen expected much from the deliberations of the Security Council. There were frequent meetings of the Council, but now their number has dwindled gradually. The number of meetings held in earlier years was as follows: 32 in 1954; 42 in 1953; 42 in 1952; 39 in 1951; 73 in 1950; 62 in 1949; 168 in 1948; 137 and 1947; and 88 in 1946.<sup>17</sup>

During 1955 the Security Council held a total of 23 meetings only and 12 of the 23 meetings of the Council in 1955 were devoted to the various aspects of the Palestine question. Thus we see how the reading in the barometer of Council activity is falling. The veto is the main cause of its ineffectiveness.

*Proposals for modifications in the Veto.* Various modifications have been suggested for lessening the effect of veto. The General Assembly has also taken up this question. In the second part of its first session the Assembly passed a resolution requesting "the permanent members of Security Council to make every effort, in consultation with one another and with fellow members of the Security Council to ensure that the use of the special voting privilege of its permanent members does not impede the Security Council

in reaching decisions promptly." The Security Council was also requested "to ensure the prompt and effective exercise of.....its function". Nothing came out of it. There was a proposal in the second session of the Assembly to call a conference for abolishing the veto. A sub-committee of the Interim Committee also studied the question. But all these committees have not solved the question yet. The operation of the veto continues unabated.

It is not possible to avoid veto altogether. Some form of weightage or safeguard in the interest of the big powers must remain in this world dominated by power politics. The organs of the U.N. are not yet in a position to take the place of a national legislature of an unitary state. The big powers are not expected to remain at the mercy of a brute majority of small powers. It can not be denied that a major responsibility for maintaining international peace falls on the shoulders of the great powers. The only feasible course is to increase the strength of permanent members. The addition of Communist China to permanent membership would not serve a useful purpose at present. It is in the fitness of things if nationalist China is replaced by India as a permanent member of the Security Council. India is on the basis of her strength, military, economic and man-power, has a greater moral claim for it. The Security Council should not be a monopoly of a few powers claiming to be great. Other states like India which have faith in the ideology of the U.N., have established stable democratic governments and have consistently followed the policy of peace should be given an opportunity to enter the portals of this World Cabinet. Abolition of the veto as such will not be tolerated by the U.S.S.R. As a compromise, nationalist China should be replaced by India. The veto clause should be altered a little. For any effective decision it should be necessary to have the concurrence of at least four permanent members of the Security Council. Thus for veto Russia would need the vote of one more permanent member and if Russian stand is really reasonable India would support her. In this way Russia should be ready to accept such an amendment in the procedure of voting in the Security Council. We do not agree with the views of Mr. Dag Hammarskjöld, U.N. Secretary-General, who favoured the retention of veto in a recent Press Conference in New Delhi. Replying to the question regarding the issue of a big power status for India in the U.N. he observed: ".....I feel it cuts deep into the constitution of the U.N." He regards the veto as a dark feature of the U.N. but he is not willing to see it eliminated. This is not a helpful solution or suggestion. Unless some solution is found to soften the effect of veto the Security Council can not work effectively. Sigrid Arne regards the Security Council as "the power house of the world organization." If we look in into its working it appears to us as if it is a power house without power.

<sup>15</sup> *Current History*, Jan 1952 p. 25.

<sup>16</sup> *Annual Review of United Nations Affairs*, 1951, p. 31.

<sup>17</sup> *United Nations Weekly Newsletter*, New Delhi, 27 Jan 1956.

## THE ORIGINS AND SIGNIFICANCE OF THE NATIONAL MOVEMENT IN INDIA.\*

By

J. P. SUDA.

Meerut College, Meerut.

The way in which India carried on her great and glorious struggle for national freedom to a successful issue is unique in the history of the world. It is unique for at least two reasons. First, it totally discarded the old and traditional method of violence by means of which other countries achieved freedom from foreign yoke, and developed and perfected a new technique under the leadership of Mahatma Gandhi, universally acclaimed as the Apostle of Non-Violence. The use of non-violence or Satyagraha, or soul-force as it is sometimes called, for the solution of political problems constitutes the most important contribution of modern India to the thought and civilization of mankind. It points the direction in which humanity must tread if it wants to save the present civilization from complete wreck and ruin which threatens it, if the race for atomic and nuclear weapons is not halted and the third world war is not prevented. It thus possesses great significance for the world at large and is of absorbing interest, not only to us, but to the whole of mankind. Second, it developed in close relation to the great Reform Movement which began with the illustrious Raja Ram Mohan Roy and cannot be said to be over yet. It is impossible to understand Indian political aspirations and activities if they are divorced from the nation's great spiritual urge towards Truth, Justice and Love. In other words, for a proper appreciation and evaluation of the struggle for political emancipation, we must view it as a part of great Indian Renaissance or the Reform Movement.

The point on which we have laid stress above, namely, that the struggle for national emancipation is not an isolated phenomenon but forms part of the general Indian Renaissance and cannot be understood apart from it, enables us to arrive at a decision in regard to the much disputed question, whether or not the Sepoy Mutiny of 1857, which is today described as the First War of National Independence, should be regarded as the beginning of the national movement. Our answer is an emphatic no. It was not the result of any national awakening and did not contribute anything towards its generation or intensification. It was a challenge—a very spirited challenge, no doubt—thrown by a few disgruntled rajas and chieftains, who had been denied the right of adoption and who were therefore afraid that their estates might not be annexed by the East India Company, and by the Indian Sepoys of the Company who were dissatisfied with it for some reasons and were lucky enough to find 'a cause, a flag and a leader.' One of the main reasons why it failed was that it was not a national movement. It was, more or less, an isolated phenomenon, in no way organically related to the great Indian Renaissance which 'produced striking religious and social reforms before it issued in a movement for political emancipation.'<sup>1</sup> It was neither generated by the movement for social and religious reform initiated by

Raja Ram Mohan Roy, nor did it in any way contribute to the strengthening of the movement at a later period. It cannot be called national in the sense in which the movements of Non-Violent Non-Cooperation, Civil Disobedience, and Quit India are national. In tracing the origins and growth of the national movement in our country we may therefore legitimately leave out of account the Revolt of 1857, and begin with the establishment of the Indian National Congress in 1885, because the story of the growth of the national movement is to a large degree the story of the birth and growth of the Indian National Congress.

There was a school of thought led by men like Sir John Strachey which maintained that before the advent of the British, India was never one country but a collection of countries. It viewed India as a continent or sub-continent composed of a number of small countries. According to it India attained political unity for the first time under British rule. On page 151 of *Nationalism, A Report by a Study Group of Members of the Royal Institute of International Affairs*, there occurs the following paragraph: 'The various peoples who now feel themselves to be part of the Indian nation have never in the past possessed any single government of their own. Their common feeling is to be directly attributed to the presence of the British in India, which has contributed in two ways to the growth of Indian nationalism.' We repudiate the assertion of Sir John Strachey that 'there is not and never was an India or even any country of India possessing according to European ideas any sort of unity, physical and political.' We maintain that India is one of the neatest geographical units in the world and had always had a deep and fundamental cultural unity; it is absurd to treat it as a collection of countries. The assertion that India never had a single common government is not in accord with facts of recorded history. Asoka, Chandragupta, Samudragupta, and at a later date, the Mughal kings from Akbar to Aurangzeb wielded sway over a very large part of the country. But there can be no denying the fact there was no such thing as Indian nationalism before the advent of the British, and that the presence of the British rules in our land immensely contributed, directly and indirectly, to the growth of Indian nationalism. Nationalism is the product of the western nation-state system which began developing in Europe towards the close of the Middle Ages. In Europe itself the thing is not older than the eighteenth century. There is no wonder that it could not be present in India before the arrival of the British. It is interesting to see how the British rule created conditions under which the feeling of nationalism originated in our country in the nineteenth century.

The first and foremost of these conditions was the setting up of a single government for the whole of the country which could exercise effective control over all the provinces from one centre, maintain law and order, and provide security to the people which they had not enjoyed for a long time. The system of administration and the personnel who worked it stood in great contrast with the comparatively inefficient methods of administration which prevailed immediately before and after the break up of the Mughal empire. The British government provided a common code of law as well as a common and improved system of communications through the railways and the postal and telegraph services. The different provinces and their inhabitants came closer to each other through these quicker means of communication. The introduction of the western system of education and the establishment of the three universities at Calcutta, Bombay and Madras contributed profoundly to the growth of the sentiment of nationalism. The process of the growth of this sentiment would have been very slow but for

\* Paper read at the XXth Indian Political Science Conference, Poona.

<sup>1</sup> Zacharias : *Renascent India*, page 15.

the spread of the English language which made it possible for persons from different parts of the country, as far removed from each other as Assam and Bengal are from Gujerat and Bombay, and Madras is from the Punjab and U. P., to meet and discuss together matters which affected them all alike. In the absence of a common medium provided by the English language the evolution of an institution like the National Congress would have been an exceedingly difficult task.

The effects of the western education introduced by the Britishers in India have been enormous and far-reaching; they have touched almost every aspect and phase of our thought and activity. India could not have become what she is to-day if Macaulay and others had not taken the decision to impart education in western literature and sciences to our people. Western education brought Indians into touch with the best English thought, with the works of poets like Milton, Shelley and Byron, and political philosophers like Locke, Burke, Macaulay, Mill and Rousseau. Through their study they acquired life-giving conceptions of liberty, nationality, constitutional government, self-government and sovereignty of the people. As Rabindranath Tagore has said: 'The English authors, whose books and poems we studied, were full of love for humanity, justice and freedom.' The desire to share in the work of government and establish representative and self-governing institutions is the product of English education. There is thus a good deal of truth in the assertion that the rise and growth of the conceptions of liberty, nationality, self-government, etc., and of the sentiment of nationalism is a direct product of western education. This conclusion receives support and strength from the fact that for a long time the spirit of nationalism and the desire for political advancement were confined to the English educated sections of the population and did not permeate among the masses. The Congress began as an organisation of the educated middle classes and remained as such till Mahatma Gandhi made it a mass movement. In short, we drew our inspiration for constitutional government and national freedom from the writings of English and European thinkers made accessible to us as a result of the introduction of western education by the British rulers.

It is not only by providing strong central government and making accessible western ideas that the presence of Britishers in India contributed to national awakening; they stimulated the consciousness of nationality in another way also. They were themselves highly imbued with the consciousness of nationality and colour; their presence in our country could not but stimulate a similar consciousness in us. This is best illustrated by the lessons the Indians learnt from the agitation carried by the Europeans against the Ilbert Bill. The cause of the Indians was just, but the Europeans triumphed against them because of their superior organisation. This was an object lesson in the value of united and organised activity. Indian leaders realised all the more keenly the evils of foreign rule, and the consciousness dawned upon them that they could not advance politically and obtain redress for their grievances, unless they developed a national organisation wholly devoted to problems of wider politics. Political organisations came into existence in Calcutta, Bombay and Madras, which were the precursors of the Indian National Congress which met for the first time in Bombay during the Xmas week of 1885. There is a good deal of substance in the statement of the Study Group referred to above that it was the presence of the foreign group in their midst, from whom the various peoples of India differed more widely and markedly than they differed among themselves, which made them aware of the fact that they had something in common.

But however powerful the forces set into motion by the British rule in India might have been, they could not have given rise to a strong nationwide struggle for independence without the marvellous renaissance movement which arose in the country during the last century and of which Mahatma Gandhi was the latest figure. Before there could be any national awakening in the country the masses had to be roused from their apathy and ignorance, and the stupefying effect of contact with an apparently superior civilization on the minds of the educated classes counteracted. This could not be achieved by western education which, on the contrary, had produced the spirit of national depreciation in the minds of the educated classes; they were more conscious of the defects and shortcomings of their own civilization than of its merits. They thought that India had fallen because of some inherent and radical defects in her civilization, and therefore criticised and condemned Hindu philosophy, Hindu ethics, religion, customs and institutions. The West was idealized and idolised as the acme of social and political progress and perfection. All this had to change; the faith of the people in their glorious past had to be revived, if they were to be inspired by the hope of a great future; their confidence in themselves and in their religious heritage had to be restored if they were to be fired by the sense of national self-respect and work and die for the freedom of the country. This is exactly what was achieved by the various social and religious reform movements during the last hundred years or so. The ball was set rolling by the illustrious Raja Ram Mohan Roy who is justly regarded as the prophet of Indian nationalism and the herald of a new era. The work of the Brahmo Samaj started by him did not, however, reach the masses; moreover it was touched too much by Christianity to be of great significance in the task of the revival of the faith of the people in themselves and their past. Great steps in this direction were taken by Sri Ramkrishna Parmhans and his illustrious disciple, Swami Vivekanand, in Bengal; by Swami Dayanand and the Arya Samaj established by him in the Punjab, U. P. and Rajputana; and by Mrs. Annie Besant and the Theosophical Society in the South. All these reformers and their associations made a notable contribution to the development of nationalism in our country. Something of the same type was achieved in Maharashtra by Lokmanya Tilak and his associates and co-workers like Shri Vishnu Krishna Chiplunkar and Gopal Ganesh Agarkar. Lokmanya Tilak reorganised the Ganpati festival, and made it and the Shivaji festival instruments of propagating nationalism and patriotism. His *Kesari* also became an organ of nationalism. Scholars like Mahadev Govind Ranade, and patriarchs like Dadabhai Naoroji and Gopal Krishna Gokhale, to name only a few of them, also played a notable role in the growth of nationalism in the country. Here we would refer in brief only to the contribution made by Swami Vivekanand, Mrs. Besant and Swami Dayanand Saraswati, to emphasise the role played in the religious revival in our national movement.

The following quotation from Pradhan's *India's Struggle for Swaraj* describes in a beautiful way the contribution of the great Swami Vivekanand, the patriot-Saint of India. Pradhan writes thus: 'Swami Vivekanand was a forceful personality, and his influence upon young India, particularly young Bengal, has been deep, lasting and wholesome. Deeply read in the philosophies and religions of the East and the West, he preached that the essential principles of Hinduism were, not only in perfect harmony with the latest developments of modern scientific thought, but also capable of reforming the prevalent Indian modes of thought and life, and readjusting them to the needs of the unprecedented situation created by the impact of the West on the East. He appealed to his countrymen to realise those principles and

apply them to the solution of the new complex problems of modern India. He had an intense faith in the spiritual mission of India and in her power to fulfil that mission. At the same time he believed that the full realization of that mission was impossible without political freedom, without congenial political milieu; and he therefore actively encouraged the new political aspirations with which the heart of young India was beating. Though a Sanyasi, who had given up all worldly interests, he was yet a patriot, and his heart bled at the idea of the sufferings of his country'. Under the influence of the teachings of Swami Vivekanand young India became nationalist, and Indian nationalism came to be informed and illumined and inspired by the consciousness of past achievements and glory. Somewhat similar was the effect of the teachings of Mrs. Annie Besant who affirmed her belief in the superiority of Indian culture over that of the West in clear and emphatic words. The influence exercised by Mrs. Besant and the Theosophical Society is thus expressed by Sir Valentine Chirol: 'The advent of the Theosophists, heralded by Madam Blavatsky and Col. Olcott, gave a fresh impetus to the revival, and certainly no Hindu has done so much to organise and consolidate the movement as Mrs. Annie Besant, who, in her Central Hindu College at Benares and her Theosophical Institution at Adyar, near Madras, has openly proclaimed the superiority of the whole Hindu system to the vaunted civilization of the West. Is it surprising that Hindus should turn their backs upon our civilization, when a European of highly trained intellectual power, and with an extraordinary gift of eloquence, comes and tells them that it is they who possess and have from all times possessed, the key to supreme wisdom; that their gods, their philosophy, their morality, are on a higher plane of thought than the West has ever reached'. Swami Dayanand and his Arya Samaj also inculcated among the people of north India the spirit of independence and love for India and things Indian. He was the first leader to proclaim the thesis of India for Indians. In a word, the period of national revival and reform really began with the advent of Swami Vivekanand, Mrs. Annie Besant and Swami Dayanand Saraswati. Without national revival there could have been no national awakening. The work of national revival was carried on by Lokmanya Tilak and Mahatma Gandhi in different ways. I may hazard the opinion that what made Gandhiji a Mahatma and endowed him with great force was his work as a social and religious reformer. As he himself said he was essentially a religious man who wore the garb of a politician.

Turning from the origins of the national movement to its development we may note that its character, objectives and methods have changed with the times. The National Congress was, at its birth, an organisation of the middle class intelligentsia and its objective was to secure a liberalisation of the constitution by the application of the principle of election to the Legislative Councils and a widening of their powers; it was not national freedom. As Pradhan has beautifully put it, the founders and promoters of the Congress were practical men 'imbued with the spirit, principles and methods of mid-victorian Liberalism, and bent upon winning freedom by gradual steps broadening from precedent to precedent'. They therefore did not pitch their demands very high and kept them moderate. To begin with, the attitude of the Government of the day was one of friendly sympathy, but it soon changed into one of suspicion, and frigid neutrality, and finally into that of open hostility. It sought to misrepresent the character and demands of the Congress by describing its members as amateurish politicians whose presumption was equalled only by their ignorance and as disappointed candidates for office or unsuccessful lawyers. Not content with that the

Government adopted the policy of divide and rule, and egged on the Muslims to remain aloof from it and set up their own organisation as a rival to it. The result was the formation of the Muslim League with its demand for separate electorates which was conceded. The whole history of the struggle for freedom has been profoundly coloured and influenced by this step. It was this seed planted in 1906 which yielded the fruit of Pakistan.

Mention must be made of another important event that had great effect on the growth of the national movement at a later date, even though it did not lead to any vital changes either in the programme of the National Congress or in its method at that time. This was the emergence of a new group within the Congress which came to be known as the *extremist* group, and was led by Balgangadhar Tilak, Lajpat Rai and Bipin Chandra Pal. They wanted the Congress to adopt a more effective and self-reliant method than that of reliance on the British sense of justice and fair play and sending representations to the British authorities, which they derisively characterised as the method of political mendicancy. The British Government obliged the Old Guard by removing Tilak and Lajpat Rai from the field of action and leaving the former in exclusive control of the National Congress. But though the extremists failed to capture the Congress or mould its policy, they demonstrated the futility of relying upon British good sense and love of justice for securing their birth-right of freedom, and prepared the country for receiving the message of Mahatma Gandhi and adopting his programme of direct action in the shape of Non-violent Non-cooperation. It is not too much to say that in the absence of the spade work done by Tilak and Lajpat Rai and others the country would have been unable to respond to the call of the Mahatma. They began the process of making the Congress a mass movement which reached completion under the leadership of Gandhiji. It was largely due to their work that India became ripe and ready for the Mahatma who could 'voice their incoherent cry, could embody all their aspirations and could lead them out of their bondage'.<sup>2</sup> A terrorist movement also appeared simultaneously with the birth of extremism in the first decade of the century. Its members were convinced that an ounce of metal could achieve better results than a ton of arguments and therefore took to the cult of the bomb and the pistol. The movement never became wide-spread and its positive achievements were almost nil. It disappeared when Mahatma Gandhi placed a bolder and more active programme of non-violent non-cooperation.

It is not relevant to my purpose here to narrate how and why Mahatma Gandhi turned a non-cooperator or to describe the various phases of the glorious struggle against foreign dominance which he led with success. My purpose is rather to draw attention to its significance. And the first thing which strikes the mind of every one is the fact that no other struggle for national freedom attracted such world-wide notice as the Indian struggle did. It was followed with breathless interest by all the civilized countries. Journalists and newspaper correspondents came all the way from Great Britain and the U. S. A. to see things for themselves and report to their countries. The reason lay in the novelty of the method adopted by Gandhiji. In the past violence was the traditional method of attaining national freedom; the uprisings of people against oppressive and tyrannical rule were always accompanied by bloodshed. No nation had been able to win its freedom without shedding the blood of its opponents. But here in our country Mahatmaji developed a new technique. He called it Satyagraha, or Truth-force, or if some one objects to the use of the word force, Truth-power. It is also known as soul-force. He called it truth-power because he attached

<sup>2</sup> Stanley Jones: *Mahatma Gandhi, An Interpretation*, page 27.



the greatest value to Truth. For him Truth was God. Gandhi would not consent to sacrifice Truth and Ahimsa even for the sake of delivering his country from foreign bondage. He felt that success in such an objective could not be had without having God on our side, or better, without ourselves being on the side of God, and the best way to be always on the side of God is to pursue Truth in a relentless manner. In this way Mahatma Gandhi spiritualised politics by laying stress on the necessity of confining ourselves to the use of honest, truthful and peaceful means for the attainment of political objectives. Spiritualisation of politics may be regarded as the essence of the Gandhian technique of Satyagraha or soul-force. Its technique is simple indeed. It consists in matching 'our capacity to suffer against your capacity to inflict suffering, our soul force against your physical force. We will not hate you, but we will not obey you. Do what you like, and we will wear you down by our capacity to suffer. And in the winning of the freedom we will so appeal to your heart and conscience that we will win you.'<sup>3</sup> The result was that by his unique method Gandhiji won a double victory; he won freedom for his countrymen and also won their captors in the process. The so-called Satyagraha to which the Socialists and the Communists want to resort in order to force their demands upon the government is not Satyagraha as Gandhiji conceived it but its caricature. It springs out of hatred and seeks with violence; it cannot therefore appeal to the heart and conscience of the opponent and win him over.

The way in which the non-violent struggle was carried on for twenty-seven years and the way which it ended in the transfer of power to the people of India, and the fact that England and India have remained friends after their separation are a beautiful comment upon the above-quoted passage. The British soldiers found their guns and weapons useless against the patient and suffering Indian Satyagrahis, and were baffled. 'This was illustrated when a burly Irish military officer said to me: 'If they'd only fight with the weapons we understand, we would show them something. But this'. And he shook his head helplessly. Gandhi was getting behind the military armour and striking at the heart and conscience, and a great nation was striking back, but wincing under the blows falling upon its inner spirit'<sup>4</sup>

In this struggle Gandhiji won; India gained independence. Never in human history had such a battle been fought with such weapons and with such success. But what is even more important, in giving India her freedom England lost nothing; on the contrary she also found her freedom. 'She was becoming free in India's freedom. She was loosing an Empire, but finding herself. The authentic voice of British democracy was speaking through the Labour leaders. Gandhi was giving a new freedom to Britain in gaining freedom for India. That is the uniqueness of his method and spirit.'<sup>5</sup> That to-day Britain and India are friends and stand together as members of the Commonwealth of Nations can be attributed only to the noble manner in which the noblest of all the struggles conducted by man for the liberation of man was carried on. But for the method and spirit of Gandhiji's campaign of civil resistance such a noble result could not have been possible. The relations between England and Ireland and Egypt after the attainment of freedom by the two latter countries stand in sharp contrast to the Indo-British cordiality after the liberation of India.

Lest we should take the entire credit for the happy ending of the national struggle for freedom, it should be emphasised that on her side

England too played her role nobly. It can be said that if, on the one side, God was preparing India for fighting the battle for freedom on a higher and nobler plane through Gandhiji, He had also been preparing Great Britain through the Labour party for quitting India nobly and gracefully, and making it possible for the two countries to work together for the good of humanity. It is not too much to say that the struggle might have been prolonged and its end would not have been so happy, if at the crucial hour Churchill had been the Prime Minister of Great Britain in place of Attlee.

To-day Jawahar Lal Nehru is the architect of the foreign policy of India. He has been trying his best to reduce world-tensions and maintaining world peace. He has been consistently advocating peaceful negotiations as the best means of settling international disputes. He has himself avoided resort to arms for liberating Goa from the Portuguese control. The motto of our national government is: Truth alone conquers. Our government has not only eschewed violence as the means of settling international disputes; it has also refused to employ bad means for the attainment of its political ends. The theory of Panchsheel, the desire for peace within and peace without, and the emphasis on peaceful negotiations are all of them the logical result of the way in which India wrought her freedom. Jawahar Lal Nehru received the impress of Mahatmaji's personality and methods during the thirty years of close contact with him.

In the end I may refer to the effect produced on the people of India by their participation in the non-violent struggle for national freedom. Be it said to the eternal credit of the masses that they responded splendidly to the call of the Mahatma and observed non-violence to an unexpected degree. Perhaps no other people would have carried on the struggle so non-violently as the Indians did. The emasculation of the Indian people as a result of the enforcement of the Arms Act and the exclusion of a very large number of them from the military might have been responsible for this effect to some degree; these, however, do not constitute the entire explanation; the main factor was the national genius of the people which predisposed them to belief in the efficacy of *ahimsa*. Participation in the struggle made the people fearless; the fear of the police and jail disappeared, and the masses suffered the privations of jail life cheerfully. This could not but have an elevating effect on the character of the people. In the speech Mahatmaji delivered in Delhi after the conclusion of the Gandhi-Irwin pact, he said that as a result of having passed through the ordeal of the struggle the moral stature of the nation had risen by half an inch or so. The effect on the women was also tremendous. The non-violent character of the struggle made it possible for them to play their role in it; they discarded the purdah, came out of the seclusion of their homes and picketed foreign cloth and liquor shops. They threw off age-old bondage in the twinkling of the eye. If to-day we find Indian women occupying high positions like those of Governors, Ministers, and Ambassadors, etc., the phenomenon must be ascribed to their participation in the national struggle.

It would thus appear that the consequences of the unique way in which India won freedom have been vital and wide-spread. A new technique of solving international problems and reducing world-tensions has been placed before mankind, politics have been spiritualised, and a fifth of the human race has been enabled to determine the conditions under which they would live and fulfil the spiritual mission with which God seems to have charged them. The freedom of India has meant the freedom of a large part of Asia from colonial rule, and is likely to pave the way for the end of colonialism.

<sup>3</sup> Stanley Jones: *Mahatma Gandhi*, p. 116.

<sup>4</sup> *Ibid*, page 20.

<sup>5</sup> *Ibid*, page 29.

## NATIONALISM IN INDIA IN PRE-CONGRESS DAYS\*

By

BIMANBEHARI MAJUMDAR,  
Bihar University, Patna

The sentiment of nationalism was not altogether absent in India before the foundation of the Indian National Congress. The stupendous obstacles which stood in the way of realisation of Indian national unity were foreseen first not by British Administrators or European Political Philosophers but by Raja Ram Mohan Roy who has been truly recognised as the father of modern India. As early as January 18, 1818, he wrote to a friend in the course of a letter: "I regret to say that the present system of religion adhered to by the Hindus is not well-calculated to promote their political interests. The distinction of castes, introducing innumerable divisions and sub-divisions among them, has entirely deprived them of patriotic feeling and multitudes of religious rites and ceremonies and the laws of purification have totally disqualified them from undertaking any difficult enterprise..... It is, I think, necessary that some change should take place in the religion, atleast for the sake of their political advantage and social comfort." His keen intellect was able to detect that when a community is divided into watertight compartments by a rigid caste distinction, it becomes extremely difficult for it to unite for a common political purpose. His reference to the laws of purification shows that he was alive to the disabilities of the so-called untouchables and realised that such people who were shunned and despised by the so-called upper strata of Hindu society could not feel that they were part and parcel of one indivisible Nation. He, therefore, founded the Brahmo Samaj with the object of bringing the different sections of people on one common platform. His premature death in England, however, stood in the way of realisation of his dream of uniting all classes of people under one common religion.

Raja Ram Mohan Roy was firmly of opinion that atleast a 100 years of British domination was necessary for bringing about the National resurgence of India. On the 29th June, 1828 he told M. Victor Jacquemont, "India requires many years of English domination so that she might not have many things to lose while she is reclaiming her political independence." (*Voyage Dans L' Inde*, Paris 1841, translated in English in the *Modern Review*, June, 1926). In another letter he wrote "Supposing that 100 years hence the native character becomes elevated from constant intercourse with Europeans and the acquirement of general and political knowledge as well as of Modern Arts and Sciences, is it possible that they will not have the spirit as well as the inclination to resist effectively any unjust and oppressive measures serving to degrade them in the scale of Society? It should not be lost sight of that the position in India is very different from that of Ireland, to any quarter of which an English Fleet may suddenly convey a body of troops that may force its way in the requisite direction and succeed in suppressing every effort of refractory spirit. Were India to share one fourth of the knowledge and energy of that country, she would prove from her

remote situation, her riches and her vast population, either useful and profitable as a willing Province, an ally of the British Empire or troublesome and annoying as a determined enemy." (*The Father of Modern India*, Part II, p. 84). This passage clearly shows that Raja Ram Mohan Roy thought that the British domination of a century or so was necessary for making Indians familiar with the Arts and Sciences of the West and that such an education would inspire Indians to unite for political purposes. In other words, Nationalism was to be a means to the political end of achieving Independence. The French Revolution brought forth the twin movements of Liberalism and Nationalism. While in a country like Germany, the spirit of liberalism was subordinated to the spirit of Nationalism; in India the urge for political emancipation from foreign domination came primarily from the desire to have a share, however small, in the Government of the country.

It is remarkable that in the very year of the death of Raja Ram Mohan Roy, a large number of Indian intellectuals on behalf of the Hindi Literary Society, approached George Norton, Advocate-General of Madras, to deliver a course of lectures on the principles of Government and Law, the quality of the laws under which the Indians live and the administration of these laws. George Norton held the office of Advocate-General of Bombay before his coming over to Madras. He delivered 6 lectures in the College Hall of Madras in the years 1833 and 1834. George Norton deserves to be remembered as one of those who took upon themselves the sacred task of awakening the desire for freedom in this country. In course of his third lecture he observed "the prosperity and strength of a nation does but little depend on a fertile soil or the bounty of nature inasmuch as the history of the world has proved to us that the most fruitful parts of the earth have often become desert through foreign occupations, they have continually invited through internal decays; but we must look for strength and wealth and internal peace in those Nations where a settled Government and just equally and well-administered laws have place and in which every citizen is ready in his vocation to fulfil his duty to the State." (*Rudiments* published in Madras by J. B. Pharoah, 1841, p. 29). By "Duty to the State" Norton meant not only the passive duties of obedience of law and payment of taxes but also active duty of participating directly or indirectly in the Government of the country. In his 4th lecture he discussed the share which the people should have in the administration of the Government and observed, "A man may be said to have a share in the Political Government of his country either when he has assisted or has a voice in the supreme ordering of the laws of the State under which its scheme subsists and the administration of all its powers is conducted or when he contributes personally to the actual administration of those powers under the control of such supreme authorities". (*Ibid*, Page 46). He taught the young men of Madras that "When all participation and influence in the supreme Government powers of the State are denied to any portion of the people and all means of administering the laws independently of arbitrary dictation are destroyed, the foundations of regular Government are torn up." In clear unmistakable terms he showed the necessity of entrusting political power not to a selected few but to the general people. He was against Oligarchy because when power is entrusted to a limited number of people they will not only oppress others but will also quarrel amongst themselves. Norton held that such troubles would reduce society to a state of nature in which the strongest alone would govern. He held that "The merit and perfection of any plan of political Government ought to be judged of according to as it admits the largest number of the people to have

\* Paper read at the XXth Indian Political Science Conference at Poona.



such a share in its administration as they are qualified to exercise. And no system of political Government can be completely well-constituted unless it shall admit of the bulk of the people to some such share" (Ibid, p. 50). He, therefore, advocated a system of representative Government. He was aware of the fact that it was extremely difficult to devise an absolutely perfect system of representation. Ideally speaking, if every law and every Act of the Government was in precise conformity with the will of the whole body of the people, it would not inflict any injustice to any single person throughout the Nation. But in the world of reality such a system of representation cannot be found. Being a staunch democrat and apparently not afraid of any infringement of any law for the protection of Princes, Norton boldly asserted "that the Princes of Native States were maintained in idleness at the expense of the people" (Ibid, p. 263). He would have preferred to have full representation of India in the British Parliament but he was aware of the geographical and other obstacles to this scheme. Therefore, he pleaded: "But these considerations meant for abandoning all efforts of introducing some practical approach to a better constitution of the Indian Government. So long as the whole body of the native community of India are without representatives in the supreme, or even in the subordinate Councils of the Nation—so long are they without any adequate means of exposing the mischiefs of any measures of mis-Government or of suggesting those which can be most conducive to the national prosperity. It is only from the people themselves that rulers can faithfully be taught the good and evil effects of their policy before it is too late. While the people do but grieve and silently submit, public and common disasters become the only monitors. It is doing little to give free liberty of printing and invite the general attention to the quality and tendency of Laws before they are passed. A public cannot be thus created for any practically useful purpose. The people require a common bond of union; some sufficient organ to whom their sentiments may be made known and their interests be vindicated. It is only by some means of political representation that common interests of the people of both the portions of the English empire can be identified and their union as fellow subjects be permanently fixed. These means are at present wanting to the people of India; but it is no vain expectation that they will before long be supplied" (Ibid, Section X, p. 266). Such exhortations made the intelligentsia of India realise the urgency of making an united effort for liberal Government. The number of educated people, however, was extremely limited. There was no railway, no motor cars or motorable roads in those days. In the absence of these facilities it was extremely difficult to bring before the people the ideal of national unity.

In the Fifties of the 19th century a wider diffusion of western education was primarily responsible for giving rise to a number of political associations in Bengal, Bombay and Madras. The British Indian Association in Bengal and the Bombay Association in Bombay were started almost simultaneously early in the fifties of the last century. Though there was some correspondence between these two associations yet in their outlook they were mainly Provincial. As Bipin Chandra Pal rightly observes—"Neither the British Indian Association of Calcutta which is a much older organisation than the Indian Association, nor the Sarvajana Sabha of Poona, nor even the Bombay Presidency Association which came into existence later, nor the Mahajan Sabha of Madras, none of these had an all-India outlook. They never sought to cover by a network of branches and affiliated institutions, the whole continent, thereby becoming a powerful organ of the political life of India as a whole (*Indian Nationalism*, Madras, 1918, p. 94).

In the great upheaval of 1857 there was a good deal of collaboration between Hindus and Musalmans to overthrow the power of the East Indian Company but it is difficult to characterize the uprising as "the result of a Nationalist upsurge alone". No less a nationalist than Maulana Abul Kalam Azad holds that "Nationalism in the modern sense of the term can hardly be said to have been at the root of the movement of 1857." (*Eighteen Fifty Seven*, p. XV). Dr. Surendra Nath Sen observes that the conception of Indian nationality was in embryo in 1857. He elucidates the point thus: "To the Punjabi the Hindustani was still a stranger. A very few Bengalees realised that they belonged to the same nation as men from Maharashtra and the people of Central India Rajputana did not acknowledge any bond of kinship with the people of the South. The unity of common bondage had, however, ushered in a vague sense of a different kind of unit, though the idea had not yet taken root in the society in general. But inspite of racial, religious and linguistic differences the people of India felt that they had something in common as against the Englishmen." (Ibid, p. 412) Within the next two decades, however, the national feeling was strengthened amongst the educated people of India. Facilities of communication and transport, diffusion of English language and literature, circulation of English newspapers edited by Indians and above all activities of Political associations were primarily responsible for this. In 1861 we find Mr. Sorabjee Shapurjee Bengalee collecting in conjunction with Dr. Bhaljee and Ram Chandra Balkrishna, subscriptions towards the fund raised in Calcutta to perpetuate the memory of Babu Harish Chandra Mukherjee, the Editor of the "*Patriot*". In 1861, Raj Narayan Bose published a pamphlet entitled "Prospectus of a Society for the promotion of a national feeling amongst the educated natives of Bengal." In 1867 Naba Gopal Mitra established the "National Society" and the "*National Paper*." Soon afterwards Nawab Amir Ali Khan, a descendent of the famous Barh Nawab family of the Patna district organised the National Mohammedan Association in Calcutta. It is worth noticing that though the term Nationalism was very much in vogue amongst the educated Indians yet this term was associated with religious communities like Hindu and Musalmans. On October 2, 1872, Naba Gopal Mitra in an article "the Hindus and their Nationality" wrote "Hindu Nationality is not confined to Bengal. It embraces all of Hindu name and Hindu faith throughout the length and breadth of Hinduism; neither geographical position nor the language is counted a disability. Hindus are destined to be a religious Nation but the efficiency of their religion in knitting individuals into communities and communities into Nation is remarkable" (*National Paper*, October 2, 1872). It did not strike, however, the protagonists of such views that Hindu or Mohammedan nationalism is a negation of the concept of nationalism as it is understood in Political Science. Even a powerful writer like Sisir Kumar Ghosh could not but associate religion with National unity. He wrote in 1870—"shattered, degraded, humbled we are, no doubt, but as a Nation we will live and unlike the Jews, in our own country with a language, literature, genius, philosophy and a religion of our own." (*Amrita Bazar Patrika* 1870, p. 228).

Keshab Chandra Sen was one of the first batch of Indians who toured all over India with the mission of uniting the people under one common religion. He used to deliver his lectures in English and so his appeal was limited to those few only who were familiar with this language. Swami Dayananda, however, made extensive tours throughout the length and breadth of India and spoke to the people in their own language, that is Hindi. The preachings of those religious leaders helped, no doubt, the cause of Indian

Nationalism but powerful thinkers could discern even in those days that religion could not be really a bond of unity in a country like India where many varieties of religion flourished side by side. Shri Kali Charan Banerjee delivered a speech at Poona in November, 1877 on National Unity, in course of which he observed : "National unity could be brought in three ways, namely, by the prevalence of universal religion in India, by the adoption of the same social customs and usages by the various peoples and by the adoption of the same political views. A universal religion for India was an impossibility; nor did he think that, constituted as Indian society is, the same usages and customs can satisfy the social requirements of so many different peoples. The only thing that could lead to national unity was political sympathy" (*Amrita Bazar Patrika*, November 1877).

Two years before the foundation of the Indian National Congress we find that the Indian Association convened on the occasion of the Exhibition, the National Conference at Albert Hall on the last Friday, Saturday and Sunday of December, 1883. Representatives from different Provinces assembled in these meetings and discussed question like the promotion of Trade and Industry, recruitment of Civil Services, establishment of representative Legislature and setting up of a National Fund. In 1884 Shettjee Shahabjee in an open letter to Surendra Nath Banerjee states : "You are what a God can never be to a man. You are a member of each and every family circle in India. . . . Last year at one of the many public meetings held in upper India for your liberty I heard a Kashmiri Pandit, a man of years and honour but incapable of construing one word of English into his mother tongue, heard this grave and liberal man sobbing while he referred to your imprisonment." (*Open Letters to Public Persons on Public Questions*, Calcutta 1884, p. 27). This is a clear indication of the growing feeling of national unity amongst different sections of people in India before the advent of the Indian National Congress.

A critical analysis of the chief obstacles to the realisation of National unity in India was made only 3 years after the failure of the uprising of 1857 by a Madras Journal entitled "*Indian Statesman*" in an article under the caption "India in Transition". The writer wrote on September 29, 1860 : "As regards the native population, such feelings as those which we have described are to a considerable extent the necessary conditions of a religious and social culture which existed from time immemorial. Isolated in villages, isolated in castes, separated by the fierce antagonism of religions of Vishnu and Shiva, of Buddhist and Brahmans, of Quoran and Shastras—the growth of a national sentiment has been next to impossible. The language, the tradition and the instincts of the different races are as different as those of Saxons and Celts and the fusion, if ever it is accomplished, must be the growth of generations, even under the fostering hand of a dominant race. A democratic spirit is abroad—wholly foreign to the Hindu character; and though the cloud is at present no bigger than a man's hand, yet the day will come when the spirit must be either disciplined by a healthy political training, or when it will break through all restraints and become as injurious to the prosperity of the country as the ravages of an army of Mutineers."

The conclusion of this article is remarkable for the prophetic vision which the writer revealed. He could foresee the advent of a universal leader like Mahatma Gandhi. He writes : "What India may have to experience some day is the union of democratic restlessness with some new religion, the advent of another Buddha who shall give expression to the undefined yearnings of multitudes, preach down the tyranny of caste, heal the antagonism

of ages and fuse the people into a Nation". In 1919 when Mahatma Gandhi made the removal of untouchability and Hindu-Muslim unity as the central planks of his political platform, very few even of the highly educated Indians could realise that he was playing a historic role in the fulfilment of age-long aspirations of Indian nationalism.

#### LATEST BOOKS OF THE YEAR

Commentaries on the CONSTITUTION OF INDIA

By Dr. V. N. Shukla, LL. M., Ph. D. (Com.). Reader in Law, Lucknow University  
Second Edn. 1956 with 1957 Supplement Price Rs. 15'00

INTERNATIONAL LAW By Dr. V. D. Mahajan, M.A. (Hons.), LL.B., Ph.D.  
Second Edn. 1953. Price Rs. 10'00

CONSTITUTION OF INDIA By Dr. V. D. Mahajan, M.A. (Hons.), LL.B., Ph.D.  
Second Edn. 1957 Price Rs. 6'00

Obtain Your Copy Today from

**EASTERN BOOK COMPANY**  
LAW PUBLISHERS

LALBAGH ROAD  
LUCKNOW

KASHMERE GATE  
DELHI

## SECOND GENERAL ELECTIONS IN DELHI\*

By

KAMLA SETHI

*Fateh Chand College for Women, Hissar*

Delhi was formerly a Part C State with a Chief Commissioner and a ministry with limited powers. However, it became a Union Territory on 1st November, 1956. Delhi has an area of 478 sq. miles.

The second general elections in the Union Territory of Delhi were held on Sunday, the 3rd March, 1957. Five seats to the Lok Sabha had to be filled up from this territory. For election purposes, Delhi was divided into four constituencies: three single-member constituencies and one double-member constituency. The total number of voters was 9,76,151 and out of that there were 4,39,733 voters in the double-member constituency. This was the largest constituency and the second largest was the New Delhi Constituency with 1,92,684 voters. In the double-member constituency, there was one general seat and the other was reserved for scheduled castes. Out of 1,150 polling booths, there were 517 booths in the double-member constituency alone.

There was hectic activity before the elections were held. All means of propaganda were employed by all the parties to win over the voters. There were public meetings which were addressed by the party leaders. There was also door to door canvassing of the individual voters. Loudspeakers created a nuisance. On the eve of elections, torch-light processions were taken out by the parties.

The Government also made elaborate arrangements for the holding of elections. 11,550 ballot boxes were got prepared. 14,700 officers and men were put on duty. 48 Circle Officers were appointed to supervise the arrangements. Each Circle Officer was put in charge of 15 to 25 polling booths. Nearly 120 buses were mobilized by the Government to take the election officers and their staff to the polling booths set up in 350 villages of Delhi. 55 trucks were employed to collect ballot boxes from the polling booths and transport them to the stocking rooms. Adequate police arrangements were made at the polling booths and mobile police squads were kept in readiness to help in case of emergency. The Election Officer issued 7,694 postal ballot papers to military personnel and Government servants on election duty. In spite of these arrangements, it was found that in some areas some villagers had to travel two to three miles to reach the nearest polling booth. As no conveyance was permitted, it was a hard job to take the old and the infirm to the polling booths.

The total percentage of the votes polled in all the constituencies was 60.15. The percentage for New Delhi was 51.9, Chandni Chowk 68.84, Sadar 67.99 and for outer Delhi 51.9. The lack of zeal on the part of voters was attributed to many causes. The election day being a Sunday, some were not prepared to move out of their beds. They preferred to take rest

than exercise their right of vote. There were others who managed to take themselves away from their homes and kept themselves busy in their routine work and consequently could not be brought to the polling booths by the workers of the political parties. There were some who did not go to vote as they considered it below their dignity to stand in a queue. It was reported that young women turned away from the polling booths as they were afraid of their hands being spoiled by the indelible ink marks. In some villages, chaupals were selected as polling stations in the rural areas. Those places were meant exclusively for men and the convention-ridden village women did not go to cast their votes as they were not prepared to enter the chaupals.

The five seats were contested by 27 candidates but the Congress won all of them. The Congress and Jan-Sangh put up candidates from all the constituencies. However, the other parties such as the Hindu Mahasabha, the Communist Party, the Praja Socialist Party, the Scheduled Castes Federation, Ram Rajya Parishad and the Bolshevik Party put up their candidates only for a few constituencies. Some independent candidates also figured in the elections but practically all of them got their security deposits forfeited.

The election symbols of the various parties were a lion, a sickle, a horse, an elephant, a tree, a cart, a lamp and the bullocks. It is stated that the villagers got perplexed by the symbols and they were found wondering whether the bulls were preferable to the lions or the elephant was preferable to the horse. They not only compared the utility of the animals but also that of the sickle and the lamp.

A reference may be made to some of the most interesting aspects of the elections in Delhi. Shree Uttam Singh, an old man of 102, went to the polling booth to cast his vote assisted by his son who was a retired army officer. He did so in the spirit of a *Yatra* or a democratic pilgrimage. A lame old woman was carried to the polling booth high above the crowd in a chair.

In some areas, the response was so poor that the party agents had practically no work to do. At many places, they were found playing cards. Many educated voters could not locate either their booths or find their names in the voters' list.

The plastic badges of the Congress with the white bullocks on green background were the envy of tiny youngsters who promised their votes if they were given badges. When they were told that they had no votes, one said that he had just cast his vote. They promised to get the 'older votes' for the consideration of a badge.

If the highly educated persons were so indolent as not to take the trouble of going to a polling booth nearby, there was the case of a young working woman who reached the polling booth only about 15 minutes before the polling was to end. She was very much upset as her boss had not allowed her to leave the office earlier. She walked 4 miles on foot in the heat of the afternoon to reach the place where her name has registered as a voter. That was a vote worth its weight in gold. There must have been many votes of this type.

There were threats of separation in certain cases when the wife refused to vote for the party to which her husband wanted her to vote.

\* Paper read at the XXth Indian Political Science Conference at Poona.

There was the case of a man who did not know that a certain candidate represented the party for whom he wanted to vote and consequently he refused to vote.

Some persons were hauled up for alleged attempt at getting bogus votes. One woman was arrested on the allegation that she attempted to cast a bogus vote.

Two ballot papers bearing serial number of the polling station No. 37 were found in a Congress ballot box of polling station No. 66. In order to avoid controversy, both the votes were cancelled. The explanation of the Counting Officer was that there was some confusion in the process of counting.

It was found from postal ballots that practically all the Government employees who were either on election duty on the polling day or out of station had voted for the Congress.

At a particular polling booth, it was found at the time of counting of votes that some unstamped ballot papers were given to voters due to an oversight. About a hundred such ballot papers were treated as valid.

At the time of the counting of votes three currency notes of one rupee each were recovered from a ballot box. A ballot paper attached with a one rupee note was found in a ballot box and the vote was rejected. One voter was found to have signed his name on the ballot paper and his vote was rejected. In another case, a ballot paper was found to have been torn into two pieces and those two pieces were dropped in two separate ballot boxes of the rival candidates contesting from the same constituency.

There were as many as 12,779 invalid votes in the Outer Delhi double-member constituency as the voters out of sheer ignorance cast their ballot papers of two different categories in the same ballot box forgetting that it was a double-member constituency and one of the seats was a reserved one.

The most interesting aspect of the elections in Delhi was that the uneducated women took very keen interest in the elections. One could see women with big veils standing cheerfully in queues to exercise their right to vote. This fact gave the consolation that the heart of India was sound and the prospects of democracy in the country were bright. The scheming politicians have to be on their guard as their own future seems to be dark.

## THE SECOND GENERAL ELECTIONS IN GREATER BOMBAY\*

By

USHA MEHTA  
*Reader in Political Science*  
*Bombay University*

The first General Elections, hailed as India's unprecedented experiment in Democracy, had unique significance both for India and for the world. The second General Elections are important in so far as they reiterated India's firm faith in Democracy *i. e.* in human beings and their worth. This event of importance for the nation had become doubly important for Bombay, the only bilingual state of re-organised India, and especially for the trouble-torn city of Bombay which had become the bone of contention between the contesting parties. More than anywhere else in the country it was here that the voter had to realise that his vote had the potentiality of leading the city, and thereby the country, towards peace, progress and unity or of oppressing himself and wrecking disaster on the city and consequently on the community.

The Congress, the P. S. P., the C. P., the P. & W. Party, the Hindu Mahasabha, the Jan Sangh, the R. R. P. and the S. C. F. were the eight recognised parties for the purposes of the elections as in 1951. The number of parties that actually contested the elections in 1951 was about seventeen.

### MEMBERSHIP AND ORGANISATION OF THE PARTIES

The Congress, the P. S. P. and the C. P. accept democratic set up and a socialist pattern of society giving equal opportunity to all without distinction of class, colour, creed or sex, though it is to be noted that the classless society as envisaged by the C. P. is to be built in accordance with the teachings of Marx and Lenin. The Jan Sangh, the Hindu Mahasabha and the R. R. P. generally aim at reviving 'the glory that was Ind' reuniting Pakistan and Hind, *i. e.* at re-establishing Akhand Bharat, and giving equal opportunities to all. The object of the S. C. F. is to work for the emancipation and uplift of Scheduled Castes.

The following table shows the membership of these parties in Bombay :—

|                                       |                                 |
|---------------------------------------|---------------------------------|
| Congress                              | 1,80,000                        |
| Praja Socialist Party (P. S. P.)      | 14,520                          |
| Communist Party (C. P.)               | 1,300 (has only active members) |
| Jan Sangh (J. S.)                     | 15,000                          |
| Hindu Mahasabha (H. M. S.)            | 15,570                          |
| Scheduled Caste Federation (S. C. F.) | 45,000                          |
| Ram Rajya Parishad (R. R. P.)         | 20,000                          |
| Peasant & Worker's Party (P. & W. P.) | (has no local membership)       |

\*Paper read at the XXth Indian Political Science Conference at Poona.

It is thus obvious that the Congress commands the largest membership. This can be interpreted either as meaning that it is the most popular or the most overwhelmingly predominant party, having a mass appeal or that far from being an ideal party consisting of a select band of political workers having unstinting faith in the principles of their party, it is an amorphous organisation consisting of miscellaneous elements representing the motley mob.

The internal organisation of all the parties except the S. C. F. is generally based on democratic principles as most of their executive bodies are elected.

#### SELECTION OF CANDIDATES

The Congress, the P. S. P. and the Jan Sangh maintain a permanent election department and the C. P. a permanent parliamentary office which does the task of selecting the candidates.

Active membership of the party was a condition that was laid down by all the parties for prospective candidates. The Congress also gave weight to academic qualifications, political, social, economic and cultural contribution of the candidate, his honesty and integrity, participation in constructive work, previous parliamentary experience and disciplined behaviour in the organisation. It was, again, its declared intention to give special representation to minorities and women. The S. C. F. further required that the candidate must be able to follow the debates and understand the procedure in the Assembly.

Here, it may be noted that the struggle for Samyukta Maharashtra with Bombay city brought about a strange combination of the Communists and the communalists, the radicals and the conservatives. It brought together all sections of society and almost all shades of public opinion. All the opposition parties except the S. P.,<sup>1</sup> the R. R. P. and the Nationalist Party agreed to form a united front under the banner of the Samyukta Maharashtra Samiti with a view to recording their strong protest against the bilingual State of Bombay. A dissident section of the Congressmen working under the name of the Congressmen's Janata Parishad also joined this front. All these parties put up common candidates sponsored by the S. M. Samiti. This made the uphill task of selecting the candidates all the more difficult and complicated. The following table gives the number of candidates put up by different parties for the House of People and the Legislative Assembly:

|                 | Congress | C. J. P. | P. S. P. | S. P. | C. P. | H. M. S. | Jan Sangh | R. R. P. | S. C. F. | N. P. | Satyagrahi Party | Independents |
|-----------------|----------|----------|----------|-------|-------|----------|-----------|----------|----------|-------|------------------|--------------|
| House of People | 4        | —        | 1        | —     | 1     | —        | 1         | —        | 1        | 1     | 1                | 1            |
| L. A.           | 24       | 4        | 8        | 6     | 2     | 2        | 1         | 1        | 3        | 1     | —                | 11           |

The total number of contestants was 11 for the House of the People and 75 for the Legislative Assembly which was almost one-half of what it was in

<sup>1</sup> S. P.—Socialist Party, C. J. P.—Congressmen's Janata Parishad, S. M. P.—Samyukta Maharashtra Parishad, N. P.—Nationalist Party.

1951. As in 1951, the Congress had put up candidates for all the seats. The Samyukta Maharashtra Parishad put up candidates for all the four Lok Sabha seats and for 21 Assembly seats. So far as the allocation of seats to different parties by the Samyukta Maharashtra Parishad was concerned the S. C. F., the H. M. S. and the Jan Sangh were benefitted as they got, 3, 2, and 1 respectively as against 2, 1 and none in the 1951 election, whereas the P. S. P. and the C. P. had to rest satisfied with a lesser number of candidates than in the first General Election. The other contesting parties were the R. R. P., the S. P. and the Nationalist Party. The number of Independent candidates was 11, almost one-fourth of that in 1951.

Out of the 24 candidates selected by the Congress for the L. A. from amongst 126 applications received by it, 4 were Muslims, 1 Parsi and the rest Hindus. Amongst them there were 3 women, 8 Maharashtrians, 7 Gujaratis (including one Parsi), one Sindhi and one North-Indian. Amongst the 4 candidates for the Parliament, one was Sjt. Krishna Menon who though a South Indian by birth would prefer to be known as an Indian first and last or a true representative of the cosmopolitan city of Bombay. Most of the candidates of the other parties were Maharashtrians. The Congress as well as the S. M. Samiti, the two main contesting organisations, took great care to see that their candidates were generally acceptable to the people and especially to the party-members and units and were selected democratically, with care and caution and after great deliberation.

#### THE MANIFESTOES

The main utility of political parties lies in the fact that they have to bring public opinion to a focus and frame issues for the popular verdict. As Lowell observes: "their service is like that of the counsels who draw the pleadings and argue the case for the jury"<sup>1</sup>. It is mainly through the election manifestoes that the main issues are put before the public.

The Congress—the party that has been ruling the country ever since Independence—claimed that it had fulfilled its old pledge for independence under the leadership of Gandhiji and is now aiming at the establishment of a socialist pattern of society free from disparities and distinctions of any kind as also from exploitation and injustice of any sort, representing political, economic and social advance by giving freedom, welfare and equality of opportunity to all. It also asserted that it stood for moral values and maintenance of high standards in public as in private life.

In its economic policy it advocated a balanced and rapid growth of heavy, light and small scale industries, adoption of higher and modern techniques, centralisation where necessary and decentralisation where possible, nationalisation of existing private industries except where it is necessary for planning or where they occupy a strategic position in the country, and evolution of national minimum in the general standard of living. It is to be noted that it ruled out strikes and lockouts and advocated the use of peaceful means for settling the disputes between the workers and the employers. Like the P. S. P. and the C. P. the Congress too wanted to abolish intermediaries and impose a ceiling on land though it was in favour of doing it progressively as against the C. P. which wanted to do it immediately.

All the parties working under the Samyukta Maharashtra Samiti evolved a common programme known as the Minimum common programme aiming at building up a socialist Maharashtra within socialist India. With this end

<sup>1</sup> *Public Opinion*, p. 70.

in view, it advocated socialisation of the basic means of production, distribution and exchange, and overall national plan with provision for regional decentralisation giving land to the tiller and providing justice to the workers, the peasants and the middle class. It also demanded that the National Plan should provide for regional planning for Maharashtra.

Both the Congress as well as the Samiti Manifestoes reiterated their faith in the protection of the rights of the minorities whether they be linguistic or religious. Assuring the minorities of a fair deal in Samyukta Maharashtra, the Samiti Manifesto maintained: "As citizens of India, linguistic minorities hailing from different states have every right to a status of equality and a secure life in Samyukta Maharashtra".

The Congress strongly pleaded for combating the feeling of provincial separateness whereas the Samiti was emphatically of the opinion that Bombay had been singled out for the bilingual experiment only because it wanted to placate big business in the city of Bombay. This experiment in its opinion would only further feuds and dissensions between the Maharashtrians and the Gujaratis instead of fostering friendship and fellow-feeling as the Congress claimed. It accused the Congress Government of being anti-democratic and authoritarian especially because it tried to suppress the struggle for Samyukta Maharashtra in cold-blood, resorted to brutal mass-killing and as if to add fuel to fire, even showed the audacity of refusing an inquiry into the firing resorted to by the trigger-happy policemen who tortured the people under the tyrannical orders of corrupt and inefficient Congress Ministers. It appealed to the people to accept this as a challenge and gird up their loins to vindicate their rights, to defend democracy and to safeguard self-rule or swaraj.

Though the supine inaction of the Congress Government in regard to Goa and the continued connection of India with the Commonwealth came in for criticism from some quarters, on the whole, the Congress policy of non-alignment with either of the power-blocs was supported almost unanimously by all the parties.

#### THE PUBLICITY CAMPAIGN

General Elections serve as the best instrument of and a great experiment in public education. The duty of making this experiment a success devolved upon the Government, the leaders of public opinion, social and cultural organisations and last but not the least upon the political parties. Pandit Nehru wanted the Election to be a kind of University for the masses of the people to discuss political and economic subjects and domestic and international problems. This was a tremendous responsibility that they had to shoulder especially in view of the fact that the electorate had increased since the last elections, people perhaps had become more conscious politically and the need for organised opposition was felt rather strongly. Both the Congress as well as the Samiti set about doing this stupendous task with full strength and vigour.

The Congress appointed a special sub-committee for this purpose under a publicity officer who had studied the propaganda technique of the Labour Party in England. This Committee conducted a regular course of lectures for its officers on the technique of propaganda and publicity. It also made the "Handbook for Congressmen" and "The Election Guide" prepared by the Central Publicity Committee of the Party available to its workers and candidates and their agents.

From amongst the five leaflets prepared by the Central Committee, two viz. "Achievements of the First Five Year Plan" and "The Second Five Year Plan" were translated into Marathi and Gujarati and its copies distributed in the city along with abridged copies of its Manifesto in Marathi, Gujarati, Telugu, Hindi and Urdu.

All these were attempts to appeal to the reason and intellect of the voters. However, an appeal to the emotions and instincts of the masses which is usually the stock-in-trade of all political leaders had to be stressed especially because linguistic passions were roused almost to an infernal pitch.

So, both the Congress and the Samiti organised big and small public meetings and group-meetings. Amongst the main Congress speakers were Pandit Nehru who inaugurated the election campaign, Shri Krishna Menon, Congress President Shri Dhebar, Bakshi Gulam Muhammad, the Chief Minister of Kashmir, and local leaders like Shri S. K. Patil, Shri Morarji Desai, Shri Y. B. Chavan and others. The average audience for the big meetings was about 30,000 to 50,000, for small 1,000 to 2,000 and for smaller group meetings 100 to 500.

The issues stressed at such meetings were the Five Year Plans, the fruitfulness of the foreign policy, the Kashmir problem, the socialist pattern of society, and need for unity and solidarity amongst the peoples. All these were attempts at making a positive appeal which was almost conspicuous by its absence in the propaganda of the Samiti as the main burden of its appeal was opposition to the Congress and the authoritarian attitude shown by it in foisting bilingual Bombay on unwilling masses. Of course, their claim was that far from being a negative demand it was almost a holy fight for their right and liberty. Its main speakers were Shri Dange, Shri S. M. Joshi, Shri Naravane, and others. The average attendance in the big meetings organised by the Samiti ranged between 50,000 to 70,000.

Sometimes, the virulent propaganda of the Samiti took an ugly form inasmuch as some of the big public meetings organised by the Congress were sought to be broken up by the followers of the Samiti by shouting anti-Congress slogans and at times even taking recourse to violent or semi-violent means. This is why the Free Press Journal in one of its editorials was constrained to write: "If this tendency is allowed to persist it may not take long to perfect an election system where the presiding genius would be the police constable." This is why some of the Congress leaders too tried to make a negative appeal to the voters by calumnising the opposition. Pandit Nehru for instance in his inaugural address no doubt exhorted the people to rise above petty feelings and give their verdict in favour of high principles; however, even he did not hesitate to make a negative appeal. He vehemently attacked the opposition parties and their policies. About the Communists he said: "The Communist talk of the dictatorship of the proletariat is sheer nonsense and humbug. They have proved the bankruptcy of their minds". Regarding the P. S. P. he observed that their only obsession was to oppose the Congress. He characterised other parties like the Jan Sangh and the Hindu Mahasabha as thoroughly irresponsible and immature. Similarly, the alliance between the opposition parties were ridiculed as queer and quixotic hybrid combinations trying to create a counterfeit unity.

Amongst some of the important spectacular means adopted by the rival parties were posters, processions and slogans, dramas and kirtans. Posters



displaying profile of Pandit Nehru with the slogans "For peace and prosperity Vote Congress", showing the Congress symbol a pair of bulls with yoke on entitled "Symbol of service" and several others were used by the Congress. The opposition parties paraded big pictures and posters portraying ghastly scenes of shooting, bearing slogans like "Vote for Congress is a vote for treachery and murder; vote for Samiti is vote for justice and martyrs". Such slogans were shouted in torch light processions, terrace-gardens and street corners. With a view to making the mass appeal more effective, entertainment programmes like kirtans, dramas and powadas were organised by both the parties especially in the labour areas. The Congress also prepared films showing the achievements of the Congress, Government of India in general and the state of Bombay in particular. They were shown in several theatres of the city for about two weeks prior to the election.

A direct approach and a personal appeal being more powerful than impersonal mass appeals, almost all the candidates tried to approach the voters individually either through group-leaders or through door-to-door canvassing. Group-leaders proved more effective in labour and scheduled caste localities like Parel and Lalbag. Many cultural and social organisations and volunteers helped in this work. An attempt was made to appeal to the voters on caste, communal, local and linguistic basis. One noteworthy feature of this propaganda was that the Samiti could muster more women volunteers than the Congress.

Thus, it was by playing on the emotions, sentiments and suggestibility of the voters that both the Congress and the Samiti tried to pre-determine their choice at the polls.

#### THE PRESS

The press also contributed its mite to educating the public regarding the election through editorials, articles and reports of election speeches and special election features.

The Times of India as well as the Free Press Journal tried to impress upon the voters the importance of their precious right of voting and tried to guide them regarding its right use by giving an analysis of the manifestoes, the election issues etc. through their editorials. Amongst some of the major issues dealt with in the editorials were "Responsible Opposition", "Foreign Aid in Election", and the "Communist Victory in Kerala". Commenting on Sjt. Jaya Prakash Narayan's suggestion about the need of having a strong and organised opposition in the country and Pandit Nehru giving a lead for this, the Times of India advising Sjt. Narayan to take the lead observed: "The conditions for the growth of an effective opposition have to evolve themselves and cannot be created by a fiat", and that it was no part of the duty of the party in power to strengthen the opposition parties. It wanted the opposition to face the fact of its failure to provide the electorate with an alternative programme with enough appeal for the masses. Arguing in a similar vein the Free Press Journal asserted "If Jaya Prakash Narayan or any other opposition leader in India today cannot command the allegiance of public opinion, he should look for the cause in his own politics, philosophies and public deeds".

Regarding Foreign Aid both the papers fully reported Smt. Indira Gandhi's charge against the P. S. P. of accepting foreign aid. The F. P. J. also reported Sjt. Dange's charge against the Congress of receiving foreign aid. The Times of India pleading on behalf of the public maintained that "these charges require to be answered and either refuted or admitted".

The Times of India supported the Congress and the independents as against the Samiti candidates. So, the speeches of Samiti leaders were generally not reported in it. The Free Press Journal did devote some space to the speeches of leaders and candidates of the Samiti like Sjt. Dange, Sjt. Dandvate, Sjt. Joshi, Sjt. Alvares and others.

The Times gave an Election pre-view surveying the situation in the whole of India. Its reading of the situation in Bombay was: "the linguistic slogan has lost effect and the Congress will have another chance to run the government". It considered Sjt. Menon to be the focal point of the Election as in and through him India's foreign policy was put to test. Labelling the Samiti as one born out of opportunistic alliances, it observed that it was mistaken in believing that any stick was good enough to beat the Congress with.

The Free Press Journal published many informative and educative articles introducing the candidates and explaining their election issues. One of them by Sjt. S. K. Patil made this stirring appeal to the voters: "A vote for Congress is a vote for progress and prosperity of the country. It is a vote for democracy and socialism, for a stable and secular state. In the Greater Bombay State, it is a vote for emotional integration of people against forces of diversion and disruption. So, the hand that votes the Congress saves the nation." Articles by a few foreigners on publicity, pressure-groups, etc. and their relation to General Elections along with reviews of important books on General Elections in 1951-52 were also published by both the papers.

Letters and appeals published in the reader's columns formed the last though not the least important features of the press campaign. Controversial Mr. Menon added colour to this feature. Some prominent public men labelled him as a Communist fellow-traveller and a vain and bad-tempered boaster. On the other side there were letters which labelled these critics as malicious gossip-mongers purposely trying to throw mud at a man of rare charm and humility. The Free Press Journal supported Sjt. Menon firmly and fervently. Criticising the P. S. P. for putting up a candidate against him it observed: "Will one candidate from North Bombay undo what the sovereign Parliament and the State legislatures have accepted by a majority?" Its appeal to the voters of North Bombay was no mean begging for votes but an exhortation to the people to honour themselves. It was entitled "Honour Thyself North Bombay". Flattery is accepted as one of the important devices of winning votes and could anything have flattered the voters more than this appeal?

Janmabhoomi, a popular Gujarati daily asked the Gujarati voters to stand solidly behind the Congress if they wanted solidarity of the nation. It not only showed the advantages of the Bigger Bilingual State but also impressed upon the voters how Maha Gujarat would suffer financially and otherwise if it was separated from Bombay and Maharashtra.

The Lokamanya and the Navshakti, the two popular Marathi dailies, consistently propagated the Congress and the Samiti points of view respectively, one trying to prove how bilingual could be a very ennobling and inspiring experiment and the other trying to show the cultural, the geographic, the economic and the linguistic link between Bombay and Maharashtra and the great injustice done to the Maharashtrians who were singled out for this unfortunate experiment.

Over and above these there were extremist papers like the Prajabandhu in Gujarati and the Navyug in Marathi pleading respectively for Maha Gujarat and Samyukta Maharashtra with Bombay. Their propaganda how-

ever was not only vigorous and exciting but at times also vulgar and obnoxious, the means adopted by them being twisted facts, wrong statistics and dirty insinuations against individual candidates.

Such papers and the propaganda carried on by some of the candidates of both the parties proved the maxim that what the electorate gets from the parties are only coloured prejudices, unbalanced exaggerations, and sinister slogans. Party propaganda mostly being what Bryce calls a mixture of denunciation and declamations tries to abuse the opponents and confuse the voters rather than to define issues and convince the people.

#### THE RESULTS

Voting was more vigorous this time than in 1951, the total percentage of voting for the Lok Sabha and the Legislative Assembly this time being 65.94 and 65.96, respectively, as against 55.46 and 53.9 in 1951. In no constituency did the voting percentage go below 50. This was mainly due to the fact that in most of the constituencies there was a direct contest between the Congress and the Samiti candidates. A Congress candidate in Dongri, a predominantly Muslim constituency, scored a record number of 27,749 *i.e.* about 91.8 per cent of the total votes polled, against his independent rival.

On an average the difference between the votes polled by the rival candidates mainly of the Congress and the Samiti was about 20 per cent, the Congress scoring comparatively higher in predominantly Gujarati and mixed constituencies and the Samiti in predominantly Maharashtrian and working-class constituencies.

Let us now try to analyse the final results party-wise and compare them with the position of the respective parties in the last election.

| Name of the Party                    | Percentage of valid votes won by the party |       | No. of seats won |      | Percentage of total number of seats |       |
|--------------------------------------|--------------------------------------------|-------|------------------|------|-------------------------------------|-------|
|                                      | 1951                                       | 1957  | 1951             | 1957 | 1951                                | 1957  |
| Congress                             | 47.22                                      | 46.85 | 23               | 13   | 85.1                                | 54.16 |
| P.S.P. { Socialist<br>K.M.P.         | 28.21<br>.26                               | 15.36 | 2                | .3   | 7.4                                 | 12.5  |
| Communist Party<br>(U.L.F. for 1951) | 7.93                                       | 8.31  | 0                | 2    | 0                                   | 8.33  |
| S.C.F.                               | 4.66                                       | 11.14 | 1                | 3    | 3.7                                 | 12.5  |
| Hindu Mahasabha                      | .14                                        | 1.68  | 0                | 0    | ..                                  | ..    |
| R.R.P.                               | 1.99                                       | .04   | 0                | 0    | ..                                  | ..    |
| Independent                          | 10.03                                      | 6.22  | 1                | 2    | 3.7                                 | 8.33  |

The Congressmen's Janata Parishad and the Socialist Party did not feature in the first elections as they were non-existent then; and the Nationalist Party which contested both for the Lok Sabha as well as the L.A. this time contested only for the House of the People in 1951; whereas the Jan Sangh

which did not contest at all did put up 1 candidate this time. Their position is revealed by the following table.

| Name of the Party | Percentage of valid votes secured | No. of Seats won | Percentage of total No. of seats |
|-------------------|-----------------------------------|------------------|----------------------------------|
| C.J.P.            | 6.08                              | 1                | 4.16                             |
| Socialist Party   | 1.32                              | 0                | 0                                |
| Nationalist Party | .05                               | 0                | 0                                |
| Jan Sangh         | 1.39                              | 0                | 0                                |

It is evident from the above tables that

1. As compared to its position in 1951 the Congress lost in seats though not much in votes.
2. The P. S. P. on the other hand gained in seats though it lost in votes.
3. The S.P. and the other parties which did not join the Samiti did not feature in the picture as almost all of the candidates sponsored by these parties scored very low and consequently lost their deposits.
4. The rift in the Congress resulting in the formation of the Congressmen's Janata Parishad affected its position adversely, whereas the rift in the P. S. P. resulting in the formation of the S. P. did not affect it at all.
5. The S.C.F. and the C.P. had benefitted both in votes as well as in seats.
6. There is a closer correlation between the total number of valid votes polled and the number of seats won by each party than in the last election. The Congress got 46 per cent of the total votes and 13 seats and the Samiti about 41 per cent of the votes and 11 seats. (After the bye-election the proportion has become half as the Samiti won the seat which was originally won by the Congress).

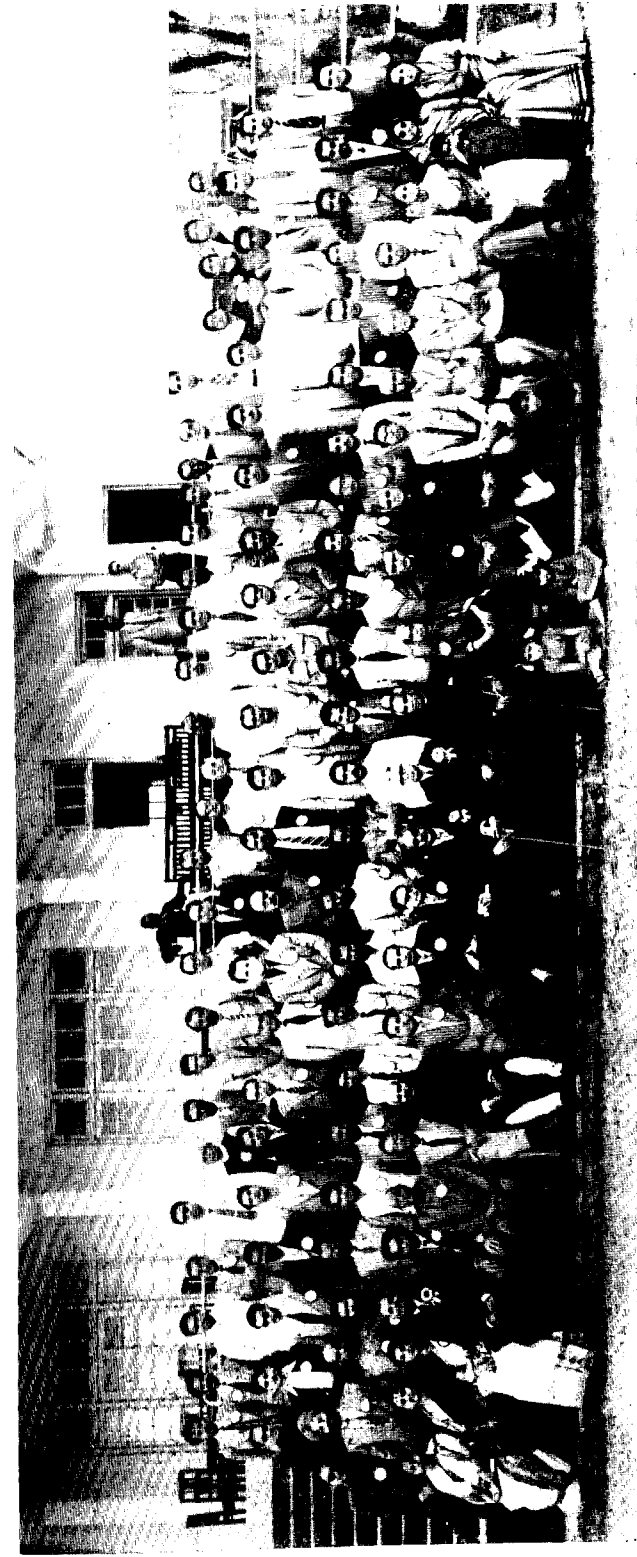
The Congress lost in ballots what it tried to gain by boasting of its association with the Father of the Nation, Mahatma Gandhi, and his heir and by boosting up the achievements of its Government, whereas the opposition parties gained in union (even though the union was based on the division of the State on linguistic basis) what they had lost in division and disagreement. One only wishes that this union was more deep-rooted and based on ideological agreement between the parties rather than on one solitary aim of achieving Samyukta Maharashtra between parties having ideological incongruities.

The Congress cannot explain away its election losses with such phrases as emotionalism and parochialism, nor can the opposition parties labour under the misapprehension of their gains being a genuine reflection of their growing strength as local irritations and narrow issues certainly worked as decisive factors at the polls rather than broad national problems or international issues.

Though the elections which were referred to as a referendum on bilingual Bombay State did not give a clear-cut verdict either for or against it, it cannot be denied that they helped in giving a shock to some slumbering Congressmen who were fast becoming complacent and negligent mainly on the strength of their steam-roller majority in the legislative bodies by adding a team of twelve to the opposition of 160 in a House of 392 and thus proving both the grandeur and the danger, of democracy.

THE XXth INDIAN POLITICAL SCIENCE CONFERENCE  
POONA

December, 27, 28 and 29, 1957





Sri V. K. Krishna Menon delivering the Inaugural Address



Dr. R. P. Paranjpye welcoming the guests



Office Borneers and Workers of the Reception Committee

## THE XXTH INDIAN POLITICAL SCIENCE CONFERENCE

The Twentieth Annual Conference of the Indian Political Science Association was held under the auspices of the Poona University on 27th, 28th and 29th December, 1957.

The inaugural session of the Conference commenced at 10 A.M. in the Assembly Hall of the Law School packed to capacity with a welcome song in praise of Goddess Saraswati (वन्दे शारदा बाई सरस्वती) sung by the lady students of the S.P. College, Poona.

Dr. Sir R. P. Paranjpye, Vice-Chancellor, Poona University and President of the Reception Committee, welcoming the guests, dwelt on the role Poona had played in the educational and political history of India. Poona, he said, was the political capital of India in the pre-British times. The first session of the Indian National Conference was to be held in Poona but had to be transferred to Bombay owing to the outbreak of an epidemic in Poona at the time. While Mahadeo Govind Ranade, Lokamanya Bal Gangadhar Tilak and Gopal Krishna Gokhale did not live to see the final culmination of their efforts, modern India could not forget the services of these three giants of Indian nationalism. The Poona University is proud to associate Tilak's name with a Professorship and a Lectureship in Politics and Public Administration, founded last year with the help of the University Grants Commission and the Bombay Government. Inviting Sri V. K. Krishna Menon to deliver the Inaugural Address, Dr. Paranjpye eulogised the role of Mr. Menon in our national and international affairs and advocating India's cause so vigorously and energetically before the United Nations.

### INAUGURAL ADDRESS

Sri V. K. Krishna Menon, the Defence Minister of India, in his Inaugural Address dealt at length with the problem of disarmament, India's foreign policy and the part India had played in the United Nations. He observed that the uncommitted nations had played a very important role in the United Nations and went on to point out how India had contributed to the promotion of the U. N. ideal particularly after the French had walked out over the question of Algeria.

### PARLIAMENT OF THE WORLD

Mr. Krishna Menon said the greatest success of the United Nations Organisation so far was that it had survived the bitter controversies dividing the major powers into two camps. Describing the U. N. as the "Parliament of the World", Mr. Menon said it had brought about the impact of public opinion on civilised governments. "The survival of this organisation, with all its divergencies in the face of a threat of thermonuclear power as a deterrent to war was no small achievement," he added. The United Nations, Mr. Menon said, was built on the edifice of stresses and strains that arose after the devastating Second World War. It was established not by the collective wisdom, but the "collective anguish" of the people who found a vacuum created after the disintegration and non-functioning of the League of Nations. The United Nations had to its credit great achievements—

achievements which necessarily did not make newspaper headlines. These had been in the nature of assistance to underdeveloped countries, spread of education etc. It had arrested some conflicts which otherwise might have flared up into war.

However, Mr. Menon pointed out, the organisation which had addressed itself to the problems of disarmament and finding a solution to it had not achieved any tangible results in that matter. "It is a problem which concerns humanity and the survival of economies and sovereignties of several nations. The problem has entered a most critical stage. It is one of those problems where the decision of the majority will not help. It requires the sovereign act of sovereign countries—in this case America and Soviet Russia. "A solution of this problem," he emphasised, "must be found only by negotiations and agreements." No doubt, he added, the problem presented a dismal picture but he hoped that in the course of the next twelve months there would be much heart-searching and the process of negotiation would continue. The essence of such negotiations was that the leaders of the world should be willing to be persuaded because "you cannot persuade anyone else unless you are willing to be persuaded yourself."

#### WEAKNESSES OF U.N.

In his opinion the main weaknesses of the United Nations were two: the first was the absence of a great country like China from the U. N. and the other the tendency to think that some of the defects of the U.N. were caused by the wrong formulation of its Charter. As to the admission of China, Mr. Menon said, there was no great problem of admission but the difficulty was that the wrong person was occupying the Chair. The result was that the world could not have in the comity of nations the impact of 600 million people of a revolutionary State. With regard to the demand by certain States for the revision of the U. N. Charter, Mr. Menon stated that the stand of the Government of India on the subject was that the Charter could not be revised without agreement among the five Big Powers and if there was such an agreement there was no need to revise the Charter. "The deficiencies of the United Nations," he continued "are not the deficiencies in its constitution. It is spirit and faith that is lacking. However, there is no need for pessimism or for despair. The U. N. to day has to its credit great achievements." The U. N. represented a cold war which, if carried to its conclusions, might freeze the people and a hot war which, if it got hot enough, will burn us all together.

#### BASIS OF INDIA'S FOREIGN POLICY

Mr. Krishna Menon explained the basis of India's foreign policy of non-alignment, which according to him meant that India was not predetermined particularly by military considerations or alliances. India's policy, he stated, of no military alliances and of no predetermined allegiance or affections. "We have no enemies in the international sphere. There are countries which support us. It is a mistake to think that India stands isolated because of her non-alignment policy. Everywhere in the Eastern Countries they have begun to understand this policy of non-alignment. In the last two years in the Western World there has been an increasing understanding not merely about our position but the potentials of our policy for good", he said. The Defence Minister declared that the integrity of the Indian Union was "an article of faith" with us. It was because of this that India spoke with fervour on the Kashmir question. The Kashmir question was not a territorial

dispute. Kashmir was a constituent state of the Union. "How can there be a dispute about our sovereignty" he asked, and said any idea that militated against India's unity and integrity was inimical to her interests.

Referring to the problem of emotional integration of India, a subject to be discussed by the Conference, Mr. Menon said it was a problem of sub-nationalism against nationalism. This country, he said, could not survive except as a Union. "Whatever may be our views about different languages and the different territorial interests of people, the main fact that the people have to remember to day is that although we have many centuries of history, at no time have we been a national sovereign State, except in the last ten years. If we are making any contribution to the solution of international problems it was because we are a united country. If India to day is heard with respect in the comity of nations it was because we are one people," he added. In this connection he referred to the remarks of Dr. Paranjpye, who had praised Mr. Menon's part in the national and international affairs, and said: "I am heard in the councils of nations not because I am liked or can put an argument convincingly, but because I have the backing of 400 million people of my country, men who have no differences whatever. It is not merely the argument but what is behind the argument that counts."

Mr. Menon referred to the suggestion for the introduction of proportional representation in the country's electoral system made earlier by Dr. Paranjpye. He said from his experience of foreign countries that he thought proportional representation so far as it related to national Government it would not work. Proportional representation might "mirror differences between various groups, but the Indian Parliament was not intended to be a museum piece", he added.

Dr. N. R. Deshpande then read out the messages received by the Reception Committee for the Conference.

Dr. K. N. V. Sastri, President of the Indian Political Science Association for the year 1957, delivered his address on "India, the USA of the East". The inaugural function came to a close with the singing of *Bande Mataram* by the lady students of the S. P. College.

#### December 27, 1957

*Afternoon Session:*—Papers on United Nations and World Peace.  
*Rapporteur*—Dr. V. D. Mahajan.

**Prof. C. Devadanam**, of Andhra Christian College, Guntur, in his paper entitled *U. N. and Regional Pacts* criticised the Baghdad Pact and SEATO. He advocated the immediate dissolution of all the regional pacts and alliances. He put emphasis on the value of moral force based on Panch Shila. He advocated the deletion of clause 52 of the Charter of the United Nations. His view was that military alliances had done the greatest harm to the cause of peace. The Military pacts were not consistent with the aims and objects of the United Nations.

**Dr. R. N. Mathur**, of the Delhi University, in his paper on *India's Contribution to U. N. in the Sphere of Peace and Security*<sup>1</sup> stated that there were two important functions of the United Nations. Those were to provide a forum for international discussion and to serve as an instrument of peace and

<sup>1</sup> Full text printed elsewhere in this issue.

collective security. He put emphasis on the second function of the United Nations. According to him, the area of peace in the world could be extended by India following a policy of non-alignment. He emphasised the value of Panch Shila in World politics. According to him, India stood for the enrolment of all the peaceful nations of the world as members of the United Nations. India stood for the resolving of the basic differences between the two blocs into which the world was divided. He referred to the work done by India at the Bandung Conference. India stood for peace and worked for peace. India hoped that a time would come when there would be universal peace.

**Prof. S. K. Mukherjee**, of the Calcutta University, in his paper on *The Concept of World Peace under U. N.* stated that world peace under the United Nations was positive, just, dynamic, indivisible and comprehensive. Positive peace had two foundations. Objectively, it signified the necessary economic and material conditions. Subjectively, it had a psychological basis. The positive peace had a footing in justice. Just peace was declared as the aim of the United Nations in the Preamble of its Charter. Just Peace was dynamic. It was changing, growing and developing with the moving facts and events. There must be some provision for the revising of treaties that had grown unjust and had outlived their use. Such a provision had been made in Article 14 of the Charter of the United Nations.

United Nations peace was not a casual formula. It was an indivisible peace. According to the speaker, the idea of peace as given in the Charter was better than that given in the Covenant of the League of Nations. The new concept of peace was far ahead of the reach of the United Nations. The problem before the world was to realise the ideal of world peace.

**Prof. S. K. Mukherjee** read another paper on *Interventions in Egypt and Hungary, 1956 : Their Legality and the U. N. Action for Peace*<sup>2</sup> According to him England and France in their action in Egypt were guilty of transgression of the United Nations Law and also of aggression. They had violated Article 2 (4) of the Charter by issuing a threat of force and then in indulging unilaterally in the use of force. They had also violated Articles 33 and 37 which prescribed reference to the Security Council of disputes which were not solved amicably. They had also violated the law regarding intervention formulated by the International Law Commission in the Draft Declaration on the Rights and Duties of States.

According to him, if the Kadar Government in Hungary was legal, the above charges could not be levelled against the Soviet Union. If the Kadar Government was not a legal one, the Soviet action in Hungary was worse than that of England and France in Egypt.

According to the speaker, both the cases got paralysed in the Security Council owing to the use of the veto. Only England and France complied with the resolution for peace of the General Assembly and not the Soviet Union. From the legal point of view, non-compliance by the Soviet Union could not be condemned as the resolutions of the General Assembly were in the nature of mere recommendations and not law. The speaker emphasised the fact that compliance by England and France was not due to any respect for the United Nations but due to the fear of world opinion and the ultimatum of Russia.

<sup>2</sup> Full text printed in Vol. XIX No. 1 of this Journal.

**Dr. T. B. Mukherjee**, of the Patna College, in his paper on *The U. N. and World Peace* stated that the failure of the United Nations was not due to its Charter or its structure. The malady was a deep-rooted one. The United Nations was not expected by its framers to preserve peace against a Big Power aggressor. Even if the veto clause was deleted from the Charter, there was no guarantee of peace. The important problem before the world was to create a climate of peace. It is absolutely necessary to remove the fear psychosis from the world. He referred to the mutual fears of the Soviet Union and the U.S.A. from each other. The speaker advocated the abrogation of the regional pacts and the stopping of the race for armaments. He realized the difficulties of the present situation. According to him, Krushchev could not give up the policy of international communism as in that case he himself may have to go. Likewise, it was difficult for President Eisenhower and Dulles to say that they would give up the leadership of the world.

**Prof. K. C. Pal**, of Victoria College, Cooch Behar, West Bengal, discussed *The Kashmir Problem and the United Nations*. His view was that Sir Ivor Jennings approached the question of the accession of the State of Jammu and Kashmir from a wrong angle. Sir Ivor was indirectly trying to justify the incorporation of a part of Kashmir by Pakistan in the new Constitution of Pakistan drafted on his advice. The speaker emphasised the fact that the fundamental question in regard to Kashmir was the rights of the people of Kashmir. In the Indian part of Kashmir those rights were being duly secured through a secular and democratic constitution which came into force on 26th January, 1957. In the other part of Kashmir, similar rights could be secured when the soil was cleared of the invaders. The view of the speaker was that the United Nations could not render any material help in the solution of the Kashmir problem. He was not in favour of a United Nations force. According to him, the present partition of Kashmir along the cease-fire line between India and Pakistan was a good practicable solution.

**Dr. Ram Prakash Pandey**, of Gwalior, discussing the *Decline of the Collective Security Ideal of the United Nations* stated that the original purpose of the regional pacts was to supplement the United Nations and not to supplant it. Those pacts had become the rivals of the United Nations and were based on the feeling that the United Nations was not capable of resolving disputes.

The speaker compared the United Nations with the League of Nations, and pointed out that while the United Nations had the authority to enforce collective military action, that was not the case with the League of Nations. However, the powers of the United Nations had been nullified by the exercise of the veto power.

Dr. Pandey pointed out that the General Assembly had become helpless. It was felt by the Big Powers that in a body where the States had equality of voting, they could not assert themselves to the same degree as they did in the Security Council. No wonder, they considered the General Assembly to be unsuitable for making major decisions. They also feared that with the admission of new members, the number of the uncommitted members will increase in the General Assembly and it will become difficult for them to manage the same. No wonder, the Big Powers are trying to side-track the United Nations and are seeking security in the building up of regional alliances. The United Nations was considered to be a dead horse.

The speaker was happy that the Big Powers were disunited and their disunity helped the smaller nations to have their independent existence. If



unity was established among them, the smaller and weaker States were liable to be wiped out completely.

**Prof. D. N. Pathak**, of Gujarat University, in his paper on *The General Assembly and World Peace* stated that the veto power had been used so often that the Security Council had failed to fulfil its functions and consequently the General Assembly had become representative of the world. It had become the forum of the world. He pointed out that the newly admitted small powers belonged to either Asia or Africa. Those were free from the influence of the cold war. The General Assembly had asserted itself on many occasions.

The speaker was not in favour of the abolition of the veto power. The reason was that if the veto power was deleted, there was every possibility of the United Nations itself evaporating. The Big Powers in that contingency were liable to leave the United Nations.

**Prof. V. V. Ramanamurthy**, of the Gujarat University, in his paper on *United Nations and World Peace* stated that the modern state was the embodiment of violence. The world government could only be an extension of the national government. As long as world government relied upon the sanction of coercive power, it could not be different from national governments.

The speaker stood for the transformation of the State in modern times. Power must cease to exist. Otherwise, the masters of power would be changing but power and coercion will continue. The government will become a war machine.

According to the speaker, there was no solution of the problem unless pacifism became integrated and permeated all the spheres of life. Creative peace could come only through voluntary suffering and not otherwise.

**Dr. S. C. Singh**, of Saugar University, in his paper on *The Veto Problem in the United Nations*<sup>3</sup> pointed out the defects of the excessive use of the veto power in the Security Council. According to him, the misuse of the power had rendered ineffective the successful working of the Security Council.

The speaker pointed out that the veto power had been used by the Soviet Union 85 times. Two such important occasions were the Kashmir question and the Anglo-French intervention in Egypt.

The speaker pointed out the evil effects of the exercise of veto power. The problems which were important could not be referred to the General Assembly and the result was that the Security Council got weakened. The speaker gave examples of the wrong use of the veto power and he was not prepared to defend them at any cost. He suggested that in future it should be laid down that the veto power will not be allowed to be exercised by one power alone.

**Principal T. K. Shahani**, Bhavnager, in his paper on *United Nations: World Peace Based on Justice and Freedom* stood for peace based on law and the International Court of Justice. He regretted the division of the world into camps. He referred to the Geneva Protocol of 1924 which he considered to be based on justice. He also referred to 'The Great Illusion' written by Norman Angell and commended its ideal to the audience. According to the speaker, third party judgement must be encouraged and the sphere of International Law must be extended. He criticised the Russian

<sup>3</sup> Full text printed elsewhere in this Journal.

attitude which did not tolerate third party judgement. He was of the opinion that nations should go to the International Court of Justice for the settlement of their disputes. The scope of International Law should be extended. He advocated the adoption of the principal of co-operation among the nations of the world.

**Dr. E. Asirvatham**, of Bihar University, in his paper on *The United Nation and World Peace*<sup>4</sup> gave a general survey of the United Nations Organisation and also pointed out its achievements and shortcomings. The speaker wanted that an objective view of the work of the United Nations should be taken. The United Nations was undoubtedly the best organisations. It was a great improvement on the League of Nations. He pointed out that the prestige of the Security Council had become less while that of the General Assembly had increased. The use of the veto power had prevented the taking of immediate action in the international field. According to the speaker, there would have been a war between India and Pakistan on the question of Kashmir if the United Nations had not existed. Likewise, there would have been a war on the question of Egypt. The United Nations had acted as a buffer between the two blocs. However, it could not be denied that the United Nations had failed completely in the field of disarmament.

**Prof. Nasir Ali**, of Aligarh University, stated that there was no possibility of peace so long as colonialism continued to exist in the world. He advocated a legal solution of colonialism. Co-existence was impossible so long as there existed rivalries among the blocs and the race for armaments continued. Regional alliances were really international alliances and they widened the area of conflict. According to the speaker, we must initially agree on certain fundamental issues because otherwise world peace was bound to remain merely a dream.

**Dr. C. Jha**, of Patna, stated that the United Nations could not be allowed to interfere in the internal affairs of the States on the ground of the protection of human rights. He referred to the charge of genocide levelled against India by Pakistan. According to the speaker, the United Nations could not be turned into an extension of the foreign offices of the various countries of the world.

**Prof. S. R. Nanekar**, of Nagpur, stated that failure of the disarmament conference was due to the fact that the United Nations did not guarantee safety to the nation of the world. The United Nations was completely powerless. It must possess a coercive authority among the member States. The speaker advocated the giving up of sovereignty by the Soviet Union and the U. S. A. It was only then that United Nations could become Stronger. states could not be allowed to remain almighty.

#### December 27, 1957.

6. 15 p. m. :—Public Lecture

Speaker : Dr. Quincy Wright

Subject : International Law Under Modern Conditions

Rapporteur—Dr. V. D. Mahajan

**Dr. Wright** addressed a public meeting on the evening of 27th December, 1957. In the course of his lecture, he stated that one of the achieve-

<sup>4</sup> Full text printed in vol. XIX, No. 1 of this Journal.

ments of International law was that it survived in modern times. There were conflicts of ideologies and opinions. The two World Wars also had intervened and still the miracle was that International law had survived.

Dr. Wright traced the history of International law and said that International law began with the discovery of America in the 15th century. The first book on International Law was written by a Spaniard who was influenced by the Spanish conquest of Mexico. There were a series of writers during the 16th and 17th centuries. He referred to the Treaty of Westphalia of 1648 which was based on the principle of the territorial sovereignty of every state. Whatever was the religion of the King was also to be the religion of the people.

The European writers started with the idea that the principles of International Law applied only to the Christian States of Europe and not to the States which were in Asia or in America. The U. S. A. was the first country to be recognized in the 18th century as a country to which also the principles of International Law applied. The principles of International Law were applied to other States as well during the 19th century. The 20th century has witnessed the application of the principles of International Law to all the States of the World. Dr. Wright traced the growth of International Law upto the United Nations Charter.

Dr. Wright emphasised the fact that International Law could not be imposed by force. There must be a moral recognition of its necessity by the people of the world. If we do so, the present state of affairs is bound to improve. The speaker maintained that we should not forget that we are not only members of nations but also the members of mankind. If there is such a realisation, there is going to be no difficulty at all. Man has to be educated to think that he is a member of the world community and he must not forget that fact while blinded by the interests of his own state.

Dr. Wright did not subscribe to the view that the Declaration of Human Rights was meaningless and useless. According to him, it had its own utility.

**December 28, 1957**

*Morning Session:—Papers on Development and Significance of Nationalism in India*

*Rapporteur: Dr. V. D. Mahajan.*

**Prof. V. D. Divekar** of Poona, in a paper submitted jointly with Shri G. V. Ambekar, on *Development and Significance of Nationalism in India*, contended that the conception of nationalism was mainly cultural and political and not territorial. He pointed out that the Hindu leaders appealed to the ancient history of India while trying to develop nationalism in the country. He referred to the revival of the Ganapati festival by Tilak. All those things which could appeal to the Hindu mind, were done to revive nationalism in the country.

**Dr. S. C. Dash**, of Ravenshaw College, Cuttack, in his paper on *Nature and Significance of Indian Nationalism*<sup>5</sup> stated that nationalism was a by-product of the British rule in India. It was intrinsically a negative force. Capitalism

<sup>5</sup> Full text printed in Vol. XIX No. 1 of this Journal.

played an important part in the growth of nationalism in India. The Swadeshi Movement in India involved a boycott of British goods. This brought the Indian nationalists and capitalists together. The capitalist bias of Indian nationalism could be effectively curbed only by the socialist preachings of Pt. Nehru.

