

PRICES ARE LIKE WATER

M. R. Masani

IN my letter to *Encounter* magazine in London on October 30, 1975 (republished in the June 1976 issue of *Freedom First*) I had warned that, if certain changes in economic policy were not made, "inflation will again resume its stride after a short pause". In our editorial note on the Union Budget for the current year we had gone on to warn that the resort to deficit finance meant inflation being built into the Budget and that it would inevitably result in rising prices.

We did not have long to wait. Mr. Subramaniam, the Finance Minister, told the Lok Sabha on August 9 that there had been a 4.7 per cent rise in the wholesale price index between April and June 1976. A month later, the Governor of the Reserve Bank said that the index of wholesale prices at 311.3 on August 28 was as much as 10 per cent higher than the level five months ago on March 20, and that monetary expansion during the financial year had been running considerably ahead of last year—6.7 per cent compared with 3.5 per cent.

A couple of days earlier, speaking in Trivandrum on September 12, the Prime Minister had warned that "subdued inflation" was "just waiting around the corner to stage a comeback".

These grave warnings make it all the more necessary for all of us, Ministers and citizens alike, to consider some fundamental facts about the nature of prices and inflation.

Water is liquid and fluid. As a consequence, water finds its own level. We learn this in school through experiments in our elementary science class. There is water at the same level in two adjoining glass vessels and there is a rubber pipe connecting the two receptacles. When the water in one vessel is pressed down by force, the level of the water rises proportionately in the other vessel. When the Back Bay Reclamation scheme pushed the sea back along the coast of South Bombay, erosion by the sea on the beaches at Versova and Juhu did not take long to materialize.

As it happens, prices are like water. They are fluid, they insist on finding their own level; and are thus uncontrollable for long by artificial pressures.

The price of any particular commodity is determined by the demand for, and the supply of, that commodity.

If supply rises and demand does not, the price level drops. Conversely, if demand rises and the supply does not rise to meet it, the price level rises. It is as simple as that.

Similarly, the general level of prices in a country depends on the co-relation between the volume of currency or money in circulation and the total volume of goods and services in the country. If the volume of currency is static and the volume of goods and services increases, the price level drops. This is called deflation. When the quantity of goods and services is static and more money is put into circulation, the level of prices and the cost of living rise. This is called inflation.

Any attempt by administrative control to distort the laws of the market such as, for instance, the slogan about "stopping prices from rising" by administrative measures may work for a short while, but has no long term value. The only way to stop inflation is to avoid deficit finance, get investment priorities right and provide incentives to increased production.

In our August issue, in an editorial note entitled "Bread and Freedom", we had pointed out how, when Mr. Giersek had tried in Poland to raise food prices

(continued overleaf)

IN THIS ISSUE

Prices are on every one's mind these days. So the Editor reiterates some fundamentals on the subject and points out the ineffectiveness of cheapjack policies of price control.

It is not only from governments that the threat comes to freedom of the press. Dr. M. Mulidhar shows how in England the danger comes primarily from trade unions and their demand for a closed shop for journalists.

Peter Sager, author of the well known book *Moscow's Hand in India*, examines the pretensions of Angola and Mozambique to 'majority rule'.

There are book reviews by A. G. Noorani and S. V. Raju.

Our correspondence columns carry two interesting letters.

Between You & Me and The Lamp Post



Diamonds Are Forever

MR. Bhutto's sudden assertion of Pakistan's right to the Koh-i-noor diamond early in September this year started a controversy which was both interesting and amusing that has just been brought to an end. The demand for the diamond let loose a fascinating controversy in the letters column of the *London Times*, during which claims to the diamond also came in from India, Iran and Afghanistan.

It is to the credit of Sir Raghavan Pillai and Mr. S. A. Malik that they gave expression to the view that Indians would be well content if the diamond continues to adorn the crown of the Head of the

PRICES ARE LIKE WATER (contd. from p. 1)

by administrative diktat, it had led to workers striking and rioting, and the move had to be given up. Just as surely, when the trade is sought to be coerced by threats and penalties to keep prices of goods in short supply from rising, what happens is that the goods in question disappear from the market and find their way into what is described here as the 'black market' and in Soviet Russia as the 'free market'. On 15th October the *Times of India* had a headline "Vanapati In City Goes Underground". Somebody recently wrote that "inflation is not a Soviet word" because, he said, when there are no goods in the market, the question of prices going up does not arise!

In 1960 or 1961, when Prime Minister Jawaharlal Nehru told the Lok Sabha that in a developing economy a little inflation is a good thing, I told him across the floor a story about a price administrator during the World War II whose job it was to hold the price line. A naive visitor, not unlike Prime Minister Nehru, called on this harrassed official and made the same bright remark. At that the Price Administrator scratched his head, thought a little and observed: "May be, John, you are right, but you see a little inflation is like a little pregnancy, it keeps on growing." In 1974 it had grown to 30 percent a year.

Mr. Graham Hutton, the British Liberal economist, in his little book on 'Inflation and Society' makes this point in an amusing manner by comparing a government trying to regulate prices by administrative dictat to a lady who goes to a plastic surgeon. The double chin disappears after the operation but, when she gets home and stands in front of a multi-faceted mirror, she sees the darned thing has come out as a bump at the back of her neck!

Many centuries back, King Canute tried to order the waves not to advance, but the perverse waves simply would not listen. Mrs. Partington tried the same game much later with a broom, but that didn't work either. Politics except momentarily cannot defeat the laws of economics.

Commonwealth. Mr. Malik quoted Pandit Jawaharlal Nehru as saying "Diamonds are for emperors and India does not need emperors," and added from himself, "nor empresses."

Various views of the relevant historical developments were expressed but, since all good things must come to an end, so did this debate when the British Prime Minister, Mr. James Callaghan, wrote to Mr. Bhutto towards the end of September rejecting the request for the return of the Koh-i-noor diamond. "I need not remind you," he wrote, "of the various hands through which the stone has passed over the past two centuries, nor that the explicit provision for its transfer to the British Crown was made in the peace treaty with the Maharaja of Lahore which concluded the war of 1849."

Britain is today hardly in an economic state where it can cheerfully disgorge ancient treasures, grumbled Terence Malone, curator of the Crown jewels: "If we start giving back the spoils of war, we will be even poorer than we are now."

One of the reasons that actuated the turning down of Pakistan's request was that otherwise other claimants would probably have been found to form a long queue of foreign representatives outside the British Museum and other treasure houses, including those from Italy, Greece and Egypt.

Let us all rejoice at the end of the controversy and the elimination of a source of disruption of the Commonwealth. But, while it lasted, it was jolly good fun.

Black Racism Runs Amuck

ALL these years Mr. Ian Smith, Prime Minister of Rhodesia, has been discussed in the world press as if he were a city slicker. But now the boot would appear to be on the other foot.

At last, towards the end of September, Mr. Smith yielded to pressure from the United States, Britain and South Africa by agreeing to introduce majority rule in Rhodesia within two years provided there was an assurance of smooth transition and provided guerrilla warfare and sanctions against Rhodesia were immediately stopped. The whole world naively rejoiced, but not for long.

President Kaunda of Zambia and President Nyerere of Tanzania, who were party to the deal, had welcomed this development. But when they met their two fellow Presidents, the communist bosses of Angola and Mozambique, lo and behold, they suddenly discovered flaws in the agreement! They are not now prepared to wait for two years and object to the interim and transitional government in which the Whites will have enough representation to stop the Blacks from running amuck, as they have done in most of Black Africa.