According to the speaker, three things were introduced by the Englishmen to destroy the forces of nationalism in India and those were the bolstering up of the Indian princes, encouragement of communal forces and the setting up of an All-India Federation. Indian Nationalism would have died after 15th August, 1947 but it was the touch of Nehru that saved nationalism in the country.

Exclusiveness and arrogance were the characteristics of nationalism. However, India had steered clear of these tendencies because Pt. Nehru has always given an international bias to Indian nationalism.

**Dr. B. B. Majumdar**, of Bihar University, in his paper on *Nationalism in India in Pre-Congress Days*<sup>6</sup> stated that Raja Ram Mohan Roy was the first to perceive the impediments to India's national unity. He was not a capitalist but he could really be called the prophet of nationalism in India. George Norton gave lectures on political science in Madras. He asked the Indians to unite and have their own Parliament. Many associations were formed between 1851 and 1884 but those were either communal or provincial in bias. In 1860, a newspaper entitled "*The Indian Statesman*" of Madras wrote thus: "What India may have to experience some day is the union of democratic restlessness with some new religion, the advent of another Buddha who shall give expression to the undefined yearnings of multitudes, preach down the tyranny of caste, heal the antagonism of ages and fuse the people into a nation."

According to Dr. Majumdar, it was God's blessings that the Mutiny of 1857 failed. If that had succeeded, feudalism would have been firmly established in the country and that would have been detrimental to the future progress of the country.

**Prof. Shobhanlal Mookherjee**, of Dinbandhu Andrews College, Garia, West Bengal, in his paper on *Indian Nationalism in Transition* stated that the Mutiny of 1857 was the first nationalist movement in India. The establishment of universities and the spread of English education also played their part in the growth of Indian nationalism. The establishment of the Indian National Congress in 1885 was the next positive step in the march of the Indian nationalist movement. He traced the history of Indian nationalism upto the attainment of independence in 1947.

The speaker referred to the various barriers which stood in the way of the completion of nationalism in the country, viz., provincialism, linguism, casteism, peculiar religious prejudices, customs and rites, economic insecurity, refugee problem, etc. The view of the speaker was that all these barriers could be removed if the Government adopted a firm attitude to suppress all the anti-social and un-Indian activities. He suggested that educated Indians must encourage inter-religious, inter-caste and inter-provincial marriages in India. All those were sure to foster the growth of sound nationalist sentiments in the country. Indian nationalism must be fully ready

<sup>6</sup> Full text printed elsewhere in this issue.

for reaching the ultimate culmination, its merger with humanist internationalism, the ideal which is so fondly loved by Indian leaders like Tagore, Gandhi and Nehru.

**Dr. Ganesh Prasad**, of Banaras Hindu University, in his paper on *Internationalism in Indian Nationalism* stated that Pt. Nehru represented the rich and noble tradition of internationalism found in the outlook of the builders of modern India, beginning with Raja Ram Mohan Roy and Dadabhai Naoroji. Whenever an Indian patriot like Tilak or Gandhi thought about an ideal political structure, he did not stop at national government. He always dreamt of world government. The Brahmo Samaj, the Ramakrishna Mission and Gandhism were liberal and international in outlook. Thus, an Indian patriot always viewed the good of India in terms of the good of humanity. The speaker concluded by saying that Pt. Nehru was the embodiment of Indian genius, tradition and spirit.

**Prof. V. V. Ramana Murthi**, of Gujarat University, read his paper on the *Development and Significance of Nationalism in India*. He pointed out that the advent of Gandhi in Indian politics changed the course of nationalism in the country. The year 1920 was the year of Indian nationalism. It represented the purest nationalist aspiration of the Indian people.

The speaker pointed out that, according to Gandhiji, Swaraj was not Indian Government minus the Englishmen. His conception of Swaraj was different. Swaraj represent the spirit of the Indian people. The speaker concluded by saying that the politician was not to be given a welcome in India but a farewell.

**Prof. K. V. Rao**, in his paper on *Can Indian Nationalism Survive?*, emphasized the fact that we must leave no stone unturned to create unity in the country. According to him, Indian nationalism reached its peak in the Constituent Assembly when its members stood for a unitary government. However, at present, the spirit of the Constitution had been completely forgotten. The speaker referred to the separatist tendencies in the country. He particularly referred to the events in the Madras State. He referred to the evils of local patriotism which was being encouraged in the country. He pointed out how every boy and girl in the country was being brought up as if he belonged to a particular state and not to the country as a whole. His suggestion was that either education should be made a Union subject or an All-India cadre of educational officers may be created. According to the speaker, we have to nationalise education literally and nationalize human minds and feeling figuratively.

**Miss Kalyani Sen** read a paper on the *Rise of New Nationalism in India: Swadeshi and Swaraj*. The speaker maintained that the nationalist movement of the years 1895-1905 was a real struggle for self-determination which was different from the romantic national movement of 1865-1885. Misery, official extravagance, repression and partition of Bengal provoked the Indian National Congress into launching a movement of Swadeshi and national education. Swaraj was proclaimed as the goal of India. Swadeshi involved not only the boycott of all foreign goods but also of Government offices, schools and colleges. The movement was not a negative one. It had its positive side also. Many industries were started in India. National schools and colleges were also established. Nationalism had its rituals also in Durga Puja.

According to the speaker, the movement of 1935 was a mass movement for self-determination, employing definite methods of its own, extending to all spheres of national life. That movement united the whole of India.

**Prof. Ram Prakash Sharma**, of the D.A.V. College, Hoshiarpur, read a paper on *Swami Dayanand's Contribution to Indian Nationalism and His Political Philosophy*.<sup>7</sup> According to him, Swami Dayanand could rightly be called the founder of Indian nationalism in modern times. When India had completely passed into English hands, Indian nationalism received a death blow. A strong and courageous hand was necessary to revive it and that was done by Swami Dayanand.

The Swami was not only a religious reformer. He stood for the removal of all those institutions and customs which stood in the way of India's progress. He was a vigorous advocate of Swadeshi. He was the first to advocate the use of Hindi. He was the first to use the word Swaraj. His message to the people was one of unity and sacrifice. He was a great advocate of the rule of law. He stood for Hindu-Muslim unity. He was the father of the unity movement in the country. He paved the way for India's freedom by removing the evils from society.

**Prof. J. P. Suda**, of Meerut College, Meerut, read a paper on *The Origins and Significance of the National Movement in India*.<sup>8</sup> He pointed out that the origin of the national movement was not to be traced to the rise of capitalism in India. It had a spiritual origin, from Raja Ram Mohan Roy to Gandhiji. There was no nationalist movement in the country before the coming of the English to this country. The Britishers made their contribution towards the growth of the nationalist movement in many ways. By the development of the means of communication, they linked up the whole country. The adoption of English also helped the unifying forces in the country.

Prof. Suda maintained that in the absence of social reform and religious Renaissance, there would not have been any national movement in the country and in this connection an important part was played by Swami Dayanand, Vivekanand, Ramkrishna Paramhams and Annie Besant.

From 1885 to 1914, the nationalist movement in the country was dominated by the Liberals. It is men like Aurobindo, B. C. Pal, Tilak, etc. who made the nationalist movement a movement of the masses. The real nationalist movement started in the beginning of the 20th century. It was then that Tilak declared that Swaraj was his birth right and he was determined to have it. Tilak departed from the old liberalism of Gokhale and Dadabhai Naoroji. He became the hero of the masses. The same can be said about Gandhiji. He made the nationalist movement in the country a movement of the people.

**Prof. J. N. Tiwari**, St. Andrews College, Gorakhpur, read on a paper on the *Development and Significance of Nationalism in India*. He stated that a large number of British historians had tried to prove that India was only a geographical expression and never a nation. Cultural unity did not forge political unity. However, that political unity was secured by a foreign power. Cultural, industrial and technological advances of the West made the subjugation of India by the European power inevitable. The speaker referred to the important consequences of imperialism. In the first place, an

<sup>7</sup> Full text printed in Vol. XIX No 1 of this journal.

<sup>8</sup> Full text printed elsewhere in this issue.

end was put to the possibility of Balkanisation of the country. Secondly, our contact with the West freed us from narrow mindedness and aloofness. By the end of the second World War, Indian nationalism was no more a myth and its success was only a question of time. It is true that India got her freedom but Indian nationalism was so weak at that time that Pakistan had to be created.

The speaker referred to certain characteristics of Indian nationalism. In the first place, it had never been aggressive. Secondly, India was practising what she had been professing before.

**Dr. V. P. Varma**, of the Patna College, read two papers on *Dayanand's Philosophy of Nationalism* and *Tilak's Philosophy of Nationalism*.<sup>9</sup> The speaker pointed out that Swami Dayanand was the spiritual father of modern Punjab. He was a profound Vedic scholar and a great social reformer. He revived the Vedic concept of Swarajya. He lamented the political decadence of India. Arya Samaj movement started by him gave to the country great nationalists and patriots like Lala Lajpat Rai and Swami Shradhanand. Swami Dayanand gave a spiritual content to religion. He fought for social justice. He stood for the emancipation of women. He advocated the abolition of untouchability not only in theory but also in practice. According to the speaker, Swami Dayanand was not a political philosopher in the strict sense of the term.

As regards Tilak, the speaker described him as the father of Indian revolution and unrest. He stood for the fusion of the East and West. He was a devout Hindu but in the political field he was liberal. He was not a revolutionary. He differed from the Nihilists of Russia. He was opposed to the terrorist methods not on moral grounds but on grounds of expediency. He did not condemn those who followed the cult of bomb. According to the speaker, Tilak's political thought can be described as nationalism founded upon democratic realism.

**Shri N. V. Gadgil**, Member of Parliament, also addressed the delegates on Indian nationalism. According to him, Indian nationalism was of the rainbow type and no wonder no one explanation was adequate.

Nationalism was there in India before the advent of the British but there was no concept of one State for the whole of India. The speaker referred to Lord Macaulay's Minute of 1837 in which he had said that it will be a great day when India will become independent. He also pointed out that the federal system of government was adopted in India with a view to meeting the needs of the units of the federation. The speaker also explained as to how the problem of disintegration of the country could be solved.

**Prof. H. S. Luthra** from the Punjab read a paper on the *Contribution of the Sikh Gurus to the Growth of Indian Nationalism*. Referring to Guru Nanak, he stated that the Guru was proud of being one with the common people and he had nothing to do with the big. He introduced the institution of community dinner (*Langar*). Prof. Luthra also referred to the contribution of Guru Gobind Singh.

**Prof. Kathal** spoke on Gandhiji and Indian nationalism. He put emphasis on the concept of a non-violent State as given by Mahatma Gandhi. The contribution of Gandhiji stands unsurpassed.

**Dr. D. K. Garde**, of the Poona University, referred to the various consequences that followed in the wake of India's conquest by the foreigners. He referred to the contribution of Maharishi Patwardhan of Poona, Tilak and Aurovindo. According to the speaker, Tilak was socially conservative but believed that after the achievement of political independence, social and economic progress will follow. He wanted political independence to come before spiritual advancement.

**Prof. D. Madhukar**, of Osmania University, stated that nationalism generates sub-nationalism. It also creates super-nationalism which is the result of sub-nationalism. According to the speaker, sub-nationalism was threatening to destroy nationalism in the country.

**Prof. B. R. Purohit**, of Nagpur University, stated that early religious movements in India were progressive and liberal but later on they became revivalist. The speaker pointed out that materialism was not the basis of Indian nationalism. Religion and mysticism had played their part. He referred to some important exponents of Hindu revivalism, e.g. Raja Ram Mohan Roy and Swami Dayanand. According to him the Arya Samaj had played an important part in arousing national consciousness in the country. Its influence in the Punjab was profound. The speaker also referred to the contributions of Swami Vivekanand, Ramkrishna Pramhansa and Golwalkar.

**Prof. P. V. Rajgopal**, of Osmania University, praised the part played by India in the international field during the last ten years and for that he paid a tribute to Prime Minister Nehru. However, he pointed out that the picture in the country itself was not very happy. He referred to the centrifugal forces working in the country which did not augur well for the future of the country. He criticised the burning of the National Flag and copies of the Constitution in the South. He emphasised the necessity of a concerted effort for national unity.

**Dr. K. L. Srivastava**, of Bhopal, described the various factors that led to the growth of nationalism in India. He maintained that religion had always played an important part in the growth of nationalism in India. Both the Hindus and Muslims had made their respective contributions. The speaker referred to certain new tendencies which had to be fought against if nationalism in the country was to thrive and these new tendencies were communalism, regionalism and linguism. He pleaded that the energies of the people of the country should be directed on the right lines.

**Dr. Chacko**, Head of the Political Science Department of Delhi University, pleaded that we must not ignore our past history beyond 1857. He referred to the existence of democratic ideas in the Vedic Period. There existed kin group consciousness among the people based on religion. The speaker stated that our present concept of nationalism was borrowed from the West and we must not deny this fact. He referred to the important part played by the English language in the consolidation of the country. He pointed out that Indian Nationalism was like a rain-bow and we had taken the various colours from various sources.

**Principal T. K. Shahni** referred to the important contribution made by the Liberals in India towards the growth of Indian nationalism and he pleaded that we should not be ungrateful to them. He also referred to the contribution of president Roosevelt in this field as he influenced the people of England in favour of India's freedom. He referred to Gokhale as the pioneer of Indian Liberalism. The speaker pointed out that Indian nationalism was neither exclusive nor aggressive.

<sup>9</sup> Printed in Vol. XIX No. 1 of this Journal.

December 29, 1957.

Morning Session : Symposium.

The Problem of Emotional Integration of India.  
Rapporteur : Dr. V. D. Mahajan.

**Dr. V. P. Varma**, of Patna College, stated that emotional integration was important for the growth of the Indian nation. He referred to the various writers who had laid stress on the importance of emotions in national life. He pointed out to the part played by Swami Shankaracharya in the cultural unity of India. Although the problem of the integration of the Indian States with the rest of India had been accomplished, the problem of languages in the country was still to be tackled. The rivalries among the various languages in the country were disrupting the unity of the country and it was necessary that the same must be set at rest. The speaker stood for the religious integration of the country.

**Dr. E. Asirvatham**, an ex-President of the Indian Political Science Association, stated that although the Indians were logicians, they had failed to take decisions and follow them with tenacity. The result was that the problems of the country had not been tackled satisfactorily. The speaker stated that the Indians had no national consciousness before the advent of the British and this fact we must not ignore. We got national self-respect under the leadership of Mahatma Gandhi and we attained our national unity under the leadership and guidance of Pt. Jawahar Lal Nehru.

The speaker recognized the fact that there was an overall cultural unity of the country but he pointed out that there were certain hindrances in the way of the growth of Indian nationalism. He referred to the problem of regionalism in the country and was unhappy to point out that even the educated persons were its victims. He also referred to the problems of fanaticism and communalism. He noted with satisfaction the fact that caste and casteism were on the decline in the country. The speaker pointed out that the caste system was a hindrance to national unity and was suited only to a primitive society.

**Prof. N. Srinivasan**, of Andhra University, Waltair pleaded that the people of India should be made to feel that they belonged to the country and the country belonged to them. He referred to the monumental work of Dr. Radhakumud Mookerjee entitled "Fundamental Unity of India", but he regretted that in spite of that there was no unity in the country. There existed historical and linguistic differences. The newly won independence of the country was being endangered by various forces working in the country. There was the greatest urgency to curb those tendencies.

The speaker referred to the fact that religion not only disunites but also unites. In the case of the Muslims, religion had united them and it was their religion that had made possible the creation of Pakistan.

The speaker made a strong plea for the retention of the English language in India. He was also in favour of the retention of local languages in the country. He contended that he was sure to gain more by learning the German or French language than by learning the Hindi language.

The speaker stressed the necessity of cultivating tolerance towards others. We must not follow a 'frog in the well' policy. He maintained that religion, customs and superstitions were hindering the progress of India.

Among the remedies, he suggested that we must establish in the country a secular state both in theory and practice. We must also cultivate emotional attachment to the land of the country, her mountains, rivers, etc. As a matter of fact, we should create attachment to all that belongs to this country. We should also bring about the judicial integration of the country. We must not inflate our local heroes into national heroes. We must cultivate a sense of world fellowship among the people of the country. It is only then that we can hope to strengthen the nationalist forces in the country.

**Shri S. M. Joshi**, Secretary of Samyukta Maharashtra Samiti, Poona, stated that he was in politics from his school days and had suffered in the cause of independence of the country. He maintained that the problem of emotional integration of the country was not a simple one. It was easier to attain independence than keep the country united. He contended that it was wrong to say that when he and his friends wanted a Samyukta Maharashtra, they were a disruptionist force. He criticised Pt. Nehru for his efforts to force unity from above. He warned that instead of helping matters, that was going to create further complications. There will be no integration but further estrangement. The speaker pleaded for the retention of the English language.

**Shri N. V. Gadgil** stated that he saw no reason for not giving Samyukta Maharashtra after the Government had accepted the principle of the distribution of India on linguistic lines. The earlier the demand was conceded the better it was for the peace and progress of the country. As a matter of fact, the establishment of Samyukta Maharashtra was essential for the emotional integration of the country.

The speaker stated that compromise was the basis of life and the same applied to politics. There were many languages and dialects in India and all had a right to be recognised. Every individual in the country must be allowed to live a life of respect. He should have an equal opportunity of expressing himself. The Government must guarantee full freedom of speech although it may not guarantee audiences to the speakers.

**Prof. G. D. Parikh** stated that the problem of emotional integration of the country was not going to be solved easily in the next few years. During the last 10 years, there were visible signs of the disintegration of the country. The reason was obvious. Indian nationalism was based on a grievance against the British and when the English left the country, there was no rallying point.

The speaker observed that we were living a life of organised hypocrisy. We admire in our hearts what we condemn outwardly. When India became free, she was divided as a result of the creation of Pakistan. Religion is not going to be a unifying force in the country on account of the presence of the Muslims in the country. The teaching of history also created trouble because there were personalities in Indian history which were praised by some and hated by others. All that resulted in the creation of differences and not in bringing the people together. Only a critical historical attitude and not a revivalist one, can help us to solve the problem of the emotional integration of India. We have not built up a democratic state in the country. We have merely a democratic Constitution as such. If the people of India still insist on voting on caste lines, it cannot be said that we have actual working of democracy in the country.

**December 29, 1957.**

*Afternoon Session :* Papers on The General Elections of 1957.

*Rapporteur :* Dr. V. D. Mahajan

**Prof. G. K. Gahrana**, of D. S. College, Aligarh, read a paper on *The General Elections as Mass Education*. He stated that an analysis of the various election manifestoes showed that the parties other than the Congress, were to form the Opposition. The manifesto of the P. S. P. is a catalogue of the crimes of the Congress and a bill of rights. The manifesto of the Communist Party seems to have been hurriedly drafted. Pt. Jawaharlal Nehru appealed for the emotional integration of the country. He asked for votes in the name of the Congress Party. Acharya Kripalani was one of the leaders who tried to educate the masses. In a speech at Allahabad, he pointed out the duties of voters. The voters were to see that the right people formed the Government. They were to ensure a capable and strong Opposition. They were not to vote for corrupt and incompetent persons. Acharya Kripalani contended that the Five Year Plan was not the Congress plan but the national plan which had to be implemented by any party that came to power. Kashmir was not a concern of the Congress alone but that of the whole country. Elections were fought on other issues and not that of Kashmir because all parties were united on the question of Kashmir.

The speaker stated that political consciousness was there in the country. Everybody realised that India was a free country, but unfortunately the voters were not politically educated. That was the function of the political parties and the press and the same had to be done in the right spirit.

In order to make the general elections a movement of mass education, the speaker made certain suggestions. The Election Commissioner must recognise only those political parties which have a social, political and economic programme. No political party with a religious bias should be recognised as we have accepted secularism as the basis of our Constitution. The means for the formation of public opinion must improve. Parties recognised by the Commission must have an equal access to the radio. The nursing of the constituencies by the parties must be more intensive. The people should not go to the political parties or their representatives, but parties and their representatives must go to the people. The personality cult in Indian politics should give way to policy cult. In the election campaign candidates should canvass the voters on the basis of the problems of the area and the solutions of the various parties. Independent candidates should be discouraged. Manifestoes must have a realistic approach to the problems of the masses. They should not have an eye merely on power. The election campaigns must be intensive and effective.

**Dr. Usha Mehta**, of the Bombay University, read a paper on *The Second General Elections in Greater Bombay*<sup>10</sup>. She stated that the total number of contestants was 11 for Lok Sabha and 75 for the Bombay Legislative Assembly. The Congress put up candidates for all the seats, the Samyukta Maharashtra Parishad put up candidates for all the four Lok Sabha and for 21 Assembly seats. The number of Independents was 11.

The Congress manifesto aimed at a socialistic pattern of society. The Samyukta Maharashtra Parishad aimed at a socialistic Maharashtra within a socialist India. It condemned the scheme of bilingual Bombay.

The Congress appointed a special sub-committee for publicity work, and special training was given to its officers for that purpose. Special leaflets

<sup>10</sup> Full text printed elsewhere in this issue.

were prepared by the Central Publicity Committee. There was an appeal to the emotional instincts of the masses. Public meetings and group meetings were also organised. Almost all the candidates tried to approach the voters individually. The press also made a contribution through editorials, articles and reports.

The Congress lost in seats though not much in votes. The P. S. P. gained in seats though it lost in votes. The dissident section of the Congress affected adversely the strength of the Congress. The local irritations and local issues were also responsible for the actual results in Bombay.

The speaker pointed out that the press condemned Shri Krishna Menon as a Communist. There was a vulgar propaganda by the party newspapers. The speaker was of the opinion that the bilingual State of Bombay was likely to create more trouble than good. It was likely to create dissensions and not unity in the country.

**Prof. S. K. Mukherjee**, of Uttarpara, read a paper on *The Last General Elections in West Bengal*. He stated that the second general election was a fair reflection of the conscious public opinion of the State of West Bengal. There was a swing to the left. While the Communists had won about 10% seats in 1952, they got about 18% in the second general elections. The Jan Sangh and the Hindu Mahasabha were eliminated altogether from the State Legislative Assembly. The Independents also disappeared. The Congress suffered defeats in the industrial areas. The speaker stated that on the whole the electorate had exhibited, in spite of great excitement and tension, cool, well-balanced and judicious selection of candidates. There was replacement of 70 sitting M. L. A.'s which indicated a preference for new members. The emergence of a strong Opposition was a healthy development.

**Prof. S. K. Mukherjee**, of the Calcutta University, also read a paper on the *Second General Elections in West Bengal*. He stated that a dozen parties contested the elections and organised their campaigns through meetings and door to door canvassing. All the leftist parties formed an alliance and gave out a call for alternative government. They boasted that they would throw out the Congress from all the seats. However, the Congress got 182 seats and all the other parties combined only 100 seats. It is true that the other parties improved their position. They had secured 88 seats in 1952, whereas they got 100 seats in 1957. The Independent candidates dwindled in number. The Jan Sangh and Hindu Mahasabha were totally eliminated. No Congress candidate lost his security deposit. The Congress maintained its hold in the rural areas. However, its position was shaky in the industrial areas and among the educated persons.

Polling was good, peaceful and smooth. Women showed considerable enthusiasm. Casteism and communalism played their part, but the same was well planned and organised.

**Prof. Bodh Raj Sharma**, Head of the Political Science Department of the Panjab University, read a paper on *Some Reflections on the Second General Election in India, 1957*<sup>11</sup>. He stated that elections were peaceful in spite of rise in the number of voters. This involved a heavy work for the Election Commission. The delimitation of constituencies and other administrative arrangements were all made in time.

<sup>11</sup> Full text printed in Vol. XIX No. 1 of this Journal.



The speaker pointed out that in the Punjab, the Opposition was won over by the Congress by evolving the Regional Formula. However, the result was that the Jan Sangh got strengthened. The speaker also pointed out to the problem created by the large size of the constituencies. That led to heavy expenses to be incurred at the time of elections.

The necessity for collecting large sums of money led to undesirable practices. The Congress leaders were offered purses by the vested interests and the same were accepted with gratitude. The vested interests who offered money demanded compensation for the same. That was bound to result in corruption and the passage of undesirable legislation. The speaker suggested that the remedy lay in the introduction of indirect elections although that also had its own shortcomings. The speaker revealed that Sardar Baldev Singh was elected to Parliament although he had never visited his constituency.

**Prof. Satyabrata Ghosh**, of Vikram University, Ujjain, read a paper on *Second General Elections of 1957 and the Prospects of Democracy in India*. The Communist Party had gained in strength and had succeeded in establishing a Communist Government in the State of Kerala. The speaker attributed this fact to the Communist support from the industrial areas and from the intelligentsia. He opined that the growth in strength of the Communist Party would create a strong Opposition which was necessary for a democratic and parliamentary government. He stated that if the Communists became democratic after coming to power, it would be a good day for India and the world.

**Prof. A. K. Ghoshal** referred to some peculiar features of the general elections in West Bengal. He pointed out that the State of West Bengal was suffering from a sense of frustration and the Congress became the scape-goat for those sufferings on account of its position. The speaker pointed out that more enthusiasm had been shown in urban areas than in rural areas. On the average 40% to 50% of the people cared to vote at the time of elections.

**Prof. Kamla Sethi**, of the Fateh Chand College for Women, Hissar, read a paper on *Second General Elections in Delhi*. She stated that five seats to the Lok Sabha had to be filled up from the Union territory of Delhi. For election purposes, Delhi was divided into four constituencies, three single member constituencies and one double member constituency. The total number of voters was 9,76,151 and out of that there were 4,39,733 voters for the double member constituency alone. In the double member constituency, one seat was reserved for the scheduled castes. Out of 1150 polling booths, there were 517 booths in the double member constituency alone. The Government made elaborate arrangements for the holding of elections. 11,550 ballot boxes were got prepared. 14700 officers and sub-ordinates were put on duty. 48 circle officers were appointed to supervise the arrangements. Each circle officer was put in charge of 15 to 25 polling booths. Nearly 120 buses were mobilized by the Government to take the election officers and their staff to the polling booths set up in 350 villages of Delhi.

The total percentage of the votes polling in all constituencies was 60.15. The lack of zeal on the part of voters was attributed to many causes. The election day being a Sunday, some were not prepared to move out of their beds. There were others who managed to take themselves away from their homes and kept themselves busy in their routine work and consequently could not be brought to the polling booths by the workers of the political parties. There were some who did not go to vote as they considered it below their dignity to stand in a queue. The young women turned away

from polling booths as they were afraid of their hands being soiled by the indelible ink marks.

The five seats were contested by 27 candidates but the Congress won all of them. The Congress and Jan Sangh put up candidates from all the constituencies. The other parties contested only a few seats. Some Independent candidates figured in the election but practically all of them got their security deposits forfeited.

The election symbols of the various parties were a lion, a sickle, a horse, an elephant, a tree, a cart, a lamp and a pair of bullocks. It was reported that the villagers got perplexed by the symbols and they were found wondering whether the bulls were to be preferred to the lions or an elephant was preferable to the horse. They not only compared the utility of animals but also that of the sickle and the lamp.

The plastic badges of the Congress of white bullocks on green background were the envy of tiny youngsters who promised their votes if they are given badges. There were threats of separation in certain cases when the wife refused to vote for the party to which her husband wanted her to vote. It was found from postal ballots that practically all the Government employees who were on election duty on the polling day had voted for the Congress.

At the time of counting of votes, three currency notes of one rupee each were recovered from ballot boxes. In one case, a ballot paper was found to have been torn into two pieces and those two pieces were dropped in two separate ballot boxes of the rival candidates contesting from the same constituency.

**Prof. Dube** stated some interesting facts about the general elections. He pointed out that in one case the father voted for the Congress, the son for P. S. P., the Munim for the Communist Party and the Sethani for the Jan Sangh. In some cases, all the people combined together to defeat a big Congressman in order to see the reactions in case of his defeat. All the candidates withdrew so that the Congress member could be defeated.

Referring to the elections in Orissa, **Prof. Dash**, of Utkal University, pointed out that there was a tendency towards the right. Five women who were elected to the legislature were the wives of the former rulers. The speaker stated that the Congress had not played a fair game in the formation of the ministry in Orissa.

**Dr. T. B. Mukherjee**, of Patna, stated that in State of Kerala where literacy was high, the Congress had lost and the Communist had won. That indicated the direction in which the wind was blowing.

**Dr. B. B. Majumdar**, of Bihar University, pointed out that casteism had played an important part on the occasion of the general elections.

## ENTERTAINMENTS

The Reception Committee had arranged an interesting ground of entertainments for the delegates. On December 27, the University of Poona and the Reception Committee gave an at Home and on December 28 there were a civic reception by the Poona Municipal Corporation at the Sambhaji Park. On December 27, after dinner, delegates were treated to a delightful program of classical music by Shri Bhimsen Joshi. On December 28,

the New English School had arranged an interesting variety programme of folk dances and folk-songs, musical exercises, short plays, P. T. display to the tune of the band and torches, etc. On December 29 the delegates spent two useful and enjoyable hours at the National Defence Academy, Khadakvasla.

### MESSAGES

*Shri Jawaharlal Nehru, Prime Minister:*

"I am glad to learn of the meeting of the Indian Political Science Conference at Poona this month and that this will be inaugurated by my colleague, Shri V. K. Krishna Menon. I am particularly interested in the subjects to be discussed, more especially 'The Problem of Emotional Integration in India'. I am sure that the Political Science Conference can play a distinguished part in giving a lead to our intellectuals in these important matters. I send my good wishes".

*Dr. S. Radhakrishnan, Vice-President of India, New Delhi:*

"I am glad to know that the 20th session of the Indian Political Science Conference will be held at Poona at the end of December under the presidentship of Dr. K. N. V. Sastri, and Shri V. K. Krishna Menon will inaugurate the conference. I send my best wishes for the success of the Conference and hope that it will help to elucidate important problems about the World Peace".

*Shri Gurmukh Nihal Singh, Governor, Rajasthan, Jaipur:*

"It would have given me great pleasure if it had been possible for me to attend the 20th Session of the Conference, particularly when our Defence Minister and our Chief Representative at the United Nations, Shri Krishna Menon, is inaugurating it. I doubt if there is any one in the country better qualified to speak on "United Nations and World Peace" than Shri V. K. Krishna Menon and our great Prime Minister.

I would have liked to hear the members on "the development and character of Indian Nationalism", as I have devoted a good part of my working life to the study of the subject; and, as one deeply interested in the working of Parliamentary Democracy in India, I would have listened with care to the observations of the members on the 1957 General Election.

*Shri H. V. Pataskar, Governor, Madhya Pradesh:*

"I am glad to learn that the Indian Political Science Conference will meet for its twentieth session at Poona under the auspices of University of Poona under the Presidentship of Dr. K. N. V. Sastri of Mysore, and that Shri V. K. Krishna Menon, our Defence Minister, has agreed to inaugurate the Conference. While regretting my inability to attend it, I hasten to send my good wishes for the success of your Conference".

*The Minister for Information and Broadcasting, India:*

"Best wishes for the success of your Conference".

*The Governor, Punjab*

"My blessings and good wishes for the Indian Political Science Conference".

*Shri C. Rajagopalachari, Madras:*

"I feel honoured by the invitation contained in your letter of 13th. I am not able to attend but I wish all success for your Conference this month and the interesting programme arranged in that connection. I am sure Dr. Quincy's lecture will be very illuminating, specially in the background now provided by American policy for arming the NATO nations around Russia with tactical nuclear weapons so as to build up maximum chances for the flaring up of nuclear world-war.

*Shri John Goormaghtigh, Secretary-General, International Political Science Association:*

"On behalf of the President and members of the Executive Committee of the International Political Science Association I would like to convey to the Indian Political Science Conference most cordial greetings at the time of its twentieth Session. I am sure that, under the wise guidance of Dr. K. N. V. Sastri, the meeting will be a great success. My only regret is that I cannot bring you in person my very best wishes.

"I look forward to a close co-operation between our two organisations during the coming year and hope that we will be able to count on a large Indian attendance at the fourth-International Congress of Political Science which is to be held in Rome, September 16th to 20th, 1958.

*Shri S. Sen, Election Commissioner, India, New Delhi:*

"I would have very much liked to have attended the Conference, particularly as one of the subjects for discussion will be the General Elections of 1957. That would have given me a very good opportunity of ascertaining what experts in Political Science think and feel about the recent elections. In view of my other pressing engagements, however, I regret that it will not be possible for me to attend the Conference.

"You have my best wishes for the success of the Conference. However, I shall be grateful if you will kindly send me a copy of the proceedings of the Conference so far as it relates to the General Elections. I am sure I shall get very valuable assistance and new ideas from the deliberations of the Conference".

*Dr. J. N. Khosla, Embassy of India, Prague:*

"My interest in the subject is still as keen as ever and I would have very much liked to attend the Conference which was being presided over by K. N. V. Sastri and inaugurated by V. K. Krishna Menon, both prominent political scientists, who are amongst my oldest friends.

"I only wish I could have been present at the Conference. With kindest regards and best wishes for 1958".

*Shri K. T. Mangalmurti, Vice-Chancellor, Nagpur University:*

"I have no doubt that your discussions will throw much light on the problems you have selected which indeed are of vital importance. During the last ten years, after our independence, nationalism and democracy in India are showing new trends which cause some anxiety, and I am happy to see that you propose to discuss them. You have also done well to decide to discuss the relation of the United Nations Organisa-

tion to World Peace. The peoples of the world, even while the memories of the horrors of the War are still fresh, find themselves again confronted with the possibility of another war far more devastating than the last. Baffling problems demand deep and dispassionate study. A scientific diagnosis of our times is needed; and I trust that a gathering of learned scholars at your Conference will be able to contribute towards the accomplishment of this task. I wish the Conference very success".

*Shri B. N. Jha, Vice-Chancellor, University of Gorakhpur :*

"I am glad to find that the Poona Session of the All India Political Science Conference is being inaugurated by one of the most distinguished sons of India, who has tried to explain the stand of India so excellently on Kashmir, at the United Nations Assembly even at the cost of his health. The Conference which is being presided over by a distinguished scholar, Dr. Sastri, proposes to discuss matters of burning interest of the present time. The three subjects which are being especially touched have importance of their own. We seem to be standing at the cross-roads and the forces of various 'isms' and 'ideologies' are trying to pull us in one direction or the other. Actually, careful thinking, which will not only ensure a strong peaceful, integrated India, but will also make it an agency to ensure world peace, is necessary at this time. The All India Political Science Conference has been an instrument in bringing together intellects for free exchange of ideas. I hope it will continue steadily and serve the cause of peace so important in the modern age, by becoming a powerful instrument to ensure peace not only in India but in world."

*Dr. K. V. Puttappa, Vice-Chancellor, University of Mysore :*

"I am glad to learn that the Indian Political Science Conference will meet for its twentieth session at Poona from the 27th to 29th December, 1957, under the auspices of the University of Poona and I thank you for the cordial invitation which you have been kind enough to extend to me in your letter of 16th December, 1957. I regret my inability to attend the Conference due to my various pre-occupations.

"I learn from your letter that the Conference will discuss (1) The Development and Character of Indian Nationalism, (2) Indian General Elections, 1957, and (3) United Nations and World Peace. I am glad to know further that a special symposium on 'The problems of emotional integration in India' has been arranged as part of the Conference programme. These subjects are closely relevant to the primary problems that India and the World are facing at present.

"The Great powers are at present in possession of such deadly weapons that humanity cannot risk another war which is bound to bring in its wake the total annihilation of all that the modern civilisation is worth for. It is the sacred duty of every individual to strive for the secure establishment of world peace. Peace in the world depends both on the successful working of the United Nations and on the careful formulation of national foreign policies of all countries, particularly of the Great Powers. A correct appraisal of the true nature of Indian Nationalism, which has been in many ways the spearhead of Asian Nationalism, is the primary pre-requisite for the formulation of wise

foreign policies of the Great Powers. The proper understanding of the real nature of Indian Nationalism requires substantially a mature knowledge of India's political mind and the two general elections which we have had are the main source from which a critic can get a correct appraisal of India's political mind. Further, the general elections of our country have been tantamount to a kind of new political experiment the true implications of which are bound to have great impact on many a political concept and practice.

"World peace again demands stability of democratic governments in Asian countries. We have chosen democratic government in consonance with our great and permanent traditions. What is unique with us is that we are striving to achieve welfare state through Democratic Planning. The stability of our political institutions is again necessary for the success of such a unique experiment. A strong emotional integration, particularly after the recent reorganisation of States, is one of our primary needs in order to rest our democratic institutions on firm foundations. What we require at present is to develop the concept and practice of national citizenship without causing irreparable damage to the provincial and local patriotism of legitimate nature.

"In the light of these considerations, the subjects which have been chosen for deliberations at the Conference are of such great significance as to evoke keen interest in India and elsewhere. I am confident that the discussions of these subjects by expert political scientists will prove immensely useful. I am particularly happy that such an eminent political scientist as Dr. Quincy Wright will be delivering a lecture on 'The International Law and the World Today' and that Shri V. K. Krishna Menon, our Defence Minister and one of the foremost statesmen of the World is inaugurating the Conference. I am equally glad that Dr. K. N. V. Sastry, Retd. Professor of the University of Mysore, is presiding over the Conference.

"I wish the Conference all success."

"However, I should content myself with sending you my good wishes for the successful completion of the Conference towards right perception of the vital international problems of today."

*Dr. W. H. Morris-Jones, Professor of Political Theory and Institutions in the University of Durham :*

"The best way I can indicate to my friends and fellow students of Indian Politics in the I.P.S.A. how much I wish them well is to say that I would have given a great deal to be present at your deliberations this year. It is now four years since I was present at Sagar and four years is too long to be away from India. I hope with all my heart that I shall be able to be with you before another four years have gone. May your discussions prove stimulating and fruitful. May the Indian Association continue to prosper. From the University of Durham in the North of England, I send you warmest greetings."

*Prof. Ernest Barker, Cambridge :*

"I received yesterday, Sunday, December 22—your invitation to attend the 20th Session of the Indian Political Science Conference on December 27. I regret that time and my age (I am now in my 84th year) prevent me from accepting the honour which you offer me. I

regret, too, that any message I could send to you will not arrive in time for your meeting. The thing I should like to say is that I have studied with interest and appreciation the Constitution which India has given to herself, and that I was so much impressed by it that I quoted a passage from it in one of my books (Principles of Social and Political Theory, 1951) as striking a key-note of the theory which I sought to express.

"May your Conference continue to prosper and may the Constitution of India develop the peace and tranquility."

*Prof. Richard Park, Washington:*

"....extend cordial regards to Conference."

Messages of good wishes were also received from Shri Govind Ballabh Pant, Minister for Home Affairs, the High Commissioner for Canada, Vice-Chancellors of Aligarh, Baroda, Calcutta, Gujerat, Osmania, Patna, Punjab and Sri Venkateshwar (Tirupathi) Universities.

### LIST OF DELEGATES\*

K. N. V. Sastri.....PRESIDENT.  
A. L. Loomba.....GENERAL SECRETARY.  
N. R. Deshpande.....LOCAL SECRETARY.

|                      |                         |                     |             |
|----------------------|-------------------------|---------------------|-------------|
| Ali, Ashraf          | CHAPRA SARAN<br>(BIHAR) | Dube, S. K. (Mrs.)  | INDORE      |
| Ali, S. Nasir        | ALIGARH                 | Dubey, Mangal       | MUZAFFARPUR |
| Ambekar, G. V.       | POONA                   | Dugvekar, T. G.     | JABALPUR    |
| Apte, M. D.          | POONA                   | Gahrana, G. K.      | ALIGARH     |
| Asirvatham, E.       | RANCHI                  | Garde, D. K.        | POONA       |
| Bapat, R. M.         | NASIK                   | Ghosh, S.           | UJJAIN      |
| Bhagat, K. P.        | POONA                   | Ghoshal, A. K.      | CALCUTTA    |
| Bhat, R. D.          | POONA                   | Gokhale, D. V.      | BOMBAY      |
| Bhattacharya, P.     | CALCUTTA                | (Mrs.)              |             |
| Bhave, M. G.         | KALYAN                  | Gokhale, P. R.      | POONA       |
| Bhuskute, S. N.      | NAGPUR                  | Gupta, V. S.        | MORENA      |
| (Miss)               |                         | Habib, Mumtaz       | HYDERABAD   |
| Chacko, C. J.        | DELHI                   | (Miss)              |             |
| Chandra, Manik       | DALTONGANJ<br>(BIHAR)   | Halappa, G. S.      | KARNATAK    |
| Choudhry, L. P.      | LUCKNOW                 | Hag, C. A.          | MYSORE      |
| Chopra, S.           | HOSHIARPUR              | Hill, R. C.         | POONA       |
| Dash, S. C.          | CUTTACK                 | Jha, Chetkar        | PATNA       |
| Dastur, A. J. (Miss) | BOMBAY                  | Jhangiani, M. A.    | BOMBAY      |
| Desai, S. A.         | SURAT                   | Kapoor, A. C.       | PATIALA     |
| Deshpande, A. B.     | POONA                   | Kathal, P. D.       | REWA        |
| Deshpande, M. V.     | POONA                   | Kawale, S. R.       | POONA       |
| De Souza, J. P.      | BOMBAY                  | Kinghe, C. T.       | POONA       |
| Devadanam, C.        | GUNTUR                  | Kulkarni, A. R.     | POONA       |
| Divekar, V. D.       | POONA                   | Kulkarni, C. M.     | BOMBAY      |
| Dube, J. P.          | INDORE                  | Kumar, S. D. A.     | BOMBAY      |
|                      |                         | Leela, R. H. (Miss) | GUDIVADA    |

|                              |                     |                         |                  |
|------------------------------|---------------------|-------------------------|------------------|
| Loomba, Krishna-priya (Miss) | LUCKNOW             | Sarma, G. N.            | POONA            |
| Luthra, H. S.                | LUDHIANA            | Sethi, Kamla (Miss)     | HISSAR (DELHI)   |
| Madhukar, D.                 | HYDERABAD           | Sen, Kalayani (Miss)    | CALCUTTA         |
| Mahajan, V. D.               | DELHI               | Sethi, Ekbal            | DELHI            |
| Mathur, P. N.                | UJJAIN              | Shahani, T. K.          | BHAVNAGAR        |
| Mathur, R. N.                | DELHI               | Sharan, Sarojini (Mrs.) | PATNA            |
| Mehta, Usha (Miss)           | BOMBAY              | Sharma, B. S.           | DELHI            |
| Mujumdar, B. B.              | PATNA               | Sharma, Bodh Raj        | HOSHIARPUR       |
| Mukherjee, Rani              | CALCUTTA            | Sharma, Deo             | ALWAR            |
| Mukherjee, Subrata K.        | UTTARPARA           | Sharma, R. P.           | HOSHIARPUR       |
| Mukherjee, Sobhanlal         | GARIA               | Sharma, B. M.           | LUCKNOW          |
| Mukherjee, Subimal K.        | CALCUTTA            | Shinolkar, N. D.        | DHUBRI           |
| Mujumdar, Ashok              | PATNA               | Siddiqui, A.            | REWA             |
| Mukherji, T. B.              | PATNA               | Singh, B.               | MUZAFFARPUR      |
| Murthi, V. V.                | AHMEDABAD           | Singh, Harnam           | DELHI            |
| Ramana                       |                     | Singh, Kedarnath        | CHAPRA (BIHAR)   |
| Nagpal, H. S.                | KHADAKVASLA (POONA) | Singh, Kunwar Raj       | AURANGABAD       |
| Nanekar, S. R.               | AMRAVATI            | Singh, V. P.            | DELHI            |
| Pal, K. C.                   | COOCH-BEHAR         | Singh, S. C.            | SAUGOR           |
| Pathak, D. N.                | AHMEDABAD           | Singh, S. C. (Mrs.)     | SAUGOR           |
| Pande, R. P.                 | GWALIOR             | Sirsikar, V. M.         | POONA            |
| Patwardhan, R. P.            | POONA               | Sitaramswami, C. V.     | WALTAIR          |
| Phadke, K. N.                | POONA               | Sohoni, S. P.           | POONA            |
| Prasad, Ganesh               | VARANASI            | Sreenivasan, M.         | QUILLON (KERALA) |
| Prasad, Rai Akhilendra       | CHAPRA (BIHAR)      | Srinivasan, N.          | WALTAIR          |
| Prasad, Ramayan              | REWA                | Srivastava, K. L.       | BHOPAL           |
| Purohit, B. R.               | NAGPUR              | Suda, J. P.             | MEERUT           |
| Rajgopal, P. V.              | HYDERABAD           | Sumbha, G. M.           | NAGPUR           |
| Rajkumar, N. G.              | HYDERABAD           | Thotappa, K. B. Y.      | MYSORE           |
| Rao, V. Gururaj              | MADRAS              | Tiwari, J. N.           | GORAKHPUR        |
| Rao, K. V.                   | BALASORE            | Vaish, B. P.            | LUCKNOW          |
| Rao, M. V.                   | MYSORE              | Varma, K. L.            | VARANASI         |
| Krishna                      |                     | Varma, V. P.            | PATNA            |

### Guests and Observers

Bradley, Phillip

Wright, D.

Basu, P.

Clark, S. I.

Wolpert, S. (Mrs)

Hamwi, S.

Visiting Professors, School of International Studies, Delhi.

U. N. Information Centre, Delhi.  
Michigan University, U. S.  
Philadelphia U. S.  
Syrian Embassy, New Delhi.

\* Corrections will be welcomed and published in the next issue.—*Mg. Editor.*

## Proceedings of the Twentieth Annual General Meeting

The Twentieth Annual General Meeting of the Indian Political Science Association was held at Poona in the Assembly Hall of the Law College, Poona University, on December 29, 1957 at 6 P. M. with Prof. K. V. V. Sastri in the chair.

The following members were present.

(Km.) A. J. Dastur, A. K. Ghoshal, B. M. Sharma, Bodhraj Sharma, C. J. Chacko, D. Sharma, D. N. Pathak, Ganesh Prasad, G. K. Gahrana, Harmandar Singh, J. P. de Souza, J. P. Suda, (Km.) Kalyani Sen, Khagendra Chandra Pal, Kunwar Raj Singh, K. L. Srivastava, L. P. Chaudhry, Manik Chandra, M. Dubey, N. R. Deshpande, P. N. Mathur, Ram Prakash Sharma, Ramayan Prasad, (Mrs.) Rani Mukherjee, R. P. Pandey, S. C. Dash, S. C. Singh, (Mrs.) S. C. Singh, (Km.) S. N. Bhuskute, Subimal Kumar Mukherjee, S. P. Sohoni, T. G. Dugvekar, (Km.) Usha Mehta, V. S. Gupta, V. P. Varma, S. M. Sirsakar and A. L. Loomba (General Secretary and Treasurer).

1. The minutes of the last Annual General Meeting were read and confirmed.

2. With the permission of the Chair the General Secretary, in the absence of the Managing Editor, placed before the House the Managing Editor's report on the maintenance of the Journal during 1957.

The Report was noted.

3. The Annual Statement of Accounts of the Journal for the year 1957-58 and the Auditor's Report were considered together with Resolution No. 9 of the Executive Committee.

The House accepted the recommendation of the Executive Committee and deferred the adoption of the accounts until supporting documents are obtained from Dr. K. P. Mukherjee.

4. The Budget Estimates for the Journal for the year 1958 were considered.

The House sanctioned a lump sum of Rs. 3,000/- for the printing of the Journal during 1958.

5. The House considered the accounts of the Journal submitted by Prof. G. K. Gahrana for the period 1st January, 1957 to 4th February, 1957.

The House also considered a letter from the Adarsh Press, Aligarh, regarding their bill for Rs. 1,224/7/- on account of printing bills of the Journal during 1956.

Prof. Gahrana explained that there was some misunderstanding about the amount due. The actual amount was only 733.70 n.P.

The House authorised Shri G. K. Gahrana to fix up the matter with the Adarsh Press and approved the payment of Rs. 733.89 n.P. in final settlement of accounts.

The accounts were passed.

6. The General Secretary presented the Annual Report on the working of the Association during the year 1957-58, as approved by the Executive Committee.

The Report was approved.

7. The Annual Statement of Accounts of the Association for the year 1957-58 together with the Auditors' Report were considered.

The accounts were passed.

8. The Budget Estimates of the Receipts and Expenditure of the Association for the year 1958 as recommended by the Executive Committee were considered.

The Budget Estimates were passed.

9. The House approved on the recommendation of the Executive Committee (Resolution 6) the payment of the outstanding bill of the Gestetner Ltd. for Rs. 245.19 n.P.

10. The House accepted the recommendation of the Executive Committee (Resolution 8) to approve the payment of the following bills of the President.

|                                      |                |
|--------------------------------------|----------------|
| (a) Printing of Presidential Address | Rs. 201.35 nP. |
| (b) Printing of Synopses of Papers   | Rs. 135.66 nP. |
| (c) Other Miscellaneous Bills        | Rs. 14.28 nP.  |

Total Rs. 351.29 nP.

It was further approved that the Secretary may transfer the cheque of the Pustak Mahal, Patna for Rs. 265/- received through Dr. B. B. Majumdar on account of royalty on publications, to Prof. K. N. V. Sastri for making a part payment; the rest to be paid later.

11. The House thankfully accepted the invitation of the Vikram University to the Association to hold the 21st Annual Conference of the Association at Ujjain.

12. The House considered the subjects recommended by the Executive Committee for discussion at the 21st Annual Conference. The following were approved.

1. Sarvodaya.
2. Parliamentary Government in India.
3. South-East Asia in World Affairs.

13. The House considered the question of representation of the Association on various bodies. The following decisions were taken.

- (a) The House approved the action of the President in nominating Dr. B. M. Sharma to the Executive Committee of the I. P. S. A. vice Prof. S. V. Kogekar resigned.

- (b) The House approved the action of the President in nominating Shri A. L. Loomba as the Association's representative on the Education Sub-Committee of Indian National Commission for Co-operation with UNESCO.
- (c) The following were nominated as delegates to the Fourth World Congress of the International Political Science Association at Rome in September, 1958 :— Dr. B. M. Sharma, Dr. C. J. Chacko, Shri P. D. Gupta, Dr. Vidya Dhar Mahajan, Shri G. K. Gahrana, Dr. Ganesh Prasad, Shri Mangal Dubey, Shri Chetkar Jha, Shri H. S. Luthra and Shri J. N. Tiwari.
- (d) The following were elected as the Association's representatives on the Council of the International Political Science Association :— Dr. B. M. Sharma, Dr. C. J. Chacko.
- (e) Dr. B. M. Sharma was nominated as the Association's representative on the Executive Committee of the International Political Science Association.

14. Dr. S. C. Singh moved the following resolution.

"Resolved that the following steps be taken to improve the standard of the Indian Journal of Political Science :

- A. Advisory Board consisting of (i) Prof. V. K. N. Menon; (ii) Dr. M. P. Sharma and (iii) Dr. B. M. Sharma be constituted.
- B. Only those articles should be published in the Journal which are approved by this Board.
- C. The Managing Editor in consultation with the Board should approach competent persons in the country and abroad to contribute articles for the Journal.
- D. A list of competent reviewers in different branches of Political Science be kept in the office of the Journal. The Books for review should be sent to persons chosen from the above-mentioned list. Only those persons should be included in the list who give their prior consent to review books, sent by the Association.
- E. There should be no "views column" in the Journal. Only news and notes of a non-controversial nature may be published."

The resolution was seconded by Prof. J. P. Suda.

After some discussion the resolution was withdrawn.

15. It was resolved that the books received for review by the Managing Editor should be acknowledged as soon as possible. They should also be included by the Managing Editor in his Annual Report.

16. On the recommendation of the Executive Committee the following amendment to the Constitution was considered.

For Article 22 substitute:

"In case of casual vacancy, in the office of the Managing Editor, the President shall nominate one member of the Editorial Board as Managing Editor for the remainder of the term and he shall draw the actual expenses (*i. e.* first class fare to and from and Rs. 10/- per diem as D. A., availing

himself of any concession that may be available) for the purpose of taking over the Journal".

After some discussion the following resolution was passed.

"In case of a casual vacancy, in the office of the Managing Editor, the President shall nominate one member of the Editorial Board as Managing Editor for the remainder of the term and he may, if necessary, draw the actual expenses (*i. e.* first class fare to and from and Rs. 10/- per diem as D. A.) availing himself of any concession that may be availed for the purposes of taking over the Journal".

17. On the recommendation of the Executive Committee the following amendment to the constitution was considered.

In Article 25, line 5, after the words 'Editorial Board' add:

"In token of this joint responsibility, the report and the Annual Statement of Accounts shall be signed by all members of the Editorial Board before they are submitted to the Executive Committee".

The amendment was passed.

18. The following were elected as office bearers of the Association for the year 1958.

|                       |                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| President:            | J. P. Suda.                                                                                                                                                                                                                      |
| Vice Presidents :     | A. K. Ghoshal and N. Srinivasan.                                                                                                                                                                                                 |
| General Secretary :   | S. C. Dash.                                                                                                                                                                                                                      |
| Managing Editor :     | A. L. Loomba.                                                                                                                                                                                                                    |
| Executive Committee : | R. Bhaskaran, S. N. Bhaskute, C. J. Chacko, A. J. Dastur, T. G. Dugvekar, G.K. Gahrana, Ziauddin Khan, S.K. Mukherjee, R. P. Pandey, D. N. Pathak, Ganesh Prasad, Ramayan Prasad, B. M. Sharma, Bodhraj Sharma, and V. P. Varma. |

Editorial Board : N. R. Deshpande, A. C. Kapur and J. P. de Souza.

19. Shri A. L. Loomba, Convener, Survey of General Elections Committee, gave an account of the progress made in the work of the Survey. On his request the House sanctioned a sum of Rs. 200.00 out of Association funds to be placed at his disposal to cover postage and other expenses.

20. With the permission of the Chair Shri H. S. Luthra proposed the following resolution:

"Resolved that the papers received on or before 1st October, for the conference be scrutinised by the President assisted by the Editorial Board and such of them which they consider suited for discussion in the conference be published as the Conference Number and be circulated well in advance.

Both the President and the General Secretary explained the practical difficulties in giving effect to the resolution. After some discussion the resolution was withdrawn.



21. Dr. C. J. Chacko proposed a hearty vote of thanks to the Poona University for the lavish arrangements at the Conference. He was warmly supported by Prof. J. P. Suda the President-elect and Shri A. L. Loomba, the General Secretary, who paid rich tributes to the Reception Committee, the Local Secretary and all others who unstintedly worked day and night to make the Conference a success.

The President requested the Local Secretary to convey the Association's thanks to the Commandant, National Defence Academy, and other institutions who had taken such pains to arrange interesting programmes for the delegates.

The meeting came to a close with a hearty vote of thanks to the chair.

31-12-58.

A. L. LOOMBA  
General Secretary and Treasurer

## Report on the working of the Indian Political Science Association, during the year 1957

The Executive Committee has great pleasure in presenting the Twentieth Annual Report on the working of the Indian Political Science Association during the year 1957.

### ANNUAL CONFERENCE

The 19th Annual Conference of the Association was held at Waltair on December 30 and 31, 1956, and January 1, 1957. The Conference was presided over by Shri P. D. Gupta, Principal, N. R. E. C. College, Khurja, (U. P.). The Conference was attended by nearly 90 delegates including three foreign delegates. The Conference was inaugurated by Shri Sanjeeva Reddy, Chief Minister, Andhra Pradesh.

### INVITATIONS FOR THE TWENTYFIRST CONFERENCE

The Association has received an invitation from the Vice-Chancellor, Vikram University, Ujjain, to hold the Twenty-first Annual Conference in Ujjain in December 1958.

### COLLABORATION

The Association has kept up its contacts with Political Science Associations in other countries, the Indian Council of World Affairs, the United Nations Information Centre, New Delhi and the Foreign Embassies in India.

Shri S. V. Kogekar having resigned from the Executive Committee of the I. P. S. A., on the request of the Secretary General, I. P. S. A., the President nominated Dr. B. M. Sharma on the Executive Committee of that body. The last meeting of the Executive Committee of the I. P. S. A. was held on September, 9th and 10th, 1957. Unfortunately, Dr. B. M. Sharma could not attend that meeting.

The President nominated Shri A. L. Loomba as the Association's representative on the Education Sub-Committee of the Indian National Commission for Co-operation with UNESCO.

### THE JOURNAL

The Managing Editor's report on the working of the Journal for the year 1957, as submitted by Dr. K. P. Mukerjee, is placed on the table.

An unprecedented situation arose when on August 30, 1957, Dr. K. P. Mukerjee, the Managing Editor, submitted to the President his resignation both from the Managing Editorship and the primary membership of the Association, with effect from December 1, 1957. As a result, only three issues of the Journal could be published this year, the third issue being the combined Nos. 3 and 4.

The constitution makes no provision for such a contingency and the question, therefore, requires clarification.

#### SURVEY OF GENERAL ELECTIONS

The Association at its last Annual General Meeting decided to undertake a survey of the second General Elections in India and appointed a Committee for that purpose with Shri A. L. Loomba as convenor. The Committee was further expanded to include the representatives of all the states in India. A questionnaire and a scheme were drawn up, after consultation by correspondence, and data collected. The data collected has now to be collated and then published in the form of a report.

#### FINANCE

From the Statement of Accounts it will appear that the financial position of the Association has deteriorated since last year—the closing balance being Rs. 2363.39 last year while it is only—Rs. 1829.11 this year—on December 20, 1957. While the total number of members last year was only 261, this year it has risen to 267.

#### INCOME

The total receipts for this year were Rs. 2064.25. When from this is deducted the sum of Rs. 849/-, being the share of the Journal for 1957, the actual amount available is only Rs. 1215.25. Out of this Rs. 1643.50 was received by the General Secretary by way of subscriptions. When to this is added the sum of Rs. 2362.36 collected by the Managing Editor, the total income from subscriptions comes to Rs. 4005.86 which, as compared to Rs. 3769 of the last year represents an increase of Rs. 236.86. Further a sum of Rs. 260/- was also realised as delegation fees during the period under review.

#### EXPENDITURE

The total charges (including Rs. 1150.50, paid to the Journal as the share for 1956) came to Rs. 2598.53, as compared with Rs. 2743.90 of last year, thus showing a decrease of Rs. 145.37.

The financial position of the Association, is however, far from satisfactory. Firstly the Statement of Accounts of the Journal shows a deficit of Rs. 1354.40 during the year. Secondly, there are outstanding bills of Rs. 733.89 for the printing of the Journal for the year 1956. Then there is an outstanding bill of Rs. 245.19 of Messrs, Gestetner Limited which has, through oversight, remained unpaid so far. Then there are certain bills of the President for the printing of his address, synopses etc. amounting to Rs. 351.29 nP.

Thus the total liabilities of the Association at the time of the submission of accounts are Rs. 2684.77 while the assets (including the balance of Rs. 61.96 of the Journal) are only Rs. 1891.57.

#### SUGGESTIONS

From my experience as General Secretary and Treasurer for the last three years, the feeling has grown with me that it is imperative to have a permanent headquarters of the Association for two reasons: Firstly, the frequent shifting of the headquarters has resulted in complete dislocation of the records.

Secondly, intending members and subscribers do not always know whom to contact, as a result of which a good deal of correspondence pertaining to the Association and the Journal remains undelivered. It would be necessary, for this purpose, to invite one of the major Universities to volunteer a small recurring grant as establishment charges for the permanent headquarters of the Association.

The administration of the Journal requires to be placed on a more regular basis. With the frequent change in the editorship, there is no trace of the disposal of old issues and no comparison of rates is possible.

With the increase in the correspondence of the Association and the Journal and higher wages demanded by part-time typists, it is at this stage, impossible to do without a whole time typist. Last year, I tried the experiment of associating with myself two Assistant Secretaries from amongst our members, one of them being local. I wish, I had accepted the suggestion of one of the members at the General Meeting to have one whole-time typist in place of two Honorary Assistant Secretaries.

Before I close, I must offer my heart-felt thanks to all my colleagues on the Executive Committee, especially to our respected President and my two colleague Secretaries without whose co-operation and assistance it would have been impossible to manage smoothly the affairs of the Association. I am too conscious of my faults and I only pray that the members in their generous indulgence and knowing my limitations will forgive them.

Thanking you all.

A. L. LOOMBA

Poona:

26th December, 1957

*General Secretary and Treasurer*  
Indian Political Science Association

# **INDIAN POLITICAL SCIENCE ASSOCIATION**

Statement of Receipts and Payments for the Period Commencing from 25th December, 1956  
and ending on 20th December, 1957

| OPENING BALANCE AS AT 25TH DECEMBER, 1956 : |                 | PAYMENTS                                     |                 |
|---------------------------------------------|-----------------|----------------------------------------------|-----------------|
| In Hand                                     | 168 33          | Salaries and Allowances                      | 528 00          |
| With State Bank of India, Lucknow           |                 | Contribution to Journal for 1956             | 1,150 50        |
| Current Account.                            | 2,195 06        | Audit Fee                                    | 50 00           |
|                                             | <u>2,363 39</u> | Postage                                      | 284 75          |
|                                             |                 | Printing and Stationery (Includes Rs. 120'0  | 303 94          |
|                                             |                 | for Cyclo-styling)                           |                 |
| Grant from Madras University                | 150 00          | Subscription to International Political      | 122 69          |
| SUBSCRIPTION REALISED                       |                 | Science Association                          |                 |
| Ordinary Membership :                       |                 | Bank Charges                                 | 9 42            |
| For 1956 (1 Member)                         | 15.00           | Typewriter Maintenance and Repairs           | 86 11           |
| For 1957 (98 Members)                       | 1,463.50        | MISCELLANEOUS EXPENSES                       |                 |
| For 1958 (2 Members)                        | 30'00           | Paid to Shri K. N. V. Sastri, President, for |                 |
| For 1959 (1 Member)                         | 15'00           | Postage Expenses Account Not Rendered        | 50 00           |
|                                             | <u>1,523 50</u> |                                              |                 |
| Institutional Membership                    |                 | CLOSING BALANCE AS AT 20TH DECEMBER, 1957 :  |                 |
| (8 Members)                                 |                 | With State Bank of India, Lucknow            |                 |
|                                             | 120 00          | Current Account.                             | 1,760 72        |
|                                             | <u>1,643 50</u> | Less : Cheque issued but not cashed          | 133 09          |
|                                             |                 |                                              | <u>1,627 63</u> |

## DELEGATION FEE REALISED :

|                                    |                     |
|------------------------------------|---------------------|
| From Members for 1956              | 210 00              |
| Students for 1956 Rs. 35/- and for |                     |
| 1957 Rs. 15/-.                     | 50 00               |
|                                    | <u>260 00</u>       |
| Bank Charges Realised              | 10 75               |
|                                    | <u>Rs. 4,427 64</u> |

Add : Cheques deposited but not credited by Bank

|                        |                 |
|------------------------|-----------------|
|                        | 92 50           |
|                        | <u>1,720 13</u> |
| In Hand with Treasurer | 108 98          |
|                        | <u>1,829 11</u> |

Rs. 4,427 64

Rs. 4,427 64

A. L. LOOMBA  
General Secretary and Treasurer

## AUDITORS' REPORT

We have examined the foregoing Statement of Receipts and Payments for the period commencing from 25th December, 1956 and ending on 20th December, 1957 with the Books of Account, vouchers and record rendered and have found the same correct as per information and explanations furnished to us and as shown by the Books of Account.

AMINABAD, LUCKNOW.  
21st December, 1957.

(Sd.) SINHA & Co.  
CHARTERED ACCOUNTANTS  
*Auditors*

## BUDGET ESTIMATES FOR THE YEAR 1958

| Estimated Receipts  | Rs.     | Estimated Expenditure.                   | Rs.     |
|---------------------|---------|------------------------------------------|---------|
| Opening Balance     | 1829.11 | Balance due to Journal for 1957          | 849.00  |
| Subscriptions (350) | 5250.00 | For Printing Synopses                    | 150.00  |
| Delegates Fee (30)  | 450.00  | Share of Journal for 1958                | 3600.00 |
| Bank Charges        | 50.00   | Stationery and Printing                  | 300.00  |
| Amount of Grants    | 300.00  | Clerical Charges                         | 360.00  |
|                     |         | Cyclostyling Charges                     | 100.00  |
|                     |         | Subscription I. P. S. A                  | 122.00  |
|                     |         | Bank Charges                             | 45.00   |
|                     |         | Postage & Telegrams                      | 300.00  |
|                     |         | Audit Charges                            | 50.00   |
|                     |         | Outstanding Bills :                      |         |
|                     |         | (a) Gestetner Ltd.                       | 245.19  |
|                     |         | (b) Presidential Bills                   | 351.29  |
|                     |         | (c) Adarsh Press                         | 733.89  |
|                     |         | To Shri A. L. Loomba for Election Survey | 200.00  |
|                     |         | Miscellaneous.                           | 50.00   |
|                     |         | Total Expenditure.                       | 7456.37 |
| Total Receipts      | 7879.11 | Closing Balance                          | 422.74  |
|                     | 7879.11 | Grand Total                              | 7879.11 |

29-12-1957

A. L. LOOMBA  
General Secretary and Treasurer

THE INDIAN JOURNAL OF POLITICAL SCIENCE

Statement of Receipts and Payments for the Period commencing from 1st January, 1957  
ending on 20th December, 1957

| RECEIPTS                                                  |              | PAYMENTS                        |              |
|-----------------------------------------------------------|--------------|---------------------------------|--------------|
| SUBSCRIPTION FOR 1957:                                    |              | Printing Charges of the Journal |              |
| Indian                                                    | 1,919 00     |                                 | 4,197 90     |
| Foreign                                                   | 264 51       |                                 | 300 00       |
|                                                           | 2,183 51     |                                 | 50 00        |
| SUBSCRIPTION RECEIVED IN ADVANCE:                         |              |                                 | 76 83        |
| Indian                                                    | 119 00       |                                 | 293 01       |
| Foreign                                                   | 59 85        |                                 | 10 35        |
|                                                           | 178 85       |                                 | 30 31        |
| Sale Proceeds of old Issues                               |              |                                 |              |
| Advertisement                                             | 105 00       |                                 |              |
| Bank Charges etc. Realised                                | 30 00        |                                 |              |
| Received from The General Secretary of the Association    | 18 10        |                                 |              |
|                                                           | 1,150 50     |                                 |              |
| SUNDRY CREDITORS FOR EXPENSES:                            |              |                                 |              |
| M/s Sirur Printing Press, Bombay for their Printing Bills | 1,354 40     |                                 |              |
|                                                           | 1,354 40     |                                 |              |
|                                                           | Rs. 5,020 36 |                                 |              |
|                                                           |              |                                 | Rs. 5,020 36 |

## AUDITOR'S REPORT

We have examined the above figures with the vouchers and record rendered and have found the same correct as per information and explanations furnished to us and as shown by the record. The balances for the previous account have not been taken into account and the confirmation of the bank balance was not available with the Managing Editor and hence could not be verified by us.

AMINABAD, LUCKNOW.

Dated : the 20th December, 1957.

ber, 1957.  
(Sd.) SINHA & Co.

**CHARTERED ACCOUNTANTS**  
**(Su.) SINHA & CO.**  
*Auditors*

**KRISHNA P. MUKERJI**  
**MANAGING EDITOR**

**Statement of Accounts of the Journal from 1-1-57 to 4-2-57**

**INCOME**

|                          |     |    |   |
|--------------------------|-----|----|---|
| Opening Balance          | 570 | 11 | 6 |
| Off Prints               | 21  | 0  | 0 |
| 7 Subscriptions Rs. 15/- | 105 | 0  | 0 |
|                          | 696 | 11 | 6 |

**EXPENDITURE**

|              |    |    |   |
|--------------|----|----|---|
| Postage      | 42 | 14 | 6 |
| Parcel       | 12 | 11 | 0 |
| Bank Charges | 4  | 8  | 0 |
|              | 60 | 1  | 6 |

|               |     |   |   |
|---------------|-----|---|---|
| Paid to Press | 560 | 5 | 0 |
|               | 620 | 6 | 6 |

|                              |    |   |   |
|------------------------------|----|---|---|
| UNESCO Coupon to Dr. Mukerji | 21 | 6 | 0 |
| Cheque uncollected           | 21 | 5 | 0 |

*Outstanding Bills*

|                                |     |    |   |
|--------------------------------|-----|----|---|
| Presidential Address for 1956. | 263 | 10 | 0 |
|--------------------------------|-----|----|---|

|                            |    |   |   |
|----------------------------|----|---|---|
| Printing of Index for 1956 | 22 | 8 | 0 |
|----------------------------|----|---|---|

|                               |     |   |   |
|-------------------------------|-----|---|---|
| Printing of Synopses for 1956 | 159 | 0 | 0 |
|-------------------------------|-----|---|---|

|                                      |     |    |   |
|--------------------------------------|-----|----|---|
| Printing Charges for Vol. XVII No. 4 | 873 | 12 | 0 |
|--------------------------------------|-----|----|---|

|                                                                |      |    |   |
|----------------------------------------------------------------|------|----|---|
| Printing charges for cards communicating the change of address | 9    | 0  | 0 |
|                                                                | 1327 | 14 | 0 |

|                   |     |   |   |
|-------------------|-----|---|---|
| Paid to the Press | 560 | 5 | 0 |
|-------------------|-----|---|---|

|         |     |    |   |
|---------|-----|----|---|
| In hand | 767 | 9  | 0 |
|         | 33  | 10 | 6 |

733 14 6

|                 |     |    |   |
|-----------------|-----|----|---|
| Balance in hand |     |    |   |
| Income          | 696 | 11 | 6 |
| Expenditure     | 663 | 1  | 0 |
| Balance in hand | 33  | 10 | 6 |

The net amount to be paid to the press is Rs. 733 14 6

(Sd.) G. K. Gahrana

**The Proceedings of the Meeting of the Executive Committee Held at Poona**

A meeting of the Executive Committee was held at 5-30 p. m. on December 26, 1957, in Room No. 5 of the Law College with Shri K. N. V. Sastri in the chair.

The following were Present :—Messrs K. B. Y. Thotappa, S. C. Singh, Bodh Raj Sharma, D. N. Pathak, N. R. Deshpande, T. B. Mukerjee, R. P. Pande, (Miss) S. N. Bhuskute, and A. L. Loomba (General Secretary).

1. The minutes of the last meeting were confirmed.
2. Dr. S. C. Singh moved the following resolution.

“Resolved that the following steps be taken to improve the standard of the Indian Journal of Political Science :—

- A. An Advisory Board consisting of (i) Prof. V. K. N. Menon, (ii) Dr. M. P. Sharma and (iii) Dr. B. M. Sharma be constituted.
- B. Only those articles should be published in the Journal which are approved by this Board.
- C. The Managing Editor in consultation with the Board should approach competent persons in the country and abroad to contribute articles for the Journal.
- D. A list of competent reviewers in different branches of Political Science be kept in the office of the Journal. The books for review should be sent to persons chosen from the above-mentioned list. Only those persons should be included in the list who give their prior consent to review books sent by the Association.
- E. There should be no “views column” in the Journal. Only news and notes of a non-controversial nature may be published.

The President analysed the different parts of the resolution and after discussion, parts B, C, D & E of the resolution were accepted subject to re-drafting of the Resolution by the President.

3. The Committee considered the situation arising out of the resignation of Dr. K. P. Mukerji, the Managing Editor, in the middle of the session and decided to recommend to the General Body the following amendment to the constitution :

For Article 22 substitute :

“In case of a casual vacancy, in the office of the Managing Editor, the President shall nominate one member of the Editorial Board as Managing Editor for the remainder of the term and he shall draw the actual expenses (*i. e.* single first class fare to and fro and Rs. 10/- per diem as D. A., availing himself on any concession that may be available) for the purposes of taking over the Journal.”

The Committee then adjourned for dinner.

The Executive Committee resumed its discussions at 10-30 p. m. on December 26, 1957 with Shri K. N. V. Sastri in the chair :—

Members Present : Messrs. Khagendra Chandra Pal, S. C. Singh, J. P. Suda, Bodh Raj Sharma, R. P. Pandey, T. B. Mukerji, D. N. Pathak, K. B. Y. Thotappa, (Miss) S. N. Bhuskute, and A. L. Loomba (General Secretary).

4. The Committee then took up the consideration of the Annual Report on the maintenance of the Journal for the year 1957.

The General Secretary reported that Shri K. P. Mukerji, the Managing Editor, had requested him to present the Annual Report on the maintenance of the Journal for the year 1957, in his absence. The Committee permitted the General Secretary to read out the report which was then noted. (It was decided not to print the report in the Journal).

The Committee was then adjourned.

The adjourned meeting of the Executive Committee was held at 8-30 a.m. on Friday, December 27, 1957, with Shri K. N. V. Sastri in the chair.

Member present:—Messrs A. K. Ghoshal, Khagendra Chandra Pal, S. C. Singh, Bodh Raj Sharma, J. P. Suda, D. N. Pathak, R. P. Pande, T. B. Mukerji, (Miss) S. N. Bhuskute, and A. L. Loomba (General Secretary).

5. The Committee considered the Annual Statement of Account of the Journal for 1957 sent through the General Secretary. The Committee decided to recommend the following amendment to the Annual General Meeting:

In Article 25, line 5, after the words "Editorial Board" add:

"In token of this joint responsibility, the report and the annual statement of Accounts shall be signed by all members of the Editorial Board before they are submitted to the Executive Committee".

6. The Committee then took up the Annual Report of the Association for the year 1957. The General Secretary in presenting the Annual Report pointed out that outstanding bills Nos. 5321, dated 17-12-55, 5302 dated 15-12-55, 5270 dated 13-12-55, 5349 dated 20-12-55, 5346 dated 20-12-55, 5340 dated 19-12-55 and 5329 dated 19-12-55 of Messrs Gestetner Ltd., for Rs. 245.19 had not been included in the statement of Accounts because they related to the year 1955. He requested the Committee to sanction payment.

The Committee approved the bills and sanctioned payment.

The Committee then adopted the Report for presentation to the Annual General Meeting.

7. The General Secretary placed the letter of the Vice-Chancellor, Vikram University inviting the next Conference at Ujjain. The Committee decided to recommend to the General Body to accept this invitation.

The Committee was then adjourned.

The Committee resumed its discussions on December 28 at 9-30 a.m. with Shri K. N. V. Sastri in the chair.

Members Present: Km. S. N. Bhuskute, Messrs A. K. Ghoshal, K. C. Pal, S. C. Singh, Bodh Raj Sharma, J. P. Suda, D. N. Pathak, R. P. Pande, T. B. Mukerjee, S. C. Dash, and A. L. Loomba (General Secretary).

Shri G. K. Gahrana was present by special invitation.

8. The General Secretary drew the attention of the Committee to the urgency of paying the bills for the printing of the Presidential Address, the Synopses and Presidential Circulars.

The Committee passed the bills. It was further decided that they may be paid by the General Secretary by transferring the cheque deposited by Dr. Majumdar for royalty on publications to Prof. Sastri for making a part payment, the rest to be paid later.

9. The General Secretary placed before the Executive Committee the Audited Accounts of the Journal sent by the Managing Editor, Dr. K. P. Mukerjee, through him. In the absence of vouchers the committee decided to recommend to the Annual General Meeting that the accounts be merely noted, and the adoption of the same be deferred until supporting documents are obtained from Dr. K. P. Mukerjee.
10. The Committee considered the following modified draft of Dr. S. C. Singh's resolution prepared by the President.

Substitute the following for the present Rule 27:—

27(a) The Managing Editor shall maintain the standard of articles and reviews at a reasonably high level, without fear, favour or ill-will towards contributors and reviewers.

(b) Subject to freedom of thought permitted to contributors of articles, the Editorial Board shall be responsible for all matter published in the Journal, and sit decision on all questions relating to this question shall be final.

Opinion not being in favour of this proposal it was decided to refer the original resolution to the Annual General Meeting.

11. The General Secretary placed before the Executive Committee a letter from the Adarsh Press, Aligarh, claiming Rs. 1224/7/-, on account of unpaid printing bills of the Journal for the year 1956. Shri G. K. Gahrana was then requested to place the accounts for the period between 1-1-1957 to the date of handing over to Dr. Mukerjee. Shri G. K. Gahrana while placing the accounts for the period 1-1-57 to 4-2-57 before the Committee explained that the actual amount due to the Adarsh Press was Rs. 733.70 nP. The discrepancy was due to mis-understanding which he had now cleared up with the press.

The Committee decided to recommend to the Annual General Meeting that the unpaid bills of Rs. 733.70 nP. be passed for payment in final settlement of accounts. The accounts of Mr. Gahrana were then passed.

12. The General Secretary placed before the Executive Committee the statement of accounts of the Association for the year 1957. The Accounts were passed including the outstanding bills of M/s Gestetner Ltd. for Rs. 245.19 nP.
13. The General Secretary gave an account of the progress in the work of the Survey of General Elections. On his request the Committee decided to recommend the sanction of a sum of Rs. 200/- to be placed at the disposal of Sri A. L. Loomba in his capacity as Convenor of the Committee for the Survey of General Elections for expenses incurred in this connection to be paid out of the general funds of the Association.
14. The Budget Estimates of the Association for the year 1958 were approved.



15. The Committee decided to place the following subjects before the Annual General Meeting for the next Annual Conference.
- (a) The contribution of different States to India's Struggle for Freedom.
  - (b) Contribution of Mahatma Gandhi to Political Thought.
  - (c) The Theory and Practice of Sarvodaya.
  - (d) The Place of S. E. Asia in World Affairs.
  - (e) Parliamentary Government at Work in India.
  - (f) Evolution of Local Government in India.
  - (g) Contribution of Foreigners to Indian Nationalism.

The Meeting then adjourned.

A. L. LOOMBA

General Secretary and Treasurer

30-11-57.

## BOOK REVIEWS

THE UNITED STATES AND THE FAR EAST—Background Papers prepared for the use of participants and the Final Report of the Tenth American Assembly, Arden House, Harriman Campus of Columbia University, Harriman, New York.

American interest in Asian affairs is a recent development. Before the World War II it was 'casual and sporadic' in that it was more 'cultural and economic' than political and diplomatic. However, the fragmentary nature of the American policy as revealed in some diplomatic moves gradually began to change in the early thirties with the expansionist activities of Japan. The Second World War with the new concept of 'global diplomacy' and 'global war' altered the power-relationship in the Pacific. American concern in the Far Eastern affairs is regarded as important as its concern in the affairs of central Europe and West Asia.

These Papers and the Report serve a useful purpose both to the scholar and the beginner to understand the background of the existing relationship between the United States and the four countries of East Asia—Japan, Korea, Communist China and Taiwan (Formosa). The similarities and differences that exist among these countries and the peculiarities of the problems confronting each one of them and the possible reaction they have created in their wake are dealt with aptness and precision.

The chapter on Japan deals extensively with the growth and development of modern Japan since its discovery by Commodore Perry. In a rapid survey, the author discusses the Japanese response to American culture, the impact of Christianity, the revolutionary forces that brought about industrial and technological progress along with revolutionary ideas, the growth of Japanese nationalism and the ill-will consequent of immigration policies of the U. S. and the fear of 'yellow peril'. Here one notices that the author impartially points out the strength and weakness of the American prejudice against the Japanese before 1945. Later on he discusses the nature of general dilemmas of American policy in Asia before 1945 and deals at length with the the policies of the U. S. in relation to Japan upto its defeat. After the Japanese defeat in August 1945 the U. S. policy underwent three phases: the early occupation, the reconstruction and recovery and the period of proffered alliance. Towards the conclusion of his last sub-heading 'Political issues in American-Japanese relations' he significantly warns the policy makers thus:

"Perhaps our greatest weakness, indeed, is that we have slipped badly in recent years with the Japanese student-intellectual group and the political forces they largely represent. The appeal of Marxism to these groups continues to be quite strong. Marxist literature occupies the most prominent place in many universities, especially in economics and other related fields. Thus the student and the more mature intellectual as well received mainly a stereotyped impression of the United States as a mature capitalist country. ....His picture of America, in short, lacks perspective and balance. This situation does not usually lead to a pro-U.S.S.R. position but certainly does affect objectivity regarding the United States."

The Chapter on Korea is similarly dealt with. The Korean background, the Japanese occupation, the division of Korea along the 38th parallel, the conflict between the two governments leading ultimately to the Korean war of 1950 are briefly stated whereas much light is thrown on the post-Korean-war political developments and the present U. S. position in that unfortunate peninsula. In his introduction he has stated five shorter-range aims that define the U. S. policy in view of the present impasse. But the long range objective of America is the establishment of a unified, independent, democratic Korea. In his conclusion he makes a pertinent observation regarding the desirable objective:

"Having set unification as the goal, it is important to realize that this same problem exists in Germany and in Vietnam. In all three instances, the passage of time is widening the gulf between the divided regions. Different economic structures, political institutions and ideological explosives are increasing the problems of reintegration. We cannot be blind to the fact that unification may not be achieved. In that case, the line of policy must be to protect the independence of the free sector and contribute to the rapid building of its political, economic and military strength. If we pursue these objectives seriously, the Republic of Korea will need to have a rather high position on our foreign agenda for many years to come".

The treatment on Communist China appears to be lacking in providing the background for the emergence of the new philosophy. On the other hand it seems much discussion has been made on current history giving factual and chronological information. Nevertheless, the challenge presented by Communist China to the United States has been rationally treated without giving scope to the operation of national or ideological prejudices. Towards the conclusion the author observes:

"The prospects for much success in maintaining the present China policy of the United States for many considerable period of time are therefore not very bright. It is possible to foresee a succession of small diplomatic retreats or defeats, with the United States carrying out one delaying action after another. It might be argued that even delaying action is better than sudden disintegration of the line which United States has strongly maintained. It might also be argued, however, that it would be better for the United States to seize the initiative in bargaining and negotiation, in an attempt to achieve a new position and policy for which greater international support might be possible."

The treatment on Taiwan, though brief, appears to be highly scholarly and academic. The policy of the United States is governed by varied factors such as military, political and economic. The operation of the U. S. Seventh Fleet midway between the mainland and Taiwan is to be viewed in the background of U. S. anxiety over Korea, Japan, Philippines and several other nations in this area. The demand by Peking to have its authority over Taiwan and the claim made by the nationalist section now stationed in Taiwan over the mainland is the basis of international tensions in this region. As such America is beset with three alternatives, namely (a) maintenance of the *status quo* (b) capitulation to Peking's demands, and (c) holding a plebiscite under the auspices of the U. N. There is a thorough examination of all these alternatives. In conclusion, he observes:

"Unsnarling the China tangle is no easy task; perhaps no solution is politically available to the United States other than maintaining our positions and waiting for Peking's next move. But to incur the risks of war blindly is

quite different from recognizing, weighing and rejecting alternatives in a dispassionate manner. After the advices of the neutrals, the threats of the enemy, and the appeals of the allies have been evaluated, the stubborn fact remains that every policy must be weighed in the light of its impact upon the interest of the United States."

In his conclusive chapter entitled 'The Broader Perspective', Mr. Willard L. Thorp, the general editor of this volume sums up the central core of the American Far Eastern policy and observes:

"Essentially, the search for military security is a costly and negative enterprise and American foreign policy must also make clear its constructive elements. During all the period of extraordinarily military build up and expenditure, there was no let down in American foreign aid either for relief purposes or for economic development. But poverty and discontent are still omnipresent in the Far East. We may have succeeded in reducing Communism as a military threat but the Communist ideology still has its appeal. The internal dangers of take over by the extreme left or the extreme right are still present. It is to the problem of how to help these countries to progress towards independence as free democratic societies that American foreign policy in the Far East must basically address itself".

The appendix on the 'note on diplomatic recognition of governments' and the final report of the Assembly serve as documents to students specialising in Far Eastern Affairs. We have no hesitation in recommending this book to every student of contemporary political history.

S. DAKSHINA MOORTHY

THE NEW INDIA: PROGRESS THROUGH DEMOCRACY—Official publication of the Planning Commission, Government of India, pp. 412 Price 2.50 (*The Macmillan Co., New York, March, 1958*).

The new and enlarged functions of the Welfare State have come to be associated with Planning. And so it was that in January, 1950, only a few weeks after the adoption of its Constitution, India set up its Planning Commission. This Commission in 1952 produced the final draft of the First Five-Year Plan which saw its completion in May, 1956. In September, 1956 the Indian Parliament adopted the Second Five-year Plan. This too, as reports go, is working in advance of its schedule. But, in this age of Democracy and 'One World', it is not enough that planning should merely succeed. The plan is for the people and they must intelligently follow the implications and working out of the plan. Our experiment in planning is being watched with keen interest by people in other countries—communists and non-communists alike. The progress of the Plan has depended to a considerable extent, whether we like it or not, on foreign aid. And those who pay must know what they are paying for. There have been doubts and misgivings. What are the objectives of the Plan? Is India really going the democratic way? What does the Congress, the ruling party, mean by the "Socialistic Pattern of Society"? Is the plan sound organisationally, financially and administratively? And a host of others.

*The New India: Progress Through Democracy*, to quote the sponsors, is "an objective presentation of the Principles and aims of the Second Five-Year Plan and the Programs of development embodied in it". This monograph was prepared at the request of the Planning Commission by a special study group consisting of Dr. Douglas Ensminger and Miss Jean Joyce of the Ford

Foundation and four members of the staff of the Planning Commission. The manuscript, the Introduction mentions, had the benefit of being reviewed by Professor Edward Mason, Dean of the Graduate School of Public Administration, Harvard University, and Dr. Eugene Staley, Senior International Economist of the Stanford Research Institute.

The book is divided into two Sections. The first section opens with a statement, in general terms, of the Plan's aims. Then follow nine chapters entitled: The Under-developed Nation; Problems and Assets; The Difficult and Tremendous Journey; Revolution with Social Justice; The Eight Basic Decisions; How India Plans; The Second Five-Year Plan in Outline; Employment and Manpower in India's Development; Administration; Financing the Plan. The Second Section deals with the various development programs under three heads, *viz.* Agriculture and Rural Development, Industrial Development and the Social Services.

There is nothing especially new about the aims of the Indian Plan as set out by the authors. "The Plan's immediate aims are economic and social—to raise living standard, to increase National income, production and employment, to provide a richer and fuller life, to break further through the barrier of poverty...." But as the authors point out: "The Plan's significance, perhaps, lies as much in its method as in its aims.... India endeavours to follow Gandhian methods of peaceful change, to win economic and social freedom, like political freedom, without hate, violence or injustice.... India hopes to avoid the class conflict, the social waste, the oppressive concentration of public or private power, which have often accompanied rapid industrialization and economic advance."

As India stands on the threshold of its industrial revolution, the authors explain, it is determined to choose a new pattern, the "socialist pattern of life *i. e.* a society in which social justice is secured. This phrase, used in the Second Plan, is considered a translation into more concretized terms of the concepts of social justice. "What do we mean when we say 'Socialist pattern of life?'" asked Pt. Jawahar Lal in laying the Second Plan before Parliament. "Surely we mean a society in which there is social cohesion without classes, equality of opportunity and the possibility for everyone to have a good life." As an interpretation of Indian Socialism, this is a definition which would offend no body, but would satisfy not many either. Surely the authors might have chosen better in quoting our illustrious Prime Minister. To allay any apprehensions the authors assure: "India is convinced, however, that it cannot root its policies in rigid socialist dogmas or other doctrinaire theories, or apply foreign ideological approaches which were adopted by other nations in very different conditions.... India must remain flexible and pragmatic in its economic structure, hold itself open to experiment, reshape its policies from time to time in the light of experience and the test of practical conditions." With this pragmatic approach, India has made the basic decision to choose a "mixed economy" using all the three ways of economic development which, in democratic nations, have proved effective *viz.* (1) public enterprise, (2) private enterprise, and (3) in fields especially suited to it, the "middle way" co-operative enterprise.

How is this transformation to be achieved? India seeks to bring about this transformation through democratic means. "In Planning its development, the democratic means which India as a parliamentary democracy has chosen are three: democratic persuasion to bring about participation and co-operation of all; democratic planning—involving all groups, from the village

to the national Government—at all levels; and the use and strengthening of democratic Institutions to administer and speed development."

The authors do not belittle the immensity of the problem: "India recognizes that in doing so it has embarked on an experiment in democratic planning which is perhaps larger and more complex than any in the modern world.... It believes that the quality and success of its democratic planning... depend on the degree to which the individual citizen is able to grow through participation, through the spreading of opportunity and through the strengthening of democratic processes and institutions.... India must find its own solution to the problem of democratic planning for intensive economic growth.... India must strike its own national balance between liberty and progress, central control and private initiative, national planning and local authority.... What is on trial in India's Second Plan and all its future plans is, in the last analysis, whether democracy can solve the problems of mass poverty.... In some nations there are those who say that the democratic process cannot solve these problems, or cannot solve them fast enough. India believes that it can do both; its Second Plan is testament to that belief.... In meeting this great challenge to democracy, India will owe much to the good faith of other nations, who share its belief in the democratic principles of human dignity and individual freedom."

We have quoted freely and at length from the book under review. One does not have to agree or disagree in order to admit that this is a fair statement of the present principles of planning in India. Whether there is any "Socialism" or any 'pattern' in it is a different question. That it is genuinely democratic in spirit cannot be doubted. Whatever some critics may say, the very fact that Kerala, one of the fourteen constituent States in the Federal Republic of India, has freely chosen to have a Communist government bears ample testimony to this.

Planning has come to stay in India. India's First Five-Year Plan was but a "preparatory venture," the first attack on India's problems as an under-developed nation. The real beginning in the colossal task of rebuilding the nation is the Second Five-Year Plan. India has embarked on an experiment in democratic planning which is being watched with interest by people of divergent ideologies the world over. The Planning Commission has done well in realizing the timely need of interpreting the Indian experiment to foreign observers.

As an official publication with the avowed purpose of "setting out for readers abroad the underlying approach and main features of India's economic and social programs", this volume, both by its presentation and get up reflects credit on the sponsors. Even for the India readers it is a mine of useful information as well as an eye opener.

A. L. LOOMBA

## BOOKS AND PERIODICALS RECEIVED

### BOOKS :

- Some Aspects of The Indian Administrative System*, by SRI RAM SHARMA, Institute of Public Administration, Sholapur, pp. 160, Price Rs. 5.00.
- Current Events Year Book, 1958*, Edited by SOHAN LAL, Current Events Publication Services Department, 17 Rajpur Road, Dehra Dun, pp. 508, Price Rs. 5.000.
- Hindi—The National Language*, by KANHAIYALAL BHERULAL MALVIA, M. P., published by Malvia Prakashan, 64 North Avenue, New Delhi, pp. 98.
- Canada, 1957*, published by the Canada Year Book Section of the Information Services Division, Dominion Bureau of Statistics, Ottawa, pp. 316, Price \$ 1.00.
- Denmark*, published by the Royal Danish Ministry of Foreign Affairs and the Danish Statistical Department, Copenhagen, pp. 356.

### PERIODICALS :

- Confluence*, an International Forum, Vol. 6, Nos. 2, 3, 4, and Vol. 7, No. 1, published under the auspices of Summer School of Arts and Sciences and of Education of Harvard University, pp. 195, Price \$ 1.00.
- Current Events*, (A Monthly Review of National and International Events), published by Current Events, 17 Rajpur Road, Dehra Dun (India), pp. 78, Price Rs. 0.75.
- Documentacion Administrativa Madrid*, Mayo 1958, No. 5, 6 and 7, Editado Por La Secretaria General Tecnica De La Presidencia Del Gobierno, pp. 103, Price 25 pesetas.
- International Political Science Abstracts*, Vol. VIII, No. 1, 1958, published by the International Political Science Association, pp. 146, Price \$ 1.70 12s.
- Khadi Gramodyog*, Vol. 4, No. 10, July, 1958, Khadi and Village Industries Commission, Mistry Bhawan, Dinsha Wacha Road, Bombay 1, pp. 68, Price Re. 0.25.
- Public Administration Abstracts and Index of Articles*, Vol. 2, No. 5, Mayo, 1958, Indian Institute of Public Administration, 6, Bhagwandas Road, New Delhi 1, pp. 182.
- Political Studies* (The Journal of the Political Studies Association of the United Kingdom, Vol. IV, Nos. 2 and 3 and Vol. V, No. 1, University Press, Oxford, pp. 224, Price 13s. net.
- The New Yugoslav Law*, January-March, 1958, published by the Union of Jurists Association of Yugoslavia Proleterskih Brigada, 74 Beograd, pp. 98, Price \$ 2.00 a year.
- The American Political Science Review*, Vol. LII, No. 1, March, 1958, American Political Science Association, 100 University Hall, Ohio State University, Columbus 10, Ohio, pp. 295, Price \$ 2.50.
- The Economic Weekly*, 104 Apollo Street, Fort, Bombay, Price Rs. 24.00 a year.
- World Affairs Quarterly*, Vol. XXIX, No. 1, April, 1958, the School of International Relations, University of Southern California, pp. 112, Price 75 cents.

## RESEARCH IN POLITICAL SCIENCE IN INDIAN UNIVERSITIES

### AGRA UNIVERSITY

#### Research completed

#### Ph. D. :

- |                          |                                                                                                                      |      |
|--------------------------|----------------------------------------------------------------------------------------------------------------------|------|
| B. L. Gupta              | The Political and Civic status of Indians in Ceylon.                                                                 | 1953 |
| Ghanshyam Das Srivastava | Electoral Law and its working in India.                                                                              | 1956 |
| Iqbal Narain Srivastava  | The Civic and Political Status of Indians in South Africa up to the Gandhi-Smuts Agreement: A Survey and Assessment. | 1956 |
| P. N. Mathur             | Political and Administrative set up of Part C States.                                                                | 1957 |
| S. N. Dubey              | Development of Political Thought in India 1885-1935 (A study in main currents).                                      | 1957 |
| R. S. Jain               | The Growth and Development of Governor General's Executive Council 1858-1919.                                        | 1958 |

#### Research in progress

#### D. Litt :

- |                         |                                                                                                             |
|-------------------------|-------------------------------------------------------------------------------------------------------------|
| S. R. Nigam             | The Personnel system of the Govt. of India.                                                                 |
| Lal Bahadur             | The Swarajist Party.                                                                                        |
| S. S. Jain              | Jain Polity.                                                                                                |
| K. D. Tripathi          | The theory and practice of Socialism with special reference to India.                                       |
| Ramesh Narayan Mathur   | The Role of Supreme Court of India.                                                                         |
| Iqbal Narain Srivastava | The concept of Nationalism in Modern Indian Political thought (from Raja Ram Mohan Roy to the present day). |

#### Ph. D. :

- |                      |                                                                                                                             |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------|
| N. N. Agarwal        | Nationalities in U. S. S. R.                                                                                                |
| Shyam Sunder Joshi   | Political and Constitutional Evolution of Central India (Agency) States constituting the States of Madhya Bharat 1858—1948. |
| A. B. Srivastava     | State Control over Municipalities since 1916.                                                                               |
| Radha Mohan          | Civic & Political Status of Indians in Burma.                                                                               |
| Satish Chandra Seth  | The Growth of Communalism in India and the problem of Hindu Muslim Relations.                                               |
| Keshava Persad Lal   | The Theory and the Institutional Pattern of the Secular State with special reference to India.                              |
| Ramesh Persad        | The Constituent Assembly of India.                                                                                          |
| Omeshwar Nath Tandon | Communism in India in Theory and Practice.                                                                                  |
| R. N. Misra          | Village Self-Government in U. P.                                                                                            |
| B. M. Taunk          | The role of Khilafat movement in Indian Politics.                                                                           |
| D. P. Rastogi        | Indo-British Policy towards the N. W. Frontier tribes—1864-1905.                                                            |

- P. N. Mehrota  
G. N. Dwivedi  
S. K. Sharma  
S. C. Mathur  
Prabhakar Dixit  
M. K. Nigam  
Shikhar Chandra Jain  
(Km.) Krishna Kodesia  
Kanteshwari Awasthi  
Har Swarup  
Parmatma Sharan Santosh Kumar Pradhan  
Batria Puran Sunderdas  
Rajendra Singh Yadava  
(Km) Urmila Tiwari  
(Km) Uma Krishna  
Mohan Murari  
Prahlad Rai Sahni  
Pherumal Jain  
Vijendra Singh Gupta  
Peareylal Misra  
Ganga Dutt Tewari  
Ram Kumar Avasthi  
Sri Krishna Jha  
Ram Gulam Gupta  
Mahendra Kumar Agarwal  
Dev Dutta Shukla  
Prem Chand Jain  
Basudev Chatterji  
(Km.) Ram Pyari Nayar  
Sukhbir Singh  
D. S. Bhatnagar
- The Provisional Indian Parliament.  
Role of Civil-Disobedience in the Indian National Movement.  
The Chinese revolution and its effects on East and South Asia.  
Operation and problems of National Self-determination in International affairs.  
Communism and its applicability to Indian conditions.  
The ideal and practice of Sarvodaya with reference to Indian conditions.  
National Movement in Madhya Bharat from 1914-1947.  
The Problem of Linguistic States in India.  
The Role of the Opposition in the Uttar Pradesh Legislature from 1919 to 1952.  
Growth and Functioning of Municipalities in Rohilkhand Division.  
Imperial Legislative Council of India (1861-1909).  
Recruitment & Training of Public Services in U. P.  
The Indian Parliament at work 1947-56 (A study in the working of the constitution).  
Critical assessment of Democratic Trends in India.  
Municipal Finance in U. P. since 1919.  
The administrative organization of Bhopal state from 1868 to present day.  
Gandhism & Socialism in India, the Feasibility of their synthesis.  
Welfare State in U. P.  
Som Deva as a Political Thinker  
Role of the civil service in planning in a democratic state with special reference to India.  
The Role of leftist Nationalism in the struggle of India's Freedom.  
Rural Self Govt. in Kumayun Hills.  
Social & Political Ideas of M. N. Roy. (A Critical evaluation)  
The fundamentals of India's National security.  
Municipal Administration in Kanpur from 1861 to the present day.  
Foreign Policy of Nazi Germany.  
Republics in Ancient India.  
Foreign policy of India since Independence.  
Socialist Thought in India in the 20th century.  
Gandhian Technique of Revolution (A critical assessment)  
Growth of Freedom of Press in India.  
Congress in Free India.

- Chandra Prakash Bhambhari  
Jai Narain Lal Srivastava  
Girraj Kishore Gahrana  
R. Rajappa Setty  
Chet Singh  
R. C. Sharma
- Parliamentary Control of Public Enterprises in India : A study in Public Administration.  
The Role of the Opposition in the First Indian Parliament (1952-56).  
Growth of Legislative Procedures at the Centre in India (1919-1952).  
India's First Parliament at work (1952-57).  
A critical study of the Rural self-Govt. in Bareilly Disstt. from 1904 to the present day with a special reference to Panchayat Raj.  
The Civic and Political Status of Indians in Malaya upto 1957.

## PUNJAB UNIVERSITY

*Research completed***Ph. D.**

1. Shadi Lal Malhotra, M. A. submitted his thesis for examination in January, 1957. His subject was "Treatment of Foreigners in Ancient India". The result has not yet been declared.

2. Iqbal Nath Chaudhry, M.A., submitted his thesis for examination on 29-3-1958. The subject of his research was "Social legislation in the Punjab since 1849."

*Research in progress*

- Raj Kumar Chawla  
Tilak Raj Vij  
Baldev Raj  
Ram Murti Uppal  
F/o K. N. Singh  
N. K. Lakhanpal  
Raghunath Rai  
Kirpal Singh  
Shankar Nath Mahant
- The formation and working of Political parties in the Punjab 1921 to 1955.  
Punjab's contribution to the freedom movement of India.  
The working of the Panchayats in the Punjab.  
Working of provincial autonomy in the Punjab.  
The growth of civil consciousness in the Punjab.  
The Governor of the Punjab, 1937-47.  
The development of judicial administration in the Punjab from 1858 to the present day.  
Partition of the Punjab—Formation of the Plan, its implementation and effects.  
The Provisional Punjab Legislature 1948 to 1952.

# DIGEST OF CASES OF CONSTITUTIONAL AND ADMINISTRATIVE IMPORTANCE

By

KRISHNAPRIYA LOOMBA

- Art. 9 & 367 (3). - **Persons voluntarily acquiring citizenship of a foreign state not to be citizen** (Art. 9)—Whether Sikkim a foreign State. *P. H. Avari v. State of West Bengal*. (A. I. R. 1958 Cal. 203).
- Art. 13, 29 & 245 - **Laws inconsistent with or in derogation of the fundamental rights** (Art. 13)—Construction of Constitution, its effect and rules as to repugnance between Law and Constitution. *Amin v. The State* (A. I. R. 1958 All. 293).
- Art. 13 (2) & 14 - Applicability of Art. 14—Classification must be in relation to the objective of the Act. *Rajnarain Agarwal v. Administrator Improvement Trust Agra* (A. I. R. 1958 All. 351).
- Art. 14. - **Equality before Law**—Taxation Laws—Sales Tax. *Gorantia Butchayya v. The State of Andhra Pradesh*. (A. I. R. 1958 Andhra Pradesh 294).
- Cr. P. C. (1898) S. 251-A—Validity. *Palagani Veeraraghavulu v. The State* (A. I. R. 1958 Andhra Pradesh 301).
- Disciplinary Proceedings (Administrative Tribunal Rules 1951)—R. 4 (i) (a) and (b)—Validity. *Dhirendranath Das v. State of Orissa*. (A. I. R. 1958 Orissa 96).
- Art. 14 & 19 (1) (f) & (5) - S. 87 of Madras Hindu Religious and Charitable Endowment Act (1951) does not contravene these articles. *Pubbiri v. Govinda Mudaliar* (A. I. R. 1958 Mad. 147).
- Art. 14 & 31 - S. 16 of Employees Provident Fund Act, 1952 is not discriminatory. *Haji Nadir Ali Khan v. The Union of India*. (A. I. R. 1958 Punjab 177).
- Art. 19 (1) (f) & (5) & 14. - **Protection of certain rights to acquire hold and dispose of property** [Art. 19 (1) (f)]. Distinction between trustee of a Math and trustee of a temple—Their interest in trust property—Restriction on—Validity. *Ghatti Sitharamamma v. The Deputy Commissioner for Hindu Religious and Charitable Endowments, Masulipatam* (A. I. R. 1958 Andhra Pradesh 319).
- Art. 19 (1) (g) Sch. 7 List 2 Entry 54. - **Right to practise any profession or to carry on any occupation, trade or business** (Art. 19 (1) (g))—Power of Taxation and Fundamental Rights.—Requirement levying sales tax at single point—Constitutionality of Ss. 5, 8 etc. of Madras General Sales Tax Act of 1939. *V. Guruviah Naidu v. State of Madras* (A. I. R. 1958 Mad. 158).
- Art. 19 & 265. - See also *State of Kerala v. P. J. Joseph* (A. I. R. 1958 S. C. 296).

- Art. 20 (3) - **Immunity from Self-incriminating evidence**—Meaning of “Accused of an offence”, and “take a witness”—Effect of Article. *Amin v. The State* (A. I. R. 1958 All. 293).
- Art. 32 & 226 - Writs to private persons—Investigation into disputed facts—Powers of High Court—cases where application should be referred to suit—*Tejraj Chhogalal Gandhi v. State of Madhya Bharat* (A. I. R. 1958 M. P. 115).
- Art. 132 (1) & (3), 226 & 311. - **The Appellate Jurisdiction of Supreme Court in appeals from High Courts** (Art. 132)—Certificate under Art. 132 (1)—High Court holding that case involves substantial question of law as to interpretation of Art. 226 and not Art. 311—Effect. *The State of Mysore v. H. L. Chablani* (A. I. R. 1958 S. C. 325).
- Art. 133 - **Appellate Jurisdiction of Supreme Court in appeals from High Court in regard to Civil matters.** *Sales Tax Officer v. Jagat Behari Tandon*. (A. I. R. 1958 All. 322).
- Art. 133 & 226. - Nature of ‘Civil Proceedings’ under Art. 226—A. I. R. 1957 Pat. 102 (F. B.), dissented from—Judgment, decree, or final order—Test of finality. *C. Dhanalakshmi Ammal v. The Income Tax Officer* (A. I. R. 1958 Mad. 151).
- Art. 141 - **Law declared by Supreme Court**—Obiter dicta of Supreme Court if binding on inferior Court—*Surajmal Arjundas Vaidya v. State of Madhya Pradesh* (A. I. R. 1958 M. P. 103 F. B.).
- Art. 226 - **Powers of High Court to issue certain writs**—Who can dispute constitutional validity of an Act—Statute dealing with rights arising out of contract. *Bombay Dyeing and Manufacturing Co. Ltd. v. The State of Bombay* (A. I. R. 1958 S. C. 328).
- Delay in filing writ application—Practice of High Court. *Eluru Venkata Subha Rao v. Dist. Transport Superintendent (Traffic) Vijayawada S. Railway* (A. I. R. 1958 Andhra Pradesh 206).
- Nature and scope of jurisdiction of High Court in complicated questions of fact or title—Alternate remedy—When will High Court exercise its extraordinary Jurisdiction under Art. 226. *Harnath Rathi v. State of Hyderabad* (Now Andhra Pradesh) (A. I. R. 1958 Andhra Pradesh 222).
- New Point—Jurisdiction. *Babu Ram v. Peragi* (A. I. R. 1958 All. 362).
- No issue of futile writ. *Mahesh Chandra v. Tara Chand Modi* (A. I. R. 1958 All. 374).
- Grounds—Petitioner cannot take inconsistent positions. *Apparao v. The Deputy Inspector General of Police Northern Range* (A. I. R. 1958 Andhra Pradesh 269).
- Question of fact—Interference under Art. 226—Industrial Disputes Act (1947, S. 10). *G. Gurumurthy v. K. Ramulu* (A. I. R. 1958 Andhra Pradesh 376).

- Writ of Mandamus—Demand of relief—Necessity—No particular form of demand is necessary—Breach of public duty imposed by Statute—American doctrine that demand is not necessary in such cases—Its applicability—When demand of relief not necessary—Successive Applications. *Ashraf Ali Khan v. State of West Bengal* (A. I. R. 1958 Cal. 219).
  - Application on behalf of limited company—Proper authority to make. *Palriwala Bros. Ltd. v. Collector of Customs, Calcutta* (A. I. R. 1958 Cal. 232).
  - Discretion of High Court in granting relief—Conduct of petitioner. *Balharshah Timber Depot v. Commissioner of Commercial Tax* (A. I. R. 1958 Cal. 246).
  - Discretion of High Court. *Dhirendra Nath Das v. State of Orissa* (A. I. R. 1958 Orissa 96).
  - Mandamus against Government—Power of High Court to declare lien on particular post—Writ of Prohibition—Departmental enquiry pending—Writ if can be issued. *Laxman Hirway v. State of Madhya Bharat* (A. I. R. 1958 M. P. 135).
  - Estoppel against applying. *A. St. Arunachalum Pillai v. M/S S. Roadways Ltd. Madurai* (A. I. R. 1958 Mad. 236).
  - Nature and Scope of Writs of Mandamus Prohibition, and Certiorari—When can issue. *S. Kabul Singh v. Niranjana Singh* (A. I. R. 1958 Punjab 168).
  - Who can apply—Area transferred under State Reorganization Act (1956)—Territorial Jurisdiction—Laches. *Jaswant Singh v. Assistant Judge, Mahsana* (A. I. R. 1958 Rajasthan 124).
  - Applicability of Principles of res judicata [C.P.C. (S. 11)]—Exercise of discretion. *Shamsul Haque Dastgirali v. The Asstt. Custodian of Evacuee Property, Bhilsa* (A. I. R. 1958 M. P. 82).
  - Territorial Jurisdiction of High Court—Issue of writ to Central Government—If “person or authority” includes Government. *Suraj Mal Arjun Dass Vaidya v. State of M. P.* (A. I. R. 1958 M. P. 103 F. B.).
  - Quo Warranto—Writ is discretionary. *Shyam Sunder v. The State of Punjab* (A. I. R. 1958 Punjab 128).
  - Who can apply—Division of constituency into wards and allotment of seats—challenging validity of election process on ground of unequal distribution—constitutionality of law. *Konjiti Venkateswarlu v. Distt. Panchayat Officer Guntur* (A. I. R. 1958 Andhra Pradesh 252).
  - Rules made by Governor-General Regulating conditions of service—Non-observation—Right of person affected to apply under S. 226. *Lachman Pd. Ram Prasad v. Superintendent Government Harness and Saddlery Factory, Kanpur* (A. I. R. 1958 All. 345).
- Art. 226 & 14.
- Art. 226 & 309.

- Art. 226 & 311. - Suspension of Civil Servant—Violation of principles of natural justice—Scope of Art. 311(2) if applies to the order of suspension. *M. Ibrahim Pillai v. Principal, University Intermediate College, Trivandrum* (A. I. R. 1948 Kerala 72).
- Departmental inquiry—Inquiry Officer Accepting testimony of superior officer—case turning on appreciation of evidence—High Court's power in such matter. *D. A. Koregaonkar v. The State of Bombay* (A. I. R. 1958 Bom. 167).
- Government Servant—Executive or Administrative rule framed by Government—Infringement of—Justiciability word “shall” used in Art. 320(3) is directory. *C. P. Mary v. State of Travancore Cochin* (A. I. R. Kerala 85).
- Art. 226, 311, 166 & 372. - Executive Order—Interference under Art. 226—Violation of service Regulations and standing orders. *E. Raghava Warriar v. State of Travancore Cochin* (A. I. R. 1958 Kerala 79).
- Art. 227. - **Power of Superintendence over all courts by the High Court**—Nature of Jurisdiction—Interference under Art. 227—Error on the fact of record. *C. S. Visalakshmi Amma v. G. T. Anjaneyulu Chelli* (A. I. R. 1958 Mad. 242).
- Art. 245. - **Extent of laws made by Parliament and by the Legislatures of States**—Power of Parliament to alter retrospectively period of limitation within which assessment once completed could be reopened—(Income Tax Act, 1922, S. 34 (1-A)—Validity—Power to enact retroactive Law for levy or collections of Tax. *Sri Rajendra Mills Ltd., Gandhinagar v. The Income-Tax Officer, Central Circle 1, Madras* (A. I. R. 1958 Mad. 227).
- Art. 245, 246 & 301, & Sch. 7, List 2 Entry 56. - Scope. *Automobile Transport (Raj) Ltd. v. State of Rajasthan* (A. I. R. 1958 Raj. 114).
- Art. 265. - **Taxes not to be imposed save by authority of Law**—Tax and fee—Distinction. *P. H. Avri v. State of West Bengal* (A. I. R. 1958 Cal. 203).
- Art. 286 (i) & (b). - **Restrictions as to imposition of tax on the sale or purchase of goods**—Sale preparatory to export—No exemption from Sales Tax. *Gorantia Butchayya Chowdary v. The State of Andhra* (Now Andhra Pradesh) (A. I. R. 1958 Andhra Pradesh 294).
- Art 294. - **Succession to property, assets, rights, liabilities and obligations in certain cases**—Liabilities of Sirmur Darbar under contract—Subsequent merger of Sirmur State—Transfer of liability to Indian Union. *M/S Sirmur Chemical and General Industries Ltd. Nahan v. The Union of India* (A. I. R. 1958 H. P. 20).
- Art 299 & 265. - **Contracts**—Execution of contract by Government Officers—Strict compliance—Estoppel against Government—[Evidence



- Act (1872) S. 115]—Power to levy tax extends to incidental provisions. *v. Guruviah Naidu v. State of Madras* (A. I. R. 1958 Mad. 158).
- Art 300 - **Suits and Proceedings**—Tort of Wrongful detention. *Rambrahma Chabri v. The Dominion of India at present Union of India* (A. I. R. 1958 Cal. 183).
- Art 301 - **Freedom of trade, commerce and intercourse**—"During the pleasure of the President"—Exercise of—Fixation of scale of pay not covered. *Lachman Prasad Ram Prasad v. Superintendent, Government Harness and Saddlery Factory, Kanpur* (A. I. R. 1958 All. 345).
- Art 301 & 311. - Scope—Non-compliance of Art 311—Effect—Termination of service when amounts to dismissal or removal—Test to determining. *Laxman Hirway v. State of Madhya Bharat* (A. I. R. 1958 M. P. 195).
- Power of superior officer to order termination of period of probation—Subsequent conduct if can be taken into account. *R. Venkatapathy v. Deputy Inspector General of Police, Western Range, Coimbatore* (A. I. R. 1958 Mad. 216).
- Art 310, 309, 313 & 226. - Breach of Service Rules—Jurisdiction of courts. *A. Samban dhan v. Regional Traffic Superintendent (Personnel) Tiruchirapalli*—S. Rly. (A. I. R. 1958 Mad. 243).
- Art 311 - **Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State**—Retrospective suspension or reinstatement—Effect and validity. *Hemant Kumar Bhattacharjee v. Union of India* (A. I. R. 1958 Cal. 239).
- Applicability—Employee under District Board. *R. Srinivasan v. President, District Board, Coimbatore* (A. I. R. 1958 Mad. 211).
- Art 311 (2) - Art 311 (1) and (2) are to be read as proviso to Art 310 (1)—Meaning of "dismissed", "removed", and "reduced in rank"—"Reasonable opportunity"—What does it include. *Khem Chand v. Union of India* (A. I. R. 1958 S. C. 300).
- Madras Civil Service (Disciplinary Proceeding's Tribunal) Rules (1948) R. 8 (A)—Binding nature of Statutory Rules—High Court—When will not interfere. *Dr. G. Valayya Pantulu v. Government of Andhra Pradesh* (A. I. R. 1958 Andhra Pradesh 240).
- Compliance. *K. Rajgopal Rao v. State of Orissa* (A. I. R. 1958 Orissa 74).
- Applicability to probationers—Two opportunities to show cause—Stages. *C. Apparao v. The Deputy Inspector General of Police, Northern Range, Waltier* (A. I. R. 1958 Andhra Pradesh 269).
- "Removal"—When amounts to compulsory retirement from service—Proviso C—Order of compulsory retirement passed by

- Governor—Protection under Art 311 (2) not available—Order cannot be questioned in Court, unless mala-fide. *B. Eswariah v. The State of Andhra* (A. I. R. 1958 Andhra Pradesh 288).
- Art 320 - **Functions of Public Service Commission**—Scope Public Service Commission—Nature of functions—Article whether Mandatory or directory. *Laxman Harway v. State of Madhya Bharat* (A. I. R. 1958 M. B. 135).
- Art 320 (3) - Regulation promulgated by Governor under Proviso to Art 320 (3) Reg. 18—Order of dismissal of officer by Governor without consulting Public Service Commission—Validity of order. *Dr. G. Valayya Pantulu, v. Government of Andhra*. (A. I. R. 1958 Andhra Pradesh 240).
- Part 111 - **General.**—Fundamental rights under Constitution. *Tejraj Chhogaler Gandhi v. State of M. Bharat* (A. I. R. 1958 M. P. 115).
- Sch. IV Part 8 & Art 226. - United Khasi Jaitia Hill District—Powers of Lyngodhship authority—Mandamus. *Ka Dellisibon Synleng Nongdhar v. The Darbar of Lyngodh of Mawphlang Lyngodhship* (A. I. R. 1958 Assam 33).

## THE AMERICAN POLITICAL SCIENCE REVIEW

Published quarterly by the American Political Science Association

Subscription : \$ 10.00 a year, \$ 2.50 per issue

Editorial Office

Executive Office

Managing Editor

Executive Director

The American Political  
Science Review

The American Political  
Science Association

100 University Hall, Ohio State  
University, Columbus 10, Ohio

1726 Massachusetts Avenue, N. W.  
Washington 6, D. C.

## THE INDIAN JOURNAL OF POLITICAL SCIENCE

### Rates of Subscription

|           | Annual    | Single issue |
|-----------|-----------|--------------|
| Inland :  | Rs. 15/-  | Rs. 5/-      |
| Foreign : | £ 1.10 s. | 75.6 d.      |
|           | \$ 4.50   | \$ 1.25      |

If paid by cheque please add Re. 1.00 (12 s. or 50 c.) for postage, etc.

### Rates of Advertisement.

|                 | Cover page 3 & 4 | Others     |
|-----------------|------------------|------------|
| One page        | Rs. 125.00       | Rs. 100.00 |
| One-half page   | Rs. 80.00        | Rs. 60.00  |
| One-fourth page | Rs. 50.00        | Rs. 30.00  |

Extra concession rates are offered to members of the Association.

For particulars, please write to

THE MANAGING EDITOR

Indian Journal of Political Science

MODEL HOUSE, LUCKNOW (U. P.), INDIA

## POLITICAL STUDIES

The Journal of the Political Studies Association  
of The United Kingdom

Published : Three times a year

Subscription : 33 s. 6 d. or \$ 5.00 a year, and  
13 s. or \$ 2.00 per issue.

For articles and books for review write to—

The Editor, Political Studies  
The Queens College  
OXFORD.

## INDIAN 'INTEREST GROUPS' AND INDIAN FOREIGN POLICY

By

RICHARD J. KOZICKI\*

This article is concerned with a subject which has been heretofore neglected in India: organized Indian groups having special interests and their attempts to influence public policy in the international sphere.

The subject of "interest" or "pressure groups" (basically interchangeable terms) has commanded considerable attention in the United States, where they are most conspicuous, including organized efforts to influence various aspects of American foreign affairs.<sup>1</sup> We may also define such groups broadly here as "private associations formed to influence public policy."<sup>2</sup>

In India, on the other hand, political scientists have admittedly accorded "little attention" to this subject and public opinion in their courses, while the study of interest groups as such appears totally ignored, certainly where Indian foreign policy is concerned.<sup>3</sup> This does not mean that such groups have not been active in India nor that they have not attempted to influence aspects of Indian foreign affairs. Their efforts to date may appear limited and their results negligible, but they merit serious attention, especially in view of possible political developments in a more industrialized and more generally articulate India.

As the last clause implies, the present writer has conducted research in the field of Indian commercial and industrial associations and public policy. This research, must be noted, has formed part of his general research project, "India and Burma, 1937-1957,"<sup>4</sup> and special reference is made in this paper to the relations of the two countries and the attempts of Indian interest groups to influence them.

The premier interest group among these associations would now seem to be the Federation of Indian Chambers of Commerce and Industry (hereafter FICCI), New Delhi. Organized more than 30 years ago, the

\* Mr. Kozicki, an American Ph. D. candidate, was recently in India on a Ford Foundation Fellowship. The opinions and other statements in this article are his own and not necessarily those of the Foundation.

1 See Key, V. O., *Politics, Parties and Pressure Groups* (New York: T. Crowell Co., 1947, 2nd ed.); Truman, David, *The Governmental Process, Political Interests and Public Opinion* (New York: A. Knopf, 1951), and especially Almond, Gabriel, *The American People and Foreign Policy* (New York: Harcourt Brace, 1950).

2 Key, *op. cit.*, p. 15.

3 See Kogekar, S. V., and Appadorai, A., *Political Science in India* (Delhi: Premier Publishing Co., 1953), p. 82, *passim*. Interestingly enough, the only article written by an Indian on the subject concerned American political behavior: N. M. Khilnani, "Pressure Group and American Democracy," *Indian Journal of Political Science*, Vol. XVI, No. 2, April-June, 1955, pp. 134-139.

4 Ph. D. dissertation in progress, University of Pennsylvania.

centrally-located FICCI has grown rapidly and includes among its many member bodies such important regional commercial associations as the older Indian Merchants' Chamber, Bombay, the Southern India Chamber of Commerce, Madras, and the Bengal National Chamber of Commerce, Calcutta, all of which merit more individual attention than can be given in this brief paper. As an organized commercial association, the FICCI is comparable to a combination of the American Chambers of Commerce and the Federation of British Industries, although these associations remain far more active as interest groups.

The FICCI lists among its objects: to promote Indian business in matters of inland and foreign trade, transport, industry and manufactures, finance and "all other economic subjects"; to "secure organised action" on all these subjects; and to take "all steps by lawful means which may be necessary for promoting, supporting or opposing legislation or other action affecting the aforesaid economic interests."<sup>5</sup> The Indian Merchants' Chamber (hereafter IMC) is even more candid in its objects, namely: "To secure organised action on all subjects relating to the interests of the Indian business community directly and indirectly"; and to take "all steps which may be necessary for promoting, supporting or opposing legislation or other action affecting the aforesaid interest by the Government or any Department thereof."<sup>6</sup> The Southern India Chamber of Commerce (hereafter SICC) declares that it has among its objects: "To watch over and protect the trade, commerce and manufactures of India or any part thereof."<sup>7</sup> Similar objects are held by the other principal commercial associations of India.

By definition these commercial associations have a narrow focus of interest: economic matters. However, it should be readily seen that in pursuing these matters, they may affect other matters which can be described as essentially political, such as an immigration arrangement, the line between the two areas being largely a blurred one. Less perceptible is the historical role of these groups before August, 1947, and how the conduct of policy under independent India has affected their efforts to influence aspects of Indian foreign affairs.

Before the transfer of power in 1947, Indian interest groups formed part of the Indian national movement. As part of that movement, they keenly took the British-led Government of India to task when they felt that general Indian as well as their own special interests were at stake. For example, when Burma was about to be separated from India, the FICCI addressed a strongly-worded communication to the Government of India, questioning that decision and recalling the earlier separation of Aden from India, which it said brought home the "subservient position of the Government of India vis-a-vis orders from Whitehall."<sup>8</sup> Few students of pre-war India would disagree with this observation on the dependent nature of her foreign affairs.

5 Memorandum of Association of the Federation of Indian Chamber of Commerce and Industry (New Delhi), Article 3 (a, c, e).

6 Rules and Regulations of the Indian Merchants' Chamber (as amended up to 22nd December, 1953 Bombay), Article 3 (b, e).

7 SICC, Memorandum and Articles of Association (as amended upto 1st June 1955, Madras), Article III (2).

8 FICCI, Report 1936, Vol. II, p. 23.

The domineering role of Whitehall did not, however, deter Indian interest groups from addressing communications on various matters to the pre-1947 Government of India, generally to the Member for Indians Overseas. Matters of special interest to them centered on the facilities, treatment and opportunities granted to Indian nationals in countries abroad. The letter of inquiry was the preferred form of address in any alleged cases of discrimination. It was sometimes followed up by interpellations in the Legislative Assembly. The protest meeting and formal representations were reserved for larger issues.

Such an issue was the signing of the Indo-Burma Immigration Agreement in July, 1941.<sup>9</sup> Sensitive to the threat which this Agreement's visa and permit systems held out to the traditional economic activities of Indians in Burma, the FICCI joined other interested Indians in sharp protests and demanded its radical revision. At a joint meeting held in Bombay in August, the Agreement was described as "absolutely unfair and inequitable" to India, especially in view of the part association of the two countries, and the Government of India was urged to terminate the recently concluded Indo-Burma Trade Agreement in order to "vindicate" their stand on the immigration issue should the Burma Government prove obdurate to the desired revisions.<sup>10</sup> As a result of these and similar protests, the Government of India was apparently willing in late 1941 to represent such views to the Secretary of State with recommendations to persuade the Burma Government to make the "necessary modifications" in the Agreement.<sup>11</sup> However, in the next month Pearl Harbor and the Japanese invasion of Burma took place, and subsequent wartime events rendered the Agreement a dead letter.

Following the adoption of the "Quit India" position, the Congress leadership was in the political wilderness for most of the wartime period. Indian commercial interests, on the other hand, apart from enjoying some profits in the supply of war-connected material, retained the opportunity of expression on matters of public policy, including postwar problems. In the case of India's relations with Burma, this was encouraged by the wartime presence in India of two interested parties, both of whom had fled before the advancing Japanese forces: the Government of Burma-in-exile at Simla, and about 400,000 of the more than 1,000,000 Indians residing and having direct interests in pre-war Burma. Among the latter, it should be noted, a number of Indians settled temporarily in Bombay, where a branch of the Burma Indian Chamber of Commerce (an overseas number of the FICCI) set itself up in exile. Accordingly, both the Governments of India and Burma were petitioned repeatedly on such questions as compensation for damages from the Burma campaigns, relief and rehabilitation plans for Burma, and the right of Indians (evacuees and non-evacuees) to return there and to resume their previous status and

9 For a summary of the Agreement, see *International Labour Review*, Vol. 45, February, 1942, pp. 195-198. See also Radha Mohan "Immigration Policy of Burma in Relation to India," *Indian Journal of Political Science*, Vol. XVI, April-June, 1955, pp. 165-170.

10 *Indians in Burma, Joint Representation Regarding the Indo-Burma Agreement on Immigration to the Government of India*, by the Federation of Indian Chambers of Commerce and Industry, the Committee of the All Parties Meeting held at Madras on 28th July 1941, and the Imperial Indian Citizenship Association (Bombay: The Imperial Indian Citizenship Association, 1941).

11 See *Legislative Assembly Debates*, 1941, Vol. IV, pp. 401-406.

position. Several attempts were made to enlist the Government of India as an effective intermediary between those Indians with interests in Burma and the Government of Burma. It needs only to be added that despite several conferences in this connection, the Government of Burma successfully resisted virtually all pressures from the Indian side during the wartime period.<sup>12</sup>

The end of the war was followed by the partition struggle and the transfer of power in August, 1947. In so far as India's foreign policy was concerned, Indian interest groups can be said to have confronted a Government enjoying independent national status in world affairs from September, 1946, when Mr. Nehru assumed the post of Member for External Affairs and Commonwealth Relations in the Viceroy's new Executive Council. In short, these same groups now faced a two-fold question: how to comport themselves before a Government of India manned by their own countrymen, and what treatment could they expect to receive from that Government?

Initially they behaved much as before, advancing their special interests when they felt them to be affected by some development in the international sphere. They now had the advantage of being able on occasion to take their grievances personally to the official concerned and, in the case of Indo-Burma relations, the impetus of making representations in connection with developments in Burma that the transfer of power there was making possible.<sup>13</sup> Immigration restrictions stood foremost in these developments, followed closely by the issue of Burmese citizenship, the nationalization of Indian-held lands in Burma, and the general problem of the future position of Indians in Burma's trade and commerce. In fact, Indo-Burma relations was the principal foreign policy subject occupying the active attention of Indian interest groups in the first decade of Indian's independence, and this attention was most intense during the period 1947-50.<sup>14</sup>

When the Burma Immigration (Emergency Provisions) Act of 1947 was promulgated, under which no person was allowed to enter Burma without a passport fully visaed or a Burma immigration permit, the IMC urged the Government of India to take the "vigorous action" to secure the withdrawal of the restrictions in question and requested it further to "bring about an agreement between the two Governments governing the

12 An "informal" conference of Indian interests in Burma was held in Bombay in January, 1944, under the then Overseas Member, Dr. N. B. Khare. Most of these interests were excluded from a Burma Government-sponsored conference at Simla in the following month. A conference of the same interests convened in Bombay in July, 1945, by the Burma Indian Chamber of Commerce was subsequently hailed by the FICCI delegation as an "unqualified success" and they hoped that "efforts to press the various important issues [on Burma] before the Government of India would be continued." FICCI, Report 1946, Vol. II, p. 251.

13 The independent Union of Burma dates from January 4, 1948.

14 Based on the annual Reports of the FICCI, IMC and similar associations from 1947 to 1957. The single most affected group of Indians by developments in Burma remains the Chettiars of South India, who held about 3 million acres of land in Burma in addition to other assets.

rights and obligations of the people of one country in the other."<sup>15</sup> The visit of Burma's Premier, Thakin (later U) Nu, to New Delhi in December, 1947, was the occasion for a number of communications to the Ministry of External Affairs on subjects of interest to Indians in Burma, especially in view of reported negotiations on a comprehensive Indo-Burma Treaty (never actually concluded).<sup>16</sup> In March, 1948, as if anticipating the Burma Land Nationalization Act (1948) and the problems which it and similar restrictions would pose, Prime Minister Nehru said in the course of inaugurating an annual FICCI session:

"...it is not necessary for you to ask me or my Government to take interest in Indians in Burma or Indians overseas anywhere else. It is our duty, we intend, and we are trying to do our utmost for them. But there are two difficulties. One is that we are dealing with independent units and the question arises whether Indians there are nationals of the country or are aliens.....The second difficulty is this. If the Governments in the various places bring discriminatory legislation against Indians in particular we can oppose such legislation. But where it is equally applicable to all the people there, it becomes a little more difficult for us to protest against that, although in effect it may injure our people more than others."<sup>17</sup>

In the particular case of Burma, the difficulty of making protest was compounded by another factor at this time: the increasing insurrections which were soon to beleaguer the Burma Government. The situation was probably summed up in Prime Minister Nehru's irritated remark in Parliament in February, 1949, when he told questioners interested in the disabilities of Indians in Burma: "Very serious things are happening in Burma and we can hardly discuss at length petty matters.....when the whole future of the State is in ferment."<sup>18</sup>

By 1950 the peak of insurrectionist activity in Burma had passed, but Indian interest groups did not resume on the same scale their former activities directed at influencing India's relations with Burma. In fact, Indian interest group activity with regard to Indian foreign affairs in general tapers off considerably from this point.<sup>19</sup> The reason for this

15 IMC, *Annual Report*, 1947, p. 96. In a press statement the FICCI President asserted the Burma Act had "deprived Indians of their just right of free entry" into Burma, adding that the Government of India had characterized it in a protest as "amounting almost to an unfriendly act." FICCI, *Report*, 1948, Vol. II, pp. 126-127. The Government of India did in fact lodge a protest, which produced an adverse Burmese reaction. See *The Statesman*, June 19 and 25, 1947.

16 Among the interesting memoranda sent to New Delhi at this time was a lengthy one from the SICC which, *inter alia*, urged that in any Indo-Burma treaty it be provided that the Government of India would be "consulted beforehand and their consent obtained" regarding "any matter" affecting Indian interests in Burma. SICC, *Report*, 1947, p. 192. Needless, to say, such a treaty provision would mean an extraordinary concession of sovereignty by Burma.

17 FICCI, *Report*, 1948, Vol. III, p. 31.

18 *Constituent Assembly of India (Legislative) Debates*, Part 1, Vol. II, No. 5, 24th February 1949, col. 1022.

19 It is perhaps noteworthy that beginning with its 1949 Report, the FICCI dropped the term "External Affairs" in its Table of Contents, Vol. II, although subjects pertaining to this were still taken up primarily those having a distinctly commercial aspect. After 1950 the SICC dropped the separate subject listing of "Indo-Burma Relations, which had been carried in all its post-independence Reports. In its annual Reports from 1948 to 1954, the Bengal National Chamber of Commerce variously entitled a section "Indo-Pakistan Trade Relations" or "Indo-Pakistan Relations", indicating its major regional interest in Indian foreign affairs following the partition of Bengal.

decline would seem to be that, in the case of Burma, a begrudging recognition that Indians had little future there and that, for one reason or another, the Government of India was not prepared to move that past grievances be brought to a rapid solution in this or other instances. Above all there was little to be gained from possibly antagonizing a sensitive but friendly neighbour who was pursuing a similar policy of non-alignment in world affairs.

General agreement with India's policy of non-alignment would also seem to have acted as something of a deterrent with regard to the attempts of Indian interest groups to influence public policy in the international sphere. For example, after the newly-elected FICCI President had made courtesy calls on Indian Government leaders in March, 1957, he informed his colleagues that he "impressed on all those whom I met that the business community is behind Government so far as concerns foreign policy."<sup>20</sup> Nevertheless, in addition to Indo-Burma relations, Indian interest groups have continued to give attention to other foreign policy matters.

Briefly, these have involved citizenship rights of Indians in Ceylon, restrictions encountered by Indian nationals, especially businessmen, in countries abroad; conclusion of bilateral trade agreements with certain countries; and the position of foreign capital and commodity imports in India.

Indo-Ceylon relations is a familiar story,<sup>21</sup> similar in some respects to Indo-Burma relations. The removal of restrictions experienced by Indians abroad has been sought as part of any treaties of friendship and commerce which the Government of India may have had under consideration. The adverse balance of trade resulting from many trade agreements with Western countries has come in for some severe criticism, while it has been urged that trade agreements be concluded with Middle Eastern and Southeast Asian countries which represent potential markets for Indian goods. In so far as trade agreements with Eastern bloc countries, including China, are concerned, there has been advanced the recognizable self-interest that their State Trading Organizations should enter into trade with private Indian parties and that there should be no state trading "of any kind."<sup>22</sup> With regard to foreign capital, it should be welcome in India but no "open door" policy was necessary, especially in view of the possible adverse effects of foreign capital on parallel Indian industries.<sup>23</sup> Provision for indigenous training facilities, it has been felt, should also be tied in with the terms of utilizing such capital. Protectionist sentiment also courses through the attitude toward competing foreign commodity imports in India, and Indian participation in GATT sessions has been noted, in consonance with the position of Indian interest groups, by a special concern that there be permissible use of quantitative restrictions by underdeveloped countries to protect infant industries.<sup>24</sup>

<sup>20</sup> FICCI, *Report, 1957*, Vol. II, p. 896.

<sup>21</sup> For an excellent recent survey of this subject, see Krishna P. Mukerji, "Indo-Ceylon Relations," *Indian Journal of Political Science*, Vol. XVIII, No. 1, January-March, 1957, pp. 41-54.

<sup>22</sup> FICCI, *Report, 1954*, Vol. II, p. 12.

<sup>23</sup> The following pertinent remark by the President of the SICC in August, 1953, is noteworthy: "'Foreign aid without political strings' is the slogan of our Government and industries have begun to spring up under cover of this slogan." SICC, *Report, 1952*, p. 8.

<sup>24</sup> FICCI, *Report, 1955*, Vol. II, pp. 217-219.

Thus far we have discussed Indian interest groups which have a decidedly commercial orientation. What are the prospects for such groups increasing their activity in the foreign policy field in the future, and are there any other groups which must be taken into consideration?

Beginning in late 1950 the FICCI has seen its role as serving as an effective liaison between the Indian Government and the commercial community. Toward this end it has established a separate "Section for Parliamentary Affairs" to furnish MPs with facts and figures regarding trade and industry and "such other information as may be required for informed discussion in the Parliament."<sup>25</sup> While this Section has not been very active since its establishment, it could assume an important function.

There are practically no other interest groups in India at present other than those connected with the commercial community which can be said to have given active attention to the subject of Indian foreign affairs. If the various Indian trade unions graduate beyond the stage of adjuncts to the Indian political parties, they could conceivably feel the need to express independent opinions on matters of public policy, including foreign affairs. It will probably be sometime after that, however, before Indian unions would retain staff specialists concerned with international affairs, such as do the Congress of Industrial Organizations (CIO) and other large American unions.

Communal interests in India would seem to encourage expressions of organized opinion on foreign affairs, but these interests remain essentially subsumed with the several political parties. Unlike the political situation in America, where ethnic minority groups such as the Italian-, Irish- and Polish-Americans have various fraternal organizations which may speak out with vigor on foreign policy matters, the "immigrant" in India has been largely assimilated into the fabric of society and does not feel the need to express himself in concert with others on such matters. A possible exception is the inchoate body of Indian Muslims. The recent All-India Muslim Legislators' Convention which met at Lucknow not only expressed support for India's policy *vis-a-vis* Pakistan on the Kashmir issue but in so doing emphasized that this policy must be continued.<sup>26</sup> In this instance they were in accord with an aspect of Indian foreign policy but they might on another occasion register disapproval and seek a change in that policy, for example, if India started to evolve a set of cordial relations with Israel. As yet the situation remains a hypothetical one, and none of India's present minority groups can be accurately described as interest groups actively attempting to influence India foreign affairs. This generalization also holds true for the various regions of India. Vast, diverse and linguistically fragmented though India is, no regional outlooks regarding any aspects of Indian foreign policy can be said to have emerged to date, let alone organized private regional associations speaking out on that policy.

In the final analysis, the effective emergence of all Indian interest groups appears contingent on India's attaining a higher level of both

<sup>25</sup> FICCI, *Report, 1951*, Vol. II, pp. 619-620. FICCI members were also invited to forward questions which they would like to be tabled in Parliament to the FICCI office, where "every effort will be made to persuade the Members of Parliament to take up these matters." *Ibid.*, p. 620.

<sup>26</sup> See *The Statesman*, March 20 and 21, 1958.

industrialization and literacy. This is not to say that an agricultural organization, regional or national may not become an active interest group in India such as the National Farmers' Union in America. On the contrary, in agricultural-based India a general increase in the literacy level and the refinement of political techniques, specifically in the field of non-party organizations, should see the emergence of a number of these groups. However, such developments in rural India can be expected to come after those in urban India, where communication and organizational problems would be less difficult to overcome.

For the present, all these developments are nascent and, in so far as their impact on the wider Indian foreign policy is concerned, they would probably be obscured by the role of the incumbent Prime Minister in this field and the large measure of agreement which exists in India on his foreign policy. In brief, any Indian interest group today which can be said to have given active attention to foreign affairs would doubtless not exercise as much influence on this subject as the youngest specialist in the Ministry of External Affairs, which Ministry as a whole remains more of a mirror than a formulator of Indian foreign policy.<sup>27</sup>

One cannot predict, of course, what picture would obtain in a more generally articulate India of a future decade which did not see the commanding personality of Mr. Nehru at the helm of state. However, assuming that one day Mr. Nehru will relinquish the helm and that India does not move rapidly and completely into a "socialistic pattern" of society, Indian interest groups with a commercial background will probably become more active in the field of foreign affairs. With, as has been emphasized already, an increased level of industrialization and literacy in India, other interest groups may be expected to follow, especially in the field of domestic affairs, and probably sooner than we realise.

This development should be no cause for alarm. One of the acknowledged services of interest groups is the furnishing of coherent expressions of opinion, a vital element in the working of democracy. Their activities are generally in the open and, although this may hold some portent for a still largely illiterate India, the only cause for alarm is when their articulate opinions on various issues are not met or offset by public awareness.<sup>28</sup>

Opportunities also have to exist for interest groups to make their articulate opinions effectively known. Petitions and other representations to Government departments can prove useful, as well as relations with MPs to put interpellations to ministers.<sup>29</sup> However, the parliamentary

system of government in India does not permit, at least as yet, the formation of important legislative committees which can conduct independent hearings such as the American congressional committees, to which interested associations and individuals may voice their opinions. In brief, the recently evolved Consultative Committee on Foreign Affairs in New Delhi remains for the present just that, a consultative committee and really a counterpart to such a powerful organ as the American Senate Committee on Foreign Relations. It should not be assumed, of course, that the parliamentary system of government is inimical to the emergence of effective interest group activity. The British experience has shown otherwise, although, again, the level of industrial development would appear to be a crucial factor.<sup>30</sup>

In conclusion, it can be said that Indian interest groups do offer a fertile subject for future research with regard to their activities in the field of Indian foreign as well as domestic policies. It is the earnest hope of the present writer that this introductory piece will lead Indian and other political scientists to observe these activities and conduct intensive research along the lines herein suggested.

30 A pioneer work in this connection is Stewart, J. D., *British Pressure Groups* (London: Oxford University Press, 1958).

27 As one commentator has put it, because foreign affairs is Mr. Nehru's special interest, the Ministry of External Affairs has developed "less as an institution than as a department reflecting Mr. Nehru's views." Prem Bhatia, "The Political Scene," *The Statesman*, December 3, 1957.

28 "In the degree to which issues and decisions are remote, the capacity of the public to grasp the issues and its consequent indifference accords a special importance to the initiatives and pressures of interested elite (i. e., policy-oriented associations) and minority groups." Almond, *op. cit.*, p. 143.

29 Where South Indian interests are concerned, the SICC often has made representations to the Madras Government (usually the Home Department) requesting it to call certain matters to the attention of the Ministry of External Affairs in New Delhi. The Madras Government has generally complied with such requests. Indian federalism may see further procedures adopted by policy-oriented private associations in petitioning the Centre through the various State Governments.

## CO-EXISTENCE--A WESTERN VIEW

By

R. J. HARRISON

Ten years ago George Kennan urged against greeting Soviet tactical manoeuvres by 'gleeful announcements that "the Russians have changed"'.<sup>1</sup> His general warning has not been ignored, and has exercised, directly and indirectly, an influence upon the foreign policy of United States. It has, by warning us not to jump to immediate conclusions about changes in Soviet policy which are really only changes in means, perhaps also tended to create an atmosphere in which the possibility that ends themselves have in fact changed or been modified, is rarely considered. And yet, vast changes have taken place inside the Soviet Union since 1947. Its population has increased by about 25 million and its national income has probably more than kept pace. In September and October 1957 the Western world was shocked into recognition of the great technological advances that have been made. First the visit of Soviet leaders to England and the United States gave those countries their first glimpse of pure jet passenger planes superior to anything in commercial use in the West. Then came the announcement of the successful firing of an inter-continental ballistic missile, followed shortly by the launching of the first satellite. Have not these changes, and the changes which have taken place in Western Europe since the war, an ideological significance so compelling that Western observers must consider the possibility that they have modified ends in ways which fundamentally affect East-West relations and which call for changes in Western foreign policy?

Certainly doctrines of means and the details of the interpretation of history have responded in the past to the logic of circumstances (though they have not been rejected outright). Some of the responses have been so radical as to suggest the possibility that ends themselves might be reconsidered for similar reasons.

The very achievement of Bolshevik power was a conscious and successful refutation of Orthodox Marxist interpretation of history in response to Russian conditions. No bourgeois revolution ever ran its course in Russia. Bolsheviks showed that it was an unnecessary stage and could be telescoped into one with the proletarian revolution. The Chinese revolution is another demonstration of the same fact, while it presents, in addition, a further striking contrast with Marxist interpretation in being not even an urban movement, but so thoroughly peasant-based as to defy attempts on orders from Moscow in the later 20's to transform it.

The Russian revolutionaries, almost immediately they had attained power, compromised long term objectives by satisfying the peasant demand for land, thus creating a peasant petty bourgeoisie. This action, and the New Economic Policy are of course examples of the familiar tactic of

retreat. They were dispensed with as soon as the difficulties which had called them into existence had been overcome. But subsequent retreats differed qualitatively from these. Stalin's doctrine of 'socialism in one country' is a long term project which places the world revolution in a much more remote category. Recently, it is true, Molotov's 'error' produced the view that the foundations of socialism have been laid in Russia, but even if one forgets to discount this ideologically, because of its greater propaganda and internal political significance, it hardly suggests that the objective is almost in sight. It has if any thing the opposite effect.

Outside Russia, the development of Socialist parties has provided the most serious challenge to the Marxian prognosis. Lenin thought it was just a 'breathing spell'. Trotsky, endeavouring to explain why it had 'stretched out to a whole historical epoch' dogmatised that 'the contradictory social structure of the Soviet Union, and the ultra bureaucratic character of its State, are the direct consequences of this unique and unforeseen historical pause, which has at the same time led in the capitalist countries to fascism or the pre-fascist reaction.'<sup>2</sup> Democratic Labour parties are a growth which has made very deep roots, not simply to be killed by a change within the Soviet Union. The concept of the Parliamentary Welfare State, it is fair to say, is as deeply rooted in Western Europe as authoritarian communism in the East. Its major threat, the crude 19th century business outlook becoming apparent in the trade unions, is matched in the East by the suddenly apparent force for more democratic socialism and nationalism.

Khrushchev's recognition of a variety of independent ways to Socialism, including the Parliamentary way, in his speech to the 20th Party Congress, is, among other things, an acknowledgement of the tenacity of the Democratic Labour movement.

Another important prescription of that speech is the easing of International tensions, reinforced when 'opposition to the policy of coexistence, and to friendly relations with other countries' were given as reasons for the dismissal of Malenkov, Kaganovich, Molotov and Shepilov. Both of these are policies which do more than prescribe means. They recognise that ends have to be modified.

There is some indication too that when Aneurin Bevan pointed out to Mr. Khrushchev that the possibility that communism would advance in the chaotic aftermath of total war, as it did after World War II, is a theory antiquated by the development of enormously destructive nuclear weapons, he was not talking to some one who needed to be convinced. The gravity of the Russian message of July 19 to President Eisenhower, Mr. Macmillan, General de Gaulle, Mr. Nehru and Mr. Hammarskjöld on the occasion of American and British landings in the Lebanon and Jordan is not in doubt. To avert what he called the 'world's greatest catastrophe' he proposed meeting 'any day, any time, and the sooner the better'.

Of course Soviet leaders have deliberately softened their approach to the western democracies before this, sometimes in response to economic requirements like N. E. P., or to meet a common threat like national

<sup>1</sup> G. F. Kennan ("X"): "The Sources of Soviet Conduct," *Foreign Affairs*, v. 25 (Jy. 47 pp. 571-582).

<sup>2</sup> Pp 62-3 *The Revolution Betrayed*, Faber and Faber, 1937.



socialism. Since 1945 there has been occasional talk of coexistence as part of the Peace campaign. But the new policy has to be seen in the context of the whole de-Stalinisation movement. The Kremlin leaders are shaking themselves free from the horror they have lived with for so many years, and it would be over simplification to talk about a simple return to Leninism, except in the sense that Lenin certainly 'did not desire to see the triumph of Marxian Socialism take on the form of a totalitarian nightmare.'<sup>3</sup> The nightmare is being dispelled. Since de-Stalinisation began, the positive aspects of policy have been indications not no much of a new, clear thoroughly controlled line, as of men feeling their way responding to what circumstances seem to demand. At such a time western observers are entitled to make a few conjectures themselves about these circumstances and their logical implications for Soviet Leaders.

#### IMPLICATIONS OF INDUSTRIAL SOCIETY

As Hans Morgenthau has pointed out, Communists are heirs through Marx to the same view of the State as the 19th century English Liberal: This is—"The conviction of the essential evil of politics and of the essential goodness of economics in the light of both reason and ethics...In the end, when the state, the political organisation par excellence, has withered away, the laws of economics will reign supreme, social strife will disappear, and harmony will be permanently established."<sup>4</sup> Liberalism, a vague, uncertain, developing thing (in spite of efforts by realists to define it in order to destroy it), when faced with the realities of industrial society, gradually reversed its view of the state. To it the modern liberal looks for the correction and control of the consequences of industrialisation. Marxism, definite and therefore more rigid, has not made the same ideological adaptation, but is faced in practice with the same imperative.\*

Lenin in 1917 described the role of the State after the proletarian revolution and forecast the process by which it would wither away:

"We shall reduce the role of the state officials to that of simply carrying out our instructions as responsible, revocable modestly paid 'managers' (of course, with the aid of technicians of all sorts, types and decrees)...Such a beginning, on the basis of large-scale production, will of itself lead to the gradual 'withering away' of all bureaucracy, to the gradual creation of an order an order without quotation marks, which will be different from wage-slavery, an order in which the functions of control and accounting - becoming more and more simple-will be performed by each in turn, will then become a habit and will finally die out as the special functions of a special section of the population."<sup>5</sup>

Lenin draws a rather pointless distinction between foreseeing and promising this inevitable process. He writes as though he had his own doubts about it and yet is determined that the proposition shall be expressed certainly, like the rest of Marxian scientific law. Today's

<sup>3</sup> Kennan G.: "Harpers," Aug. 56 p. 27.

<sup>4</sup> *Scientific Man vs. Power Politics*, Latimer House (1947) pp 71-2.

<sup>5</sup> p. 174 Lenin: *The State of Revolution in The Essentials of Lenin v. 2.* Lawrence and Wishart (1947).

\* G.B. Shaw used to gloat over the fact that even Russia was forced by hard facts to recognise the inevitability of gradualism and become a Fabian State.

Russian leaders have before them the ever new political problems of a complex industrial society which make those doubts certainties. Natural disasters, accidents, huge capital investment, the financing, direction and application of research may be chosen at random as factors which make the bureaucracy essential, and the withering away of the state a nonsense concept, even if one allows the possibility of the necessary changes in human nature. Lenin was convinced that while striving for Socialism 'people will become accustomed to observing the elementary conditions of social life without force and without subordination,'<sup>6</sup> 'without the special apparatus for compulsion which is called the state.'<sup>7</sup> The foundations of Socialism have already been laid in the Soviet Union. Communism can be achieved in spite of capitalism encirclement except that the latter will make necessary the retention of the state for military purposes.<sup>8</sup> Nevertheless there are no signs of the Communist Man. There are in fact several indications that some of the problems of a complex industrial society are being solved by methods which are actually unfavorable to the development of this phenomenon. Economic rewards and incentives for individual effort have become more and more important. Equally retrogressive is the utilisation of traditional moral values—marriage, family, church, patriotism—as forces of order within the state.<sup>9</sup> There is not even much sign that the hand of repression (for example, when it fell over Hungary) during this period of transition is lighter than it is in capitalist states, although Lenin explained that 'the suppression of the minority of exploiters by the majority of the wage slaves of yesterday is comparatively so easy, simple and natural a task that it will entail far less bloodshed than the suppression of the risings of slaves, serfs or wage labourers, and it will cost mankind far less'.<sup>10</sup>

There is no certainty about the effects which these industrial realities have had on ideological thinking.

No part of Marxist Leninism has ever been officially disavowed nor must we expect it to be. Change of emphasis and rationalisation is the Communist way of fitting ideology to practical policy.

If industrialisation has made the withering away of the state a fantasy then it is no longer important that capitalist encirclement prevents this process.

If in addition the requirements and kinds of human talents demanded for administering the industrial state belong to a type of man not much given to theorising, difficult theoretical concepts are going to fall into the background. In either case one is back in a world where friendly or unfriendly gestures, economic rivalries and imperialistic rivalries determine friendship or enmity between states.

From this point of view nothing could be more ill-advised than the kind of action taken in July 1958 by the United States and British governments, in sending troops to bolster up regimes in the Lebanon and Jordan

<sup>6</sup> Lenin, op cit. p. 197.

<sup>7</sup> Lenin, op cit. p. 202.

<sup>8</sup> J. Stalin: *Problems of Leninism*, Eng. ed, 1943, pp. 656-662.

<sup>9</sup> Fainsod, "Training and transformation of the proletariat" in *How Russia is Ruled*.

<sup>10</sup> Lenin, op cit, p. 202.

which, according to United Nations observers, were facing, not attack from outside, but rebellion. The rebels, like those who brought off the successful coup in Iraq, were 'pro-Nasser'. But it might well be argued that a strong, neutral Arab bloc including the Lebanon and Jordan, would (provided the United Nations guaranteed the security of Israel) be a force for stability in the divided world.

There is no reason to suspect that the Arabs, having thrown off one kind of imperialism, are anxious to become subject to another by assuming Soviet satellite status. Egypt, it is true, has heavily mortgaged her cotton crop to the USSR in return for arms which she could not obtain from the West, and Soviet-Egyptian relations are cordial. But this does not mean that a United Arab bloc would follow the Moscow line. In fact the unity and strength of such a bloc would be its best guarantee of independence.

Intervention then can only appear to the Soviets as a demonstration of western hostility at an extreme which will not tolerate any change in any country if it results in improved relations with the Soviet Union. We must be careful that by such actions we do not keep alive the necessity for world revolution by demonstrating that capitalist encirclement is as much of a threat to a communist *state* as it would be to a communist *society* in which the state had withered away.

Communism remains and is likely to remain, as the relation of policy to ideology becomes still more vague, a very complete kind of materialistic socialism. Its humanistic roots have been undernourished in the preoccupation with the fight for existence. As the material lot becomes better, as education progresses and if the west were cautiously, without relaxing its containment policy, to become less hostile, less menacing, less eager to deliver propaganda barrages, more ready to acknowledge Soviet achievements and to undertake friendly cooperation, the world revolution and inevitability of conflict and capitalist encirclement would be helped into the background.

## THE AWAKENING OF AFRICA

By

PARGAT SINGH MUHAR

After the recession of colonialism from the continent of Asia, in the post-War era, Africa remains as the last resting place of imperialism. Britain, France, Portugal and Belgium have vast colonial possessions on this continent. The Second World War, however, has introduced a leaven even here. According to the testimony of Lord Hailey, the centre of interest in Africa, before the War, was on the politics of the different European powers which exercised control there as well as on the attitude of the European communities in those areas where they constitute factors of importance. Today, however, the focus of interest has changed: the African himself has begun to take a definite part in determining his destinies. Between 1951-56, Libya, Morocco, Tunisia and Sudan gained recognition as independent states. Egypt was able, through the forum of world public opinion, as focussed in the General Assembly of the U. N., to compel Anglo-French-Israel withdrawal from her territory in consequence of the Suez dispute. At the present time, a bloody duel is being fought in Algeria between France and the Nationalists for determining the political destiny of this temperate land where about a million and a half French settlers have made their homes. All Africa—indeed all Asia—is watching the results of this bloody and yet unequal contest!

### PHYSICAL BARRIERS

Although Africa lies, almost, in the lap of Europe it was the last continent to be explored. North Africa, of course, had been in direct touch with Europe. In ancient times, Carthage fought a bloody and a fatal duel with Rome producing during the contest, Hannibal, one of the great military geniuses the world has produced. During the Middle Ages, the Arabs built up a great Empire extending over all North Africa and embracing even Spain. However, so far as Africa South of the Sahara is concerned, it remained a *terra incognita* till recent times. This inaccessibility of Africa was mainly due to the physical barriers which Nature has erected on this continent. In the north, there are the snow-capped Atlas mountains guarding the Sahara. The dreary 1,000 miles of surf-bound desert coast in the West, daunted the early Portuguese explorers. This coast was regarded as the Whiteman's grave. From Cape-Verde southwards, adverse winds and currents heightened for mariners the terrors of the climate of the Bight of Benin, for there was no possible landing except on exposed beaches. Not far south of the Congo river, the desert once more comes to bar the approach to the interior and reaches almost to the mountains in sight of Table Bay. The Dutch made no mistake in alighting on the delectable Cape peninsula in the south as the most favourable spot in all Africa for their refreshing station. It is no surprise, therefore, that for all exploration in early days, the Cape—distant though it is—was the only possible starting point. The great explorer Livingstone's approach was the same. East of the Cape, the coast and currents again become difficult and the land more and more malarial. It was only in our own

day that European pioneers discovered the salubrious Kenya highlands cut off by an arid coast belt. Thus it seems that Nature had sealed off the interior of Africa by an inaccessible coast and absence of navigable rivers. It had further isolated North Africa from the rest of the continent by the vast arid stretch of the Sahara desert athwart the very chest of Africa!

These physical impediments to commercial and cultural intercourse had an important influence on the life of the people. For a fruitful life, contact is essential for individuals as well as for nations. Europe has been the most fortunate continent in this respect. It is almost a geographical unity. The currents of thought originating in one part had their repercussions in course of time in other parts. This, for instance, was true of the French Revolution. Africa, on the other hand, missed the impetus to a vigorous and active life which comes by the mingling of the diverse currents of thought and culture. Inbreeding of culture, leading to stagnation, was the inevitable result.

#### EUROPEAN COLONIZATION

Both on the Eastern and Western coasts, the first Europeans to seek fortune in Africa, were the Portuguese in the sixteenth century. They were principally attracted by rumours of gold and other mineral wealth on both the coasts. By the seventeenth century they had diverted their attention to more attractive Brazil. As a result of their claims they secured extensive colonies both on the Eastern and Western coasts. The principal contribution of the Portuguese was to have introduced, in conjunction with the Arabs, most of the staple African crops, namely, maize, yams, cassava, sweet potatoes, sugar-cane, peppers, ginger, citrus, tomato, pineapple and tobacco.

In general, it may be said that the early European ventures in colonization in Africa were negative. The one exception to this is South Africa where, in the course of a few centuries, they have established a state which, though notorious for its narrow racial policies, is the most advanced in other respects on the continent. The settlement was first made in the seventeenth century at the southern extremity by the Dutch, now called Boers. The early settlers, because they were so few and the aborigines neither competent nor very numerous, introduced the fatal precedent of importing slaves from the north to meet their labour requirements. For a century or more, till expansion brought the settlers to the "Kaffir" country to the north, their only contact with black skinned people was with their imported black slaves. Thus was laid the foundation of that colour prejudice which plagues the Union of South Africa to this day. The Cape Colony waged, what may be termed, a "Hundred Years War", with the vigorous "Kaffirs" to the north beginning in 1778 and ending in 1877. This naturally resulted in the extension of the boundaries of the original Cape Colony.

In 1833 slavery was abolished throughout the British territories. The Boers, resenting emancipation of the slaves, trekked, bag and baggage, with their ox-carts into northern territory and founded the two republics, the Transvaal and the Orange Free State. The original constitution of these states laid down that there should be "no equality for the blacks in church and state". The discovery of diamonds and gold in these states led to the influx of British colonists whom the Boers refused to accord political equality.

This led to the famous Boer War, at the end of the century, resulting in the British annexation of these territories. The British, however, true to their political sagacity, conceded self-government to the Boer states. In 1910 was formed the Union of South Africa, consisting of the Cape province, Transvaal, Orange Free State and Natal. The proportion of Whites to Natives is nearly one to four in the Union.

The White settlers pushed further north towards the end of the nineteenth century and founded North and South Rhodesia and Nyasa-land in Central Africa. The proportion of Whites to Natives here is still smaller. Then the British have also founded Kenya, Uganda and Tanganyika in East Africa. The White settlers here constitute a still smaller proportion of the total population than in Central Africa.

#### POVERTY

In any discussion of Africa, the most vital fact is the extreme poverty of the natives. This, inspite of the greatest gold, diamond and uranium mines of the world! This poverty is rooted in the very conditions on the continent. Agricultural production is very low owing to very primitive methods of agriculture. The natives cannot afford the capital even for the most elementary implements. Much of the soil, if virgin, is sterile. Scientific soil survey, only in its infancy, reveals much of the country already studied—in Nigeria and Kenya for example—deficient in lime and phosphates or other important salts. Nor do fertility of the soil and humidity always go together. Rainfall is usually scanty and uncertain and is concentrated in a short period resulting in torrential rains causing erosion of the soil. There are no great irrigation facilities south of the Sahara. In fact, the greater part of continent is favourable to pastoral rather than to agricultural pursuits. An enormous proportion of the cattle country, however, is infested by the *tse-tse* fly which makes cattle rearing impossible. It was no accident, therefore, that for centuries, the greatest export of Africa was man-power-slaves.

The population of the continent is about 150 million (fifteen crores) which is insufficient for its economic health. Its density ranges from a mere handful in arid stretches to 4 to 6 per square mile in North Rhodesia and the Sudan, 12 to 14 in Tanganyika and Kenya, 15 in the Union of South Africa to 30 to 35 in Uganda, Nyasa-land and the Gold Coast. Nigeria and Sierra-Leone exceed 50. The population has been kept low by the working of, what Malthus called, "positive checks", by internecine tribal warfare—before the coming of Europeans—and low productivity of the soil. Then Africa was ravaged, for four centuries, by slave raiders who probably denuded the continent of fifteen million people.

It is now generally recognised that African backwardness has a main root in an almost untouched problem of native health. Almost every African native is infested with some type of intestinal worm. Malaria, which is practically present everywhere except in the extreme south, remains the most serious disability of life in Africa. Defective nutrition robs most Africans of reserve power that would enable them to withstand the onset of disease. The common people mostly use starchy and unbalanced food.

Another cause of the poverty of the people is the low state of industrialization. Mining alone has been able to attract capital. South African

mining is on a vast scale. It is estimated that the value of gold, produced from the beginning of serious operations to 1940 exceeded £ 18,000,000,000 and of diamonds well over £ 330,000,000. With coal and base metals the total value of the mineral output was nearly £ 24,000,000,000. South Africa was for many years producing more than half the world's out-put of gold. In the diamond market the Union is still dominant. Besides Transvaal, gold mining is important in Southern Rhodesia and the Gold Coast, nor is it negligible in Tanganyika, Kenya, Nigeria and Sierra-Leone. The South African gold and diamond mines, as a result of rationalization, are models of efficiency. The Union has also been a pioneer in working out principles of mining control which are of universal validity. For, in the Union, organized capital met political opponents who were fully its match. However, for the probable reason that the expected profit was so much less, the development of base metals had little more than begun on the continent till after the Second World War. For further industrialization Africa needs capital which can not come from indigenous sources because of the extreme poverty of the people. It must come from outside. However, because of the low purchasing power of the people and because of the low state of essential public services, which capitalists take for granted in developed countries, and which, therefore, they themselves must provide, the continent does not offer an attractive field for investment. And yet capital is one of the great needs of Africa !

Curiously, there is also shortage of labour. This is a limiting factor both for the development of industries as well as agriculture. The history of European dealings with labour is of a constant struggle to resolve the paradox of actual shortage in the presence of the deceptive appearance of plenty. According to a report of so long ago as 1876 the Cape Government, with cheap native labour at its door, was called on "to survey mankind from China to Peru" to find "willing helots not troubled with the inconvenient ambition of bettering themselves". It is another easily resolved paradox that the shortage of labour had no effect in raising wages. For a worker, as soon as he had earned enough, would stop working and go home. Low wage rates are both the cause and effect of the low efficiency of the native workers. The poor illiterate workers, of course possess little mobility apart from artificial barriers erected against them, and consequently are unable to take advantage of higher wages in other openings.

One of the great needs of Africa is better means of communications. Lack of adequate road and rail road mileage are standing obstacles to the economic development of the country. But any substantial improvement in this sphere requires capital which is available only from foreign sources and needs serious wooing.

The colonial powers pursued too long the philosophy of laissez-faire on this continent. In fact, only since World War II have serious breaches been made in the citadel of this philosophy. Unhappily, even explorers like Livingstone were also wedded to the belief that trade and commerce, under private auspices, would bring about the transformation of the continent. The failure, by the state, to take positive measures, to ameliorate the economic and social conditions of the natives, must be held to be an important contributory cause of the extreme poverty of the people.

### POLITICAL CONDITIONS.

This much about the economic condition of the Africans. How about their political status ? We may note here three main types of policy. The first is that followed by the Union of South Africa. The opposite of this is followed in West Africa. The policy pursued in North Africa, in spite of Algeria, is essentially the same. The third which stands mid-way between the two extremes is now being pursued in the Central African federation. In East Africa, the policy followed is a cross between that followed by the Union and the Central African federation.

As a basis for its modern native policy, the Union of South Africa combined the worst features of two contrasted experiments tried out respectively in the liberal Cape Colony and the narrow racial policy pursued by the two Boer republics. The Cape set the example of leaving the larger part of its Native population in "locations" or "reserves" specially set apart for them. In practice, this worked out at shutting them up in wasting reserves cut off from the main stream of economic development. This worsened the basis of their future material welfare. On the other hand, the two Boer states refused or failed to make adequate provision of Native Reserves, denied the Natives educational facilities and refused to contemplate the idea of their sharing or receiving any training in citizenship. However, this awful policy was made bearable by easy access to land on European farms. In fact, most of the natives in the Boer republics were "squatters" on European farms. Today in the name of progress, the freedom of the "squatters" has been ended causing very serious hardships to the Natives. The policy of today combines the Cape system of reserves with the Boer denial of citizen rights. A long battle for racial segregation raged in the Union from the Land Act of 1913 to the Native Representation Act of 1936 which killed the Cape Native franchise. The political discomfiture of the Native has thus been completed and "Apartheid" or the philosophy of the two races living separate and unequal lives in the same country has triumphed.

The most hateful of all the discriminatory laws of the Union is the Pass Law which requires every non-White male to carry identification papers and a pass permitting his employment and residence in a particular area. The police raids white settlements for the arrest of natives without passes. This helps to swell the fund of forced labour the nucleus of which is provided by prison labour. This system of forced labour is utilized not only by white farmers but also by some commercial firms. The Group Areas Act, although applicable to all non-Whites, is really aimed at the 400,000 Indians of the Union. When it is applied fully, it is bound to bring about large scale disruption in trade and industry.

In fact, the Union of South Africa is a veritable police-state. The Union law allows any premises to be searched, day or night, without a warrant and the police are not obliged to disclose rank, number or name. As Desmond Doig puts it, in his recent articles in the Statesman, South Africa is a mosaic of racial intolerance and aspiration, of hysteria and agitation, with a "volcano for its heart". Without the least exaggeration, we may say that the Union is the most disunited state in existence. Not only is there estrangement between the Whites and the Non-Whites, but the hearts of even the former are sundered apart. The Africaners (the Dutch-speaking) and the English speaking, have not forgotten their old

animosities. Britain's refusal to surrender the protectorates of Bechuanaland, Basutoland and Swaziland has further widened the gulf. The Union desperately needs more White immigrants to re-enforce White minority, but since immigrants from sympathetic countries like Holland and Germany cannot be attracted, it would not welcome people from Britain for fear of swelling the opposition. We are having the extraordinary spectacle of mass treason trials in the Union today. In this are included Africans, Indians and even Europeans! Even the attitude of the "coloured" people—the offspring of the union of the Hottentots, Bushmen and early European settlers in the Cape Colony—towards White domination is changing. They number over a million and although divided amongst themselves on the basis of the shades of their skin and the degree of the straightness of their hair, include among themselves some of the most intelligent and powerful material for African leadership.

The General Assembly of the United Nations passed severe strictures on the racial policies of the Union, but, so far, without any effect. The Union refuses to convert its mandate over South-West Africa into a trusteeship territory because that would enhance its responsibility to the United Nations for the administration of this territory. Thus, South-West Africa remains the solitary legacy of the Mandates system of the now defunct League of Nations. The Union has recently withdrawn from the U. N. E. S. C. O. because the sponsorship by the latter of Fundamental Human Rights is the very antithesis of Apartheid which the former is nursing.

Perhaps, it is not possible to understand the racial policy of the Union without a reference to the problem of "Poor Whites". The Carnegie Commission on "Poor Whites" put their number at 10% of the white population or about 200,000. They are responsible for much of the anti-racial legislation of the Union. They are afforded legal crutches to counterbalance their mental and moral shortcomings. Inexorably, however, these crutches tend to sink them still further into the economic and social morass. For it seems to be the law of life that any economic and legal narcotics kill the very soul of their victims.

The distinguishing mark of the West African is a phenomenal passion for trading. On the whole, West Africa has at least a relatively wealthy class which has no parallel in tropical Africa unless, perhaps, it be in the Bunda province of Uganda owing to the rise of the modern cotton exports. The most successful of all African ventures is the cocoa industry on the West coast. This means an investment of £ 7,000,000 in Ghana and represents about 68% of its exports. This dependence on one commodity for its economic well-being is a dangerous phenomenon and attempts are being made to effect a diversification of the economic life of the state. The Muslim Emigrates of Northern Nigeria stand probably higher in the scale of civilization than any other people in Africa, south of the Sahara. The plebiscite supervised by the United Nations in British Togoland in May, 1956 prepared the way for it to join the Gold Coast into the independent state of Ghana on March 6, 1957. Ghana has become the first black British Dominion participating in the counsels of the British Commonwealth. It is indeed a unique event, "the breaking of the dawn in Africa", as Pandit Nehru put it, for it means the emergence of a colonial territory, south of the Sahara, into full nationhood. Nigeria, with British Cameroons, is likely to follow in the footsteps of Ghana.

There are various grounds on which it may be argued that the Federation of North and South Rhodesia and Nyasaland is the key to Africa. This Central African Federation came into being in 1953 in spite of the misgivings of the natives. Unlike the Union, the Federation is following a policy of partnership though not equality. The preamble to the Constitution embodies the principle of partnership. The Federal Constitution contains safeguards for protecting interests of Africans in Nyasaland and Northern Rhodesia. The Constitution excludes Native Affairs—which concerns the vast majority of the population—from the Federal purview. It is paradoxical that in Southern Rhodesia, which the Africans of the north feared as illiberal, there has been more apparent progress than at the federal level. The government is giving the African workers plots in municipal areas on a 99 year lease. A four-roomed house with a kitchen, a shower and a lavatory and electric lights will be built on each plot to become the property of the tenant by successive payments covering twenty years. The government has embarked upon an educational scheme which will eventually make primary education compulsory for every child in urban areas. There is also a proposal afoot which, if enacted, will make possible a single trade union system in which Africans and European alike will be members.

The working of the Federation is due for assessment by Britain in 1960. The Whites are anxious for its early elevation to Dominion Status and are eager to demonstrate the success of the experiment of partnership. The Africans, however, are very suspicious of the whole scheme, for they do not see in partnership the establishment of anything like full civic equality with the Whiteman. They appear to be turning more and more towards the African National Congress—a body which is a *persona non-grata* with the authorities for it rejects the ideal of a subordinate partnership for the African.

The forthcoming General Elections in the Federation towards the end of the current year (1958) are likely to accentuate the rift between the six million Africans and 200,000 Europeans who inhabit this territory. The main issue of the elections, so far as the European voters are concerned, would be the wresting of Dominion Status from the British. In fact, they regard 1960 as a target date by which Central Africa must become a full-fledged Dominion. To this the Africans are even more strongly opposed than they were at the inception of the Federation in 1953. For they fear that this will only worsen and even perpetuate their already inferior position. The Europeans are also anxious to accelerate the flow of white immigration from Britain and this the Africans dread the most. These contemplated changes threaten to transform Rhodesia into another Union of South Africa! Sir John Moffatt—a liberal statesman—recently proposed the creation of a Supreme Court in the Federation, on the pattern of the Supreme Court of the United States. This would have protected not only African interests but also White interests when Africans come of age. However, the government has already rejected this statesman-like proposal.

The actual policies followed by the colonial powers in their African possessions vary a great deal. Britain has followed the most liberal policy, in spite of its dilution as a result of the pressure of British settlers in Central and East Africa. In French West Africa and French Equatorial Africa the emphasis throughout the pre-War period was on the traditional French concept of integration of the overseas territories with metropolitan France

rather than on the development of local institutions which might eventuate into self-rule. The *loi cadre* of 1956, however, has provided for the creation of local parliamentary institutions, elected on an extremely wide franchise, and designed to occupy a position resembling that of the British colonial legislatures. France, therefore, seems to be making considerable progress towards self-rule in her African colonies. In 1946 she created the Investment Fund for the Economic and Social Development of Overseas Territories to centralize and co-ordinate, with the co-operation of the central Fund for France Overseas, a major programme of internal development.

The Portuguese hold even more strongly than the French to the concept of the unity of their overseas and metropolitan territories, but, they do not, on that account, admit the African to a share in the exercise of political power. In Belgian Congo, neither the European residents—numbering about 70,000—nor the African population have the franchise for representative institutions with legislative powers of exercising any authority over the administration.

#### COMMUNISM

The poverty of the Natives together with political disabilities on them in some parts of the Continent, make it a fertile soil for the growth of Communism. Vice-President Nixon of the United States, following his return from Africa, declared that the continent had become a priority target for the Communists. The only way of fighting Communism on this continent is to accord legitimate political rights to the Natives as well as to improve their economic condition. History is a testimony that the interests of a people can never be safe if their destiny is to be determined by other than their own hands. What is needed is an injection into the economic blood-stream of Africa the one specific anti-biotic to Communism—the raising of the living standards.

The United States has a great role to play in this, for she can throw in her influence on the side of anti-colonialism as well as supply the necessary capital for indispensable developments on the continent. Unfortunately, she is following a hesitant policy towards colonial questions. In fact, the political and historical idea of independence for subject peoples and the strategic need for dependable bases and safe lines of communications—in the gift of the colonial powers—dwell together in American foreign policy, as has been observed, like two unwedded persons who hope that the outside world will not observe too closely their unnatural intimacy or the pretences which necessarily result. The Second World War demonstrated the strategic importance of North Africa. Without the control of this part of the Continent, the Western powers could not have attacked, what was termed as the “belly of the Axis”, namely, Italy. It helped to save Russia and, ultimately, in launching the fatal attack on Germany from Normandy. American power has lost strategic access to Asia as a result of the rise of Russia, Communist China and the development of neutralism in South-East Asia. The United States, therefore, regards access to Africa as vital in the development of American offensive power in another World War. She has, therefore, been playing the Hamlet on colonial questions.

Professor Arnold Toynbee, has put his finger on the very heart of the matter when he says: “America’s repudiation of her own once treasured revolutionary tradition is strange, and might be tragic, for it might lose

America her game with Russia for world power.....The once revolutionary America has now constituted herself the champion of vested interests, and this ideology is not attractive in a world in which at least three-quarters of the people are “under-privileged”. But, as he further points out, in missionary warfare America’s weakness is her wealth. This is where Soviet Russia scares over her in international politics.

France has a difficult problem in Algeria in so far as she cannot abandon altogether the interests of the French settlers. Besides, oil appears to have been discovered in the Sahara desert where prospecting for this is going on. This will necessitate control over Algeria in order to assure the safety of the pipe-lines. However, there is one special feature of colonialism in Africa which does not exist elsewhere. This is that among the vast majority of the Native populations have been planted European Communities aggregating about five millions. This involves the difficult task of harmonizing the conflicting interests of the blacks and the whites. Neither of these elements can be ignored. In the partnership of the two peoples in civic life of the people lies the only salvation of Africa. In pursuing the policy of ‘Apartheid’ one can foresee nothing but disaster!

#### DANGER SIGNALS

Meanwhile, there appear danger signals on the African horizon. The Mau Mau rebellion in Kenya is an indication of the frustration the African feels under White supremacy. In the recent Afro-Asian Conference at Cairo there were represented about twenty African countries. The Conference has set up a permanent Afro-Asian Solidarity Council together with a Secretariat at Cairo. This would provide the necessary focus—which Africa has hitherto lacked—for the expression of African dissatisfaction with the status quo. “Algeria day” and ‘Ban Nuclear Day’ are to be observed throughout Afro-Asian countries. Egypt’s triumph on the Suez question and the recent expulsion of the Dutch from Indonesia are likely to strengthen the hands of the extremists. What is needed is a recession of the old racial policies pursued by the colonial powers and the substitution in their place of a policy of equal and not subordinate partnership.

This partnership is essential because of the peculiar conditions in Africa. There is abject poverty and illiteracy on the continent. No substantial improvement in the economic conditions can take place without the investment of more capital. This is available only in Europe and America. To introduce unadulterated democratic institutions in such a context would be to make a caricature of democracy. It should not be forgotten that the tribe is the most fundamental unit in Africa and political loyalties are likely to be coextensive with tribal loyalties. In fact, so far as we know the tribe was the highest political unit in Africa south of the Sahara. It is only about an year since Ghana came into existence—and yet the recrudescence of tribal ambitions has been giving a lot of trouble to Premier Nkrumah. Permeation of a spirit of non-violence among a people is an indispensable pre-requisite for the working of democratic institutions. Unhappily, the Africans have long traditions of violence manifested in internecine tribal warfare. They are, in this respect different from the people of India who have been inured to the sermons on non-violence from Buddha to Gandhi. Finally, there is lacking the tradition for the co-existence of diverse ideas which comes naturally to a people living in larger political wholes than tribal states. Tribal states are not conducive to the development of a spirit of toleration and yet that is a fundamental postulate of democracy!



## EQUALITY—ITS MEANING AND PROBLEMS

By

B. C. PAREKH

To be is to be related ; All men stand in some kind of relation to each other. It is the nature of this relationship that is alluded to in any talk of equality.

A study of men will impress us with two obstinate and irreducible facts.

1. All men are similar or equal.
2. All men are different.

Both propositions can be substantiated on 4 grounds.

By the very fact that a man is a man, he possesses a definite set of characteristics which distinguishes him from an animal. Biologically, all men are equal. Yet the possession of these characteristics is not in a uniform degree ; people differ in height, complexion, weight, harmony of features and symmetry of structure etc. We could also therefore assert that all men are different. Biological equality is compatible with physical inequality.

Psychologically, all men possess a complex mental set up. There is a uniform distribution of instincts which determines our organic responses to external stimuli ; there are also the desires and dreams, reason and intelligence in which all partake ; however, men differ in the intensity and the quality of their desires, the distribution of psychic energy in different channels, the comparative strength of various instincts, the degree of intelligence etc.

On the moral plane also, all men are equal, in the sense that all possess value-consciousness i. e. the awareness of the distinction between the desire and the desirable. All men draw a distinction between the fact and the ideal, what they are and what they should be. This is clearly perceived in any act of reflective self-awareness. However, the ideals of men, the criteria of values, given by society, differ from group to group and even from man to man. All men distinguish between desire and desirable but the content of what is desirable is different. Further, men also differ in the degree of their realisation of the moral values ; For most of us, virtues are the result of rational struggle ; while for some, they are as spontaneous as breathing. What may be an ideal for most may be a fact of daily life to some.

Many religious teachers have often asserted the spiritual equality of all men. "All men are equal in the sight of god" said St. Paul. The word spiritual is not clear in its meaning ; it is used sometimes in contrast to materialistic, or to secular, or to scientific. But if understood as implying an attitude which values a particular thing as so holy, so worthwhile as a summum-bonum of one's life and at times even of cosmic life, that one does not hesitate from devoting oneself totally to its service or

from sacrificing all that one prizes for its sake it could be said that all men are equal spiritually i.e. all of us consider something as holy or as vital to human existence, as worthy of our wholehearted devotion and worship. This is applicable both to theists and atheists. However, all are not equally capable of such spiritual realisation, some embody their ideals, some approximate it and then leave it, thro' self-complacency or otherwise, some are incapable of any rigorous pursuit which any spiritual activity presupposes and are merely content by verbalising about it.

It could therefore be stated that on biological, psychological, moral, and spiritual grounds—the levels at which all men live—all men are equal, which we may call "*The Principle of common humanity*," as well as that they are different, "*The Principle of natural differences*." Both these are vital facts of human life ; to overemphasise one, to the exclusion of the other, will result in an imbalanced theory of equality. Any valid theory of equality has to be compounded of these two facts.

There have been many thinkers who have argued that though both these facts may be admitted it is the latter which is more important than the former. They say if we are to construct any social system on the principle of common humanity we will merely be creating a rule of mediocrity ; the greatest and enduring benefits that have come to mankind have always been the product of the creative genius of the few ; the world would have been a poor place to live in but for them. An elite, the vehicle of civilisation, must be released for the life of the spirit by the patient labour of slaves and peasants. This characterised Athens of Pericles, Italy of the renaissance and the France of Voltaire. Freedom and intellectual energy, more vital to social welfare than the mechanical satisfaction of its material requirements, contribute to the graces and excellences of life by erecting standards of perfection and therefore must also preserve them inviolate, by the hedge of inequality, from being vitiated by or submerged in the dust of daily necessities or the clamour of the natural man.

They raise another argument also. Even granting for the sake of argument that all men are equal socially, the fact still remains that government is an expert and specialised undertaking and hence can and must be run by those with higher equalities of intelligence and character. This argument has assumed various forms. For Plato, Government required knowledge, wisdom and detachment which required rigorous training and a still more rigorous mode of life, realisable only by the few. To Aristotle, Government required competence to rule and leading a life of virtue not possible in several occupations. To Carlyle, it is man's very necessity of obedience to superiors that give rise to a two-fold class of the Aristocracy and priesthood—one governs, the other teaches. As he says "There did no society exist without these two vital elements, there will none exist, man will forever obey such as he considers wiser and braver and even be ready and delighted to do it." Some others like Jakob Burckhardt conceive of Government as a skill, springing from intuitive imagination, an art that can be mastered only by a few. Some others, some of whom are modern experts on public administration, consider governing as a Science involving a body of rules that are knowable and can be studied and learned, but involving a certain knack, a certain trait, not found in all. Conceived in any way, Government is construed as a reserve of the elite. Government becomes an oligarchy—oligio (few), arche(rule)—in the literal sense of the Greek word.



Such a theory of oligarchy has to provide the criteria of differentiating the elite from the common run. Leslie Lipson enumerates those usually suggested or historically applied, as follows:

1. *Race*: Aristotle seems to border on this criterion when he declares slavery a natural institution as it appears to him to be rooted in the physiological and psychological differences in human nature. Hitler talked of Aryan superiority in modern times.
2. *Ancestry*: Hereditary factors are believed to be transmitted at birth so as to ensure the continuance of good government. Athens was controlled until 7th c. B. C. by an oligarchy of families known as "Eupatridae" (of good parentage).
3. *Age*: Found in many primitive societies. Frazer notes them in
4. *Sex*: aborigines of Australia.
5. *Religion*: Brahmins in India asserted their superiority on grounds of religion. Emperors of Japan claimed descent from Sun-God until 1946.
6. *Culture*: Conquerors imposing their culture on the conquered;
7. *Wealth*: In almost all countries, except the Communist countries.
8. *Knowledge*: Recommended by Plato and by Hinduism.
9. *Military Strength*: Very clearly embodied in the Spartan life.

There is a certain amount of truth in both these arguments. As regards the first, it is true that a civilised community is distinguished from uncivilised ones by its respect for excellence in the things of the Spirit; it is equally true that excellence is possible only when there is a severe standard of attainment and appreciations accompanied by a ruthless discrimination between the first-rate and the second-rate. The question, however, is of discovering talents capable of such excellences. It can not be shown with any authenticity that a particular group alone has the monopoly of talents—greatest of poets, artists, scholars and prophets have come from all strata of Society. Culture is essentially an energy of the Soul and "not an assortment of aesthetic sugar-plums for fastidious palates" as Tawney would put it. It grows only by being nourished on the common life of mankind. Standards of excellence are broadened & enriched by contact with an ever-widening range of emotional experience and intellectual interests. As Dewey has argued in his "Individualism, Old & New", intellectuals and literary folks, who conceive themselves devoted to the pursuit of pure truth and uncontacted beauty too readily overlook the fact that a narrowing and hardening takes place in them as in an industry pursued apart from social ends. Their goods are more refined but they are also engaged in acquisition. Unless they are concerned with use in the expansive interaction, they too become monopolists of capital; and monopolists of spiritual capital may in the end be more dangerous than that of material capital."

Further, history shows that the greatest of human achievements have come in periods which were permeated most deeply with the sense of the dignity of man as a rational being, with a little respect for the capricious distinctions of birth and fortune. Besides, a culture which is limited to a sequestered class may be able to preserve itself temporarily but cannot extend it; it breeds complacency which is as much its enemy as vulgarity. The range of experience it covers becomes static and sterile and in the long run it dies for lack of vitality and freshness. Under modern conditions extension is a

very necessary condition for the survival of any culture. By extension it survives; by contraction, it decays. Its flowers may be delicate but its trunk must be robust.

However, this does not mean that identical treatment should be meted out to all; it only means a denial of the presumption of one group or class as monopolising talents; it implies a social arrangement which provides for the continuous discovery of talents. It implies that wherever talents are discovered, they must be given adequate opportunities for their fruition, irrespective of the strata they come from. It implies that culture has a social purpose and a genius owes a great deal to the society he lives in, and he has a duty to it. Even a genius, though differing from others, is similar to them at a human level, where he should be treated equally with them. That is an implication of the principle of common humanity. Where he requires a special treatment and a special set of opportunities, they must be explicable in terms of reason and justifiable by common welfare. The differences we admit are required by the function performed. It is obvious that a statesman must be so remunerated that he is freed from the narrow material cares. In short, the urgent claims of all as human beings should be met first, particular claims above that level met afterwards in terms of their contributions to common welfare. We are not denying differences as such but only arbitrary differences.

Again, in providing different opportunities required for an efficient discharge of different social functions the principle of equality has to be further applied. All those discharging the same function in the same content ought to be treated in the same way. "Equality among Equal" was the Greek formula. Equal treatment to be given to all those who are relevantly equal. We can sum up the analysis in two propositions.

1. Encourage natural differences, because society prospers by variety.
2. Eliminate arbitrary differences because this generates arrogance in some, and resentment and friction in many.

As regards the second argument, it must be conceded that making of decisions and executing them is surely a technical job which any and every man cannot dabble in. Even the legislature is incapable of comprehending and grasping many of the technical details so much so that Lord Hewart complained of the growth of New Despotism. This is true not only of Government but of any human organisation where handling of details and implementation of decisions are normally entrusted to a small group. This is not to be denied. But the basic question is who is to lay down the policy? The task of implementing decisions has to be entrusted to a small group of technical experts but the fundamental issue of making policies and deciding the direction and the purposes of a group have got to be left in the hands of those who are to bear their incidence. Further, they may not understand every technical detail but can at least judge if Government is acting in the right direction, and can criticise them, and their quality of work. They should also have the final power to remove them. The question is not of denying leadership but having a responsible one. I need not be a cook in order to judge the competence of a cook. The need is not of not entrusting Government, to experts but of taming its power. Power could be limited in several ways:

1. It should be used for a social purpose approved by community;

2. Should not be more extensive than what the purpose requires.
3. Its exercise should not be arbitrary but governed by settled rules.
4. Its commission can be revoked if its terms are exceeded.
5. Education of the people: which should broaden in proportion as the Government extends its interests and operations. Three R's were adequate for Jefferson's "Frugal Government.", but not to-day. It must make citizens know the society in which they live and the problems of the power age.

Further, the various criteria suggested for selecting the elite fail in practice. Almost each one has been tried and found inadequate. It has always led to the creation of a narrow caste, a coterie of privilege-holders which had to be thrown off in the ultimate social interest. The criteria we adopt in differentiating individuals must bear some relevance to the matter concerned. It is a weak argument that a woman should not have a right to vote as she is physically weak because an act of voting does not require an exercise of physical strength. Again, it is true that there are differences of race, religion, sex, physical prowess etc. but how do they make one group superior to the other unless they are demonstrably related to the better discharge of certain functions? Could it be asserted that persons belonging to a certain religion or race or family are better and more prudent custodians of the public interest? To assert superiority or otherwise would mean claiming to possess an objective and absolute universal standard by which to judge all differences. Passing a judgement of superiority or inferiority is an ethical judgement; it differs from man to man and is always tentative and provisional.

It seems, therefore, that the principle of Equality, at the very outset rules out certain nations.

1. Equality is not uniformity because this would contract the principle of natural differences which is as much implicit in the principle of Equality as the principle of common humanity. Treating all unequal persons equally is inequality. Equality among unequals is as much incongruous with the principle of equality as inequality among equals. Hence equality rules out universal identity of treatment.

2. It does not mean the provision of equal circumstances to all; different persons have different abilities and aptitudes; they are, therefore, suited for different functions, and different functions require different circumstances and opportunity for their efficient discharge.

3. It does not mean parity of pecuniary incomes. Exceptional abilities are to be compensated by exceptional rewards both as a recognition of the services performed and as an inducement to perform it. Besides, some functions have a direct and effective bearing on the destiny of the community; and hence those discharging them require greater remuneration so as to be able to rise above narrow pecuniary interests. Where community of environment and a common education and a habit of life have bred a common tradition of respect and consideration, details of the counting-house are forgotten or ignored, and the pecuniary differences would not generate resentment and jealousy. Yet these differences have to be tempered down by the application of the principle of common humanity. No man should be so placed that he can overreach his neighbour to the extent which constitutes a denial of latter's citizenship. Again, these differences should

not be allowed to ossify into self-perpetuating rigid castes; therefore, there should be easy social mobility where there are no peaks a citizen is debarred from climbing.

4. It does not mean equality of power and authority. To realise the purposes and policies of a group efficiently and adequately, some of its members will have to be invested with a certain amount of executive authority. A general must command if an army is to win, as a captain must order if the wrecked ship is to be salvaged. This distinction is justified on the ground of common welfare. There is a difference between authority which grows naturally out of the functions set consistently in a public context and an authority which is the outcome of private and irresponsible will. The former is needed by common welfare and therefore equality must admit it, but the latter is denied by equality as it generates master-servant relationship fatal to the civil implication of equality.

Besides refusal to assign authority to some in the name of equality will create another problem. Criminals and demagogues are always lurking on the fringes of society and new methods of publicity have given them sudden and terrible power. Hence if constructive and responsible leadership is not available to masses, 'gutter elites,' as John Bowle calls them, will take their place, which will mean destruction of both freedom and equality.

Our analysis can be summed up in two texts of Aristotle.

1. "No community can be constituted of similars".
2. "A community should be constituted of equals and similars as far as possible."

Hence to him, as also as to Plato, Equality is of ratio (i. e. proportion). The worst inequality, he said, is equal treatment of unequals like applying the same lifting force to different weights. Equality, broadly speaking, would mean an identity of response to primary needs up to the margin of sufficiency, and then providing suitable and adequate opportunities to each according to his ability and aptitude. It would therefore involve

1. discovering the ability and aptitude of each man,
2. providing him with a function for which he is most suited,
3. providing these circumstances and opportunities that will facilitate his efficient performance of his function.