It is obvious that the Kremlin, which has been publicly grinding its teeth in rage at Mr. Kissinger's success, has used its puppets in Angola and Mozambique to try and sabotage the settlement. The demand that Mr. Smith should hand over power here and now was not part of the deal Mr. Kissinger worked out. Presidents Kaunda and Nyerere appear to lack the strength to stand up to their counterparts in Angola and Mozambique who are responsible for a reign of terror over their own peoples with the help, in Angola, of Cuban mercenaries. Fine models of "majority rule" these!

It is clear that it is Mr. Smith who is now being double-crossed and it is good that the sense of fairness of the liberal *Guardian*, which has been a great champion of black power, has asserted itself. Its editorial on September 28 is published elsewhere in this issue.

The transfer of power is all very well, but there must be hands to receive it and preserve it. Otherwise Rhodesia will fall into the same anarchy and oppression to which the peoples of other "liberated" African countries are being subjected. Then in Rhodesia as elsewhere the sick joke that comes out of Africa would become current: "One man, one vote—once."

44 Year Pendulum

AS a result of the general elections in Sweden and West Germany, it would be true to say that socialism has been rejected by the more advanced nations and is tending to become the monopoly of the backward peoples of the world.

After forty-four years of socialist government, Mr. Palme and his socialists have been thrown out of office by the people of Sweden and a Liberal-Conservative-Agrarian coalition has taken over. In domestic policy this will mean an end to excessive controls and State Capitalism. The leader of the coalition has declared: "We are now going to lead Sweden, step by step, towards decentralization. We are going to break up power concentrations."

In international policy, there will be a welcome end to Mr. Palme's flamboyant style and pro-communist postures as when he had gone out of his way to support Communist aggression against South Vietnam. No longer can the Idi Amins of the Third World expect support from this champion of communist-inspired "liberation" struggles.

In West Germany, while the Social Democrats have managed to cling to office by the skin of their teeth, there is no denying that they have encountered a massive rebuff from the people and have been cut down to size, to be overtaken by the Christian Democrats with over 48 per cent of the vote and almost a clear majority. If the Social Democrats remain in office, it will only be because their FDP (Liberal) allies hold the balance of power. There can be no question that the CDU slogan: "Freedom in place of Socialism" has won the day.

On Nationalising Banks

THE difference between progressive and backward countries is well brought out by the way in which the British press and public have reacted to the left wing Labour proposal for nationalising the four leading banks and the bigger insurance companies. The City of London has rejected it unanimously, and the normally mild mannered Sir Geoffrey Howe, Tory Shadow Chancellor, has described it as "a blue print for the bankruptcy of Britain". "To conscript and commandeer the savings of the people, as this Labour party document suggests, would be compound inefficiency with grotesque injustice," said Sir Geoffrey.

Not only have public opinion and the press generally rejected this doctrinaire measure but even Prime Minister Callaghan, the leader of the Labour party, has snapped his fingers in the face of this move and publicly announced his intention not to let it become part of the Labour manifesto for the next elections.

Compare this with the way in which bank nationalisation was successfully imposed on this country by an Ordinance enacted by that rubber stamp President, Mr. Giri, on a Saturday afternoon in July 1969 when Parliament was to convene on Monday morning. It is true that the Supreme Court struck down the Ordinance but it was soon re-enacted in the form of a Bill by Parliament. Seven years having now passed, can anyone seriously maintain that bank depositors or the country have gained as a result of this measure? In the case of insurance, there has been a definite setback in the service that the public used to receive from private companies. The sooner banks and insurance companies are denationalised and competition restored in these services, the better for this country.

No Duel But....

WHEN Mrs. Margaret Thatcher last visited Delhi some years ago she was not Britain's likely Prime Minister. At a conference in Delhi she had a sharp passage of arms with Mrs. Indira Gandhi. This time she came as a guest of the Indian Government and received what the London *Times* described as "a muted Indian welcome." Hence no such duel between the two ladies could be expected.

But if any one thought that the Conservative leader would dilute her position on vital international issues they must be disappointed. As an Indian correspondent reporting her press conference in New Delhi on September 25 quipped: "She made no bones about her views." "I am very much aligned," she proudly claimed, and she was forthright in her criticism of the Soviet Government and justified the Diego Garcia base. When one of our naive correspondents asked her what kind of relationship she expected to have with the U.S.S.R. when she became Prime Minister, "a thoroughly realistic one" was her answer, and she added that it would depend on what sort of relations the Soviet Government wanted to have with her Government.

TRADE UNIONS AS PRESS CENSORS

M. Murlidhar

(The important issue discussed in this article was highlighted recently in England in remarks made by Mr. Maurice Green, President of the Institute of Journalists, at its annual conference in Sheffield on September 21, who pointed that every test of opinion had shown that readers want a genuine variety of viewpoints to be expressed in their newspapers and magazines and that they do not want to "have to choose simply between different editions of *Pravda*".)

A new type of threat to press freedom is to be found in certain democratic countries, that is the trade unions. Theoretically, any type of organization can offer a threat to individual freedom. Organized institutions whether it be a trade union or some pressure group can exert pressure on an individual to mould his attitude to their liking.

Democracy has recognized trade unionism as a legitimate bargaining instrument of workers. But of late what is the 'legitimate right' of workers has turned out to be a weapon against journalists and freelance writers.

The National Union of Journalists (NUJ) in Britain once demanded that the *Financial Times* should completely stop publishing the reports of a rugby football correspondent. The reason was not that he was not efficient, but because he was not a member of the union. When the correspondent concerned offered to become the member of the union, the trade union rejected his offer on the ground that "he doesn't earn enough of his income from journalism". Being a freelance writer and not a regular 'employee' he could not become a member of the union and, as he was not a member of the union he could not be allowed to write "regularly"! Thus "the talented man was to be denied the right to exploit his talent and the public the right to enjoy his talent, because of a series of rules designed to protect an industrial situation, and having neither appropriateness nor relevance in a creative activity". This sad story is told by Lord Goodman in an article in the *Political Quarterly* of April June 1976. It is not necessary to stress that the trade unionists had no strong case to make against the rugby correspondent. He was not a stooge of the management, he never helped to "break" a strike, his continuation would have in no way hampered labour's struggle for higher wages. His only "sin" was he was not and could not be the member of the union. That "he should be crushed to professional death under an industrial steam-roller too crude and too blunt to discriminate the special cases which are of such a vital importance in a civilised society" is a cause of serious concern to the notion of freedom of the press so vital to the survival of any democracy.

The cases of various organizations trying to encroach on the sphere of editorial freedom, and the equally determined effort of editors to safeguard press freedom make interesting reading. A whole new kind

of 'censorship' is being imposed on the press not from 'without' but from 'within'. Labour prevented editors from publishing an item not to their liking.

John Crawley clearly says: "If workers stop a paper from coming out in a dispute over pay or conditions they are not seeking to exercise censorship. But they are doing so if they take the same action in a dispute over what shall or shall not appear in the paper." He then instances some cases to substantiate his point. Most of the cases are recent. In May 1970, *The Observer* wrote an article dealing with certain problems of the printing industry which was not to the liking of the trade union leader of SOGAT (Society of Graphical and Allied Trades) and he wrote a critical letter to the editor sharply denouncing the views expressed in the article. The letter was published. Later, the *Observer* received one more letter from production staff agreeing with the views of the original article and criticizing the view of SOGAT leader. The letter requested the editor to keep the name in secret while publishing it. The workers of *The Observer* threatened a strike should the anonymous letter be published. When a series of negotiations failed to resolve the deadlock, and editor gave in and the letter was dropped.