4. It also means a comparative weighing of the difficulties of every individual case and a nice adjustment of the obligation to serve to every equality of situation and of mental and bodily fitness. This means that the individuals need comes first and the task of the social arrangement is to respond to them adequately. This would lead to a complicated social system involving all sorts of reservations and distinction, bearing in its womb the dynamic capacity for continuous experimentation so as to fulfil not only the existing abilities and aptitudes of its members but also keep pace with the rapidly changing aptitudes of individuals under the impact of modern civilisation, without any time lag. Each individual is equipped with a set of circumstances and opportunities ideally suited to him. This is, however, an ideal incapable of realisation in any social arrangement; there will be rules applicable only to one individual and no general rule as needs of each will differ.

Therefore, as an alternative to this another extreme framework is suggested by many reputed thinkers, mostly idealists. Plato lays down that every member should discharge his functions as prescribed by the purpose of the whole. In his ideal state are noticed the sharpest contrasts of mode of being. Bradley means something similar in his "My station and its duties." Hegel and modern collectivists could be put here. Here it is the social system which suggests to me my function, and I have simply to do it. Therein lies the fulfilment both of my personality and of social purpose. My ability and function do not dictate their requirement to the social arrangement but the latter dictates and determines the former. This is likely to result ultimately into frustration, resentment and imposed social unity characterising the social fabric. We had an experience of this in our country: caste system noble in its inspiration and brilliant in its conception of social planning, led to intellectual sterility, emotional frustration and a consequent degradation all around.

The former though unrealisable is still our ideal and the social fabric should be so arranged as to approximate it, if not to embody it. Equality, as Barker suggests, could be conceived like running a race i. e. all arranged as it were in a level line at the starting point of the race. State will guarantee equal conditions to each. Equality, therefore, is at the beginning, not at the end. End depends on ourselves. As Burke said, "All men have equal rights but not to equal things." Those fallen down in the race are to be protected by the state, particularly from those who have won the race.

Attempts at realising this concept of equality, in the actual social set-up go back almost to the beginnings of written history, though they characterise more particularly the last 300 years of human history. In occidental writings, it is Thersites in Homer's work, who, criticising Agamemnon in the council of the chiefs, voices the first revolt of the underdogs. For this, the poet has him thrashed by Odysseus while the onlookers laugh. Aristotle raises a basic question "what makes a person citizen?" His answer is in the functional terms i. e. "A man who shares in the administration of justice and the holding of office". This requires special abilities of character and mind, which are not found in all. He therefore classifies some as "Slaves by nature". He favours equality among citizens themselves but excludes slaves from its application. It is Zeno and his followers, Stoics, who were the Greek champions of equality. Zeno equates rationality with deity. Divinity that shapes our destinies is a rational one and reason therefore is divine. All men possess reason though in different degrees, hence all share in godhead. The logical conclusion was that all are equal.

Under the influence of the Scipionic circle, stoicism travelled to Rome. Roman Empire consisted of several provinces whose inhabitants had diverse cultural traditions and still more diverse degrees of political maturity. Question before Roman civil law was how to settle conflicts and disputes between the residents of different provinces. A new court was set up to hear them. It had no definite laws in accordance with which to deliver judgements, hence it gave judgements based on equity and an abstract standard of fairness, giving rise to conceptions of right and justice. Accumulation of precedents hardened into a body of case law called "Jus Gentium" in which the influence of the Stoic notion of equality was discernible.

Yet in Rome itself in 5th, 4th and 3rd centuries B.C., a momentous struggle was started by the plebeians for abolishing privileges in which they did not share and to win equality. What was done was to admit certain

plebeian families to the clique of dominant families, who monopolised the principal "Honores". It continued to remain difficult for a 'New man' from a family outside the 'Nobilitas' to secure the office he desired.

With the rise of Christianity, new fountain of inspiration was provided for the movement of equality. Jesus and apostles came from humble origin spoke to and won the loyalty of the under-privileged; worth of the soul which would out-live its bodily habitat was to be judged by God the universal Father; the power to enter heaven lay in the hands of every man, no prince had more favourable place. As a reaction to the prevalent attitude of looking down on the poor, it said that the rich were handicapped in a race for salvation. However, it emphasised the equalitarianism of the hereafter and in practice accepted or connived at existing inequalities. When Emperor Constantine embraced Christianity as the official religion of the Roman Empire, the church accepted the existence of a hierarchical society, including slavery; medieval church tolerated serfdom.

Feudalism characterised the middle ages. Every man was born to a particular station in life, and shifting from one rung to another in the hierarchy was extremely difficult. There was a status saturated thinking, with its right of blood and inheritance reigning supreme; equality was unrealisable.

With Renaissance appeared the spirit of rational and critical inquiry, both into the nature of the world, as well as of man himself, pioneered by Bacon & Locke respectively. Locke's idea that at birth, the soul of man was a *tabula rasa* led him to the belief that most of the differences found in men are due to education which as he said, "By a gentle application of the hand turn flexible water into channels." But the equality, he talked of, was, like Aristotle excluding slaves, to exclude those who did not own property. Burke & Macaulay also limited equality to the property owners, latter even calling them "the natural representatives of the human race".

Helvetius and Holbach took up from where Locke had left off. To them, education is the agriculture of the spirit; inequalities are the result of bad education.

Rousseau in 1775 wrote an essay explaining the original development of inequality among men. He admitted that there are natural inequalities like those of age, health, intelligence, but he attacks what he calls "moral or political inequality" i. e. privilege enjoyed by some at the expense of others. He says in his Social Contract, "Every man should have something and none too much". His writings provided the inspiration for the French revolution. "Had there been no Rousseau, there would have been no revolution", said Napoleon. Meaning of equality and the means adopted in realising it in the French Revolution, were determined by then-prevalent inequalities. The most conspicuous of the inequalities were juristic and not economic; hence the object of attack was the legal privilege and not inequality of wealth. The rising bourgeoisie was self-confident and sure of its capacity for immense development, only if the legal impediments were removed. It drew a distinction between "egalite de droit", and "egalite de fait", i. e. legal equality and practical equality. Inequality that prevailed was interpreted as due, not to the presence of freedom, but to the lack of it. Liberty and Equality walked hand in hand; struggle aimed at legal equality. This is the contribution

of the rising bourgeoisie to equality. But equality came to be understood in a negative way i. e. as freedom from restraint and not in a positive way as "possession of powers". This was quite natural because those demanding it were in need of merely the removal of legal restraints and not of any active assistance of the state. This explains the American revolution and the declaration of Independence. Though it declared that all men were equal, the irony is that about half of the signatories to the declaration were the owners of negro slaves. The only great advocate of equality was Jefferson, who was in France at that time. Hamilton wrote, "All communities divide themselves into the few and the many; people are turbulent and seldom judge or determine right; therefore give to the first class a distinct and permanent share in the government, to check the imprudence of democracy. Though constitution prohibited 'titles of nobility' and bill of rights gave equality before law, yet in 1800 not even one male in 5 had the right to vote.

This unfettered freedom of economic development led to the growth of enormous wealth in the hands of the few on one side, and stark poverty of many on the other. This conflict was intensified by industrial revolution. The worker lost his independence and became a factory hand. There was created a jungle of interests in the economic system resisting all attempts to social reconstructions on juster and more rational lines. There was a perpetual misdirection of limited resources to the production of costly utilities to the detriment of general well-being. It was rare for a worker's representative to get to a position of power. Even the House of Commons in U. K. had a majority of its members representing the interests of the nobility. In 1890 there were 140 Joint-Stock Banks in England. In 1924 there were only 18 and 84% of their aggregate deposit was in the hands of the Big 5.

It was felt by the under-dogs that the only institution to which they could look was the state; but the lever with which to set it in motion in their favour was the Vote; therefore they started the struggle for Political Equality. In England this was expressed in the chartist demands for universal manhood suffrage. A Leicester chartist shouted "Don't be deceived by the middle classes again; you helped them to get their votes; but where are the fine promises they made you? Stick to your charter; you are slaves without your votes". After acute struggle the urban middle class whose social power had increased as a result of the industrial revolution made its entry into politics. The movement continued and political equality increased from precedent to precedent. The movement however is not complete yet. In America Poll tax is still in force in some southern states excluding thereby many poor voters. Women still continue to be excluded in Switzerland and some other states.

Many hopes were pitched on political equality by workers. Each having one vote and the right to see that his life experiences are not excluded from being taken into consideration in the enactment of any measure affecting him were thought as means of guaranteeing to oneself the basics necessities of life. But this has not happened. Contracting capitalism is incapable of making concessions to worker's demands which it did in its heyday. The consciousness that one wields as much political power as others and still one is starving while the other wallows in his luxury has caused resentment and irritation at the social arrangement. The unrepresented will to alter their environment demands economic equality. Democracy is unstable as a political system unless it becomes a type of Society and a manner of life which is in harmony with that type. Economic power must be converted into a servant of Society As Laski said "State must control the property or property will control the state."

As a result of either the indifference of capitalist system to the demand for economic equality or its slowness in responding adequately to worker's demands, several countries have turned to a collectivist economy as an alternative. This raises a very fundamental theoretical question. What is the exact place and significance of equality in any social system? Freedom was the watchword of democracy in the 19th century; Equality is the watchword of democracy in the 20th. Equality is desired for facilitating the development of the personality of each and every one—in each alike and equally, but in each along its own different lines, self-realisation is the supreme value. Equality, because it facilitates it, is a derived value. It is not an isolated principle but stands side by side with a greater principle of liberty, to which it has to be adjusted. Hence, the very important question is the choice of means by which to realise it. Exaggerated and exclusive emphasis on liberty led to a society with patronage and arrogance and wastefulness characterising the few, and poverty and degradations and vulgarity characterising the multitude. Equality, emphasised with equal exclusiveness, would surely create a society of equals—but who will be equal in their slavery and equal again in having the same monolithic master. It would lead to mechanization and regimentation of society and "sink the individual in a group in a practical uniformity and in mass movements" as Dewey warns. Liberation of capacities and equalisation of opportunities for it are the two-fold ideals of social organization.

This, however, is not to suggest that liberty and equality are incompatible ideals. As Bosanquet argues: "All rational beings are equal in having within them a principle of self-government. Sooner or later, the thinking creature will rebel against mere force. Therefore, equality is one with freedom or reason. It is the quality of man as such who will recognize no law but one which recognizes him on the same footing with others. The sophisticated man is the highest animal but the slave is the lowest man." Besides, free men, by the mere act of being free are also equal in the basic attribute of liberty. Freedom is the creed of the individual, equality is the need of society. They are as much complementary as individual and society.

Attempts to realise equality in social system have created some very important problems. Demand for equality has increased the functions of the state and also its prestige in the eyes of society and therefore its powers. Even in a welfare-state, there is the concentration of economic and political power in the hands of the state and the dangers to personality are becoming insidious and cumulative. In Russia, privileges and hereditary advantages are shifting to managerial and bureaucratic elites. Inequality, pitched out of the front door, seems to smuggle itself in by the backdoor. Vice of bureaucracy are not less than those of plutocracy. There seems to be a strange similarity but the extremes. The former over-looks liberty as the latter neglected equality. In the end, both, instead of solving the problems, aggravate the situation.

Secondly, tendencies are visible that the growth of state's powers is leading to loss of vitality, enterprise and independence among the citizens. As Barker argued, our nissus towards the development of our capacities is closely connected with the effort of acquiring possessions. Through property we become conscious of our capacities, begin to see them externally embodied and expressed in results. It is one of the essential ways in which we try ourselves out. No doubt this is a crude consciousness and that too of results that are purely material and therefore hardly worthwhile. But yet the fact remains that in human nature, nissus of personal development is mixed with the acquisition of possessions and hence the consequence of inequality of the

possessions. An attempt to alter the latter damages the former. The question therefore is, can an equalitarian society provide a substitute stimulus to personal development? An appeal to the motive of service no doubt is a desirable alternative but the fact persists that with most men it does not work always. It may appeal to some always, or to all at times, but not to all at all times. It may be true, as Tawney said, that the question is not of changing human nature but of appearing to different elements of it. But unless it is tried in a social system, it will be idle to speculate. Thirdly, in the civilisation we live in scientific devices like press, cinema, radio have increased the power of public opinion and the tyranny of fashion so much that all of us are as if in the process of being made equal by imperceptible impersonal forces. We are becoming conformists in views, tastes, ways of living etc. Without the courage to differ, originality gets stultified. This equality of standardised human atoms is not our ideal, our ideal is the equality of integrated individuals each a centre of distinct sensitivity and a distinctive way of feeling and responding to the impacts of the world.

Democracy is a way of adjusting liberty and equality with each other without sacrificing either. This delicate adjustment is never completely attained; it is a problem which it must solve again and again. Only a living democracy can face it.

## THE STATE.....A NEW POWER SYSTEM

by

DEVENDRA PAL VERMA

A student of Political Science, while comparing the ancient or medieval polity with the modern state, has hitherto taken legitimate pride in the fact that the political organisation under which he is living is shorn of all its early crudities; that it has ceased to be oppressive; that through evolution and revolution both, the police-state has been transformed into a social-welfare system. He regards history as the living saga of this transformation. He has ceased to take a serious note of the 'evil-hymn' sung by the 'anarchists' and the 'individualists'. To him the state, no longer is the symbol of power only; it is synonymous with service, with ministry. Despite Marx it has come to stay. It has come to stay in his mind as an association, representing a community's independent status, acting at its behest through processes, recognised and legal, endowed with the performance of social-welfare functions.

Such a conception of the state is open to criticism mainly on two grounds. It takes no note of the routine distinction between the 'state' and the 'government'. Secondly the definition takes no cognizance of the conditions—political and otherwise—prevailing in what are called the totalitarian states of the modern age.

As for the first criticism, I would like to quote Laski who said: "The state is, for the purposes of practical administration, the government". It can still be simplified by saying that the state in its concrete form is government. It is only through the nature of its government that it is possible to determine the real form of the state. A democratic government will necessarily mean a democratic state. But a democratic outer structure of a state may shelter underneath a most authoritarian government. So a government is the embodiment of the state conforming to its particular pattern.

The answer to the second criticism is that the very idea of the state being reduced to a ministry, is conceivably possible only in that society where democracy in its true meaning and content is the norm of behaviour in all aspects of life, particularly so in the political aspect. Hence the above definition will not be treated as the yard-stick with which to measure the totalitarian states.

The main argument of this paper is directed towards a consideration of the people democratically organised. The purpose is to review the relationship between the state as actively represented by government and the people as the repository of ultimate power, particularly political power.

It cannot be denied that during the greater part of human history, the state, personified in the King, the Emperor or a handful of persons stood synonymous with sufferings, with denials, and large scale persecution of the populace. It is true that individual kings had been great beneficiaries but

monarchy as an institution, as personification of the state, had been baneful. War was its duty; 'expansionism' its ideology, its creed. The monarch had a halo around him and this covered all his deeds and misdeeds. It was a drastic system of subjection, as MacIver puts it, through which all civilized peoples seem to have passed. People submitted and offered their loyalties, not because they were the recipients of any advantages, political and economic, but because the Monarch's authority, it was believed, had a divine source. Whether the 'coercive-power system' was handled by a single person or a handful of persons selected on the basis of certain privileges, it made no difference to the people as such and their conditions, position and status. These political institutions and the resultant tyranny there-of, was the price that the people had to pay for their political immaturity.

The state in these forms, howsoever powerful, exhibited its imperfections. Force could not become the symbol of its strength, of its stability. It was the very inherent weakness of these forms of government, and one of the principal reasons for their downfall. Representative government replaced monarchy, a change very significant in the history of man and a change wrought by the interplay of many forces. Man and his polity were on the road of a new relationship. The beginnings of representative government were made on the class-basis, the political power being the monopoly first of those who owned land and then, after the Industrial Revolution, of those who owned capital. But despite this, it continued to move towards democracy, "not through the temporary insurrection of a subject class but through the operation of economic forces which reconstituted the basis of society."<sup>1</sup>

This transformation of the state and the constitution of government on the basis of representation gained greater momentum; people proclaimed the principal of equality of citizens, and after a few more historical events it came to be clearly recognised "that personality and not property was the true basis of representation".<sup>2</sup> With this principle put into effect, the representative government and democratic government came to symbolise the same thing.

The institution of representative government is one of the most notable achievements of human efforts. But it was not the fulfilment of the 'end'. The change that was wrought, was only in the organisation, in the formation of government. The change in the conception of the state had still to come. And it came. Political Science took big strides; new philosophies, principles and ideologies were proclaimed; these had immediate and deep impacts on the mind of the common man. On the basis of these principles and ideologies, people organised themselves; Political parties came into existence with programmes to ameliorate the conditions of the common man. Political consciousness based on the community of interests—political, economic and social, was wide awake. 'Personal-government' was replaced by government wedded to certain principles which the people at the polls had approved and which they had hoped would bring changes for the better in their conditions. Here was accomplished silently a revolutionary change, far more important than the first. A representative and democratic government performing only the police functions was not the one for which people had struggled and sacrificed.

<sup>1</sup> MacIver : *The Modern State* p. 140.

<sup>2</sup> *Ibid*—p. 144.

Speaking mainly of the modern period, 'absolutism' was replaced by constitutional government. The latter ushered in an era of representative government, mainly pre-occupied with police-functions. This ugly edifice of the state gave way to a new 'super-structure'—the social welfare system, democratic in form and democratic in functions.

The new political system naturally led to a re-orientation of relationship between the hitherto conflicting entities—Individual and the State. The idea of conflict gave way to the idea of co-operation. The concept of the state as an 'end' gave way to the concept of the state as a 'means'. Individualism and Anarchism, mostly lost their appeals. In fact the new state moved in the direction of fulfilment of those ideals and objects which the philosophers of these schools of thought had visualised as worthy or possible of achievement either without the state or with the state's area of activity very narrowly limited. The state became an agency wedded to the ideal of political, economic and moral upliftment of the community as a whole. Privileges—particularly political privileges could no longer be purchased. Besides this, the concept of sovereignty, and its location, the government, its formation and functions, organisation of political parties and their 'role', enjoyment of fundamental rights by the individuals were developments of very great significance without which perhaps the new 'system' would not have been a possibility.

We are aware of the fact that the social welfare state in its perfect form no where exists. No beginnings are perfect. The important thing is the beginning. Some of the communities are well ahead of the others; some are still groping in medieval darkness. Reality may be remotely separated from the doctrines of the social welfare system. But a big stride in political philosophy, more often than not, brings about some change in its own wake; it helps people bridge the chasm between idealism and actuality.

It has been assumed as an infallible axiom that in the ultimate analysis, the people possess the sovereign power in the state. This sovereign power the people exercise through representatives elected by them at regular intervals. It is also assumed that these representatives will carry out the will of the people, and only the will of the people, and if they fail to do so they will be replaced by others in whom the people repose their confidence. Perceptibly this is the way in which democratic governments wedded to the welfare of their people function and claim to function so. But imperceptibly a very radical change has come about which has vitally affected the nature of the government and so also of the state. New scientific strides have placed at the disposal of the state tremendous power—a power which can destroy in the shortest possible time all that man has built in centuries. People still have the power to make or unmake the governments in democratic states; but these governments have come to possess power which can unmake everything that man has made. The maddening affects on governments of the totalitarian-systems produced by the new power, can better be imagined than described. The power-potential of the modern-state has so overwhelmed it, that it has lost its perspective.

We are now faced with a dilemma—a riddle. Can a social welfare system be a power-system at the same time? Can the state, which has come to be recognised as the only agency striving for the good of all, proclaim at the same time of its power-potential which can work nothing but complete destruction. This power of the new state has put to shame the most powerful of the



ancient and medieval states. Chengiz Khan and others of his tribe would be regarded as far more civilized and humane, by the survivors, if any, of the present human race after they have witnessed the brutalities that may be let loose by the modern Leviathan and its agents.

The atomic power has radically changed the character and basis of the state. It is true that today certain particular states only have this 'monopoly of madness'. But the disease is dreadfully contagious.

Taking the concrete examples of America and Russia, it may be pointed out that each state has amassed its huge power against the other only. That for their own people both systems are social welfare systems, may be true. But the fact remains that the new power that these states have come to acquire has immensely corrupted them. What guarantee is there that this power, under certain circumstances will not be used against their own people—not by detonating Atomic or Hydrogen bombs, no one suggests that, but by the changed attitude of the State as far as its relation to the individual is concerned. "The power-conception of the state.....reveals its menacing defects. In the first place the supremacy of power converts the instrument of government into the master of men. The motives of the power holders, their pride and their prestige are exalted above the real interests of the nations. The state assumes in consequence a transcendental character, standing in its own right apart from the welfare of the people.....The power-state is essentially anti democratic."<sup>3</sup> If it was true of the state of yesterday, it is doubly so of the state of to-day.

Such conceptions as "Popular Sovereignty" and the like are on the threshold of martyrdom. It had come to be recognised that all power emanates from the people or the community. Under the new context, nothing is farther from the truth. Nothing can be more illusory. For surely, 'the power to destroy', without and within, did not flow from the people. It is true that people have acquiesced, and thereby hangs a tale.

History had to cover a difficult, arduous and very long journey before reaching a milestone where it was possible to speak of the state subserving the ends of the community. A stage where it was possible to determine, in the words of MacIver, "not simply what the state should do, but also what the state is permitted to do". Perhaps this has come to pass. Man today is rendered too weak to go about ordering the state to do something or not to do something. True, the facade of democratic structure will be maintained; representatives will still be elected; legislatures and parliaments and congresses will still meet; all will be there, but with a past only. A new Austin is needed who will define this 'Super-Sovereignty' of the New State.

As science passes on, the state swells in power and the individual, his importance, his values shrink. His assent is taken for granted in certain vital matters. All big powers are carrying on Atomic and Hydrogen bomb test explosions; the radio-active fall-out from these explosions, as is well known, have dreadful consequences. The inter-continental ballistic missile threatens all-out destruction. In these matters which affect the entire human-race, a state or its government's responsibility transcends the state-boundaries. But have these states shown a grain of respect for the common man's opinion within or without their territories? Have these states not dismissed as trifles,

3 MacIver : *Modern State*, p. 236.

the universal protests by the scientists and the layman against these test-explosions? Is it possible to cry 'thus far and no further' as MacIver thought? The individual has been asked to surrender his marginal freedom at the altar of state-security. More than that it is being argued in the U. N. General Assembly's Political Committee that it would be very wrong to deny to sovereign states the right to make bombs. When such arguments are brandished on the forum of such an august body, it will not be far from truth to conclude that today sovereignty and its power to destroy humanity have become each other's chosen handmaids.

The rise of political parties and their parliamentary functions brought about a major change in the relationship of the legislative and executive organs of government. Democracy of the past was based on the legislative control of the executive branch of government. Democracy of today is based on the reverse basis. With an unimaginable increase in the power-potential of the state, is it permissible and safe to conclude that the relationship between the state and the individual admits of no change? The change is very much visible. The new power, the new sovereignty is the beginning of the end.

Political Theory is facing a new crisis: 'The state—can it be a social welfare system and a power system at one and the same time?' Is it to be accepted as at once an instrument of progress as also the engine of destruction of that very progress?

To say that today the state is a means to an end is perhaps to belittle it. It has become too powerful an entity to be regarded merely as a means. It is better to shed the illusion. The state and the individual stand separated once more. It is nearest to him only in one sense, in its might, in its power to destroy him and all that he has built. The earlier definition given at the beginning of this paper has lost its validity. It is no longer an association acting at the behest of the community and performing social welfare functions. Today the community acts at its behests.

The individual and his rights are fast losing their significance. Both are on the retreat. It was possible for Green to talk of rebellion, as a contingent duty on the part of the citizens, under certain circumstances; Laski could speak of conditions in which resistance to the State becomes an obligation. The New State tolerates no such blasphemy. It will tolerate no attempt to belittle it as did the 'Pluralists'. It demands a restatement of all the basic conceptions so as to suit its changed nature.



## MARY PARKER FOLLETT AND THE STUDY OF PUBLIC ADMINISTRATION

By

S. P. AIYAR,

Public Administration as a separate discipline is of comparatively recent origin. It is perhaps the youngest of the social sciences. Though the term was used as early as in the 17th century, as a conscious field of inquiry, it has its origin in Woodrow Wilson's Essay in 1887.

During the present century administration has assumed great importance owing to the complex processes of government, resulting from war, depression and the Welfare State. But organization was built on out-moded political concepts, the validity of which has been questioned in recent decades. In the period after the 1st World War, the study of social psychology and particularly group psychology came to influence political thinking. This is clearly seen in Mary Parker Follett's *New State* which appeared in 1920.

The Great War had revealed the importance of efficiency and the importance of thought as precedent to action in administration. This was particularly emphasized by the Haldane Report on the Machinery of Government (1918). There was now a conscious attempt to evolve the principles of Public Administration. In 1927, W. F. Willoughby wrote his "*Principles of Public Administration*" in which he claimed universal validity for the principles which he had formulated. In 1933 Lyndall Urwick emphasized the importance of co-ordination, the Scalar Process, Specialization, the Span of Control, Line and Staff—concepts familiar to the student of Public Administration. A good part of the terminology was borrowed from psychology and from military science. The principles worked out by Henri Fayol (1841-1921) in his "*General and Industrial Management*" (1915) were rifled. Urwick developed Fayol's principles in his lecture on "The Function of Administration" delivered before the Institute of Industrial Management in 1934.

In these writings, efficiency was regarded, on the whole, as a product of organizational adjustment. In the 19th century, administration had been regarded purely as an art, which the administrator acquired through experience. There were no principles which the would-be administrator could acquire to master his craft. The pendulum had now swung to the other extreme. There was a feverish haste to formulate the principles of the new science.

The period following World War II saw a spate of books and articles on Public Administration.<sup>1</sup> A majority of the books, particularly those

written in the United States came to over-emphasize the organizational aspect and the mechanism of administration. Typical of the whole class of such books is W. Brooke Graves' *Public Administration in a Democratic Society* (1950).<sup>2</sup> Only one book—an isolated instance—during the period, made any attempt to theorize in a general way and work up a body of principles capable of application. This was Richard Warner's *Principles of Public Administration* (1947).

In Public Administration, as we have it to-day, the approach generally, is, on the whole, mechanical. There is an over-emphasis on forms and procedure. Dr. E. N. Gladden's *Essentials of Public Administration* (1953) makes an attempt to combine the "Principles approach" and the mechanical emphasis of American books, with the empirical descriptive trend of English writing. But on the whole, it could be said that the Human Factor is dealt with cursorily. Even the Civil Service, the heart of modern administration, is generally dealt with in terms of structure.<sup>3</sup> Administration is made to appear as hierarchical in structure, with authority exerting from the apex to the base. Subtle distinctions are drawn between 'Staff' and 'Line.' What is emphasized is really the anatomy of Government. In such a subject the individual becomes just a link in a chain of authority. Decisions appear to be made at the top and orders are passed down the line.

During all this development in the study of Administration, the work of Mary Parker Follett (1865-1933) was all but forgotten. Students of Politics remembered her by her *New State*, which appeared in 1920. Follett is not mentioned in most books on Public Administration and if mentioned at all, is relegated to a footnote. In 1940, Henry Metcalfe and Lyndall Urwick brought together the Collected Papers of Mary Follett under the title of "Dynamic Administration". During the War, Urwick wrote *The Elements of Administration*, in which he tried to synthesize the thought of Follett with that of Fayol. This was the first recognition of the contribution of Mary Follett to the study of Administration.

The writings of Mary Parker Follett were, it is true, concerned with business management but they are shot through with ideas of great value for the study of Public Administration. Follett was not a business woman, she had no interest in any undertaking; she did not run any business of her own. But she was interested in group life, wherever she found it, and her interest in man was not abstract and theoretical as in the case of many 18th Century philosophers. She was intensely human and had a way of entering into the lives of those with whom she came into contact. Social distinctions did not enter into her consciousness. Whether she spoke to Lord Haldane or to the bus-conductor or the maid-servant, she had the capacity to draw them out and make them speak 'from the head as well as from the heart'. There were no dark spaces and hidden corridors in her philosophy and her attitude towards life. What she said and wrote was universal, all bright blazing, brilliant, shining in glorious sunshine. She found the Political Science of her day arid, legalistic and devoid of human interest. She explains why she took to the study of business management:

<sup>1</sup> Eg. H. A. Simon, *Administrative Behaviour* (1947), Simon et al, *Public Administration* (1950). Robert Dahl "The Science of Public Administration," in *Public Administration Review* VII (1947) and "The Validity of Organizational Theories" Ibid, (1947), Simon, "A Comment on the Science of Public Administration" Ibid (1947).

<sup>2</sup> See W. H. Morris-Jones: "The Study of Public Administration in the United States: A Footnote in Public Administration, 1952, pp. 281-283.

<sup>3</sup> Consider for example, the treatment in Leonard White's *Introduction to the Study of Public Administration* and in Pfifer and Presthus *Public Administration*.

"I am studying business management because it is among businessmen, not all, but a few, that I find the greatest vitality of thinking today and I like to do my thinking where it is most alive"<sup>4</sup>

Again in the "Giving of Orders" she says:

"Business, therefore, because it gives us the opportunity of trying new roads, of blazing new trails, because in short, it is pioneer work in the organized relation of human beings, seems to me to offer as thrilling an experience as going into a new country and building railroads over new mountains".<sup>5</sup>

In her study of business practice and business thought, Follett discovered new and fertile ideas which could completely transform Public Administration from a mere study of the anatomy of Government, of forms and procedure, into one instinct with great human interest.

#### THE ILLUSION OF FINAL AUTHORITY

The view that "decisions emerge from a final source of authority" is highly misleading. Though, apparently, we see orders passed down any organization, decision-making is a complex process. In any organization, each man performs a function or a part of a function. This function gives him an authority over matters relating to it. The very nature of modern organization with its specialization of function give each individual a specialised responsibility in a particular task. An executive decision in a healthy organization is a moment in a process. Several minds and several facts contribute to its making. It cannot be arrived at by the executive head in his air-conditioned room, with his mind a *tabula rasa*. It cannot be arbitrary, unrelated to facts. It cannot be fortuitous, the result of an accident of personality. "So much goes to contribute to administrative decisions before the part which the administrative head takes in them, which is indeed sometimes merely the official promulgation of a decision, that the conception of final responsibility is losing its force in present organization of business".<sup>6</sup>

Authority, Leadership and Control are ultimately related to the facts of a situation. There is such a thing as "*the law of the situation*" which is the groundwork of any decision. All this might appear common-place, but it is amazing that though progressive business organizations are awakening from the "Illusion of Final Authority", and the concept of sovereignty as a final source of power is all but given up in Political Theory, the idea should still persist in the study of Public Administration and lie at the basis of the idea of the 'Line of Command'.

Further, from Follett's point of view, authority and function go together. Authority is a product of knowledge and experience. Where these are located you have the keyman of the situation. Authority has little to do with position in the hierarchy. So viewed, there is no one who is "above" and no one who is "under". We often hear someone say "I don't want to work under so and so". This shows a complete misunderstanding of the nature of authority. We must distinguish between 'power over' which is arbitrary and 'power with' which is integrative. Delegation as popularly understood is misleading because it suggests that the man who 'delegates' authority has somehow a right to it. He 'delegates' it because he lacks the knowledge and experience to carry it out. Follett finds nothing illogical in authority

moving up the line, from the bottom to the top—a new unknown to the contemporary study of Public Administration and shocking to administrators. The introduction of the idea in Public Administration might well result in a Copernican Revolution.

Good organization is the result not of mechanical contrivances and adjustments. It is not a mechanical set. It is the organization of men for a definite purpose. Organization is the result of inter-weaving of functions—a process of interweaving which recognises the value of every individual in the organization. The so-called line-function, with orders passed down the line, is deceptive and its emphasis is psychologically deleterious. It has no place outside military organization.<sup>7</sup> "An order, a command is a step in a process, a moment in the movement of inter-weaving experience, and we should guard against thinking this step a larger part of the whole process than it really is".<sup>8</sup> A creative organization, dynamic administration, is a result of the continuous co-ordination of the creative experiences of men. "Legitimate authority flows from co-ordination, not co-ordination from authority".<sup>9</sup> Authority, leadership and control are ultimately bound up to the 'law of the situation'. There is no ultimate source of authority, but 'focal points of authority' all over the organization. Authority is cumulative. It is pluralistic and not 'monistic'. It is true that there must be a single centre of reference but it is important that we do not over-emphasize it. Says Follett:

"I have been for many years a student of political science, and it seems significant to me that now I have to go to business for the greatest light on authority, responsibility, sovereignty—these concepts which have been supposed to be peculiarly the concepts of political science.....I do not find that practical men are much interested in ultimates. I think that with the political scientist this interest is a survival from their studies in sovereignty".<sup>10</sup>

She wrote that in 1926, and today, while political theory has changed considerably its attitude towards sovereignty, we still find the ghost of final authority not merely haunting the corridors of the study of Public Administration, but striding majestically at the heart of it.

#### "CONSTRUCTIVE CONFLICT"

Mary Follett's assumption that every individual is of value to the organization leads her to other conclusions. In any organization, if there is to be constant inter-weaving of experience, it is necessary that through committees and councils there must be a constant interchange of experience. Conflict is not (so much) an expression of basic differences between individuals as the failure to integrate the differences for a common purpose. Points of view, differences in emphasis, are all valuable in any group activity. They represent the contribution each one makes. 'Conflict' is an essential part of human progress.<sup>11</sup> But if 'conflict' is to be constructive, we must consciously endeavour to find out a means of integration. "Not by fighting, but by undertaking, a joint exploration of the hinterland of their mutual ignorance can

<sup>4</sup> Rowntree Lecture Conference, Oxford, 1926.

<sup>5</sup> *Freedom and Co-ordination*, p. 32.

<sup>6</sup> *The Meaning of Responsibility in Business Management*, 1926.

<sup>7</sup> Of late there has been a reaction to the 'Staff and Line' approach. See for instance Stahl, O Glenn: "The Network of Authority" in *Public Administration Review*, 1958.

<sup>8</sup> *Freedom and Co-ordination*, p. 4.

<sup>9</sup> *Ibid.* p. 5.

<sup>10</sup> *Dynamic Administration* pp. 155-156.

<sup>11</sup> See the development of the view in *Creative Experience*, Chaps. IX and XVIII.

human groups define the frontiers of their discontent and devise methods of living without fortifications".<sup>12</sup>

Follett is quite aware that sometimes integration is not possible, that there could be basic differences that cannot be reconciled: "I do not think that integration is possible in all cases. When two men want to marry the same woman, there can be no integration; when two sons both want the old family home, there can usually be no integration. And there are many such cases, some of little, some of great seriousness. I do not say that there is no tragedy in life. All that I say is that if we were alive to its advantages we could often integrate".<sup>13</sup>

If committee work is to be of value, it is necessary that those who participate do so not with pre-conceived notions and theories which they are out to defend. There should be a desire to learn from the other side. It is only through the 'meeting of minds that a common point of view will emerge; that integration will be possible'.<sup>14</sup> We often find, for example, that in a discussion, say of the reform of a Department, its members take upon themselves the responsibility of upholding its dignity. When members come with their own 'vested interests' there can be no integration. Again, a major obstacle to integration is that many of us enjoy domination. There is a secret pleasure in shouting down the other person. Integration appears meek and tame. It has no thrills or dramatic interest. There is no field that is won, no conquests that are made. Conflict and struggle has dramatic intensity which the tired executive can narrate to his wife in the evening.

In the British Civil Service after World War I, there emerged the Whitley Councils which to-day play an important part in bringing the "official side" and the "staff-side" together.<sup>15</sup> They provide a common platform of discussion, thus democratising the whole service. When the Masterman Committee brought out its Report on the political loyalty of the Civil Servants in 1949, the Whitley principle proved most useful.<sup>16</sup> It is true that Whitleyism came to the Civil Service from industry but it is today a living embodiment of the ideals of Mary Follett.

Follett has a great deal to tell us on the psychology of control, on the 'Giving Orders', on 'Leadership' and on the 'Role of the Expert', which is of great value in the study of Public Administration. Her basic assumptions of the importance of the individual, of integration of experience, and of thought as precedent to action, would prove useful in reorganizing the study of Public Administration. Throughout her emphasis has been on the 'Human Factor', which is sorely neglected in the study of Administration today. It is necessary for us to re-examine the content and the approach of Public Administration in the light of the teachings of Mary Follett. In the anxiety to elevate the study to the level of a science, its main purpose has been lost sight of and its human interest sacrificed. Further, though public administration has become a separate discipline, it is essential that we do not forget that it is a part of the study of Politics which is concerned with the reconciliation of Freedom and Authority. The fact that Mary Follett went to the study of Management and Organization from Politics makes her writings particularly valuable for us.

<sup>12</sup> L. Urwick: *The Making of Scientific Management*, p. 52.

<sup>13</sup> *Dynamic Administration*, p. 36.

<sup>14</sup> These ideas were developed in the *New State*.

<sup>15</sup> See E. N. Gladden: *Civil Service Staff Relationships*, 1939. (a post war revised edition under preparation).

<sup>16</sup> J. B. Christoph: "Political Right and Administrative Impartiality in the British Civil Service", *American Political Science Review*, March 1957.

## THE UNION PUBLIC SERVICE COMMISSION (INDIA) AND THE U. S. CIVIL SERVICE COMMISSION

By

C. N. BHALERAO

The Public Service Commission (India) was first established in 1926 in accordance with the provisions of section 96(c) of the Government of India Act, 1919, and according to the recommendation made by the Lee Commission in 1924. The purpose of the Public Service Commission, as envisaged by the framers of the Act of 1919, was to afford protection to the Civil Service from political influences and "to give it that position of stability and security which is vital to its successful working as an impartial and efficient instrument by which Government of whatever political complexion may give effect to their policies".<sup>1</sup> When the Commission was first created, it consisted of a Chairman and four other members and it had a staff of about a dozen persons. The first Chairman of the Commission was Sir Ross Barker and it was he and his successors who built up the Commission on the lines of the British Civil Service Commission. Under the Government of India Act, 1935, the Public Service Commission came to be known as the Federal Public Service Commission in 1937. The Federal Public Service Commission was re-named the Union Public Service Commission in 1950 when the new Constitution came into force. The Commission at present consists of a Chairman and eight other members. They are appointed by the President and remain in office for a period of six years or upto the age of sixty-five years, whichever is earlier, unless removed<sup>2</sup> or suspended earlier by the President. While in India the introduction of responsible government necessitated the setting up of a Public Service Commission, in U. S. A. the 'spoils system,' culminating in the assassination of President Garfield in 1881 by a disappointed job-seeker, led to the establishment of the U. S. Civil Service Commission in 1883. Before 1883, in U. S. A., a similar body called the Advisory Board of the Civil Service was set up by the Act of 1871 in the administration of President Grant to regulate appointment and promotion in the civil service; but it could not function well due to lack of funds. It was as a part of the civil service reform movement that the Congress paid more attention to the importance of such a body and consequently, the Civil Service Act of 1883 provided for the establishment of a Civil Service Commission with distinct functions and powers. The U. S. Civil Service Commission is governed by the provisions of the above Act as amended from time to time, and by the Executive Orders of the President. It consists of three Commissioners one of whom is designated as the Chairman. Like all other important appointments, the Commissioners are appointed by the President with the advice and consent of the Senate, for a period of six years. They are also removable by the President. Two Commissioners are chosen by the ruling party and one by the other party. This mode of the appointment of the Commissioners does not mean that the appointees are themselves active politicians. Usually they are career men. Thus, as Prof. D. G. Karve rightly says, the bipartisan character of the

<sup>1</sup> Lee Commission Report (1924), p. 13.

<sup>2</sup> For removing a member on the ground of misbehaviour, the President has to refer the case to Supreme Court [Art. 317 (1)] of the Constitution of India.

U. S. Civil Service Commission has today "a historical than a functional justification".<sup>3</sup>

## II

Although the Union Public Service Commission and the U. S. Civil Service Commission, operating as they do in different contexts, differ fundamentally in respect of their constitutional position, functions and role, it appears to us that a comparative study of these commissions can be fruitful. Recently a suggestion was made from an authoritative quarter that the Union Public Service Commission should be vested with some of the powers of the U. S. Civil Service Commission. We propose to discuss in the following pages the need for and the extent to which more authority should be vested in the Union Public Service Commission, the problem of exclusion of posts from the purview of the Commission and certain problems relating to some of the present practices of the Commission.

The functions of the Union Public Service Commission are prescribed in Art. 320 of the Constitution. They are more or less the same as were prescribed for the Indian Public Service Commission and the Federal Public Service Commission. These functions are :—

- (1) To make recruitment for all civil services and all civil posts by—
  - (a) written examinations with or without a 'viva voce' examination ;
  - (b) interview.
- (2) To advise the Government on :
  - (a) the methods to be followed for recruitment to all posts, the principles of appointments, promotions and transfers and the suitability of candidates therefor;
  - (b) disciplinary matters affecting Government servants including memorials or petitions relating to such matters ;
  - (c) claims of Government servants for costs of legal proceedings instituted against them and claims for injury pensions.
- (3) To advise the President on any matter referred to them by him.

As compared with the powers and functions of the Union Public Service Commission, the powers and functions of the U. S. Civil Service Commission are far more comprehensive. The U.S. Civil Service Commission not only conducts examinations for admission to the Federal Civil Service but also acts as the Federal Government's Central personnel agency with planning and executive functions. Before the World War II the Commission performed many kinds of operating personnel work for federal agencies. But after the War the functions of the Commission have shifted more and more towards providing leadership in the development of a comprehensive personnel programme, embracing all aspects of modern personnel management. Broadly, the U. S. Civil Service Commission has a two-fold role in the Federal personnel administration. Firstly, it assists the President in making top-most policy

<sup>3</sup> "U. S. Civil Service Commission" in the *Indian Journal of Public Administration* Vol. III, No. 3 (July-Sept, 1957), p. 207.

decisions, and provides leadership, in cooperation with the Bureau of the Budget, in federal personnel administration. Secondly, the Commission acts as an operating agency charged with the executive responsibility of administering certain federal personnel programmes as required by the various Acts of the Congress. The following are the principal functions of the U. S. Civil Service Commission :—

1. To conduct open competitive examinations for admission to the competitive civil service. The Commission may prescribe such standards as it considers fit with respect to education, age, citizenship, training, experience, physical and mental fitness, residence and other requirements of the candidates.
2. To develop and promulgate standards of the competitive service with a view to protecting and promoting its efficiency. The Commission is also responsible for developing and promulgating standards for promotion, demotion, re-assignment and transfer.
3. To prescribe procedures to be followed by agencies in connection with removals, demotions and suspensions in the competitive service which will ensure equitable and uniform treatment to all Federal Government employees.
4. To administer the Veterans' Preference Act of 1944, the Classification Act of 1949, the Civil Service Retirement Act, as amended, the Federal Employees' Group Life Insurance Act of 1954, the Government Employees' Incentive Awards Act of 1954, and other Acts affecting federal personnel, and to review and approve the performance rating system under the Performance Rating Act of 1950.
5. To maintain adequate system of inspection to determine that equitable and sound application of Statutes, Executive Orders, regulations and standards relating to personnel management are carried out by the agencies.
6. To conduct national agency checks and enquiries on persons entering the Federal Service for security purposes and to administer the statutory provisions and Civil Service Regulations regarding political activities of Federal employees.
7. To promote training and career development programmes.
8. To exercise leadership in federal personnel administration by stimulating and recommending improvements in personnel laws, regulations, methods and policies.<sup>4</sup>

The functions and powers of the Union Public Service Commission and the U. S. Civil Service Commission enumerated above clearly indicate that

<sup>4</sup> From "Organization and Policy Manual" (1955), U. S. Civil Service Commission. The above are the Commission's functions as amended by Executive Order No. 9830 in 1947, by the Re-organization Plan No. 5, in 1949 by Executive Order No. 10452 in 1950 and by Executive Order No. 10577 in 1954 (Vide "Basic Acts, Rules and Regulations Governing Employment in the Federal Competitive Civil Service", U. S. Civil Service Commission, 1955).

in the case of the Indian Commission, it has no positive authority except in the field of recruitment; whereas in the case of the U. S. Commission, it has not only more powers but it has also a vital and positive role in federal personnel administration.

Excluding the functions relating to recruitment the remaining functions of the Indian Commission are advisory. However, in this regard, a convention has been more or less established of accepting the advice of the Commission. This can be seen from the fact that during 1950-51 to 1956-57 the number of cases in which the Government did not accept the advice of the Commission has ranged between six and one. Unquestionably this is a healthy feature of the relation between the Executive Government and the Commission so far as the present constitutional position of the Commission is concerned. What we object against here is the little scope left for the Commission as an "expert service authority" to play any positive role, except that of making selection, in the public services. In the context of the enormous expansion of our public services and the vital role they are called upon to play in the building up of a New India, it is becoming increasingly necessary to introduce "merit system principles" in the public services. This need can be realised by giving more authority and functions to an independent service authority like the Commission, so that the Commission can contribute to the creation and strengthening of an efficient and contented Public Service. We feel that this purpose can be realized if, in addition to the present powers and functions, the Union Commission is vested with the following functions. Firstly, our Public Service Commission should assist the Home Affairs Ministry in making policy decisions regarding personnel administration. Our personnel practices and procedures are, to quote Dr. Paul Appleby, "unimaginative" and "feudalistic". The Commission can play a positive role in this important field if it is given the opportunity to recommend new legislation and assist the Home Affairs Ministry in making personnel policy decisions. Secondly, the Commission should have the power to develop and enforce standards of the Public Service for protecting and promoting its efficiency. The Executive Government, since it is essentially concerned with governing, cannot pay adequate attention to these matters. The Commission as an expert service authority, thus, is in a better position to take the necessary measures for establishing an efficient Public Service. And thirdly, the Commission should be given the power to ensure an equitable and sound application of Civil Service laws and regulations. The Commission can perform this function by setting up an inspection department.

These functions would mean planning and executive powers being given to the Commission. Indeed, it may be argued here that the grant of such additional functions to the Commission is essential especially in a parliamentary government and in a country where we have not yet developed sound public standards, if we are to minimise political influences in administration. The grant of such powers to the Commission does not mean that it will result in the creation of two governments at the centre or 'imperium in imperio,' as was argued by Sir Samuel Hoare, the then Secretary of State for India, in 1935. It is to assist the executive in establishing and promoting sound principles in Public Service that the Public Service Commission should be vested with the additional functions and powers as suggested above. The observations of a Senator during the debate in the Senate on the Pendleton Bill in 1883 bring out our point in this connection. The Civil Service Commission, he said, "is to aid the executive in the execution of his (President) great executive functions. Nobody on this floor would undertake to say that the

Congress would have the power to establish a distinct, separate, independent power in opposition to the President..... This Commission is to aid him in carrying out the principles of this bill, not to place there a power in antagonism to the executive, but a power that will be in sympathy with him and to co-operate with him for the purpose indicated."<sup>5</sup>

### III

The proviso to clause (3)(e) of Art. 320 of the Constitution of India empowers the President to make regulations specifying the matters in which either generally or in any particular class of cases it will not be necessary for Government to consult the Public Service Commission. The Government have not yet finalised these regulations, and at present, by virtue of the provisions of Art. 372(1) of the Constitution, the old list of matters and cases with certain modifications made from time to time excluded from the purview of the Federal Public Service Commission, is in force.<sup>6</sup> According to these regulations, some of the matters on which it is not necessary to consult the commission relate to:—

"2..... matters mentioned in sub-clause (a) and (b) clause 3 of Art. 320 of the Constitution in the case of services and posts specified in the Schedule<sup>7</sup> to these regulations.

3..... the selection for appointment:—

- (a) to a Central service, Class I, or any officer in the Armed Forces of the Union or any officer who is already a member of any All-India Service, a Central Service, Class I, a Railway Service, Class I;
- (b) To a Central Service, Class II, or any officer from another Central Service, Class II, or from a Central Service, Class III, or of any officer in the Armed Forces of the Union or of a Railway Service, Class II".

Similarly appointments to permanent or temporary posts for periods not exceeding one year are outside the Commission's purview. It is also not necessary to consult the Commission before the Government pass orders in certain disciplinary cases.

Regarding these and other posts and matters excluded from the purview of the Commission, the Commission rightly pointed out that, in a democratic republic, the retention of these limitations on their functions has no justification. In limiting their functions, the Commission have, therefore, suggested the principle of "the minimum necessary in the public interest."<sup>8</sup> It can be argued here that, in making the executive regulations subject to the approval

<sup>5</sup> Quoted by Phillip Young, Chairman, U. S. Civil Service Commission in "A Forward Look in Personnel Administration", *Indian Journal of Public Administration*, April June, 1956 p. 123.

<sup>6</sup> Since this article was written, the Government has recently issued new regulations.

<sup>7</sup> This schedule contains a list of posts from different departments. Some of these posts are: Government Examiner of Questioned Documents, Assistant Director of the Intelligence Bureau, Director and Dy. Director of Civil Aviation, Assistant Deputy Director-General, Posts and Telegraph, Solicitor to the Govt. of India and Private and Deputy Secretaries to a Minister of State or Deputy Minister.

<sup>8</sup> U. P. S. C., Annual Report for 1950-51, p. 3.

of Parliament, the framers of the Constitution desired that no post or matter should be taken out of the purview of the Commission unless it was clearly established to be unnecessary in the public interest. Any more limitation on the functions of the Commission beyond that permitted by the above principle is inconsistent with the spirit of Constitution and is likely to render the public services exposed to political influences. In this matter, the provisions of clause (5) of Art. 320 of the Constitution are salutary in that they provide for parliamentary check on such regulations made by the executive. It is for the Parliament to see that no undue limitations are placed on the functions of the Commission if we are to preserve and strengthen "the Civil Service System."<sup>9</sup>

The U. S. Civil Service Commission is excluded from exercising its powers over some positions which are excepted from the competitive service. Appointments, position-changes or removals in the excepted positions are made by the head of the agency concerned in accordance with such regulations and practices as he considers necessary. Some positions are excepted by statute.<sup>10</sup> The other excepted positions are listed in three Schedules. Schedule 'A' consists of positions other than those of a confidential or policy-determining character for which it is not practicable to examine; Schedule 'B' consists of similar posts as in Schedule "A", but they are subject to such non-competitive examinations as may be prescribed by the Commission. Schedule "C" consists of positions of a confidential or policy-determining character. The Commission is authorized "to decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B or C".<sup>11</sup> The Commission may further except positions of a confidential or policy determining character on the recommendation of the agency concerned. All such exceptions made by the Commission have to be listed in the Commission's annual reports.<sup>12</sup>

It would appear that the power granted to the U. S. Civil Service Commission to except positions from the competitive civil service is based on two things. Firstly, it is based on the fact that the Commission is responsible to the President in applying the Civil Service laws and regulations. Thus the President as Head of the Executive has delegated his original power to exclude positions from the competitive civil service to the Commission. Secondly it is based on the need to follow certain principles in making such exceptions. In the U. S., this power vested in the Civil Service Commission to except positions has served both the interests of the Executive and as a check on the Executive.

9 The effective use of Parliament's authority in this regard may, however, be questioned here. The Parliament does not devote enough time to discussing important matters concerning the U. P. S. C. and its work. We feel that a Parliamentary Committee, like the Civil Service Committee of the U. S. Congress or the Advisory Committees of British and Indian Parliaments, should be set up for regularly scrutinizing the position and work of the U. P. S. C. and for advising Parliament on these matters. It should be emphasized here that such a committee of Parliament should not exercise any political influence on the the Commission.

10 For example, all positions in Foreign Service.

11 Section 6(a) of U.S. Civil Service Regulations, as amended.

12 Some of the positions excepted from the competitive Civil Service in the various Departments in the fiscal years 1955 and 1956 are:—

*Schedule A:—Department of State:* Two Physical Science Administration Officers in the office of the Secretary, not more than 50 professional and technical positions in the office of the Special Asstt.-Intelligence, One special Assistant to the Asst. Secretary, Bureau of International Organization Affairs; *Treasury Department:* Chief

When it is assumed that the object of the Executive Government and the Commission in regard to public services is the same, viz. the maintenance and promotions of high standards in public services, there should not be any conflict between them regarding the exclusion of posts and matters from the purview of the Commission. However, as pointed out above, in India the position in this respect is far from satisfactory. It is for consideration whether the three criteria adopted by the U. S. Civil Service Commission in excepting positions from the competitive Civil Service, can be applied in the case of the Indian Public Service Commission.

#### IV

According to the old Regulations in force, the Union Public Service Commission need not be consulted for any permanent or temporary appointment for periods not exceeding one year. Although the purpose of this power given to the Departments is to enable them to meet an urgent requirement of personnel, this power has been used by the Government in many cases in selecting their nominees for various posts. This defeats the principle of open competition and as such the present rule needs to be revised. In U. S. A. the Civil Service Commission has the power to authorize any agency to fill a vacancy by temporary appointment, pending establishment of a register, if such appointment is essential in public interest. "Such appointment shall continue only for such period as may be necessary to make appointment through certification."<sup>13</sup> In case of emergency "when positions must be filled without delay and when time does not permit the securing of prior authority of the Commission, emergency appointments for not more than one month"<sup>14</sup> may be made by an agency without any examination and without the prior approval of the Commission. But no such emergency appointment can, in any case, be extended by the agency without the prior approval of the Commission. Usually temporary appointments are made in the Federal Departments only when there are no eligibles on the Commission's register. A similar practice in dealing with temporary appointment can be followed by the Union Public Service Commission. It may be granted that in some cases the Departments may find it impracticable to wait till the selection is made by the Commission. But the period for which such appointments are allowed does not appear to be desirable. At the most such temporary appointments should continue for a period of six months and in

National Bank Examiner in the office of the Comptroller of the Currency, one Asst. Comptroller (Treasurer), Reconstruction Finance Corporation; *Department of Defence:* Positions in Attache Systems overseas, positions assigned to or in support of special classified training activities. *Schedule B—Dept. of State:* Director and Deputy Director, Foreign Buildings Operation; *Treasury Dept:* Positions of Chief National Bank Examiner, etc. whose salaries are paid from assessments against national banks and other financial institutions and not more than two positions of Accountants (Tax Specialists) at grade GS-13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes; *Dept. of the Air Force:* Civilian Deans and Professors at the Air Force Institute of Tech., Dayton, Ohio. *Schedule C:—Dept of State:* One special Asstt to the Under Secretary for Administration, one Private Secretary to the Secretary, the Chief of Protocol in the office of the Under Secretary, One Deputy Asstt. Secretary in the Bureau of Far Eastern Affairs, Deputy Asstt. Secretary in the office for Policy Planning & Deputy Asstt. Secretary for Personnel; *Treasury Dept.:* One Confidential Asstt. to the General Counsel in the office of the Secretary and certain other positions in Reconstruction Finance Corporation in the office of Production and Defense Lending. (From *Annual Report of the U. S. Civil Service Commission* for 1955 and 1956).

13 U. S. Civil Service Rules Regulations, section 2-302 (a).

14 *Ibid*, Section 2. 303.



no case they should be extended without the approval of the Commission.<sup>15</sup> It would also be worthwhile considering if the system of maintaining registers of eligible candidates in use in the U. S. and Canadian Civil Service Commissions, can meet the needs of various Departments for making temporary or emergency appointments.

## V

Dr. Paul Appleby has made some criticisms on some of the present practices and procedures of the Union Public Service Commission which deserve attention.<sup>16</sup> Regarding recruitment procedure he points out that the "Public Service Commission's present procedure is one that works well for recruitment of a handful persons." The present procedure hampers selection by ignoring differences in individuals which are important for different positions. Dr. Appleby thus advocates a more dynamic recruitment programme. Regarding the present system of promotion he observes that there are absurd requirements of fixed periods of service in one grade before considering promotion to a higher grade. The present procedures regarding promotion are too much in terms of annual reports and seniority, confined to a narrow field, and less in terms of wider and more real competition. Dr. Appleby thinks that "A different, larger, more aggressively promotional and imaginative system can produce many more eligibles than now are found."

The general indictment of Dr. Appleby on the present practices of the Public Service Commission is that "they have made for pettiness, unimaginativeness, inflexibility and a tempo in which a calendar has more relevance than a clock." Such defects are inherent in any organization which is limited by special rules, laws and constitutional provisions as well by uncritical adherence to administrative practices and conventions. Dr. Appleby's criticisms thus underline the need for a competent review of the present practices and procedures of the Union Public Service Commission.

## VI

The expansion of the functions of Government and the new tasks which they have undertaken under the Five Year Plans have thrown in bold relief the necessity for ever-increasing efficiency in public administration. Many of the administrative tasks adumbrated in the Second Five Year Plan such as those relating to ensuring integrity in administration, organising large scale training programmes and developing correct human relations within each department, will have to be actively undertaken by Government themselves. But in other matters like providing incentives and opportunities for creative service and introducing other dynamic personal policies, the Union Public Service Commission can provide guidance to the administration—a function which comes within the scheme of additional powers and functions for the Commission as suggested earlier in this article. In the light of the new administrative tasks contemplated in the Second Five Year Plan and the practices and recent developments in countries like U. S. A. and Canada, it is necessary to review both the constitutional and functional position of the Union Public Service Commission.

<sup>15</sup> It is a healthy sign that the new U.P.S.C. (Consultation) Regulations, 1958, issued recently by the Govt. of India, contain a provision to the effect that all temporary appointments, if, after six months, they are likely to continue for six months more, must be immediately referred to the Commission.

<sup>16</sup> Vide "Re-examination of India's Administrative System with Special Reference to Administration of Government's Industrial and Commercial Enterprises" (Cabinet Secretariat, 1956) pp. 23-27.

## ADMINISTRATION AND LAW

By

HARIDWAR RAI

## I

Individualism was the keynote of the 19th century thought in England. The only legitimate function of Government according to judges and politicians, was the maintenance of order both within and outside the country.<sup>1</sup> Locke's emphasis on the sanctity of private property and rights and the development of theories of *laissez-faire* give it a political philosophy. Law emphasised freedom of contract, freedom of property and freedom of the person. The entire attention of the common law was riveted on the individual.<sup>2</sup> In the words of Lord Justice Denning: "The judges of the 19th century protected the rights of property with as much zeal as they protected a man's personal freedom or his freedom of speech. In doing so they over-emphasised individual rights and neglected to pay attention to social duties."<sup>3</sup> Moreover, constitutional theories like the rule of law and the separation of powers discouraged delegated legislation and administrative adjudication. Executive and administration were not relied upon. Any accretion in the power of administration was looked upon with utmost apprehension and even alarm. In fact, an increase in the power of administration was regarded as leading to a proportionate curtailment of the rule of law. Law and administration were regarded as rival agencies of social control.

The rule of law was considered to require the complete subjection of administration, and attempts to allow it any scope were considered as inroads into the constitutional doctrine. The classic struggle between Parliament and the King for supremacy found its reflection in the alleged conflict between law and administration in the 20th century.<sup>4</sup>

The second half of the 19th century witnessed tremendous change in the socio-political conditions of the British society as a consequence of the impact of the Industrial Revolution. The concentration of large sections of the population in over-crowded cities brought problems of housing, disease and smoke that could not be solved without the intervention of administration. Administration had to step in the interests of public safety and health. This intervention was inconsistent with an unlimited freedom of property. The same thing accounted for the numerous laws on public health and town and country planning, involving the grant of drastic powers over property to public authorities.<sup>5</sup> The extension of the franchise to the working classes by the Reforms Act resulted in the formation of administrations which introduced unemployment, sickness and old age benefits. A new and irresistible urge

<sup>1</sup> G. A. G. Griffith and H. Street: *Principles of Administrative Law*

<sup>2</sup> A. T. Markose: *Judicial Control of Administrative Action in India*

<sup>3</sup> L. J. Denning: *Freedom Under Law*

<sup>4</sup> Barnard Schwarz: *Law and the Executive in Britain*

<sup>5</sup> A. T. Markose: *Judicial Control of Administrative Action in India*



for social security also took its birth by the end of the 19th century. This change in the form of Government as a positive force in society necessitated a tremendous expansion of administrative agencies and authority. Judged in the 18th or 19th century terms the modern democratic state is decidedly hyperthyroid. Everywhere that one turns he finds state activity, and most of this activity is included under the term administration. The welfare theory of the state has necessitated substantial slices of powers of legislature and courts to be conferred on the administrative agencies and tribunals. Legislative and judicial powers have been delegated to administrative departments and agencies.

It is this growth and expansion in the power of the administration and administrative agencies that led to the emergence of administrative law. "The main sources of administrative law are to be found in the Acts relating to public health, housing, town and country planning, social insurance, education etc. All these extend the realm of public administration and regulation to spheres undreamed of by *laissez-faire* individualists of the early mid-Victorian era".<sup>6</sup>

But no sooner did this movement gain momentum than it was realised that there were certain dangers which lie in these developments. Those who believed in *laissez-faire* individualism saw in this movement a trend towards bureaucratic despotism. They discovered in this movement a definite sign of the disappearance of the rule of law with consequent weakening of Parliamentary and judicial authority. It was pointed out that this development was opposed to the rule of law as enunciated by Dicey.

Lord Hewart was the first distinguished critic who opened a new phase of the campaign against this development. His spirited and most virulent attack is epitomised in his "*New Despotism*" published in 1929. *New Despotism* was anticipated by Professor W. A. Robson's acute and stimulating study *Justice and Administrative Law*. Dr. Port's *Administrative Law* was also published contemporaneously with Lord Hewart's. In 1930 Ramsay Muir published his very interesting book "*How Britain is Governed*" in which he criticised powers of bureaucracy which, he alleged, had become all powerful behind the cloak of ministerial responsibility.

The appearance of these works so close together was symptomatic. They defined the nature of the problem for lawyers and others and they indicated the view which it was possible to hold in respect of it.<sup>7</sup> In order to understand this controversy we may look back to the days of Dicey and Anson, the high priests of orthodox constitutional theory. This school saw in the British constitution the climax of political achievement having two pillars—Parliamentary Sovereignty and the Rule of Law. Parliamentary sovereignty meant that Parliament was omnipotent, it could do or undo anything. Englishmen's innate sense of fair play was expressed in legal terms, the rule of law, which meant that everyone from the highest to the lowest must answer for his acts before the ordinary courts, according to the ordinary law of the land.<sup>8</sup> There were no official or administrative courts in England deciding disputes between the administration and the ordinary citizen because there was no bureaucracy. But Dicey's own treatise *Law and Opinion in England*

shows that he was aware of the general trend of the changes which were taking place in the English constitutional structure. In this book, which appeared before the First World War, he sounds a note of alarm that rule of law is under attack.<sup>9</sup> Meanwhile, the appearance of the works of Lord Hewart, Dr. Port and Dr. Robson within the space of a few months showed that the British people were face to face with one of the great issues in the history of their political evolution. Hewart's book symbolises the alarm and anxiety of the head of the historic courts of common law at a new threat to the supremacy of law. Dr. Port has a different approach. He proved that administrative process is a product of the modern social consciousness. He pointed out that the constitutions of continental nations, unlike the British constitution, had established regular systems of administrative law, applied in administrative courts, and that they had more effectively protected the subject against arbitrary official action than the English system had so far been doing.<sup>10</sup>

Prof. Robson is primarily concerned with the alleged conflict between law and administration in the decision of cases between subjects and the state. It is said that a court of law exists to decide private rights, whereas a department of state exists to promote a policy. Prof. Robson is of the view that judicial decisions express judicial conceptions of social policy and it is rarely possible to point to policy decisions which ignore private rights. He, therefore, pleads that the main elements of the judicial process should be extended to decisions by state departments upon private rights. He advocates the establishment of a regular system of administrative courts in order that private rights might be better protected.<sup>11</sup>

Besides Prof. Robson and Dr. Port, there are other authorities who look with gratification upon the increase in the power of administration. They are Prof. Jennings and Prof. Laski. They regard this development with equanimity because they recognise the growth of administrative power as an instrument of planning in a period of rapid social change.

## II

Historically, this movement has been characterised as the struggle between the Crown on the one hand and the legislature and the judiciary on the other. Recently it has taken new form in conflicts between Law and Administration. It is asserted by the supporters of Lord Hewart that increase of administrative power will weaken legislative and judicial authority and will endanger the fundamental liberties of individuals. There are persons like Prof. Hayek who are of opinion that administrative process is inconsistent with the rule of law.<sup>12</sup> This school of constitutional theorists notices an inherent antagonism and dichotomy between law and administration. They regard law and administration as rival agencies of social control. The increase in one means logically a proportionate decrease in the other. This school is of opinion that an administrative state and the rule of law cannot go together. They point out that extreme legal theory, whether represented by National Socialism or Soviet socialism, postulates the disappearance of law as a controlling factor. In fact, these legal theories, they say, are reversions to justice

9 E. C. S. Wade: *Introduction to Dicey's Law of the Constitution*

10 Port: *Administrative Law*.

11 W. A. Robson: *Justice administrative Law*.

12 F. Hayek: *The Road to Serfdom*.

6 W. A. Robson: *Justice and Administrative Law*

7 G. W. Keeton: *The Passing of Parliament*.

8 G. W. Keeton: *The Passing of Parliament*.

without law. This is the concept of the state as power as opposed to the concept of the state as law.<sup>13</sup>

We have no hesitation in agreeing with this school led by Dicey and Hewart that disappearance of law as an agency of social control means the appearance of power state. But we find it difficult to agree with them that there is a basic conflict between legal and administrative justice. "It is true that law and administration have been rival agencies of social control in the Common Law World. But this condition is now a thing of the past. Today both Law and Administration are recognised as complementary not as competing elements of social control".<sup>14</sup> Few will dispute the need for increased power in the administration to cope with modern conditions. But at the same time we cannot but say with Jefferson that "Power is of an encroaching nature. Such power must be controlled by law lest it should become arbitrary". The abrogation of Law as a controlling factor leads to the power state in its most ruthless form. The tendency of equipping the executive with plenary powers over almost the whole field of its activities constitutes a serious threat to the existence of democratic government. "It is not so much the fact that modern Government wields legislative powers which makes the position dangerous, as the fact that these powers are undefined and undefinable. By this method potential dictatorial powers are created by infiltration under the cloak of the constitution".<sup>15</sup> A restriction of delegated powers to actual necessities is a requirement to which both Parliament and Government should give their utmost attention. It should be realised that a transfer of legislative powers is not only a matter of confidence, but also a matter of the utmost constitutional importance.

But the lack of adequate limitations of governmental and administrative powers does not only imply a potential danger for the future, it also seriously affects the existing balance of powers. If the modern Government and its administration have to be effective under Law, everything should be done to keep it within certain bounds. "This end can only be achieved by the exercise of appropriate controls; control by Parliament, which must remain the main legislator, and control by the courts which must be in a position to check abuse of power. But Parliamentary control will always be primarily control of policy and only to a far lesser extent control of actual administrative measures. It is a judicial control and judicial control only which can provide effective protection for the individual against the state by upholding his 'liberties' and thus enforcing the rule of law."<sup>16</sup>

This concept of the rule of law conceived of as the safeguard against governmental power, rests upon certain constitutional ideas. It (concept of the law) presupposes in the first place that there are certain legal principles above the state. This is not to go so far as to assert that the state is limited by a fundamental rule or principle of right and law and there is an objective law superior to government. In our sense we can merely assert that there are certain principles which the State cannot abrogate. These principles are the individual rights of the person. Freedom of person, of belief and expression of opinion are essential characteristics of the law-state.<sup>17</sup>

13 B. Schwarz : *Law and the Executive in Britain*.

14 B. Schwarz : *Law and the Executive in Britain*.

15 Sieghart (Mrs.) : *Government of Decree*.

16 Sieghart (Mrs.) : *Government of Decree*.

17 B. Schwarz : *Law and the Executive in Britain*.

The most important Anglo-American contribution to political science is the fact and concept that law is a bridle upon governmental powers. The liberties of the citizen and the necessity not so much for a separation as for a balance of powers, for the right distribution of powers, are the most important part of a true democratic constitution. Though in theory these doctrines can be done away with but in practice they are above the state and if they are abrogated the rule of law would cease to exist. "Justice according to law is the outstanding feature of the state in which the rule of law prevails. This may appear to be similar to Dicey's first principle. But we differ from him in assuming that the rule of law does not require judicial justice in settling all disputes. What that concept requires is justice according to law either as the determining or the controlling factor".<sup>18</sup> The idea of Dr. Bernard Schwarz is that in so far as disputes are committed to agencies other than courts, judicial control of their determinations is essential. It is only to the extent that judicial justice serves to keep these agencies in line that the rule of law can be said to be maintained. That is why the problem of judicial review of administration is the central one in all discussions of administrative law. In short, the rule of law provides an assurance that the change from the individualistic state to the Welfare State can be brought about without bringing in absolutism. To assume that a democratic polity founded on the rule of law will prove unworkable in a Welfare State is impliedly to assert that only an omniscient Executive is competent to perform the tasks of Government in the type of state to which we are moving.<sup>19</sup>

Here we notice that administrative law poses that most important problem of our time: Authority and the Individual<sup>20</sup>. The problem is how to check the danger of arbitrariness in administrative process and at the same time to ensure that administrative authorities efficiently carry out public policies designed to protect and promote public interest. Dr. James Hart in his book *Introduction to Administrative Law* has observed that from a broad standpoint the problem of administrative law is really one aspect of the central theme of political theory, that is, the reconciliation of authority with liberty. He says that there are three elements of this problem: (1) the public Welfare, which is a general term for the basic interests of all members of the community, (2) administrative efficiency, as means of protecting the public Welfare, and (3) the immediate private interests, whether of persons or of property, that are affected by the given administrative action. The first two of these elements commonly stand in opposition to the third. Dr. Hart suggests an objective which is so to adjust judicial control as neither to hamper unduly the efficiency of the administrative authorities in the exercise of powers designed to protect the public welfare, nor to place private interests unreservedly at the mercy of arbitrary administrative action.<sup>21</sup> Therefore, a vigorous effort to reconcile administrative efficiency with private right is called for. It is the challenge of this as yet unattained reconciliation that gives to administrative law a significance that reaches far beyond its merely technical importance in a country like India.

18. B. Schwarz: *Law and the Executive in Britain*.

19. B. Schwarz: *Law and the Executive in Britain*.

20. Griffith & Street: *Principles of administrative Law*.

21. J. Hart: *Introduction to Administrative Law*.

## ELECTIONS AND ELECTIONEERING IN ANCIENT GREECE.

By

RAJENDRA AVASTHI

"If the citizens of a State are to judge and distribute offices according to merit, then they must know each other's characters; where they do not possess this knowledge both the elections to offices and the decision of law suits will go wrong."—Aristotle, *Politics*, Bk. VII, Ch. IV.

The two important forms of elections, in ancient Greece were elections by lot and those by popular consent. The people of Taras, for example, adopted both these forms of elections, and Aristotle, while commenting on these says: "The example of the people of Taras is especially deserving of imitation. They divide all their offices in two classes, one half of them being elected by vote, the other by lot; the former to ensure good administration, the latter to allow the people some share in it."

The generally prevalent form of election in the Greek city-states was that by lot. The whole administration of the city was in the hands of men appointed by lot or 'by the bean' as they called it. From the serious work of the law-courts to the responsible job of the execution of the laws, from the technical management of public finance to the strenuous functions of the police—all was done by officials selected by chance. The method of election by lot was that the names were put into an urn and drawn out by the Archon.

There was something religious with the essence of the lot. The Greek lived in constant intercourse with his gods; for every work he performed and every decision he made he looked to them for advice and guidance. He needed some sanction for his enterprise and some hint for the result of his labour. The casting of lot, he thought, communicated to him the divine sanctions. People firmly believed in the intervention of the gods in human affairs and were guided by dreams, omens, portents and oracles in private and public life alike. In one of the speeches of Hypersides it is explained how the Assembly once solemnly ordered three men to go and sleep in a temple so that one of them might learn in a dream the opinion of Amphiaraus on a dispute regarding property.

Hence in its origin the lot was religious, and the appointment of priests by lot was a regular custom in Greece. But its constant use for political purposes in Athens secularized it till all recollections of its religious origin withered away and the busy political and legal life at Athens easily forgot all that was religious about the lot.

The essence of the constitution in Athens was the rule of the 'demos' or the people. The demos neither appointed its rulers nor delegated its powers; its sovereignty was not intermittent but was continually exercised. Consequently the position of the Athenian magistrates was quite different from that of the ministers in modern democracy. They were appointed to

carry out the decrees of the people and to obey its command. Unlike the ministers in a modern democracy, they were not the persons to whose wisdom and discretion the votes of the people entrusted the supreme management of affairs. For the demos could not bind itself by any election, to follow any set policy or to adhere to any plan, since it met at least once a month and could be summoned at any time to discuss or even to alter the decisions of a previous meeting. In 428 B. C., for example, the Assembly decided to kill all the men of the revolted Mitylene and sell the women and children for slaves. But during the same night the Athenians became fearful of the decision, and the next day the matter was debated again, resulting in a less cruel sentence. Similarly, in 416 B. C. the Assembly voted for the Sicilian expedition; but five days later, Nicias reopened the question saying: "And you, Prytanis, if you think it your duty to care for the commonwealth and if you wish to show yourself a good citizen, put the question to the vote, and take a second time the opinion of the Athenians. If you are afraid to move the question again, consider that a violation of the law cannot carry any prejudice with so many abettors."<sup>1</sup> Consequently the matter was again submitted for discussion.

The prevalent Greek notion was that the powers of the 'demos' was the same as that of a monarch and so democracy as such could not permit any individual or institution to acquire power independent of the Assembly. The 'tyrant demos' was a stern reality to Thucydides, Plato and Aristotle.<sup>2</sup> J. W. Headlam goes a step further to suggest that it was as much the object of a democrat to weaken all other associations and institutions as it was of a tyrant to kill all other able men, and concludes that this was what the lot did at Athens.<sup>3</sup> The process of election by lot fulfilled the objective of democracy. To the extent the officials thus elected were prevented from being influential, and the supremacy of the Assembly was secured, the lot was democratic. The basis for the choice of persons was not the policy they advocated but their ability and character. Unlike modern elections the question between the candidates was always a personal question and not of a party.

The peculiar character also affords the explanation for the liability to constant prosecution of every public man at Athens. Such political trials and prosecutions furnished the opportunity for the expression of popular favour or distrust. A political person might fail to be in office in election by lot, and yet his ability would still enable him to rule the state. But if condemned on a charge, he would lose his position. That is why, unlike the practices in modern democracy, every decided change in the Athenian policy was marked not by the election of a new ministry but the condemnation of the former in the law-courts. This was possible because the verdict of the law courts was a direct expression of popular feeling. It did not matter much what the statesman was accused of; the jurors had to consider not the act which the accused did but the fact whether he still commanded the confidence of the people. The verdict was not on the accusation but on the whole life of the person. It was a popular vote of confidence or non-confidence on the political career of the accused. During the trial of Demosthenes, Deinarchus tells the jury to estimate the former not by the crimes he has committed but by those he would have committed had he had the opportunity.

<sup>1</sup> Crawley: *Thucydides* p. 412

<sup>2</sup> *Republic*, VI, 493, *Politics*, VI, 4

<sup>3</sup> Headlam, J. W. *Election by Lot at Athens*, pp. 41-42

The drawing of lots for magistrates may today seem so patent an absurdity that it may hardly be conceived that an intelligent people should have devised and maintained such a system. "It is foolish", as Xenophon makes Socrates say "that the magistrates of the city should be chosen by the bean, when no one would dream of drawing lots for a pilot, a mason, a flute-player or any craftsman at all, whose faults are far less harmful than those which are committed in government."

But the system of lot had also some good points. It suppressed the disgrace of the electoral jobbery, and Aristotle cites the example of Heraia in Arcadia where election by popular consent was abolished because it favoured intrigue.<sup>4</sup> Besides, the disadvantages of lot were much diminished in practice. Fear of ridicule checked the incapable from participating; organised oppression was totally out of question since as long as no efforts could ensure election, the members could not have the community of feeling necessary to successful wrong doing; the collegial character of the magistrates ensured an average mean of intelligence, and the nomination of a president introduced the selective principle into the lot itself. The inexperience of the leaders was compensated by the presence of experienced personnel in the government departments. Also, as the system of lot progressed, the system of election was not completely given up but retained an important position.

The process of election of those magistrates who were required to have professional knowledge or pecuniary guarantees was popular voting by show of hands, usually held in open air. The election day was to be fixed by the sooth-sayers in the first *prytany*, after the sixth, when the auspices were favourable. For the approval of the gods was deemed essential. Thus on the 21st of March, 424 B. C. at eight o'clock in the morning preparations were being made for the taking of votes when to the great joy of the opponents of Cleon, an eclipse of the sun caused the matter to be postponed to a later meeting.<sup>5</sup>

There were two qualifications prescribed for the candidates entering the *Ecclesia*. Firstly, the candidate must be an Athenian, or in other words, a citizen. Until the middle of the fifth century B. C. a person born of an Athenian father was taken to be the citizen. But in 451-50 B. C. Pericles laid down the principle according to which only that person was to be regarded as citizen who was born of an Athenian father and an Athenian mother. However, there was also provision for acquiring citizenship in exceptional cases, such as, by rendering outstanding services. Likewise, citizenship could also be lost by civic degradation. Besides being a citizen it was also essential for the candidate to have attained majority, that is, he must be of eighteen years while seeking election. In practice, however, because of two years' compulsory military service, none could aspire to enter into *Ecclesia* before twenty.

Elections by popular consent were, however, not completely free from skill, jobbery and corrupt practices. To quote Demosthenes "those who aspired to elective offices and the rank which they bestowed, slaves of the approval which bestowed their votes, went from one to another, each dreaming of being sworn a *strategos*". They were also not free from propaganda techniques, and many a man could be seen depending on eloquence while canvassing for himself. Some would employ pathetic devices,

<sup>4</sup> *Politics*, VIII, 2, 9.

<sup>5</sup> Cf. Glotz, G.: *The Greek City and its Institutions*, p. 215.

and an old soldier could be noticed uncovering his breast and displaying his scars, while others in cynical fashion would appeal to the venality of the electors.<sup>6</sup>

But it would be wrong to conclude that jobbery was a greater evil in Athens than in any other democracy, whether ancient or modern. In many elections, there was no trace of it. Too often the propaganda techniques failed to gain ground because the Athenians were not incapable of wise choice. Aristotle comments: "All claim political ability and think they are quite competent to fill most offices."<sup>7</sup> Investigations prove that the highest functions which involved greatest responsibility were generally confided to men of intelligence. Plutarch points out that Phocion, who never sought election from his own choice and always despised the multitude was appointed *Strategos* forty-five times. The case of Pericles, who for more than thirty years enjoyed the supreme power, is another example that the people were competent to assess the seriousness of purpose and could not be swayed by propaganda techniques. To ensure this, even after elections, the magistrate could not enter into the office until they had been subjected to the preliminary test or '*dokimasia*' as they called it.

During Aristotle's time, with one exception, the test was generally conducted by the tribunal. The exception was in the case of the nine archons for whom a preliminary examination in the Council of Five Hundred was prescribed. In the fifth century B. C. the supreme authority of pronouncing judgment was vested in the Council, but during the century that followed, the provision was made that the magistrates disapproved by the Council could appeal to the tribunal which should give the final decision. The '*dokimasia*' of the archons began by questioning the future magistrate on his birth and family; by further questions it was ascertained whether he was the member of the phratry, the issue of a good and ancient line, participated in the cult of Apollo Patroos and of Zeus Herkeios, possessed family tombs etc.; finally, he was asked about his private and public life—whether he behaved well with his parents, paid his contributions and performed his military obligations.

After he had answered the questions, the candidate was asked by the president to furnish witnesses in support of his statement. If, however, any witness charged him of mis-stating the facts, the president heard the statement, from both the sides—from the side of the accuser and of the accused. Then a vote was taken, by show of hands in the Council and by secret ballot in the tribunal. In case there was no accused, the process of voting followed immediately. In the beginning this vote was just a formality and a single judge could decide the matter. But later on, the provision was made that all the judges should vote so that if a dishonest candidate had succeeded in escaping accusation it should be still in the hands of the judges to exclude him.

Besides all these general questions put to the Magistrates-elect, some specific questions were also put according to magistracies, since for a great number of them special conditions were imposed. In regard to the significance of these questions, it may be explained that though the questionnaire was restricted in form, it was not so in reality. It was easy to extend it

<sup>6</sup> Cf. *Ibid*, p. 216.

<sup>7</sup> *Politics*, IV, 4, 18.

to cover the whole life of the new member and to get it submitted to the scrutiny of all the citizens. This was deemed good since it kept back the unworthy—undutiful sons, bad soldiers, bad tax-payers and the enemies of democracy.

The provisions of these tests not only ruled out the evil effects of lot but also rigidly limited the scope for electioneering. The conspicuous absence of party organizations for purposes of elections was a salient feature. There was no system by which a leader could keep a regular register of the names of his followers and arrange how best to use their votes. Even a public meeting outside the Assembly was looked down upon with suspicion. For any attempt to organise private associations and to make them permanent was considered contrary to the spirit of the constitution as 'oligarchic'.

Such prejudice against party organisations was a logical corollary of the principle that the 'demos' must govern. For, the presence of such organisations would have curtailed the importance of the meeting of all citizens in the Assembly. They would have drawn up a policy in their preliminary meetings, persuaded their members to vote in a particular way, and as a result of all this the deliberations of this Assembly would have lost something of their reality. People would have felt that questions had really been decided somewhere else. Hence, in spite of the fact that there was no law against such organizations, there was a reasonable prejudice against any meeting of citizens outside the Assembly. The bulk of the multitude present at the meeting came to hear the matter discussed with what is called 'an open mind'. They were free to give their vote according to their own feeling after they had listened to the arguments on both the sides. Consequently, the violence of party conflicts was mitigated, and faction and disorder discouraged.

Hence the success of these methods of elections lay in the fact that the civic life in Athens was essentially democratic. As Freeman comments, in Athens was the first instance the world ever saw of the substitution of law for force.<sup>8</sup> Pericles explains: "While we are constrained in our private intercourse, a spirit of reverence pervades our public acts; we are prevented from doing wrong by respect for authority and for the laws, having a special regard to those which are ordained for the protection of the injured, and to those unwritten laws the breaking of which brings admitted shame."<sup>9</sup> The source of such feeling and reverence for the law was, as Glover explains, "the equation between city and citizen."<sup>10</sup> The citizen was the city. He did not break the laws because he was himself the maker of those laws and the laws were expression of his own will, and as such suited him admirably. "You will find united in the same persons" says Pericles, "an interest at once in private and in public affairs." "For we alone," he continues, "regard a man who takes no interest in public affairs, not as a harmless but as a useless character; and we, Athenians, are able to judge, at all events, if we cannot originate. We do not look on discussions as a hindrance to action; the real impediment to action is the want of that knowledge which discussion should give before-hand. We have a peculiar power of thinking before we act, and then of acting."

Every Athenian who participated in the Assembly bore a high sense of responsibility and would speak on the subject only when he had understood

it and had come to a clear-cut solution for the problem. An incident narrated by Demosthenes would not be out of context to substantiate this point. In 339 B. C., when Phillip, suddenly slipping through Thermopylae, occupied *Elateia*, the whole city of Athens was suddenly alarmed. "It was evening," narrates Demosthenes, "and some one had come to the *prytanis* with the news that *Elateia* had been taken. Upon this, they rose from the supper without delay." All from the trumpeter to the general, from the ordinary citizen to the member of the Council, were summoned, and on the morrow at the break of day "the whole people was seated on the hillside. And now when the Council had arrived, and the *prytanis* had reported the intelligence which they had received, and had brought forward the messenger and he had made his statement, the herald proceeded to ask, 'Who wishes to speak?' But no one came forward. The herald repeated the question many times; still no one rose. The generals were all present, and all the orators, and the voice of their country was calling for someone to speak for his deliverance." It was not a question of a mere well-wisher to come forward and speak. "But that crisis and that day called for one who had followed the course of events closely from the first and had come to a true conclusion as to the motive and aim of Phillip in so acting. For no one, who was unacquainted with these, and had not scrutinised them from an early period, was any the more likely to know what should be done."<sup>11</sup> Such was the sense of responsibility in the Athenian. No body technically responsible on any occasion, but invariably somebody 'who had followed the course of events from the first' and had 'scrutinised them from an early period', 'and had come to a true conclusion', could only think of himself competent to speak and advise, not otherwise. Mistakes were, of course, made, for the Greek was not infallible, but they were few, and Freeman comments that "this mob, clothed with executive functions, made one of the best governments which the world ever saw. It did not work impossibilities; it did not change earth into paradise, or men into angels . . . surely, that government must be called a good one which is a marked improvement upon every government which has gone before it".

In conclusion, it may be summed up that the government of the fifth century Athens was based on two principles: first, the 'demos' which was, under its own laws, sovereign and responsible to none; second, since the 'demos' had many other things to do besides to rule, its work was to be done by as many representatives as could be conveniently secured, subject to its own approval and corrections at stated intervals. For, though complete self-government was the ideal, yet Athenians realized, to adopt the saying of Lincoln, that you can make some of the people rule all the time, and all the people rule some of the time, but that you can never get all the people rule all the time. The prevalent method of election fulfilled both these needs.

<sup>11</sup> Demosthenes, *On the Crown*, Tr. by Pickard-Cambridge, pp. 169-172.

<sup>8</sup> Cf. His *Historical Essays*, ii, p. 130.

<sup>9</sup> *Thucydides*, ii, 37.

<sup>10</sup> Cf. His *Democracy in the Ancient World*, p. 62.

## THE SPECIAL POSITION OF JAMMU AND KASHMIR IN THE INDIAN CONSTITUTION

By

BODH RAJ SHARMA

Every one who goes through the 273 pages of the Indian Constitution<sup>1</sup> will be struck by the peculiar position of the Jammu and Kashmir state. Beginning with page 3 one comes across at least 77 footnotes which explain how the provisions of the Constitution are to be modified or interpreted in their application to this state. It is one of the fourteen states which make up the Union of India<sup>2</sup> and is enumerated as number 14 state in Schedule 1 of the Constitution. Part VI of the Constitution deals with these 14 states. But the very first article (i.e. Art. 152) of this part reads as follows:

"In this part, unless the context otherwise requires the expression, 'State' does not include the state of Jammu and Kashmir."

All this should make every student of the Indian Constitution curious to know the reasons for the special treatment accorded to this state. An attempt has been made in the pages that follow to explain and justify the causes responsible for this special treatment.

The state of Jammu and Kashmir has an area of 85,861 sq. miles (almost equal to England, Scotland and Wales put together) and has a population of 4,410,000.<sup>3</sup> Its old history is chronicled in Sanskrit verses in the *Rajtarangini* composed by the celebrated historian Kalhan. He relates the story of Kashmir till the 14th century when Buddhist and Hindu rulers ruled over it.<sup>4</sup> After four centuries of Muslim rule it was conquered by Maharaja Ranjit Singh of the Panjab in 1819. Soon after his death in 1839 the East Indian Company defeated the then Sikh ruler of the Panjab who ceded Kashmir to the Company in lieu of Rupees One Crore (about two million dollars), the war indemnity imposed upon him. The Company sold Kashmir to Raja Gulab Singh, the Dogra Governor of Jammu.<sup>5</sup> The Dogra dynasty ruled over this state till 1949. Kashmir had almost the same political relations with the Paramount Power (the British Crown) as the other native states of India. These relations came to an end on the 15th August, 1947, when the British handed over the governance of India to the two new dominions of India and Pakistan.

On quitting India the British government gave freedom to the Indian states to accede to India or to Pakistan or to set up as sovereign independent

states.<sup>6</sup> By the 15th August, 1947 all except three states having geographical contiguity with India, had acceded to India on the three subjects of Defence, External Affairs and Communications.<sup>7</sup> The three states which had not acceded to India were Junagadh, Hyderabad and Kashmir. All these acceding states had also entered into standstill agreements with India. The Ruler of Kashmir offered to enter into standstill agreements both with Pakistan and India. Pakistan signed such an agreement but India did not show much anxiety to do so.<sup>8</sup> India had announced that it would enter into standstill agreements only with those states which had signed the Instrument of Accession.<sup>9</sup> Kashmir had not acceded to India, so there could be no standstill agreement with it.<sup>10</sup> Then circumstances, too strong for the ruler of Kashmir compelled him to accede to India.

On the 22nd October, 1947 tribesmen who were assisted by soldiers and officers of the Pakistan army invaded Kashmir. On the 24th, the Maharaja felt quite helpless and requested the Government of India for help against this naked aggression. On the 26th he requested the Governor-General of India, to accept the accession of his state to India. This request was supported by the leaders of the National Conference,<sup>11</sup> then present in Delhi. Lord Mountbatten, the Governor-General of India accepted the accession of the state but said that the accession would be finally settled after a reference to the people of Jammu and Kashmir.<sup>12</sup> Thus Kashmir became a legal part of India in the same way as the five hundred and fifty and odd other native states had become, viz. through their rulers signing an Instrument of Accession and its acceptance by the Government of India.

India sent its forces to defend Kashmir. The tribal raiders and their helpers had to flee from the Kashmir valley but because of the mountainous nature of the territory fighting continued for about fifteen months. On the 31st December, 1947, India took the matter to the Security Council. The Security Council appointed a Commission who were successful in persuading Pakistan and India to order a cease fire effective from January 1, 1949. Both India and Pakistan also accepted the proposals of the Commission (U. N. C. P. I.) contained in their resolutions of the 13th August, 1948, and 5th January, 1949. According to these resolutions the future of Kashmir was to be decided by a free and impartial plebiscite under the United Nations auspices. But the plebiscite was to be held when Pakistan and India had withdrawn their troops from the state territory. Pakistan was to withdraw its troops first. But Pakistan has not withdrawn its troops up to this day. The so called Azad Kashmir troops are in illegal occupation of one third of the state territory and so no plebiscite has been held so far. Since Pakistan

6 Cabinet Missions' statement of 16th May, 1946, paragraph 14, and Sir Stafford Cripps' statement of 16th May, 1946. See Appendix VII to the *Transfer of Power to India* by Menon, Orient Longmans Ltd., 1957.

7 *White paper on Indian States*, Manager of Publications, Delhi, 1950, p. 36.

8 Menon : *The Integration of Indian States*, 1956, p. 395.

9 *White Paper on Indian States*, p. 36.

10 An exception was, however, made in the case of the Hyderabad state.

11 The All Jammu and Kashmir National Conference was the most powerful political party in the State with Sheikh Abdullah as its leader.

12 Menon : *Integration of Indian States*, p. 400.

13 *The Constitution of India*, published by the Manager of Publications, Delhi, 1949.

1 *The Constitution of India* (as modified up to the November 1, 1956) published by the Manager of Publications, Delhi, 1956.

2 Article I, sub-clauses 1 and 2, Constitution of India.

3 *India*, (A Reference Annual), 1958, published by the Publications Division, Government of India, p. 444; also footnote page 444.

4 Menon, V. P. : *The Integration of Indian States*, Orient Longmans Limited, 1956, p. 390.

5 Menon V. P. : *The Integration of Indian States*, p. 391.



has not allowed India to carry out its plighted word, India has been forced to make special provisions in its constitution for the state of Jammu and Kashmir.

In the Indian Constitution<sup>13</sup> which was adopted on 26-11-1949 and which went into force on 26-1-1950 the territory of India was to comprise the territories of the states specified in Parts A, B and C of the I Schedule of the Constitution and of territories in Part D of this Schedule.<sup>14</sup> The state of Jammu and Kashmir was one of the eight states specified in Part B of this Schedule. All these Part B states were governed by Article 238 of the Constitution. But the Jammu and Kashmir state was not so governed. For this state the Constitution-makers drafted a special article—Article 370. According to Article 370 the Parliament of India can exercise limited law-making power so far as the Jammu and Kashmir state is concerned.<sup>15</sup> In the case of the other 13 states 9 as reorganized on 1-11-1956, the Indian Parliament can make laws on all subjects enumerated in the Union and the Concurrent lists.<sup>16</sup> But for the Jammu and Kashmir state the Parliament can make laws only on those matters in these two lists which in consultation with the government of this state are declared by the President to correspond to matters specified in the Instrument of Accession of the state and on such other matters in the two lists which the President may, with the concurrence of the state government, specify in his order.<sup>17</sup>

Article 370 also stipulates that only two articles of the Indian Constitution will apply in full to this state and that other provisions of the Constitution will apply to this state with exceptions and modifications specified by the President in his Order and that all such Orders of the President shall be issued either in consultation with or the concurrence of, the government of the state.<sup>18</sup> The President can, however, by public notification declare that Article 370 ceases to be operative from a particular date.<sup>19</sup> This means that this is a temporary provision and will be withdrawn as soon as the people of the state have given their verdict on the issue of accession.

The President of India has so far issued only five Orders. The first was issued on 26-1-1950. The second and third orders were amendments of the first order and were issued on 20-3-52 and 15-11-1952 respectively.<sup>20</sup> The fourth order was issued on 14-5-54.<sup>21</sup> The fifth order of the President is known as "The Constitution (Application to Jammu and Kashmir). Second Amendment Order, 1958, was issued on 26-2-1958 and amends the order of

14 Article 1 clauses 2 and 3.

15 See article 370 clause 1 (a).

16 Article 246 clauses 1 and 2.

17 Article 370 clause 1, sub clause (b) (i) and (ii).

18 Article 370 clause 1, sub clauses (c) and (d).

19 See "General Rules and Orders under the Constitution," published by the Manager of Publications, Delhi, 1951, pp. 159-163.

20 See "Orders issued under the Constitution of India," Manager of Publications, Delhi, 1955, pp. 325 and 327.

21 *Ibid*, pp. 332-339.

14-5-1954.<sup>22</sup> On 15-11-1952 was also issued a Declaration under Article 370 (3).<sup>23</sup>

According to the President's order of 26-1-1950 Parliament could make laws applicable to the Jammu and Kashmir state only on matters specified in 39 entries out of 97 in the Union list. Some of these 39 entries had to be further modified so that they may correspond to matters specified in the Instrument of Accession of the state. Any law enacted by Parliament on any of the matters specified in the 47 entries of the concurrent list was not applicable to this state.

According to this order the following parts of the Constitution were made wholly inapplicable to this state:—

1. Part II (Citizenship).
2. Part III (Fundamental Rights).
3. Part IV (Directive Principles of state policy).
4. Part VI (States in Part A of the I Schedule).
5. Part VII (States in Part B of the I Schedule).
6. Part XIII (Trade, Commerce and Intercourse within the territory of India).
7. Part XIV (Services under the Union and the States).
8. Part XVIII (Emergency Provisions).
9. Part XXII (Short Title, Commencement and Repeals).
10. Schedules I, IV, V, VI, VII and VIII.
11. The Preamble.

Of the remaining 13 parts<sup>24</sup> the following articles were not applicable in whole or in part or were applicable with modifications.

1. Part I (The Union and its Territory) Articles 2,3,4—not applicable.
2. Part V (The Union)
  - (i) Art. 133-136, 138, 149-150—not applicable.
  - (ii) Art. 72, 145 and 151—applicable in parts.
  - (iii) Art. 80 and 81—applicable with modifications.
3. Part XI (Relations between the Union and the States).
  - (i) Art. 247-252, 260, 262, 263—not applicable.
  - (ii) Art. 246, 257—applicable in parts.
  - (iii) Art. 246 (i) and 252. Applicable with modifications.
4. Part XII (Finance, Property, Contracts and Suits).
  - (i) Art. 264-265, 268-281, 286-291, 291, 293, 295, 296 and 297—not applicable.
  - (ii) Art. 267 and 283. Applicable in parts.
  - (iii) Art. 266, 282, 284, 298-300—applicable with modifications.
5. Part XV (Elections).
  - (i) Art. 325-329. Not applicable.
  - (ii) Art. 324—applicable with modifications.
6. Part XVI (Special provision relating to certain classes)
  - (i) Art. 332-333, 337-342—not applicable.
  - (ii) Art. 330, 334, 335—applicable with modifications.

22 See the *Government of India Gazette*, Part II, Section III Sub Section (i) dated February 27, 1938.

23 See "Orders issued under the Constitution of India".

24 The Constitution of India has 22 parts in all.



7. Part XVII (Official Language). The nine articles (Art. 343-351) were to apply only in so far as they relate to the official language of the Union and to proceedings in the Supreme Court.
8. Part XIX (Miscellaneous)
  - (i) Art. 362, 363, 365—inapplicable.
  - (ii) Art. 361, 364—applicable with modifications.
9. Part XX (Amendment of the Constitution)
  - Art. 368. No amendment to have effect in this state unless made applicable by a special order of the President under Art. 370 (1).
10. Part XXI (Temporary and Transitional Provisions)
  - (i) Art. 369, 371, 373, 376, 378—not applicable.
  - (ii) Art. 374, 388—applicable in parts.
  - (iii) Art. 379, 389-90—applicable with modifications.

Thus we see that under this order 235 articles of the Constitution were wholly inapplicable, 9 were applicable in parts and 29 were applicable with modifications.

This long list of constitutional provisions wholly or partly inapplicable to Jammu and Kashmir conclusively shows that this state had a special status in the Indian Constitution on 26-1-1950. It was not a part and parcel of India in the same sense as other states were. The question, therefore, arises, "why was it so?" And the answer once more may be repeated that it was due to the special conditions of this state. The ruler of this state had signed the Instrument of Accession as the rulers of about 650 other states had done. But in the case of this state the Governor-General of India while accepting the accession of the state had said that the people of the state will be asked to confirm the accession. The Prime Minister of India repeated the same promise in his broadcast talk on 2-11-1947 i.e. just seven days after the accession.<sup>25</sup> India agreed in the resolutions of August 13, 1948 and January 5, 1949, to decide by plebiscite the future status of this state. But the people—all the people of Jammu and Kashmir including those living in the so called Azad Kashmir—have not been allowed so far to exercise their right of plebiscite by Pakistan. Up to 1-1-49 the tribal raiders and Pakistani nationals and members of the regular army of Pakistan were fighting against Indian forces on the territory of Jammu and Kashmir. On 1-1-49 the cease-fire became operative and Pakistan started withdrawing its regular army personnel, its nationals and tribal raiders. But the aggression on the Azad Kashmir territory has not yet been vacated. One third of Kashmir is still under the heels of the aggressor. Up to 26-1-1950 India could not hold the plebiscite because peaceful conditions had not been restored in the whole of Kashmir. So the President issued his order of 26-1-1950 which recognised the special conditions of the state and gave it a special status. Had Pakistan withdrawn its troops even later, India would have referred the question of accession to the people. Only after the people had confirmed the accession of the state, India would have applied the whole of its constitution to this state. But as the Pakistan troops (Azad Kashmir army) did not withdraw India adopted the next best course. India decided to bring into being a Constituent Assembly in the state. For this purpose elections based on Universal adult franchise were held in that part of the state which was free from the heels of the aggressor. Foreign journalists and observers who had mustered strong in the state declared with one voice that the elections held

<sup>25</sup> Menon : *Integration of Indian States*, 1956, p. 404.

in 1951 were fair and free. The people of Kashmir, almost unanimously reposed their confidence in the All Jammu and Kashmir National Conference. This assembly was mainly elected to frame a Constitution and to finalize administrative arrangements with the Union Government.<sup>26</sup> It arrived at arrangements with the Centre in July, 1952, which later on were incorporated in the President's order of 14-5-1954.

But even till the end of 1953 India was willing, nay even anxious, to hold a plebiscite because its honour was at stake. Even on the 7th August, 1952, the Prime Minister of India declared in the House of the People that he would abide by the decision of the people of Jammu and Kashmir on the accession issue.<sup>27</sup> On the Independence Day, 15th August, 1953, he reaffirmed this commitment in a public speech. Six days later was issued a joint communique by the Prime Ministers of India and Pakistan declaring that the future of Kashmir would be settled according to the wishes of the people, that is by a fair and impartial plebiscite. The response in Pakistan to this joint communique was front page editorials against India. Warnings were issued against Hindu hypocrisy, treachery and deceit.<sup>28</sup> This naturally perplexed the Indian leaders. But even these uncalled for attacks would not have mattered if the aggression on Azad Kashmir had been vacated, and India would still have honoured its pledge.

But a more serious thing happened now. Towards the end of 1953 it was given out on high authority<sup>29</sup> that the United States had decided to grant military aid to Pakistan. This news had already been published in 'the Dawn' in a leading article.<sup>30</sup> India naturally felt perturbed because this would change the whole political and military balance in this region. The acceptance of this aid by Pakistan was a very serious matter for India. This would make Pakistan potentially a war area. War was likely to come to the frontiers of India and what was worse the military aid could be used against India.<sup>31</sup> In his letter of the fifth March, 1954, to the Prime Minister of Pakistan, Pandit Nehru said, "I can only repeat that the decision to give this aid has changed the whole context of the Kashmir issue, and the long talks we have had about this matter have little relation to the new facts which flow from this aid..... You yourself have stated that this military aid will help in solving the Kashmir issue. This can only mean that you wish to settle this cause by force of arms".

This military aid changed the entire attitude of India. India now lost all hope of aggression ever being vacated by Pakistan or a plebiscite ever materializing. When, therefore, the Constituent Assembly of Kashmir passed unanimously on 15-2-1958 a resolution endorsing the accession of the state to India, India accepted it as the decision of the people of Kashmir. It now marched ahead towards closer integration of the state and on the 14th May, 1954, the President of India issued his fourth order under Art. 370 of the

<sup>26</sup> See *Elections in Kashmir*, Publications Divisions Government of India, 1957, p. 6.

<sup>27</sup> On the occasion of the debate on the Delhi agreement on Kashmir.

<sup>28</sup> *Far Eastern Survey* November, 1953, p. 163. "The changing scene in Kashmir" by Norman D. Palmer.

<sup>29</sup> *New York Times*, December 11, 1953.

<sup>30</sup> *The Dawn*, Karachi, December 9, 1953.

<sup>31</sup> Pandit Nehru's speech at the Kalyani session of the Indian National Congress, January 23, 1954.

Constitution. According to this order 98 more articles of the Constitution of India were extended to the Kashmir state.

According to this order the Preamble to the Constitution was made applicable to the state. Parts I,<sup>32</sup> II<sup>33</sup> and III<sup>34</sup> were made wholly applicable with the following exceptions. In Art. 3 of Part I no bill could be introduced in Parliament for increasing or diminishing the area of this state or for altering its name and boundaries without the consent of the state legislature. In Part II a proviso was added to Art. 7 authorizing the state legislature to make laws for issuing permits of re-settlement or permanent return to permanent residents of this state who had migrated to Pakistan territory. Part III was applied with four important modifications. In Art. 19 the state legislature was empowered to impose such restrictions on the exercise of rights relating to freedom of speech and expression, right to form associations and unions and to move freely within the state as may be necessary to safeguard the security of the state for five years beginning from 14-5-1954. Secondly, in Art. 22 the state legislature and not the Parliament of India was to fix the maximum period of detention and to prescribe the circumstances under which a person may be detained for a period longer than 3 months. Such a law of Preventive Detention was not to be declared void if it was inconsistent with the Fundamental Rights enumerated in Part III. Thirdly, Art. 31 was modified to protect the land reform laws of the state under which no compensation is payable for property acquired by the state government. Fourthly, another article 35-A was added to Art. 35 which authorized the state legislature to enact laws defining 'permanent residents' of the state and conferring upon such citizens privileges regarding employment under the state government, acquisition of immovable property and settlement in the state.

Almost the whole of Part V<sup>35</sup> was now made applicable. The Supreme Court was given practically the same jurisdiction in Jammu and Kashmir as in other parts of the country. Modifications relating to Articles 54, 55, 80 and 81 were to be practically the same as in the order of 26-1-1950. The Comptroller and Auditor-General of India, however, was not given control over the accounts of this state as he had under Art. 149-151 over the rest of India. Almost the whole of Part XI<sup>36</sup> was made applicable now except that the laws passed by Parliament on matters residuary or in the national interests could not apply to this state.

Most of the provisions of Parts XII<sup>37</sup> and XIII<sup>38</sup> were now made applicable. The financial relationship as well as the allocation of taxation powers between the Centre and this state now became the same as between the Centre and other Part A and B states. Customs duties levied by the state Government were now to be removed.

But quite a sizeable part of the Constitution was still not to apply. Parts IV<sup>39</sup> and XIV<sup>40</sup> in their entirety were not to apply. In Part XV<sup>41</sup> only

32 Part I, The Union and its territory.

33 Part II, Citizenship.

34 Part III, Fundamental Rights.

35 Part V, The Union.

36 Part XI, Relations between the Union and the States.

37 Part XII, Finance, Property, Contracts and Suits.

38 Part XIII, Trade, Commerce and Intercourse within the territory of India.

39 Part IV, Directive Principles of State Policy.

40 Part XIV, Services under the Union and the States Elections.

Art. 324 was to apply and that also in the same modified form as under the order of 26-1-1950. Almost the whole of Part XVI<sup>42</sup> was not to apply. As regards Part XVII<sup>43</sup> its provisions were to apply only in their relation to the official language of the Union, the language of proceedings in the Supreme Court and the language of Communication between the Union and the States. Part XVIII<sup>44</sup> was made applicable with important modifications. Under Art. 352 the President could proclaim an emergency in this state only at the request of or with the concurrence of the state government. No proclamation could be issued under Art. 356 (Breakdown of Constitutional machinery) and Art. 360 (Financial Emergency).

Part XIX<sup>45</sup> was to apply with several modifications. To Art. 367 was added a long clause defining the meaning of several words and phrases as applicable to this state. The most important article in this Part (Art. 365) was not made applicable. In the case of this state the President was not empowered to hold that the Constitutional machinery had broken down if the State Government failed to comply with or to give effect to the directions of the Union Government. Part XX<sup>46</sup> was to apply with the same modification as under the order of 26-1-1950, i. e. the President must issue a special order under Art. 370 to make any constitutional amendment applicable to this state. Almost the whole of Part XXI<sup>47</sup> was made inapplicable to this state. Art. 370 in this part had been drafted specially for his state and so was applicable. Art. 371 in this part which placed all Part C states for 10 years (1950-1960) under the general control of the President was not made applicable to this state. In Part XXII<sup>48</sup> only Art. 393 was made applicable.

So far as the nine Schedules are concerned, the V<sup>49</sup> and VI<sup>50</sup> Schedules were not made applicable at all. The Second,<sup>51</sup> Third,<sup>52</sup> Seventh<sup>53</sup> and Ninth<sup>54</sup> Schedules were made applicable with modifications. The concurrent and the State lists in the VII Schedule were not made applicable at all. So far as the Union list is concerned 76 entries out of 97 were made applicable. Entry 97 relating to residuary legislative powers of the Union was not made applicable. Entries 78 and 79 were not made applicable and the state government was invested with the power to organize and extend the powers of its High Court. Entries 52 and 54 were not applicable and the state government was to continue to control its industries and to regulate its

41 Part XV, Elections.

42 Part XVI, Special provisions relating to certain classes.

43 Part XVII Official language.

44 Part XVIII, Emergency Provisions.

45 Part XIX, Miscellaneous.

46 Part XX, Amendment of the Constitution.

47 Part XXI, Temporary and Transitional Provisions.

48 Part XXII, Short Title, Commencement and Repeals.

49 V Schedule, Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes.

50 VI Schedule, Provisions as to the Administration of Tribal Areas in Assam.

51 II Schedule, Provisions regarding the President and Governors.

52 III Schedule, Forms of Oath or Affirmations.

53 VII Schedule, The Union, State and Concurrent lists.

54 XI Schedule, The Land Reform Acts (Art. 31B).

mines and mineral development. Similarly entries 8,<sup>55</sup> 9,<sup>56</sup> 33<sup>57</sup> and 34<sup>58</sup> were not made applicable.

This process of integrating Jammu and Kashmir with India was further extended by the President's Order of 26-2-1958. Under this order the jurisdiction of the Comptroller and Auditor-General has been extended to this state. Parts XII and XIII have been extended with a minor modification about the date of application. The whole of Part XIV has now been made applicable. Thus the state will be integrated in the matter of All India Services also with the rest of India. The Lok Sabha also has recently passed a bill on this subject. Parts XIX and XXI have been made in a few articles in these parts. Similarly, four more entries in the Union list, viz. entries 33, 34, 60 and 76 have been extended to this state.

But there are still some important provisions of the Constitution which do not apply to this state. The state has a Constitution and a flag of its own. All states have the same pattern of Constitutional structure as given in Part VI<sup>59</sup> of the Constitution which can be amended according to the procedure laid down in Art. 368. But the Constitution of the Jammu and Kashmir state has been drafted by its own Constituent Assembly and can be amended by it alone. The Head of this state is not called a Governor but the Sadr-i-Riasat and is elected for five years by its Legislative Assembly.<sup>60</sup> He is then recognised by the President of India. The Head of the Government of this state is called the Prime Minister of Kashmir while the Heads of all other state governments are called Chief Ministers. The Election Commission of India does not superintend, direct and control the elections to the legislature of this state. This state has its own Election Commission. The Fundamental Rights still do not apply to this state in their entirety. This state gives special privileges to its own citizens regarding residence, property and service under government. No one can move about in this state without a permit from the state government. Similarly there are several other articles of the Constitution (referred to above) which do not extend to this state yet.

But all these differences and peculiarities can be easily explained. They are there because this state is under constant threats of invasion from our neighbour. Even the ex-Prime Minister and Ministers of the central and state governments of Pakistan indulge in these threats. Moreover a part of its territory is still under foreign occupation. Thus the state of emergency is not yet over. But step by step the state is stepping into the position occupied by other states of India. The debates on Kashmir in the Security Council and the visits of U. N. agents to India and Pakistan have lost their importance for India. The only realistic solution of the problem is that Azad Kashmir should merge with Pakistan and its friends should recognise that the rest of Kashmir is a part and parcel of India, legally, constitutionally and politically. That will usher in an era of friendly relations between India Pakistan and help in stabilizing peace in this area. That will incidentally end the special position of Jammu and Kashmir in the Indian Constitution.

55 Entry 8, Central Bureau of Intelligence and Investigation.

56 Entry 9, Preventive Detention.

57 Entry 33, Acquisition of Property for the Union.

58 Entry 34, Courts of Wards for the estates of Rulers of Indian States.

59 Part VI The States.

60 See *Elections in Kashmir*, Publications Division, Delhi, 1957, p. 6.

## A DECADE OF PARLIAMENTARY LIFE IN BURMA

By

R. SRINIVASAN

### I

The present crisis in Burmese parliamentary life gives a convenient stopping place to evaluate a decade of Burmese experiments in running an independent parliament. The breakdown no doubt was due more to the ruling party's split than to any innate defects in parliamentary life. The period under review witnesses the growth of a number of traditions being built up. But it also shows the difficulties of introducing parliamentary institutions to countries which are faced with vast economic and social problems. Successful working of parliamentary institutions in South East Asian countries is beset by a number of difficulties. The vast economic and social problems which require speedy and effective solutions may overshadow the need for a parliamentary body.

### II

The Burmese Constitution provides for the usual two Chambers which have almost equal powers in all matters of legislation, excepting money bills. A joint sitting resolves any conflicts that may arise between the houses. As in other parliamentary governments, the Cabinet is the link between the President and the Legislatures. More than in any other parliamentary democracy the Cabinet in Burma occupies an unusually important place and this for the following reason.

The Shan, the Kachin, the Karen and the Karenni states have State Councils in which the members are those who represent their respective states in the parliament. The Union Minister for the Shan State (for example) is the Head of the Shan State and is in charge of both the administration and the government. Similar is the position of the Union Ministers of the Kachin, the Karen and the Karenni States. Thus the ministers are not merely the Union Ministers for the States but also head the government of their respective states. Should a Cabinet at the centre lose its hold over the majority in the Legislature and resign, its resignation would mean that the states would be simultaneously deprived of governmental chiefs. Not only do the states have no ministers, in case of a Cabinet dissolution at the centre the entire council is dissolved as these councillors have a seat in the parliament as well. "The chain reaction shows clearly the extent to which the constitutional machinery of the State is dependent on the Union Ministry."<sup>1</sup>

Thus the Cabinet is central to the Burmese Union and a rift in it can spread dislocation of political life throughout the country. The Cabinet is the central arch of the bridge connecting not only the Parliament and the Executive, but the states and the union as well. If the cabinet is the central arch, the

1 N.A. Subramaniam, "Some Aspects of Burmese Constitutional Law", *Indian Year Book of International Affairs*, 1956.

Prime Minister (to use a well-worn expression) is the keystone of the central arch. The Premier, U Nu, is a Buddhist with Marxist leanings as are most of his colleagues. Also the Prime Minister was the President of the Anti-Fascist Peoples' Freedom League till very recently.<sup>2</sup> It is debatable if this is a sound practice. It is certainly not in conformity with Western political party and parliamentary practice where the chairman of the political party is never the Prime Minister. The Prime Minister of Burma thus speaks with two authoritative voices, one as the President of the Party and the other as the Prime Minister.<sup>3</sup> In any parliamentary government the Prime Minister has heavy responsibilities. But the duties of a Premier in a country to which parliamentary institutions are new can be doubly exacting. And the first years often shape the tradition within whose grooves the institutions run for later decades. The Prime Minister's duties have been onerous and heavy, what with keeping the more intractable members of the A-F. P. F. L. within the fold, managing a parliament keenly conscious of its rights, and making the cabinet work efficiently. Even the most severe critics of U Nu must necessarily admit that he steered the country through the early years of difficulty with great caution and tact.

The Prime Minister holds no portfolio. There has been a complaint that he interferes needlessly with a few ministries. One cannot do better than quote Professor Tinker:<sup>4</sup>

"In his dealings with his colleagues U Nu has also shown certain divergences, some ministries being left almost entirely alone (especially the Ministry of Industries, under Kya Nyein), others being subject to almost daily supervision by the Prime Minister—such as the Ministries of Education, Religious Affairs and Union Culture, and Information. Tun Pe (Minister for Information, and later for Union Culture) when he resigned revealed that one of his major reasons was the transaction by the Prime Minister of the business of the Ministry of Information without his knowledge as Minister..... U Tun Pe, previously a newspaper editor, is a moderate man and his remarks deserve attention. He alleged that the Socialists have a working arrangement with U Nu whereby they have a clear field with land nationalisation, the cooperatives, the trade unions, labour, commerce, and foreign affairs (the last item is most debatable). In return they do not interfere with the Prime Minister's activities in the Ministries of Finance, Education, Culture and Communications. Such 'arrangement' is generally accepted in Rangoon as a fact."<sup>5</sup>

This is certainly not a healthy tendency. If not kept within proper bounds, the Cabinet may develop a body of yes-men more eager to please the Prime Minister than to run the government efficiently.

It has been said that the Prime Minister has no portfolios. But often he takes over those which are left vacant consequent to resignations of

2 The A-F. P. F. L., has been the dominant party in Burma and won two successive elections. It has wide popularity. Recently it split into two; U Nu still leads the original group though the other group is lead by former cabinet members. U Nu was Vice-President of the A-F.P.F.L. during 1945-47; Since then he has been the President of the league.

3 One is reminded of Nehru who recently was the Prime Minister as well as the President of the Congress.

4 *The Union of Burma* (1957) p. 82. Much of the material in this article has been incorporated from his invaluable work.

5 *Ibid*, page 82, footnote 4.

Cabinet ministers. When the Home Minister Thakin Tha Khin resigned in April 1958, U Nu took over his portfolio. An arrangement was made to run the administration which at least to a student strikes as a curiosity of cabinet government. The Prime Minister was to be assisted in the administration by a Board consisting of the Chief Secretary, the Inspector General of Police, the Permanent Secretary of the Foreign Office and the Secretary of the Deputy Prime Minister, U Kyaw Nyein who had resigned (due to the A-F. P. F. L. split). The decision behind the creation of a Board is not clear.

Besides being the chairman of the cabinet, the Prime Minister has many onerous duties. He is a member of the Economic and Social Planning Board which makes "executive decisions throughout the range of national planning and development"<sup>6</sup> The Bureau of Special Investigation is directly under the Prime Minister. It has vast powers for exposing cases of corruption and fraud. Having in itself vast powers and being under the Prime Minister may invest it with an aura of infallibility which may not be wholly healthy. It is to be hoped that this association of the Prime Minister with it would be at best temporary, and that the Board itself would function as any other Department though with special privileges. In addition to these, he has special interests in the Burma Translation Society for the foundation of which he was largely responsible; he is the Chairman of the Agricultural and Rural Development Corporation. He is the Chancellor of the Rangoon University as well. These are exacting jobs and still more exacting are the duties attendant upon him as a Prime Minister, the leader of the nation and the President of the A-F.P.F.L.<sup>7</sup>

The Parliament, through the Cabinet has a two fold function. Firstly, it initiates policy, and secondly, it has the equally important function of controlling the administration. In Burma, the ministers who mainly concentrate on matters of policy and leave details of administration to the senior officials seem to belong to a minority. This may be due to inexperience and years may see a decline in this habit. The ideal system would be for each to have one distinct portfolio wherein he can apply his energies relentlessly and put whatever brakes are needed. When conditions make such an ideal system impossible one may take up related portfolios. Most ministers have developed "two-man-ship" and a few "three-man-ship." Most of them are in charge of Departments which are not closely connected. In the cabinets of both U Ba Swe and U Nu (after his return) the portfolios of Religious Affairs, Social Welfare and Mass Education were in one hand; another minister was in charge of Education and Culture. Surely Mass Education could have been shifted to the second minister. Once again in the last cabinet headed by U Nu, Transport, Posts and Telegraphs was with Bo Min Gaung while Marine and Civil Aviation was with U Aung Pa. It could be argued that Marine and Civil Aviation does not by itself form a subject requiring the full concentration of a cabinet member. Transport could be with advantage added to these. But it should not be forgotten that no ideal combination is possible; and that no combination is proof against picking holes. If the ministers are in short supply the example followed by Australia, till recently, offers a solution. There was in that country a larger ministry and a smaller and a more compact cabinet.

6 Vide Tinker, page 83, 87.

7 One is reminded of what Jennings has to say of Nehru in a review article of Prof. Morris-Jones's *Parliament in India* in the *Political Quarterly*, 1957, p. 241. "Ten years in so difficult a post as his is a long time even for so hardy and active a man."

India, too, has solved the problem in another way. There are Cabinet ministers, deputy ministers and ministers of State who are of Cabinet rank but not members of the Cabinet.

Burma has the unique record of having three Deputy Prime Ministers in both the cabinets—those of U Ba Swe and U Nu. U Ba Swe combined with his Deputy Premiership the offices of Defence and National Planning—each of which can fully occupy even a very vigorous minister. The other two Deputy Premierships have also offices attached to them. Certain traditions all for the more efficient running of the Cabinet are being involved. One is that the ministers are continuously in office. For instance when U Ba Swe stepped in as the Prime Minister only three of twenty four ministers were new to their portfolios. When U Nu became Prime Minister most of his colleagues were already in the previous cabinet; only two were new comers. Another striking feature is that in the different ministries the ministers hold the same portfolios. In cabinet of U Nu (when he took over from U Ba Swe) 24 of the thirty held the very portfolios he had held earlier.<sup>8</sup>

Though the Parliament of Burma has a generous sprinkling of lawyers, the Cabinet is not made up only of these lawyers. They have had varied backgrounds. There are a goodly number of school teachers; many are active participants in unusually active party organisations; some have been heroes of the Resistance Movement (against the Japanese); there are also a few journalists, Commissioners once in Government service and eminent civil servants. One has the distinction of being once a university weight lifting champion. Many are active workers in Buddhist organisations, U Nu's wide interest in Buddhism is well known; the Speaker is the Trustee of the Shwe Dragon Pagoda. Certain Ministers have been found to be dishonest but there appears to be a suspicion that the Bureau of Special Investigation does not bestow the same attention on the ministers that it does over the government officials.

The Cabinet personnel is to a certain extent determined by the A-F. P. F. L. The A-F. P. F. L. has a number of communal organisations within its fold, besides the Socialist parties. Some of these are the Burma Muslim Congress, the Kachin National Congress, Union Karen League and a few others. The Presidents of these Unions are in the Cabinet<sup>9</sup>—a concession to these organisations. A question may be asked if these members of the Cabinet act as Chairmen of their respective associations or as members of the A-F. P. F. L. These are some of the inevitable trappings of any parliamentary institution. Similarly, the stronger parties within the A-F. P. F. L. have their own Presidents and Vice-Presidents in the Cabinet. The T. U. C. has as President U Ba Swe and U Raschid as Vice-President. The A. B. P. O. (All Burma Peasants Organisation) has Thakin Tin as President, Bo Khin Maung Gale as Vice-President and as its Secretary-General Thakin Kyaw Tun. All these hold important portfolios in the Cabinet. The appointment of Justice E Maung as Minister for Justice is commented upon elsewhere.

<sup>8</sup> The 1952 Cabinet of U Nu had 21 members of whom 10 (including the Prime Minister) held the same portfolios in the previous Cabinet.

<sup>9</sup> Abdul Latif (Khin Maung Let) the President of Burma Muslim Congress is the Minister for Judicial affairs. Duwa Zau Lawn, President of Kachin National Congress was the Minister of Kachin State (1953-56). Mahn Win Maung, President of Union Karen League was the Minister for Industry and Labour (1947) and Minister for Transport and Communications (1948-56).

Collective responsibility of the Cabinet has solidified into a certainty. The fact that most of the colleagues of U Nu were a batch of students active in politics, that a number of them read the same classics and were fired by the same enthusiasm, has made for a sense of unity. Also the magnitude of the problems they face make them act as one team. A departure from the usual Cabinet procedure is worth noting. More regular in his attendance at the Cabinet meetings than any cabinet minister, U Ba Swe exerted a great influence on its proceedings. This no doubt was due to the fact that he was the chairman of the powerful Socialist Party and due also to his dominant personality.<sup>10</sup> But it should be mentioned that he was not a cabinet member though a "regular" at the Cabinet meetings. Whether this will open the door for other lesser men to attend Cabinet meetings is for the future to decide. But one may guess from recent developments that this is a remote possibility.

The Cabinet is not merely a Committee of the Parliament; it is a committee of the Party as well which has a majority in the Parliament. Till very recently the Anti-Fascist Peoples' Freedom League had a solid backing in the Parliament and won two successive elections, although in the second its strength was rather depleted. It enjoys a position and prestige similar to that of the Congress in India. Despite its name it shows definite authoritarian trends. The filling up of the vacancies in the party for positions of responsibility is said to be more due to "self-selection than through any system of election".<sup>11</sup> Many of its members do not seem to pay even their subscriptions regularly—indicative of the structural and organisational weakness of the party. Its largeness is its main weakness—it is a loose amalgamation of a number of socialist and near socialist parties. Personalities appear to dominate it more than principles, though socialism is one theme predominant in the party's programme. It is strong in the cities but its hold over the rural areas is precarious—the second elections saw the rural areas returning non-A-F. P. F. L. members, in large numbers.<sup>12</sup> The A-F. P. F. L. is doubly centralised, geographically and hierarchically. Local bodies appear to play a negligible role in its decisions. To give an instance of its authoritarian and centralised character—in February 1958 when the A-F. P. F. L. Congress met it chose U Nu as Chairman for another term. The Chairman chose the executive members of the party.<sup>13</sup> Of the 21 members (including the chairman) only 2 did not hold any cabinet position while a third was once a cabinet member. If the Prime Minister was the Chairman the three Vice-Presidents were the three Deputy Prime Ministers. This is indicative of the political powers vested in a small *elite* that controls both the party and the government.

That the party has been riddled with demoralising tendencies is evident from U Nu's broadcast talk on 25th May 1948. Many of the members of the

<sup>10</sup> Wyatt, W., *Southwards from China*, 1952, p. 110.

<sup>11</sup> *The Economist*, 25th June, 1955.

<sup>12</sup> Elsewhere, the dangerous influence of the more unscrupulous members of the A-F. P. F. L. is dilated upon in detail.

<sup>13</sup> According to the A-F. P. F. L. Constitution the Chairman can choose the members of the Executive—another instance of the high degree of centralisation within the Party. It may be argued that this has brought in a harmonious working between the party and cabinet.

A-F.P.F.L., he said, asked for privileges. "The second reason for the deterioration of A-F.P.F.L. members lies in the competition for power and influence."<sup>14</sup>

"The third cause of the weakening of the League is the misuse of power." He refrained from explaining exactly what he was referring to. This disease seems to be endemic within the party, as he refers to the same ill in greater detail in his Presidential Address to the A-F.P.F.L. conference on 30th December, 1947. The speeches of U Nu seemed to have no effect upon the morale of the League for some of these charges were repeated eight years later against the League by the correspondent of the Economist.

"The second election revealed the not very stable hold of the A-F.P.F.L. over the masses. The situation seemed serious enough for U Nu to resign from the premiership for a year to reorganise the A-F.P.F.L. and to clear it of its obliquities. It is ironical that his attempt at a clean-up should be followed by a split in the Party itself. The recent split in the A-F.P.F.L. and in the Parliament has been too recent to allow of any generalisation. That the affairs of the party were not all too smooth was evident to close students and observers of the Burmese political scene. "The leaders of the party, U Ba Swe and U Kyaw Nyein, impatient with the present 'half way house' of a mixed capitalist-socialist economy, and frustrated by the slow down imposed by the current balance of payments problem, are believed to want to end the existing A-F.P.F.L. coalition".<sup>15</sup>

By April 1958, it was evident that there was a crack in the party-structure and the Prime Minister himself confirmed it in a news conference. Barely three months had passed when U Nu in the Third National Congress of the A-F.P.F.L. had praised his deputies and likened each to an army of men. What caused the split? Was it due to a clash of personalities or of ideals? For some time the mystery will remain unsolved.<sup>16</sup> Each side bitterly complained of the other. At a news conference held on May 7th, 1958, U Nu maintained that the party which split up indulged "in lies, slander, intimidation and corruption." His one time colleagues were equally bitter in their attack against the Premier. U Ba Swe who led the debate in a speech in parliament (lasting for half an hour) maintained that the Prime Minister was "destroying Burma, disintegrating national independence, treating the Union's constitution as a 'scrap of paper', leading the country to greater dangers by associating with the pro-communist National United Front in parliament "and deviating from the strict path of neutrality in world politics."<sup>17</sup> "For forty days..... there was the strange spectacle of a nearly equally divided cabinet each half of

14 Reprinted, *Towards Peace and Democracy*, p. 100 f. Asking for privileges should not strike a politician as extraordinary. Political parties fight to a certain extent for the sweets of office. If the Prime Minister should isolate it for commenting, the scramble within the party for positions must have been serious indeed. One may conclude that members asked not merely for privileges but worked for something more, which was not fully discussed in the broadcast but which was nevertheless quite dangerous.

15 *The Economist*, 25th June, 1955.

16 One may hazard a guess that it was more personalities than questions of principles which were the cause of the split. Not all the members were equally warm in welcoming the return of U Nu as Premier. While the President of the T.U.C., U Ba Swe, was the spearhead of the movement for breaking away from the A-F.P.F.L., the Vice President, U Raschid remained faithful to the Minister and in fact became an important member of the Cabinet.

17 *Asian Recorder*, 1958, P. 2113.

which was actively and openly working for the downfall of the other.. ....The A-F.P.F.L. government (was) finely balanced on a thin edge with a massive A-F.P.F.L. opposition."<sup>18</sup> It managed to balance itself back to an insecure stability thanks to the 40 odd votes of the National United Front and its associates. One definite cause of the split was the attitude towards the insurgents. On 24th June the dissident group led by U Ba Swe condemned the policy of the Prime Minister in making a common cause with the pro-communist opposition. The very next day U Nu addressing in a broadcast message promised communist rebels amnesty if they came into the open and cooperated with the government.

The National United Front is reported to be Communist dominated and it is ironical that a government sworn to do away with communism should be saved from drowning by its foe. Till June, the N. U. F. laid the responsibility squarely on the government for prolonging the war. But now there was a *volte-face*—the party demanded the insurgents to come into the open and co-operate with the government to build a stable position. The Government's victory was a narrow one of 8 votes (127 for and 119 against). The comments of *The Statesman* (Calcutta) cannot be bettered: "An advantage of only eight votes in a House whose allegiance is often governed by considerations other than political principles and policies presages an unstable stewardship. The support of the Arakan M. P.s obtained in return for four seats in the Cabinet and evidently, a promise to reconsider the territory's claim to statehood. Even more ironical and disturbing was the Prime Minister's acceptance of support from forty four National United Front MPs, extreme left wingers who have constantly campaigned for a negotiated settlement with the Communist rebels."<sup>19</sup>

It has been observed that the bitter tension did not provoke any unruly scenes. The debate was directly broadcast to the nation—for the first time. The debate was cordial but dignified. A small incident speaks volumes for the attitude of the new opposition members. When the Speaker announced the results of the voting, the leaders of the rebel A-F.P.F.L. party in parliament crossed the floor, shook hands with Thakin Tin and U Nu and congratulated the Prime Minister.

If this is indicative of noble parliamentary traditions, the appointment of U. E. Maung tells a different story, though one may read into it more than what is warranted by facts. In U Nu's Cabinet of 1949 he was the Foreign Minister. He later officiated as Chief Justice. He was one of the leading members of the Election Supervision Commission in 1956 and the Socialists charged him with showing "disfavour to the A-F.P.F.L." His reply to this charge did not advance him. "When Sir Ba U (the Chief Justice) was elected President, E Maung was passed over for the post of Chief Justice. In mid-1952 he failed to secure re-election as Vice-Chancellor of Rangoon University, thanks to the opposition of the Socialist electors. His successor was a member of the High Court bench. He was then allotted the task of overseeing the reconstruction of the Shwe Maudaw Pagoda, Pegu; when this work was completed, Justice E Maung was not invited to resume his place on the Supreme Court bench."<sup>20</sup>

18 *New Statesman & Nation*, 28th June, 1958.

19 *The Statesman*, quoted in *Asian Recorder*, P 2114 (1958)

20 Tinker, page 69



He resigned from the Court and formed a Justice Party. The party did not gain as many seats in the election as it should have, but U.E. Maung remained an outstanding opposition member. On the question of no-confidence in the Parliament he and his party voted for the government. On July 18th, 1958, he was sworn in as Minister for Justice. The sudden appointment of E. Maung and the consistent non-recognition of his talents earlier is not entirely creditable either to the Prime Minister or to the members of the A-F. P. F. L.

The split in the A-F. P. F. L. may have far reaching consequences. A split A-F. P. F. L. has not the strength it once had. U Nu's popularity with the masses could mean unseating of many of the rebel A-F. P. F. L. members—capable men trained in parliamentary procedure and well-versed in its traditions. Neither section of the party has the organisation and efficiency of the Communists which may emerge with a large number of seats in the next election.<sup>21</sup> In the present context, no one party has a clear majority in the Parliament. These facts do not present a very rosy picture of Burma's parliamentary future.

The following tables detail the party strengths in the two elections.

#### 1952 Returns

|                                                  |     |           |
|--------------------------------------------------|-----|-----------|
| A-F. P. F. L.                                    | ... | 180 seats |
| Burma Workers' and Peasants Party                | ... | 6 seats   |
| Peoples Peace Front and Peoples Democratic Front | ... | 14 seats  |
| Arakanese and other minority groups              | ... | 21 seats  |
| Arakanese (Independent Moslems)                  | ... | 4 seats   |
| Other Independents                               | ... | 8 seats   |

#### 1956 Returns

|                       |     |           |
|-----------------------|-----|-----------|
| A-F. P. F. L.         | ... | 144 seats |
| Its allies            | ... | 25 seats  |
| National United Front | ... | 46 seats  |
| Lesser parties        | ... | 43 seats  |

In spite of disturbed conditions, in 1952 the government decided to hold elections. Only in 18 of the 250 constituencies did the voting for the Chamber of Deputies fail to take place. Of the 125 constituencies for the Chamber of Nationalities only in 7 elections were made impossible due to Communist and Karen activities. This explains the fact that in the Karen districts voting was lower than 5% of the voters, in one district it registered a mere 0.7%. It is significant that the charges made by the Opposition against the government were not so vociferously repeated in the next election. The popular complaints were that the government made use of the peace guerrillas to intimidate voters, falsified electoral registers and deliberately lost

21 Recently the Communist Party has been recognised as a legal party. For other parties see Tinker, chapter 3.

a few ballot boxes. The B. W. P. P. as a protest withdrew many candidates, even the two who had been returned unopposed.

In 1956, of the estimated electorate of 8 millions only half registered their votes. The National United Front (Communist dominated) polled 30% of the votes in 129 constituencies. Their success was mainly in the rural areas. Of the 144 men returned by the A-F. P. F. L., 40 were unopposed. In Rangoon, Moulmein and Mandalay all the seats were bagged by the A-F. P. F. L. The Prime Minister's constituency was Rangoon.

### III

In trying to understand the working of the Burmese Parliament, the non-Burmese is faced with a capital difficulty—that of language. The proceedings are all in Burmese, so are the *Hansards*. The English newspapers report the proceedings of the Parliament, but newspaper reporting can never be a substitute for *Hansards*. Indian students of the Burmese legal system have the same difficulty.

The Speaker of the Parliament commands a great authority but there are notable departures from the Westminster traditions. Speakership is often only a stepping stone to ministerial office. Dr. Sien Ban, Minister of Health in the Cabinet of U Ba Swe was originally Deputy Speaker in the Chamber of Nationalities. But a Minister can become the Speaker, as did Aung Bo Hmu, who held a ministerial post during 1948-9, later became Deputy Speaker and then Speaker in the Chamber of Deputies. He was also a very active politician—being one of the Thirty Comrades who escaped to Japan.

The proceedings seem to follow closely Westminster and, as in India, Erskine May is the Bible. The Rules of Procedure are closely modelled on the Mother of Parliament. To give an instance, when the question of a member arose, he took refuge under the cover of privilege of a parliamentary member (as he was in the House when the police came to arrest him). The authority of May was invoked and the Speaker's ruling prevailed—that parliamentary immunity does not extend to criminal offences<sup>22</sup>.

As in Westminster the question hour starts the day in the Parliament—with this difference that the question hour is rather a tame affair. There are two sessions. The parliamentary day is short—absurdly short, for it generally lasts an hour<sup>23</sup>. This is to allow the members to return to their regular professions and add an extra Kyat to the meagre parliamentary monthly allowance of K.300.

At the inception of the Parliament it was usual for members to walk in old clothes generally used for ordinary wearing. Many sported their tattered uniforms. But by now a definite national dress has been prescribed with the colourful headwear. Women serve in the Parliament.

There is multiplicity of parties both in and out of Parliament, ranging from extreme Left to moderate Right. There has been no Opposition in the Parliament, if Opposition means an alternate government; neither has there been a tendency for parties to polarise in to two. The dictum that in a

22 Dr. Maung—*Portrait of the Burmese Parliament*, Parliamentary Affairs, Spring 1957.

23 Dr. Maung—*Portrait of the Burmese Parliament*, Parliamentary Affairs, Spring 1957.



democracy one-party rule must lead to two-party rule<sup>24</sup> remains a remote ideal in Burma, as it is in other Asian countries.

## IV

Talking of the American Presidency, Professor Clinton Rossiter observes: "I feel something like a Professor of nutritional science who has just ticked off the ingredients of a wonderful stew. The members of the audience may be clear in their minds about the items in the pot, but they haven't slightest notion of what the final product looks like or tastes like or will feel like in their stomachs. The Presidency, too, is a wonderful stew whose unique flavour cannot be accounted for simply by making a list of its ingredients. It is a whole greater than and different from the sum of its parts, an office whose power and prestige are something more than the arithmetical total of these few functions".<sup>25</sup> Parliamentary democracy, too, is something more than what its ingredients coagulate into. A few of them are, a sense of responsible individualistic body of citizens, an efficient, incorruptible civil service, a liberal but vigilant press, a developed tradition of local government and an intelligentsia. Also there should be a minimum of social and economic welfare available to the majority of the citizens.<sup>26</sup> Unlike other Asian countries, Burma has had certain decided advantages to start with in her experiment of parliamentary democracy. If India is caste-ridden, Burma is not. The rich do not live in unapproachable secluded isolation. It is easy for a once poor man to enter the higher social order if he can afford it. Nor are the rich given to ostentatious display of their wealth. Such a fluid social structure is fertile for the cross-fertilization of ideas. "Burma must be the least caste-conscious country in the East"<sup>27</sup>

Allied to this is the very striking tradition of individualism in Burma. Endowed with a high critical sense leavened by a sense of humour, a Burmese is quickly provoked to laughter and mirth. "Alone perhaps among the liberated peoples of South East Asia", writes Professor Tinker, "the Burmese are their own wittiest critics."<sup>28</sup>

Professor Tinker has written how complete strangers have approached him often and indulged in frank criticism of the Government in remote villages. Such traits augur well for the future of parliamentary democracy.<sup>29</sup>

<sup>24</sup> Jennings, Sir Ivor, in the articles already cited.

<sup>25</sup> *The American Presidency*, Page 25

<sup>26</sup> The traditions of local government, the influence of the Rangoon University and the Pyidawtha movement (the Burmese equivalent to a development of a Welfare State) have not been discussed in this article.

<sup>27</sup> Tinker, Page 77.

<sup>28</sup> Tinker Page

<sup>29</sup> The following quotation from a Burmese bears out the validity of the observations on Burmese character by writers as different as Professor Tinker and Tibor Mend (South East Asian between the Worlds). "In Burma you will find a minimum of friction between the rich and the poor. Where little importance is attached to the amassing of material possessions there is little difference in the clothing, food or housing of a man and his poorer or richer neighbours. Class distinctions hardly operate. The true mark of a refined man being his correct bearing toward all ages, his mastery of religious teachings and sacred literature and his observance of the precepts of normal living, a poor man could win a lottery and move with ease among the wealthiest." Daw Mi Mi Khaing in and article entitled "People of the Golden Land" in *Atlantic Monthly*, February 1958, issue on "Burma Today" (p. 111). But if what is quoted earlier is indicative of the possibility of the growth of democracy, other characteristics of the Burmese seem to foster the rise and growth of a quick dictatorship. "Rarely does a Burmese feel frustrated. No impetus of high

Individualism and critical temper by themselves are excellent. But they must be canalised if they are to be fruitful. Here too Burma has been singularly fortunate, for thanks to her clerics she has a population a good percentage of which is literate. Most of them can read newspapers.

A literate population can be easily educated in democratic traditions by a free and responsible press. (A press servile to the government can do exactly the opposite). The dawn of independence in Burma saw the flaring up of a civil war with its ugly consequences. The government was compelled to muzzle the press and permit only such news as were fit for publication. This is understandable in a time of crisis when the need to keep the morale of the country high may induce the government to take such undemocratic steps. But the free rein given to unlawful elements in society has made courageous publication of news difficult. Breaking the presses of unpopular newspapers has been one of the more violent sports indulged by the Burmese. This has been a common occurrence, and any violent criticism of the A-F. P. F. L. was followed by a violent outrage in the press premises, as happened thrice in March 1948. In the Prime Minister the press found a saviour. On 12th March 1948, the Prime Minister immediately in a broadcast message took a bold stand against the hooligans. "Notwithstanding the fact that I am the President of the A-F. P. F. L. and the Prime Minister of Burma, I cannot escape punishment if I commit acts of lawlessness. The law must take its course ..... There can never be two sets of law, one for those within and one for those outside the A-F. P. F. L. Whosoever breaks the law must take the consequences."<sup>30</sup> It is unnecessary to comment on the psychological effect of these words in reassuring the press of Government protection. Nor has the government been entirely friendly or enthusiastic about the freedom of the press. During August 1954 an attempt was made by the government to pass a Bill which would have been a disaster for the parliamentary cause had it succeeded. The purpose of the Bill was to make any criticism of any government official or minister a criminal offence. A person so accused was liable to be arrested without any warrant. The government being in a majority, managed to force the Bill through the Lower House—it was the persistent criticism and the stern attitude of the Opposition (the entire body of opposition staged a walk out) which saved the cause of democracy. In this no doubt they were aided by the loud and persistent criticism of the press and public. While this incident reveals the public's consciousness of its liberties and its preparedness to fight for them in the best light, it does not throw the Government attitude in the same relief. The press does not seem to have a steadfast friend in the Government. If it does not vigilantly protect its hard-won liberties the cause of parliamentary democracy may well be lost in Burma.

ambition drives him to work hard or leaves him disappointed when he fails. Few things cut deep ..... Because we take things so lightly, faults are easily condoned. Love of festivity, which leaves little time for sustained application to a career, offers chances for a dictator generous with bread and circuses. To quote him again: "Alas I must confess that in terms of orderly urban communities, of unremitting hard work and nation building, of developing our resources to give an increasing population more elaborate modern living standards, our quality is very contentment betray us."

<sup>30</sup> Reprinted in *Towards Peace and Democracy*, page 46-7. But the Prime Minister's attitude has been ambivalent. In an address to the peasants in Bandoola Square on 15th March, 1958, three days after the broadcast, he spoke of the newspapers attacking "A-F. P. F. L. leaders unfairly and with malice ..... playing for the great landowners and the great capitalists" (p. 48 *Towards Peace and Democracy*). Such a statement may sound as countenancing the lawbreaking elements; though in the last paragraph he specifically requests that none of the incidents of March 12th be repeated.

*Inter arma silent leges* —not merely the laws but Parliament itself can be frozen to dumbness in a civil war, or in the threat of a war. It has been a truism that parliamentary institutions evolve best in an atmosphere of peace. Burma had a decade of insurrection, civil war and communist aggression. To make things worse, the alien K. M. T. troops gave no respite to the troubles of the Burmese government. In such an atmosphere the Government was more interested in keeping the peace than in evolving healthy parliamentary procedure. Given a decade of peace it is probable that the cause of parliamentary democracy in Burma may take great strides. Elections had to be staggered over three months due to the uneasy state of the land. It speaks much for the government which decided to hold an election, despite the unstable conditions throughout the country. Since the insurgents have been put down in most places the plant of parliamentary democracy may bloom sheltered from the gusty winds of revolution. By 1950 there had dawned peace on most areas. The new battle-cry of the Government was "From Peace to Stability." It is to be hoped that stability will lead on to democracy.

Parliamentary democracy takes for granted an efficient, incorruptible civil service, informed with a tradition of liberalism. The colonial civil servants were mainly Europeans and Indians most of whom have retired on Independence. The others remaining are open to influences that are not healthy for any government. A series of pay cuts in 1949 to enforce economy measures has meant that the civil servants with a higher standard of living have been faced with the problem of lower wages. This has led to unfortunate results. The more enterprising have turned to professions which pay more—this meant a depletion of some of the cream of the civil service. There is a widespread suspicion that many gratify their lower emoluments through illegal means. There has been a long procession from the government offices to the jail, including a Commissioner of Police for Rangoon, the Chairman of the Inland Water Transport Board, the Commissioner of Commercial Taxes, and many others. The number of those detected but not prosecuted may well be higher.<sup>31</sup> The Prime Minister in a speech on the role of the Government servant has *inter alia* the following passage: ..... There have been, very few instances but these instances are bad enough, of officers of the Secretariat disposing of official business which involves large sums of money in circumstances which call for investigation as to the officers' probity".<sup>32</sup>

In such circumstances, the minister has to keep a closer watch over problems of administration than his counterparts in other parts of the world. Other factors have much to do to weaken what little confidence the public has on the civil service. One is the role of the local politicians and the other the influence of Party pressure on civil servants.

The influence of the local politician (in the districts) over the district administrators is stifling of any independence and efficiency that the latter might attempt. In the rural areas the A-F. P. F. L. is generally unpopular, as its ranks are swelled by bullies and idlers, more interested in seizing power than in anything else. It is needless to say that when they control the local government officer, no one is benefited excepting them. Political bosses who have influence in the Parliament often get an officer who is dis-obedient to them transferred either to a jungle district or to unhealthy swamps. Of the unhealthy influence of party politics on civil service, it is enough to quote

the words of Premier U Nu: "a responsible member of the A-F. P. F. L. used his influence over an officer to issue firearms from a police station and the officer complied meekly.....a member of the A-F. P. F. L. was arrested on a charge of dacoity but he was released when the local A-F. P. F. L. exercised pressure." It is true that these black deeds are due to the more irresponsible members of the League; but would the Prime Minister cite these if they are only isolated cases?

But it has to be admitted that the abuses in the civil service which figured largely in the working of the Reformed Constitution of 1935 have disappeared. To this extent there has been a definite advance in the parliamentary life of Burma.

To see the present Parliament in its proper perspective one should project it from the past. It is then that the achievements and its shortcomings are properly illuminated. The new independent Parliament has rid itself of many of the ugly traits that made the colonial institution something worse than a 'talking machine'.

The introduction of dyarchy saw a chance given to the people to participate in governmental activities and in running political institutions. "Its most surprising feature was the franchise qualification which fixed an age limit well below the practice of any European democracy. The reason for this is difficult to assess."<sup>33</sup> Yet the Council did not lead political opinion nor did it act as a mouthpiece of popular grievances. The Burmese group in the Council never saw eye to eye with the communally elected non-Burmese groups. Till 1929, the smooth functioning of government was more due to the absence of any legislation which would have difficult passage than due to any other reason, and in observing the official and administrative routines where difference of opinion would be impossible. In the district councils too, inefficiency and corruption were the order of day.

Dyarchy failed and in 1935 attempts were made for a new constitution which would replace Dyarchy with complete responsible government. If one contrasts the working of Provincial autonomy in India after 1935 with that of Burma, the failure of the experiment in responsible government there becomes obvious. Even during the Dyarchy period "there was no difficulty in obtaining candidates for ministerial posts, even from the Opposition and some curious situations resulted".<sup>34</sup> Now there were higher stakes to be fought for and politicians got busy. Regular no confidence motions, attacks on the personal integrity of the members, and an endless stream of questions did much to discredit the cause of parliamentary government. In these not reputable activities, the press emerges as the worst villain. Another spoke in the parliamentary wheel was the attitude of the people towards the Legislature. The Government was an exploiter, so was the Legislature; it was never seen as an institution serving the people and attending to their needs.

Some of the details collected by Mr. G. E. Harvey<sup>35</sup> about the working of the reformed constitution make interesting reading. They are more than mere *trivia*. Some (though happily a few) of the ills he catalogues have haunted the independent Parliaments too. "One minister was financed

31 Tinker : page 155.

32 *From Peace to Stability*, page 31.

33 Hall : *Burma* (1950), page 150.

34 Hall : page 151.

35 In *British rule in Burma 1824—1924*, 1946, pages 88, 89.

by a leader of the underworld, a smuggler who wished to avoid deportation. Another almost certainly had his newspaper subsidised by the Japanese, though not while actually in office. And there were bribes paid by contractors for getting a contract, or by officers for a transfer; these had been paid under the old bureaucracy too, but on a smaller scale, because they were paid only to subordinates who claimed to have the minister's ear..... There is no secret about these things; they were publicly debated on the floor of the house, and evidence indicting the ministers was actually given before an Inquiry Committee but censored from the public version of the report on the ground that the Enquiry was only into the conduct of officers, and ministers were not mere officers..... Some ministers even sent messages to a judge on the bench telling him what sentence to pass, as the accused was a friend of theirs." The ministers intervened in the Public Service Commission too.

Censure motions to oust the government in power are bad enough. But when Parliament was used for yet other purposes not wholly honourable it was worse. Burmanisation of services was a slogan sufficiently patriotic to sound honourable, and the cry was taken up all too seriously. Many of the top appointments were filled up by Burmans; but it was to be discovered that many of these were either related to ministers or were their close associates. It has been observed that when the members were not busy breaking governments they found leisure to pass laws.<sup>36</sup>

Against this background the Burmese parliament of today emerges quite creditably.

<sup>36</sup> Two very eminent authorities caution that one should be careful in passing strictures on the working of the Reformed constitution. For one thing the period was too short; and there never was the necessary external peace under whose shade any system could take root and develop. See Hall, *Burma*, page 154, and J.F. Cady, *A History of Modern Burma* (1958), page 388.

## BOOK REVIEWS

### ROLE OF HIGHER CIVIL SERVICE IN A WELFARE STATE.

By R. Dwarkadas, Popular Book Depot, Bombay, 1958. Pp. 260.  
Price Rs. 12.50 nP.

Fixation of the role of higher Civil Service is no easy task when the concept of welfare state has charged the civil service with various responsibilities in the context of planning and development. Tracing the historical background of the Civil Service in India, the author has grouped Higher Civil Service as those above the Under Secretary in the Secretariat level, and all those who are more or less of equivalent status outside the Secretariat organisation in State, Central and District levels. Objection to such a grouping is known and it is argued that the categorisation though not perfect, is only for the necessity of drawing a line on reasonable grounds. This is quite convincing when we see that such grouping is done with the vision to enable forward planning and manpower requirements as envisaged by the 'Reorganisation of the Machinery of Government' report.

In the constitutional background, the working relationships, functions, hierarchy and such other related things are examined. Some general criticisms of Central hierarchy are made and the problems confronting the Higher Civil Service of our times are clearly stated. On many organisational matters such as the division and subdivision of Ministries into manageable units, it is recognised that the division has to be on the basis of manageability and on its being unfunctional. But the difficulty of adopting a common pattern to all departments and administrative units, on the basis of giving clear and uninterrupted line of authority from top to bottom is appreciated. What is not established, though implicitly appreciated, is that organisation tends to grow and Government is, above all else, an organisation designed for purposes of management. However, it is agreed that, for reform, every belief, tradition and procedure is to be tested on the touch-stone of reason. Problems confronting the role of the Higher Civil Service are viewed comprehensively regarding Central, State and District levels without losing the perspective that is essential to treat a subject like this in the context of welfare and development. The difficulties of the Higher Civil Service to adjust for the changed political situation after independence are correctly evaluated as the phenomenon of all the progressive countries. In this connection, the author observes that one can not speak highly of the Ministerial 'Administrative Sense'. The other extreme point of view held by the parliamentarians in doubting the ability of the Colonial Civil Service to become the builders of new India is also pointed at. The tangle of this prejudice and misconception gave birth to the mentality of some of the politicians to expect intellectual servility from the Civil Servants. It is also in this that one can find the root cause of legislators' interference in administrative matters, whereby they try to get their will executed irrespective of merits which should decide a case. This aspect is a matter of relations between Higher Civil Servants, Parliamentarians and Ministers, and this has been dealt with elaborately with case studies and instances from Britain and India. An examination of 'Relations' in the context of accepted principles of parliamentary democracy is made, dispelling myths of 'bureaucratic despotism.'

#### LATEST BOOKS OF THE YEAR

Commentaries on the CONSTITUTION OF INDIA  
By Dr. V. N. Shukla, LL. M., Ph. D. (Camb.) Reader in Law, Lucknow University  
Second Edn. 1956 with 1957 Supplement Price Rs. 15.00

INTERNATIONAL LAW By Dr. V. D. Mahajan, M. A. (Hons.), LL. B., Ph. D.  
Second Edn. 1953 Price 10.00

CONSTITUTION OF INDIA By Dr. V. D. Mahajan, M. A. (Hons.), LL. B., Ph. D.  
Second Edn. 1957 Price Rs. 6.00

Obtain Your Copy Today from

**EASTERN BOOK COMPANY**  
LAW PUBLISHERS

LALBAGH ROAD  
LUCKNOW

KASHMERE GATE  
DELHI

In terse, the plea has been for an inventive and creative bureaucracy than the one which tramples the rights of citizens and triumphs. Civil Service has to usher in an era of prosperity and development, and for this the plea for inventive bureaucracy, which is the main theme of this work, posits the attitude of legislators and Ministers to be understanding and not prejudiced. Higher Civil Service is not to be blind to the necessities of social progress, nor should they agree with all that is said by the Ministers about the administrative possibility and practicability of a policy. A significant omission seems to be the 'relations' of Higher Civil Service to the judiciary. Many administrative decisions are challenged in the courts and it is interesting and essential to study this aspect.

Responsibilities of Higher Civil Service cover a wide range of supervisory and directive tasks: discharging of statutory responsibilities of the Department with the help of subordinate personnel, and taking the burden of managerial aspect of planning and budgeting—all, to assist the Chief Executive or the Cabinet for the management of executive offices. The effective execution of these responsibilities require, classification of duties, delegation of authority and proper distribution of functions. Efficient discharge of these duties call for high order of 'O & M Consciousness' together with the proper system of recruitment, improvisation in probation and training system, improvement of pay scales, necessary conditions of tenure etc. But it is aptly observed by the author that though all these are bound to tone up the morale and efficiency of Indian Higher Civil Service, it is difficult to say whether they will be fool-proof devices which will assure the administrative system of the creative and innovating type of personnel. Qualities of innovation, creativeness and dynamism are not subject to exact measurement. Since personal qualities are involved, the problem has to be tackled at less tangible levels unlike the structural problems, wherein advanced and dynamic recruitment, training, promotion and other techniques would definitely be helpful. The problem being thus, the Welfare State concept has made it more difficult. Here the author discusses the welfare concept in detail, and the purpose of the state is said to be the florescence of human personality concerning outer conditions of human life as well, with instruments for the promotion of material welfare. Giving a theoretical discussion of some theories of state, it is recognized that state is an agency of the community and public administration is its instrument. Higher Civil Service has a dominant part to play in a Welfare State, to usher in development and progress, at the same time not endangering individual liberty. However, it is debatable when the author propounds that, a society to be progressive must be democratic, and to be democratic must be progressive. This according to him is compulsive logic. What is forgotten here is that, whether a society is democratic or progressive is dependent upon the values of the majority of human beings whose opinions count. There are many societies in the world which may be called progressive in the sense they have advanced in scientific, educational and cultural fields but under a totalitarian regime. Yet, there are societies with apparently democratic constitutional governments in their set-up but, they are not progressive in this sense, their sum total individual behaviour will be betraying the very purpose to which their system is designed.

Establishing a theoretical basis for the creative role of Higher Civil Service, the author proceeds to the discussion of intricate problems of an underdeveloped country like ours and the role of Higher Civil Service as an instrument of development. Here again, qualities such as imagination, inventiveness and dynamism are stressed in their relation to planning and

developmental aspects of India, with the conclusion that a whole new world of public administration has opened a vast vista of planning opportunities for the Higher Civil Service.

Policy formulation is viewed as a collective function involving a series of decisions. Since policy and administration can not be put in water tight compartments, a creative understanding of motive forces which actuate policies is desired from the Higher Civil Service. Commenting on the role of Higher Civil Service in nationalised undertakings, policy-making aspect of the Higher Civil Service is stressed. What exactly the role of Higher Civil Service is, in different kinds of nationalised undertakings such as departments, and public corporations need some detailed treatment.

In the concluding chapter, many useful suggestions have been made to promote conditions for the fulfilment of the visualised role of the Higher Civil Service. Reminding us of the developmental functions in the administration of today, he has recommended that a bias in favour of Social Sciences should be shown in the examination system. That is, atleast in regard to the Indian Administrative Service, two subjects among Social Sciences such as, Public Administration, Economics, Law or Sociology should be made compulsory. This is a very reasonable and useful suggestion, as we know that administration would not benefit much from subjects like Chemistry, Physics or Mathematics. One would feel that the bias, favoured by the author towards Indian Administrative Service only, is because of his being too reserved to acknowledge the fact that one of the subjects of Social Sciences, mentioned as above is of relevance and importance to the Allied All India Services also. The very nature of allied services such as Indian Income-Tax Service, Indian Postal Service, etc, require hardly any background in Physical Sciences whereas atleast one of the Social Science subjects would not make the examination purely academical in a way. Another suggestion is recruitment of persons from higher age groups and from among persons who have had advanced post graduate training with research qualifications. All this means a broad-based recruitment system. On matters of training and probation, the author's suggestions are realistic and appropriate. In considering the conditions for the fulfilment of the role of the Higher Civil Service, matters such as corruption and discipline are not forgotten. The proposal to institute an Administrative Intelligence Bureau, independent of Government, preferably headed by a High Court judge to deal with matters of corruption needs a serious consideration. The observations made regarding the social background of Indian Higher Civil Servants are interesting. It is concluded that, these plus the 'O & M consciousness' can fulfil the conditions for the creative and imaginative role of the Higher Civil Service.

On the whole, though this work looks a mere theoretical study of the Higher Civil Service, it is based on facts and case-studies to arrive at findings regarding the role of the Higher Civil Service in an emerging Welfare State with special reference to Indian Higher Civil Service. It is necessary to recognise Public Administration as a science as well as an art. Administrators are not to treat it as their special preserve, and deride speculative thinking on administrative problems. It is in the willingness to learn from the speculative contribution and practical achievement in the science and art of Public Administration that lies the merit of this work.

N. V. RAGHURAM

**PROBLEMS OF STABILITY AND PROGRESS IN INTERNATIONAL RELATIONS.** By Quincy Wright. Published by the University of California Press, 1954. Pp. 378. Price \$ 5.

This book consists of a series of twenty one essays written and published (a few of them hitherto unpublished) at different periods from 1946 to 1952. The first two papers were delivered in May 1952 at the California University, Berkely at the time of Prof. Hans Kelsen's retirement. There is, on the whole, a continuity of theme guiding all these essays.

Prof. Wright discusses the problems of stability and progress in our chaotic world. Ours is a tormented world where there is great conflict of loyalties. Perhaps only at the break of the Roman Empire in the 5th century and at the time of the Renaissance was the Western world so deeply convulsed. Our epoch of formless transition has greater difficulties to face because the whole world has been drawn into the agitated vortex. To the theoretical attempt at the solution of the complex political, institutional, legal, educational and technological problems of our world, Dr. Wright brings a rational sanity and scholarly comprehensiveness of vision rarely to be met with in formal treatises and historical text-books on international relations. Due to the exigencies of space, perhaps, he has not been able to discuss the economic foundations of our complex world.

The province of international relations is the field of dynamic becoming. There are, however, some persistent continuities generated by the abiding traditions memories, and values. Hence Comte had stressed the sociological study of order and progress. Spencer emphasized the study of social statics and dynamics. Dr. Wright is justified in studying the reciprocal effects of conservative stability and liberal humanist progress in international relations (pp. 17-18). Both types of social values are also recognized in the U. N. Charter.

In this mechanical and scientific age there is a quest for "value-free" scientific methodology. It is essential to rid oneself of one's prejudices and biases in the process of social studies but it is difficult and even useless to maintain a non-valuational attitude. Where questions of the existence of human civilization, decency, morality and rationality are concerned it is nihilistic to maintain a non-committal attitude in the name of scientific objectivity and scholarly detachment. According to Dr. Wright, "As an applied science, political science may assume the values of a particular group and seek formulae useful in achieving those values." (p. 117) Dr. Wright, however, shares some of the reservations of the positivists because as a pure science he would want political science to devise formulae to predict those aspects of group behavior centring on tension, struggle and conflict. The sober realism of the author, however, is apparent in his warning that political scientists should be cognizant of the impact of their generalizations upon values to which they adhere (p. 120). He rightly stresses that social sciences should establish relationship between conditions of the human mind and the conditions of stability, peace and justice (p. 175). The normative axiological approach to the problems of social dynamics is fully revealed in the author's statement "There is a danger that if exclusive attention is focussed on the objective analysis of world politics, the values which make our civilization worth preserving may be forgotten (p. 179). I hope, the objectivists, the sociological positivists and the self-styled disciples of a vulgarized Weberianism in the West will draw lessons from Dr. Wright's mature synthesis between ethical idealism and political realism.

From the methodological standpoint I endorse Dr. Wright's comprehensive approach to the problems of international relations to which he has brought a large fund of sociological and psychological insight and factual knowledge. The new discipline of international relations, although politics would be the heart of this discipline, will obtain, the cooperation of psychology, sociology, economics, geography and law (p. 127).

In his analysis of collective security, human rights, international communication and the consequences of the Soviet atom bomb Dr. Wright shows balance, realism and a keen awareness of his responsibility as an intellectual. He pleads for "peaceful adjustment to coexistence" (p. 107). He derides the concept of cultural chauvinism and is optimistic of the eventual realization of that universal civilization which mankind has been developing since the fifteenth century (p. 199).

Dr. Wright uses the concept of culture in a very wide sense given to it by anthropologists. He says: "Culture includes all the patterns of behaviour of a group, including tendencies to use political, economic, administrative, and military means to coerce other groups." I favor a distinction between civilization and culture. By culture I mean achievements in the perfecting of arts, aesthetics, ethics and literature while civilization refers to the development of a socialized existence in politics and economics with the help of technology and science. But since Dr. Wright has defined his frame of reference we have no difficulty in sympathizing with his concept of universal civilization or universal culture.

Since the book consists of separate chapters written at different intervals there is present some sense of diffusedness. At times the integration is a little weak which is bound to be in a collection of essays like this.

Taken as a whole, this book is a remarkable contribution to the theoretical study of international relations. The author's style is clear and effective. The book is characterized by the mature theoretical attempt to combine vast learning with the artistic skill to utilize scholarship for yielding significant sociological generalizations.

Vishwanath Prasad Verma

**THE STUDY OF INTERNATIONAL RELATIONS.** Published by Appleton-Century-Crofts, INC., New York, 1955. Pp. 642. Price \$ 6 75.

For nearly the last four decades the study of "International Relations" has assumed great importance and in the different countries of the world schools, institutes or departments in colleges or universities have been engaged in imparting instruction and in providing facilities of research in this significant field. But in several cases there has been a tendency to restrict this subject to a historical survey of the conditions of the world since 1919 or 1900 or 1870. Even in those institutions where courses concerned with the requirements for a Master's or Doctor's degree in International Relations have been offered in several inter-related departments, for example, history, economics, law, sociology, geography and anthropology, the dominant common assumptions have not been specifically stated and analyzed.

If the objective is the evolution of a well-knit discipline called "International Relations" which derives its facts from diverse specialized branches



of social knowledge, it is essential to develop the methodological foundations for coordinating these materials. At the University of Chicago Dr. Quincy Wright had been giving a course in such a "core-field." *The Study of International Relations* is the fruit of Dr. Wright's studies, reflections and discussions in this field.

Prof. Wright's concern is the creation of the foundations of a unified integrated discipline of international relations. Such a discipline is needed for general education and for the guidance of policy-makers. It is essential to make men increasingly aware of the demands and imperatives of the universal society which is growing. This discipline is also aimed at being useful for further research by revealing possible inconsistencies and intellectual gaps in the body of our knowledge. Such a utilitarian discipline is best calculated to promote successful action in the world which is now regarded as a field, a dynamic process of multiple forces, interests and entities in reciprocal contacts and interdependence.

In the practical analysis of international relations ten related disciplines have been discussed in this book—international politics, the art of war, the art of diplomacy, the conduct of foreign relations, colonial government, international organization, international law, international economics, international communication and international education. Some of the major enunciations of six theoretical social disciplines like political geography, political demography, technology, sociology, psychology and ethics have been analysed with reference to their relevance for the discipline of international relations. Altogether the bearings of sixteen disciplines have been discussed in the third and fourth parts of the book. It is clear, however, that this disjunction between the ten disciplines which emphasize practical analysis and the six disciplines which emphasize theoretical analysis is only relative.

Professor Wright fights against the theory of philosophical absolutism which is an exaltation of one's own psychological preferences or social values. The world is complex, many-sided and herein there is a clash of diverse viewpoints. Hence it is essential to evolve the maximum degree of common consensus on certain values rather than inculcate some cherished dogmas which have only limited validity in a global perspective. Dr. Wright's vision is remarkably similar to the Jain philosophical theory of *Syadvada*. He says: "in the field of international relations, more than in other fields, a profound sense of the relativity of all philosophies is necessary for peace" (p. 108).

One of the prime concepts in the field of the social sciences and vitally so in that of politics, is power. Professor Wright says that "power ranges..... from capacity to influence to capacity to compel." His definition is simple and is capable of operational relevance. He has mentioned diverse technics of social power in this comprehensive sense (p. 140).

I have been impressed by the rigorous clarity with which Dr. Wright analyses the important concepts of the social sciences relevant for the study of international relations. His categorisation, for example, of the field of sociology on pages 396-397, is immensely clarifying even for students of sociology.

In my opinion Professor Wright has written a very important book in the field of International Relations. So far we have had in this field only historical surveys mixed up with subjective predilections. Dr. Wright has

tried to lift this supposedly rather descriptive subject to the plane of advanced theoretical analysis. Some attempt in the field of theoretical study of international relations had been made in E. H. Carr's *Twenty Years' Crisis*. Dr. Wright has set before himself a more ambitious task. The author's deep and profound scholarship revealed even almost at a cursory glance is a challenge to the smug specialization of 'little knowledge' which is the prime consideration of many teachers in this field. Dr. Wright's *The study of International Relations* is a major landmark in the systematic study of the methodological and substantive foundations of International Relations.

Vishwanath Prasad Verma

CURRENT EVENTS YEAR BOOK, 1958—Edited by Sohan Lal. Published by "Current Events" (Publications Department) 17, Rajpur Road, Dehra Dun, India, 1958. Pp. 508. Price Rs. 5.

This is a new venture of the "Current Events" Publications Department whose monthly magazine the *Current Events* is already familiar to the student community in India. The book market has recently been flooded with "Help books" making things easy for students appearing at Competitive or other examinations, and they also find an easy sale. Generally, they are of a very poor standard, "bazar notes" as teachers are fond of calling them, and it is only right that students should be discouraged from using them. Occasionally, however, one comes across a publication which, though written mainly for examination purposes, may also be commended otherwise. The book under review belongs to the second category.

The book is intended to be a review of the more important events of the year 1957. It is divided into 2 Parts, the first deals with national events and the second with international events. In each case the topics have been arranged alphabetically. The account of developments during the year is preceded by a background of the event. The topics covered under national events include subjects like Andhra—Madras Border Dispute, Asian Legal Conference, Atomic Energy and Research, Aviation, Bharat Sewak Samaj, Indo-Pakistan Disputes, Community Development, General Elections, Five Year Plans, Foreign Policy of India. International topics include Baghdad Pact, Canadian General Elections, Cyprus, Eisenhower Doctrine, Ghana and Malaya, I. G. Y., Middle East muddle, South East Asia, Sputniks and United Nations. Controversial subjects like the 'language issue' have been treated under 'Prose and Cons' at the end of such topics. The publishers may be given credit for having taken every care to present facts only and for having avoided as far as possible, opinions. Undoubtedly the publishers have put in hard work to make it as useful as possible.

But this is all that can be said about it. The alphabetical arrangement of topics, while convenient in some ways, is logically very defective. Thus, Indo-Pakistan relations instead of being treated in one place, say under foreign policy of India, have been dealt with in a scattered way under each topic alphabetically. The book smacks too much of the 'notes' type than of a really serious attempt at bringing out a Year Book of Current Events. The get up leaves much to be desired. There are too many advertisements, again regarding 'help books' for examination purposes. And if the book is predominantly meant for the student community the advertisement of a certain brand of 'Beer' should hardly find a place in such a publication.



This, we understand, is the first attempt of its kind by the publishers and it is hoped that the next edition of this, otherwise useful publication will be free from these defects and come up to respectable academic standards.

A. L. LOOMBA

**HISTORY OF POLITICAL THOUGHT-VOL. I: ANCIENT AND MEDIEVAL; VOL. II: FROM MACHIAVELLI TO BURKE.** By J. P. Suda. Published by Jai Prakash Nath & Co., Meerut, India 1958. Pp. 365 and 268 Price Rs. 7/- and 6/4/-.

This is the revised edition of a work whose first volume appeared in 1955. Prof. J. P. Suda has been Head of the Department of Political Science in one of the premier post-graduate Colleges of the Agra University. His contributions to political science, both in English and Hindi, are numerous. He has a long standing in the profession, and it has rightly earned for him the Presidentship of the Indian Political Science Association this year.

History of Political Thought is usually studied in one of the two ways, either by reading the great writers themselves or by reading about them. Repeated experimentation in presenting political philosophies to groups of various kinds of College and University students, revealed that four kinds of material invariably received closer attention and were more largely remembered than others. These are: (1) a lively biographical sketch of the man behind the philosophy, (2) a concise exposition of the nature and significance of his work, (3) a paraphrased summary of the major writings and doctrines and (4) a few characteristic quotations in which he would speak for himself. The author has tried to adopt this method with advantage. The reader will quickly note that there has been no attempt to write a critical treatise on political philosophies or an exhaustive history of political thought. The aim has been to tell the story of political thinkers in such a way as to make them live again in the conscious appreciation of the reader.

Prof. Suda has so far published two volumes of this work. The first volume deals with Ancient and Medieval political philosophy and the second with the period from Machiavelli to Burke. The third volume, which we understand will soon be out, will deal with the period from Burke to Marx. In dealing with ancient philosophy, we notice, Prof. Suda has omitted a treatment of Hindu political thought as also the Chinese. As, according to him, "It is difficult to prove that the earlier civilizations had arrived at the high stage of systematic political thinking which we find in Plato and Aristotle; we do not possess any evidence to substantiate it. Even if they had produced political treatises comparable to Plato's Republic and Aristotle's Politics, they are not extant; they have been lost to us". This is not at all convincing. "Political ideas of the earlier non-European civilizations" may not "form part of the political tradition as it developed in Europe and of which the present-day world is the heir", but to say that "For understanding and appreciating the present-day political thought it is not at all necessary to acquaint ourselves with what the ancient Egyptians, Babylonians and other peoples thought about the various problems of state and government" is not warranted. And surely it is unfair for an Indian author to so summarily dismiss the ancient Indians by huddling them as "other peoples" with Egyptians and Babylonians! If Plato's Republic is a treatise on political science the *Santi Parva* of the *Mahabharat* is certainly so. The works of Jaiswal.

Bhandarkar, Dikshitar, Beni Prasad and others will surely provide enough material for at least one chapter in this work! Hindu political thought is included in the degree courses in political philosophy and Hindu political thought and institutions is a full paper for the postgraduate students in many universities. Let us hope Prof. Suda, if he feels convinced, will make up this deficiency in the next edition.

Prof. Suda, with all his characteristic humility, himself does not claim originality for his work. He frankly expresses his debt to standard histories of political thought like those by Dunning, Sabine, Doyle, Cook, and special works dealing with definite periods like Barker's *Plato and His Predecessors* and Hearnshaw's numerous volumes.

The primary purpose of this work is to serve as a text book for graduate and post-graduate students and this has been amply fulfilled. It will specially be of great interest to Indian students as there has been a dearth of good text book in recent years on History of Political Thought, in such simple English and lucid style as this book contains.

A. L. LOOMBA

## BOOKS AND PERIODICALS RECEIVED

### BOOKS :

- Agarwala, A. N. : *The Government and Politics of China*. Published by Kitab-Mahal, Allahabad, 1958. Pp. 118. Price 3.00.
- Aptheker, Herbert : *Toward Negro Freedom*. Published by New Century Publishers, New York. 1956. Pp. 191. Price paper \$ 2.00 Cloth \$ 2.75.
- Benda, J. Harry : *The Crescent and the Rising Sun*. Published by W. Van Hoeve Ltd. (through the Institute of Pacific Relations, New York). 1958. Pp. 320.
- Mathur, R. N. : *Studies in History & Politics*, revised by Dr. D. R. Bhandari. Published by Lakshmi Narain Agarwal, Agra. Pp. 193. Price Rs. 4.
- Dwarkanadas, R. : *Role of Higher Civil Service in India*. Published by Popular Book Depot, Bombay. 1958. Pp. 258. Price Rs. 12.50.
- Fifield, H. Russell : *The Diplomacy of Southeast Asia, 1945-1958*. Published by Harper & Brothers, New York. 1958. Pp. 584. Price \$ 7.50.
- Jha, Chetkar : *Indian Local Self-Government*. Published by Novelty & Co., Patna. Third Edition 1958. Pp. 246. Price Rs. 5.50.
- Poplai, Sundar Lal and Talbot, Phillips : *India and America*. Published by the Indian Council of World Affairs, New Delhi. (Oxford University Press, Calcutta) 1958. Pp. 200. Price. Rs. 12. 50.
- Dillon, Conley, H. ; Leiden, Car ; and Stewart, Paul D. : *Introduction to Political Science*. Published by D. Van Nostrand Company Ltd., London. 1958. Pp. 298. Price 36s.6d.
- Greaves, H. R. G. : *The Foundations of Political Theory*. Published by George Allen & Unwin Ltd., London. 1958. Pp. 208. Price 21 s. net.
- Misra, B. R. : *Economic Aspects of the Indian Constitution*. Published by Orient Longmans, Calcutta. Revised Second Edition, 1958 Pp. 140. Price Rs. 7.00.

- Plischke, Elmer : *Summit Diplomacy, Personal Diplomacy of the President of the United States*. Published by Bureau of Government Research, College of Business & Public Administration, University of Maryland, 1958. Pp. 125. Price \$ 2.50.
- Prasad, Ganesh : *Rajnitik Vichardharayen*, (Hindi). Published by Orient Longmans Private Ltd. Calcutta. Revised edition 1957. Pp. 434. Price Rs. 7.00.
- Ram, Vani Bai (Mrs.) : *Children's Sivananda*. Published by the Divine Life Trust Society, Rishikesh. 1958. Pp. 206, Price Rs. 3.50
- Roy, Dilip Kumar : *The Immortals of the Bhagavat*. Published by Lakshmi Narain Agarwal, Agra. Pp 213. Price. 5.00
- Sharma, Dr. M. P. : *Public Administration in Theory & Practice*. Published by Kitab Mahal, Allahabad. Pp. 508. Price Rs. 10.00.
- Singh, Gurmukh Nihal : *The Changing Concept of Citizenship*. Published by Orient Longmans, Calcutta. 1958. pp. 318. Price Rs. 6.75 n.p.
- Singh, G. N. : Majumdar P, and Bhargava G : *Modern Political Constitutions* (Hindi). Published by Macmillan & Co. Ltd., Calcutta 1958 Pp. 443. Price Rs. 10.00.
- Suda J. P. : *A History of Political Thought*, Vol. I & II. Published by Jai Hrakash Nath & Co. Meerut. Pp. 361 & 286. 1958. Price Rs. 7.00. and 6.25
- Wiseman, H. V. : *The Cabinet in the Commonwealth*. Published by Stevens & Sons, Ltd. London. 1958. Pp. 364. Price & 2 10s net.

## PERIODICALS :

- American Political Science Review*. Published quarterly by the American Political Science Association, Vol. LII No. 2, June 1958. Price \$ 2.50 per copy & \$ 10 a year.
- Catalogue of Parliamentary Publications for Sale*. Published by Sales Section, Lok Sabha Secretariat, Parliament House, New Delhi. List No. 2 July 1958.
- Confluence, An International Forum*. Vol. VII No. 2, Summer 1958. Price \$ 1.00.
- Current Events*, A monthly Review of National & International Events July, August, September and November 1958. Price 75np each.
- Documentation Administrative*. Published by Secretaria General Presidencia Del Gobierno. Price 40 pesetas.
- Indian Economic Journal*. Vol. VI No. 1 July 1958. The Quarterly Journal of the Indian Economics Association. Edited by D. T. Lakdawala, Department of Economic, University of Bombay, Bombay. Price Rs. 5 or 7/6d or \$ 1.25 par copy and Rs. 15/- or & \$ 1.5 or 4.00 a year.
- Indian Journal of Public Administration*. Quarterly organ of the Indian Institute of Public Administration New Delhi. July-September 1958. Vol. IV No. 3. Price Single copy 2.50 or 5s. Annual Subscription Rs. 10.
- International Social Science Bulletin. The Role of the Executive in the Modern State*. Published Quarterly by UNESCO. Vol. X No. 2, 1958. Price \$ 1.99.
- Jugoslovenska Revija Za Medunarodno Pravo I*. Organ of the Yugoslav Association of International Law, Beograd.
- Khadi Gramodyog*. Vol. IV No. 11, 12 and Vol. V No. 1, 1958. Published by Khadi & Village Industries Commission, Mistry Bhavan, Dinsha Wacha Road, Bombay. Price Rs. 2.50 a year.

- Journal of Political Science*. Published by Victoria University College, Wellington, Vol. I No. 2 March 1949. Vol. IV No. 1 March 1952; No. 2 September 1952, Vol. V No. 1 March 1953 & No. 2 September 1953, Vol. VIII No. 1 March 1956, and No. 2 September 1956; Vol. IX No. 2 September 1957 and Vol. X No. 1 March 1958. Price 10s. a year.
- Political Studies*. The Journal of the Political Studies Association of the United Kingdom. Clarendon Press Oxford. Vol. V. No. 2 June 1957, Vol. V. No. 3 October 1957, and Vol. VI No. 1 February 1958. Price 33s. 6d.
- Public Administration Abstracts and Index of Articles*. Published by The Indian Institute of Public Administration 6, Bhagwandas Road, New Delhi. Vol. II No. 9 September 1958.
- UNESCO Chronicle*. A monthly report from Unesco House. Vol. IV No. 3 March 1958. Vol. IV No. 4, April 1958 and Vol. IV No. 5 May 1958. Price \$ 1.75.
- World Affairs Quarterly*. Published by the School of International Relations University of Southern California. July 1958. Price \$ 3.00 a year.

## The American Political Science Review

Official Journal of The American Political Science Association

## EDITORIAL BOARD

Harvey C. Mansfield, Managing Editor, Ohio State University  
 Wallace S. Sayre, Associate Editor, Columbia University  
 Samuel H. Beer, Associate Editor, Harvard University  
 Hugh L. Elsbree, Library of Congress  
 Edgar S. Furniss, Jr., Princeton University  
 Alexander Heard, University of North Carolina  
 Vincent Ostrom, University of Oregon  
 Leo Strauss, University of Chicago

The Review contains comprehensive symposia on selected subjects and a variety of individual articles covering the fields of foreign affairs, public law, public administration, political theory, comparative government, political parties, and American government. Through its analytical book reviews, its survey of foreign journals and news and notes on contemporary developments in political science, the Review is of the utmost importance to those who wish to keep abreast of political affairs and of research developments in political science.

Yearly subscription—\$ 10.00 domestic  
 (Four issues) \$ 11.00 foreign

(Includes membership in The American Political Science Association)  
 Business Office : 1726 Massachusetts Avenue, N. W., Washington 6, D. C.

## RESEARCH IN POLITICAL SCIENCE IN INDIAN UNIVERSITIES

### LUCKNOW UNIVERSITY

#### *Research Completed*

#### Ph.D :

|                   |                                                                                     |      |
|-------------------|-------------------------------------------------------------------------------------|------|
| Sharma, B. M.     | The Indian Federation.                                                              | 1932 |
| Dhawan, G. N.     | Political philosophy of Mahatma Gandhi.                                             | 1942 |
| Masaldan, P. N.   | Provincial Autonomy and its working in the United Provinces.                        | 1942 |
| Nigam, S. R.      | Opium India, and the League of Nations.                                             | 1942 |
| Singh, Harnam     | Government and administration of the Jammu and Kashmir State.                       | 1943 |
| Sinha, S. C.      | Mandates System with special reference to Palestine.                                | 1943 |
| Hasan, Zuhurul    | Rural Government in the United Provinces.                                           | 1943 |
| Bhargava, R. P.   | Chamber of Princes.                                                                 | 1944 |
| Rajkumar, N. U.   | Travancore Government and administration.                                           | 1944 |
| Das, R. B.        | Municipal Administration in U. P.                                                   | 1944 |
| Kidwai, M. B. A.  | Protection of Minorities in India.                                                  | 1947 |
| Bheemaraju, B.    | Provincial Autonomy in Madras.                                                      | 1949 |
| Pandey, S. L.     | Democratic elements in the Hindu State as found in the Epics.                       | 1949 |
| Sharma, I. D.     | Government and Administration of Baroda (1881-1938)                                 | 1949 |
| Choudhury, L. P.  | Second Chambers in Federal Legislatures with special reference to India.            | 1950 |
| Sharma, J. C.     | State in relation to Prohibition in India with reference to the U. P.               | 1950 |
| Srivastava, G. P. | Indian Civil Service, (1800-1947).                                                  | 1953 |
| Avasthi, A.       | Rural Local Self-Government (District Councils and Local Boards) in Madhya Pradesh. | 1954 |
| Vaish, B. P.      | Organization and working of Panchayat Raj in U. P.                                  | 1954 |
| Dass, Ghansham    | Indo-Iranian relations since 1878                                                   | 1954 |
| Jain, S. S.       | Nature of Polity in Jain Literature.                                                | 1954 |
| Misra, K. P.      | Role of Federal Court of India under the Constitution Act of 1935.                  | 1954 |
| Pandey, R. P.     | Problem of the Scheduled Castes in India with special reference to U. P.            | 1954 |
| Bhushan, Vidya,   | Prison Administration in Uttar Pradesh,                                             | 1954 |

## RESEARCH IN POLITICAL SCIENCE IN INDIAN UNIVERSITIES

317

|                               |                                                                                               |      |
|-------------------------------|-----------------------------------------------------------------------------------------------|------|
| Bartarya, S. C.               | Indian nationalist movement from 1885-1947.                                                   | 1955 |
| Singh, Bishambhar.            | State and the Land and Revenue reforms in U. P. since 1901 to the present day.                | 1955 |
| Singh, D. P.                  | U. P. Civil Service (Executive), its growth, organization and function.                       | 1956 |
| Bora, Uma (Miss)              | Administrative and Legislative relations between the centre and the Units in India.           | 1956 |
| Avasthi, R. N.                | Techniques of resolving tensions with special reference to Gandhi Ji.                         | 1957 |
| Bhalla, R. N.                 | Regionalism and World peace.                                                                  | 1957 |
| Sharma, C. M.                 | The Role of Judiciary in the constitutions of U. S. A. and India - comparative study.         | 1957 |
| Prakash Chandra Shukla, U. N. | The political philosophy of M. N. Roy. Federation Executives with special reference to India. | 1957 |
| Sinha, S. K.                  | Growth of federal ideas and institutions in India since 1919.                                 | 1957 |
| Vasil, R. K.                  | The rise of Indonesian Nationalism.                                                           | 1957 |

#### D. Litt. :

|                  |                                                                         |      |
|------------------|-------------------------------------------------------------------------|------|
| Dr. B. M. Sharma | Awarded on the basis of published works.                                | 1932 |
| Sinha, S. C.     | Colonial problem with special reference to the Trusteeship System.      | 1952 |
| Sharma, I. D.    | Influence of Western ideas on nationalist movement in India since 1856. | 1957 |

## RESEARCH IN PROGRESS

( Showing the year of registration for Ph. D. )

1954.

|                        |                                                                    |
|------------------------|--------------------------------------------------------------------|
| Gur Dayal Srivastava   | Judicial administration und reorganization in U. P.                |
| Girdhari Lal Sapru.    | Administration of nationalized industry in India.                  |
| Harkhayal Singh        | Process of law-making in U. P.                                     |
| Kamini Mahendra (Miss) | Enforcement machinery of United Nations Organization.              |
| Mohan Krishna Singh    | Social legislation in Kashmir since 1900.                          |
| Harendra K. Verma      | United States policy in the Far East since 1931-41.                |
| C. A. Perumal.         | Some aspects of the administration of the Travancore-Cochin State. |
| Rup Narain Dhawan      | Foreign Policy of Nazi Germany.                                    |
| Ram Mohan Joshi        | The Administrative Organization in Rajasthan State.                |
| Ram Autar Sharma       | Freedom of Press in India since 1935.                              |

1955

|                    |                                                            |
|--------------------|------------------------------------------------------------|
| Lakshman Pd. Gupta | The concept of Welfare State and its application to India. |
|--------------------|------------------------------------------------------------|

- R. R. Upadhyay  
D. P. Sharma. Rise and growth of colonialism in Asia.  
Position and powers of the Governor in India : a historico-political study since 1919.
- Ved Prakash Gupta. The first General Election in the U. P. after Independence.
- Muneshwar Chandra Division of powers between the Centre and the Units under the Indian Constitution.
- B. P. Gautam The rise and growth of nationalism in the Middle East from 1920 - 1950.
- Jagdish Prasad Gupta The State organization and administration of Secondary Education in U. P. since 1919.
- Kamla Puri (Miss) The social and political Philosophy of Dayanand Saraswati.
- Kanhiyalal Lal Nadir Formation of Public Opinion in India.
- K. K. Pradhan Military organization and control from 1858 to 1895.
- Satya Deva The staff agency and its role in the administration of U. P.
- Surendra Sharma (Miss) The system of Government Grants-in-aid to the local bodies in U. P. since 1919.
- Kaushal Naresh Sinha The Governors in the Indian States since 1919.
- Mahendra Kumar The social and political philosophy of Quakers.
- Surendra Nath Bisaria The Supreme Court of India.
- 1956
- Dharmendra Nath A study of the civic administration of Delhi.
- Jal Singh India and U. N. O. 1946-56.
- Kamala Ahluwalia Jabalpur Corporation. A study in civic administration.
- Kedar Nath Gupta Recruitment of Railway personnel in India.
- L. D. Thakur Studies in the main Smritis with reference to social, political and legal institutions.
- M. N. Verma Administration and political evolution of Mauritius since 1715.
- Onkar Nath The President of India.
- Onkar Nath Tandon Contribution of Kautilya to Hindu Political thought.
- P. S. Maheshwari U.N. as an instrument of International peace and security.
- Prem Raj Nagar India and the International Labour Organization.
- Rajni Kant Mudgal Congress Party in Legislature.
- Shiva Raj Singh The Organization and working of rural development.
- Ramadhikari Sharma Personal liberties in law and practice under the Indian Constitution with special reference to the State of Bihar.
- Ram Kishan Saxena History of Local Government in India.
- C. N. Satyapalan The Veto in the United Nations.
- Shyam Lal Agarwal Concept of civil liberties in 20th Century in India.
- Sukriti Bhatnagar The Prime Minister of India.
- T. N. Jhingaran The Legislature in U.P. Since 1909.

- Shiva Raj Singh The Position of Governor in Indian Constitution with special reference to U.P.
- Chaudhary
- Prabha Chandra (Miss) Forms and methods of State Control over local bodies in U.P.
- Suresh C. Tiwari Security Council (U.N.O).
- Vibha Rani Misra Provincial administration from 1909 to 1937.
- (Miss)
- S. C. Bartanja Psychological foundations of political behaviour.
- B. K. Datta The problem of Indian Defence-Critical Study in Geopolitics.
- H. C. Mani Terpathi Rise and Growth of Nationalism in Malaya.
- Khem Lata Bhan Administrative organisation in Jammu & Kashmir.
- (Miss)
- Ravi Bhusan Puri The International Court of Justice-Critical Study.
- Ravendra Nath Misra The President of India.
- Shafiq Ahmad Kidwai Growth of Franchise in India.
- T. Madan (Mrs.) Social legislation in the Punjab from 1947 to present day.
- A. J. Shaw Minorities Problem in India with special reference to the Christians.
- Banbir C. Saksena Indian Foreign Policy 1947-57.
- Brij Kishore Awasthi Delegated legislation in Uttar Pradesh.
- Harbansi Lal Talwar Employee organization in the Railway Administration.
- Jagat Mohan Adhikari Political Development of Nepal since the treaty of Sagauli 1815.
- Moti Lal Kaul The Govt. and Administration of Kashmir under Muslim Rule.
- Mushtaq Ahmad Khan Growth of legislature in U. P. since 1919.
- Rama Shankar Misra Communism and its application in India.
- Rubi Bagchi Social and political ideas of Tagore.
- Shanti Kashyap Organization and working of the Railway Board, Government of India.
- Vindhyalya Joshi The concept of Liberty in Mill and Laski—a comparative study.
- D. Litt :
- Dr. Ram Prakash Pandey The Problem of Backward Classes in India with special reference to U. P.
- G. P. Srivastava Parliamentary Govt. in India since 1919.
- Shyam Singh Jain The Concept of Monarchy in Ancient Indian Literature.
- Dr. J. C. Sharma The Development of Judicial Administration in British India from 1773 to 1858.
- Dr. L. P. Choudhary The influence of Mahatma Gandhi on the national movement in India.
- Bishambhar Singh The integrated Judiciary of India.
- Dr. Miss Uma Bora Development and growth of Indian Constitution 1947—58.