In November 1970, there was a dispute between two printing unions and the *Observer* had a write-up to be published on the issue, but the union threatened to stop the work if the write-up were published. The editor obliged the union and the matter was dropped. Later after some negotiations the write-up was allowed to be published on condition that a reply to that write-up by the union leader would also be simultaneously published. This was agreed to. *The Observer* would normally have published a differing viewpoint and there was hardly any justification for the union leaders to use force. It is interesting to note what the union leader had to say on the incident. "We do not consider it our job to interest ourselves in censorship. . . . Censorship is a subjective word, but objectively one must be opposed, as I am, to censorship". There are many such examples where, over a cartoon or a news item or content of an editorial workers have threatened the press freedom. This challenge need to be faced squarely.

In principle one cannot think of anything better than self-censorship. Editorial judgement should be trusted. The case against censorship from an outside agency is that it infringes creativity, dwarfs originality and defeats the very idea of press freedom.

MODELS OF MAJORITY RULE ?

Peter Sager

DRAMATIC news from Africa seems to occupy much of the world's attention in these days. But South Africa, Namibia and Rhodesia are not the only African crisis areas. Events in the former Portuguese colonies of Angola and Mozambique show that these other southern African countries are by no means stable societies.

The situation is worst in Angola. In that wartorn country the government formed by the MPLA has to be defended—from its own people—by upwards of 20,000 battle-hardened Cuban soldiers. In contrast to earlier announcements of imminent withdrawals by Cuban troops, Fidel Castro has now told the press that "Cuban military units and armaments will remain in Angola in order to defend that country from foreign aggression".

In Mozambique, the FRELIMO government has been in a state of war with Rhodesia since March by unilateral order of President Samora Machel, but the military manoeuvres which this state of war has been said to engender have largely served to hide disturbances at home. In May, the army had to be used to quell a hunger revolt in the south of the country. On July 19th, more troops had to be sent to the north, where an anti-Machel movement had been formed in the town of Montepuez. In recent weeks, a secret radio transmitter somewhere in Mozambique, "The Voice of Free Africa", has been broadcasting without interruption.

In both Mozambique and Angola, the economic situations are catastrophic and there are permanent shortages of the most essential foodstuffs. Africans can take good notice of the fact that "socialist solidarity" from other Communist countries is limited to the means of oppression and to military commodities.

Recent arms deliveries to both Mozambique and Angola exceed by far the conceivable needs of the two countries. Today, a "People's Army School" in East Germany is getting ready to turn out 140 cadets belonging to the Angolan MPLA. At home in Angola itself, East German experts from the "Society for Sport and Technical Activities" are training Angolan youths in shooting, flying, driving and communications. East German police experts are retraining the Angolan police. In both Luanda and Lobito, the administration of the harbours is in the hands of East Germans.

Mozambique

In order to hold on to power in face of the revolutionary movements inside his country, Samora Machel of Mozambique has been forced to invite 1,500 Tanzanian troops into his country. His own 15,000 FRELIMO troops are fully occupied and partly subverted by four underground organisations. These are offici-

ally described as "bandit organisations which will be eliminated during the course of 1977" (Samora Machel in a speech on June 25th).

Much of the resistance to the Mozambique regime comes from the largest of the ten main ethnic groupings of the country, the Makua. These make up almost 40% of the African population—or 3.6 million out of 9 million. They live mainly in the districts of Niassa, Zambezia, Cabo Delgado and Mocimboa. As opponents of the warlike Makonde (whom they do not consider to be true Mozambicans), the mostly settled and Islamic Makua were already opposed to FRELIMO supremacy in the last years of the Portuguese regime. Much of the FRELIMO infantry was recruited from the Makonde, however, who straddle the border between Mozambique and Tanzania. The troops which have now been brought in from Tanzania are mostly Tanzanian Makonde.

The above-mentioned "Voice of Free Africa" recently said that "Samora Machel, that ignorant and vain African, closed his border with Rhodesia in order to excuse the disturbed condition of his own country. Now he has the face to ask for international help from the West..."

Through radical "socialist" measures, including the



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reduction of the white population from 260,000 to 2000, the industrial production of the country has sunk by 70% and the agricultural production by 90%.

In a FRELIMO communique published last August, it was announced that people's courts had been set up for the public trial of "bandits". Also activist groups were to be formed: "These groups must organise the people, build up cells, get to know the duties of the people in their living places and in their working places. This is also necessary in the struggle against hunger."

As a result of a cultural agreement between Mozambique and Soviet Union, Soviet books and films are in future to constitute the main means of education in the country: the Soviet Union is also to provide Mozambique with teachers. At the beginning of August, 44 Soviet doctors arrived in Maputo in order to replace some of the Portuguese who have departed. As compensation for this "brotherly aid", Soviet geologists are to be authorised to search for minerals—iron ore, coal, perhaps gold and uranium—in the Zambesi basin.

Soviet technicians are at this time building on the island of Bazaruto—ten miles off the coast between Beira and Inhambane—a runway for long-distance jets. This new airport is to be the framework for a huge air and naval base which will control the ensemble of traffic in the Mozambique, channel between the African mainland and Madagascar.

The growing Soviet military presence in Mozambique ought not to hide from African people the undoubted fact that the Soviet Union is not rich enough to see to the material needs of the people of Mozambique. The Communists practice in Africa the same technique that they practice at home: military expansion and advantage takes precedence over the needs of the people.

Angola

There is a similar basic situation in Angola, where the two independence movements beaten by the Cubans in the early days of this year—the FNLA and UNITA—have now gone over to guerrilla warfare. The Cubans and their MPLA regime control the towns and the main roads, but they do not control the countryside—nor the most important ethnic groups, the Bakongo which remains loyal to the FNLA, and the Ovimbundo which holds to UNITA.

On July 1st, Lopo do Nascimento, the Prime Minister of the MPLA government, referred to "the growth of bandit and terrorist operations" in a speech at Maputo, Mozambique, on his way to the OAU heads-of-state meeting in Mauritius. There is no doubt from latest reports that Jonas Savimbi's UNITA has brought the struggle back into the heartland of Angola: Huambo and Silva Porto, both old headquarters of UNITA, are now again threatened.

It has recently been reported that a new anti-Communist organisation has been founded in the south of Angola. According to the head of this organisation, Salix, "very few Angolans have any interest in Communism". He added that he plans to cooperate with

similar organisations to organise "future action against the Cubans and the MPLA".

In front of the only European-scale supermarket in the country, on the outskirts of Luanda, queues of people are to be seen every midnight waiting to see if in the morning there will be bread, potatoes, oranges or bananas. They have some hope of perhaps one of these essential goods, but they know also that there will be no eggs. Fish comes from Japan, but it is repacked in cartons marked Havana. The same is true of milk powder from Holland.

In all the Angolan ministries, there are specialists from Eastern Europe, and other Africans will note that they have so far been quite incapable of remedying this deteriorating situation. In addition, two more treaties have recently been concluded between Cuba and Angola, one instituting cooperation in the economic, scientific, technical and health spheres, and the other arranging for cooperation between the two ruling parties in the field of "revolutionary propaganda" and the struggle against "counter-revolutionary groups". It is on the basis of this latter agreement that all propaganda training—including the "training" of journalists—will be carried out.

There is no doubt that the Soviet Union is accustomed to taking every opportunity which presents itself to increase its power anywhere in the world. But in spite of this, it is not in a position in which it can ensure the economic development of the areas which it controls—or else it combines its economic help with massive political blackmail, as in the case of Egypt.