DIGEST OF CASES  
OF  
CONSTITUTIONAL AND ADMINISTRATIVE  
IMPORTANCE

By

KRISHNAPRIYA LOOMBA

- Art. 7 — Rights of citizenship of Certain migrants to Pakistan—Person born in India, migration to Pakistan after 1-3-1947—If can claim citizenship of India. *Ghaurul Hasan V. The State of Rajasthan*. (A. I. R. 1958 Raj. 172).
- Arts. 13, 14 & 246 — Laws inconsistent with or in derogation of fundamental rights (13)—Equality before law and Equal protection of Law (14)—Subject matter of laws made by Parliament and by the Legislatures of States (246)—Judicial review of legislation—Principles of—Doctrine of 'pith and substance'—Principle of reasonable classification—Validity of J & K Enemy Agents Ordinance Ss. 4 & 5. *Rahman Shagoo V. The State of J & K*. (A. I. R. 1958 J & K 29 F. B.).
- Arts. 13, 14, 310 & 311 — Tenure of office of civil servants (310), their dismissal or reduction in rank (311)—Scope. *Jagdish Dajiba V. The Accountant General of Bombay*. (A. I. R. 1958 Bombay 283).
- Arts. 13 & 19 (1)(f) — Right to acquire, hold and dispose of property [19 (1) (f)] Not retrospective—*Sobha Nath V. Ambika Prasad*. (A.I.R. 1958 Allahabad 419).
- Art. 14 — Equality before law—Scope—What is 'Equal protection of Law'—Principles stated. *Brijesh Kumar V. State*. (A. I. R. 1958 Allahabad 514).
- Principles to be borne in mind by Court in determining validity of Statutes on ground of violation of Art. 14. *Ram Krishna Dalmia V. Justice Tendolkar*. A. I. R. 1958 S. C. 538).
- "Person" in Art. 14 does not include State—S. 417 (1) of Cr. P. C. is not *ultra vires*. *The State V. Shanker*. (A. I. R. 1958 Allahabad 432).
- Classification not unreasonable—Only one instance of the class—Provision for 'unique' not discriminatory. *Travancore Rayons Ltd. V. Municipal Council, Perumbavoor*. (A. I. R. 1958 Kerala 149).
- Constitutional validity of classification adopted for rates of royalty in Rajasthan Minor Mineral Concession Rules (1955) Sch. 1—Discrimination. *Sethi Marble Stone Industries V. The State of Rajasthan*. (A. I. R. 1958 Raj. 140).

- Validity of Madras General Sales Tax Act of 1939 (as amended in 1955). *The Pithapuram Taluk Tobacco Cigars and Soda Merchants Union V. State of Andhra Pradesh*. (A. I. R. 1958 A. P. 558).
- Territorial discrimination—C. P. C. (1908) S. 60 (1) (as amended by Patiala Relief of Indebtedness Act (1999 B. K.)—Validity after reorganization of States. *Sampat Kumar V. Nathu Ram Thuta Ram*. (A. I. R. 1958 Punjab 326).
- Arts. 14 & 19 — Protection of certain rights (19) Principles of reasonable classification—Conditions. *Smt. Mithau V. Municipal Board Orai*. (A. I. R. 1958 All. 603).
- Arts. 14 & 19 (1) (f) & 226 — Constitutional Validity of Madras Hindu Religious and Charitable Endowment Act of 1951. *A. Balasundra Mudaliar V. The Area Committee Hindu Religious and Charitable Endowments North and South Arcot at Cuddalore*. (A. I. R. 1958 Mad. 275).
- Art. 15 — Prohibition of discrimination on grounds of religion, caste, sex or place of birth—Customary rights—Whether reasonable—*Arumugha Konar V. Narayan Asari*. (A. I. R. 1958 Mad. 282).
- Art. 19 — Protection of certain rights regarding freedom of speech etc. (19) Read with Preamble and Pt. III Gen.—Interpretation—Reference to American decisions—Freedom of speech—What it comprehends—Freedom of Press—Freedom to carry on business—Reasonable restrictions—Test. *Express Newspaper Ltd. V. Union of India*. (A. I. R. 1958 S. C. 578).
- Restriction on teachers of primary schools from getting mixed up with political institutions—Justified by Law and is reasonable. *Hazi Mohammad Ibrahim V. District School Board Malda*. (A. I. R. 1958 Cal. 401).
- Arts. 19 (1) (f) & 31 — Compulsory acquisition of property (31) Property rights of Watandari—Patels and Patwaries—If Art. 31 (2 A) and 31 (A) of retrospective operation. *Berar Provincial Patels and Patwaries Association V. State of Bombay* (A. I. R. 1958 Bom. 300).
- Art. 20 — Protection in respect of conviction of offences—"Law in force"—Rules deemed to be in force at times of commission of offence. *State of Madhya Pradesh V. A. K. Jain* (A. I. R. 1958 M. P.).
- Art. 20 (3) — What is 'Privilege against self-incrimination'? Necessity of assertion—Privilege not invoked will be deemed to have been waived—Scope of compulsion for body or identification marks on it—Procurement of finger prints by force for establishing identity not objectionable. (A. I. R. 1958 Punjab 294).

- Art. 31 — **Compulsory acquisition of property**—Acquisition of commercial venture—S. 20 Madras Estate Abolition and conversion into Ryotwari Act does not enable Government to acquire commercial venture—Section is within legislative competence. *Rajah of Venkatagiri V. The State of Andhra*. (A. I. R. 1958 A. P. 522).
- Arts. 72 & 161 — **Powers of President (72) and Governors (161) to grant pardons etc.**—Nature of. *S. Tara Chand V. Director Consolidation of Holdings, Punjab*. (A. I. R. 1958 Punjab 302).
- Arts. 132 (1) & 133 (1) (2) & 226 — **Original jurisdiction of the Supreme Court (132)—Appellate jurisdiction of the S. C., in appeals from High Courts (132 & 133)**—Certificate under Art 133—Applicant whether can raise question relating to interpretation of consolidation—Civil Proceedings, meaning of—Proceeding under Art. 226 for issue of writ of Mandamus, whether Civil Proceeding—*Brij Lal Suri V. The State of U. P.* (A. I. R. 1958 All. 621).
- Art. 133 — “Final Order”—Meaning. *Kuldip Singh V. Masbul Kaur* (A. I. R. 1958 Punjab 313).
- Decree of affirmance—Land Acquisition case—Variation in decree by High Court in favour of applicant. *Markandalal V. State of M. P.* (A. I. R. 1958 M. P. 235).
- Art. 191 — Object of Art.—“Office of Profit”—Meaning of—Test for deciding. *Dr. Deorai Laxman Anand V. Keshav Laxman Borkar* (A. I. R. 1958 Bom. 314).
- Arts. 191 (1) (a) & (e) — Office of Profit under the Government. *G. Narayanaswamy Naidu V. C. Krishna Murthi* (A. I. R. 1958 Mad. 353).
- Arts. 194 (1) (2), (3) & 218, 215 — Freedom of speech in State Legislature—Restrictions on—Immunity conferred by Cl. (2) is wider than Cl. (1)—Speech in State Legislature amounting to contempt—Jurisdiction of High Court to take action—Art 215—Any citizen of India can bring contempt to notice of High Court—What amounts to “Apabyabahara”—Test—(Contempt of Courts Act (S.1)—Punishment for. *Sri Surendra Mohanty V. Sri Nabakrishna Chaudhury* (A. I. R. 1958 Orissa 168).
- Art. 226 — **Powers of High Courts to issue certain writs**—Scope—Finding of fact—Power of High Court to interfere with discretion orders of Tribunals—Interference in writ proceedings—Competency. *Rameshwar Dayal Gupta V. The Regional Transport Authority Meerut*. (A. I. R. 1958 All. 595).
- Scope. *Malabar Products V. Ltd. Industrial Tribunal Ernakulam*. (A. I. R. 1958 Kerala 192).
- Petition under—Finding of fact cannot be challenged or investigated—Nor can allegations of *mala fide* made against

- authority—Passing impugned order be adequately investigated. *Mohinder Singh S. Samsher V. Union of India* (A. I. R. 1958 Punjab 212).
- Writ proceeding under—Findings of fact—Status of person—What is ‘Error on face of record’—Statement of wrong law—Effect. *Seetaram V. Smt. Ramabai* (A. I. R. 1958 M. P. 221).
- Who can apply. *Madhya Pradesh Mineral Industry Association V. The Regional Labour Commissioner (Central) Civil Lines, Nagpur*. (A. I. R. 1958 Bom. 332).
- Rules of ‘natural justice’—Interlocutory order passed by High Court in Writ proceedings—Interference by Supreme Court. *Raffiulla Khan V. Amulya Prasad Chaliha* (A. I. R. 1958 Madhya Pradesh 168).
- Natural Justice—Denial of. *Aswini Kumar Dutt V. Commercial Tax Officer Midnapore*. (A. I. R. 1958 Cal. 289).
- Habeas Corpus—Read with the Art. 22 (Protection against arrest and detention in certain cases)—Detention under Preventive Detention Act—Factual correctness of ground for detention verified by Advisory Board after hearing petitioner—Matter cannot be investigated by H. C. under Art. 226. *Muthuramalinga Thevar V. The State of Madras*. (A. I. R. 1958).
- Habeas Corpus—Investigation of disputed facts. *Vasu Deo Ojha V. State of U.P.* (A. I. R. 1958 All. 578).
- Circumstances justifying mandamus—Admission in College. *Katragadda Ganganna V. The Principal Andhra Medical College, Vizakhapatnam* (A. I. R. 1958 A. P. 470).
- Mandamus—Enforcement of Statutory duty—Industrial Disputes (Banking Companies) Decision Act (1955) does not create statutory obligation against any one—Bank award—Contravention—Certiorari cannot be issued against Bank not being industrial body or tribunal—Other remedy open. *Ram Kishun Tandon V. Officer in Charge Central Bank of India Ltd., Muthiganj Br. Allahabad* (A. I. R. 1958 All. 413).
- Writ of Certiorari—Jurisdiction—Error apparent on the fact of record. *Management of Bangalore Woollen, Cotton and Silk Mills Co. Ltd., V. State of Mysore*. (A. I. R. 1958 Mysore 85).
- Error on the fact of record—Some evidence omitted—Effect. *Rajah of Venkatagiri V. State of Andhra Pradesh* (A. I. R. 1958 A. P. 522).
- Certiorari—Grounds of—Effect of the Writ. *Ramesh Chandra Verma V. R. D. Verma* (A. I. R. 1958 All. 532).



- Certiorari—Ground. *Rafiulla Khan V. Amulya Prasad Chaliha* (A. I. R. 1958 S. C. 398).
- Writ of Certiorari—When can issue. *Fauja Singh V. Director, Consolidation of Holdings, Jullunder*. (A. I. R. 1958 Punjab 305).
- Certiorari—Industrial Tribunal passing erroneous order—Power of High Court to interfere under Art. 226—Order of High Court Judge acting as Industrial Tribunal. *Gordon Woodroffe & Co. Private Ltd. V. S. Venugopal* (A. I. R. 1958 Mad. 433).
- Apparent Error of Law—Industrial Tribunal—Interference by H. C. Under Art. 226. *Sadul Textile Mills V. Workmen S. T. Mills* (A. I. R. 1958 Raj. 202).
- Supreme Court refusing leave to appeal against award of Industrial Tribunal—High Court, if can exercise its powers under Art. 226. *The Management of Western India Match Co. Ltd., Madras V. The Industrial Tribunal Mad.*
- Executive functions required to be exercised in Quasi-judicial manner do not cease to be executive. *S. Taran Singh V. Director Consolidation of Holdings*. (A. I. R. 1958 Punj. 302).
- Writ of Certiorari and of Mandamus—Distinction—Writ petition by rate-payers relating to Municipal election—Maintainability. *T. Venkateswara Rao V. State of Andhra Pradesh* (A. I. R. 1958 Andhra Pra. 458.)
- Dismissal of Govt. Servant—Proper writ that can be issued Certiorari and not Mandamus. *Sri Nijhal Chandra Banerjee V. Union Territory of Tripura*. (A. I. R. 1958 Tripura 28).
- Reference of industrial dispute for adjudication—Writ to quash order—Proper form of Relief—Parties to writ proceedings. *Bengal Provincial Bank Employees Association Calcutta V. Silim M. Merchant* (AIR 1958 Cal. 297).
- “For any other purpose”—writ petition by Teacher in Govt. aided school to recognise her right to improved scales of pay. *Mira Chatterjee V. Public Service Commission* (A. I. R. 1958 Cal. 345).
- Alternative remedy—Election dispute. *Dharaudhar Mandal V. State of West Bengal*. (A. I. R. 1958 Cal. 287.).
- Another remedy open. *Gangadhar Daudwate V. Premchand Kashap* (A. I. R. 1958 M. P. 182).
- Laches—Dismissal of Civil Servant. *Anil Nath Dev Collector of Central Excise, Calcutta* (A. I. R. 1858 Cal.).

- Arts. 226 & 227 — Powers of High Court in hearing writ petitions—Interference at interim stage. *Hari Vishnu Kamth V. Election Tribunal Jabalpur*. (A. I. R. 1958 M. P. 168)
- Application orders—Writs against. *K. C. Sharma V. The Election Tribunal Chattarpur* (A. I. R. 1958 M. P. 236).
- Arts. 225 & 311 — Departmental enquiry by Tribunal—Nature of—Administrative or quasi-judicial—Other remedy open—Certiorari to quash order of dismissal of public servant. *Budh Singh V. State of U. P.* (A. I. R. 1958 All. 607).
- Powers of High Court. *Dr. Hans Raj Gupta V. The Health Minister Government of J. & K.* (A. I. R. 1958 J & K 40).
- Arts. 226 & 239 (b) — Bar to interference by courts in electoral matters (329)—Election proceedings—Maintainability of writ petition. *Basantilal Bheruji Parmar V. Nirwachand Padadhihari*—(A. I. R. 1958 M. P. 181).
- Art. 227 — Powers of superintendence over all courts by High Courts—Scope and applicability—Nature and Scope of—Power of superintendence—Decision on preliminary issue as to jurisdiction of Civil Court—Interference. *Ram Roop V. Bishwa Nath* (A. I. R. 1958 Allahabad 456).
- Art. 228 — Transfer of certain cases to High Courts—Applicability—Meaning of ‘Necessary for disposal of suit’. *Fakir Chand Aggarwal V. Smt. Bhagwanti*. (A. I. R. 1958 Pun. 287).
- Arts. 231 (2) & (6) — Restrictions on the powers of the Legislatures of States to make laws with respect to Jurisdiction of a High Court in a State having jurisdiction outside that State—Orissa Development of Industries, Irrigation, Agriculture, Capital, Construction and Resettlement of Displaced Persons (and acquisition) Act of 1948 not submitted for certification—What constitutes ‘Public Purpose’—Acquisition under Act whether for ‘public purpose’. *Satrugan Sahu V. The State of Orissa* (A. I. R. 1958 Orissa 187).
- Arts. 239 & 311 — Administration of Part “C” States (239)—Servants of Part C States—Applicability of Central Civil Service (Temporary Service) Rules 1949. *Sri Nikhil Chandra Banerjee V. Union Territory of Tripura* (A. I. R. 1958 Tripura 28.)
- Art. 245 — Extent of laws made by Parliament and by the Legislatures of States—Subordinate Legislation—Validity. *Banta Singh V. State of M. P.* (A. I. R. 1958 M. P. 133).
- Delegation of powers by State Legislature—Extent of. *Gauri Shankar T. Municipal Board Jhunjhunu* (A. I. R. 1958 Raj. 192).
- Arts. 245 & 246 — Constitutional validity of an Act—Tests—Interpretation of legislative entries—General Principles. *C. P. Appanna V. State of Coorg*. (A. I. R. 1958 Mysore 102)

- Arts. 245 to 255 — **Scheme of distribution of Legislative powers.** *Thangia V. Hanuman Bank.* (A. I. R. 1958 Madras 403).
- Arts. 245 & 286 (2) — **Restrictions as to imposition of tax on sale or purchase of goods (286)**—Territorial extent of legislative powers—Theory—Territorial connection or nexus—Applicability to sales tax legislation. *Tata Iron and Steel Co. Ltd. V. State of Bihar.* (A. I. R. 1958 S. C. 452).
- Art. 246 — Read with Sch. 7 List 1 Entry 94 & List 11<sup>1</sup>, Entry 45—Scope—Inquiries for the purpose of any matter in Lists. *Ram Krishna Dalmia V. Justice Tendolkar.* (A. I. R. 1958 Bom. 538).
- Art. 246 Preamble Arts 254 & Sch. VII Lists — **Inconsistency between laws made by Parliament and laws made by Legislatures of States (254)**—Repugnancy—Harmonious construction—Interpretation of statutes—Policy of an Act—How to be gathered. *M/S Co-operation Mills Society Union Ltd. V. State of West Bengal* (A. I. R. 1958 Cal. 373).
- Art. 261 (3) — Art. is prospective. *Kishen Das V. Indo Carnatic Bank Ltd.* (A. I. R. 1958 Andhra Pra. 407).
- Arts. 265 & 366(28) — **Taxes not to be imposed save by authority of law (265)**—Definition of "taxation" [366 (28)]—"Toll" if tax imposed by authority of law—Demand of Toll whether can be supported under Art. 20. *Mrs. K. K. Wadhani V. State of Rajasthan* (A. I. R. 1958 Raj. 138).
- Art. 286 — **Restrictions as to imposition of tax on the sale or purchase of goods**—Scope and applicability. *Messrs Mulaji Jamaluddin & Co. V. The State of M. P.* (A. I. R. 1958 M. P. 220)
- Arts 300 & 295 (1) & (b) & 294 (b) — **Extent of Liability of Union Government as Successor Government.** *(Shaik) Farid V. Government of Union of India owing the E. I. State Rly. Per General Manager of the said Railway.* (A. I. R. 1958 Andhra Pra. 394).
- Arts. 309 310, 311 & 313 — **Recruitment and conditions of service of persons serving the Union or a State (309)**—Tenure of office of (310)—Dismissal etc. of (311)—Transitional provisions (313)—Scope—Powers of President under Art. 310 if controlled by rules and regulations continued in force under Art. 313. *Jagdish Dajiba V. The Accountant General of Bombay* (A. I. R. 1958 Bom. 283).
- Art. 310 & — Scope. *Ramesh Chandra Verma V. R. D. Verma* (A. I. R. 1958 All. 532).
- Art. 311 — Scope. *Dulal Rajan Adetya V. R. K. Bose* (A. I. R. 1958 Cal. 356.)

- Article applies to temporarily Civil Servants also. *Sri Nikhil Chandra Banerjee V. Union Territory* (A. I. R. 1958 Tripura 28).
- Arts. 316, 317, 319 & 321 — **Public Service Commission (315—323)**—Functions of—Extra constitutional functions. *Mira Chatterjee V. U. P. S. C.* (A. I. R. 1958 Cal. 345).
- Arts. 320 & 323 — Function of Public Service Commission only advisory. *Sri Nikhil Chandra Banarjee V. Union Territory of Tripura* (A. I. R. 1958 Tripura 28).
- Art. 361 (2) — **Protection of President and Governors and Rajpramukhs**—Information in substance against Rajpramukh. Bar of Criminal Proceedings. *B. G. Keskar V. S. N. Reddy.* (A. I. R. 1958 A. P. 478).

## Some Important Books on Political Science

For  
Degree and Post-Graduate Classes  
By

Prof. J. P. SUDA, M. A.,

*Retired Professor of Political Science, Meerut College, Meerut.*

- History of Political Thought, Vol. I—Ancient and Medieval**  
English and Hindi ... Price Rs. 7/8/- each.
- History of Political Thought, Vol. II—Machiavelli to Burke**  
English and Hindi ... Price Rs. 7/- & Rs. 7/8/- respectively.  
(These two volumes taken together cover the History of Political Thought from the Sophists to Burke, and are indispensable for M. A. Students).
- History of Political Thought, Vol. III—Bentham to Marx**  
(under print).
- Indian National Movement and Constitutional Development**  
English and Hindi ... Price Rs. 10/- each.  
(It contains one of the best and most thoroughgoing accounts of the National Movement from the beginning to 1947, and a brief survey of Constitutional Development from 1773 to 1909, a more detailed account of the Acts of 1919 and 1935 and a comprehensive study of the New Constitution).
- Government of Great Britain, U. S. A., U. S. S. R., and Switzerland, and Government of France.**  
In three separate volumes.  
Contains a Comprehensive Study of the Constitutions of these Countries.  
Price Rs. 3/8, Rs. 5/- & Rs. 3/8/- respectively.
- Elements of Political Science**  
Price Rs. 10/-

(It contains a full and comprehensive account of the various schools of thought, and other topics generally included in the course prescribed.)

Published by  
**Jai Prakash Nath & Co.,**  
Educational & Law Publishers,  
Meerut City (India).

## THE INDIAN JOURNAL OF POLITICAL SCIENCE

### Rates of Subscription

|           | <i>Annual</i> | <i>Single issue</i> |
|-----------|---------------|---------------------|
| Inland :  | Rs. 15/-      | Rs. 5/-             |
| Foreign : | £ 1.10 s.     | 75.6 d.             |
|           | \$ 4.50       | \$ 1.25             |

If paid by cheque please add Re, 1.00 (12 s. for 50 c.) or postage, etc.

### Rates of Advertisement.

|                 | <i>Cover page 3 &amp; 4</i> | <i>Others</i> |
|-----------------|-----------------------------|---------------|
| One Page        | Rs. 125.00                  | Rs. 100.00    |
| One-half page   | Rs. 80.00                   | Rs. 60.00     |
| One-fourth page | Rs. 50.00                   | Rs. 30.00     |

Extra concession rates are offered to members of the Association.

*For particulars, please, write to*

THE MANAGING EDITOR  
INDIAN JOURNAL OF POLITICAL SCIENCE  
MODEL HOUSE, LUCKNOW (U. P.) INDIA.

### A REQUEST TO SUBSCRIBERS

The Managing Editor will be grateful to subscribers (who do not wish to maintain a permanent record of the Journal) for sending him the following back numbers of the Journal so that he can help complete the sets in university and college libraries :

- Vol. V—Nos. 3 and 4
- Vol. VI—No. 1
- Vol. VIII—No. 4
- Vol. XII—No. 3
- Vol. XIII—No. 1
- Vol. XIV—No. 1

A Payment of Rs. 3/- per copy (post free) will be made, if desired, up to a limited number of copies. Please write immediately to the Managing Editor, The Indian Journal of Political Science, Model House, Lucknow (U. P.) India.

## POLITICAL STUDIES

The Journal of the Political Studies Association  
of The United Kingdom

*Published* : Three times a year

*Subscription* : 33 s. 6 d. or \$ 5.00 a year, and  
13 s. or \$ 2.00 per issue.

*For articles and books for review write to :—*

The Editor, Political Studies  
The Queens College.  
OXFORD.

## PARLIAMENTARY DEMOCRACY IN INDIA

*By*

ALOO J. DASTUR

Parliamentary democracy functions according to certain postulates, the most important being responsibility of the executive to the legislature; and through the legislature ultimately to the electorate and the country. Another postulate is a peaceful transfer of governmental authority from one party to another either as the result of an adverse vote in Parliament or after a general election. It presupposes party government founded on collective responsibility.

This is how the British Parliament has evolved during the past nine hundred years. Parliamentary institutions elsewhere have copied this pattern with modifications and deviations; and India is no exception. Parliamentary democracy here bears about it the marks of its parentage. Article 105 (3) of the Constitution of India states:—

"In other respects, the powers, privileges and immunities of each House of Parliament, and of members and committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees at the commencement of this Constitution."

Recent history is again, too much with our parliamentarians. Before Independence, parliamentary forms and procedures had been introduced in our various legislatures; but in substance the Government remained undemocratic—it was superior to the legislature. The Legislative Assembly was generally referred to as "the Delhi talk-shop". It was in these circumstances that the members in the Opposition found the power to move adjournment motions effective. It was the means by which they could ventilate the country's grievances in public; and the government of the day considered this an innocuous way of allowing them to let off some steam. But when the government is responsible and responsive to the legislature the adjournment motion falls into disuse as has happened in the House of Commons. But not so here yet. The Opposition still nurtures itself on adjournment motions and in every session of Parliament the Speaker receives numerous notices of such motions. With the Parliament becoming a sovereign legislature "obviously there could be no scope for an adjournment motion now on the old standards of judging matters of importance and urgency. "I tried every now and then," asserted Sri G. V. Mavlankar, first Speaker of the *Lok Sabha*, "wherever an opportunity came to me to explain the changed situation, but the expression 'Adjournment Motion' had such a fascination and hold on the imagination of the members that, it appeared that they almost refused to even look at the reason, and the opposition continued giving notices of adjournment motions in respect of even stray incidents on the ground that the matter was urgent and of public importance. Naturally it was not possible to accept that plea. It would be a matter of surprise for a Member of the British House of Commons that Adjournment Motions could come by dozens on individual matters (though of local importance) in the course of a session of about two to three months. I had, however, no alternative but to refuse my consent to such kind of adjournment motions

and this task of mine was both unpleasant and invidious, because, those who tabled the motion were looking at the question from the point of view of their party or propaganda. I had to consider the question from the point of view of proper precedents for the future and building up of traditions. I believe, however, that this uncomfortable period has passed and conventions about adjournment motions are pretty well-settled, on the same lines as those in the House of Commons".<sup>1</sup>

Though the Parliament had its birth on May 13, 1952, the first adjournment motion permitted to be moved and discussed was as late as February 18, 1954. On the previous day two members of *Lok Sabha*, Sri H. N. Mukerjee and Smt. Renuka Chakravarti gave notice of an adjournment motion to discuss the situation arising out of the use of police and military force while a Secondary School Teachers' strike was on in Calcutta. The motion was disallowed by the Speaker. On the same day a motion for papers made by Sarvshri Sundarayya, B. C. Ghose and Dange on the same subject was moved in the Council of States and the Chairman admitted it. Dr. Lanka Sundaram, therefore, moved an adjournment of the House of the People to discuss the action of the Government in agreeing to the discussion in one House and not in the other. The motion was lost. No adjournment motion has been accepted either in the first or second parliament as yet though a few have been discussed.

If not actually groping in the dark our infant democracy is feeling its way in parliamentary methods. The practice prevailing in the Mother of Parliaments is that the Prime Minister while tendering his resignation to the Monarch may advise him as to the next course of action; the resignation and advice are generally accepted. In May 1958 Dr. Mehtab, the Chief Minister of Orissa, tendered the resignation of his Cabinet to the Governor as four members of his party joined the Opposition reducing the Government's supporters to 69 in a house of 135 members. This was done on the advice of the Congress Parliamentary Board. The leader of the Ganatantra Parishad, Sri Singh Deo, informed, but could not convince the Governor, that he was in a position to form the ministry. For nearly two weeks the Governor continued his search for an alternate government but did not accept the resignation of the Congress ministry. The Opposition charge was that unless he first accepted the resignation they would not be in a position to gauge their final strength. But success in three by-elections during the first three weeks of May again heartened Dr. Mehtab and he withdrew his resignation. A moot question here is: was the Governor justified in not accepting the resignation? Neither the resignation nor the Governor's attitude was consistent with the proper functioning of parliamentary democracy.

A strange experiment was tried in Travancore-Cochin by the Praja Socialist Party when its National Executive decided to permit the P. S. P. members in the legislature to constitute the government though they had 18 seats in a House of 113. Dr. Lohia, the General Secretary, justified the move on the ground that France always had minority governments, characteristically ignoring the fact that French Governments are not - barring the Socialist Government of Leon Blum in 1946 - of a hopeless minority with the tacit and qualified support of another party. No sooner did the Congress Party decide to withdraw its support than the P. S. P. Government fell. Such

<sup>1</sup> *Parliamentary Democracy in India - A Symposium*, Harold Laski Institute of Political Science, Ahmedabad, 1956, pp. 5-6.

temerity is not usually displayed in a parliamentary democracy; a party does not venture to occupy the treasury benches on the sufferance of another.<sup>2</sup>

The relations between the party and parliament have not been able to get well-defined in the course of the last ten years. Perhaps this is a hang-over of the past when the Congress Parliamentary Board and the Congress Working Committee kept a close watch on the functioning of the party within the legislatures during the British regime. Then legislative work was merely an appendage to the constructive and political programmes of the national movement call. Today the parliament or the state legislature is the effective working constitution. This change-over is not apparently understood or appreciated by several leaders of the Congress Party. Conflicts have arisen — and not infrequently — between the organisational wing and the legislative wing of the Congress. Acharya J. B. Kripalani as Congress President as early as 1947 raised the issue whether the Prime Minister should not be guided by the Congress President. He had perforce to resign from this position and resign from the presidency. So, too, had Shri Purshottam Das Tandon to, in September 1951. In Bombay a similar issue was raised periodically by Shri S. K. Patil, then President of the Bombay Pradesh Congress Committee. Conflicts over policy and execution were frequent between him and Sri Morarji Desai the Chief Minister. After a long drawn contest a *via media* was approved whereby the Chief Minister was to consult the President of the P. C. C. s. about controversial legislation. This recalls the Laski-Atlee-Churchill controversy just prior to the General Election of 1945, when Mr. Atlee in a letter to Sir Winston Churchill stated the position of the National Executive Committee of the Labour Party *vis-a-vis* the parliamentary Labour Party:

".....Neither by decision of the annual party conference nor by any provision in the party constitution is the Parliamentary Labour Party answerable to, or under the direction of, the National Executive Committee. Within the programme adopted by the annual party conference, the Parliamentary Labour Party has complete discretion in its conduct of parliamentary business and in the attitude it should adopt to legislation tabled by other parties. The Standing Orders which govern its activities are drawn up and determined by the Parliamentary Labour Party itself...."

Naturally there are consultations between the Parliamentary Labour Party and the National Executive Committee."<sup>3</sup>

Political parties are veering towards this type of relationship as is made amply evident by the Congress and P. S. P.; one may even say also by the Communist Party.

The independence of the judiciary is one of the most healthy legacies of British rule in this country. Is contemporary India tinkering with this independence? Justice Fazl Ali of the Supreme Court on retirement was appointed the Governor of Assam — in a sense a problem province. An ex-Chief Justice of the same court has become a member of a State Legislative Council. Should political appointments be within reach of those who sit on the judicial Bench? The appointment—very popular indeed—of Bombay's Chief Justice, Shri M. C. Chagla, as India's ambassador to U. S. A. raises similar issues. Since critics — and they cannot be called captions — connect, perhaps not kindly, his appointment with his report on the affairs of the Life Insurance Corporation and the conduct of that inquiry which no less a person than

<sup>2</sup> This is not to ignore the two Labour Governments in U. K. of 1924 and 1929.

<sup>3</sup> Quoted in Morrison, Herbert: *Government and Parliament — A Survey from Within*, Oxford, pp. 142-3.

the Prime Minister criticised — again at a public meeting on foreshore at Bombay — as pondering to public morbidity. The fact that such a suspicion has arisen in even a small section of the public is an indication of the harm that is incipient in judges and magistracy ultimately hankering after political career. The country toys with such postings at its own grave peril. The judiciary here has a greater role and responsibility than in U. K. where the sovereignty of Parliament may not be challenged. But with judicial review as a legitimate constitutional practice no political ambitions can be harboured and should be encouraged by the State among judicial officers. The Parliament, and in the last resort the country, will be the poorer. Instead of utilising the services of outstanding judges in the political sphere, would it not be more democratic in theory and practice if their age of retirement is raised, and they are allowed to continue to interpret the Constitution and weigh the scales of justice?

The demos is no respecter of persons, and the Indian voter has displayed, despite his illiteracy, shrewd judgment and uncanny wisdom at the polling booth. In the first General Election of 1951-52 in the States, where the Congress governments were torn by internal strife, where the administration lacked integrity, ministers fell by the wayside. More recently, in the Second General Election and then at a by-election, the strong man of U. P. — Shri C. B. Gupta — twice failed to win the voter with success. The attitude of the Congress Party towards its better known, occasionally better qualified, even competent but defeated candidates has undergone a vital change. In 1952 the Congress Working Committee was kept busy finding out ways and means of retaining those rejected at the polls by appointments as heads of States, or creating safe constituencies for their return. In Bombay Shri Morarji Desai was actually elected the leader of the Congress Legislature Party when he was defeated in his home constituency — albeit by a bare 19 votes — by a Socialist candidate. He was provided a seat in the Council and later a safe Congress seat was vacated by an obliging party member — all this time he was Bombay's Chief Minister. The second election has modified this attitude. Those rejected at the polls are not sought to be provided for.

Another healthy practice which has been maintained is the non-partisan character and functioning of the Chair. The Speaker when elected is a party member; but on election he sheds party complexion and belongs to the whole House. The Deputy Speaker does likewise. The British tradition is that the Speaker is returned uncontested at the General Election. More; they so comprehend and respect the impartiality of the Chair that the Speaker of a previous Parliament is continued in his high and responsible office by a succeeding Parliament although its party composition may be different. The most recent instance was when the Labour Party retained Mr. Cifton Brown as the Speaker after its landslide victory in 1945. Not so yet in India. Parties opposed to the Congress justify themselves in various ways when putting up candidates against the Speaker at the General Election. There is much force in the argument of Shri M. Ananthasayanam Ayyangar :<sup>4</sup>

"I hope that ere long a convention may be established that the Speaker's seat ought to be left uncontested. Sometime or other, that convention has to be started. It may be a personal note, but whether it is personal or otherwise, in the interests of the Opposition parties themselves, I would urge upon the development of this convention. In practice, I have found that it is the Opposition that suffers by throwing the Speaker into the hand of the majority party."

<sup>4</sup> Inaugural address at the Conference of the Presiding Officers of Legislative Bodies in India, Madras, September 17-19, 1956.

That this should be so is self-evident. But the majority party is itself to blame for the lack of faith in the impartiality of the Speaker. In the then State of Delhi, the Speaker of the *Vidhan Sabha* moved up as the Chief Minister in February 1956, and currently as the Governor of Rajasthan. Speakers have been known to oblige the Government, as was done in PEPSU *Vidhan Sabha* in November 1952 when the Assembly was adjourned within a few days of meeting to give the Government a needed respite to strengthen its position. The Speaker of the Assembly in Bombay actively participated in the political controversy over the re-organisation of the State. India's first Speaker, Shri G. V. Mavlankar, had an explanation to offer for this :

"Though it is conceded that the Speaker in India should stand apart from party strife, it is maintained that he should not keep himself entirely aloof from politics as the British Speaker does. Many of the Speakers have been active politicians, and have participated in the struggle for Independence. They represent an important section of the active members of that party. They are connected with a number of nation-building activities, and it will not be possible for the Speakers to withdraw themselves entirely from all political life, specially in view of the necessity of personnel as also the consolidation of democracy.... Though the Speakers may continue to be members of their parties, they should not attend party meetings.... nor should they actively participate publicly in controversial matters that are likely to come up for discussion before the House. As far as possible, they should keep their minds open without being soaked with the views of the party or the important members thereof.... It is necessary that, while presiding in the House, his views should not come in for discussion as to force him either to sit silent and allow a misunderstanding grow, or to enter into discussion and take side. I feel, however, that in the course of time, we shall be able to evolve from this a sound convention on the lines of the British Speaker."<sup>5</sup>

A growing tendency in modern legislators is to speak to and appeal beyond the House to the electorate and the citizen body at large. But in our country this is linked with another hang-over from our immediate past. Leading of "morchas" to the legislative assembly, offering *satyagraha* by the parties in Opposition is a common featute even after a decade of freedom. *Satyagraha* had its place when the Government could not be unseated, when it was neither responsible nor responsive to public opinion. The remedy of this today lies in the periodic general election when a party which occupied the Treasury benches may be forced to cross the floor and sit on the Opposition benches.

More recently some ugly trends are shaping. The Uttar Pradesh *Vidhan Sabha* on September 8, 1958, witnessed scenes not generally associated with a legislature. The Speaker's attempts to maintain order were totally ignored and members of the Socialist Party displayed complete lack of restraint or dignity. Their leader in the House, Shri Raj Narayan, was forcibly removed by the Marshall of the House, perhaps the only instance in any Indian Legislature. As recently as 1931, even in the Mother of Parliaments, proverbial for its correctness of behaviour and maintenance of decorum, a member, Mr. McGovern, was "carried out of the Chamber by main force." The attempts made in the eighteen-eighties to forcibly eject Charles Bradlaugh, the elected member on the question of the oath, is well known. However, accustomed as we are to be shocked by such happenings in Italy or Japan or neighbouring Pakistan, we dare not condone such misbehaviours here.

Parliamentary democracy is not an exotic plant in our country. On the whole it has functioned and is functioning well. It is true that we cannot

<sup>5</sup> *Asian Review*, January 1953, pp. 6-7.

completely adopt British forms and practices. However, we have imbibed the spirit of British political institutions. There have been deviations and unhealthy practices as we have seen. With greater experience there can be no doubt that the foundations of a strong parliamentary democracy will be laid in the years to come.

## IS PARLIAMENTARY GOVERNMENT SUITABLE TO INDIA?

By

DEVAVRAT N. PATHAK

Is Parliamentary Government suitable to India? The question was pointedly raised by Lord Morley in 1908, when he observed :

"If I were attempting to set up a parliamentary system in India, or if it could be said that this Chapter of Reforms led directly or necessarily to the establishment of parliamentary system in India, I for one would have nothing at all to do with it.....a parliamentary system is not at all the goal."

The passage of fifty years has seen many changes, none so fundamental as India's freedom and the adoption of Parliamentary Government. The promulgation of the new constitution should have set at rest all doubts about the suitability or otherwise of the Parliamentary form of Government. That the question is still a live issue indicates the dangers that parliamentary government is facing in the country. It also underlines the urgent need of its thorough re-examination.

The critics of the parliamentary form of government have usually made a three-pronged attack on it. It is alleged, firstly, that the parliamentary form of government is completely unsuited to the Indian soil. Socially, India is used to a different mode of life—a life which is totally at variance with the fundamental assumptions of Parliamentary life. The Indian Society is a picture of inequality, social stratification and petrified immobility. It is completely foreign to democracy. A heaven of democracy in the shape of parliamentary institutions would be meaningless in such a social atmosphere. The Caste system, though weakening in many respects, has almost staged a challenging come-back in the political field. Elections have been fought largely in terms of caste voting for caste. The election appeals have been couched in communal and narrow-minded terms. Linguistic patriotism, communal solidarity and regional attachment have exercised a great amount of influence over the elections. As Dr. Ambedkar once observed, "Democracy in India is a top dressing in an Indian soil, which is essentially undemocratic." The second front of attack asks whether India has an adequate institutional framework in its political life so as to do justice to the parliamentary life. Traditionally, Indian Society has always been autocratic in its tendencies. India has neither the political maturity nor the agreed norms of political behaviour so as to be able to lead a healthy parliamentary life. Absence of an effective opposition is also a serious handicap. Lack of a properly organised party system is at the root of it. But the greatest threat to the parliamentary life comes from ideological considerations which hold the Parliament as a foreign institution. It stands for a revival of the more indigenous political institutions. The philosophy of Bhodan and the Sarvodaya have been sceptical about the success of parliamentary government in India. To them the Parliament is an octopus too heavy for the slender shoulders of India. It is too expensive, involves long drawn out, fruitless debates, and amount to very little for the average citizen of India.

These are serious charges and taken together, they present a grave challenge to parliamentary government in India. Before we examine them, we

### LATEST BOOKS OF THE YEAR

Commentaries on the CONSTITUTION OF INDIA  
By Dr. V. N. Shukla, LL. M., Ph. D. (Com.) Reader in Law, Lucknow University  
Second Edn. 1956 with 1957 Supplement Price Rs. 15-00

INTERNATIONAL LAW By Dr. V. D. Mahajan, M. A. (Hons.), LL. B., Ph. D.  
Second Edn. 1953. Price Rs. 10-00

CONSTITUTION OF INDIA By Dr. V. D. Mahajan, M. A. (Hons.), LL. B., Ph. D.  
Second Edn. 1957. Price Rs. 6-00

Obtain Your Copy Today from

**EASTERN BOOK COMPANY**  
LAW PUBLISHERS

LALBAGH ROAD  
LUCKNOW



KASHMERE GATE  
DELHI



may better lay down what we mean by Parliamentary Government and the principles underlying it.

Now, Parliamentary Government is essentially a government by representation and discussion. It involves mutual give and take and compromise. It is a government which pre-supposes a certain basic agreement regarding the fundamental ordering of Society and a faith in the evolutionary development of Society. It not only stands for a responsible government but assumes a certain sense of responsibility and awareness on the part of the people at large. These are ponderous and weighty considerations in any political calculation and their conjunction may not be always readily available.

Do these conditions exist in India today? Or, alternatively, is there a promise of their fulfilment in the near future? No one can deny that India and her government are wedded to the parliamentary system of government. The parliamentary form was adopted by the Constituent Assembly after a great amount of deliberation and mature consideration. The framers of the Constitution and, especially the members of the Drafting Committee, were men of great ability, the best that the country could have gathered. Their unanimous support to the parliamentary form cannot be lightly brushed aside. Perhaps, it was inevitable. The parliamentary form was the only form with which we were familiar. Indeed, it exercised a fascination over many Indians and for some of them it became the ultimate goal of India's struggle for freedom. It had become a fond aspiration, an article of faith, a synonym for national and individual freedom.

As R. Coupland remarks,

"Mr. Gokhale and his fellow-nationalists had warmly welcomed the constitution of 1909. In the teeth of Morley's disclaimer they had regarded it as a definite step forward along the colonial path to parliamentary self-government. And so, whatever Morley thought it was. For it established the principle of representative government in the Provinces and introduced a substantial measure of its practice. . . . It provided a useful training both for politicians and for officials".<sup>1</sup>

The famous announcement of August 1917 also envisaged constitutional development on the same lines. Its more important passage reads as follows:

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of *responsible government* in India as an integral part of the British Empire."

The term "responsible government" in this context could have no other meaning than the type of government that prevailed in England. To quote Coupland again.

"Against the historical background, *responsible government* could only mean that the government was responsible to the people in the familiar British way. It could not mean the kind of responsibility which an enlightened autocrat may feel towards his subjects, still less the kind of responsibility which his ministers render to their master. It could not mean government by *darbar*. Nor could it mean a system of executive responsibility which was democratic, but different from the British, such as the American system whereby the executive is responsible not to the legislature but to the electorate. For history had given the words a single and certain meaning. Responsible government was the parliamentary or cabinet government by means of which the Sovereignty of Parliament was established after the period of civil war in England. . . . Thus the use of these words defined beyond dispute the method of advance. It was the method adopted by Mr. Gokhale before the turn of the century and still adhered to by the Congress. . . . It implied that some day

responsible government in India was to be completely realised. . . and that could only mean an India fully governing itself on a parliamentary basis".<sup>2</sup>

The dyarchy introduced by the Act of 1919 fell short of self-government and failed to satisfy the nationalist aspirations. Nevertheless, the Act did not swerve from the declared policy of 1917 in so far as the parliamentary form was concerned. By this Act, "the repudiation of parliamentary government was itself repudiated".<sup>3</sup> In other words, Britain was not to regard India as an exception in her constitutional development. The model was to remain the same—the model that had been followed in Australia, Canada and S. Africa. R. Coupland's comments on the Act of 1919 deserve to be quoted. He observes,

"In view of the admitted difficulties of working the British parliamentary system in India, why was no alternative method of self-government at least considered and discussed? Two answers have already been suggested. First, a parliamentary system was the only system of self-government hitherto practised in Britain or in the overseas Empire, and it was the natural and traditional outcome of the representative government already conceded in India. Second, a parliamentary system had been consistently proclaimed to be the goal of Indian nationalists ever since the first congress declared itself to be 'the germ of a native parliament. . . . But there is a third answer to the question why no alternative to a parliamentary system was considered at this time. In all the circumstances it was a practical necessity to give the system a trial. For British pride in it as it worked in Britain and the Dominions was notorious, and to ask Indians to accept some other system was to suggest that their political capacity was inferior to the British. Unless the parliamentary system had been tried and had failed—and it was sheer pessimism to say in 1919 that it was certain to fail—Indians would not readily be convinced that different forms of government do not necessarily imply a difference in ability to govern and that the value of any government is only to be measured by the extent to which it meets the peculiar needs, moral and material, of the community concerned."<sup>4</sup>

The Simon Report was the only constitutional document of this period that expressed scepticism about the adoption of parliamentary system in India. "The British Constitution", the Report said, "is not a panacea which can be used at all times and in all places." The Report, however, did not find favour with the Government of India themselves. In their comments, the Government observed,

"Ten years ago Parliament of its own motion set up for the first time a directly elected Assembly, representative of the whole of India. That Assembly, in part perhaps because it is directly elected has appealed to the sentiment of India and sown the seeds, as yet only quickening, of real representation. Accordingly, unless new considerations of greater importance have to be taken into account, we feel reluctant as yet to condemn an experiment undertaken so recently in a country awakening to political consciousness. . . . Responsibility will come as the result of the relations established between the legislature and the executive. . . . Development would come, by normal constitutional evolution, through the wise use by the Indian legislature of its opportunities".

The considered view of the Government of India was sustained by the Nehru Committee, consisting of prominent leaders of the major groups. Motilal Nehru was the chairman of the Committee; Sir Ali Imam and Shueb Qureshi represented the Moslems; M. S. Aney and M. R. Jayakar were included on behalf of the (Hindu) Mahasabha and G. R. Pradhan for the non-Brahmins; Sardar Mangal Singh represented the Sikh League and Sri Tej Bahadur Sapru and N. M. Joshi the Liberals and the Labour respectively. Jawaharlal Nehru, at that time General Secretary of the Congress, acted as Secretary. The Committee was thus a representative one and could speak with authority on behalf of the country.

<sup>2</sup> Coupland, R., *The Indian Problem*, pp. 53—54.

<sup>3</sup> Coupland, R., *op. cit.* p. 65.

<sup>4</sup> *Ibid*, p. 65.

<sup>1</sup> Coupland, R. *The Indian Problem* (1911), p. 44.

The Committee was charged "to consider and determine the principles of the constitution for India". It had also to face the communal problem and suggest a way out. The conclusions reached in the Report represented the first serious attempt at the drafting of a new constitution for India, the first constructive move by the awakened nation. And its views on the parliamentary form deserve our close attention.

The first article of the draft constitution was a reproduction of the Anglo-Irish treaty of 1921.

"India shall have the same constitutional status in the comity of nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good Government of India and an executive responsible to that Parliament shall be styled and known as the Commonwealth of India."

Parliament was to consist of a Senate elected by the Provincial Councils by a system of proportional representation and a House of Representatives, elected by General Constituencies on a basis of adult suffrage. The legislative power of the Commonwealth was declared to be vested in, Dominion Style, the King and the bicameral Parliament and the executive power in the King, "exercisable by the Governor General as the King's representative acting on the advice of the Executive Council."

Here was a clear and firm utterance in support of the Parliamentary System of Government. It is interesting, further, to note that it anticipated, to a great extent, the present day constitution of India. It was a fitting reply to the doubts expressed in the Simon Report and indicated the working of the minds of the nationalists of the day. The Round Table Conferences of 1930-32 also expressed their adherence to the principles of Parliamentary Government.

The negative attitude of the Simon Report was finally put aside by the Government of India Act of 1935.

"The Act of 1935 committed India—the Provinces completely, the States in part to the parliamentary system. It was largely modelled, indeed, on the constitutions of the dominions, all of which are parliamentary. It overrides the doubts and negations of the Simon Report. It reaffirms the doctrine of 1917. It borrows nothing from Swiss or American methods of adjusting the relations between executive and legislature.....the parliamentary doctrine is applied (apart from the transitional reservations and safeguards) in all its purity." <sup>5</sup>

The Government of India Acts of 1909, 1919 and 1935, though belated and grudgingly offered, did afford an opportunity for legislative experience, and trained the participants in the difficult art of parliamentary system. The legislative assemblies of 1919 and 1935 were chiefly debating assemblies barely able to influence the Government in power. Their control over financial and other vital matters was practically nil and there always hung over them the gubernatorial veto. Nevertheless, the twenties and the thirties witnessed a sizable section of the Western educated people desirous of giving a trial to these constitutional experiments. The Swarajist party and its policy of council-entry is a case in point. Equally notable was the admiration which some people, including some of the prominent leaders of the Congress, felt for the parliamentary institutions. Dadabhai Naoroji, Gokhale, and Motilal Nehru were all imbued in the liberal traditions of the 19th century England and advocated the adoption of parliamentary system in India. As Sir Percival Griffiths puts it,

<sup>5</sup> *Ibid*, pp. 141-142.

"The 1935 Act set the final seal on parliamentary Government as the pattern which would in due course be adopted by a self-governing India. It is useless to discuss the suitability or otherwise of that form of Government for the conditions and background of India. Educated Hindus brought upon the English classics of the 19th century, had become deeply impregnated with the belief in parliamentary institutions and regarded all other systems of government as vastly inferior. The establishment of parliamentary Government in India was the logical consequence of British work and influenced the end product which gave meaning to all that had gone before". <sup>6</sup>

Thus the parliamentary system has been woven in India's political life. It is a familiar pattern to which we have got used to. Its adoption is not an abrupt break with the past; rather, it is the logical culmination of all that has happened so far in the realm of constitutional experiments. This historical continuity should not be lost sight of by the critics of the parliamentary government.

Constitution-making is a solemn task and while there is always a scope for innovation, there is also the need for a mature outlook and a correct choice from among the various alternatives. The Constituent Assembly had before them the constitutions of the U.S.A., Switzerland and the U.S.S.R. The Presidential form of Government was given a serious consideration but it was finally rejected as the parliamentary form possessed distinct advantages over that of the Presidential type. The Presidential form is based upon the doctrine of Separation of Powers, a principle long outmoded in political practice. Every student of Political Science knows how difficult it is to locate responsibility in such a form of government. It is extremely slow and wont to produce political and constitutional deadlocks, particularly, between the executive and the legislature. Since both these bodies are independent of each other, they often work at cross purposes and lead to a great wastage of time and energy. It is a form which properly belongs to the 18th century and would not work well today. It is a system based upon checks and balances and mutual distrust. It may be democratic but it is democracy at a very heavy cost. Such a form is obviously unsuited to a country like India.

The second alternative was the Swiss constitution. The Indian Political Scientists have been often fascinated by the Swiss constitution, especially, the Swiss executive. It has the advantages of the Parliamentary Government without its difficulties. It has substituted, so to say, the principle of rotation for the principle of responsibility and accountability. Yet, its peculiarities and the special circumstances in which it has flourished are so unique as to make its adoption a hazardous proposition for India. The ingrained conservatism of the Swiss people, their political traditions and their unique position have combined to work the constitution so successfully in Switzerland. Such favourable circumstances are not easy to obtain and the Indian Constituent Assembly has made the right decision in not adopting it for India.

If the American and the Swiss constitutions were not acceptable, the Soviet constitution was much less so. The Soviet Government is parliamentary only in appearance. It is dominated by the single monolithic party and would not admit of rival parties or opposition. Such a framework would not appeal to the Indian mind used to the British System of government. The biggest single factor that can explain the rejection of the American, the Swiss and the Russian models was their comparative unfamiliarity as compared

<sup>6</sup> Sir Percival Griffiths, *Modern India* (1957), pp. 76-77.

with the British System. Indians visiting England had seen it in operation and the training in the liberal arts had moulded the minds of the Indians for the parliamentary system. Indian history of the last century and a half is the history of India's contact with the British and it cannot but leave a deep and lasting influence on India. As an able British observer points out,

"India has received an inheritance from the period of the British rule; she has taken full possession of it and is adopting it to her own needs. The 'experiment' is working and parliamentary institutions are more firmly established in the way of life of the Indian people than they are in that of many a country in Europe".<sup>7</sup>

This is not to suggest that the Indian parliament has been, and would continue to be, an exact replica of the British parliament. All that one could say, for the present, is that it is to remain essentially parliamentary in its operation.

There are, for instance, a few peculiarities which are typically Indian in the present context. The Congress party, having won independence for the country, enjoys predominance throughout the country. It is the ruling party both at the Union and in almost all the States. Opposition to Congress is neither strong nor effective. The Opposition is disunited, lacks a coherent programme and, therefore, inclined to behave as a disgruntled group. In such a situation, the ruling party has the onerous duty of ruling with discrimination and a fine sense of constitutional propriety. While it must be true to its declared policy, it must also bear in mind the larger question of educating the people and rival parties for the proper functioning of the parliamentary system. As the Speaker of the Lok Sabha remarks,

"Unless Parliament is in a position to assert its independence as against the executive, there can be no hope of real democracy or Parliamentary Government; and it becomes more difficult where the members are organized as parties. This question is both important and delicate in the present set-up, when the political life of the country is not impersonal, is not wholly organized on the basis of programmes, and almost all the Legislatures have a comfortable majority for only one party and the opposition is so much divided in ideologies, parties and persons. Majorities are undoubtedly an advantage to push through a programme, but there are also dangers.... Having very large majorities, the administration tends to become stiff, uncompromising and sometimes unresponsive even to reasonable criticism.... Political life has yet to be organised and based solely on programmes and it will take a long time before conditions settle down."<sup>8</sup>

This is certainly true. But the conditions described above are bound to change in ten or fifteen years. The overwhelming majority of the Congress party may not remain as strong and rival parties may slowly gain in strength. Such a development would be helpful to the parliamentary set-up because it would mean a strong and effective opposition and also an alternate government. How exactly this would come about no one can foresee. Yet, if the present indications and trends are any guide, the Congress cannot enjoy her present supremacy indefinitely.

The next question is: What will be the shape of the party system in time to come? Will it be a two-party system or a multi-party system? There is, no doubt, a trend towards bipolarization and the Congress and the Communists appear to be pitted against each other. Will this trend continue? The answer to this question depends upon the proper understanding of the forces that have generated this trend. The strength of the Communists is

<sup>7</sup> W. H. Morris-Jones, *Parliament in India* (1957), p. 332.

<sup>8</sup> Quoted in Morris-Jones, *Parliament in India* p. 271-272.

due, mainly, to the unpopularity of the Congress. A vote in favour of the Communist is more a vote *against* the Congress than it is a vote *for* the Communists or Communism. It is a negative vote. If this diagnosis is correct, then the Congress and other middle-of-the-road parties may be able to retrieve the balance in their favour, in which case, there is a possibility of a multi-party system developing in the country. The last two elections have shown that parties based solely upon religious and communal considerations have not been able to make a good show. The electorate has understandably shown greater interest in parties which have stood for social and economic programmes. This is a healthy trend and particularly beneficial to the parliamentary system of government.

The critics of the parliamentary government have often criticised this form of government because it encourages parties and party squabbles. Parties, it is said, forget the nation and equate their own good with that of the entire country. Now, this may have an element of truth; yet parties are inevitable in a democratic set-up, and their lapses, at times occasional and at times spread over a longer period, are not a new story. Perhaps, no country can show a uniform record of clean political life. This is in no way an apology for our failings but only an attempt at a realistic appraisal. Opponents of party system should realise that its attendant evils are any day preferable to a state of affairs when parties have ceased to exist. Historical evidence is not lacking to show that wherever party system has suffered eclipse, submergence of democracy is the inevitable outcome. What parties really lack, in India, is a thorough grounding in parliamentary procedure. And this procedure lays down the rules of the game equally applicable to the ruling as well as the opposing parties. Parliamentary institutions thrive when these procedures are well observed, and this depends, to a large extent, upon the Speaker. Instances are not wanting when the parties in opposition have not respected the Chair. Walk-outs against rulings or as a general protest have become almost normal occurrence in our Legislatures. Such unhelpful behaviour leads nowhere and merely embitters the relations of the parties. Equally urgent is the need for the ruling party to show greater consideration for the opposition point of view. In a parliamentary government parties oppose each other but they oppose not for the sake of opposition. Mutual opposition does not rule out adjustment or learning from each other, and on issues of national importance they may as well merge their differences. The question of member's privileges has also faced rough weather chiefly on account of the Preventive Detention Act. These difficulties are not peculiar to India and the only effective way to remove them is to give fullest scope to the working of parliamentary system. In the ultimate analysis the test of a political institution depends upon its ability to serve the ends for which it is devised. India has deliberately and wholeheartedly chosen the path of democracy, and the parliamentary system is the technique through the help of which she wants to forge ahead. The West, in her development, had Industrial Revolution as a preliminary to political democracy. In India, political revolution has preceded the economic development. The vital question is: Has parliamentary government fulfilled appreciably the task that the country has set before it? Has it proved to be a serviceable tool? No critic can say that the parliamentary system has failed in India. Indeed, there is good reason to claim some success for it. Writing in praise of the Indian Parliament the *Manchester Guardian* observed,

"Parliamentary institutions have not had a very good time in Asia .... All that is happening in Asia throws a spotlight on the parliament in Delhi as the one institution of the kind which is working in an exemplary way. .... Pericles said that Athens was the School of Hellas. Mr. Nehru without boasting may say that Delhi is the School of Asia".<sup>9</sup>

As compared to the record of other Asian neighbours, India has enjoyed great amount of political stability. If her economic development is not fast enough, it is certainly not the Parliament which is to be blamed for it.

Parliamentary system rests upon three principles—the principles of representation, discussion and responsibility. The record of the Indian Parliament on all these three counts is a creditable one. The Parliament has successfully represented the people of India. It has also, maintained a high level of discussion, and debate. The question hour of the Parliament has almost become an Indian institution. The Parliament has been a good mirror of popular feeling and has also served to educate the people at large by her discussions. Some of the most important of the governments policy decisions have been shaped or announced in the Parliament. The public inquiry into the investments policy of the Life Insurance Corporation emanated from the Parliament, thus proving its worth as a criticising body. The resignation of the Finance Minister underlined Government's responsibility to the Parliament.

In their uproar against the parliamentary institutions, the critics have never suggested a workable substitute which can as effectively discharge the functions now being performed by the Parliament. The greatest advantage of parliamentary system is that it produces right leadership while at the same time ensuring responsibility. The protagonists of Sarvodaya and Bhoodan have often characterised Parliament as a foreign and an un-Indian institution. This is only partly true. If there is any form of government with which we are, even to a slight degree, familiar, it is parliamentary government. Today, the question that matters is not whether it is Indian or un-Indian, but if it has not already become an Indian institution. Having tried it successfully so far, shall we dispense with it? If the Parliament is foreign, then so are the Constitution, Fundamental Rights, Federalism and even the Sovereign Democratic Republic that India has declared herself to be! There is nothing more dangerous in a country's public life than well-meaning but irresponsible criticism from responsible quarters!

The Parliament is fast becoming the main centre of Indian political life. It is a symbol and a guarantee of democracy's continued existence. Nothing is more dangerous to democracy than the eclipse of parliamentary authority. To talk about the unsuitability or undesirability of Parliamentary system, at this juncture, is only a subtle way of weakening it, and to weaken it is to sap the foundations of democracy. The recent developments in Indonesia, Burma and Pakistan must awaken us to our sense of responsibility.

<sup>9</sup> Quoted in Morris Jones, *Parliament in India*, p. 227.

## REFLECTIONS ON THE NATURE AND SIGNIFICANCE OF THE OPPOSITION IN THE PARLIAMENTARY GOVERNMENT IN INDIA.

By

SANTOSH KUMAR NANDY

The parliamentary form of Government has developed in some countries of the world, particularly in England, through years of experience, and one of the outstanding results of the successful working of parliamentary government has been the emergence and recognition of the "Opposition" as distinguished from the ruling authority, as a significant factor to be reckoned with in the functioning of such a system of government. Professor Lowell observed that the expression "His Majesty's Opposition" in England embodies the greatest contribution of the nineteenth century to the art of government. We, in India, had some experience of parliamentary government under British rule, and the governments which are functioning to-day at New Delhi and other state-capitals under the provisions of the Constitution of India, 1950, are, from their structure and operation, essentially of the cabinet or parliamentary type. The provisions of the Constitution require it; it has also been favoured by the political conditions of our time. Our system is, of course, not a blind copy of any foreign model. Rather the Constitution of India effects a unique blending of the parliamentary and presidential systems, though the features of the former type undoubtedly predominate. Even some of the features of the presidential system seem to be fading away within this short period. There are signs already of the growth of a convention that our system of government will eventually be essentially of the cabinet type, though the important non-parliamentary features, which have been consciously introduced in our Constitution and form integral parts of it, will surely remain. And this comparatively short period of the working of parliamentary government in India is marked by the growth of a governmental Opposition, though still not integrated, which is conspicuous by its active presence; and, as things move fast in India to-day, it is most likely that in the near future the Opposition would exercise a profound influence in determining the nature and functioning of our government on which the welfare of our people so largely depend.

In India most of the opposition parties which emerged after 1947 existed before independence, but they were largely political groups within the Indian National Congress functioning in a common cause as part of a national movement. The Socialists first organized in 1934 as the Congress Socialist Party within the Indian National Congress. Many of the members of the Hindu Mahasabha were also members of the Congress until the 1930's. The Communist Party of India was organized in 1924 and there was a time when for many years it worked within the Congress. The Marxist Left groups evolved, of course, out of the terrorist organisations which were formed in Bengal early in this century. As a nationwide nationalist movement Congress recruited a diversity of groups from business, labour and the peasantry. All joined hands in the fight for freedom but often questions of political ends and means, communal considerations etc., would divide the national movement. Though the Congress was deeply committed to parliamentary

Institutions there were many. In the Congress Left and other parties who disfavoured them. After Independence Congress, in its new party constitution, forbade party members from belonging to any other political party. The Socialists, the Communists and others diverted their opposition from the ruling British to the ruling Congress party. Parties became divided on political and economic issues and they contested in the general elections after the new Constitution was put into effect.

In the general elections which were held in India, the largest parliamentary democracy in the world, on the basis of universal adult suffrage in the winter of 1951-52 and in the spring of 1957 the Congress secured an overwhelming majority of seats in the Parliament. In the second election it increased its representation in the Lok Sabha from 362 to 365, and polled 47 per cent of the total votes cast as compared to 45 per cent in 1951-52. The strength of the non-Congress parties remains almost the same, but their party-wise composition has somewhat changed, the C. P. I. now being the largest opposition party in the Lok Sabha, followed by the P. S. P. and others. While taken as a whole Congress still retains its dominant position it suffered significant setback in Kerala and Orissa, and in some limited but important areas like the city of Calcutta, the Maharashtrian parts of the state of Bombay, and working class areas all over the country. In the legislatures in Assam, Bihar, Bombay, M. P., Mysore and U. P. the P. S. P. forms the largest Opposition group. The C. P. I. constitutes the largest opposition group in Andhra Pradesh and West Bengal, whereas in Kerala it even runs the government.

The Opposition in India is not articulated. In the Indian Parliament as many as three types of opposition exist. There is the vigorous opposition from the extreme left consisting of the Communists and other Marxist sections. The Communists who feel inspired by the political and economic achievements in the U. S. S. R. and other communist states in the world, have been severe critics of the Congress Government ever since it began functioning, as most of the policies of the Congress, according to them, have been conservative in character, nay often, reactionary. In recent times, of course, there have been grounds of agreement between the Congress and the Communists, particularly in matters of foreign policy, because of the increasing friendly relations between India and the U. S. S. R. and China; and they also find the parliamentary democratic method not an altogether useless one. There are, then, the Praja Socialists whose criticisms are usually milder as their programmes often do not concretely differ from those of the Congress and as they believe in the desirability and practicability of the parliamentary democratic method for bringing about the desired social and economic changes in India. There is, lastly, the opposition from the Jan Sangh, the Hindu Mahasabha, and others, which draw inspiration from the glorious Indian tradition, dislike radical social and economic reforms, stand for a United India, and advocate a tough policy towards Pakistan. This is the heterogeneous, unintegrated Opposition that functions in the parliamentary government in India to-day. Though the Congress has a comfortable majority and has no fear of suffering defeat on major political and economic issues or being ousted from power by the Opposition, yet the Opposition has been shorn of much of its effective powers which it could have exercised against the ruling authority in the parliament had it been homogeneous, at least united. There is, of course, no possibility of alignment between the ideologies of the P. S. P. and the C. P. I. in India to-day, except on grounds of political expediency. Rather the P. S. P. seems to be growing more and more anti-Communist. On the other hand, the Congress is professedly becoming more and more socialistic, the Congress

policy of establishing a socialistic pattern of society in India having robbed the Praja Socialists of much solid ground. Over and above, the Socialists in India who could have supplied the much-needed constructive and effective Opposition are seriously divided to-day, after the withdrawal of Sri Rammanohar Lohia. Thus the amorphous opposition in India does not provide with the possibility of an alternative government, an essential condition of parliamentary democracy.

The trend in India is actually towards the formation of a multi-party system which has its effects in the sphere of parliamentary activities. Factions within the Congress fold in pre-Independence days withdrew from the Congress after Independence and formed distinct parties, of which the P. S. P. and the C. P. I. are the most important to-day. The Jan Sangh, the creation of Dr. Shyamaprasad Mookerjee, one-time leader of the Hindu Mahasabha and later minister in the Congress Government in the Centre, acquired tremendous support within a few months of its formation. In India, almost every party has been subjected to factional disputes and splits. Even within the Congress after Independence there have been frictions, a recent example being that in the U. P. With regard to the Leftist parties in recent times mention may be made of the split in the Marxist Forward Bloc in 1954, the three splits which the R. C. P. I. had undergone at the last count, the factional disputes within the Communist party in Andhra, and the split in the P. S. P. in 1955 brought about by the withdrawal of Rammanohar Lohia and his supporters who formed a new political party. There were reports of the growing differences between the R. S. S. members of the Jan Sangh and the non-R. S. S. members. In Delhi and West Bengal especially the Hindu Mahasabha has also been ridden with factionalism. Twenty-three parties captured seats in the Lok Sabha and, in all, about fifty parties, including most of those with seats in the Parliament, won seats in the legislative assemblies in the states. And in the elections actually more parties participated than won seats. Amidst such a multiplicity of parties we see attempts at leftist unity, leftist co-operation in elections, permutations and combinations of parties, groups and independents in the Parliament and State Legislatures.

A word or two may be stated, in this connexion, about the role of the Independents in the parliamentary government in India. Perhaps nowhere in the world do Independents enjoy such a prominent place in public life as in India. In the Parliament there are a good many Independents many of whom were supported in elections by different political parties. Independents can contribute much to parliamentary practice as they are free from the prejudices which are usually characteristic of members of political parties. This impartial and constructive approach in parliamentary life becomes, of course, difficult to maintain once the Independents work along party lines, which they are often compelled to do because of their obligation to the party or parties who supported them to victory in the elections. And this is a most unwelcome practice in parliamentary life. In India people vote an Independent to power not simply out of distrust for the ideology and policy of any of the contending parties but out of their veneration and respect for the personality of the candidate. And in the Parliament an independent is listened to more if he happens to be sound, independent and constructive in his arguments; the possibility is always there of being ignored as party members who outnumber him in the House may regard his arguments as futile. The duty of an Independent member is, of course, a hard one. He should have the integrity and stamina to remain an independent even after being elected to the Parliament and not align with any other interest. As there is no system of

recalling members from the Parliament by the constituencies in India the Independent member cannot be called to question by any one in any way if he proves unfaithful to the electorate by aligning himself with other interests. It is, therefore, imperative on his part to remain truly independent. By virtue of being independent in his parliamentary principles and practice he can help much in the proper functioning of the parliamentary system of government in India.

Recently Sri Jayaprakash Narayan suggested that the top leaders in the Indian government should quit offices and work among the people. He also suggested that a non-party government should be set up in India after the Yugoslav pattern. Regarding the desirability and practicability of such a rule opinions are likely to be sharply divided. It might be necessary for reconciling the conflicting opinions in India, with a view to expediting the gigantic schemes of economic development, and also for the purpose of consolidating parliamentary democracy in India in the face of the rise of dictatorial regimes in countries around India. We see that such a form of party-less government can be set up if political parties be dissolved and a centralised authoritarian rule, like a benevolent despotism or a military dictatorship, imposed instead, or, if the different political parties animated by the spirit of compromise voluntarily come forward and join hands in the framing and functioning of a government. Now abolition of political parties in India would mean deliberate destruction of our hard-won democracy. The life of the democratic state, as Laski said, is built upon the party-system. The party-system is the necessary basis of representative government. Parliamentary democracy implies the existence of two or more parties through which divergent opinions find free expression. They are, as Lowell said, brokers of ideas. They are the wheels of the democratic machinery. As we have seen, the tendency in India is towards the formation of a multi-party system, which is a sign of vitality in Indian political thought to-day. Any attempt at wiping out political parties in India will mean putting the clock back.

The alternative is a Coalition government. But the types of situation under which coalition governments become necessary are not present in India to-day. A coalition in India would have been necessary if in the multi-party system no party could command a majority in the Lok Sabha. Actually the Congress enjoys a secure absolute majority to be able to run a stable single-party government. A coalition would have been necessary had there been a tri-party system in India where the two parties would have been equally strong and one of them allying with any minor group or party just to keep it in Power. Thirdly, a coalition is expedient in times of national crisis when party strifes have to be suspended and all forces concentrated in a common direction for the common safety. India to-day is not confronted with any serious crisis as would warrant a coalition government. Such a government can be set up in India to-day only if the parties forget their ideological differences or at least find ideological affinities among them. Ideological affinities there are, but it would be too much to expect in India to-day the rightist and the leftist parties and others having specific ends to be ideologically united. We can conceive of an all-party government which would be a truly national government, instead of a non-party one. That would require a high level of political consciousness among us and its success would depend on our capacity to practice compromise in politics like the people of Switzerland. But to-day the Congress is too strong to feel the need of any alliance with the opposition. Not until the growing opposition becomes strong enough to vie with the Congress would a compromise at governmental level become at all necessary.

In the years following independence there was an apprehension in the minds of many people in India that there would be the emergence of one-party state in India controlled by the Congress. There is no ground for such fear to-day. As explained, a strong opposition in India is rapidly growing. We cannot conceive of dissolving political parties under the present circumstances, for that would mean denying the people the essential freedoms of thought, speech, expression and organisation, so fundamental to democracy. It would create in men the sense of inequality and injustice, the root cause of social and political upheavals. Party warfare, says Jennings, is essential to the working of the democratic system. The function of the Opposition is as important as that of the Government. It is at once the alternative to the Government and a focus for the discontent of the people. Without opposition there can be no democracy.

Andre Mathiot, in a recent work, says that the single criterion of free democratic government depends on the status of the Opposition. Parliamentary government is essentially a government by discussion and compromise and it implies not only a parliamentary majority but also a parliamentary minority. The majority party runs the government and the minority party tries to expose the defects in the working of the majority party. In "the testament of his old age", Sir Ernest Barker explains the application of the dialectic in the functioning of parliamentary democracy and defends it even in terms of Hegelian ideas. Political parties represent thesis and antithesis, and parliament seeks to find a reconciling synthesis or compromise. Debate and discussion must always be at work in a society of minds but always with a view to achieving a synthesis or compromise.

In a recent work Myron Weiner has expressed the view that, for the moment at least, India could be described as having a one-party democratic system, based not on coercion found in one-party dictatorships, but on consent. Democracy will continue in India as long as the opposition parties, although small in comparison with Congress, have the right to organize, agitate, and express their views freely, and as long as the ideal continues of a party-system in which an opposition party or group of parties may assume power.

Perhaps the most single challenging political question in India to-day is the future of the Opposition. We, in India, need a responsible, constructive and effective Opposition. We do not agree with the view of Tierney that the duty of an Opposition is to propose nothing, to oppose everything, and to turn out the government. The function of the Opposition is not merely to discredit the government in the eyes of the floating vote, but also to induce it to modify its policy. The finest traditions in parliamentary activities set up by Vithalbhai Patel, Pandit Motilal Nehru and Bhulabhai Desai in the British days and continued by Dr. Shyamaprasad Mookerjee in Independent India should be maintained. In India the ruling party and the Opposition are not yet partners in the working of our parliamentary government. The Congress often finds the Opposition hostile and uncompromising in its attitude towards the government. The Opposition parties have not infrequently charged the Congress, the mighty ruling authority, of being unsympathetic towards them and trying to bring in Draconian laws to stifle them. It would be very long before we can reach a stage of spontaneous co-operation, which is characteristic of a more mature stage of political development. What is essential to-day is more tolerance on the part of the Congress towards the Opposition whom it should consult on important matters and even encourage to put forward specific grievances. That will be conducive to the efficient functioning of parliamentary government in our country. It is worth remembering that



though the Congress secured an absolute majority of seats, it failed to win an absolute majority of votes. It, therefore, represents only a part of the "national will".

In India there is yet no problem of political instability as the Congress itself is strong enough for that purpose. But with the development of the multi-party system and the growth of a varied opposition against the Congress such a problem is not unlikely in the future. Stable government in India would require neither a two-party nor a multi-party system but a party system in which the principal political parties are in agreement on the fundamental nature of the state, which is so essential to-day for carrying through the programme of social and economic change. Political parties in India should accept the fundamentals of our social, economic and political system. And as the Opposition becomes prominent and effective it should receive statutory recognition and may be given the name, "the Constitutional Opposition of India". Thus will parliamentary government in India become a reality.

### Some Important Books on Political Science

For Degree and Post-Graduate Classes

By Prof. J. P. SUDA, M. A.

*Retired Professor of Political Science, Meerut College, Meerut.*

1. **History of Political Thought, Vol. I—Ancient and Medieval**  
English and Hindi .. Price Rs. 7/8/- each
2. **History of Political Thought, Vol. II—Machiavelli to Burke**  
English and Hindi .. Price Rs. 7/- & Rs. 7/8/- respectively.  
(These two volumes taken together cover the History of Political Thought from the Sophists to Burke, and are indispensable for M. A. Students).
3. **History of Political Thought, Vol. III—Bentham to Marx**  
(under print).
4. **Indian National Movement and Constitutional Development**  
English and Hindi .. Price Rs. 10/- each  
(It contains one of the best and most thoroughgoing accounts of the National Movement from the beginning to 1947, and a brief survey of Constitutional Development from 1773 to 1909, a more detailed account of the Acts of 1919 and 1935 and a comprehensive study of the New Constitution).
5. **Government of Great Britain, U. S. A., U. S. S. R., and Switzerland, and Government of France.**  
In three separate volumes  
Contains a Comprehensive Study of the Constitutions of these Countries.  
Price Rs. 3/8, Rs. 5/- & Rs. 3/8/- respectively.
6. **Elements of Political Science** .. Price Rs. 10/-  
(It contains a full and comprehensive account of the various schools of thought, and other topics generally included in the course prescribed).

Published by

**Jai Prakash Nath & Co.,**

EDUCATIONAL & LAW PUBLISHERS,

Meerut City (India).

## ROLE OF CIVIL SERVICE IN INDIA

By

A. R. TYAGI

The main objectives of the Indian administration in the pre-Independence era were maintenance of law and order and the promotion of the development of the colonial economy, complementary to that of the ruling country. In social matters it followed a policy of non-interference. This meant that our administration was largely a police and judicial system for the protection of life and property and also a simple system of transport and communication for the export of raw material to England. It also meant some regulation of trade and industry so as to give protection to the British trade. The principal agency for the performance of these activities was the Indian Civil Service which was a centralised and neatly-integrated hierarchy of permanent officials which provided "a clear and uninterrupted line of command from the Governor-General at the apex to the lowest official at the base, so that at the pressing of a button, the current of authority could be transmitted through successive layers."<sup>1</sup> It was a closed caste, manned mostly by the Whitemen, which, though loyal, efficient and largely honest, was unresponsive to public opinion and haughty and cold in its temperament. Its role was mainly of a negative character. Its functions were mainly regulatory which did not call for any technical skill or inventive and enterprising minds. All its activities were tied down in set rules and regulations and an individual civil servant had little to think upon, but to follow the rules and precedents in deciding all issues that came before him.

Independence has, however, brought about political changes of such a far-reaching character that they have completely transformed the character and role of our civil service. The changes are mainly of three type: Firstly, the colonial system of government has surrendered itself to a nationalistic republican order; secondly, the cameralistic pattern of administration has given place to a democratic set-up; and thirdly, a *laissez faire* doctrine has yielded to a socialistic pattern of society.

The impact of the first change on the civil service is not only in the direction of complete Indianization of the 'service', but also in the form of the interfusion of all those personal, moral and social qualities, which characterize the Indian community, into it. Caste consciousness, communal feeling, standards of honesty and faithfulness and all other traits of our national character affect the civil service, whether for good or for evil, exactly in the same way and to the same extent as they affect other sections of the society.

The second change arising from a bureaucratic to a democratic structure has produced radical changes in the constitution, methods and traditions of the civil service. This change has had its impact in three directions, viz. first, in the separation of the policy-making (i.e. the political) branch from the administrative branch; secondly, in the relationship of the civil service with the people; and third, in the relationship within the service itself.

Firstly, the civil servant is no longer the ruler of the country, but only its administrator, policy-formulation being now the function of the representatives of the people. His sole duty is to carry out the public will, as expressed in

1. W. R. Nath: *Public Administration and Economic Development*, p. 1.

the Statutes of the Parliament and the Orders of the Chief Executive. In a Parliamentary democracy, as ours is, a civil servant has two roles to play. In the first place, he is an expert advisor to the minister, and in the second, manager of his administrative unit. Defining the advisory role of the civil servant, Sir Warren Fisher, sometimes Permanent Secretary to the British Treasury, has said, "Determination of policy is the function of Ministers, and once a policy is determined it is the unquestioned and unquestionable business of the civil servant to strive to carry out that policy with precisely the same energy and precisely the same good will whether he agrees with it or not. That is axiomatic and will never be in dispute. At the same time, it is the traditional duty of civil servants, while decisions are being formulated, to make available to their political chiefs all the information and experience at their disposal, and to do this without fear or favour, irrespective of whether the advice thus tendered may accord or not with the minister's initial view. The presentation to the minister of relevant facts, the ascertainment and marshalling of which may often call into play the whole organisation of the department, demands of the civil servant the greatest care. The presentation of inferences from the facts equally demands from him all the wisdom and all the detachment he can command."<sup>2</sup>

The proper discharge of this duty on the part of the civil servant requires qualities of a highly moral order, such as, "presentation of integrity, fearlessness and independence of thought and utterance."<sup>3</sup> Though he is not concerned with the formulation of the policy at the political level, yet he becomes immediately and vitally concerned with it as soon as a party programme becomes a policy of the government. Then he has to examine it in terms of practicability and formulate it into precise terms. So, while formulation of the policy is the business of the government, its processing is that of the civil service. This requires the fullest cooperation and accord between the two branches of the government. On the part of the ministers also, this system requires sufficient insight and vigilance as well as a judicious restraint.

In the beginning, there occurred lots of cracks and creaks in our administrative machinery because of lack of understanding of this system on both sides. On the one hand, the civil servants, whose methods of work and departmental traditions had evolved in bureaucratic atmosphere, found it difficult to adjust themselves with a democratic set-up. The problem became more difficult because of the fact that the ministers and the civil servants were drawn from different strata of the society and belonged to opposing camps during the period of struggle for independence. Analysing the causes of the minister-civil servant disharmony, an ex-I. C. S. writes, "As regards government servants, intellectual arrogance has, of course, always been the besetting sin of their highest ranks .... In this sin perhaps is the origin of the habit formed by some government servants of comment in social conversation upon the abilities and idiosyncracies of ministers. This seems to have attracted unfavourable comment in ministerial circles in many parts of the country."<sup>4</sup> Not only this, but he also notices a habit amongst some government servants "to criticise in their social moments, in the hearing of outsiders, the policies of the government with which they disagree." The ministers, on their part, did not develop sufficient sense of judgment as to where their sphere of activity ended and that of the civil service began. They, in their desire for getting the policy programme executed to its fullest extent, interfered into the day-to-day administration of the department,

2. Tomlin Commission Report, Evidence Volume, p. 126.

3. *Ibid.*

A. D. Gorawala: *Report on Public Administration*, p. 23.

There had already developed in the civil servants a tendency for shirking responsibility and for pushing up the level of decision-making higher up. With this interference of the ministers in the internal administration, "these tendencies were further reinforced by the natural desire of the new ministers, conscious of their responsibility to Parliament, to be consulted or kept informed before the issue of orders even in comparatively unimportant matters," with the result that "the standard of efficiency was no longer a matter of pride."<sup>5</sup>

While relations between the political chief and the higher civil servants remained uneasy for some couples of years after Independence, "it is to the credit of both the political leaders and the senior members of the service that within the short period that we have worked our democracy we have been able to strike a balance."<sup>6</sup> The civil service has not only been cooperating with the political chiefs, but it has been working with an enthusiasm which has attracted the attention of even causal observers from abroad. Dr. Appleby, for example, has noted in his second report on Indian Administration that "great achievements of recent years have been made beyond the capacity of the Indian administrative system. By working key personnel very excessive hours, by giving special attention to a very disproportionate number of transactions, by stubborn persistence of programmatic officials in the face of frustration, great results have been achieved."<sup>7</sup>

Secondly, the civil servant in a democratic administration stands to the people in the relationship of a servant. So this change also required a very great adjustment on the part of our civil servants. Under the old regime they had been in the habit of looking down upon the people and of treating them with indifference. While old habits die hard, it may be said without much fear of contradiction that the civil servants as a whole have turned with the wind. Although the day when they would treat the humblest of the citizens with respect<sup>8</sup> and impartiality is yet very far, still an average civil servant is responsive to public opinion. There is, however, a tendency visible in the middle and lower rungs of the service of playing with party factions and pressure groups. Thereby they try to gain cheap popularity or some personal end. But such activities on their part adversely affect their neutrality and cause positive harm to the service as well as to the people.

Apart from the usual courtesy due to the citizens, democratic administration presupposes the active participation of the people in the administration. The impact of democracy on the civil service is not only on the parliamentary level but permeates the entire field of administration, at district and village levels no less than the national and state levels. Hence civil servants have to be in closest touch with the people in general and with their representatives in their respective spheres in particular. While for basic policies they have to look upward to the Ministers, for detailed programmes they must depend upon the needs and desires of the local people. For this purpose, we have quite a large number of consultative and advisory committees attached to different operational agencies at different levels of the administration. The

5. Shri S. B. Bapat, Jt. Secretary, Govt. of India, his article in *The Indian Journal of Public Administration*, p. 63.

6. Sardar K. M. Pannikar: *Bulletin of Public Administration*, Patna University, p. 30.

7. Paul H. Appleby: *Re-Examination of India's Administration System*, p. 2.

8. In fact sometimes officials behave with the lowly people in a way that it is difficult to distinguish between courtesy and discourtesy. The present writer has heard some officers addressing persons as "O Shriman" in a very abusive tone.

latest development in this direction is the democratic decentralisation of all the developmental activities at the district, tehsil or bloc and village levels. This purpose is being accomplished through the establishment of Zila Parishads at the district level, Panchayat Samities at the bloc and Village Panchayats at the village levels.<sup>9</sup>

Thus, an administrative machinery to suit our democracy is being gradually evolved. But what is more important is the spirit in which it is employed. And here we find that the old mentality of the civil servants to look above for all orders and to treat the people with disdain still persists. Even a welfare department like that of the Community Projects, which is a pure product of the post-Independence period, shows that civil servants have not understood the implications of democratic planning and administration. Dr. S. C. Dubey, reviewing the working of a 'pilot' project in Western U. P., has observed that "within the administration of the Project, there was mostly a one-way channel of communication, from the top down. There was considerable reluctance on the part of those who administered the Project to communicate their problems and grievances to the state and national authorities. They were generally afraid that raising problems and difficulties too often would annoy the higher authorities who might begin to regard them as 'obstructive' or 'trouble-makers' or 'failures'. Because of the alleged sensitivity of their official superiors they thought it best to comply with their ideas and wishes without question. For this reason, even when they were directed from the top to implement certain projects for which there was no locally expressed need and which were obviously doomed to failure, the Project Officers were unwilling to present their views openly. They were particularly careful not to criticise any of the 'pet' theories and projects of important persons occupying high political and administrative offices".<sup>10</sup>

The third impact of democracy on the civil service is on its internal relationship. The old concepts of hierarchy and unity of command are ill-suited to a democratic system. For democratic administration is "that direction and oversight of an organization which assures that aims are shared in the making, that working policies are agreed to by those involved, that all who participate feel both free and eager to contribute their best creative effort, that stimulating personal leadership is assured and that in consequence, the total outcome maximizes the aims of the organization while also contributing to the growing self-hood of all involved in terms of clearly realized benefits".<sup>11</sup> Here the administration becomes a cooperative partnership in which every officer and employee performs willingly and carefully his part of the appointed duty. There, no doubt, remains a gradation of posts. But it is a division of responsibilities rather than the creation of castes. Even the line of authority remains intact. But it is not the fear of higher authority that moves employees to action, but a self-created inner urge. For, rules and regulations can, at best, regulate our outer conduct. They cannot promote the crystallization of attitudes and perspectives which are so essential to the contribution of the best human endeavour.

9. These reforms are being carried out in accordance with the recommendations of the Study Team on Community Projects, commonly called the Palwantrai Mehta Committee. A number of States, like Andhra and Uttar Pradesh have already introduced these reforms, and others are proposing to introduce them.

10. *India's Changing Villages*, p. 95.

11. Ordway Tead : *The Art of Administration*, p. 133.

Such a system thrusts upon the civil service a role of administrative leadership. It is a role which enjoins upon the directing officers the duty of combining human energies in a way that creates a new and satisfying harmony of effort in the administrative unit. In that harmonising "there is a literal creation of new power. Vital resources are tapped. New levels of attainment are reached. Passive consent among the member-workers gives place to active consent. Apathy gives way to enthusiasm. Indifference becomes conviction. Inertia is translated into initiative." This is a role which raises personnel administration from the stage of mechanistic device of chastising the unsubmitive and rewarding the submissive to a bold and positive humanistic approach which builds up morale of the services and energises them to self-action for the attainment of the common object.

Administrative leadership is a creative role of getting the civil servants engaged in an administrative unit accept the goal of that unit as their own, of bringing about an expression of their creative, cooperative and self-generating zeal and of inspiring in them a sense of pride, accomplishment and satisfaction in having done the day's work with honesty and ability. In such an administration, the driving force is not the fear-psychosis engendered by punitive rules of conduct, but the illustrious examples, inspiring words, amiable manners and democratic contacts of the supervising officers. This is the *sine quo non* of a democratic administration.

The pre-requisites of such a system are a democratic method of recruitment based on merit, a system of institutional training based on thorough grounding into the principles and practice of social sciences and self-education built around well-thought-out programmes of seminars, group discussions and conferences, a clear ladder of promotions branching off into all parts and levels of the civil service but based entirely on merit, and a system of humanized personnel management conducive to the building up of high official morale and professional ethics. Administrative leadership cannot be built up under a system of administration where the entire recruiting ground for the service stretches over less than five percent of the whole society, where revenue and criminal laws with a salty mixture of economics, administration and some other disjointed studies imparted in a highly aristocratic atmosphere form the entire courses of training, where promotion is restricted to narrowly-defined cadres of separated grades of hundred and odd "Services", each constituted into a water-tight compartment, where personnel administration is a dead set of "don't's" and where administrative operations are sought to be carried out by means of orders and circulars issued from the 'ivory towers'. And such is the nature of our administration today. No wonder, therefore, that even the Community Projects Department, which is a baby of independent India conceived in a public welfare programme patterned on the ideal of a socialistic society, is groaning under the thrashes and thumps of the big 'bosses'. This is how a researcher views the officer-subordinate relationship in a 'pilot' community project administration :

"Higher officials viewed their role largely as that of 'inspecting officers', and continued to supervise and appraise the work of the subordinates. While this was a necessary part of their duties, excessive concentration on this aspect alone gave a necessary part of their duties, excessive concentration on this aspect alone gave a distinct authoritarian tone to the administration. Because of their higher status in regard to official position and pay, many of them resented any views that departed from or questioned their own policies and methods of work. Theoretically, the subordinates could express themselves freely, but in practice they realized that it only antagonised their official superiors. As their promotion and prospects depended greatly on the good will of the officers, they found it more practical and profitable

to adopt an attitude of uniform compliance to the wishes of the higher officials. In some instances, individuals coming forward with new ideas and suggestions were snubbed as "trouble-makers" and "lazy talkers", and this largely fixed the one-way traffic of communication under which subordinates received orders and instructions for execution from their official superiors. The Village Level Workers complained about this attitude of the Assistant Project Officers and the Deputy Project Executive Officer and these two felt somewhat the same way about their official superiors on the district and state level<sup>12</sup>.

The third basic change in our system of government since independence is the adoption of a policy of socialistic pattern of society in place of the laissez faire principle. This means the change from a police state to a social service state, under which the state assumes the responsibility for securing to every citizen of an important body of his fundamental needs, such as, his care from disease and mishap, his education, housing and insurance against sickness, accident, old age and unemployment. The state is now responsible not only for fulfilling the needs of the citizens, but it is also the owner of a large field of the national resources. It is owner and exploiter of our important mineral and oil resources, the manufacturer of steel and heavy machinery, the generator and distributor of electricity, the owner and plying of all kinds of transport, the planner of new towns and industries and has large control over the land and agricultural development. In fact, our state today is endowed with very extensive powers of direction and control over our entire economic life.

In such a dynamic state, the civil servant's role also has become more creative than sedative, and more positive than negative. His is what Prof. Burnham calls the "managerial role." He is every day called upon to take decisions on technical issues of policy affecting a large class of population, to manage big industries and corporations, to control finance and trade, to regulate the entire economic and financial life of the community, to organize and apply research for industrial, agricultural and defence purposes, to undertake community projects in the social and cultural fields and to push the frontiers of technological and scientific research farther and farther.

These activities require in our civil servants positive qualities of initiative and enterprise, of originality and constructiveness of mind and of human understanding and democratic contact. Civil servants are, in a dynamic state, the lever of social reform and they must, therefore, exhibit vitality, drive, initiative and imagination. They must think carefully and act promptly and courageously. Though not completely forgetful of the past, they must not cling to traditions and dogmatic ways of doing things. They must be bold and imaginative enough to plan things properly and manage affairs efficiently. They must be prepared to take decisions and shoulder responsibility, rather than 'play for safety'.

Our civil service has not yet been able to play this role adequately. It seriously lacks in vitality, initiative and imagination. It is so much tied down to precedents and routines that it is unable and unwilling to think ahead and take responsibility. The system of examination through which a civil servant here is recruited forces him to mug up six or seven subjects at an early age, with the result that "this premature forcing of young minds has an injurious effect upon their vigour in after-life, and the acquisition of a great amount of knowledge may be dearly purchased, by weakening the powers of judgment,

<sup>12</sup> S.C. Dubey : op. cit. p. 91.

of reflection and of original thought."<sup>13</sup> Then, the in-service training imparted to him concerns mostly with the revenue and judicial administration. Trainees have hardly any grounding in the social sciences. After training, they have to pass a period of five to six years as apprentices, during which period they have to toss constantly from one office to another, now under one officer and then under another, with hardly any real responsibility to shoulder. This period of stagnation saps them of whatever vitality and initiative had remained in them after having passed through the ordeal of the competitive examination. Not only this, but the line of authority is so tight that the officers at the lower and middle rungs have little discretion left to them, with the result that by the time they reach the higher echelon of administration, they lose all power of initiative and their minds get completely routinized. No wonder, therefore, if the chairman of an autonomous public corporation willingly surrenders his discretion to the verbal instructions of a departmental secretary and the Deputy Commissioners get their orders from the local influential leaders.

The only bold and imaginative step so far taken to build up a creative civil service capable of shouldering the new responsibilities of our dynamic society is in the Community Projects Administration and the National Extension Service. Its officers are trained in the principles of extension work, where the chief method of learning is not the traditional class-method, but that of seminars, conferences and discussions. The dignity of labour is emphasised in these courses and the desirability of accepting the gospel of "dirty Hands" is dramatically demonstrated by the personal participation of the national leaders and high officials in activities involving manual labour. The superiority of the 'extension' method over the administrative method in implementing the developmental programmes is emphasised and fostering of the spirit of cooperative team work among the officials is considered to be an important function of these training programmes.

These improvements in our personnel administration have provided opportunities for close and continuous interaction between the village people and the government. The Village Level Worker is the best product of this experiment. In him the society has found a multi-purpose worker who can act as a friend, guide and leader to the village communities. He can probe into the life and aspirations of the people and interpret them to the government, so as to enable it to prepare the community plans in accordance with the felt needs of the people. He is also the main agent of the government to implement the plan projects in the remote villages and hamlets and is thus the great harbinger of the great social and technological revolution that is taking place in our country side.

But while the Village Level Worker is well imbued with the spirit of a democratic welfare administration, there seems to be little change in the attitudes and methods of work of the senior officers. "While the Village Level Worker came out of the training centres expecting to find a democratic atmosphere of cooperative team in the field", says Dr. Dubey, "their immediate superiors were not sufficiently sensitized to the contemplated changes, and were not mentally prepared for a fundamental change. They were ready for a token democratisation, perhaps not for a total modification of their traditional role." Similarly, "the acceptance of the superiority of the 'extension' methods over

<sup>13</sup> Earl Grey : *Parliamentary Government*, (1864), p. 305.

the administrative methods was neither complete nor unconditional. In general, the Village Level Workers were oriented to this view much better than were their immediate superiors. Among the latter, many had mental reservations about the utility and efficacy of this approach. To some, it is too theoretical and doctrinaire, to many others, it was just too slow."\*

Another quality needed in our social welfare administrators is a sufficient touch of humanism. The old emphasis on civil service neutrality and objectivity, which made them indifferent to individual human needs and dogmatic about their departmental traditions and procedures, is out of date now. In a social welfare state, civil servants are social scientists in action. They have to be fully conversant with the social background, natural temperament and the present aims and ambitions of the community which they are called upon to serve. They must know the world outside their own department not only with their heads but also with their hearts, because the implementation of welfare programmes requires not only intellectual excellence but also human understanding and sympathies. For this, it is necessary that the social background of the civil servants should be co-extensive with that of the society and recruits to these services should have a thorough grounding into the social sciences and human history. Such an education would give them not only better understanding and broader sympathies in human needs and aspirations but would also instill in them a clearer conception of the social values of the community. It will equip them with all the necessary qualifications for assuming the leadership role in the society.

But the proper course for building up such a civil service is not, as is usually argued, to recruit civil servants at a very raw age and to put them in a Civil Service Academy to be run on the lines of the National Defence Academy. Such a course, if adopted, would tend to regimentation and would, in the long run, prove disastrous to democracy. So, the better course would be to put more weight on the social sciences in the competitive examinations, so that only those with thorough knowledge of these subjects may successfully compete, while others with technical and professional subjects may look only to technical and professional services. This would not only ensure suitable candidates for each service but would also save a lot of national energy which is now fizzled out in the fruitless efforts of several hundreds of youths in unsuccessfully preparing for the IAS and IPS examinations. Another step to make up this deficiency is to organise refresher courses for the civil servants after every six or seven years of work. The experiments of the Administrative Staff College and the Indian School of Public Administration in bringing executives from public and private administrations and fresh graduates from universities together for a period of three to six months is a commendable effort and is sure to bring forth good results. Another worth mentioning step in the same direction is the establishment of the Central Institute of Community Projects which, besides conducting seminars and orientation courses for the development officers, also engages in research in the theory and practice of extension work and development technique.

\* S. C. Dubey, op. cit., p. 97

## SARVODAYA VIEW OF STATE AND POLITICS.

By

DEV SHARMA

Partly due to its being still in a formative stage and partly due to the very Gandhian Scepticism of the Sarvodaya workers to elaborate upon the details of the distant goal (I, P. 46), Sarvodaya philosophy not only lacks fuller development but is also deficient in scientific precision and consistency. Nonetheless, like Gandhiji, the Sarvodaya leaders realise the necessity of portraying the ultimate goal—the ideal social order—towards which the workers have to advance steadily.

Sarvodaya, in its ultimate analysis, means an ideal social order in which no one is down-trodden. Commenting on the 4 verses of *Gita* (Ch. 6, Shlok 29-32) Vinoba outlined the following 3 characteristics of a Sarvodaya Social order.

- (1) "No power should be dominant in Society; there should only be a discipline of good thought;
- (2) All faculties of the individual to be dedicated to society which must provide the individual for growth and development.
- (3) The moral, social and economic value of all of callings performed honestly should be the same (21, P. 309)."

Whereever and whenever we can see the above 3 requisites established in a society, we can say here is a semblance of Sarvodaya Social order. All the 3 characteristics are fundamental.

(1) Today power rules Society; one class exploiting the other, the other exploiting the third, the third despising the fourth; each opposing the other. There is a myriad clash of interests and counter-interests. In this abyss the only way out seems to decide the issues on the utilitarian principle of "The greatest good of the greatest number", arrived at by the physical counting of the majority votes. But all of us are well aware of the short-comings of this majority principle.

- (a) In the first place, majority has not very infrequently been found wrong.
- (b) Secondly, the apparent majority might not be a sincere majority, for under the pressure of power, economic, social or political, the persons might be compelled to vote for a cause which they themselves think unjust. The whole system presupposes a conscientious body of citizens, devoted to the service of community, which is always conspicuous by its absence in a society of unequals, driven by the animal urge of money and profit.
- (c) Thirdly, the majority is often not a majority physically too. For instance, with the opponents divided, which is frequently a rule, the minority party always gets the right of the majority rule.

That is why, the governance of human society on party line and on the principle of majority rule, evolved in the contemporary political thought as a sequence to the doctrine of the "greatest good of the greatest number" is vehemently opposed by the Sarvodaya thinkers. A votary of Ahimsa, Gandhiji pointed out long ago, can not subscribe to this utilitarian doctrine. He must strive for the "greatest good of all" and die in the attempt to realise that ideal. The greatest good of all inevitably includes the good of the greatest number and, therefore, he and the utilitarian will converge on many points in their career but there does come a time when they must part company and even work in opposite directions. The utilitarian to be logical will never sacrifice himself. The absolutist will even sacrifice himself (7, P. 8).

The short-comings of the dictum of "the greatest good of the greatest number" were foreseen long ago by the western thinkers too. For instance, the liberal-idealist thinker, Prof. T.H. Green, propounded, in its stead, the dictum of "Common good." It has been pointed out that the Gandhian ideal of "Good of All" is substantially the same as the "Common good" ideal of Prof. Green, yet the term "Good of All" being more easy of comprehension, may be regarded as an improvement upon Green's term of "Common good" (20, P. 37). This ideal of "Good to All", therefore, postulates that the individual should merge himself and his interests in the good of all. There is no gulf between his good and the social good. The social good includes his good; and his good is an inseparable entity of Social good. That was the first teaching of "Unto This Last" as Gandhiji understood it. But this ideal is inconceivable in the present "diseased civilization". Today there is no approach to right values of life, "no discipline of good thought" In a "true civilization", there is always a discipline of good thought.<sup>1</sup>

(2) "All faculties of the individual to be dedicated to society which must provide the individual for growth and development" To Gandhiji, Society is just like a family and the relation between the individual and the society is, therefore, one of close inter-dependence. He rejects alike the unrestricted individualism that ignores social obligations as well as the other extreme view which regards the individual as a mere cog in the social machine. He writes, "I value individual freedom but you must not forget that man is essentially a social being. He has risen to the present status by learning to adjust his individualism to the requirements of social progress. Unrestricted individualism is the law of the beast of the jungle. We have learnt to strike the mean between individual freedom and social restraint. Willing submission to social restraint for the sake of the well-being of the whole society, enriches both the individual and the society of which one is a member" (4, P. 287). There is no doubt that as between the individual and society, the individual ultimately comes first in Gandhian philosophy, for the individual is above all the soul and in any scheme of social progress the first step always lies with him. Yet man cannot be "man" without his nurture and association in society, so, it is incumbent upon him to dedicate all his faculties and strength in the selfless service to his society. That is why, a well-known Gandhite, defines Sarvodaya "as a synthesis of individualism and socialism, directed at the good of all" (22).

<sup>1</sup> Gandhiji, called the modern Western Civilization "a nine days wonder", "a disease" in his one of the earliest publications "Hind Swaraj". He defines civilization as "that mode of conduct which points out to man the path of duty". The modern civilization falls short of that standard and so on "true civilization." For the 3 basic principles of a "true civilization" of Gandhian concept (See 10, P. 61 ff.).

3. "The moral, social and economic value of the callings performed honestly should be the same." This is the most revolutionary statement or tenet of Sarvodaya. If not impossible, it is at least difficult, to achieve it till the whole socio-economic structure of society and its concomitant social and cultural values are over-hauled. But Gandhiji had an implicit faith in it, and never doubting its practicability for a moment, worked for it *animo et fide*. Carrying all the postulates of "Bread Labour" with it, the statement implies that labour is the joy of life and hence labour must not be discriminated against labour. Wrote Gandhiji: "That a lawyer's work has the same value as the barber's in as much as all have the same right of earning their livelihood from their work." "It is futile", says Vinoba, "to try and draw up a scale of the values of mental or manual services. How shall we pay in money the person who nurses a sickman and sits up with him in the night. What should be a judge's price for his impartial judgement. How shall we apply the rule of three in order to know how much is due to the man who pulls out of the water or saves us from the raging fire. These are infinitely precious services, in other words, they are priceless. It is, therefore, right that, giving up calculation, every one should devote himself to the service of all with all he has, while society does its duty by providing for his keep" (23, P. 213).

The Sarvodaya Social order, thus, has an implicit faith in the efficacy of the communistic principle, "From each according to his work to each according to his needs." In Sarvodaya thinking, Physical-labour and non-possession are the twin laws of right life; where they do not exist, Sarvodaya does not exist. (7, P. 28). And the moment we accept them as basic values of social life, we shall find no difficulty in realising the validity of the Sarvodaya Social ideal.

Politically, Sarvodaya does not believe in State and its political power. Its ultimate goal is a Stateless Society. Nonetheless, it does not preach anarchy and makes a clear distinction between State and Society. Not only that, it is ready to take as much help from the State as it can give to society in the promotion of its ideals. But the State and Government are coercive institutions. Force in the shape of law, court, police or military is the ultimate sanction behind them. So, human society must be free of these coercive institutions. "What we seek" Vinoba says, "is to grow out of a State of affairs where there is no government into one where there is good government, and from that condition to one where people are free of government altogether" (Quoted in 8, P. 48). Thus, Vinoba does not exclude some form of order altogether. He also does not exclude the legal code. From no government (anarchy) to good government. From good government to a social order free of government. That is what he wants. It, otherwise, implies the maintenance of the institution of traditional State and its government for an indefinite period till the people are worthy to be free of them. It, thus, implies an acceptance of two ideals, the immediate and the ultimate. Gandhiji, too, had two ideals. His ultimate ideal postulated a society in which there would be no government and the social life goes self-regulated but he believed that the ideal society will always remain an ideal unrealised and unrealisable in its entirety. In 1931, referring to the Stateless Society, he said, "But the ideal is never fully realised." In 1940 again, he said, "A Government cannot succeed in becoming entirely non-violent, because it represents all the people. I do not today conceive of such a golden age. But I do believe in the possibility of a predominantly non-violent society. And I am working for it" (4, P. 291).



To quote Vinobaji, "Our 1st step will be to get Gram Raj (Government by the village) : Then law-suits and disputes will be judged and settled within the village."

"Next it will be Ram Raj (Kingdom of God) : then there will no longer be any law suits or disputes and we shall all live as one family." So, what Sarvodaya aims in the first instance, is the attainment of Gram Raj, or villagisation of land as it has been called in English terminology. One may ask what according to its protagonists are the characteristic features of a Gram Raj. In Gandhiji's terminology it is Panchayat Raj or Village Swaraj.<sup>1</sup>

1. In the first place, Gram-Raj means the organisation of Society based upon small administrative units. Units, not bigger than 3 to 4 thousand of population and are convenient regions for economic self-sufficiency on the one hand and for representative democracy on the other (17). This small region is village according to M. Gandhi and Acharya Vinoba Bhave but "firka" according to K. G. Mashruwala. In latter's opinion, "on account of natural causes, the self-sufficiency of each village may not be quite complete. So I would make the *firka* to be the smallest republic."

2. Then in a Gram-Raj individual ownership gives way to community ownership. "There is no individual possession of land, labour and wealth. Each owns everything. Each will offer his all to the community and the community will take care of him" (27, P. 382).

3. The State on its part does not disappear in a Gram Raj, but it transforms its nature and the character of its government in consonance to a non-violent Social order. In other words, it becomes a "non-violent state". This non-violent State is characterised by the following six attributes which could in themselves be considered as important characteristics of Gram Raj.

4. It must be secular in character. It means religion is a personal affair. There are, in reality, Gandhiji says, as many religions as minds. Each mind has a different conception of God from that of the other. So, the State has nothing to do with religion even if the whole community possesses one religion. Every one living in a particular State should be entitled to profess his religion without let or hindrance, so long as he does not interfere with the similar rights of others (2, P. 256 & P. 286).

5. It must be decentralized. Centralization is a characteristic phenomenon of modern age. In the Western democracies there is both a centralization of economic and political power. Communism, too, has led to Centralization and concentration of power in fewer and fewer hands. This is no Swarajya (13) All the power was formerly pooled at London and from there it was parcellled off to Delhi. This power is now pooled at Delhi. If we have to train the people for Swarajya, we shall have to decentralize the power and shall have to distribute it to every village. (25). Vinobaji calls it *Shashan Vibhajan*. According to it we have to make every village "a complete and a thorough State in miniature", every village having departments like Health, Industries, Agriculture, Education, Justice etc. "The very term Swaraj, or self government",

<sup>1</sup> Gandhiji gave a picture of the village Swarajya of his concept in Harijan dated 26-7-1942. See 2, P. 73-74. For a comparative picture of village Swarajya-by M. Gandhi, Acharya Vinoba Bhave and K. G. Mashruwala, See 8, Appendix.

Vinobaji says, "implies decentralization of authority. The principle has, therefore, to be applied to every practicable limit to all fields of life, social, economic and political." (25, P. 154)

6. It must be based on the will or consent of the governed. A Sarvodayist is against the theory of absolute sovereignty of the State which lays upon the individual the duty of absolute unquestioning obedience to the law of the State. He believes in the "sovereignty of the people based on pure moral authority." (4, P. 274) In the words of Prof. Dhawan "it will not be a Sovereign State but a Service State." (4, P. 340)

7. The most important thing about the non-violent State in a non-violent society is, however, that it should least govern. "That government is best which governs the least." (2, P. 40) Most of the governance must come from the people themselves in the shape of their co-operatives, mutual associations and Panchayat Raj. "I look upon an increase in the power of the State", said Gandhiji, "with the greatest fear, because, although, while apparently doing good by minimising exploitation, it does the greatest harm to mankind by destroying individuality which lies at the root of all progress." (2, P. 40) "Self government", he said, "means continuous effort to be independent of Government Control whether it is foreign government or whether it is national. Swaraj government will be a sorry affair if people look upto it for the regulation of every detail of life." (2, P. 114) But the "least government" of Gandhiji is not identical with the negative police functions. The non-violent State is not a mere *POLIZEISTAAT*. It can perform some functions of a Socialistic or Communistic nature for the welfare of all, but its performance must be in accordance with the philosophy of non-violence, based more on the cooperation of the citizens than their coercion. (4, P. 322)

8. Then, politics be considered as a service to the Community and not as a means to power or prestige or influence in a non-violent social order.

9. Lastly, but most significantly, the policies of the government must be conducted on the basis of *LOK-NITI* in place of *RAJ-NITI*. This emphasis on *Lok-niti*, lately advanced by Vinobaji and vehemently pleaded by him and Jai Prakash Narain is one of the most distinctive characteristics of Sarvodaya philosophy in the post-Gandhi era. It implies a boycott of the present party systems, party government and elections on party lines. Differentiating the concept of *Lok-niti* from that of *Raj-niti*, a Sarvodaya thinker says that the former means the politics of the people, while the latter is a politics of power and State; one's mainstay is "*Lok-Shakti*" or civil power, while the other's mainstay is "*Dand-Shakti*" or state power (legal and military); first is devoted to truth, second is devoted to the party in question; first is interested in public good, second is interested in the rise of one's own party and the downfall of other parties; one has a universal appeal, the other's appeal is for the few rich or those in authority; it seeks to change the election system and transform the social order, the other centres around the elections; it leads to fusion of hearts, the other leads to fragmentation of hearts. (21, P. 292)

Elaborating upon his theme for the acceptance of *Lok-niti*, Vinobaji pleads that so long as a country is not free, all strength must be concentrated towards securing political power. But once the latter is attained, every effort must be directed towards the achievement of social and economic revolution. But this can be achieved without delay only by wiping off the present party differences

and establish what I call *Lok-niti*, or discover the new dynamic of social action which is not a by-product of governmental policy on party lines. Parties divide and fragment the people. (21, P. 292) If political parties were given full sway to divide the people on the basis of party loyalties, it would do incalculable harm to their country which was already torn by linguistic and religious feuds (26). In a democracy an opposition party is a necessity. It is a corrective. But we see today that a power-motivated party cannot be a corrective in the real sense of the term. It has most of the short-comings of the party in power. Only that group of people can serve as a corrective who are thoroughly disinterested, who have no desire or ambition to get in places of power and whose one concern is the well-being of all. Only Sarvodaya Samaj aspires to do this work. We have, therefore, continues Vinobaji, studiously avoided partisanship with any political party or group. Our doors are open to all. That does not mean, we have no political line. We have a definite line. Our politics is not sectional. It includes all and believes in the direct participation of all men and women in society. I call it a *Lok-niti* as opposed to the present *Raj-niti*. I do not wish to spiritualise politics, like Gokhale, Gandhi, Nanak or Muhammad. My immediate task is, not to carry on government but to end it, that is, to transform it into *Lok-niti*. (28)

Criticising the system of elections, Vinobaji writes "In this man-made one-man-one-vote scheme Pandit Nehru has a right to one vote, and his chaprasi too has a right to one vote. No one is able to demonstrate to us the sense underlying such a scheme." (8, P. 50) What Vinoba slashes, however, is not one-man-one-vote, as the authors of *Indian Approach to a Socialist Society* seem to imply. It is rather the present election system on party lines, which he disapproves. For, addressing the people at Sarvodaya-puram on the eve of 8th All India Sarvodaya Sammelan, he said: The Sarvodaya structure is built on the solid foundation of the unity of human soul and the one-ness of mankind. The modern democracy, based on one-man-one-vote, without making any distinction on the basis of sex, class, creed, property or intellectual attainments, recognises the unity and equality of every human being: it is a tacit acknowledgement of the individuality of the *Atman*, because they did not base franchise on considerations of wealth or intelligence. The Prime Minister of India had the same voting right as his chaprasi. Is it a foolishness or Vedant? "It is for you to decide to which category it belongs. But I believe this is based on Vedant". Modern democracy, however, has forgotten Vedant, for it believes in the counting of heads and, thus, negates the acceptance of the unity of human soul. If the soul is one and indivisible, how it could be broken into fragments as they do when they seek to count heads and place value on the majority opinion. Sarvodaya removes this "proven defect in democracy" since it emphasises that the unanimous opinion of all and not the majority opinion should count. (26) How the unanimity can be obtained in every sphere, is very difficult to envisage, but the Sarvodaya leaders are undaunted in their criticism of the majority rule, elicited on the basis of fundamental suffrage. Gandhiji too, did not love or like political power but he had an unflinching faith in franchise and the representative democracy. "Political power", he said, "means capacity to regulate national life through national representatives. If national life becomes perfect as to become self-regulated, no representation becomes necessary. There is then a state of enlightened anarchy. In such a State, every one is his own ruler. He rules himself in such a manner that he is never a hindrance to his neighbour. In the Ideal State, therefore, there is no political power because there is no State. But the ideal State is never fully realised in life. Hence, the classical statement of Thoreau that "that government is best which governs the least." (2, P. 40)

Thus Vinoba's Sarvodaya ideal of a "coercive - government" free social order seems to possess a Platonic tinge in it. He would like to take away the power of law making, too, from the State to put it "in the hands of an assembly of intelligent, learned, wise men of absolute detachment." (8, P. 48)

According to Vinobaji, in such a State and social order: (1) The able will devote their activity to the service of the people. (2) Individuals will be fully self-dependent and will help each other. (3) Non-violence will be the basis for their continual co-operation or occasional non-cooperation or resistance. (4) Every kind of honest work will be considered of equal value (Moral and Monetary). (23, P. 210)

Vinobaji has, no doubt, improved upon Gandhiji in some respects. He, as Jai Prakash Narain points out, "has filled in the gaps in Gandhiji's picture of Gram Raj." (12A, P. 420) Nonetheless, while Gandhiji, taking the highest flights in the realm of thought, never lifted his feet for a moment from the earthly world, in Vinobaji there appears to be something of a Plato, now and then. That does not mean, however, that Vinobaji is not practical. He is throughout practical in his life and, at times, he even abhors the idea of caricaturing the distant goal; but forced by the exigencies of the time he has to speak of the social order he wants to attain, and then, he mixes the attributes of *Ram Raj* with *Gram Raj*; otherwise, even his anarchist ideal is less utopian than the utopian ideals of the early Christians or socialists. Although like the anarchist ideal, he says, "I wish that Government like Bhramasura, will place its hands on its own head and wither away." Yet, unlike anarchism

- (a) Sarvodaya thinking has no abhorrence or an inborn detestation for the State;
- (b) It rather believes in its good nature as well;
- (c) It has no faith, whatsoever, in its violent disappearance;
- (d) It emphasises the duties of the men to conduct their affairs cooperatively without state aid (instead of their right to be free from it). To quote Gandhiji, "the right to perform one's duties is the only right that is worth living for and dying for. It covers all legitimate rights." (4, P. 323)

The authors of *Indian Approaches to Socialist Society* have aptly pointed out: "But if Sarvodaya resembles the philosophical anarchism of Kropotkin in its transfer of the power of the State to Society and specifically to the small self-organising Community, if it agrees with Kropotkin that man is predisposed towards mutual aid, there is no resemblance between Sarvodaya and the individualist anarchists who regard all forms of association with mistrust and all authority with hostility. The Sarvodaya approach allows for the authority of the Village panchayat with power derived from a consensus that its members possess a full understanding of the complex of obligations and societal functions embraced by *Dharma*. Whereas most anarchist thought only implies that freedom in an ideal society would not include freedom to 'flout the laws of nature', believers in Sarvodaya make explicit the natural duties of man. Where anarchism focuses upon the right of the individual to freedom from government, Sarvodaya centres upon the obligation of every member of society to fulfil himself through conscious, active recognition of the social good. With the education of her citizens in the meaning of their duty, destiny and proper way of life—in their

Dharma—the stateless society would be expected to sustain its basically moral character. Sarvodaya has, indeed, not only an anarchist component but conservative elements as well. Yet, the most striking resemblance so far to emerge from Sarvodaya is a resemblance to early "Utopian Socialism".

## THE AMERICAN POLITICAL SCIENCE REVIEW

Official Journal of The American Political Science Association

### EDITORIAL BOARD

Harvey C. Mansfield, Managing Editor, Ohio State University  
Wallace S. Sayre, Associate Editor, Columbia University  
Samuel H. Beer, Associate Editor, Harvard University  
Hugh L. Elsbree, Library of Congress  
Edgar S. Furniss, Jr. Princeton University  
Alexandar Heard, University of North Carolina  
Vincent Ostrom, University of Oregon  
Leo Strauss, University of Chicago

The *Review* contains comprehensive symposia [on selected subjects and a variety of individual articles covering the fields of foreign affairs, public law, public administration, political theory, comparative government, political parties, and American government. Through its analytical book reviews, its survey of foreign journals and news and notes on contemporary developments in political science, the *Review* is of the utmost importance to those who wish to keep abreast of political affairs and of research developments in political science.

Yearly subscription—\$ 10.00 domestic  
(Four issues) \$ 11.00 foreign

(Includes membership in The American Political Science Association)

Business Office : 1726 Massachusetts Avenue, N.W., Washington 6, D.C.

## SIGNIFICANCE OF SARVODAYA

By

R. H. LEELA

### INTRODUCTION

Considering the state of ceaseless struggle of conflicting motives, there is a great necessity for changing the basis of society. Sarvodaya, with its objective of everybody's welfare suits our needs too well. Imagine for a moment our thought, like the dream of Adam, comes true one morning and we get rid of selfish interest, the outcome would be a society encompassing all the race based on the principle of 'Sarvodaya'. In such a society, the whole world would have a share in the wealth amassed by America. Production would not be a problem for any country, for the whole world would produce for the human race as a whole without any distinction. It will be a stage, when everyone contributes to the idea of one for all and all for one and the danger of Hydrogen Bomb will have disappeared completely.

### ESSENCE OF SARVODAYA

The outcome of a violent struggle based on the conflict of selfish aims can be collectivisation or distribution of land and wealth, but the selfish ends would still remain, as a selfish struggle cannot give rise to unselfishness; and this is the essence of Sarvodaya.

Man is a member of the world society and through his wisdom, he can find a basis on which all of them can live in a family. He knows that what he has got is not the result of his own efforts alone, but that of the whole society. Therefore he must try to realise that aim and leave his selfish ends.

### NEW PATH

Sages from the time immemorial have preached the need for discarding selfish ends for the service of humanity at large. Religion seems to have lost its force, because even in its presence men fall a victim to desire, hunger and poverty. To revive the force of religion it must be connected with the needs of man. Gandhiji taught us how moral and social values could be practised on a mass scale. The path of changing society in accordance with Mahatma's ideals is an entirely new one, which has hitherto not been attempted in the world. What can be the method of pushing forward the viewpoint of truth? As long as our views are not accompanied by actual movement, which affects the lives of the people, no movement for social transformation can achieve a mass character.

### SYMBOLIC MOVEMENT

The 'salt satyagraha' transformed the entire Indian Nation. The Indian people who were afraid of the mighty British Empire got courage and became fearless. The present 'Bhoodan' aims at generating the same type of spirit in the people, which was caused by Gandhiji's directive to break salt laws in 1930. Similarly Bhoodan or Sampattidan, which is much more comprehensive

than the first, is intended to infuse a spirit which should enable the people to contribute a *little* now and contribute then *all* later on thereby realising the aim of making everybody unselfish set forth by Sarvodaya. The main idea behind the Bhoodan and Sampattidan is that we should bring about a revolution in people's thoughts. In its objective of moral ascent, the Bhoodan movement is making a significant contribution. Thus the Bhoodan movement is only a symbolic movement, a programme to make the people understand the Sarvodaya ideal. Equitable distribution of land is only its secondary aspect. By the small sacrifice that the people make through this, a dynamic change is bound to come about in the whole social structure. Indications are already available of the society that would emerge. In that structure the individual would be an essential part of society working for its progress rather a self-centred social parasite.

It was a happy coincidence that the 19th April 1955 was observed throughout India as the day of dedication to the cause of a peaceful and non-violent social and economic revolution through the Bhoodan movement. This movement has attracted world-wide attention because of its unique nature in conformity with the innate genius of India. Thousands of people must have taken the solemn pledge on the 18th April 1955 to re-dedicate themselves to the cause of Bhoodan and Sarvodaya and for the promotion of world peace and co-operation. It is indeed inspiring to know that, on the same day 29 nations of Asia and Africa, who met at the Bandung Conference also dedicated themselves to the cause of world brotherhood and good will. India believes that real peace could be established only if individuals and nations solemnly resolved to eschew social and economic exploitation, work for maximum self-sufficiency and bring about a bold decentralisation or diffusion of political and economic power through the organisation of village communities. The best way to preserve world peace is to decentralise and disperse power rather than to centralise and concentrate it in the hands of a few individuals or nations. The communists believe in the withering away of the State, but begin by centralising authority in the hands of a small section of the population. The Sarvodaya philosophy preached by Gandhiji, on the other hand, believes in Panchayat Raj on the basis of self-governing and self-sufficient rural communities or Panchayats. The Bhoodan movement symbolizes this urge and ideal of a non-violent and decentralised democracy for India and other nations of the world. Instead of bringing about a social and economic revolution through the coercion of the state, Bhoodan or Sarvodaya places more faith on the conversion of the minds and hearts of the people through a process of mutual love and co-operation. Prime Minister Nehru re-affirmed the same faith at the Bandung Conference by asserting that India had accepted the Gandhian ideal which taught the lesson of self-reliance on one's own inner strength. Sri Nehru spoke with faith in the people of India and not in the big bombs. It was also a strange coincidence that the world-renowned scientist and humanist Dr. Einstein passed away on the 18th April 1955. He was responsible for giving to the world the key to the secrets of atomic energy, but firmly believed in the principles of non-violence and world brotherhood. He had deep faith in the inherent goodness of humanity. Once he said "nothing is more important to man than man". He also expressed his full faith in the ideals preached and practised by Mahatma Gandhi. In the course of his last letter, Dr. Einstein advocated the philosophy of passive resistance for the defence of a minority. Born as a great scientist, who gave to the world the theory of Relativity and the secrets of Atomic Energy, Dr. Einstein passed away as a great humanist, who sincerely believed in the cause of world peace and friendship.

April 18, 1955 was therefore a memorable day indeed. It was on that day India reaffirmed her faith in non-violence and world brotherhood. It was on the same day that nations of Asia and Africa resolved to work unitedly for resolving international conflicts and bringing about world co-operation and it was on the same day that one of the greatest scientists of the age passed away quietly in a hospital with a burning faith in the goodness of man and the futility of atom bombs and other instruments of destruction. We earnestly hope that the mission of Bandung, the inspiration of Sarvodaya and the faith of Dr. Einstein in passive resistance and non-violence would usher in a new era in the history of the world. If we do not work for the implementation of Sarvodaya, it would lead to destruction. In fact, the world has only one alternative. It must choose between *Sarvanash* i.e., total destruction and *Sarvodaya*.

#### SARVODAYA AND MARXIAN IDEALS

Russia built a society on Marxian ideals. India is to build the Sarvodaya State on the basis of Gandhian ideals. The Marxist State of Russia was created to fight capitalism, and today few agree with the Capitalist way of thinking, and capitalism and its economic philosophy are almost dead. Still there is a great similarity between communism or Marxism and capitalism, because both attach great importance to material needs and physical welfare than to moral standards and spiritual well-being. Communism is the result of modern materialistic civilisation.

Leaders of different political parties are realising the inevitability of the Gandhian approach to most of our economic diseases; and the dynamic philosophy of Sarvodaya is being increasingly appreciated. Sarvodaya and Marxism are as distinct from each other as green from red. Vinobaji has said that the two ideologies are irreconcilable and the differences between them are fundamental. To Gandhiji spiritual values were of the essence in all aspects of mental. To the communists religion is one aspect of spiritual oppression and a lie and the opium of the poor. The communists believe that mind is derived from matter and therefore conceptions of a soul and spiritual values are fantastic ideas and betray capitalist mentality. Gandhiji attached great importance to the means and methods and never believed in the theory of ends justifying the means. The communists adopt any means to justify the ends. The communists consider it necessary to use any cunning, unlawful methods evasion, concealment of truth for the achievement of their objectives, but Gandhiji insisted on Truth and Non-Violence even for the achievement of Indian independence. Gandhiji firmly believed in the fundamental goodness of human nature and preached the change of hearts rather than the breaking of hearts very often done in totalitarian countries. Communism preaches hatred and violence in the place of Truth and Non-Violence. To Gandhiji democracy was the very basis of a non-violent and Sarvodaya society. This is to be achieved by a decentralised socio-economic order based on cottage industrialism and village community life. But to the communist, Democracy is a capitalist conception which the proletariat government must overthrow.

## SARVODAYA AND DEMOCRACY

By

USHA MEHTA

Renan once asked, "Oh God ! when will it be worthwhile to live ?" Though Longfellow reminds us that Life is real and earnest, and Coleridge exclaims, "Oh God ! how glorious it is to live" the sectional outlook and factional politics of to-day make us echo the sentiments of the thinker rather than those of the poets. However, the Sarvodaya cult with its unflinching faith in man's dignity and growth, in human goodness and kindness, in the eternal instincts of mutual aid and co-operation cries a halt to this despair and despondency and revives the reassuring message "In spite of death, life persists; in spite of hatred love persists." According to it, not only is life eternal, real and worthwhile, but even politics can be made so if, following a transvaluation of values, it turns from power to people, from majority to unanimity, from quantitative standards to qualitative ones, from one-party rule to non-party rule, from mass-rule to self-rule, from Democracy to Discipline, from *Raj-niti* to *Lok-niti*.

'Sarvodaya', standing for a spirit of unity, discipline for self-fulfilment and an integrated outlook on and a synthetic philosophy of life, aims at producing a moral man in a moral society.

### POLITICAL IDEALS

In the political field, its aim is the creation of an enlightened anarchy, an order free from every form of authority, a State-less society, where 'the rulers and the ruled will be merged in the individual'. Now, both Anarchism and Communism share this belief, but Vinobaji considers himself to be ahead of the Communists in this respect because whereas the Communist 'withering away of the State' is to come about in future, that too not in the foreseeable future, Sarvodaya strives for its immediate abolition. "The *Puran-Wallas*" says Vinobaji<sup>1</sup> are "*bhoot satyayug wadis*" (believers in a State-free society of the past); the communists are "*bhavi satyayug wadis*" (believers in the State-free society of the future); while we are "*varitaman satyayug wadis*" (soldiers trying to build a state-free society in the present). Vinobaji and his followers believe that without the immediate realisation of the State-free society, human civilisation, cannot survive as it is an illusion to hope to regulate or even to restrict the power of violence of the modern state. According to them, the modern State encroaches upon and engulfs all aspects of life. Hence, they view with apprehension the increasing power of the State-whether totalitarian or welfare. Thus, Shri Jal-Prakash Narain maintains<sup>2</sup> "The Welfare-state in the name of welfare threatens as much to enslave man to the State as the totalitarian State. The people must cry halt to this creeping paralysis." This comes very near Paine's concept of a country without Government and the thought of thinkers like Godwin and Thoreau who maintain that Government is the perennial cause of the vices of mankind, as it gives substance and permanence to its errors.

1. *Vinoba And His Mission*, p. 189-90.

2. *Jeevan-dan*, p. 11.

Realising the practical difficulties in the achievement of this goal, Gandhiji said,<sup>3</sup> "This is an ideal that may not be fully realised. What we may get in actual practice may be a predominantly non-violent State". The non-violent State, the immediate as differentiated from the ultimate goal, is a concession to human weakness, a *via-media* between the actual and the ideal State. It will be democratic in character. This democracy, however, will not be the prevalent Western type of democracy. Let us now see what, according to the Sarvodayites, are the defects of the present Democracy and the remedies suggested to eradicate them.

### DEMOCRACY - ITS DEFECTS AND REMEDIES

Political parties and Parliamentary system, elections and legislation (passed on the basis of majority), concentration of power and corruption of administration are condemned by the Sarvodayites, on the ground that they strike at the root of unity, morality and social solidarity of the society.

### PARTIES AND ELECTIONS

Parties are considered to be conspiracies against the people and party-rule to be 'caucus or coterie' corroding and corrupting the entire body politic. They create differences where there were none originally, mainly because they think in terms of their own narrow interests rather than of the broad national ones. "When parties become partisan," argues Dada Dharmadhikari, "politics become sectarian".<sup>4</sup>

Another evil effect of the parties is that they make the people power-crazy. This is reflected both in the scramble for power and a mad rush for getting the party-tickets at the time of the election. "Citizenship thus lapses into candidature". Again, most of the parties being dominated by the propertied men and the professional politicians, only they are successful in getting selected for the election.

Elections are compared to tuberculosis and paralysis, as they give rise to the three-fold evils of Abuse, Corruption and Anarchy and turn "leaders into bidders at the auction of popularity."<sup>5</sup>

In India, all these evils are magnified because of casteism and linguism, provincialism and sectionalism. As if all this is not enough, our people being ignorant and indifferent, illiterate and inert, do not understand the value of their vote. Shri Jalprakash Narain cites the example of a voter climbing the tree in order to vote for the P.S.P. whose symbol happened to be the tree in the first general election as evidence of the colossal ignorance of the voters.<sup>6</sup> The efficacy of universal suffrage too is doubted. It is argued that due to poverty many votes are bought, and hence in effect universal suffrage becomes meaningless. It results into 'suffrage for the rich and sufferance for the poor'. Thus, in the ultimate analysis, Democracy becomes what Faguet calls 'the cult of incompetence,' where voters have to choose between Tweedeldum and Tweedledee, or to use Shaw's phrase people are ruled by "Mr. & Mrs. Anybody".

3. G. N. Dhawan, *Political Philosophy of Mahatma Gandhi*, p. 265.

4. Speech on 'Sarvodaya' delivered at Bombay.

5. *Sarvodaya Darshan* (Hindi), p. 198-99.

6. See *Towards a New Society*, p. 88.

elected by Mr. & Mrs. Anybody'', producing a civilisation that is 'banal, mediocre and dull'.

The remedies suggested to combat these evils of election and party-system are (i) making the citizen moral, explaining to him that vote is to a citizen what chastity is to a woman, honour to a man and liberty to a nation, and preparing him to be a world-citizen by appealing to his inherent goodness and morality. He must be taught not merely to read but also to reflect, and an attempt made to infuse initiative and incentive in him, to make him realise that he is a man and not a manikin. Similarly the candidates must be made to understand their responsibility and act as humble servants of the people carrying out their will rather than as power-intoxicated politicians imposing their will on the people. The parties are advised to cease to function as different parties and combine to form a united front of good and honest people, carrying out a commonly accepted programme. These are all merely interim measures the final solution suggested being abolition of all parties and reliance on every individual's capacity to rule himself.

#### MAJORITY-RULE

The ultimate aim of Sarvodaya not being the greatest good of the greatest number but the greatest good of all, majority-rule is considered to be another major menace of the prevalent democracy. Following Mill who dreads the majority, Vinobaji says "Political science lays down that everything should be decided by majority. It started counting votes. If there are fifty-one votes in favour and forty-nine votes in opposition, then the former must have an overriding voice."<sup>7</sup> Arguing in a similar vein, Shri Jaiprakash Narayan talks of the tyranny of numbers thus: "Because fifty-one people out of a hundred decide to do a certain thing in a certain manner, why should the forty-nine people, who do not agree with that, be forced to accept their decision. What kind of democracy is this?"<sup>8</sup> Majority decision not only oppresses the minority but also violates the principle of human unity and dignity as it considers the individual as merely one of the many rather than as a unique individual possessing personality. It thus tends to de-humanise humanity. For, the ultimate ideal is self-rule by the individuals and complete absence of legislation. However, legislation for the transitional period is not ruled out completely. What is insisted upon is legislation which affixes the final seal on public opinion. "Legislation which follows change in moral principles of a people is just a formality of record."<sup>9</sup> Again, what is aimed at is unanimity instead of majority. In case of sharp differences on questions of social well-being, the decision has to be postponed till minority is brought round to see the viewpoint of the majority by '*vichar-shasana*' i.e. peaceful conversion of the people by a process of discussion and persuasion. Of course, sometimes even general acceptability is considered to be sufficient. However, the ultimate ideal seems to be unanimity only.

#### CONCENTRATION OF POWER

Concentration of power at the centre is branded as a big bottle-neck turning democracy into bureaucracy. The Sarvodayites regret very much that, the

7. *Sarvodayache Adhar*, (Marathi), p. 14.

8. *Towards a New Society*, p. 90.

9. *Bhoodan Yaganya*, p. 46.

parcel of power which has been transferred from London to Delhi has got stuck up there instead of infiltrating into the interior villages.

The complex and top-heavy society of to-day, it is said "cannot but be a heaven for bureaucrats, managers, technocrats and statisticians. It cannot be a home for brothers to live together as brothers".<sup>10</sup> Regarding the Government services Vinobaji says: "The highly expensive administration and other departments of the Government are known as 'services' etc. And there are services galore; civil service, medical service, educational service etc. The officials of the civil service are paid four-figure salaries, while their masters, the poor of the country whom they profess to serve have to live on a pittance of annas eight a day. It is a tragic paradox that those who earn lakhs are called servants while those who produce food for the nation are regarded as self-seekers who work to further their own interest. What is one to say of these services? If words are not to be deprived of their meaning then this is nothing but cant and hypocrisy".<sup>11</sup> These sarcastic words show how sore the Sarvodayites are towards the Government services.

The remedy is to make the society autonomous and the village self-sufficient, a state in itself, the centre being given only nominal power. Thus, the Sarvodayites seem to argue that real politics can only be local politics and that once the village is made the basic unit of administration, poverty will be replaced by plenty, politics will be humanised and Democracy Indianised.

The whole picture regarding the co-ordination and integration between the different village-communities is not very clear but the general principle on which it would be based is the one given by Gandhiji:—

"In this structure, composed of innumerable villages, there will be ever widening, never ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle whose centre will be the individual always ready to perish for the village, the latter ready to perish for the circle of villages till at last the whole becomes one life composed of individuals, never aggressive in their arrogance but ever humble sharing the majesty of the oceanic circle of which they are integral units."<sup>12</sup>

Regarding elections to the village-councils, it is suggested that there should be direct election for the village-councils and indirect for the bodies above it whose main duties will be those of co-ordination and integration.

#### EVALUATION

The Sarvodayites are right in maintaining that the best government in the long run is one that nurtures a people strong in moral fibre, in integrity, industry, self-reliance and courage. It is also true that what we have in India to-day is more of a formal facade of democracy rather than its real essence and that we have failed to put the central arch in its edifice.

It is again true that most of our voters are illiterate. However, the two general elections, the total percentage of voting (being about 50 per cent in the first and 60 per cent in the second) and people's behaviour at the polls positively proves that to say that they are illiterate is not the same as saying that

10. Jaiprakash Narayan, *Towards a New Society*, p. 35.

11. *Vinoba and His Mission*, p. 275.

12. *Hartjan*, 28-7-1946.



they are indifferent or ignorant. Also one fails to understand how the Sarvodayites' resentment against 'one man one vote principle' can be reconciled with their belief in fundamental unity of human beings and the dignity of the individual.

The Sarvodayites again may be right in maintaining with Bernard Shaw that "Most of the members of the parliament are those whose sole qualification for election is Rs. 1,000 loose cash. 'Independent' income, and a vulgar train of ambitious, persons quoting scripture for the purposes of the squire; lawyers selling their services to the highest bidder at the bar, and maintaining the supremacy of the moneyed class on the bench; juries of employers masquerading as the peers of proletarians in the dock; university professors elaborating the process known as 'education of gentlemen' artists striving to tickle the fancy or flatter the vanity of the aristocrat or plutocrat; workers doing their work as badly and slowly as they dare so as to make the most of their job; employers starving and overworking their hands and adulterating the goods as much as they dare."<sup>13</sup>

They may also be justified in condemning the parties as caste-struck and faction-ridden or as mere conglomerations consisting of members who speak in different voices, rather than bands of devoted and disciplined members following a set purpose and speaking with one voice; but to argue from this that parties should be abolished and party-politics abandoned is the depth of despair. It does one no credit to overload a vehicle and then blame it for not moving. As Burns well observes: "No one denies that existing representative assemblies are defective, but even if an automobile does not work well, it is foolish to go back into a farm cart, however romantic."<sup>14</sup> Parties and groups are bound to remain so long as there is freedom of thought and so long as human nature remains what it is. So, the remedy does not seem to be eradicating the aggressive impulse completely from man but formulating free, fearless conscious and courageous public opinion; not abolition but reformation and reorganisation of parties emulating each other in friendly rivalry, putting before the country diverse programmes, differing in everything else except in the determination to preserve the independence, integrity and unity of country; preparation of a code of democratic behaviour to be followed by all the parties including rules like maintaining a high standard of honesty and honour, respect for human personality, minimum use of violence by the state and intimidation by the opposition parties, inquiries into police-firings, non-exploitation of students, peasants or labourers for the selfish interest of the parties or their leaders, no protection being afforded to hoarders and black-marketeers, burglars and smugglers, etc. If this happens enemies of common man will not be able to occupy prestige-posts, and the representatives of the people will automatically cease to be opportunists; they will serve the party and thereby the nation more single-mindedly and sincerely.

Regarding majority-rule, even granting that majority-rule sometimes tends to be tyrannical, there does not seem to be any other practicable alternative to it. Firstly, unanimity is certainly an impossibility, and secondly, we need to remember that Democracy does not always give majority absolute power, nor does it enable it to reduce the minority to a cipher. It really means compromise and responsiveness to the opponent's point of view rather than its repression.

13. *Essays in Socialism*, p. 97.

14. *Democracy*, p. 80.

Moreover, how can we overlook the fact that the real basis of Democracy is not majority but consensus of opinion in counting?

The doubts of the Sarvodayites about legislation and its efficacy cannot be easily accepted. They are justified in arguing that passion cannot be curbed by legislations, that legislation without the cultivation of public opinion is a still-born statute-book-record and that official efforts to implement it is merely a damp squib without public co-operation. Still, it has to be admitted that sometimes legislation does help in creating public opinion, and conditions for better living. It is a generally accepted fact (accepted even by Shri Jaiprakash) that socialist governments in Europe have been successful in reducing disparity in incomes and on the whole bestowing freedom from material wants to the people.\*

As regards centralisation of power it is true that concentration leads to stagnation of administration and lack of co-operation on the part of the people. However, making the village self-sufficient seems to be no solution as it is not possible for any village to live in isolation in these modern days. Moreover, this insistence on self-sufficiency does do no credit to men's capacity to co-operate, the fundamental basis of Sarvodaya. The integrity of the village community seems to be more a matter of the past rather than a reality of to-day. The difference between the city community and the village community is not that one is acquisitive and the other co-operative but perhaps that whereas one has the capacity for acquiring and hoarding, the other has not. Thus it is difficult to believe that geographical decentralisation by itself will prove a panacea for all our problems and eradicate evils like rude casteism and narrow parochialism, like localism and linguism. The possibilities are that it may aggravate them. So far as the details of administration and integration of village-councils are concerned, as we have already seen, the Sarvodayites themselves are not very clear about it.

No one can have any quarrel with the Sarvodayites' criticism of top-heavy administration and the white-collar attitude of the administrators. Their suggestion about elections for the village-councils and other local-bodies being kept away from party-politics also seems to be quite sound. The principle of elections to the higher bodies being indirect, is also worth considering.

#### CONCLUSION

A faith in and vision of an ideal order of human society—a Utopia signifying man's eternal quest for freedom and social justice, has survived many disappointments and disillusionments, and, as Bryce beautifully observes, "From time to time hope is revived by the appearance of a group of disinterested reformers, whose zeal rouses a nation to sweep away abuses and leaves things better than it found them."<sup>15</sup> Such reformers amongst whom can certainly be counted the sincere Sarvodayites are indeed the salt of the earth.

\* Similarly, Dr. Mehtab has pointed out in his Article on 'Bhoodan', its theory and Practice' that the state of Orissa distributed more land during the period of Vinobaji's tour through its own department than that collected by Vinobaji. (*United Asia*, December 15, 1955).

15. *Modern Democracies*, Vol. I., p. 56.

The Sarvodayites have rendered signal service by carrying on the Gandhian tradition of moralising politics and by drawing pointed attention to some of the glaring defects of our Democracy. The ideal propounded by them really serves as a beacon light giving a new meaning and direction to life and exalting and elevating our souls. Their influence, thus, being more spiritual than institutional, the success of their work should certainly not be measured in statistical terms.

There is, however, no denying the fact that Sarvodaya, especially in its political aspect is more of an idea which has not as yet taken a practical shape. This is mainly because the Utopia of the Sarvodayites flounders on the rock of human nature as it fails to take account of the 'lower' and 'baser' elements of human nature in its over-enthusiasm to emphasise the 'higher' and the 'better'. It fails to answer the question viz., "If natural Man be indeed so very social and gregarious, how did corruption and oppression, under which he groans, ever arise?"

Thus, Sarvodaya seems to go wrong not so much in what it affirms as in what it denies, not in its diagnosis of modern maladies but in the remedies it prescribes for them. What is needed is not renunciation either of faith in human goodness or of politics but realising that it will take a millenium before the whole of humanity is transformed to divinity and raising the standard of political understanding and action; the remedy is not *less* of Democracy but *more* of it. Imitating Stephen Decatur, we would say "Democracy! may it always be respectable and right, but it is *Democracy* respectable or *disrespectable* right or wrong that we want."

## POLITICAL STUDIES

The Journal of the Political Studies Association  
of The United Kingdom

Published : Three time a year

Subscription : 33 s. 6 d. or \$ 5.00 a year, and  
13 s. or \$ 2.00 per Issue.

For articles and books for review write to :—

The Editor, Political Studies  
The Queens College,  
OXFORD.

## SARVODAYA

By

BUDDHADEB BHATTACHARYYA

Sarvodaya has come to stay as one of the distinct ideological and political trends of our times. The Sarvodaya-vadis claim their plan of social reconstruction as 'a new dynamic of social change'.<sup>1</sup> How far this claim is tenable needs close scrutiny and searching examination. The importance of studying this is very vital both from the theoretical and practical view-points. But we shall have to limit our discussion to the theoretical aspect of this problem as because an examination of it from both theoretical and practical aspects is not possible in a single paper.

There are two distinct schools of thought which have so far tried to assess the impact of Sarvodaya on our intellectual as well as practical political life. The school of thought passing under the name of orthodox Gandhism has hailed this plan with unqualified admiration. The attitude of a "bhakta" permeates their thought, while on the other hand publicists and political parties who differ, dub the Sarvodaya plan as 'reactionary' etc. To approach this problem from an objective, scientific stand-point has seldom been attempted. Hence, the need for a proper objective and sociological analysis and evaluation of Sarvodaya. Before essaying to do so, let us try to understand the roots and origin of Sarvodaya philosophy, if it may be so called, and plan.

### SOURCES OF INSPIRATION

The eminent Gandhian thinker, Bharatan Kumarappa in his Editor's Note to Sarvodaya<sup>2</sup> observes

"Sarvodaya may well be regarded as India's distinctive contribution to social philosophy. Its roots go back to almost 3000 years when Buddha and Mahavir went about preaching love or non-violence, and to those ancient seers who through the centuries taught and practised austerity and self-control, and sought to inculcate them in the individual through social institutions such as the joint family, caste and village organization. .... It was village communism without Communism's violence. It was from those sources that Gandhiji drew his inspiration for Sarvodaya, or the ideal social order, although immediately it was from a reading of Ruskin's *Unto This Last*."

In a chapter in his *Autobiography*,<sup>3</sup> (Part IV, Chapter XVIII), entitled 'The Magic Spell of a Book', Gandhiji tells us how profound was the influence of 'Unto this Last' on his life. This is being mentioned in order to give the reader a proper background to Sarvodaya thought.

1. *Planning for Sarvodaya*, A. B. Sarva-Seva-Sangh Prakasham, March, 1957, p. 28.
2. *Sarvodaya* by M.K. Gandhi, Navajivan Publishing House, Ahmedabad, May, 1958, pp. VII-VIII.
3. *An Autobiography*, M. K. Gandhi, Navajivan Publishing House, Ahmedabad.

## ORIGIN OF SARVODAYA PLAN

When in the wake of Independence and partition of the country new problems arose, and social and economic planning receded to the background, the constructive workers felt that time had come for them to re-state the role of constructive programme and workers, in the changed conditions of the country. The original plan to hold a small conference at Wardha in February, 1948, with Gandhiji could not obviously materialise. Finally, Sarvodaya Economic Conference was held on the 22nd and 23rd December, 1949 at Wardha with Kaka Kalelkar as the President. The Plan was published on January 20, 1950.

Acharya Vinoba Bhave has been accredited the role of the authoritative spokesman of Gandhian thought after Gandhiji. Vinobaji's ideology represents an extension and application of Gandhian ideology to the solution of socio-economic problems in the changed set up of the country. While Gandhiji fought the 'satanic' government and State, Vinoba shirks a fight against the Congress-capitalist state. While Gandhiji used *Satyagraha* as a weapon of mass pressure against the foreign government, Vinobaji seeks to orient his Sarvodaya campaign with a constructive outlook. To quote Acharya :

"The definition of *Satyagraha* has assumed a negative character; that is to say, it has come to mean some movement for coercing people who differed from you to bring them to your view of things.....Gandhiji was placed in circumstances under which he had to function negatively. But he had the genius which could endow constructive capacity even to his movements for the negation of certain things.....We sought to learn that *satyagraha* which seeks to be effective in democracy will have to be more constructive and less in opposition to one or the other. It is entirely wrong to say that *satyagraha* has no room under democratic government. But we must train ourselves and get seasoned by applying our constructive way of work in the situation before us to the best of our ability." 5

Much of Vinobaji's ideology becomes easy to understand and comprehend if we bear in mind that he seeks to adopt the Gandhian line to present day India—the political power being wielded by the native capitalist class.

Bhoodan, Gramdan, Sampattidan, Shramadan are various stages in the march towards the attainment of a stateless and classless society where 'love is to reign and co-operation to prevail.' The campaign for Bhoodan and Sampattidan are concrete manifestations of Sarvodaya ideology. We, however, leave these practical aspects for the present.

## PICTURE OF SARVODAYA SOCIAL ORDER

What will be 'this society of the future'? The Sarvodaya planners observe :

"As to its general features, it is obvious that in such a society there will be freedom for all and utmost equality; there will be no classes and no caste; no exploitation nor injustice; and equal opportunity for each for fullest self-development. Man will be the centre of such a society, but self-interest will not be the basis of social organization. Life in such a society will not be

4. *Principles of Sarvodaya Plan*, Sarvodaya Planning Committee, New Delhi, pp 32 - 33.

5. *Vinoba & His Mission*, by Suresh Ramabhai, p. 122.

integrated and whole, so that work, art and play will form a unified pattern making possible the growth of an integrated human personality,

"In the economic field, all wealth, including land, will be considered as common property to be used for the good of each and all; there will be no distinctions of capital and labour; and profit, rent, interest and wages will lose their meaning and disappear; everyone will work for society according to his capacity and receive from society in accordance to his needs and in consonance with the needs of his fellowmen. Production in such a society will not be for commerce, but for consumption and mutual sharing; and there will be no private accumulations of wealth because all wealth will belong to society and each will receive only according to his needs and in consonance with the needs of his fellowmen. Even social accumulations will be limited, remaining only as a safeguard against unforeseen needs.

"The life of such a society will be self-regulated, that is to say, there will be no regulation from above, or as little of it as possible, the people regulating or, rather, managing their affairs directly themselves. Government in such circumstances will undergo a sea-change, it will no longer remain an instrument of coercion, for there will be no need of coercion in such a society, except the coercion—if it can be so called—of love.

"In other words, to recall the famous saying of Engels, the administration of men will give place to the administration of things and "government" will be replaced by "management".

"A life of mutual aid and sharing, and of freedom and self-regulation and self-management can be best lived in small communities, whether rural or urban. Freedom can be enjoyed fully and democracy practised directly and intelligently only when small communities are able to manage and regulate their own affairs.

"There will be larger communities, not in the ascending order, but in the nature of concentric circles, the widest circle, picture-squely called by Gandhiji, the oceanic circle, encompassing the entire world community. Yet, all these circles, and the men composing them, will be bound together by love, every individual living for the whole of humanity, and humanity living for every individual.

"As far as possible every, primary community will produce at least the essentials of its life. This will ensure freedom, and at the same time make co-operation between wider circles of communities easy.

"Experience has shown that when production has been concentrated in very large plants, there is danger of concentration of power and wealth, of bureaucratism and exploitation (alike under private and public ownership). Decentralization of production will, therefore, be preferred in the new society, not out of any partiality for primitive tools of production, but because of its

sociological values. Even in a decentralized system of production, it is possible to raise progressively the technological level.

"...The human body must have physical exercise.....That work alone is conducive to balanced development which is useful to the community, health-giving, pleasurable and creative. Thus in the society of the future all differences between mental and manual labour will be abolished...

"There are certain industries, however, which for various reasons, such as their raw material being concentrated in small areas, can be turned only on a large scale. There will, perforce, be centralized production in the sector of such industries. But, as all other wealth, they will be the property of the community. And through the machinery of industrial democracy and suitable processes of people's participation in management, the danger of bureaucracy and concentration of power will be sought to be reduced to the minimum.

"One very important type of large-scale industry, namely, the armaments industry, will find no place in this society, for there will be no cause for wars then and no need of armies.

"In the absence of any conflict of interests, and in view of the co-operative pattern of life and the desire for harmony and good will, all decisions will be taken according to the general consensus of opinion rather than by the counting of votes. This does not mean that there will be no differences of opinion. But these differences will arise on questions pertaining to the general good, rather than be centred in individual or sectional self-interest..... In such cases, decisions will be deferred, even though the issues involved might be of importance. The view will be that in the long run it is better to preserve harmony and goodwill even at the cost of delay or loss.

"In spite of the care taken to take decisions by general agreement, it might happen that an individual or a small group of persons feels that a particular decision has been so wrongly taken, or that it so violates a matter of conscience, that it must be resisted. In such cases the community will freely admit the right to satyagraha, it being understood that the same right can be exercised by the others too. Satyagraha thus will be the sheet-anchor of individual and civil liberty.

"It should be clear from all this that there will be no room in this future society for the party system as known today—whether in the West or in the Soviet World and no struggle for power."<sup>6</sup>

#### SARVODAYA A VARIANT OF SOCIALISM ?

Sometimes a question has been posed whether Sarvodaya is a variant of socialism/communism or not. The Sarvodaya-vadis seem to be confounded on

6 *Planning for Sarvodaya*, A. B. Sarva-Seva-Sangh-Prakashan, March, 1957, pp. 18-24.

this issue. Acharya Bhavé says: "There is no permanent conflict between the two ideologies—Marxism and Sarvodaya."<sup>7</sup> Sri Jayprakash Narain, second-in-command of Sarvodaya movement, affirms: ".....Sarvodaya represents the highest socialist values."<sup>8</sup> Bharatan Kumarappa observed: "In this its essentially spiritual basis is the very antithesis of Communism which is avowedly materialistic, although in regard to its goal Sarvodaya is similar to Communism."<sup>9</sup> The eminent Gandhian theorist Late K. G. Mashruwala pointed out: "The difference between Communism and Sarvodaya is not in the ends but in the means."<sup>10</sup>

It is enough to state that though the Sarvodaya-vadis accept as their ideal the basic truth of Communism—disappearance of the State, abolition of exploitation of man by man, the principle from each according to his capacity to his needs, yet they lack understanding of the concrete material foundation to realise them. The proclamation of these scientific humanistic ideals of Communism by Sarvodaya-vadis only show clearly that the adversaries of Marxism have to accept some of its basic humanist contents.

#### A STRONG URGE FOR SOCIAL TRANSFORMATION

Before we turn to other things, we must note that Sarvodaya-vadis have a strong urge for transformation of this acquisitive society into a non-exploitative society where 'love is to reign' supreme. That private property in land and other means of production is the breeding ground for exploitation and that it must be put an end to is the note vibrant in Sarvodaya philosophy. The advocacy of a classless and Stateless society, where private property in the means of production is a thing of history, by a person of the stature of Vinobaji does definitely help to concentrate the attention of the working people on the cancer spot of present society. The critical elements of Sarvodaya philosophy may have a certain positive role to play under present day conditions in our country. But it must be noted in this connection that though Sarvodaya denunciation of capitalism and exploitative social order is genuine and sincere, its perspective lacks a scientific attitude and, therefore, the solution it offers is bound to prove ineffective.

While being aware of the basic limitations of Sarvodaya philosophy and plan, the credit must be granted to the authors of Sarvodaya plan for preparing a draft for future India. The planners call their plan a draft and not a 'blue-print' for the society they envisage.<sup>11</sup>

No right-thinking person can have any difference with the declared and avowed goal and objective of Sarvodaya which, as the word implies, stands for the all-round well-being of all, if judged on surface-level. But this ideological trend, as has been observed earlier, needs closer scrutiny.

7 Article on Communism and Sarvodaya by Bhavé, reprinted in *New Age* (Monthly) Oct., 1957, p. 41.

8 *From Socialism to Sarvodaya* by J. P. Narain, Socialist Book Centre, Madras - 4, p. 96.

9 Editor's Note to *Sarvodaya* by M. K. Gandhi, N. P. H. p. iv.

10 Difference between Communism and Sarvodaya, quoted in *Sarvodaya* by M. K. Gandhi, p. 168. Original publication: *Harijan*, 5-6 - 1949.

11 *Planning for Sarvodaya*, A. B. S. S. P., p. iv.

The single thread that runs through Bhoodan, Gramdan, Sampattidan is the abjuration of political struggle, avoidance of all conflict, including satyagraha, to realise a universal brotherhood changing the very basis of existing corrupt social order. For Sarvodayavadi method is the main consideration. In their words, "a fundamental social revolution cannot be achieved by a mere re-organization of the economic or political structure of society. It involves a much more fundamental revolution in the very outlook and habits of men, a transformation in values, in the goals that urge society and individuals to strive and achieve. Such a radical revolution can be achieved *only* (italics author's) through a patient and ceaseless process of positive education," 12

## NON-CLASS STAND : ITS SOCIAL SIGNIFICANCE

It may seem to many to be a paradox that while Sarvodaya stands for the welfare of all, it emasculates mass movement for the achievement of a classless and Stateless society. But objective understanding leads us to the conclusion that this is possible because the inexorable dynamics of social change and laws of historical development have not been taken account of in this philosophy : because of the fact that Sarvodayavadis want to remain as a non-class force, they want to stand above classes. This non-class stand *objectively*, if not always *subjectively*, instead of helping the interests of the masses, hinders the onward march of human progress.

It must be noted that this welfare-of-all ideology is not a new one. It, historically, originated with the dissolution of primitive communist society and the rise of class society when, as a result of the private ownership of the social means of production, exploitation and economic inequalities came into existence. Since then, every class society—slave, feudal and capitalist—projected groups of humanists who, not comprehending the socio-economic genetic causes of these inequalities viz., private ownership of the social means of production, engaged themselves in making perennial ethical appeals to the exploiting classes. Christ, Buddha, Chaitanya and in recent times Gandhiji incessantly bombarded the auditory nerve of the rich exploiters with moral admonitions. The survey of all history, however, decisively proves that this technique of liquidating poverty and economic disparities has decisively failed.<sup>13</sup> Because of this 'utopian' character Sarvodayavad does not and cannot look forward—it finds redemption in the old days of village self-sufficiency, which from the historical and sociological point of view, is regressive in character.

## NON-SCIENTIFIC HUMANISM

As has been observed earlier, Ruskin's *Unto This Last* cast a deep influence on Gandhiji's thought. A trend of humanism emerged on the European scene after the advent of Industrial Revolution. Carlyle, Ruskin etc. were prominent among those humanists. Tolstoyanism and Gandhism are the continuations of that trend. Carlyle and Ruskin, while denouncing the evils of capitalism, sought in vain to return to the golden days of the mediaeval ages where life was simple and economy was guild-patterned. They certainly roused the consciousness of the depressed humanity against the artificial complexities of capitalist civilization but lack of knowledge of the historical development and scientific understanding of the social dynamics blinded them to the solution of the

12 *Ibid.* p. 32.

13 C. G. Shah, *Sampattidan & Bhoodan Movement, The Call*, July 1954, p. 2.

ills of the modern civilisation and the socio-economic basis upon which it stood and still stands today. They failed to conceive how the private ownership of the social means of production can be put an end to and the means of production be socialised thereby paving the way for human welfare. By their unscientific solution, though permeated with humanistic feeling, they sowed illusions in the minds of the people. The same can be said of Sarvodayavadis.

Sarvodayavadis are unable to unfold a positive programme of action due to their outright rejection of struggle. A striking feature of Sarvodaya consists in the fact that regarding the method to achieve their objectives it *exclusively* restricts the means to that of the ethical reconstruction of the consciousness and primarily the wealthy classes. Gandhiji while addressing moral appeals to the capitalist, periodically reinforced this ethical weapon by strikes, peasant satyagrahas, and others to exert pressure on them to redistribute their incomes to a little advantage of the masses. Surely he conducted those struggles within the matrix of the fundamental conception of the basic community of interests of the capitalists and workers, landlords and peasants; still he did not discard such episodic class struggles as pressure technique to back up ethical appeals.

Vinobaji's programme of *Kranti* in land does not envisage popular struggle. Nor does he demand legislative action for abolition of inequitable land relations and nationalisation of basic and key industries.

This modification of Gandhian ideology in the present context in tabooing all forms of struggle, including *satyagraha*, has come in for strong criticism from no less a person than Prof. Nirmal Kumar Bose, <sup>14</sup> one of the recognised authorities on Gandhism. Prof. Bose, it may be mentioned in this connection, holds a plea for intellectual movement to support Gandhism. <sup>15</sup>

## SARVODAYA VIEWS ON STATE

In every class society the struggle for social transformation necessarily centres round the State and the Government because State is the political organ of the exploiting class. Hence the struggle for the abolition of inequitable social order assumes, as a matter of course, the form of political struggle, the struggle for capturing and retaining political power. The struggle may be peaceful and non-violent or armed or violent, but it must be political in character. A new social order cannot be established without the existing state structure being crushed. This law of historical development cannot be ignored on the plea of 'uniqueness' of Indian civilization.

But one finds, after carefully studying the Sarvodaya literature, the total rejection of this historical truth in Sarvodaya programme. While Sarvodayavadis passionately plead for the abolition of the present social inequities, they seldom criticise the ruling class who safe-guard these inequities, not to speak of any call against the present governmental authority. The organised violence of the state is rarely condemned. The malady lies, in their opinion, in the ethical weakness of the people.

14 Article on *Bhoodan Yajner Gati* by Prof. N. K. Bose, *Saradiya Ganavarta*,  
1362 B. S. p. 27.

15 *Studies in Gandhism* by Prof. N. K. Bose, 1st Edition, pp. 1-5.

The logical conclusion of Sarvodaya is abjuration of political struggle which in effect would tend to kill the healthy class consciousness and the spirit [of reliance on the class action of the exploited masses as a means of their emancipation].

From the excerpt quoted above from *Planning for Sarvodaya* it becomes clear that Sarvodaya stands for the negation of the state institution. The ideal envisaged in Sarvodaya social order is a stateless society. In this respect, Acharya Bhave considers himself to be ahead of the Marxists. Marxists preach the theory of the withering away of the state and consequently the establishment of a stateless society, while Vinobaji wants the state to be abolished today.<sup>18</sup>

Let us note what the teachings of Marxism-Leninism are in this regard :

"The State is the product and manifestation of the irreconcilability of class antagonisms. The State arises when, where and to the extent that class antagonisms cannot be objectively reconciled. And, conversely, the existence of the State proves that the class antagonisms are irreconcilable".<sup>17</sup>

The Sarvodayavadis do not regard the State as an organ of class rule, but an institution standing above society in which a few individuals are saddled in power and thereby exercise political authority. Owing to their lack of knowledge of historical development they ignore the sociological truth that the 'state is by no means a power imposed on society from above.' (Engels). This lack of sociological sense leads them to the conclusion that it is the State that concentrates powers in the hands of a few individuals.

This view of state is not something novel in the realm of political thought. The European Anarchists who thought only of individuals in relation to the State and ignored the class-essence of the State may be said to be the predecessors of Sarvodayite conception.

#### SCIENTIFIC SOCIALIST STANDPOINT AS DISTINGUISHED FROM SARVODAYA VIEWPOINT

While the Sarvodayavadis have accepted the objective of classless and stateless society from Marxism (quotation from Engel's *Anti-Duhring* in their document) they have not understood how to realise it for they lack correct understanding of the class-character of the State and ignore the necessity of seizing power. Their position is quite distinct from the scientific socialist position as will be evident from the following quotation from Engels :

"The proletariat seizes the state power and transforms the means of production in the first instance into state property. But in doing this, it puts an end to itself as the proletariat, it puts an end to all class differences and class antagonisms, it puts an end also to the state as a state. Former society, moving in class antagonisms, had need of the state, that is, an organization of the exploiting class at each period for the maintenance of its external conditions of production ; that is, therefore, for the forcible holding down of the exploited class in the conditions of oppression (slavery

18 *Vinoba & His Mission* by Suresh Ramabhai, 99, 189-190.

17 *State & Revolution*, Lenin's *Selected Works*, FLPH, Moscow, Vol. 2, p. 144.

villeinage or serfdom, wage-labour) determined by the existing mode of production. The state was the official representative of the society as a whole, its embodiment in a visible corporation ; but it was this only in so far as it was the state of that class which itself, in its epoch, represented society as a whole ; in ancient times, the state of the slave-owning citizens ; in the Middle Ages, of the feudal nobility, in our epoch, of the bourgeoisie. When ultimately it becomes really representative of society as a whole, it makes itself superfluous. As soon as there is no longer any class of society to be held in subjection : as soon as, along with class domination and the struggle for individual existence based on the former anarchy of production, the collisions and excesses arising from these have also been abolished, there is nothing more to be repressed, which would make a special repressive force, a state, necessary. The first act in which the state really comes forward as the representative of society as a whole—the taking possession of the means of production in the name of the society—is at the same time its last independent act as a state. The interference of the state power in social relations becomes superfluous in one sphere after another, and then ceases of itself. The government of persons is replaced by the administration of things and the direction of the process of production. The state is not 'abolished', it withers away".<sup>18</sup>

Sarvodayavadis do not recognise the necessity of seizing political power and establishing working-class state as a transitional phase towards the realisation of a stateless and classless society because they claim Sarvodaya is 'not a power-oriented doctrine.'<sup>19</sup> Sarvodayavadis plead for *Lokniti* instead of *Rajniti*. And quite consistently, they urge upon the people to abstain from politics. It may be mentioned by way of reference that Tolstoy also advocated the same doctrine. What are the objective results of the advocacy of abstention from politics ?

To quote Lenin :

"And as always happens in such cases, the effect of this Tolstoyan abstention from politics, this Tolstoyan renunciation of politics, this lack of interest in and understanding of politics, was that only the minority followed the class-conscious, revolutionary proletariat, whereas the majority became the prey of the unprincipled, servile, bourgeois intellectuals...".<sup>20</sup>

This aptly applies to Sarvodaya movement today.

#### ATTITUDE TO PARTIES

Consistently with this anti-political and anti-authoritarian outlook the Sarvodayavadis reject all parties.

Vinoba and J. P. Narayan's description and estimate of political parties<sup>21</sup> quite fit the ruling and opposition parties of the bourgeoisie, who profess one thing and practice the opposite. Sarvodayavadis do not recognise the vital difference between parties of the capitalist class and parties of the working

18 Quoted in Lenin's *Selected Works*, Vol. 2, FLPH, pp. 150-151.

19 *Socialism to Sarvodaya* by J. P. Narayan, p. 95.

20 *Articles on Tolstoy* by Lenin, FLPH, pp. 12-13.

21 *Vinoba & His Mission* by S. Ramabhai, and *From Socialism to Sarvodaya* by J. P. Narayan.



class in matters of ideology and organizational structure. Sarvodayavadis, because of their outlook on State and political struggle, see all evil in parties. That a political party is an indispensable weapon in the hands of the exploited humanity for the ushering in of a new society is missed by them. And that is why we find advocacy of 'partyless democracy' by Sri J. P. Narayan.

#### VIEW ON ELECTIONS

What is Sarvodayite view on elections? To quote Vinoba:

"Political parties and methods of elections bring the new differences which do not allow the servant of society to come together even for a good mission and serve the country which is weak and poor. Elections, a Western import, has broken asunder every village and torn it into pieces." 22

The Sarvodayite criticism of parliamentary (bourgeois) democracy has nothing in common with the scientific socialist criticism of bourgeois democracy. Instead of grasping the important historical truth of Marxian criticism of bourgeois democracy the Sarvodayavadis decry struggle for power as absolute evil and rule of majority is consequently ruled out in their scheme.

In the ideal Sarvodaya society, decision will not be taken by counting of votes by general consensus of opinion. Sometimes there may be sharp differences of opinion, even as regards the common good,—on such occasions decisions will be deferred, even though the issues involved might be of importance. For what end? Preservation of harmony and goodwill is their answer. 23

In a letter written to T. Cuno, what Engels observes about Bakunin, bears some relevance here:

"Now, as the International according to Bakunin, was not formed for political struggle but in order that it may at once replace the old state organization as soon as social liquidation taken place, it follows that it must come as near as possible to the Bakunist ideal of the society of the future. In this society there will above all be no authority, for authority—State—is an absolute evil. (Indeed how these people propose to run a factory, operate a railway or steer a ship without having in the last resort one deciding will, without single management, they of course do not tell us). The authority of the majority over the minority also ceases. Every individual and every community is autonomous: but as to how a society, even of only two people, is possible unless each gives up some of his autonomy, Bakunin again maintains silence." 24

Sarvodaya, like the anarchist viewpoint of Bakunin, expresses an outlook of an individual, impatient of all social restrictions (which cannot be avoided in social co-operation), demanding freedom for himself (i. e. individual).

22 *Vinoba & His Mission* by S. Ramabhai, p. 151.

23 *Planning for Sarvodaya*, A. B. S. S. P., p. 23.

24 *Marx-Engels Selected Works*, FLPH, p. 425.

#### DECENTRALIZATION AND DEVOLUTION.

Decentralization and devolution of economic and political power are the keynotes of the transition to a Sarvodaya social order. 25 Decentralization of production will be preferred in the new society. 26 Present day centralization of economic power and concentration of political power in the hands of a privileged few evokes justified protest from Sarvodayavadis. But their understanding of decentralization and devolution of economic and political power betrays lack of sociological appraisal of the entire thing. They want to avoid the growth of large scale industry which alone can further human productivity. But in their opinion, "As far as possible, every primary community will produce at least the essentials of its life. This will ensure freedom....." 27 And they advocate 'regional self-sufficiency in the elementary requisites of existence.' 28

A society based on minimum exchange, small peasant production in the rural sector, minimum use of large scale industry ('perforce' as they call it) and maximum regional self-sufficiency, can only impede the progress of technological advance and thereby human productivity. The ideal 'from each according to his capacity to each according to his needs' is unrealisable in a society where human productivity has not registered tremendous rise. The ideal can only be realised if the reign of plenty is established which can satisfy all the wants of the people. Otherwise it is a great illusion, a grand utopia. The draft of Sarvodaya social order does not take into account this simple but essential economic truth.

#### MENTAL & MANUAL LABOUR

The Sarvodaya Plan proclaims: "In the society of the future all differences between mental and manual labour will be abolished..." 29 How this will ensue? They prescribe manual labour for all. This outlook betrays lack of understanding of the laws of productivity. So long as the greater part of the society is to continue a life of drudgery under the existing socio-economic set up and to live a sub-human life, it cannot be expected that the underdogs will busy themselves with cultural-intellectual activities and the same hiatus between mental and manual labour will continue. The same will be the case under Sarvodaya social order because large scale industry and big machinery will be used to the minimum, thereby making it impossible to reduce the working hours to any appreciable extent. What is the objective basis of abolition of all difference between mental and manual labour? A higher standard of living, healthier cultural life accompanied by reduction of working hours, and leisure for intellectual activity. To free man from the 'drudgery and tedium of work', science and technology, placed at the disposal of the society, should be utilised to the maximum. 30

While Sarvodayavad recognises that 'no individual can put on to other persons his share in productive labour', which, according to Engels, is a 'natural

25 *Planning for Sarvodaya*, ABSSP, p. 31.

26 *Ibid*, p. 21.

27 *Ibid*, p. 21.

28 *Ibid*, p. 39.

29 *Ibid*, p. 22.

30 *Anti-Duhring* by Engels, Tr. by Emile Burns, Burmon Publishing House, Calcutta, 1943, p. 279.

condition of human existence', it neglects the other aspect of tremendous increase in productivity, in the absence of which their cherished objective will remain unfulfilled.

#### LARGE SCALE INDUSTRY.

Sarvodayavad rightly demands the ending of the present concentration of economic power. But identification of concentration of economic power with large scale industry is not correct. They tend to overlook the fact that the technical basis of modern (i.e. large scale) industry is revolutionary.<sup>31</sup> The concentration of economic power is caused by private ownership of social means of production. The socialisation of means of production can only put an end to this atrocious concentration. It is a patent fact that under capitalism private-owned large scale industry gets concentrated in big cities and towns. The correct way to put an end to the economic monopoly of big towns and cities and ensure decentralisation, in its true sense, is to socialise the means of production and not to veto further increase in labour productivity. The division of labour, the separation of town and country, condemned the rural population to thousands of years of degradation, and the people of the towns to subjection to each one's individual trade. The abolition of the antagonism between the town and country can only be effected if society becomes master of all the means of production. It is not merely possible but has become a direct necessity of industrial production itself, just as it has become a necessity of agricultural production.<sup>32</sup>

#### CONCLUSION

To conclude, Sarvodaya philosophy and ideology does not recognise the necessity of analysing social development from a scientific point of view. It is based on age-long religious tradition and *bhaktivad* and a genuine philanthropic humanitarian outlook. Gandhiji also lacked this socio-historical perspective. Sarvodaya philosophy of Bhave represents an extension of his thought in contemporary India. The manifestation of violence in Christ, Buddha, Chaitanya's days was different from that of the present age. Violence presents itself today as impersonal through class exploitation. But because of this lack of sociological sense they (i.e. the Sarvodayavadis) have found salvation of man-kind in simple, primitive life. Sarvodaya has boldly asserted the inalienable right of human beings to live a decent 'human' life. Vehement indignation against the present set up of things has made its appeal strong to the people. But indictment and indignation are not enough if that note of protest does not lead the people on to the way for 'expropriating the expropriators'. The realisation of a non-exploitative, equalitarian free society is only possible if the seeds of exploitation are rooted out. And political struggle is an inevitability for the realisation of that end.

But Sarvodayavadis abjure political struggle on principle. In the name of *constructive satyagraha* they taboo all forms of movement of the masses for the vindication of their just rights. Sarvodaya view on parliament, majority rule, political parties, election do not conform to reality.

<sup>31</sup> *Ibid*, p. 280.

<sup>32</sup> *Ibid*, p. 281.

Ignoring the bare reality of class division, the Sarvodayavadis concentrate only on ethical appeals, because 'transformation in values' is their basic philosophy. But values do not spring out of vacuum—values also have their social roots.

The Sarvodaya method of 'administration of things' can carry no conviction. Rejecting the historic necessity of seizing state power through political struggle they have made their aim unattainable.

The Sarvodayavadis claim themselves to be ardent followers of Mahatma Gandhi. But they have disavowed to the glorious heritage of Gandhiji—the heritage of conducting and leading titanic mass struggles. The Sarvodayavadis may be a band of good, honest people having genuine love for the people at their breast. But can a band of humanitarian people, having no scientific outlook and historical perspective alter the course of history? Unswerving and unceasing denunciation of capitalism, prompted by the most deep-felt sentiments and most passionate anger conveys all the horror felt by this band. But a failure to understand the cause of the malady and the means of escape from this vicious circle result in complete divorce from the revolutionary struggle of the masses for the establishment of socialist and consequently communist society wherein alone a co-operative commonwealth of mankind is a living reality, a scientific proposition. Sarvodaya ideology combines denunciation of capitalism and the attendant misery with utter apathy, if not antipathy, towards the world struggle for human emancipation waged by the international socialist proletariat. Sarvodaya, instead of rousing the revolutionary consciousness of the people acts as a brake on the socialist movement, the successful achievement of which alone can set up higher human values. Can a plan for social reconstruction which ignores social realities stand any chance of success?

## SOUTH-EAST ASIA IN WORLD AFFAIRS

By

G. V. AMBEKAR AND V. D. DIVEKAR

## I

The consideration of the position of Southeast Asia in world affairs involves examination of so many problems which are somewhat connected with each other. The principal fact of the present decade of the 20th century, which cannot go unnoticed, is that the whole of the region of what is presently known as Southeast Asia is drawn into the vortex of cold war politics. The strategic location of the area has resulted in much of the activity in the region on the part of the power blocs. The Western bloc represented and led by Anglo-Americans and the Communist Bloc led by Russia and China—both are vying with each other to gain the sympathy and support of the countries situated in this part of the globe. Moscow, Washington and London are not alone the centres of activity now. Important decisions are being reached and significant changes are taking place in Manila, Bangkok, Saigon, Kuala Lumpur and Djakarta. The proximity of Communist China and 'neutral' India—the two big countries—has given an edge and added importance to the 'strategy' being played in this area by the two power blocs. It is certain that with advancing years this region and its peoples and leaders will assume greater and greater importance.

Issues of cold war politics cannot be divorced from other issues. One such issue relates to the political 'past' of this area. A student anxious to understand properly problems of this region cannot forget the fact that for the last few centuries, countries in this area, with only one exception of Thailand, were the 'colonies' of different European and other powers. Colonial rule for a shorter or longer period has generated and crystallised a certain type of relationship between the colonies and their masters. Southeast Asian countries have developed 'attitudes' and 'behaviour patterns' which are surely the product of colonial rule. Actions and reactions of the people in this region concerning various international problems are analysable in terms of its past history and present dilemmas. The problem of relationship of Southeast Asian countries, which were formerly colonies, with their ex-masters becomes all the more important because significantly enough, all the ex-masters are to-day without any exception the members of the Western Bloc. The British, the Dutch, the French, the Americans and the Spanish—these are not only the members of the Western Bloc but some of them, its architects and leaders. The impact of the colonial rule can be clearly discerned on the present-day relationship subsisting between the Southeast Asian countries and their ex-masters; and the present-day relationship is closely connected with the power bloc strategy. Due to all this the significance of this problem is enhanced. A brief survey, therefore, of the 'relations of Southeast Asian countries with their ex-masters' is here attempted.

Though the region called 'Southeast Asia' has not been defined to the satisfaction of all, the political area is most commonly considered to include: (i) the Union of Burma, (ii) the Kingdoms of Thailand, Laos and Cambodia,

(iii) the two Viet Nams—North and South, (iv) the Federation of Malaya, and (v) the Republics of Indonesia and Philippines. Technically, the State of Singapore, the Crown Colonies of Sarawak and North Borneo, the protected State of Brunei and the Portuguese overseas territory of Timor are also parts of South-east Asia but these are excluded from the present paper due to the consideration of space in the first place and secondly because their context is not changed, as in the case of the first seven countries which have been newly freed from the colonial bondage. Even among the first seven countries mentioned above, Thailand's case is unique; for she has never been subjected to colonial regime, thanks to the ability of her kings during the latter half of the 19th century. Thailand's case, therefore, is not considered here. Ex-masters include (1) the British who ruled Burma from 1886 to 1948 and Malaya until 1957; (2) the French in whose hands Laos, Cambodia and the two Viet Nams, or what is commonly called Indo-China, remained until recently; (3) the Dutch who controlled Indonesia for more than three centuries; (4) the Spanish and the Americans whose rule was over the Philippines since the 15th century. In one sense, Japan also can be included in the category of 'Ex-masters'; for Japan had conquered the whole region of South-east Asia during the second World War. Japanese conquest of South-east Asia had created as many new problems as it had solved in this area. The duration, however, of the Japanese occupation was very short, and hence her exclusion in the present consideration.

It is important to note that all the countries mentioned above, with the exception of Thailand alone, had a colonial past of varying periods. We see here the Philippines which has experienced 400 years of foreign rule and Burma where British colonial rule was for only 60 years. In between these two extremes, are the other States. All these former colonies in Southeast Asia have tasted the bitter fruit of Colonialism. Colonialism in Asia has certain peculiarities which are absent, or less markedly present in other continents. One such peculiarity is the fact that Western colonial powers looked upon regions in this area as the colonies for all times and not as lands for settlement. There are no European 'settlers' here as there are elsewhere, e. g. in Australia, America and even some parts of Africa. Rulers never settled down in the colonies they conquered, but they tried successfully to exploit economically the lands which are without doubt rich in natural resources. Anybody having even a meagre acquaintance of the geography of this region can notice that these regions are rich in such products as Rice, Tin, Rubber, Hemp etc. As the colonial powers were not the settlers, they had no permanent interest in the economic progress of the regions. They exploited the regions for the benefit of the 'mother country'. After centuries of colonial rule we still find the regions backward in all sectors of economic life. People still live on the margin of life and the regions are still the producers of raw material and the markets for the manufactured goods forced upon them by their masters. Western enterprise created some wealth no doubt, but only few of the indigenous inhabitants really shared in it. From the material development which was occasioned by Western enterprise the people in South-east Asia reaped the least. The region is thus 'rich and poor'. This 'poverty in the midst of plenty' is the economic paradox of Southeast Asia which can certainly be attributed to the direction to its economic life given by Western colonial powers.

In fact it can be seen that beyond trade and commerce, the colonial powers—with the exception of Americans—were not at all concerned with the life of men in the colonies. Dutch are a typical example of this phenomenon,

They were traders first and foremost and as such they cared for their mother country alone. After more than 300 years of their rule, we find in the seventy millions of Indonesians, only a few thousand educated at the time of Indonesia's Independence. Indonesians were never given any substantial share in the country's administration and hence they remained inexperienced in the same. Racially also, the 'supremacy of the White Man' was deliberately maintained. What is true of the Dutch is true in most of the cases. The backwardness and static character of the South-east Asian countries in social, economic and political fields is to a very great extent due to the colonial regimes. This is 'the legacy' which the masters have left. It must be realised that this 'past' has conditioned the present-day relationships between the South-east Asian countries and their former colonial masters. This past is also a major factor in shaping the world outlook of these countries.

One more consequence of the colonial rule was that the societies in South-east Asia were never integrated socially and culturally. The South-east Asian societies are already somewhat plural in that there are ethnical, religious and cultural differences within the area. This pluralism was increased due to the forceful tying up of the countries to their respective Western powers. Men in this area as a result of this never came closer to each other. All living in their 'separate worlds'. This isolating impact of the division of the area into several separate western colonies is the worst feature of colonialism in Asia. This isolation has been reflected in some very important spheres of activity. It may be noted, for instance, that there is no real contact between several nationalist movements in Southeast Asia. ".....During the western colonial era the orientation of the average educated Burmese was to London as that of his Indonesian counterpart was to The Hague.....The legacy of this period of isolation cannot help but influence the political personality of South-east Asia to-day. Nations, like individuals, do not readily escape from their past. The countries of Southeast Asia are no exception.....(and again) The fact that few Southeast Asian cabinet members know their opposite numbers in the other countries of this part of the world is but a single example of the impact of this tradition of isolation....."\*

Such was colonialism in South-east Asia. It is not surprising, therefore, that the issue of colonialism lives and will continue to live in the minds of the people here, long after countries have won Independence. Independence to the countries in South-east Asia is a recently acquired thing. Strangely enough it was during the Japanese occupation of the area during 1941-42 that these countries tasted freedom for the first time. Japanese have played an important part in quickening the pace of nationalism in this area. During this period, Southeast Asia was for the first time in its history placed under the control of one imperial power, and Japan while leaving the area gave active encouragement to the rapidly growing nationalism in this part of the globe. The Japanese interlude in retrospect was a catalysis of the first magnitude in promoting nationalism in South-east Asia. Inspired among other factors by Japan's actions during the Second World War, these countries gained Independence by bloody or bloodless revolutions in the post-war period. Incidentally it is worth nothing that the colonial powers were very reluctant to loosen their grip on colonies. They had no positive willingness to grant freedom to their colonies. They gave it when they were compelled by the post-war circumstances to do so. This cannot but have its effect on the 'attitudes' of the leaders in South-east Asia to-day.

\* Arny Vandenbosch and Richard A. Butwell *Southeast Asia among the World Powers*, p. 247.

Now that the countries in South-east Asia have become free, they are independent political units in the world affairs and most of them are even admitted to the United Nations. Independence has changed the entire situation. In modern international politics this region is now looming large. It is becoming 'modern' in the sense that it is desperately trying to catch-up with the World politically, economically and socially. But more important than all this is the fact that after a frustrating era of colonialism when the relations of these countries with other nations and among themselves were directed from London, Paris, The Hague and Washington, these states have now gained among other things the right to conduct their own foreign affairs.

This right to conduct foreign affairs and maintain relations with the outside world cannot, however, be exercised in the vacuum. Everybody knows that the period of emergence of these countries as independent states has synchronised with the crystallisation of the World power blocs. It was after the World War II that the demarcating lines between Western and Communist blocs became clearer and hence the first problem which immediately after freedom confronted the new States was that of their alignment with this or that power bloc or remaining neutral. Added to this was the problem of maintaining relations with their masters who ruled over them so far. The close connection between the two problems is obvious; for each in some sense is at once at least partly the cause and effect of the other. North Viet Nam's choice of the Red Bloc, for example, is partly due to the dogmatic and unprogressive policy pursued by the French which created ill-will between the two. The fear of Communism in Philippines and South Viet Nam, to take another instance, is an important reason why these countries are wedded to the Western Bloc and, therefore, having cordial relations with their Ex-masters. At present we find Philippines, Malaya, South Viet Nam, Thailand firmly wedded to the West; Laos and Cambodia eager to receive even military aid from the West to combat Communism; North Viet Nam wholly gone to the 'other' side; and Burma and Indonesia looking towards India's leadership for their path of neutrality. Thus the South-east Asia has to-day become a battle-field in the Western-Communist conflict. It is in this light that its relations with the outside World and particularly with the former colonial powers are to be appraised.

## II

Now let us deal with particular states. Indonesia or what was formerly known as Netherlands East Indies was the most valuable possession in the hands of the Dutch since 1595 to 1949. The Dutch rule in Indonesia for three centuries and a half had all the characteristics of colonialism in Asia. Dutch were traders first and foremost, and even to-day they are so. The economic importance of this colony to the Netherlands cannot be over-estimated and this was the reason why Netherlands tried tenaciously to stick-up to this possession. The Dutch were psychologically ill-prepared to leave the country and even when they had to leave it by the force of circumstances they did not behave liberally. They even used military force to prevent Indonesia's Independence. They attempted to keep the Indonesian problem 'domestic' in order to avoid any intervention from the outside world. The military action they took was called 'police action' by them which is a characteristic example of the way colonial powers always behave. At last after World War II when they were forced to leave the colony, some adventurers like Westerling fomented a rebellion in West-Borneo against the legally constituted Indonesian Government,

on behalf of Sultan Hamid. There was also another revolt on the island of Ambon where a Republic of South Moluccas was proclaimed. A trouble was also there in South Celebes. All this has strained the relations between Indonesia and Netherlands; for many Indonesians were certain that it was the Dutch who had instigated these revolts.

Now the independent Indonesia is trying to consolidate its position on all fronts. But 'the colonial trouble' is still not over. The dispute between Indonesia and her former master, over the West New Guinea or what is otherwise known as West Irian, is still going on. Its importance has increased in the Cold War context. Indonesia regards West New Guinea as her 'integral' part, geographically, ethnically and otherwise. In the Security Council of the United Nations, Indonesian representative is reported to have even quoted the 'Ramayana' to support his country's case. The Dutch on their part are unwilling to surrender West New Guinea, and this fact has further embittered Dutch-Indonesian relations. The Western bloc's attitude in this issue is indicative of its dilemma in such cases. It fears that if the West Irian is conceded to Indonesia, 'the defence link' would become weak and there is also possibility, so the West thinks, that Indonesia would to-morrow extend her claim to East New Guinea which is at present in the hands of Australia. In short, due to a number of reasons relations between Netherlands and Indonesia are more inimical than cordial. The memory of colonial rule is so strong in Indonesia that she resents any action which has the appearance of colonialism. It is common knowledge that Indonesia is with India in following a neutral path. She has rejected membership of SEATO which she feels is another form of colonialism. Indonesia reacted very violently to the Anglo-French military action against Egypt, and also censured the Russian action in Hungary.

The Dutch still somewhat foolishly think they would be able to play a large and effective role in their lost colony even after the Colony has won freedom. The Dutch, no doubt have economic interests in Indonesia even to-day, but the hope is not justified. The present strained relationship between the two states can be regarded as a tragedy for both; for Indonesia desperately needs the Dutch capital, technical know-how, administrative ability and experience and the Dutch, an outlet for their energy and talents. Indonesia with all the bitter past cannot forget that the master is far advanced in all these matters. It was perhaps with this view that at the invitation of the Indonesian Defence Minister Sultan Buwono, a Dutch Military Mission had arrived in Indonesia in 1952, to modernise the Indonesian army. But the reaction of the people and the army itself to this shows unmistakably that anti-colonialism knows no compromise. This event had provoked at that time widespread resentment among the people and the army resulting in wild demonstrations before the Parliament ultimately leading to the Cabinet crisis. Thus it will be seen that the relations between Indonesia and her Ex-master is severely conditioned by the colonial past.

### III

Burma is another State in South-east Asia which is not wedded to any Bloc. Since January 1, 1886, when Burma's annexation to the British Empire was finally accomplished, Burma remained in the British Empire until 1948, when complete freedom was proclaimed. Until 1937, Burma was ruled by

the British as a province of India, and afterwards as a separate colony. The political history of the country leads one to think that the British were not anxious to advance the colony along the path of self-Government. British economic and political policy in Burma was not progressive and the granting of freedom to Burma in 1948 was also a painful process. The post-war plans for Burma, devised by the Churchillian Government, envisaged not the complete freedom for the colony but simply 'restoration' of 'Burma's pre-war status by 1948'. This has naturally produced a reaction in the minds of the Burmese. It will be of interest to note that the Burma Independence Bill was bitterly criticised by Winston Churchill. British procrastinating tactics created a certain impatience in the minds of Burmese nationalist leaders like Aung San and U Nu who even joined hands with the Japanese to oust the British from their country. That Burma has preferred after freedom to remain outside the Commonwealth should, therefore, occasion no surprise. A more positive and progressive attitude on the part of the British would have, perhaps, retained the Union of Burma in the hands of young Socialist Leaders, period, the leadership of Burma was in the hands of young Socialist Leaders, which is also an important reason why the Independent Burma has chosen not to accept Commonwealth membership.

In spite of all this Anglo-Burmese relations are not so embittered as expected. Perhaps the reason might be that, though the British were less liberal than Americans in Philippines, they were more liberal than the Dutch or the French in their dealing with the colony. Though rather belatedly, the British did not altogether fail, as the French did in Indo-China to recognise the signs of times. They have, though rather late, 'withdrawn gracefully'. In the post-independence period though the Union of Burma is not a member of the Commonwealth her relations with the ex-master are cordial; but there is no 'wedding'. Britain still wants to maintain and develop normal trade and commercial relations with her former colony — a thing in keeping with the 'British tradition'. Of course, due to the Russo-Burmese and Sino-Burmese trade agreements and due to Burma's rice-barter with other countries mostly Communist, the British have suffered a considerable set-back in this respect. Burma's political neutrality is rather a thing of joy for Britain, although alignment with the West would have been much to her liking. Britain derives consolation from the fact that Burma has not gone to the other side, and to that extent there remains scope for further Western penetration.

An interesting facet of the Anglo-Burmese relationship was seen at the time of the visit to Burma of the top Russian leaders, Khrushchev and Bulganin. Mr. Khrushchev at that time indulged in ferocious tirades against the West and especially Great Britain. To this U Nu raised no objection. It seems that the Red leaders had at that time correctly gauged where and how Great Britain stands in the Burmese eyes.

### IV

In Malaya, British economic interests are very strong. Malaya is one of the greatest sources of Rubber and Tin in the world. Here too, as elsewhere (in India for example), the British in their characteristic 'imperial way' tried to 'divide and rule', and in doing so they largely succeeded. The racial and religious difference in Malaya's population has given rise to some outstanding problems in the life of that country. And the British during the struggle period have capitalised on the same. In the population of Malaya, if

Singapore is added to it, 44 per cent are Chinese, 40 per cent Malays and the rest Indians and Pakistanis. It was due to the British sympathy and help that the Malays in Malaya have been given a special position. The British took care to guard 'the special position of the Malaya's; and this has brought the latter closer to the British. The Chinese element in the population presents a peculiar problem. Apart from economic domination of the Chinese, the country has to reckon with the domestic emergency which at any time may arise, as it has arisen in the past, due to the Communist revolt mostly led by the Chinese. Communist inroads in Malaya have great potentialities and this is one more reason why the Federation of Malaya, separated as it is from Singapore, is actively on the side of the ex-master whose military help is required to combat communism. Relations between the ex-colony and the ex-master are more than cordial. The Federation is at present a member of the Commonwealth. Commonwealth troops are stationed in the country to fight the Communist menace. English language is to be retained as the official language for a period of 10 years since the Independence of Malaya, which was given to it in August, 1957. Other countries also in the Western Bloc, Australia for example, are actively helping the new State economically and even militarily. Thus the British influence still lives in the Federation of Malaya even after the latter's Independence.

## V

France is yet another colonial power whose position in South-east Asia prior to the Second World War was very impressive, based substantially upon her possession of Indo-China, 'the balcony on the Pacific'. Apart from North Africa, Indo-China was considered the most valuable possession in the French Empire. About a third larger than France and having almost half her population, Indo-China is the third greatest rice exporter of the World. This 'rice bowl' of the World is not the producer of rice alone; rubber, corn and tin are also exportable products.