Paradoxically, the MPLA regime in Angola has had to apply to the former colonial regime, Portugal, for help in keeping the country going. Apparently, after all that has been said and done, the Portuguese can do more than the Soviets. Or in other words: for Angola, "international solidarity" turns out to be too dear, and "idiots" from elsewhere have to jump in to fill the gap—in order to help keep in power economically a regime which is kept in power militarily by Cuban troops and Soviet arms.

Latest reports from the Zambian capital, Lusaka, imply that Soviet Union is urging the Angolan regime to try to come to an agreement with the opposing UNITA and FNLA. This is because the Cuban losses in the guerrilla war are turning out to be considerably greater than anyone has realised. If the power of the MPLA is to be extended to the whole of Angola, the Cubans will have to send an expeditionary force of fifty or sixty thousand men—about the same amount as the Portuguese had in their time. It is a comparison worth considering.

Those who believe in freedom still have a chance, in Angola as well as Mozambique. It is a question of using the chances properly, and also of finding appropriate answers to the other problems of southern Africa. For Communist powers have implanted themselves in these two countries as a preparation for what they see as the coming battle for South Africa, a battle which can and should be avoided.

WORLD NEWS

'NOT PERSUASION BUT DECEIT'

IT may not matter much in the end, simply because Rhodesia has so few options, but the method by which Dr. Kissinger extracted the commitment to majority rule within two years seems on present knowledge to have been not just persuasion but deceit. If that charge stands against Dr. Kissinger it stands also against the British Government, which acted in collusion with him.

It has not been denied, in either London or Washington, that in exchange for Mr. Smith's abdication, the Kissinger terms provided for a Council of State to deal with legislation and draw up the new constitution. It has not been denied that Dr. Kissinger undertook that the guerilla campaign would cease and that sanctions would be lifted as soon as an interim government was formed. It has not been denied that these terms were part of a package, which Mr. Smith bought as it stood. But it is now clear that Dr. Kissinger was not empowered to make the offers he did.

There has been further shiftiness since the five presidents made their statement on Sunday. The reaction from the Foreign Office has been that the presidents (a) accepted a timetable of two years and (b) sought a change of detail in the constitutional process. There is nothing in the Presidents Communique accepting a timetable instead there is a commitment to carry on fighting. And the change that is sought is not one of detail: it is basic to the formula. Instead of a Council of State in which equal numbers of black and white Rhodesians would work out a constitution by two-thirds vote there is proposed a conference called by Britain with unspecified membership and procedure.

It may be argued that all this deception was in a good cause. That casuistical view is short-sighted. It is generally agreed that the ultimate pressure on Mr. Smith came from South Africa. Mr. Vorster has confirmed that "with the knowledge we have of the negotiations, the Rhodesian Government has fully executed the agreement reached in Pretoria." If that is true, and the agreement lapses, does South Africa still abandon Mr. Smith? Another possible argument is that in any negotiation of this kind there are always blurred edges which take time to come into focus. That may be true as a general proposition, but there was nothing blurred about the council of state.

A conference of this kind demanded by the presidents may or may not be a better method of drafting a constitution. That is not the point. It was not (so far as any outsider can tell) what Mr. Smith was offered and accepted. Mr. Smith has been accused in the past of prevarication and worse. It will now take more than ordinary hypocrisy for a British or American spokesman to repeat the charge.

—Editorial in *The Guardian*, September 28

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YOUR GUARANTEE OF GOODNESS

EMERGENCY LAW 'INVALID'

THREE High Court Judges today discharged an Opposition leader accused of inciting the Tamil minority group in northern Sri Lanka to defy the Constitution.

The judges upheld defence objections that the court trying a former member of Parliament, Mr A. Amirthalingham, general secretary of the Tamil Liberation Front, was not valid. The emergency regulations under which the court, which did not have a jury, was set up had no validity in law....

Mr Amirthalingham was arrested last May while distributing leaflets demanding a separate state for the Tamil minority.—Reuter.

The Guardian, September 11.

THE STIGMA OF KATYN

BRTAIN'S pride in her performance in the Second World War has always been tinged with shame about what happened to Poland. It was after all ostensibly for Poland's sake that we declared war in 1939. Yet not only were we quite unable at the time to prevent Hitler from overrunning and annexing Poland. We eventually accepted, as the price of Soviet help in defeating Hitler, the imposition on an arbitrarily displaced Poland of a Communist government under Soviet control.

What happened to Poland in general is symbolized in a particularly stark way by what happened to some 14,500 Polish individuals, eight thousand of whom were officers. In September, 1939, Poland was partitioned between Germany and the Soviet Union, in accordance with the secret clauses of the Ribbentrop-Molotov pact concluded that previous month. Since Poland was not at war with the Soviet Union, many Poles chose to give themselves up to the Russians, who interned some and handed over others to the Germans for forced labour. When Hitler attacked Russia in 1941, some of those previously interned were released and formed into military units. But of the 14,500 who had been held in three camps in the Smolensk region no trace could be found, until in 1943 the Germans, who had overrun the area, announced the discovery of over ten thousand bodies in mass graves in the forests, mainly around Katyn, and publicly charged the Soviet Government with the murder of all the inhabitants of the three camps.

In the thirty years since the end of the war enough has been published to convince anyone who is not a committed pro-Soviet apologist that the massacre did indeed occur in 1940, that is when Katyn was under Soviet and not German control. A monument to this effect is to be unveiled in Gunnerbury Cemetery tomorrow. The ceremony will be attended by many Polish war veterans and many British people who remember with gratitude the part which Polish forces played in the war. The United States Government, respecting the finding of the Madden Committee of the House of Representatives in 1952 which concluded that

the massacre did indeed occur in 1940, is to be officially represented. The British Government regretably, is not....

Reading behind the lines, one can see that the Government has been intimidated by the intense and paranoid campaign of protest against the monument carried on by the Soviet authorities, and is not prepared to give them offence. The British Government should not be intimidated by such protests. The Polish officers and men who died as allies of Great Britain at the hands of a power which if not our enemy, was at that moment by no means our friend, deserve after thirty-six years at least a token recognition.

—Editorial in *The Times* September 17.

IN SRI LANKA, SHAKESPEARE IS NOT TO BE

SRI Lanka, a member of the British Commonwealth, yesterday banned the study in government schools of the works of William Shakespeare.

The Education Department, in issuing the ban, said a report by a group of academicians showed that "Shakespeare is not linguistically within the reach of our students."

The department said that starting next year the students will study English with a new textbook containing poetry and prose extracts that do not include Shakespeare's works.

—*International Herald Tribune*, September 7.

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A LIEUTENANT'S CREDO

WESTERN intelligence experts are understandably elated over the delivery of a Soviet supersonic MIG-25 fighter plane, the most advanced of its type, which was landed in Japan by a defecting pilot, Lt. Viktor Belenko. Even more noteworthy than the military's access to this remarkable plane's engines, electronic gear and other equipment, however, may be the lieutenant's credo.

"This was a planned fight to defect from the Soviet Union," Lt. Belenko said. "I have been longing for freedom in the United States. Life in the Soviet Union has not changed from that existing in the days of Czarist Russia when there had been no freedom."

What makes these words so remarkable is that they were spoken not by a Soviet intellectual or scientist. The loss of Marxist faith, among the Solzhenitsyns, the Sakharovs and others in the Soviet intellectual world is no longer startling news. But Lt. Belenko is a fighter pilot, whose loyalty was judged to be sufficient to entrust him with a MIG-25 and station him in an area from which he could fly to freedom. His defection raises the question of how many other Belenkos there may be among trusted officers in the Soviet armed forces, and how widespread the hunger for freedom may be among the population at large.

—Editorial in *The New York Times*, September 11-12.

MAO DIES; MAINLAND TURMOIL

MAO Tse-tung's death will aggravate further the power-struggle crisis within the Chinese Communist regime and harden the broad masses' determination to destroy Communism.

This is the general feeling in the Republic of China since the end of the life of the party chairman was announced on the afternoon of Sept. 9.

The people in the Republic of China believe that more turmoil will follow in the wake of the stepped up struggle between second-ranking Communist "chieftains".

Civic leaders and scholars believe that the China problem must be solved by the Chinese people through continuing the ROC's established national policy of opposing Communism and pushing for national recovery.

They also predict that the Chinese people on the mainland will seize the opportunity to rise up and topple the Communist dictatorship.

Free China Weekly, September 12.

CHRISTIANS ARE MAD — KGB

A Russian Christian has smuggled an appeal out of a mental hospital in which the KGB interned him six weeks ago as part of their attempt to break up a group of young religious intellectuals.

The man's friends and relations have launched a vigorous campaign for his release, but he is still held in psychiatric hospital No. 14 in Moscow. They regard him as perfectly sane.

Documents on the case of 25-year-old Alexander Argentov reached the Centre for the Study of Religion

and and Communism at Keston College in Kent a few days ago.

The young Orthodox Church intellectuals had run an informal seminar on history and religious philosophy. None of them was active as a dissenter in the human rights movement, and they knew few foreigners.

But the KGB purported to see 'the plottings of an anti-Soviet group.' Suddenly, in July, participants were sacked from their jobs, thrown out of their flats, bullied by interrogators, and beaten up on the street by thugs. Argentov was put in a mental hospital.

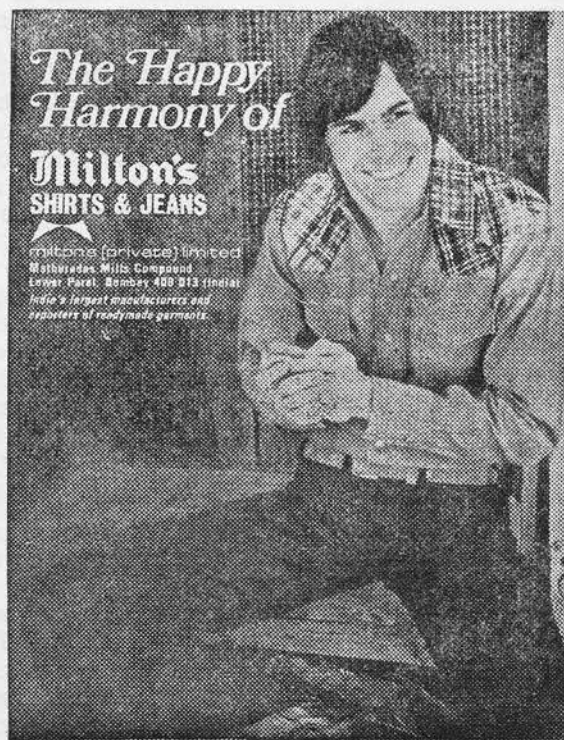
Argentov's appeal, dated 21 July, takes the form of an open letter to Patriarch Pimen. Part of it reads:—

'Although I have never needed psychiatric care, on 14 July I was forcibly interned in a hospital for the mentally ill. As the doctors frankly told me, the only reason for my imprisonment was my belief in God and my membership of the Orthodox Church.

'I am healthy, and I sleep perfectly, but here they insist that I take sleeping pills. By temperament I am level-headed and calm, but here they have forced me to take a powerful depressant, largactil, with the alleged purpose of calming me down. Their threat is that if I refuse, they will inject me by force.

'I live among seriously ill people who are often strapped down to their beds because of their severe disturbances. The whole environment, and the effect of the drugs, is oppressive. But even more oppressive is the attitude of the doctors... The parting words of the clinic psychiatrist who committed me—that here I would have "all that rubbish beaten out of me," meaning my belief in God—horrified me by their inhumanity.'

—*The Observer*, August 29.



Letters

ON DISCIPLINE

Mr. Masani, while writing about lack of discipline in various branches of our national life, surprisingly omitted the 'rich' class from the list of sinners he enlisted. If the 'gherao' is an act of indiscipline, so also are the acts of evasion of taxes, non-payment of wages to the labourers, cheating the public by manufacturing sub-standard goods, hoarding, black-marketing, many such economic sins, so cunningly committed by our 'rich' class, which have reduced our economy to ruin and perpetuated a situation of labour 'indiscipline' or consumer resistance. (I hope Masani would not call a few consumers gheraoing a cheat businessman as 'indiscipline' lot). Indian rich class are dishonest, uncommitted to the needs of the country, indulge in speculative expenditure, waste hard earn foreign currency on their luxuries while their co-Indians starve.

Had our 'rich' class behaved and set an example, perhaps the indiscipline among labour which Mr. Masani refers would not have arisen.

September 10, 1976

M. MURLIDHAR

(We gladly publish Dr. Murlidhar's letter, even though we cannot join him in his tirade against the rich. Did we really omit all reference to the rich? Were the motorists we condemned in our article proletarians? If we had not confined our list of the indiscipline to a couple of sentences, we would have of course also mentioned indiscipline businessmen, indiscipline politicians and indiscipline students.

In so far as tax evasion is concerned, if Dr. Murlidhar would look at the Lok Sabha debates on the Budget through the sixties, he will find in several of my Budget speeches a demand that Mr. Nehru's Government should collect taxes effectively and eliminate tax evasion so that the unfortunate middle class income-tax payer did not have to be unduly mulcted. Thus, on 10 March 1966, I had said: "If they had only assiduously and efficiently collected the crores and crores of arrears of tax that they are incompetent enough not to collect, even that would have been enough to cover additional taxation."

It is not the rich who have reduced our economy to ruin but twenty-five years of reactionary State Capitalism and centralised planning copied from Soviet Russia.

We must take issue with Dr. Murlidhar by reasserting that of course *gherao* of a corrupt businessman is indiscipline and a crime. The law has to be enforced by the Courts and not by a mob. There is no room for "people's justice" in a democratic society.—Editor)

ARE GANDHIJI'S WRITINGS OBJECTIONABLE?

Will you kindly allow me to share with your readers the text of a letter I wrote on September 22 to the Prime Minister? Here it is:

"According to the Indian Calendar, yesterday was Gandhiji's birthday. I called on Shri Kashinathji Trivedi, a close associate of Late Gandhiji, for a talk.

He informed me that in the Vikas Sammelan held at Indore from 17th September, 1976, Gandhiji's litera-

ture was not allowed to be sold.

In the *Jawaharlal Nehru Camp* there were open spaces in which all persons were admitted. There was a stall of communist literature. The Sarvodaya Sahitya Bhandar got a push cart. Gandhi-Nehru literature, Vivekanand-Vinoba literature were displayed on the push cart for sale. The push cart was driven out by the communist workers and taken to the police station. The Police Inspector told the communist workers that Gandhi-Nehru literature is not proscribed and there can be no objection for its sale, but the communist workers were adamant.

We call Gandhiji, the Father of the Nation, and yet his writings can not be sold.

May I request you to investigate this episode?

Shri Jaswant Rai, Manager of Sarvodaya Sahitya Bhandar, Mahatma Gandhi Road, Indore, will be able to give full details.