France desperately tried to keep the question of Indo-China 'a domestic problem' as long as possible; but the controversy in the end assumed proportions of major international importance. World War II created conditions that altered the foundations of French power in Indo-China and South-east Asia. French prestige was greatly lowered as a result of the fall of the mother country to Hitler and of the Japanese inroads in Indo-China. Nationalism grew to the extent that France at the conclusion of the Second World War was faced with a new political climate. An important element in the new climate was the challenge to the French power coming from the North Viet Nam under the leadership of Ho Chi Minh. Much is sometimes made of the desire of France to oppose Communism in the area but the fact is that colonialism and not anti-communism motivated the French in Indo-China. There is little doubt that the main objective of the French in prosecuting their long war against the Viet Minh was to retain their colonial hold over Indo-China. That Ho Chi Minh and his close associates were avowed Communists was only incidental to this primary French purpose. Ho Chi Minh, the leader of the Viet Minh, the leader of the Viet Minh in its war with France, has been undoubtedly a Communist. But Ho's popular appeal stems not from his position as a communist but his identification with the nationalist aspirations of the masses and the lead he and his colleagues gave to the nationalist struggle against France. The fact of nationalism was never willingly accepted by the French, and they never desired to grant the reality of Independence to any

part of Indo-China – not even to those parts which were pro-French and anti Communist. French unwillingness to settle differences with Ho Chi Minh when he had been to Paris for negotiations in September, 1946, the way they dealt with even the pro-French elements in Indo-China, their concept of 'Associated Statehood' which they applied to Laos, Cambodia and South Viet Nam, and their support to the 'puppet Government' of Bao Dai – the negligent and incompetent 'playboy emperor', their bombing of Haiphong which killed and wounded men in thousands and started an open war with the Viet Minh, and finally, the negotiations at Geneva which were protracted, complicated and acrimonious – all this was the result of the French desire to retain the imperial domination of the area. In their evaluation of the Indo-Chinese problem, the French set colonialism above every thing else.

After the Geneva settlement of 1954, which gave a severe blow to French colonialism in South-east Asia France in effect lost her empire in this part of the World. The political links from the overall view point were drastically reduced, economic bonds were greatly weakened, and even the cultural ties were threatened. At Geneva France had to swallow a very bitter pill.

Now we find Indo-China divided into four political units: North Viet Nam, South Viet Nam, Laos and Cambodia. Out of these, North Viet Nam, has completely gone to the Communist side. The declaration of Independence for North Viet Nam made on September 2, 1945, reads almost like the American Declaration of Independence and the French Declaration of the Rights of Man. The leaders of the Democratic Republic of Viet-Nam as the Viet Nam of North of 17th parallel is known – have in that Declaration denounced the colonial rule of the 'French Imperialist' very vehemently and declared "..... That we shall henceforth have no relations with Imperialist France, that we cancel all treaties which France has signed on the subject of Viet Nam, that we abolish all the privileges which the French have arrogated to themselves on our territory....." Since the proclamation of the Viet Minh Independence, and even before that, the strength of the Communist China in this area has been increasing. To-day Communist China is playing a major role in the North Viet Nam by way of economic and other assistance. North Viet Nam's foreign policy now is mostly on the lines of other Communist countries as can be seen in the 'manifesto' of the Lao Dong Party which is the dominating force in the new Republic. The manifesto asserts among other things that 'the theory of the party is Marxism-Leninism. The principle of organisation of the party is democratic centralism. The discipline of the party is strict self discipline.' As Milton Sacks stated in September, 1950: "To day the Vietnam Democratic Republic is a full-fledged partner in the camp of the Soviet Union and Communist China. It has moved in this direction gradually, and the success of the Communist leadership in Vietnam was greatly aided by the Chinese Communist victories."\*

From the above it can be seen that from the French point of view the North Viet Nam is lost once for all. French, however, have still economic interests in the lost colony, though developments are rapidly taking place to their disadvantage. The Communist Government under Ho Chi Minh still wants to maintain economic and cultural relations with the ex-master on the footing of equality. The economic policy of new Government towards France

\* Quoted by Russell H. Fifield in 'The Diplomacy of Southeast Asia', 1945-58, p. 330.



is partly motivated by the fact that domestic economic problems confronting North Viet Nam are more serious than those facing the South Viet Nam. However, with the increase in the assistance given by China and other Communist States, French relations are dwindling.

At Saigon, the capital of South Viet Nam or the Republic of Viet Nam as it is called, the reaction is different. Though the republic of Viet Nam has not forgotten the colonial past, its serious concern over the growing menace of Communism within\* and without, is reflected in its domestic and international behaviour. Communism, South Viet Nam believes, would lead to the enslavement of the people and, hence, it must be conquered by combating colonialism and poverty. In its endeavour the country is being actively helped by France, United States and other countries in the Western camp. The new republic is 'grateful' for the generous help being given to it by France and United States. With France the new government wants to maintain good relations - economic and cultural. Of course, the new state is now freed from tight French-dominated economy of the past and to that extent it is now possible to realise the considerable economic potential of the land. Constantly aware of the fact that the country is, strategically at least, as important as Formosa to the defence of the 'free world', the state of South Viet Nam has openly 'gone to the West'.

South Viet Nam is at present receiving economic and even military assistance from the West, and particularly from the United States. The French share in this respect is dwindling due to the increase in the American aid. In matters cultural, France is not a loser. In the later part of 1955, France made an agreement with the new republic of South Viet Nam which dealt with relations between South Viet-Nameese and French Universities, the Institute of Oceanography at Nha Trang, the French Cultural Institute, the French educational establishments in South Viet Nam. There is still in Saigon a large French cultural mission and a Viet-Nameese-French Friendship Association.

The politics of the kingdom Laos - the most remote and under-developed of the countries of Indo-China, is greatly conditioned by its Geography. Laos is situated in the critical area of the Southeast Asia. To the north of this land-locked kingdom, is the Communist China; to the west, Burma and Thailand; to the south, Cambodia, and the east is shared by two Viet Nams - two thirds by North Viet Nam and one third by South Viet Nam. As such, Laos is subjected to three pressures simultaneously - Communist, Western and Neutral. Although the French position in Laos was largely compromised since the Geneva settlement, still French prestige in the kingdom of Laos is not altogether lost. France continues to give economic, technical and military assistance to the new kingdom. In the training of the Laotian National Army, for example, French officials have played a large part. As elsewhere, the United States share in this respect is now outstripping the French one. Technically, the kingdom of Laos belongs to the uncommitted group of nations but in practice it is the most pro-West and pro-French. It is interesting to notice that Laos is at one and the same time a member of the French Union, supports the Pancha Shila or Five Principles, is not opposed to the extension of the Manila Pact to her territory, and participates in the Colombo Plan. The economic backwardness of the country coupled with the political instability and the fear of Communist infiltration from the North and the East, perhaps has compelled the kingdom of Laos to take the position it has.

\* In South Viet Nam one tenth of the population is Chinese, which is always a source of Communist danger.

In Cambodia, which is also strategically located, there is keen realisation of the pressing economic, political and security problems facing the country. For economic development, Cambodia has been receiving large aid from the West and particularly from the United States of America. As for the Cambodian - French relations, they had become considerably acrimonious for a period after the Second World War. It is worth recalling that King Norodom Sihanouk, at the Japanese suggestion, had proclaimed the independence of the kingdom, and it was with difficulty that the French power was restored again. Then followed a series of agreements between France and Cambodia, as a result of which the kingdom became independent. As a result of independence, the relations with the ex-master have definitely improved. In the assistance to the kingdom - technical, economic and military, France is playing a considerable role, although not as large as the United States. The French military, economic and cultural missions are active even to-day. The continued presence of many Cambodian students in France indicates strong cultural ties.....between the two governments, and the importance of trade should not be ignored.

On domestic front, Cambodia is anti-Communist, but in foreign affairs the kingdom is playing a neutral role. Its neutrality, however, does not seem to stem from a real desire to remain neutral, as in the case for India for instance, but it seems to be a matter of expediency. Cambodia is trying to reap benefits from both the worlds, as can be seen from the political somersaults which, in recent years, have been made by King Sihanouk and Cambodia's other representatives at various occasions.

## VI

Now let us turn our attention to the State of Philippines. The very name Philippines comes from Philip II of Spain. Since 1521, when Ferdinand Magellan came upon the islands while on the expedition to circumnavigate the globe, Spanish domination on the islands - politically and culturally - went on until the end of the 19th century when Americans came upon the scene. On this archipelago of over 7,000 islands, which is strategically located about 200 miles south of Formosa, and 700 miles east of Indonesia, Spain ruled for more than 350 years, during which she did nothing to advance or train the Filipinos in self-government. As a result of Spanish rule, however, the Filipinos became Christianised. About 90 per cent of the population of the Philippines is Christian, 80 per cent among the Christians being Roman Catholics. More than 30 per cent of the population can speak English and more than 3 per cent are conversant with Spanish. The influence of Spanish culture upon the life of the people here is very great. Spanish newspapers, language, literature, Spanish manners and morals, bull fights and music - all abound in the Filipinos' life. The Philippines is thoroughly 'western' except in geography. The words of President Roxas, uttered in a speech in the United States in 1946, are here interesting to remember. He said, ".....We are not of the Orient except by geography. We are part of the Western world by reason of culture, religion, ideology, economics.....We expect to remain part of the West, possibly as the ideological bridge between the Occident and the Orient." That Philippines' relations with Spain are intimate is, therefore, no wonder. The ties have become closer, especially under the influence of Elpidio Quirino, the one time Vice-president and Secretary of foreign affairs of the Philippines Government. In 1950 Philippines was one of the sponsors of the resolution in the United Nations Organisation, seeking to lift the ban on Spain. In 1955 December,

Philippines supported admission of Spain to the UNO. The Filipino-Spanish relations, basically, are cultural in nature, and there are no issues to mar the friendship between the two.

Philippines' alignment to the Western bloc, is in the first place, due to Christianity and the westernisation of the Republic and its people, and secondly, due to the absence of bitter colonial past, especially during the American rule from 1899 to 1935. The United States was generous with the Philippines during her colonial rule. Unlike other colonial powers, the U. S. gave substantial share to the Filipinos in the administration of the country. The total cost of the defence of the country was borne by the United States Government—a burden which in most colonies was borne by the colony itself. On political front, the United States' policy was more progressive than her counter-parts in Europe. The U. S. made sincere efforts to advance the colony on the path of Self-Government. It was in economic and social fields that the Americans failed to some extent; but this too, they are now trying to compensate in the context of the Cold War politics. The United States cannot be compared with other colonial powers in South-east Asia and termed an imperialist country, in the sense in which other colonial powers can be. If to-day we find Philippines' economy largely depending upon the United States for exports and imports, it is because the Philippines wishes so. United States has and had no 'economic stake' in the Philippines as the British in Malaya or the French in Indonesia. Even the possession of the colony was of no consequence at the time of its acquisition in the last years of the 19th century. It is in the context of the Cold War that the Philippines has become a prized possession, though it is no longer possessed by the United States. In that context, American aid to the Philippines should be appraised. Now money and material is flowing to this State. Even militarily, this country is firmly wedded to the West. It is one among the eight signatories of the SEATO. The establishment of SEATO, it must be remembered, could not come about without the important role which the Philippines played in the same. There is little resentment in this country over the alignment with the West, the acceptance of the American aid, or the membership of the SEATO.

Philippines' opposition to Communism is consistent. No diplomatic relations are maintained with any Communist State. This country has severely criticised Soviet action in Hungary in 1956. It has opposed actively in and out of the United Nations, the aggression on South Korea by the North, and it has also supported anti-Communist Governments everywhere—for example the Government of Chiang Kai-Shek in Formosa and that of Syngman Rhee in South Korea. At home, Philippines has to cope up with the Communist-led Hukhalahaps who have at least ideological if not material support of the 'red world'. Thus within and without, Philippines is combating Communism, aided by the West, and especially by the U. S. Philippines' anti-Communism sometimes dwarfs her anti-colonialism. An instance of this can be found in her attitude in the West New Guinea-dispute between Indonesia and Netherlands. The security aspect of the West New Guinea and the safeguarding of the military interests of the West was more important to the republic of Philippines than her sympathy towards Indonesia for the latter's claim on West New Guinea. There is a feeling in many Asian countries that the Philippines has 'sold herself away' to the United States and that she has yet to find her 'self'. Philippines, however, little cares for this feeling.

## VIII

This is briefly the anatomy of relationships in Southeast Asia. Attention in the above analysis was focused on only one 'determinant' viz. the colonial past, which conditioned more or less the structure of relationships in this area. It will be noticed, however, that relationships in international politics are not eternal or petrified. They are subject to new pressures and new factors. As new determinants arise or old ones recede backwards, a new resultant emerges. In the mid-twentieth century and after the Second World War the existence of power blocs, the working of the UNO, and the role played by 'neutrals', are some of the new 'determinants'. In the years ahead it is not unlikely that these new determinants will affect and shape the relationships in South-east Asia as well as elsewhere.

## A REQUEST TO SUBSCRIBERS

The Managing Editor will be grateful to subscribers (who do not wish to maintain a permanent record of the Journal) for sending him the following back numbers of the Journal so that he can help complete the sets in university and college libraries:

- Vol. V—Nos. 3 and 4
- Vol. VI—Nos. 1
- Vol. VIII—Nos. 4
- Vol. XII—No. 3
- Vol. XIII—No. 1
- Vol. XIV—No. 1

A Payment of Rs. 3/- per copy (post free) will be made, if desired, up to a limited number of copies. Please write immediately to the Managing Editor, The Indian Journal of Political Science, Model House, Lucknow (U. P.) India.

## IMPLICATIONS OF THE SOUTH-EAST ASIA COLLECTIVE DEFENCE TREATY

By

KHAGENDRA CHANDRA PAL

### GEOGRAPHY OF SOUTH-EAST ASIA

The South-East Asia Collective Defence Treaty, signed in Manila on September 8, 1954, and effective since February 19, 1955, refers to the treaty area as "the general area of South-East Asia including also the entire territories of the Asian parties, viz., the Philippines, Thailand and Pakistan, and "the general area of the South-West Pacific not including the Pacific area north of 21 degrees 30 minutes North Latitude"<sup>1</sup>. South-East Asia is thus inseparably linked with what is vaguely known as the South-West Pacific and may even be supposed to include the latter. The Treaty authorises the eight States, viz., the U. S. A., the U. K., France, Australia, New Zealand, Pakistan, Thailand and the Philippines, which are the parties to the Treaty, to amend by unanimous agreement the definition of the treaty area so as to include within it the territory of any state acceding to the Treaty, and even to change the treaty area "otherwise", i. e., even if there be no such accession. The whole machinery of the Treaty could also be set in motion even outside the present treaty area by a simple procedure of "designating" that area by unanimous agreement among the parties to the Treaty, subject only to the condition that an invitation from, or consent of, the Government concerned will be necessary for any action within its territory.<sup>2</sup>

Thus the area of South-East Asia, which is evidently vague, has been made vaguer still by the elastic provisions of the South-East Asia Collective Defence Treaty. Professor Brian Harrison in his book, *South-East Asia, A Short History*, marks a map of the area by a rectangular figure with a small hunch at the north-western corner.<sup>3</sup> This figure covers parts of both the Indian Ocean and the Pacific Ocean, and includes now the whole territories of such States as Burma, Thailand, Malaya, Indonesia, Laos, Cambodia, Vietnam (both North and South), the Philippines, the British possessions like Hong Kong, North Borneo, Sarawak, Brunei and Singapur, and the Portuguese possessions like Macao and Timor, and only parts of the territories of the States like Pakistan, India and China. It only touches Australia, barely misses Formosa, though not Hong Kong, and has nothing to do with New Zealand. The treaty area of the South-East Asia Collective Defence organization, or briefly SEATO does not exactly correspond to this figure, the former, unlike the latter, having included the whole of Australia, Pakistan and even New Zealand and the U. S. Trust Territory of the Pacific Islands, and excluded the British territory of Hong Kong and any part of Chinese, Indian or Burmese territory for the present.

<sup>1</sup> The South-East Asia Collective Defence Treaty, Art. VIII.

<sup>2</sup> *Ibid.*, Art. IV.

<sup>3</sup> *South-East Asia: A Short History* by Brian Harrison, 1957, Front-end papers and Rear-end papers.

<sup>4</sup> *Ibid.*, p. IX.

It is of the greatest significance that the U.S.A. joined the SEATO, in fact sponsored it, though she has no territorial possessions at all in the "fairly well-defined"<sup>4</sup> area known as South-East Asia. Evidently, the SEATO represents a major change in the foreign policy of the U.S.A. For by taking leadership in the SEATO, the U.S.A. was in fact accepting a commitment extending to the mainland of South-East Asia - a commitment which the U.S.A. had hitherto been unwilling to extend beyond the "island chain" from the Aleutians to the Marianas.

### HISTORICAL BACKGROUND OF THE SEATO

The new shift in the foreign policy of the U.S.A. was dictated by historical circumstances following the Korean war which began on June 25, 1950. She saw in it the possibility even of a Third World War and was immediately driven to the aim of reducing the Pacific Ocean into a Western American lake for her naval forces, by gathering allies in the East in the same way as she had reduced the Atlantic Ocean on the other side of America virtually into an Eastern American lake for the same purpose with her Western allies under the treaties of Rio de Janeiro and Bogota during 1947 and 1948 and the North Atlantic Treaty of 1949.

On August 30, 1951, the U.S.A. signed with the Philippines a treaty by which the signatory nations served notice on any potential aggressor in the Pacific area that they would stand together in the face of any armed attack from outside. In September, 1951, in spite of opposition from the U.S.S.R. and India, the U.S.A. along with 48 other States signed with Japan a peace treaty. Japan signed immediately, indeed simultaneously, a mutual security with the U.S.A. In September, 1951 the U.S.A. also concluded a security treaty with Australia and New Zealand, which in substance and form was closely modelled on the North Atlantic Treaty.

Meanwhile, the localised war in Korea continued side by side with negotiations for peace until July 27, 1953, when a Truce Agreement was signed. This was quickly followed by the signing of a mutual security treaty between the U.S.A. and South Korea on August 8, 1953. Already on February 2, 1953, President Eisenhower had announced that he had decided to de-neutralise Formosa, which had been under the protection of the 7th Fleet under orders from the U.S. President since June 27, 1951. The Armistice in Korea now enabled the Chinese to divert greatly increased supplies of equipment to the south, specially to the Vietnamese Communist forces under Dr. Ho-Chi-Minh. This in turn enabled these forces to increase their pressure on the French Union forces in Indo-China, so that France in desperation appealed for help to her Western friends.

Under such critical conditions, the U.S.A. gave more serious thought to Eisenhower's suggestion announced earlier on April 6, 1953 that there should be a collective arrangement for securing the security of South-East Asia. On January 13, 1954, Mr. Dulles announced that the U.S.A. had decided to develop massive retaliatory military power to deter aggression. The Geneva Agreements of July 21, 1954, that followed such threats was rather precarious, in view of the fact that neither the U.S.A. nor the State of South Vietnam could concur in the final declaration.

<sup>4</sup> *Ibid.*, p. IX.

It was during 1953 and 1954 that South Korea, Spain, Iraq, Pakistan, Libya, Nationalist China, etc., entered into military agreements with the U.S.A. In this race for gathering allies against World Communism, the U.S.A. persuaded her friends in South-East Asia to sign the Manila Treaty on September 8, 1954. Only about a month earlier, the Balkan Military Pact was signed on August 9, 1954 by Greece, Turkey and Yugoslavia evidently under inspiration from the U.S.A. It was as if only to give provocation to Communist China that the U.S.A. in December, 1954, signed a mutual security treaty with Nationalist China in Formosa.

In his State of the Union Message on January 6, 1956, President Eisenhower proudly proclaimed: "We have now security pacts with more than forty other nations". A significant link in this chain of alliances round Communist China and Russia was the Bagdad Defence Treaty signed on February 24, 1955, between Iraq and Turkey, and joined later in the same year by the U.K., Pakistan and Iran. The U.S.A. who inspired all these military pacts, could not long remain outside the Bagdad Pact. Accordingly, she joined in 1956 the Economic and Anti-subversion Committees of the Bagdad Pact, and in 1957 even its Military Committee provided for full implementation of the new Eisenhower Doctrine of the same year for active economic and military assistance to the "general area" of the Middle East.

#### TELEOLOGY OF THE TREATY

In the light of this genetic study it is difficult to believe that the purposes of the South-East Asia Collective Defence Treaty have been sufficiently stated in its different provisions. Its Preamble and its Articles are full of very high-sounding phrases – equal rights and self-determination of peoples, self-government, democracy, liberty, rule of law, economic well-being and development, unity, peace and security. To give shape to these objectives the parties undertake (a) to settle international disputes by peaceful means, (b) to refrain from threat or use of force in any manner inconsistent with the purposes of the United Nations, (c) to maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability, and (d) to strengthen their free institutions and to co-operate with one another in furthering the development of economic measures, including technical assistance.<sup>5</sup> Above all, "Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any state or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes."<sup>6</sup> To the Treaty was added a Protocol, coming into force simultaneously with the Treaty and stating that for the purposes of assistance against actual or potential armed aggression or other economic measures under the Treaty, the parties unanimously designated the States of Cambodia, Laos and "the Free Territory under the jurisdiction of the State of Vietnam". "If in the opinion of any of the parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any party in the treaty area" or any other State or territory which the parties may by unanimous agreement designate, "is threatened in any way other than by armed

5. The South-East Asia Collective Defence Treaty, Arts. I-III.

6. *Ibid.*, Art. IV (1).

attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the parties shall consult immediately in order to agree on the measures which should be taken for the common defence."<sup>7</sup> "It is understood that no action on the territory of any State designated by unanimous agreement" or "on any territory so designated shall be taken except at the invitation or with the consent of the Government concerned."<sup>8</sup>

The parties to the Treaty established a Council, on which each of them is represented, to consider matters concerning the implementation of the Treaty.<sup>9</sup> This Council is authorised to provide for consultation with regard to military and any other planning as the situation obtaining in the treaty area may from time to time require. The Council is so organized as to be able to meet at any time. Provision has also been made for the post of a Secretary-General of the SEATO, and he was authorised on March 11, 1958, by the Council to contact the Secretary-General of the NATO for exchange of information.

#### REAL PURPOSES OF THE TREATY

From a realistic point of view the SEATO, certainly not a "mere paper structure",<sup>10</sup> as some take it to be, was the only possible response, though a bit belated one, to the French SOS during the fall of Dien Bien Phu in May, 1954. For the U.S.A. the immediate purpose in organizing the SEATO was to guarantee South Vietnam, Cambodia and Laos against any Communist aggression, and her ultimate purpose was to develop a massive retaliatory military power against Communist forces led by the U.S.S.R. and China. To make this clear, the U.S.A. added to the Treaty, though somewhat inconsistently with its original provisions, an "understanding" that her recognition of the effect of aggression and armed attack and her agreement to meet the common danger in accordance with her constitutional processes apply only to Communist aggression, though she affirmed that in the event of other aggression or armed attack she would consult other members immediately according to the relevant provisions of the Treaty. Like the U.S.A., all other parties to the Treaty were more or less afraid of World Communism. But for the U.K., the importance of the Treaty lay in this that the U.S.A. was committed by it in those parts of the globe where hitherto the U.K. had to maintain peace alone. France saw in the Treaty the only possible guarantee of maintaining the political independence and territorial integrity of Cambodia, Laos and South Vietnam under some form of French supervision. Thailand as a small power on the borders of Indo-China had the greatest fear of Communism. Australia, New Zealand, and the Philippines in joining the SEATO were mainly interested in developing strength against the probable revival of Japanese or any other Asian power anywhere in the Pacific. As for Pakistan, she imagined that by joining the SEATO she would get support from the Western powers to have a position of strength in solving her disputes with India, especially the problem of Kashmir.

7 *Ibid.*, Art IV (2).

8 *Ibid.*, Art. IV (3).

9 *Ibid.*, Art. V

10 Friedmann, *An Introduction to World Politics*, Third Edition, 1957, p. 309.

The Asian neutrals like India, Burma, Ceylon and Indonesia oppose the SEATO. Some see in it "not a Pacific security system but an organization of Imperialist Powers for the protection of their interests."<sup>11</sup> Mr. V.K. Krishna Menon described the SEATO as the "modern version of a protectorate" to defend an area being defended against its will.<sup>12</sup> Mr. Nehru referred to it as an instance of double thinking over peace, i.e. professing peace and uniting against aggression while adopting language and means which led inevitably to opposite results. Alliances of this type were also characterised by Mr. Nehru as "interlocking of politics" and as having an unfortunate effect on colonial policies, for colonial people as a result had to deal with, not one power, but a combination of powers.<sup>13</sup>

It is ominous in this respect that the SEATO is intended to "remain in force indefinitely", though "any party may cease to be a party one year after its notice of denunciation has been given to the Government of the Philippines".<sup>14</sup> (1) If France, the U. K. and the U. S. A. want to retain the validity of the Treaty "indefinitely" in spite of their occasional promises to relinquish their colonial and imperial ambitions, and in spite of a possible denunciation of the Treaty by all the other members in it, (2) if the U. S. A., New Zealand and Australia joined the SEATO, even though they are not strictly in South-East Asia, (3) if of the eight Powers in the SEATO, only three are really Asian or South-East Asian, (4) if arrangements are made for the "defence" of Laos, Cambodia and South Vietnam, and possibly of other territories of the East in future, by the Western Powers simply by a procedure of "designation", (5) if indeed, the Treaty itself would have entered to force in spite of any opposition from the Asian members, for its entry into force required ratifications of only a majority of the signatories,<sup>15</sup> and (6) if, moreover, the Treaty is so drafted that with the obedient support of only three Asian nations in it, the White members in it could easily stuff it with all the nations of Europe and America when it suited their purpose to do so, it is difficult to escape the conclusion that the Manila Treaty is looking dangerously in the direction of sphere of influence to be exercised by the whole West over the East. Perhaps, the influential members in the Treaty have already been thinking of smuggling into it the Netherlands and Portugal who have some, though not any legitimate, territorial interests in the treaty area. The Treaty only provides that "any other State in a position to further the objectives of this Treaty and to contribute to the security of the area may, by unanimous agreement of the parties, be invited to accede to this Treaty".<sup>16</sup> If the NATO in the name of Western civilization became a protecting cover to the colonial domains of the Powers concerned and extended its scope even to Goa in India, it may be wondered where the SEATO will extend to, starting as it does at the very doorstep of India.

11 *Overseas Hindustan Times*, Aug. 14, 1952. *Hindustan Times* quoted in *Far East Survey*, Oct. 8, 1952. The present quotation is from *Dynamics of International Relations* by Haas and Whiting, 1956, p. 505.

12 Debate in the Indian Rajya Sabha on Aug. 27, 1954.

13 Nehru's speech dated Sept. 9, 1954.

14 The South-East Asia Collective Defence Treaty, Art. X

15 *Ibid.*, Art. IX.

16 *Ibid.*, Art. VII.

## LEGAL VALIDITY OF THE TREATY

It is difficult to imagine that with such imperialistic elements in it, the SEATO could be called a regional organization under the terms of the U. N. Charter. Aiming at imperialism and colonialism in those regions of the East, wherefrom Western Powers were driven out during and after the World War II, the South-East Asia Collective Defence Treaty, like the Bagdad pact, 1955, conflicts with a basic purpose of the United Nations, viz, "respect for the principle of equal rights and self-determination of peoples".<sup>17</sup>

The legal validity of the Treaty, along with most other regional treaties, may be doubted from various other points of view also. While founding the United Nations, the peoples of the United Nations determined (a) "to unite" their "strength to maintain international peace and security", (b) "to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest", (c) "to take effective and collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace", and (d) to make the United Nations "a centre for harmonising the actions of nations in the attainment of these ends".<sup>18</sup> Through the regional pacts in the name of self-defence, Members of the United Nations have virtually decided (a) to disunite their strength against the cause of peace (b) to use the armed forces of one region against another, (c) to issue threats and counter-threats against one another on a regional basis, and (d) to make the United Nations a centre for serious disharmony. Not sanctioned by the Security Council, these collective arrangements conformed to the "pre-United Nations era of colonial alliances", old world prejudices which the United Nations had tried to do away with.<sup>19</sup>

They talk of self-defence, recognised in Article 51 of the U. N. Charter, But the right of self-defence arises only if, i. e., after an armed attack occurs. These "offensive and defensive arrangements", offensive according to one party but defensive according to its rival, were being made under the old system of balance of power, and this is what the U. N. Charter wanted to overcome. "Our contention is that they do not come under Article 51, because there is no armed attack to warrant defensive agreements".<sup>20</sup> If these so-called defensive arrangements were utilised to give protection to the ex-enemy States like Japan, Germany, Italy, Bulgaria, Hungary or Rumania, when they were attacked by any U. N. Member in accordance with Article 107 which provides that against ex-enemy States armed attack may be legitimate in certain cases, this would be going against the obligation to refrain from the threat or use of force under

17 U. N. Charter, Art. 1.

18 *Ibid.*, Preamble and Art. 1.

19 V. K. Krishna Menon's speech in Political Committee of the General Assembly of the U. N. on Dec. 9, 1955.

20 *Ibid.* Some of the arguments noted here were previously stated by me in my paper *Revision of the U. N. Charter* read at the 17th session of the Indian Political Science Conference held at Muzaffarpur in Dec. 1954 and published in the *Indian Journal of Political Science*, Vol. XV, No. 4, Oct.-Dec., 1954.

Article 2(4), an obligation evidently not restricted by Article 51 in the case of self-defence of ex-enemy States. Besides, when a regional body takes enforcement action in the name of self-defence without being authorised by the Security Council, it will directly hit Article 53 which expressly provides that no enforcement action shall be taken under regional arrangements or by regional agencies without authorisation from the Security Council except in case of aggression by the ex-enemy States.

The U. N. Charter in its Article 24 gave primary responsibility for international peace and security to the Security Council, so that there might be prompt and effective action by the United Nations. But the so-called defence treaties work on the hypothesis that such action of the U. N. must be taken, not through the Security Council but through self-defence organizations. The Councils under the North Atlantic Treaty, the ANZUS Treaty, the South-East Asia Collective Defence Treaty, etc., are required to meet "at any time"<sup>21</sup> for what has been called self-defence action. But the Security Council is also "so organized as to be able to function continuously", and for this purpose each member of the Security Council is "represented at all times at the seat of the Organization".<sup>22</sup> The Security Council is thus confronted by rival councils for identical purposes. Under such circumstances it is certainly impossible for the U. N. to fulfil its role as a "centre for harmonizing the actions of nations" in the cause of world peace.

Neither the members of the SEATO nor those of the Bagdad Pact constitute separate well-defined geographical regions. As such, they cannot be justified under Chapter VIII of the U. N. Charter relating to "regional arrangements". Moreover, the arms and armaments of all these collective bodies are closely guarded secrets, though the U. N. Charter under Article 54 requires that "The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security". Finally, if the SEATO and the U. N. O. are legally inconsistent with each other, the former may also be deemed illegal as having hit certain provisions of the Geneva Agreements of July 21, 1954. For these Agreements required that there should be no foreign bases in any of the Associated States of Indo-China and that there should not be for these States any military alliance which threatens the cease-fire or is incompatible with the U. N. Charter.

The U. S. S. R. was a leading opponent of regional self-defence treaties for a long time. But on March 31, 1954, Molotov handed to the three ambassadors of the U. S. A., the U. K. and France, in Russia, a Note expressing the Soviet Government's readiness to consider with the Interested Governments the question of the participation of the U. S. S. R. in the North Atlantic Treaty. On May 14, 1955, the U. S. S. R. herself also signed the Warsaw Pact for self-defence among the Communist States of Eastern Europe. Apparently, the U. S. S. R. realised that in the world-wide struggle for power scrupulous respect for law is not for the present a paying proposition, or that the legal arguments against the collective defence treaties were not really very strong.

<sup>21</sup> Arts. IX, VII and V of the respective Treaties.

<sup>22</sup> U. N. Charter, Art. 28.

### POLITICAL CONSEQUENCES OF THE TREATY

This, however, does not weaken the case against the SEATO from the points of view of economics, politics and culture of the whole human race. An offshoot of the policy of massive retaliation on the part of western barbarism masquerading under the garb of western Civilization, the SEATO is based essentially on the primary enemies of the whole mankind: Hatred, Violence, Greed, Falsehood, Pride, and Disunity. It is thus opposed to the great integrating ideals of Love, Non-violence, Sacrifice, Truth, Service and Unity. Politically, it has been responsible for a trend towards autocracy in all its members. It has also brought back to the East the old colonialism and imperialism of the West, now led by the U. S. A., one of the most, marked by great physical force, violent nations in the world today – indeed, a new Eve throwing us all into a most deadly hell by dropping, first among nations and most brutally against the law and conscience of mankind, atom bombs on Japan when she was about to surrender in August, 1945. Since then under the mechanics of the world-wide balance of power uncontrolled by any respect for the great Truth about the One World or the Balance of Truth, this Eve has been competing with the U. S. S. R. in developing still more violent weapons capable of rendering the planet sterile for centuries, and thus bringing, jointly with the U. S. S. R., the whole humanity to a most terrible "brink of war" where, in Churchill's famous phrase, safety is "the sturdy child of terror and survival the twin brother of annihilation".<sup>23</sup> It is certainly unfortunate that Mr. Dulles, Secretary of State for the U. S. A., finds fulfilment of his life's major ambition in this "brink of war".

It is outright falsehood when the Manila Pact declares that its parties undertook military commitments for "defence", and for combating "subversive activities directed from without against the territorial integrity and political stability". As one commentator has said, "In the vocabulary of the Western Powers the term 'political stability' means the maintenance and consolidation of the colonial system, while 'subversive activity' is the tag attached to the national-liberation movement."<sup>24</sup> According to the same commentator, "The SEATO military bloc, whipped together.....by Washington, with the help of London and Paris, is a manifestation of the concept of a world ringed by a system of aggressive blocs to carry out insane U. S. plans for gaining world domination".<sup>25</sup>

### ECONOMIC CONSEQUENCES

With such blatantly colonial and imperialistic aims, it was simply impossible for the SEATO to do anything for the economic prosperity of the treaty area or the world as a whole. The conferences of its economic experts are fewer than those of its military experts, and even these examined economic problems mainly in the light of war preparation programmes. In recent years there has been a marked trend in the U. S. A. to end or reduce economic aid to Asia

<sup>23</sup> Sir Winston Churchill's declaration on March 1, 1955. Other similar views have been referred to in my paper *The Problem of Disarmament in the World today* published in the *The Modern Review*, Calcutta in April, 1957.

<sup>24</sup> *International Affairs*, Moscow, March, 1957, p. 88. This journal gives various details regarding the economic consequences of the SEATO.

<sup>25</sup> *Ibid.*, p. 87.



that does not directly serve military purposes.<sup>26</sup> Washington, moreover, usually grants military aid only if the receiving country undertakes to make big appropriations for military purposes from its own budget. In Thailand direct military expenses exceed 48 per cent of the whole budget, while only 1 per cent is spent on public health. At the end of 1956, a Thai Journal, *Siamrat Weekly Review*, pointed out that Thailand lost 3000 million baht in 6 years because of the embargo on strategic goods – an embargo imposed by the United Nations against Communist China at the suggestion of the U. S. A. American aid to Thailand during the same period amounted only to 2000 million baht. The SEATO inspired the Army in Thailand to dominate the country in all its policies. No wonder that in Thailand a military dictatorship as well as martial law has been imposed since October 20, 1958. Obviously it would be better for Thailand to dissociate herself from the foreign policy of the U. S. A., and follow in respect to Communist China and other States a policy of peaceful as opposed to violent, co-existence.

Similar is the case with Pakistan, where direct military expenditure has swallowed up to 40 to 50 per cent of the entire budget in recent years, and where since October 7, 1958 a military dictatorship together with martial law has been imposed. The House of Representatives of the Philippines Legislature in a resolution adopted on April 13, 1956, demanded a revision of the American-Philippine economic and military agreements. This strikingly revealed the growing desire of the Philippines to pursue its own foreign policy free from American *diktat*.

#### IDEAL OF HUMAN UNITY

The worst effect of the SEATO and similar other organizations is that with their narrow ideals they prevent the normal growth of the United Nations towards a universal ideal which recognises the cultural, political and economic unity of the world as a whole, a world which in the 20th century has been reduced by modern science to the dimensions of a small city of ancient times. The SEATO and other such regional or partial organizations thus lessen the pace of the human race towards its inevitable destiny – a Democratic, Socialist and Federal world State, which looks like an L. C. M. of the ideals pursued in the different States of the world today.<sup>27</sup>

More than four centuries ago during the period from September, 1519, to September, 1522, the first voyage round the world was completed by sailors like Magellan, Del Cano, etc. The geographical unity of the world was thus discovered for the first time in history. But the economic, political and cultural unity of the world has yet to be discovered. This task might well be taken up by the leaders of thought in South-East Asia, where all the religions and civilizations have met. It may not be "without significance that no part of South-East Asia finds a place in Toynbee's list of 21 major civilizations."<sup>28</sup> Here in the course of centuries all fertilizing cultures of the different parts of the world have met, perhaps to build in our times a civilization which is truly human. In building this human civilization, South-East Asia will have done a great service to the cause of humanity by exercising a casting vote in the most significant tie among lesser civilizations in the whole history of mankind.

<sup>26</sup> *Ibid.*, p. 90.

<sup>27</sup> My paper on *Implementation of the Universal Declaration of Human Rights* published in *The Modern Review*, Calcutta in Oct., 1949.

<sup>28</sup> *India Quarterly*, Vol. XIII, No. 2, April-June, 1957, p. 106.

But for this it is not enough that there be only an Asian Conference in Delhi in 1947, an Asian-African Conference in Bandung in 1955, or an Asian-African People's Conference in Cairo in 1957. There should be, supplementing all, also a series of world-wide people's conferences for understanding not only the Nehru-Chou principles of Panch Sheela for international conduct, first announced in April, 1954, but also the Buddha's Panch Sheela for "inter individual" conduct announced more than 25 centuries ago, and since confirmed by all sages in all countries. The problem for three or four centuries, after the human race had been brought under one roof replacing isolated mansions, has been one of Western supremacy over many parts of the world. Not humanity, but this *Whiteman*<sup>29</sup>, to use a word coined by the late Bipin Chandra Pal, has been the aim of this Western dominance in the name of Western Civilization. This dominance was secured not always through moral superiority, but often through Hatred, Violence, Greed, Falsehood, Pride and Disunity armed with the devilish powers of modern science in the sphere of technology, economics and military affairs. But with the independence of Asian and African countries during and after the World War II, and with the rapid disappearance of the technological, economic and military differential between the White man of Europe and America and the coloured man of Asia and Africa, the problem may well be now of the East meeting the West on terms of equality, "horizontally" one might say, and finally of One World. In this respect we are perhaps assisting at, as the Theosophists believe, one of the final rounds in the great relay race of history continuing for more than 50 centuries.

<sup>29</sup> Bipin Chandra Pal, *Swadeshi and Swaraj*, (Yugayatri Prakashak Ltd., 41/1A, Baldeo Para Road, Calcutta 6), 1954, p. 222.

### The Indian Journal of Political Science

#### Rates of Subscription

|           | Annual                | Single issue        |
|-----------|-----------------------|---------------------|
| Inland :  | Rs. 15/-              | Rs. 5/-             |
| Foreign : | £. 1 10 s.<br>\$ 4.50 | 7s. 6 d.<br>\$ 1.25 |

If paid by cheque please add Re. 1.00 (12 s. or 50 c.) for postage, etc.

#### Rates of Advertisement

|                 | Cover page 3 & 4 |            |
|-----------------|------------------|------------|
| One Page        | Rs. 125.00       | Rs. 100.00 |
| One-half page   | Rs. 80.00        | Rs. 60.00  |
| One-fourth page | Rs. 50.00        | Rs. 30.00  |

Extra concession rates are offered to members of the Association.

For particulars, please write to

THE MANAGING EDITOR  
INDIAN JOURNAL OF POLITICAL SCIENCE  
MODEL HOUSE, LUCKNOW (U. P.) INDIA.

## SOUTH-EAST ASIA IN WORLD AFFAIRS

By

SUSHIL CHANDRA SINGH

The 2nd World War came as a blessing in disguise. During the War the whole of South-East Asia was over-run by the Japanese. The Japanese occupation of the region during the period (1942-45) created a new situation for the colonial powers. It promoted the cause of nationalism in the area. There was a great setback to the prestige and authority of the ruling powers. The Japanese victory created a new climate of hope and aspiration in the local people. "Her armies, with their revolutionary doctrine of 'Asia for the Asians', set ablaze the hitherto slowly smouldering forces of nationalism. Everywhere, White prestige suffered an irreparable blow. In Indonesia, Burma, Indo-China, and the Philippines a return to the old order was unthinkable. When the Japanese Interregnum came to an end in 1945, Western rule in the region was as dead as the *ancient regime* in Germany and Italy after the rule of Napoleon."<sup>1</sup> As B.R. Chatterji has observed, "News of the fall of Singapore thrilled Asia and at first the Japanese were welcomed almost everywhere as liberators of Asian victims of Western imperialism." The experience and opportunities gained by the people during the period of occupation equipped them to carry on the struggle of freedom successfully in the post-war period. The "timelag" between the Japanese surrender and the arrival of Allied forces, the availability of the surrendered Japanese arms, often with Japanese connivance, the military training received by the local youths under Japanese officers, and the administrative experience acquired during the period<sup>2</sup> — all these factors promoted the cause of independence of the colonial peoples. The local leaders realised that their political emancipation was not a distant dream but was in the realm of possibility in the immediate future. To quote the words of C.P. Schleicher, "World War II thus marked the end of an era."

In the pre-war period only Siam was independent. But the post-war period has witnessed the emergence of about a dozen territories as independent states. The Philippines assumed an independent status on July 4, 1946, according to a pre-war schedule laid down by the American Congress in the Tyding-McDuffie Act of 1934. In India in 1942 the Cripps Mission carried on negotiations for enlisting popular support for the British war efforts. The Cripps Offer laid down that immediately after the cessation of hostilities Britain would grant self-government to India, and they could leave the British Empire if they liked. The Congress party rejected the Offer and started a country-wide agitation against the British rule. Mahatma Gandhi called the Offer "a post-dated cheque." No progress could be made during the war period. But after the end of the war several conferences were held to reach an agreement of self-government. Mr. Clement Attlee, the new Labour Premier, fixed a target date for Indian independence. On August 15, 1947 the two independent states of India and Pakistan were created. On January 4, 1948, Burma became

independent. She decided to sever her connection with the British Commonwealth. The Soulbury Constitution of 1946 granted internal self-government to Ceylon. A few subjects like defence, external affairs etc. were reserved to the British Crown. The local leaders pressed for a full-fledged Dominion Status. By the Ceylon Independence Act of 1947, Ceylon was given Dominion Status. The British Crown is represented by a Governor-General. In Malaya, prolonged negotiations were carried on for the purpose of granting self-government to the local people. Recently an agreement was reached in London over the issue. Malaya acquired independence on Aug. 31, 1957. Delegates of different countries attended the independence celebrations and conveyed the greetings of their respective governments to the people and Government of New Malaya. Shri S. K. Patil represented the Government of India. It is expected that Singapore may attain an independent status in the near future. Pakistan, that India and Malaya have agreed to become members of the British Commonwealth. Pakistan and India have been allowed to remain in the Commonwealth though they have assumed a republican status. Ceylon may become a republic in the near future. In Malaya a constitutional monarchy has been set up.

In the other European colonies the evolution of independence has not been a peaceful process. Independence has been gained by the use of arms. On Nov. 15, 1946, as a result of the Linggajati Agreement the local leaders set up the Indonesian Republic. The Dutch Government did not accept the position without mental reservations. Soon after it broke its previous agreement and started military operations against the Indonesian Republic on 20 July, 1947. The matter was taken up to the U. N. At the request of the Security Council, a cease-fire was sounded in Indonesia on 4 August, 1947. A United Nations 'Good Offices' Commission was sent to Indonesia. However, a deadlock continued. At the end of 1948, Holland broke with the republicans, ended the truce and ordered its forces to occupy the territory of the Indonesian Republic. The Dutch army captured Soekarno and other republican leaders. The United Nations Good Offices Commission duly informed the Security Council that the truce agreement had been broken. The Security Council ordered the Dutch to stop fighting and release the republican leaders. Holland did not comply with the order. In the meantime, Pt. Nehru convened in Delhi, in January 1949, an Asian Conference which supported the cause of Indonesia and asked the Security Council to take prompt and effective measures to re-establish the Indonesian Republic and remove Dutch control. The Dutch Premier flew to Holland realized the gravity of the situation. The Dutch Premier flew to Indonesia. As a result of prolonged negotiations, it was decided to evacuate Indonesian territory and to re-instate the Indonesian government in the Republic. A Round Table conference was called at the Indonesian Capital in May 1949. The Conference met on 23rd August 1949. It terminated its deliberations on 3rd November 1949. The parties reached an agreement with regard to Indonesian freedom. Sovereignty was transferred to the Indonesian people on 27th December, 1949.<sup>3</sup>

In Indo-China the process has been more protracted and violent one. Only a crushing defeat to the French Army could bring France to a compromising frame of mind. Pre-war French Indo-China was comprised of the following territories: (1) The 3 provinces of Tongking, Annam and Cochin China; (2) Cambodia, and (3) Laos. Tongking was a French Colony. Annam and Cochin

1 F. G. Carnell : *India Quarterly*, April-June 1957, p. 105.

2 B. R. Chatterjee : *India Quarterly*, Oct.-Dec., 1956, p. 394.

3 Theimer and Campbell : *Encyclopaedia of World Politics*, pp. 227-28.

China were protectorates. Cambodia and Laos were protectorates. French Indo-China was occupied by the Japanese army on July 25, 1941. The Vichy Government was allowed to retain local administration. On March 6, 1946 an agreement was reached between Ho Chi-minh on behalf of the Viet-minh and France. According to the agreement, Vietnam, including Tongking and Annam, was recognized as an autonomous unit in an Indo-Chinese federation. Cambodia, Laos and Cochin China were to be the other units. Ho Chi-minh was willing to allow the entry of French troops into the Vietnam for five years. It is said that he even expressed his willingness to allow France to retain responsibility for the foreign affairs of Indo-China for some time.<sup>4</sup>

The Fontainebleau and Dalat Conferences complicated the situation and strained the relations between the two contending parties. Ho Chi-minh was accused of favouring the French. The two parties started military operations. The civil war was in full swing. In March, 1949 France concluded an agreement with Bao Dai, the ex-emperor of Annam, on the basis of which Vietnam was to be granted independence within the French Union. In December 1949 Bao Dai was installed as Head of the State of Vietnam. The U.K. and the U.S.A. recognized the Bao Dai regime. In the meantime, hostilities continued between the parties. The American Government gave huge military aid to France for her military operations in Indo-China. American military aid amounted to about 80% of the total French military expenditure in the area. In 1953 the U.S.A. promised an extra sum of 385 million dollars.<sup>5</sup> All this enormous military aid proved of no avail. The French Armed Forces could not defeat the nationalist cum-Communist forces led by Ho Chi-minh. The weakening French position compelled France to agree to hold negotiations for a peaceful settlement of the problem. With this purpose a Conference took place in Geneva on April 26, 1954. The fall of Dien Bien Phu exposed the weakness of the French military might. Now there was no other alternative for France but to yield ground to the nationalists. France realised the urgency of reaching a settlement. After the resignation of M. Laniel, M. Mendes-France became French Prime Minister. He expressed his determination to achieve a settlement by July 20, or to admit failure. He succeeded in his mission and a satisfactory settlement of the problem was reached, by that date. The Geneva agreements laid down that Vietnam was to be divided into 2 parts, North and South Vietnam. The 17th Parallel was to be the dividing line. Provision was made for the unification of the country by holding elections after two years. Laos and Cambodia were treated as neutral territories and no foreign bases were to be set up there. According to the agreement, elections were to take place throughout Vietnam by July 1956. For this purpose negotiations were to start between the parties for setting the electoral machinery. An International Armistice Commission was to be set up with India as chairman and Poland and Canada as members. Such a Commission has been duly set up and had been functioning without obstruction. But the unification of the country is not in sight. In South Vietnam Ngo Dinh-diem has managed to take over the control of government. He is the Prime Minister of South Vietnam. In North Vietnam the Communists control the situation. The Northern Government has the support of the Soviet bloc and the Southern Government is being backed by the U.S. government. Vietnam has thus become a pawn in the game of power politics. It has become an agency of the cold war. It has become another Korea. On one pretext or the other the parties are delaying the

4 Victor Purcell : *The Year Book of World Affairs*. 1955, p. 136.

5 Victor Purcell : *The Year Book of World Affairs* 1955, pp 137-8.

unification of the country. They do not want to reach agreement with regard to the holding of elections. Thus the intentions of the Geneva Agreement have been frustrated and a state of tension exists in Vietnam.

Now the role of South-East Asia in world affairs is no longer confined to the external affairs of Siam only. A number of countries are now members of the World Community. India, Pakistan, Burma, Ceylon, Thailand, the Philippines and Malaya, Laos and Cambodia are all members of the United Nations and have been playing an active role in the working of the World Organization. Their foreign policies are the exclusive concern of their own parliaments or governments. They do not get directions from any metropolitan power. North and South Vietnam may also be admitted to the U.N. in due course. The foreign policy of India is one of non-alignment. The foreign policy of Pakistan does not call for much comment. It is not an independent foreign policy. The foreign policy of Pakistan is closely allied with the West. It is not wrong to say that it is dominated by Western powers. It is centred round Western ideology. Pakistan has joined the Western bloc. It is a member of the Baghdad pact and SEATO. Its vote in the United Nations is invariably cast with the Western powers. She is receiving active military and economic aid from the United States. All this co-operation is not in vain. The Western powers, including Britain and the U.S.A., are openly supporting her claim over Kashmir. In January 1957, they all supported the resolution calling for a plebiscite in Kashmir and introducing a United Nations Emergency Force there. Initiative in such proposals is always taken by Britain, France and the U.S.A. Burma has not joined any power bloc. It is pursuing a non-alignment policy. Indonesia is following in the foot-steps of India. She is greatly indebted to the Indian leaders for the achievement of her independence. She is following an independent foreign policy and is not a party to any power bloc.

Thailand is an active member of the Western bloc. She is receiving aid from Western powers. On Sept. 17, 1957 there was a military coup in Thailand. As a result of the coup, Marshal Pibul Songgram was ousted from power. A Field Marshal Sarit Thanarat led the coup. Marshal Pibul fled to Cambodia. A new government had been installed at Bangkok. Mr. Pote Sarasin became Prime Minister of the new Govt. He was a former Secretary-General of SEATO. The leaders of the coup announced that the overthrow of Marshal Pibul did not mean a change in foreign policy. It is still allied with the Western policy. Prince Wan Waihyakon remains Thailand's Foreign Minister in the new provision. Malaya has agreed to be a member of the United Nations associated with the British Commonwealth. She has joined the United Nations only recently. Though she has not joined the SEATO yet, it appears that her foreign policy may be influenced by Western considerations. On entering the United Nations her first vote was cast against an Indian proposal seeking a consideration of the question of Chinese representation in the U. N. The speech of the Malayan delegate was given in a bad taste. As a new member of the international community, she should have adopted a non-committal attitude in the beginning at least.

Like all regions of the world, South-East Asia has problems of her own. Francis Carnell draws a gloomy picture of South-East Asia, on account of its cultural indebtedness. He calls it "a low pressure area". The withdrawal of Western colonial powers has created a power vacuum in the region. On account of its peculiar geography the area is suffering from "Continual process of social and political fragmentation." All types of minorities, regional, cultural

linguistic, ideological or religious are retarding the progress of their respective countries. Everywhere the central government is troubled by its own regional problem. Everywhere there is a demand for weakening the hold of the Central government. If we exclude India, there is hardly any country of the region where there is stability of administration. In Pakistan there has been a rapid succession of Prime Ministers. There are feuds and factions in the Central Cabinet. There is acute rivalry between East and West Pakistan. There has been great opposition to the one-unit plan. There is no agreement over the fundamentals of Pakistani Constitution. The National Awami party led by Bhashani is bitterly opposed to the foreign policy of Pakistan based on military pacts. The central government is delaying the holding of election in order to prolong its stay in office indefinitely. In Burma, the Karens want to set up their own independent state. The Chinese guerillas are a nuisance. In Vietnam no peace has been restored as yet. There is only a temporary truce. The two parts are working on the directions of two power blocs.

In Indonesia the position is really unfortunate. Recently there was a military revolt against the Jakarta government. Democracy has not yet taken a root on the Indonesian soil. The military does not seem to be in a mood to submit to civilian authority. It is only on account of wise statesmanship of Dr. Soekarno, that unity of the country has been maintained. Like Pt. Nehru, he has won the affection of the people. He had to set up an extra-parliamentary Cabinet to tide over the controversy created by the regional military leaders. There have been "deep internal divisions and conflicts between the constituent parts of the Indonesian Republic. A weak Central Government has constantly had to fight local and regional rebellions and secession movements."<sup>6</sup> Despite internal dissensions, Indonesia has been very active in Asian affairs. She is one of the five Colombo Powers, who plan to have a common policy for South Asia. The other Colombo powers are Pakistan, India, Burma and Ceylon. Indonesia took an active part in organising the Bandung Conference which was attended by 29 countries of Asia and Africa. As the Cambodian delegate observed during the general debate in the 11th session of the Assembly, "It marked a new starting point in relations between the peoples of Asia and Africa, on the one hand, and the peoples of Western culture, on the other. It gave rise to a new psychology which imbued international relationship with the will for peace and with the desire for co-operation of the Afro-Asian peoples with the rest of the world."<sup>7</sup> In Malaya the Communists are still harassing the govt. Peaceful conditions have not been restored as yet. Francis G. Carnell compares South-East Asia to "the Balkans after the collapse of the Hapsburgs." The comparison is not wholly true. Conditions are not so bad. Everywhere minorities after independence want a pound of flesh. They want to extract as many concessions as possible. Sometimes minority revolts are fostered by interested imperial powers. It is in their interest if tension continues in the country. India also had to face a lot of problems at the time of transfer of power. The British announcement of the lapse of sovereignty prompted some states to claim sovereignty and desire their independence. Travancore was one such native state. Had the Maharaja of Kashmir acceded to India on 15th August, 1947, there would have been no problem of Kashmir today. It

<sup>6</sup> W. Friedmann : *An Introduction to World Politics*, 1956, p. 307

<sup>7</sup> *United Nations Review*, January 1957, p. 56,

was the work of Sardar Patel which led to the unification of the country under a single banner. Rightly the *London Times* has observed that Sardar Patel's achievements were greater than *Bismarck's*.

It is now the duty of South-East Asian Statesmen to realize the gravity of the times and to put their house in order. If it is divided they are bound to fall a prey to the outside powers. National weakness is an invitation for foreign-ers. Small countries can not resist outside pressure. Their economic and military strength is always dependent on outside help. The position of South-East Asia is a delicate one. Its boundaries touch the Communist frontiers for thousands of miles. It has, therefore, become a concern of the Cold War. It has become a playground of international politics. The region has assumed a new significance under modern conditions. It has become "a key cross-roads between South Asia, East Asia, and the West, and international market-place and a meeting ground of countless cultures and all the great religions." (F. G. Carnell) It has become a rallying point for the concentration of Western interest. Strategic position of South-east Asia has given her an added importance. "Whoever controls the Straits of Malacca and Singapore dominates a sea route and strategic key point that is comparable in importance with the Panama Canal."<sup>8</sup> Communism has to be "contained" through the back door of South East Asia. Britain and the U.S.A. have built up a collective defence organization for the defence of the area. A Conference for this purpose met at Manila in September, 1954. Australia put forward suggestions for giving a proper shape to the proposed defence organization. After some discussion it was decided that the organization was formed to face aggression in any quarter and of any type. It was not to meet Communist aggression only. Thus a broader interpretation was given to the word "aggression". The U.S.A., U.K., France, the Philippines, Thailand, Pakistan, Australia and New Zealand signed the SEATO treaty on September 8, 1954. The eight-power treaty provided for mutual development of economic and defence measures. The treaty included an undertaking to counter armed attack, according to each country's constitutional processes, and mutual consultation in case of threat of armed attack in a particular country. Its Govt. was to be consulted. The treaty made a provision for the setting up of a Council to implement the terms of a treaty. A protocol was also attached to the treaty. According to the protocol, Cambodia, Laos, and Vietnam were included in the area which was to be defended by the joint efforts of the powers concerned.<sup>9</sup> On the same date, that is, September 8, 1954, the signatories to the treaty signed the Pacific Charter<sup>10</sup> at Manila. In order "to establish a firm basis for common action to maintain peace and security in South East Asia and the South-West Pacific", and "inspired by the highest principles of justice and liberty", the delegates of the 8 nations proclaimed "First, in accordance with the provisions of the United Nations Charter, they uphold the principle of equal rights and self-determination of peoples and they will earnestly strive by every peaceful means to promote self-govt. and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities; Second, they are each prepared to continue taking effective practical measures to ensure

<sup>8</sup> Lennox A. Mills: *The New world of South-east Asia*, p. 6.

<sup>9</sup> *The Year Book of World Affairs*, 1955, p. 144.

<sup>10</sup> Miscellaneous No. 31 (1954), Cmd 9299

conditions favourable to the orderly achievement of the fore-going purposes in accordance with their constitutional processes; Third, they will continue to cooperate in the economic, social and cultural fields in order to promote higher living standards economic progress and social well being in this region; Fourth, as declared in the South-East Asia Collective Defence Treaty, they are determined to prevent or counter by appropriate means any attempt in the treaty area to subvert their freedom or to destroy their sovereignty or territorial integrity."

## BOOK REVIEWS

MAJOR GOVERNMENT OF ASIA By H. C. Hinton, Nobutaka Ike, Norman D. Paimer, Keite Callarad and George McT. Khain—pp. 607 and Edited by G. McT. Kahin, Cornell University Press, Ithaca, New York, 1958; Price—\$ 7.25

This neat and well-bound volume constitutes a study by five American Professors in Comparative Government of five major States of Asia—China, Japan, India, Pakistan and Indonesia. Though the emphasis is mainly on contemporary scenes, the authors have made their works thoroughly understandable by providing the reader with a historical background of each of the countries dealt with. The working of the several governments has been delineated in the context of the socio-economic forces operating on them, bringing out clearly the implications of their domestic and foreign policies.

It is expected that the work will serve as an excellent handbook introducing the major Asian countries to Western students who desire to carry on further studies in these fields later on. Of particular interest to them will be the bibliography attached at the end of each section. The learned authors may well be congratulated on their able handling of so vast a historical canvas within the short space of 600 pages.

Krishna P. Mukerji

THE ORGANISATION OF THE GOVERNMENT OF INDIA Issued by the Indian Institute of Public Administration, New Delhi (Asia Publishing House, 1958), pp. XII+416. Price Rs. 20.00.

The importance of the study of the machinery and technique of administration at different levels has obviously assumed great significance in Independent India. More than five years ago, Professor Ruthnaswamy wrote his pioneer book *Principles and Practice of Public Administration* as it obtained at higher levels in our country. His work though well worth reading, was unavoidably inadequate in many respects. In the absence of any good and authoritative publication like the one under review, students of administration as well as the reading public, were under a very serious handicap. In the *Introduction* Mr. Bapat has rightly observed: "Teachers and students of Political Science and Public Administration in India have hitherto laboured under a severe handicap in that there was no convenient source to which they could refer for full and up-to-date information regarding the organisation and functions of the machinery of our government. This volume is intended to fill the gap in so far as the Union Government is concerned, especially its top organisation." The present publication, therefore, is very useful and welcome, and the Indian Institute of Public Administration in general and Mr. Bapat, who planned and directed the work, in particular, deserve to be congratulated.

The book has been divided into three parts. The first part deals with constitutional development of the country, salient features of the constitution of India and the growth of Departments and Ministries in the Government of India. The portion on constitutional development though well-written is much too brief. One is at a loss to understand how it contributes to the usefulness of the book. Similarly the salient features of the Constitution of India, could be studied elsewhere more adequately. The value of the book would have been considerably enhanced, if instead of these chapters, some space had been devoted to the discussion of general principles and processes of the Central Indian

Administrative Organisation of India. The last chapter of this part is of considerable utility. It tells us generally how various departments and Ministries have come into existence and developed since the beginning of the Company's rule to the present day. It may not be out of place here to point out that this aspect needs considerably more detailed description than attempted in the book.

Probably the most useful portion of the book is, its second part. It deals with Central Ministries and Departments taking each of them separately, with particular reference to their origin and growth as also their organisation and function, including things like composition and functions of advisory bodies. A chapter has also been devoted to the Planning Commission which deals with its historical background, organisational set up and working. This part also includes useful chapters on the Union Public Service Commission, Indian Audit and Accounts Department and the Election Commission.

It is true that this part gives to the reader a lot of hitherto unavailable information. But a study of this type raised the hope that it would give the reader some insight into the inner working of the methods and procedures of various Departments and Ministries — an insight, which for instance, one gets to a limited extent, in Appleby's two Reports, one on the *Public Administration in India* (1953) and the other on the *Re-examination of India's Administrative System* (1955).

The last part is devoted to :—

- (i) Financial Administration,
- (ii) Service Structure and Staffing, and
- (iii) Working conditions.

In the chapter on Financial Administration, Fundamental features, financial entitlements and budget cycle have been discussed. In the last chapter a summary of systems of pay, all kinds of leave rules superannuation and disciplinary procedure has been incorporated.

A distinctively good feature of the book is its charts which are very helpful in understanding the structure of various organisations.

On the whole, "The Organisation of the Government of India" should be hailed as a very useful work. The book is descriptive in nature; the source material is "drawn heavily" from various documents of the Government. The book fills an important gap in that it is an essential pre-requisite for detailed, critical and analytical studies.

The publication of the book under review should be welcomed from another standpoint also. It is a result of the fruitful co-operation between the Union Government and the Indian Institute of Public Administration. Thus the Publication of this book ushers in an era of collaboration between practitioners and scholars of public administration in India. Such ventures, as Dean Appleby remarked, "will keep the academician from straying too far toward unreality and misunderstanding and the practitioner from too exclusive immersion in day to day necessities."

The printing and get-up of the book are excellent, though price a little prohibitive.

K. P. Misra

## DIGEST OF CASES OF CONSTITUTIONAL AND ADMINISTRATIVE IMPORTANCE.

By

Krishnapriya Loomba and Ramadhikari Sharma

- Preamble** — **Unconstitutionality of legislature** — Practice. *Aluminium Corporation of India Ltd. V. Regional Fund Commission* (A. I. R. 1958 Cal. 579).
- Preamble & Art 143, Part III (General)** — **Unconstitutionality of legislation** — Legislation by State to implement Directive Principles Legislation cannot override fundamental rights — Principle of harmonious construction to be followed. *In re the Kerala Education Bill 1957 Special Ref. No 1 of 1958* (A. I. R. 1958 S. C. 956).
- Part IV (General) Arts 245 & 246**
- Arts 5 - 7** — **Rights of Citizenship of Certain migrants to Pakistan** — Scope - Change of Nationality proof - Passport and Visa - Probative value of *Dawood Ali Arif V. Deputy Commissioner of Police*. (A. I. R. 1958 Cal. 565).
- Arts 5 - 19** — **Citizenship at the Commencement of the Constitution** — Foreign Company - Right under Art. 19. *Sewpujanrai Indrasanarai Ltd. V. Collector of Customs* (A. I. R. 1958 S. C. 845).
- Arts 13, 14, 19 (1) (g) & 226** — **Laws inconsistent with or in derogation of the Fundamental Rights** — Refusal of Government to deal with blacklisted contractor - No infringement of Fundamental right or rule of law - Applicability of Arts. 14 and 226 and of principles of Natural justice. *K. Bhaskaran V. State of Kerala* (A. I. R. 1958 Ker. 333).
- Art 13 (2)** — **Laws inconsistent with or in derogation of the Fundamental Rights** — Implementation of Directive Principles and Fundamental Rights - Harmonious Interpretation - *Mohd. Hanif Qureshi V. State of Bihar* (A. I. R. 1958 S. C. 731).
- Arts 14, 19, 25 & 48** — **Equality Before Law** — Reasonable classification - Test - Presumption in favour of Constitutionality - Reasonable restrictions - who is to decide reasonableness. *Mohd. Hanif Qureshi V. State of Bihar*. (A. I. R. 1958 S. C. 731)
- Preference between Universities. *Mrs. Meena Y. Tarkas V. The University of Madras*. (A. I. R. 1958 Mad. 494).
- Scope. *Chandappa Sadruddin Ansari* (A. I. R. 1958 Mys. 132).



- Orissa Co-operative Societies Act (1952) Ss. 133, 73 - Validity. *Bharat Naik V. Assistant Registrar Co-operative Cuttack* (A. I. R. 1958 Orissa 217).
  - Civil Servants - Direct recruits and promoted candidates - Medical Fitness - Difference in Instructions relating to - Validity. *Khemchand Tejwani V. State of Rajasthan* (A. I. R. 1958 Raj. 242).
  - Refusal to promote on ground of inefficiency - Kashmir Civil Services Rules, R. 25. *R. K. Kane, V. The State of Jammu and Kashmir* (A. I. R. 1958 J & K 43).
  - S. 3 of Madras Hindu Religious and Charitable Endowments Act (1951), S. c - Validity. *A. S. N. S. Naina Pillai Marakayar V. State of Madras* (A. I. R. 1958 Mad. 532).
  - Cr. P. C. (1898,) S. 267 (4) - Validity. *In re Govinda Reddy* (A. I. R. 1958 Mys. 159).
  - Validity of R.7 Regulations of the Board of Secondary Education Mydhy Pradesh. *Chandrakant Shamsunderlal Sharma V. Secretary Vidarbha Board of Secondary Education, Nagpur* (A. I. R. 1958 Bom. 433).
  - Reasonable classification - Graduated rates of Income tax - Whether arbitrary - Constitutionality of Finance Acts, 1951 and 1954. *Sukhlall Chandanmull V. A. C. Jain* (A. I. R. 1958 Cal. 669).
  - Income-Tax Act (1922), S. 46(2) Proviso - Constitutionality - Provision of alternative procedure - Does not contravene Art 14 of the Constitution. *Kashiram Agarwalla V. Collector of 24 Parganas* (A. I. R. 1958 Cal. 524).
  - Mysore Sales Tax Act (1948), S. 22 - Constitutional Validity. *State of Mysore V. K. Mohamed Ismail* (AIR, 1958 Mys. 143).
- Arts 14, 19 & 45 — Travancore Education Code (1909), Rr. 146(a) and (g), 145 (4) - Madras Grant-in aid, Code, Rs. 2. - Madras Elementary Schools Rules, Part II Chap. I, R. 14 - Grant-in-aid - Legal right to - Right under article 19 (1)(f), if infringed - Discrimination - 19 (1) (g) and 14 and 13. *Rev. Fr. Joseph Valamangalam V. State of Kerala* (A. I. R. 1958 Ker. 290).
- Bengal Agricultural Income-Tax Act (4 of 1944) S. 7 (1) - Classification under Section is not discriminatory - Classification is reasonable and is related to object of Act. *Mrs. Prative Samal V. Agricultural Income Tax Officer and another* (A. I. R. 1958 Cal. 585 d).

- Houses and Rents - Madhya Pradesh Government Premises (Eviction) Act (1952) S. 3 - Whether unconstitutional. *George Solomon V. "Competent Authority" under Madhya Pradesh Government Premises Eviction Act 1952 and another* (A. I. R. 1958 Madh Pra. 330).
  - Sales Tax - Madras General Sales Tax Act (1939) S. 16 A - Validity - Section is *intra vires* State Legislature - Does not contravene Arts 14 or 21 of Constitution Cr. P. C. *The Public Prosecutor V. V. M. Ramalingam Pillai* (A. I. R. 1958 Mad. 544).
- Arts 14, 29, 30 (2) 45 & 337 — Kerala Education Bill (1957) - Constitutional validity - Right of minorities to establish and maintain educational institutions - Right to state aid and recognition - Restrictions on - State legislation extending to whole of State - Applicability to pre-constitution educational institutions Scope and ambit of Art 30 (1). *In re Kerala Education Bill 1957 Special Ref. No. 1 of 1958* (A. I. R. 1958 S. C. 956).
- Arts 14 & 15 — Elections - Representation of the People Act (1951) Ss. 32, 33 - Filling of separate nomination for reserved and general seat. *Dippla Suri Dora V. V. V. Giri and others* (A. I. R. 1958 Andh Pradesh 724).
- Art. 15 — **Prohibition of Discrimination on grounds of religion, race, caste, sex, or place of birth.** Admission into education institutions - Reservation of seats for backward classes Principle of selection. *Puppala Sudarsan V. The State of Andhradesh* (A. I. R. 1958 Andh. Pra. 569).
- Art 19 — **Protection of certain Rights regarding Freedom of Speech etc.** - Contempt of Courts Act (1952) S. 3 - Reports in Newspapers - Jurisdiction of High Court - Nature of - Freedom of Press - Extent of. *Leo Roy Frey V. R. Prasad* (A. I. R. 1958 Punjab 377).
- Reasonable restrictions - What is to decide reasonableness - Constitution of India, Art. 19 (1) (g) and (h) - *Mohd Hanif Qureshi V. State of Bihar* (A. I. R. 1958 S. C. 731).
  - Right of Association - Reasonable restrictions - Rules 80 (a), 81 and 82 of Government Servants Conduct Rules - Validity of - *Divakaran Nair V. State of Travancore Cochin* (A. I. R. 1958 Ker. 283).
  - Bihar Mica Act, 1947, Ss 6(6) and 17 (3) - Validity - Provisions do not violate Art 19 (g) - Art 19 (1) (f) and (g) and Art 19(5) and (6). *Sri Kant Lal V. State of Bihar* (A. I. R. 1958 Patna 496).

- **Orissa Co-operative Societies Act (11 of 1952)** S. 133 - Validity. *Bharat Naik V. Assistant Registrar, Cooperative Societies Cuttack*, (A. I. R. 1958 Orissa 217).
- Respondent whether can complain of violation of Fundamental Rights - *Sewpujanrai Indrasanrai Ltd. V. Collector of Customs* (A. I. R. 1958 S. C. 845).
- Arts 19 & 47** — **Punjab Opium Rules (1957)** - Validity - Regulation - Meaning - Whether includes total prohibition. *L. Arjan Das Duggal V. State of Punjab* (A. I. R. 1958 Punjab 400).
- **Minimum Wages Act (1948)**, S. 5 (2) - Fixing of - *Jamwant Rai Beri V. State of Punjab* (A. I. R. 1958 Punjab 425).
- **Act of State** - Acquisition of territory - Relationship between Citizens of acquired territory and sovereign of acquiring territory - Covenant between East Punjab States to form Patiala Union - Obligations of covenanting States. *M/S Dalmia Dudri Cement Co. Ltd. V. Commissioner of Income Tax* (A. I. R. 1958 S. C. 816).
- **Municipalities** - Assam Municipal Act (1 of 1923), S. 40 - Validity of - *Huralal Poddar V. The Municipal Board Dibrugarh* (A. I. R. 1958 Assam 156).
- **Motor Vehicles Act (1939)**, Ss. 47 (1) (a) and (f) and 47 (3) - "Interest of Public Generally", construction - Nationalization and Congestion, *Recognition of Naib Transport (P) Ltd. V. S.N. Mukherji* (A. I. R. 1958 Cal. 652).
- Art 20.** — **Protection in respect of conviction for offences** - Constitution of India, Art. 20 (3) - S. 342 Cr. P. C. Taking Thumb Impression of accused - Validity. *In re Govinda Reddy* (A. I. R. 1958 Mys. 150).
- Art. 22** — **Protection against arrest and detention in certain cases** - Cr. P. C. (1898), Ss. 167, 344 and 498 - Remand to Police Custody - Conditions for - Offence under Official Secrets Act-Bail-Grant - of - *Safulla, V. The State of Tripura* (A. I. R. 1958 Tripura 34).
- Art 25** — **Untouchability Offences Act (1955)**, S.3 - Scope - Jain temple confined to Jains alone - Right of untouchables to enter. *State V. Puran Chand* (A. I. R. 1958 Madh. Prad. 352).
- Arts 25 & 26** — **Freedom to Manage religious affairs (26)** - Scope - Power of legislature to make law with regard to religious matter or property possessed by religious institutions. *The State of Madhya Pradesh V. Mother Superior Convent School* (A. I. R. 1958 Madh. Pra. 362).

- Art 31 (2)** — **Compulsory Acquisition of Property** - Ranchi District Aboriginal Rityats Agricultural Lands Restoration Act (1958) S. 4 is ultra vires. *Julius Oraon V. Mt. Seniaro* (A. I. R. 1958 Pat. 519).
- **Compensation** - Assam Land (Requisition and Acquisition) Act (1958), S. 7 (3) and (4) - Validity - Public Purpose - If provided for *Nandeswar Chakravarty V. State of Assam* (A. I. R. 1958 Assam 140a).
- Arts 53 & 77** — **Executive Power of the Union** - Cr. P. C. (1898) S. 197 - Form of sanction - Sanction signed by the Secretary to Government - Validity - Penal Code (1860), S. 409 *In re. K. Jayaram Iyer Accused Petitioner*, (A. I. R. 1958 Andh. Pra. 643).
- Art 74** — **Council of Ministers to aid and advise President** - "Aid and Advise" - Meaning - *In re. K. Jayaram Iyer accused Petitioner* (A. I. R. 1958 Andh. Pra. 643 b).
- Arts 105, 194 195 & 208** — **Powers, Privileges, etc. of the Houses of Parliament and of the members and Committee thereof** - and limitations thereof - Reference to American Precedents - Rules of Procedure and conduct of business (Art 208) - Speaker's right to the notice of contempt and commit person therefor - Speaker as authority before privilege committee in absence of resolution by House. *Harundra Nath Barna V. Dev. Kanta Barna* (A. I. R. 1958 Assam 160).
- Art 124 (a)** — **Establishment and Constitution of Supreme Court** - Judicial Commissioner - Whether can act as arbitrator without President's permission - Judicial Commissioners Court (Declaration as High Courts Act (1956) S. 6 a). *Nooroiban Bira Singh* (A. I. R. 1958 Manipur 38 b).
- Arts 132, 134 136 & 225** — **Appellate Jurisdiction of Supreme Court in appeals from High Courts in certain cases** - Appeal in Criminal Cases High Court Rules and Orders - Validity - *Gora Lal and others, Appellants V. State Opposite Party* (A. I. R. 1958 All 667 (a)).
- Art 133** — **Appellate jurisdiction of Supreme Court in appeals from High Courts in regard to Civil matters** - Civil proceeding-Meaning of - Question whether respondent could be declared as elected. *V. V. Giri V. Dippala Suri Dora* (A. I. R. 1958 Andh. Pra. 642).
- Judgment, decree or order - Decision in appeal under S. 19 (1) (f), Defence of India Act (1939) - Letters patent (Nagpur) Cl. 29. *Hanskumar Kishan Chand V. The Union of India* (A. I. R. 1958 S C 947).

- Arts 133 & 226. — "Judgement" and "Final Order" - Test - *M/s Bhagwan Dass & Co. Private Ltd. V. The Income Tax Officer, Dehradun* (A. I. R. 1958 All. 800).
- Art 135 — **Jurisdiction and powers of the Federal Court under existing Law to be exercised by the Supreme Court** - Federal Court (enlargement of Jurisdiction) Act (1958) S. 3 (a) (1) - Scope - Constitution of India Art. 135. *Union of India V. Hanskumar Kishan Chand* (A. I. R. 1958 S.C. 947 b).
- Appeal by special leave - Interference with discretion of Courts below - *Razia Begum V. Sahebzadi Anwar Begum* (A. I. R. 1958 S. C. 886 b).
- Art 141 — **Law declared by the Supreme Court to be binding on all courts**, Conflicting High Court decision - Later Supreme Court decision - Reference to Full Bench, - *Sachindra Nath Mukherji V. The State of West Bengal* (A. I. R. 1958 Cal. 570 d).
- Precedents - Privy Council decision - Obiter dicta - Binding effect - *Dass Bank Ltd. V. Smt. Kali Kumari Debi* (A. I. R. 1958 530 b).
- Art 143 — **Power of President to consult Supreme Court** - Advisory jurisdiction of Supreme Court - Ambit and Scope - Opinion on questions relating to contemplated legislation - *In re. Kerala Education Bill, 1957, Special Ref. No. 1 of 1958* (A. I. R. 1958 S. C. 955 a).
- Arts 154, 161 & 162 — **Execution power of the States, Power of Governor to grant pardons etc. and to suspend, remit or commute sentences in certain cases, extent of the Executive powers of the State** - Exercise of Execution power. *Mohd Azam V. State of Hyderabad* (A. I. R. 1958 Andh. Pra. 619 b).
- Arts 162 & 73 — **Kerala Education Bill** submitted for assent of President - Execution order embodying provisions of bill - Validity. *Rev. Joseph Valamangalam and others, Petitioners V. State Kerala, Respondent* (A. I. R. 1958 Ker. 290 h).
- Art 166 — **Conduct of business of the Government of a State** Notification in the name of Governor - *Jaswant Rai Beri V. State of Punjab* (A. I. R. 1958 Punjab 425 g).
- Art 173 — **Qualification for the membership of the State Legislature Elections** - Disqualifications on ground of non-age - Votes cast in favour of candidate disqualified on ground of non-age - if can be treated as thrown away votes and the next candidate if can be declared elected - Doctrine of "Thrown away votes" - Applicability. *Jugadanand Roy V. Rabindra Nath Sikdar* (A. I. R. 1958 Cal. 533 C).

- Elections - Representation of the People Act (1951), Ss. 36 (2) and (4) and 100 (1) (c) - Nomination paper - Omission to mention age of candidate - Evidence to testify age not produced - Rejection of nomination paper held not improper. *Pt. Charanjit Lal Ram Sarup V. Lehari Singh Ram Narain* (A. I. R. 1958 Punjab 433 a).
- Art 191 — **Disqualification for membership**—Office of profit under the Government - Office of Sarabarakar - *Raghunath Misra V. Kishore Chandra Deo Bhanj* (A. I. R. 1958 Orissa 260 b).
- Arts 202-266 — **Annual Financial Statement and consolidated funds and Public Accounts of India and of the States**—Land Revenue. *S. Gopalan, V. State of Madras* (A. I. R. 1958 Mad 539 b).
- Arts 208-226 — **Power of the High Courts to issue certain writs**—Rules of procedure and conduct of business, their interpretation. *Harandranath Barua V. Devkanta Barua* (A. I. R. 1958 Assam 160 e).
- Art 215 — **High Courts to be courts of record**—Contempt of courts Act, (1952) S. 1. -- Contempt of court - Nature of—Civil or Criminal - Order for contempt whether appealable. *Dulal Chandra Bhar V. Sukumar Barner Ji* (A. I. R. 1958 JCal. 474).
- Arts 217, 218, 219 & 224 (a) Sch. 2 Part D — **Appointment and condition of the office of a Judge of High Court** *Naoroibam Bira Singh V. Waikhom Leirenjao Singh* (A. I. R. 1958 Manipur 38.)  
Rr. 10 (1) & (11)
- Art 225 — **Jurisdiction of existing High Court**—Power of High Court to grant bail to or suspend execution of sentence of convicted person who has been granted certificate under Art 134 (1) (a) or Art 132 (1). *Gora Lal V. State* (A. I. R. 1958 All 601.)
- Art 226 — **Power of High Courts to issue certain writs**—Rules of Natural justice if not observed - Validity of assessment - *Mahadaya Prem Chandra V. Commercial Tax Officer, Calcutta* (A. I. R. 1958 S.C. 667 a).
- **Mandamus** - Appointment as overseer of petitioner by Municipal Board - Writ on State Government directing approach. *Mohd. Ali V. State of Uttar Pradesh* (A. I. R. 1958 All. 681).
- **New plea of Jurisdiction** — Error apparent on face of record *Belsund Sugar Co. Ltd. V. The Labour Appellate Tribunal of India* (A. I. R. 1958 Cal. 456 b).

- Certiorari - Jurisdiction - Wrong assumption of Jurisdiction by Industrial Tribunal—Interference under Art. 226. *D.P. Dunderde V. G.P. Mukherjee* (A. I. R. 1958 Cal. 465 a.)
- Government altering or putting wrong Interpretation on Government servants Conduct Rules - Mere Irregularity - No writ application lies - (Government Servants Conduct Rules, R. 1) - *Divakaran Nair V. State of Travancore Cochin* (A. I. R. 1958 Ker. 283).
- Election dispute - Challenging of election on ground of defective rolls - Remedy provided by Rules - Maintainability of writ petition - Existence of alternative remedy - Effect. - *Lekh Raj V. The Cantonment Board, Jullundur Cantonment*—(A. I. R. 1958 Punjab 356 c).
- Writ petitions against interlocutory order - Order made in election petitions - *Chayar Ali Khan V. Mahesh Chandra*—(A. I. R. 1958 All. 719).
- Mandamus - Writ when issued - Right to seek directions - Infringement of legal right - Anticipatory breach of right. *N. - Peer Sahib V. The State of Andhra Pradesh represented by the Secretary, Department of Industries and Labour, Hyderabad*—(A. I. R. 1958 Andh. Pra. 632 a).
- Interference under - No interference where it would cause unjust enrichment to municipality - Appellate Court allowing extension of time for filing appeal - Interference with order, *Municipal Committee, Sagar, V. Board of Revenue, M. P. Nagpur*—(A. I. R. 1958 M. P. 308).
- Order of Election Tribunal Striking off matter from election petition and refusing to amend it - Interference - *Chunni Lal Ken Budha Ram V. Shri Radhacharan Baldeo Prasad*—(A. I. R. 1958 M. P. 313).
- Circumvention of order under Art 226 - Writ against administrative tribunal - Order of Administrative Tribunal passed during pendency of writ proceedings - Validity - Natural justice - Bias. *P. Kesava Rao Naidu V. Director of P & T Andh. Circle, Kurnool*—(A. I. R. 1958 Andh. Pra. 697 f).
- Writ of Certiorari - Issue of - Beyond territorial limits. *In re. T. S. Nagiswar Rao*—(A. I. R. 1958 A. P. 717).
- Who can apply - *Haralal Poddar, V. The Municipal Board Dibrugarh*—(A. I. R. 1958 Assam 158 c).
- Duty of High Court to realise constitutional limitation within which it has to function - *Harundranath Barua V. Devkanta Barua*—(A. I. R. 1958 Assam 160 b).

- Arts 226, 310 & 311 — Wrongful dismissal of Public Servant - Service terminated on receipt of unsatisfactory report from police - Interference by High Court - Writ of mandamus - Writ to earn damages - *Subrata Kumar Chatterji V. Deputy Chief Accounts Officer, Eastern Railway*—(A. I. R. 1958 Cal. 654 b).
- Art 266 — Writ petition - Effect of delay - Territorial jurisdiction - Lower tribunals order invalid *ab initio* - Effect - Error in decision - When can be quashed by Certiorari - Error on face of record - What is - *Arthur Import & Export Co. V. Collector of Customs Cochin*—(A. I. R. 1958 Ker. 357 c).
- Arts 226 & 227, 246, Sch. 7 List III. — Who can apply - (Madhya - Pradesh Public Trusts Act (30 of 1951), pre and Ss. 4, 5 and 8 - Scheme of - Power of legislature to legislate with regard to religious institutions treating them as public trust - *The State of Madhya Pradesh V. Mother Superior convent School*—(A. I. R. 1958 M. P. 362 a).
- Finding of facts - Power of High Court - Jurisdiction based on existence of certain facts - Findings can be reviewed under Art. 227 - (Tenancy Laws - C. P. Tenancy Act (II of 1920) S. 40- *Smt. Sonabai W/o Laxminarayan V. Board of Revenue*—(A. I. R. 1958 M. P. 368 a).
- Error apparent on fact of record (Municipalities - Madhya Bharat Municipalities Act (1954) S. 208 - Supersession of Municipality - *Maursinha V. State of M. P.*—(A. I. R. 1958 M. P. 397 h).
- Election dispute - Interference with Interlocutory order of Election Tribunal. *M. A. Muthiah Chettiar V. Ganesh* (A. I. R. 1958 Mad. 578 a).
- Nature and scope of power - Election petitions - Interference with Interlocutory order. *Pratap Singh Kairon V. Gurmej Singh* (A. I. R. 1958 Punjab 409 c).
- Art 245 — Extent of laws made by Parliament and by the Legislature of States - Delegated legislation - Ss. 3, 5 of Madras Hindu Religious and Charitable Endowments Act. (19 of 1951 - Validity. *A. S. N. S. Naini Pillal Marakkayar V. State of Madras* (A. I. R. 1958 Cal. Mad. 532).
- Art 216 — Subject matter of laws made by Parliament and by the Legislatures of States - Sales Tax (Bengal Finance (Sale Tax) Act (1941) as extended to Delhi, S. 2 (b) - *Mithan Lal V. State of Delhi*—(A. I. R. 1958 S. C. 682).
- Statute enacted under- *Mohd. Hanif Qureshi V. State of Bihar* (A. I. R. 1958 S. C. 731 b)

- Legislation on matter of taxation in respect of agricultural income -- Executive right of State - Extension of meaning of Agricultural Income S. 7 (1) Bengal Agricultural Income Tax Act - Constitutional Validity. *Mrs. Pratiya Sasmal V. Agricultural Income Tax Officer* (A. I. R. 1958 Cal. 585 b).
- Arts. 246, 265 Sch. 7, List 2, Entries 59, 66 & 28 — Markets - Legislation on tolls and fees - Validity of Assam Municipal Act, S. 140 (1923) — *Haralal Poddar V. The Municipal Board, Dibrugarh* (A. I. R. 1958 Assam 156 b).
- Art 248 — Residuary powers of legislation—Sales Tax. *Mithal Lal F. State of Delhi* (A. I. R. 1958 S.C. 682).
- Art 246 & 254 — Inconsistency between laws made by Parliament and laws made by the Legislatures of States—Bihar Mica Act (1947) 10 of 1948, S6 (6). *Srikanta Lal V. State of Bihar* (A. I. R. 1958 Pat. 496).
- Scope - Repugnancy of State Law relating to State List to Union Law - Art 254 does not apply—*State of Mysore V. K. Mohammad Ismail* (A. I. R. 1958 Mys. 143 a).
- Art 258 — Power of the Union to confer powers etc. on State in certain cases—Foreigner's Act (1949) Ss. 3 and 12 - Power to order foreigner to leave Indian territory - Delegation - Validity of—*Dawood Ali Arif V. Deputy Commissioner of Police* (A. I. R. 1958 Cal. 565 b).
- Art 261 — Public act, records and judicial proceedings—Executable order under S. 488 of Cr. P.C. in existence - Second Application for maintenance - Maintainability. *Ram Chandra Saudagar Ram V. Jiwan Bai* (A. I. R. 1958 Punjab 431 a).
- Retrospective operation - clause 3 - General - Pre-constitution judgements and decision. *Raj Rajindra Sardar Maloji Narsing Rao V. Shankar Saran* (A. I. R. 1958 All 775 g).
- Ex parte decisions by courts of Native State against non-resident Foreigners - Execution of. *R. R. S. M. N. Rai V. Shankar Saran* (A. I. R. 1958 All. 775 j).
- Arts 265 & 372 — Taxes not to be imposed save by authority of law continuance in force of existing laws and their adaptation—Assessment and levy of land revenue. *S. Gopalan V. State of Madras* (A. I. R. 1958 Mad 539).
- Wrong recitals in letters or correspondence - If can be declared null and void or Ultra vires - *N. Peer Sahib V. State of Andh. Pra* (A. I. R. 1958 Andh. Pra. 632 c).

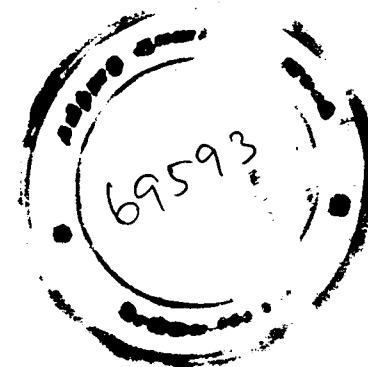
- Art 276 (2) — Taxes on professions, trades, callings and employments - proviso - Word "Tax" in proviso - "Rate or minimum rate" - explained - Rate of tax enhanced by municipality - Enhanced rate whether ultra vires, *Gaja Dhar Hirallal V. The Municipal Committee*—(A. I. R. 1958 Bombay 378).
- Art 281 — Restrictions as to imposition of tax on the sale or purchase of goods - Assessment for pre-constitution and post - Constitution period, *Sales Tax Officer, Cuttack V. M/s. S. B. C. Patel & Co.*—(A. I. R. 1958 S. C. 643).
- Sales Tax Validation ordinance and Sales Tax Laws Validation Act - Object of - Outside sales not covered by explanation to Art 286 (1) (a) - Effect of validating Act - Sales Tax - Sales Tax validating Ordinance (1956) Cl. (2) - *Birundra Nath Guha V. Commissioner of Taxes*—(A. I. R. 1958 Assam 119 i).
- "In the course of inter-state trade or commerce" - *Kerala Anecanut Co. V. State of Travancore Cochin* (A. I. R. 1958 Ker. 280).
- "For the purpose of consumption in that State" - *Birundra Nath Guha V. Commissioner of Taxes*—(A. I. R. 1958 Assam 119 g).
- Essential Supplies (Temporary Powers) Act 1956 is not law within meaning of Article - The Essential Goods (Declaration and Regulation of Tax or sale or purchase Act (52 of 1952) *Konduri Buchirajalingam V. The State of Hyderabad* (A. I. R. 1958 S.C. 756 d).
- Sales Tax—Sales Tax Laws Validation Act (1956)—Sale falling under explanation to Art 286 (1) (a) - Inter-State Sales Tax on. *Pashabhai & Patil Co. (P) Ltd. V. S. I. H. Razavi* (A. I. R. 1958 S. C. 903).
- Sales Tax - Tax on essential commodities - Interpretation of Statutes - Validity of Act - Intention of Legislature - *Firm of A. Gowrishankar V. Sales Tax Officer* (A. I. R. 1958 S. C. 883 a.).
- Art 295 — Succession to property, assets, rights, liabilities and obligation in other cases—Finance Act (1950) S 13 (a) - *A. N. Lakshman Sheony V. The Income Tax Officer* (A. I. R. 1958 S. C. 795 b).
- Art 299 — Contracts—Government Servants - Formal Contract - Necessity—*Runjit Kumar Chakravarty V. State of West Bengal* (A. I. R. 1958 Cal. 551 d).

- Arts 309, 310 & 311 — **Recruitment and Conditions of service of persons serving the Union or a State**—Spirit of constitution - Para 148, Railway Establishment Code - Validity - *The Union of India V. Askaram* (A. I. R. 1958 Ra 250 e)
- Art 311 — **Dismissal, removal or reduction in rank of persons employed in Civil capacities under the Union or a State** Reduction in rank when a punishment.—*Shambhoo Ji Srivastava V. State of U.P.* (A.I.R. 1958 All 656).
- Spirit of Constitution - Para 148, Railway establishment Code - Validity. *Union of India V. Askaran* (A.I.R. 1958 Raj 250 d.)
- Action under Art 311 (2) Proviso (c) - Power of court to enquire into question of satisfaction. *Muhammad Azam V. State of Hyderabad* (A.I.R. 1958 Andh. Pra. 619 a.)
- Person whether Government servant - Test to determine - *Kishori Lal Batra V The Punjab State* (A.I.R. 1958 Pun. 402 a) .
- Natural justice - proceedings under Art 311 (2) before Administration Tribunal - Bias - Effect - *K.N. Narayan Rao V. State of Andhra Pradesh* (A. I. R. 1958 (Andh. Pra. 636)
- Order of punishment - order by public service Commission debarring clerk from service - Validity - Principles of Natural Justice - (Travancore Cochin Public Service Commission Business Rules, R. 5)- *K.J. Antony V. Public Service Commission* (A. I. R. 1958 Ker. 352 a.)
- Art. 320 — **Function of public service Commissions**—Provision is directory and not mandatory - Regulations framed under S. 266 (3), Government of India Act (1935) - Regulations continue in force after 1950 - *Ngangham Tomli Singh V. The State of Manipur* (A. I. R. 1958 Manipur 35a)
- Art 324 — **Superintendence, direction and control of elections to be vested in an election commission**—Scope, *Motilal V. Mangal Prasad* (A. I. R. 1958 All. 794 d).
- Art 329 — **Bar to interference by Courts in election matters**—Elections. *Yeshwantarao Balwantarao Charan V.K.T. Mangalmurti* (A. I. R. 1958 397).
- Arts 330, 395, 372 & 366 (10) — **Reservation of seats for scheduled castes and scheduled Tribes in the House of the People.** *Dippalal Suri Dora V. V. V. Giri* (A. I. R. 1958 A. P. 724 d.
- Arts 332, 342 & 366 2). — **Reservation of seats for Scheduled Tribes and scheduled Castes in Legislation Assemblies of the States,**

**Scheduled Tribes & Definitions**—Constitution (Scheduled Tribes) Order 1950 Sch. I Part I, Assam Autonomous Districts - Khasi Tribe - Person born of English Father and Khasi mother - Whether a Khasi - Tests - Evidence - Person enlisting as a member of Auxiliary Force, if can be Khasi - Elections. (Representation of the people Act (1951), S. 100 (1) (c) - (Auxiliary Force Act (1920) (S. 4) - Constitution (Scheduled Tribes) Order (1950) Sch. I Part I - Assam - Autonomous Districts) - (Tribes - Khasi) - *Wilson Reade V. C. S. Booth* (A. I. R. 1958 Assam 128 a).

Arts. 395, 372 & 366 (10). — Letters patent - Repeal - *S. S. Nirmalchand V. Smt. Purmeshwari Devi* (A.I. R. 1958 M. P. 333).  
 Lagality - Validity - *Pandit Banarsi Das Bnanol V. The Sales Tax Officer* (A.I. R. 1958 S. C. 909).

— Tax on Sale of goods "Sale" - Interpretation of *M/S Commercial Credit Corporation Ltd. V. Deputy Commercial Tax Officer* (A. I. R. 1958 Mad. 561).



JL  
 Wm. N. S.  
 N. S. 19