Not only this, there was a press report, that the foundation stone of *Jai Hind Bhavan* of Municipal Corporation workers was pulled down by communist workers.

I am confident that you will never tolerate such sacrilegious acts."

N. C. ZAMINDAR

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Reviews

THE R DOCUMENT

IRVING WALLACE

A Corgi Book Published in India by the India Book House, Rs. 12.50 pp 383.

LAW and Order has completely broken down. Murders, riots, armed robbery and interstate kidnapping are the order of the day. The normal processes of law enforcement are unable to cope with the situation. The President is desperate. He feels that the Constitution and more particularly the Bill of Rights, are coming in the way of stamping out the law breakers. The solution—amend the Constitution to get over the inhibitions on executive action imposed by what we would describe as Fundamental Rights.

This is happening not in a developing country with a low level of political consciousness. This is the situation faced by that land of liberty and rugged individualism—the United States of America. The Director of the Federal Bureau of Investigation is fanatically devoted to the passage of the Bill. As he puts it: "We're really in a stew and we'll be cooked, and the only thing that can pull us out is final passage of the 35th Amendment." ...

For the President of the United States, the adoption of the Amendment would mean that he has an instrument "to have civilization back" in his country.

The American Bill of Rights are really the first ten amendments to the Constitution which curbed executive power and expanded individual freedoms. While these amendments by themselves did not prevent arbitrary action, the Supreme Court as the watchdog of the people's rights was able not only to contain executive arbitrariness but also pronounce judgements which further curbed such misuse of authority.

To the potential dictator the Bill of Rights was to say the least, irksome and so were they to FBI Director Vernon C. Tynan who saw in the genuine concern and apprehension of those who watched with dismay the dismal law and order situation an opportunity to ram through an amendment that would do away with the Bill of Rights.

The 35th Amendment would enable the supercession of the 1st to 10th amendments to the Constitution in "times of internal national emergency". It would ensure that "no right or liberty guaranteed by the Constitution shall be construed as license to endanger the national security". It provided for a Committee on National Safety appointed by the President to meet in joint session with the National Security Council and determine whether national security was in danger. If in its view it was, then it could declare a state of emergency and assume plenipotentiary power and supplant constitutional authority until the danger had been brought under control or eliminated. The Chairman of the Committee on National Safety would be none

other than the Director of the Federal Bureau of Investigation.

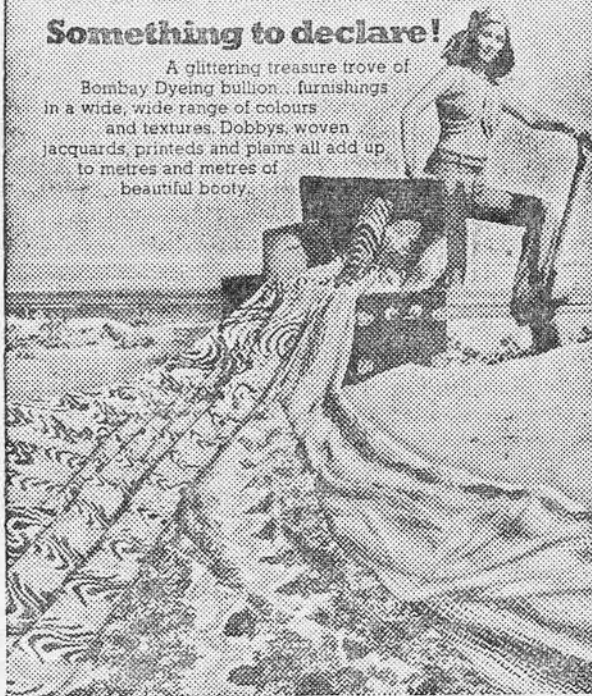
And what is the R Document? It is a secret blueprint for action once the 35th Amendment becomes part of the law of the land and a state of emergency has been declared. To say more would be unfair to readers, for its revelation constitutes the denouement of this highly interesting work of political fiction. Though fiction it is, the plot has been woven so skilfully that it seems both plausible and real.

The Attorney General is a one time American Civil Liberties Union lawyer. And yet he supports the Bill, at least initially. Why? Because he "trusts" the President and is concerned with what he considers to be "the worst crisis of crime and violence in our history." Strangely or perhaps not so strangely, he has not given the 35th Amendment "too much thought".

He is not alone. 37 of the 50 States of the Union have fallen in line and approved the amendment. The U.S. Congress had approved the amendment by an overwhelming majority. Only California is left. Will it go with the Amendment? If it does, the amendment will become law, for the consent of 38 States is required.

Something to declare!

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The story drives on to a breathtaking climax when the California Legislature deliberates on the amendment.

In many ways the story as it unfolds gives the reader goose pimples. People are blackmailed. Those who come in the way are threatened with exposure of old skeletons in their cupboards. Even the wife of the Attorney General is the victim of such blackmail. Crime statistics are doctored to paint a blacker picture than what it is to persuade people and politicians of the need to have a measure that will give total control to a small coterie of the National Committee on Safety. The Chief Justice of the Supreme Court is murdered. A remote industrial town is used as a laboratory to wholly with the Establishment.

And yet there are people who put up a fight against the amendment. There is the organisation called the Defenders of the Bill of Rights led by a former FBI operative wise to the ways of the FBI Director. There is in fact the young son of the Attorney General who is able finally to open his father's eyes to what is happening and the real purpose of the 35th Amendment. And there are the mass media which are not wholly with the establishment.

The enactment of the 35th Amendment would in fact amount to a legal *coup d'état*. The U.S. would no longer be free but join the ranks of dictatorships in the Southern part of the American continent.

The T.V. Debate between the Attorney General and the leader of the Defenders of the Bill of Rights is a highlight of this book.

Armed with a formidable array of statistics about crime in America, the Attorney General argued that the 35th Amendment is necessary to "stop this upward spiral of violence, including murder". He gives the assurance that the suspension of the Bill of Rights would only be temporary. It would be suspended "only in an emergency, and only for a short time, perhaps a few months." Not so, said his opposite number in the debate. "That's what they always say at the beginning. This is the pattern of events all over the world. The first step is always meant to be only for a short time. Who can guarantee that won't happen here?"

Is the Constitution such a sacrosanct document that it can never be amended? asks the Attorney General. Of course it can, says the leader of the Defenders of the Bill of Rights. Tracing the various amendments he points out that the ten amendments which constitute the Bill of Rights were inscribed not in 1776 but in 1791 when Madison proposed 12 amendments. Congress ratified 10 and 13 States ratified them. Why? Because these amendments spelt out people's rights and states' rights. Even so, the U.S. had a Bill of Rights right from the beginning as the three main rights—freedom of religion, freedom of speech and freedom of trial were guaranteed. "An amendment to void the Bill of Rights is to...void democracy itself."

Many of us speak with great approval of the ideas of Burke and Mill. But how many of us have really

read and understood them? Wallace is no Burke or Mill. He is not a liberal theoretician, nor does he claim to be one. He is a writer of fiction belonging to that latter-half-of-the 20th Century genre of writers like Ayn Rand or Allen Drury who base a whole novel on the kernel of historical fact. They are the modern day Dumas. These writers are rendering an invaluable service in wrapping their works of fiction around historical verities.

The R Document is a thriller and an educator. No wonder it has been a bestseller read even by those who normally consider fiction to be some form of "intellectual opium"

Highly recommended reading for pleasure and education.

S. V. RAJU

CROSSMAN AFFAIR

HUGO YOUNG

Hamish Hamilton and Jonathan Cape in association with *Sunday Times*—Price: £4.95.

THE law is an instrument of change. Judge-made law cannot be different. Judges are sometimes far ahead of the legislature in realising the need for change and in satisfying the need when they legitimately can. The Judgment of the Lord chief Justice of England, Lord Widgery, in the case of the Crossman Diaries is a fine example of such judicial creativity. It is a landmark in the growth of English law in recent years especially in so far as it affects individual liberty. In this case the late Richard Crossman's effort to pierce the veil of secrecy which surrounds British Government succeeded.

Mr. Hugo Young is uniquely qualified to write an account of truly historic legal battle. He read law at Balliol and, as political editor and chief leader writer of the *Sunday Times*, is familiar with the world of politics and the challenges of journalism as well. His book CROSSMAN AFFAIR contains an authoritative exposition of the background to the trial and a well-edited account of the trial itself.

Richard Crossman had been keeping diaries for twenty years since the 1950's. In 1964 he became Minister of Housing and Local Government in Harold Wilson's first Cabinet. Since 1971 he began preparing them for publication. He, however, began, not with 1964. This choice was made for a simple purpose: to blow apart the tradition of secrecy in British Government, and destroy the conventions which had rendered innocuous or misleading, or both, the writings of most former Cabinet Ministers about their time in office."

As he recorded in a letter to Graham C. Greene, Managing Editor of Jonathan Cape, prospective joint publishers of the diaries, on October 11, 1973, "I am writing to follow up our talk when you kindly agreed to become my literary executor along with my wife, Anne, and Michael Foot. The main immediate task of the literary executors would be to supervise this and to make sure that the pressure, which will un-

doubtedly be brought from Whitehall and from Westminster to prevent publication of parts of the manuscript, is completely rejected. I hold this to be of the greatest importance since it is the publication of the diaries as a whole which will provide a unique historical record of how British Cabinet Government operated in the 1960's. . .

Crossman died on April 5, 1974. Three weeks later, the *Sunday Times*, announced its plans for serialising the diaries. An astonished Secretary of the Cabinet, Sir John Hunt, wrote to the author's editorial assistant recalling "In the last sentence of his letter of 1st April 1971 to Sir Burke Trend (then Cabinet Secretary) Mr. Crossman recognised the need to submit the manuscript to us . . . I trust that you (and/or his executors) will submit for scrutiny the text which it is proposed to publish."

This was done by Greene, as Crossman had intended. Sir John decided that the text could not be cleared for publication and so informed the executors. Mr. Hugo Young reproduces substantially the correspondence that followed. The Government's case was set out in Sir John's letter of June 21, 1974 to Greene; "The conventions which in the public interest govern the publication of works by former Ministers have evolved over many years and been accepted by successive Administrations. They flow from the two complementary principles of the collective responsibility of the Government as a whole and the personal responsibility of individual Ministers.

"As regards the first of these, the Cabinet meets in secret and the records of its proceedings are secret until of historical interest only, when they become available to public scrutiny under the Public Records Acts 1967. Only in this way can completely frank discussion take place between Ministers in the Cabinet and in Cabinet Committees without the risk of extraneous pressure and controversy. It has also always been held vital for good Government that other confidential communications between Ministers, or between Ministers and their senior Civil Servants, should be protected from untoward disclosure. This is not a matter which depends on the Official Secrets Act (though sometimes this will also be relevant). It is based upon the inherent needs of government, and the mutual trust which needs to exist between Ministers and between Ministers and their senior advisers."

Greene consulted Lord Goodman, a solicitor, who was also Harold Wilson's confidant. Wilson's book *The Labour Government 1964-70* itself contained two notable breaches of the rules the Cabinet Secretary had become accustomed to imposing: a description of Cabinet members' positions over the sale of arms to South Africa in 1967 and a full-blooded account of the notorious "Soames Affair." "But on other points (his treatment of President Bhutto of Pakistan is one he is fond of quoting) Wilson had followed advice." One wishes he had not. We would have known better the Wilson-Bhutto equation.

At any rate the Cabinet Secretary formulated "para-

Gandhi Jayanti

A THOUGHT

From Gandhiji's letter to the Viceroy:

"There is one thing that I may not omit. You have appealed to us to sink domestic differences. If the appeal involves the toleration of tyranny and wrong-doing on the part of officials, I am powerless to respond. I shall resist organised tyranny to the utmost. The appeal must be to the officials that they do not ill-treat a single soul, and that they consult and respect popular opinion as never before."

meters" which excluded four subjects from detailed report—Cabinet discussions, advice by civil servants, senior appointments, and other discussions which Sir John explained thus: "The text recorded many conversations about members of the Government and their policies. I had no locus so far as discussions of personalities were concerned but discussion on policy which were clearly intended to be private should be omitted."

An effort to evolve a compromise of sorts in the form of an edited version was made. The executors even gave an undertaking not to publish the diaries without a fortnight's prior notice to the Cabinet Secretary. The *Sunday Times* was not a party to the undertaking. Interestingly, the lawyers who advised the paper as well as those who advised the executors were categorically of the view that a prosecution under the Official Secrets Act would succeed. Unknown to them, the Attorney-General was advising the State of the contrary. In his view Crossman's death had made all the difference.

The *Sunday Times* decided to go ahead all the same, and prepared extracts for publication besides launching on a formidable task of research in precedents of memoirs of members of the Cabinet. The extracts were sent to the executors who, in turn, forwarded them to the Cabinet Office. Eventually, *Sunday Times* went alone, though by agreement with the executors.

The first extract was published on January 26, 1975. Hunt was shown the later extracts but his advice was not always heeded. The extracts themselves were carefully chosen, the more defensible ones going first. The cat and mouse play between the *Sunday Times* and the Cabinet Secretary provides an interesting study. Almost at the end of the serialisation, the Attorney-General struck. He served a writ on the executors. "The writ served on the executors immediately put the *Sunday Times* in dilemma. The Attorney-General's strategy, of allowing the serial but attacking the book, seemed quite unacceptable. It directed the whole weight of legal sanction against his weaker opponent, thereby depriving the executors of *Sunday Times* support. If Treasury lawyers succeeded in getting the Diaries treat-

ed as if they had never been serialized, their chance of having the book suppressed would substantially improve. This, at any rate, was how the paper calculated."

The *Sunday Times* published an article which deliberately included material which was not even submitted to the Cabinet Office. The Attorney-General moved immediately for an injunction to restrain publication. It was granted by Mr. Justice Ackner on June 26, 1975 but was discharged by the Court of Appeal the next day on the *Sunday Times* undertaking not to publish any new material pending trial of the Court.

The trial began on July 22 before the Lord Chief Justice, Lord Widgery. The author has published large extracts from the pleadings and the affidavits which contain a lot of material on the origin and the essence of the convention on collective responsibility of the Cabinet.

The Attorney General relied on a document entitled *Questions of Procedure for Ministers* which contained rules on Ministerial Conduct. He then expounded his main authority for extending confidence beyond commercial secrets, viz., *Argyll v. Argyll* which arose out of marriage relationship. "The Duchess of Argyll sought an injunction to stop her former husband from revealing in a Sunday newspaper details of her personal conduct and financial affairs communicated in confidence during their marriage. The judge, Ungood-Thomas J., held 'that a contract or obligation of confidence need not be expressed, could be implied, and a breach of contract or trust or faith could arise independently of any right of property or contract (other than any contract which the imparting of the confidence might itself create); and that the court, in the exercise of its equitable jurisdiction, would restrain a breach of confidence independently of any right at law.' He also found that the law, as a matter of policy, would continue to preserve confidences between husband and wife even after a divorce."

Affidavits by Lord Gardiner and Lord Hailsham, Lords Chancellor, Sir Peter Rawlinson, a former Attorney-General, Lord Butler, a former Deputy, were tendered by the Attorney-General. Sir John Hunt gave evidence and was subjected to a searching cross-examination. The affidavits tendered by the *Sunday Times* were mostly of authorities on the constitution.

Harold Evans, the paper's redoubtable editor, explained in his affidavit why he had gone to this length and, in doing so, delivered one of the most powerful arguments against official secrecy one has read in recent years; "I am convinced that not only the public at large but also the Government itself benefit from frankness about Governmental actions and decisions. Recent years have seen a vast growth in this country in the role of the state and the power of the bureaucracy. I regard it as both wrong and harmful that in the same period the tendency has been for secrecy

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in Government to increase. I see no reason why the public (including those directly affected) should not have available to them in detail the process by which, for example, important planning decisions are arrived at every level up to and including the Cabinet.

"It might well be argued that a country such as Britain, with an educated public, is ungovernable without consent, information is increasingly necessary to consent, and that the increased tendency to secrecy is in itself a corrosive, alienating force in our society."

The main argument of the defendants was that there was no obligation enforceable at law to prevent the publication of Cabinet paper "except in extreme cases where national security is involved." The Attorney General's proper remedy, they argued, was to obtain a change of the statute law. This argument was rejected. Lord Widgery found case law adequate enough to cover the facts of the case.

He referred to "the developing equitable doctrine that a man shall not profit from the wrongful publication of information received by him in confidence." The doctrine was frequently invoked to restrain unfair use of commercial secrets transmitted in confidence. It was extended in the famous case of the Duke and the Duchess of Argyll to domestic secrets between husband and wife.

Lord Widgery therefore held, "I cannot see why the courts should be powerless to restrain the publication of public secrets, while enjoying the Argyll powers in regard to domestic secrets. I conclude therefore that when a Cabinet Minister receives information in confidence the improper publication of such information can be restrained by the court, and his obligation is not merely to observe a gentleman's agreement to refrain from publication."

Lord Widgery refused to grant an injunction, but his Judgment was not altogether pleasing to the enthusiastic defendants nor to the author. It strikes a fair balance between public interest and individual liberty. The core of his reasoning is to be found in these paragraphs:

"The Cabinet is at the very centre of national affairs, and must be in possession at all times of information which is secret or confidential. Secrets relating to national security may require to be preserved indefinitely. Secrets relating to new taxation proposals may be of the highest importance until Budget day, but public knowledge thereafter. To leak a Cabinet decision a day or so before it is officially announced is an accepted exercise in public relations, but to identify the Ministers who voted one way or another is objectionable because it undermines the doctrine of joint responsibility.

"It is evident that there cannot be a single rule governing the publication of such a variety of matters. In these actions we are concerned with the publication of diaries at a time when eleven years have expired

since the first recorded events. The Attorney-General must show (a) that such publication would be a breach of confidence; (b) that the public interest requires that the publication be restrained, and (c) that there are no other facets of the public interest contradictory of and more compelling than that relied upon. Moreover, the court, when asked to restrain such a publication, must closely examine the extent to which relief is necessary to ensure that restrictions are not imposed beyond the strict requirement of public need."

The time lag had made all the difference in the present case, he held. There is another factor, besides, which is not found in cases of private confidences and that is the legitimate public interest in the affairs of the State and the right of the citizen to comment on them. The Attorney-General failed to convince the court "that the public interest required such a Draconian remedy (as a perpetual injunction) when due regard is paid to other public interest, such as freedom of speech." This interest is no less important than the other one, namely, the doctrine of joint responsibility on which rests the working of the Cabinet which "is at the very centre of national affairs." As Lord Denning said in the Court of Appeal on June 27, it was one "of the first importance in the conflict which might arise between two public interests—the public interest that the complete confidence of discussions in Cabinet and of ministers and other on confidential occasions should be preserved because disclosure might gravely injure the national interest; and the freedom of criticism and the press, and that people should know how they are governed."

In an otherwise full account there is an unfortunate omission of the proceedings in the Court of Appeal and Lord Denning's remarks quoted above from *The Times*, June 28, 1975. It is not difficult to see that the court acquires an enormous responsibility when it judges the "requirement of public need" or the imperatives of "the public interest." But in a democracy who else can discharge the responsibility of reconciling such a conflict of interests but the judiciary? Wide as is the ambit of its discretion in adjudicating on "public need," the court, nonetheless, decides the matter judicially though its decision may have profound political consequences.

This is all the more so when the court reviews not merely executive but legislative action as well. The discretion conferred on the courts is wide. It is none too easy, for example, under Article 19 of our Constitution to decide what is a "reasonable" restriction on a fundamental right. But the duty to decide is inescapable. Far from being its antithesis, judicial review is an indispensable part of democratic Government. Undoubtedly, this calls for qualities of statesmanship, of restraint and mutual respect on the part of both the legislator and the Judge. But then, without these qualities no democracy in history has ever succeeded.

A. G. NOORANI

WITH MANY VOICES

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

—Tennyson

To live in a gagged world could be a terrible state indeed.

—Rabindranath Tagore quoted in *The Life of Tagore* by P. K. Mukherji

What is truth? ask the non-aligned countries. What we say it is, they answer.

—*The Economist*, August 7

Switzerland is in trouble—its money is too strong, its banks are too reliable, its democracy is too stubbornly entrenched and its government is too responsive to the grass roots.

—Flora Lewis in *International Herald Tribune* September 8.

Sadat has reversed almost every policy which he inherited from Nasser.

—Editorial in *Guardian*, September 7

She (a woman in politics) has to be very competent, very thoughtful, very capable, very persistent, very strong.

—Margaret Thatcher quoted in *The Times*, September 14

Parties long in office are liable to become arrogant and complacent, while parties long in opposition are in danger of becoming artophied and silly.

—*The Economist*, September 25

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Krokodil's charming little heresy about socialism. ("What happens when the Soviet Union takes over the Sahara Desert?" "Answer: Nothing. For fifty years. After that, there is a shortage of sand.")

—*National Review*, June 25

C.P.I. state council secretary, Mr. Gopal Banerjee, summed up the national council sentiments by saying that Mr. Gandhi should be treated neither as pro-imperialist nor as anti-Soviet Union. In communist terminology this represents a tacit acceptance of Mr. Gandhi's positive and meaningful domestic and international role.

—*Times of India*, October 8

The value of the pound is what the market says it is.

—Professor Milton Friedman quoted in the *Observer*, October 3

Britain has lived for too long on borrowed time, borrowed money and even borrowed ideas.

—Prime Minister James Callaghan in the *Observer*, October 3

The North Koreans shuffled into a quarter-apology, and the Americans half-accepted it.

—*The Economist*, August 28

Political soldiers tend after a period in government to become politicians.

—*The Economist*, August 28

Peru's and Ecuador's new rulers seem to have accepted the blunt fact it is hard to have a social revolution without making money first.

—*The Economist*, August 28

The policy of centralisation which put Iran back on its feet has now become a milestone around its neck.

—*The Economist*, August 28

The spirit of permanent revolution almost certainly died on Thursday with Mao se-tung.

—*The Economist*, September 11

Arab "criticism" had to be taken with a barrel of salt.

—*The Economist*, September 11