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Sunday Review

Enquiry . Media

Roots Of President-PM Clash

Nehru sat next to him on the sofa and, after talking about the weather and such like, the President said he came to the point. He had hardly developed his thesis when, within a couple of minutes, the Prime Minister looked at his watch, professed to remember that he had another engagement to keep, and asked to be excused. That, said Dr. B. Radhakrishnan to me, was Nehru's way of telling the President to mind what he thought was his business.

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tuent Assembly was later told that the matter was dropped. If an Instrument of Instructions had been adopted, perhaps the unsavoury incident of the supersession of three ranking judges of the Supreme Court in 1973 would have been avoided and the independence of the Supreme Court preserved.

It was not till the Constitution was enacted that the issue came to a head. It appears that, on September 18, 1951, the first President of the republic, Dr. Rajendra Prasad, sent a note to Jawaharlal Nehru in which he expressed a desire to act on his own judgment when giving assent to bills, when sending messages to Parliament, and when turning bills to Parliament for consideration.

The matter was referred to the Attorney-General, M. C. Setalvad, for his opinion. It is understood Mr. Setalvad first opined in favour of the President's view but later, under pressure from Jawaharlal Nehru, he retracted and advised that under Article 74 (i) the President is bound to act in all matters on the aid and advice of his Council of Ministers. It may be that the opinion is somewhat peculiarly worded. It does seem that the President was to abide by the advice of the Council though that undoubtedly was obliquely suggested.

Understanding the fact that the President is designated by the Constitution as the Supreme Commander of the Armed Forces of the Union as in the case of the British Crown, Dr. Rajendra Prasad also felt himself to be ignored by the Prime Minister Nehru, in the case of a dispute between

Defence Minister Krishna Menon and General K. Thimayya, chief of army staff, publicly insulted and humiliated the chief of the army in a speech in Parliament in the interest of his friend Krishna Menon. I felt that this was unfair to the general and bad for the morale of the armed forces.

I therefore asked for an interview with Dr. Rajendra Prasad, whom I had known from as far back as 1934. After we had both taken our seats, the President asked me in Hindustani: "What is it you wish to talk to me about?" I said I had come to make a complaint. "Against whom?" he asked. "Against you," I said. "Against me?" he asked. "What is your complaint?"

I proceeded to tell him that he had let down his high office and in particular his position under the Constitution as the Supreme Commander of the Armed Forces. I asked him what he did when the defence minister and the Prime Minister were ganging up against the chief of army staff. Did he call the parties concerned to try and find out the rights and wrongs of the matter and restore discipline, or did he allow himself to be ignored when it was for him to assert himself?

At this, Dr. Rajendra Prasad visibly thawed and even appeared to be pleased with what I had said. To cut a long matter short, he said he agreed with my own feeling that the rights of the President were not being given due weight. He, in turn, complained about the Prime Minister treating him as if he were the British Crown. I asked Dr. Rajendra Prasad whether that was his understanding of the Constitution and reminded him



that we had both had a little hand in the matter, he as President of the Constituent Assembly and I as a humble member. I expressed the view that, as I understood it, the President of the Union stood somewhere between the British Crown on one side and the President of the USA on the other and that in particular his position as the Supreme Commander of the Armed Forces put him on a par with the US President in this particular matter.

Dr. Rajendra Prasad appeared to agree with my analysis. When I asked him why in that case he had not asserted himself, he said that when the attorney-general had been consulted about his position vis-a-vis the universities of which he was the head or the visitor, he had ruled that in that respect also the President should function on the advice of the Prime Minister and the cabinet.

I suggested to the President that the attorney-general was not the only competent interpreter of the terms of the Con-

stitution. There were eminent international jurists in India, England and elsewhere to whom the President could turn. The President could submit these issues for the opinion of such international experts and, if they supported his point of view, why should he not publish them and bring the matter to public notice? At this point, I could not get any response and the interview ended.

I ran into the President's secretary, A. V. Pai, a member of the ICS, not long after. I told him about my conversation with the President and asked him why he at least had not encouraged the President to assert himself. Mr. Pai's reply was significant. He said that when the President was chafing at the manner in which the Prime Minister was ignoring him over the Thimayya incident, he suggested that the President pick up the phone, speak to Nehru and ask him to report to him about the matter or to send Krishna Menon and Thimayya to do so. The President shirked

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India - Letters

this challenge as he obviously felt he would be snubbed by Nehru and was not prepared for a public confrontation.

Later, Dr. Rajendra Prasad was to raise the issue publicly. Addressing the Indian Law Institute on November 28, 1960, he said: "There is no provision in the Indian Constitution which in so many words lays down that the President shall be bound to act in accordance with the advice of his ministers." He criticised attempts "to invoke and incorporate into our written Constitution by interpretation the conventions of the British Constitution, which is an unwritten Constitution."

THE next President with whom I had occasion to discuss the President's position was Dr. S. Radhakrishnan. He was not as explicit as Dr. Rajendra Prasad about the fact that he was not being allowed to function in the way that the Constitution authorised him to do.

Once when I asked him why he did not use his position and influence with the Prime Minister to get Krishna Menon removed

the President should be "acceptable" to her. When I, as leader of the Opposition in 1967, with the support of all opposition parties, nominated Chief Justice Subba Rao as our candidate for the presidency as against her candidate, Dr. Zakir Hussain, in the course of a conversation with me she observed: "I thought, Minoo, you had high regard for Zakir Saheb. Why then are you opposing his election as President?" My reply was: "Yes, I do have great regard for Dr. Zakir Hussain, Indira, but India needs a President who will dismiss you if you should violate the Constitution or act in any other manner detrimental to the country's interest. Do you think Zakir Saheb would ever dismiss you?" At this, the Prime Minister laughed and said "No, of course not". I concluded the argument by saying: "Q E D."

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We crossed swords again when Mrs. Gandhi decided to oppose her own party's candidate, Dr. Sanjeeva Reddy, and nominated V. V. Giri who, according to the forecast made by Rajaji and myself, behaved like a true rubber stamp once he was elected.

ber stamp once he was elected. from the position of defence minister well before the Chinese did that job for us in 1962, he told me of an incident when he had made such an effort and the sad manner in which it had ended.

He said he had made up his mind to talk to Nehru about Krishna Menon and warn him about the dangers involved in his being put in charge of India's defence. Nehru sat next to him on the sofa and, after talking about the weather and such like, the President said he came to the point. He had hardly developed his thesis when, within a couple of minutes, the Prime Minister looked at his watch, professed to remember that he had another engagement to keep, and asked to be excused. That, said Dr. Radhakrishnan to me, was Nehru's way of telling the President to mind what he thought was his business!

The next occasion when I had to deal with the position of the President was when Mrs. Indira Gandhi was Prime Minister. She had said publicly that

The succession of rubber stamps continued with the election of Fakhruddin Ali Ahmed who failed to dismiss Mrs. Gandhi as he should have done when, like a thief in the night, she violated the Constitution by declaring what C. K. Daphtari described as "a phoney emergency".

That is how by a repeated resort to the dubious cult of personality, Rajiv Gandhi's predecessors as Prime Minister had managed to nominate and intimidate the rather weak characters they had to confront.

The enactment of the infamous 42nd Amendment to the Constitution during the emergency has of course sought to destroy a great deal of the Constitution of the republic which we in the Constituent Assembly had framed. It should be repealed.

If the President of the republic had not been over the years sidetracked and denigrated in a manner that has taken place since the early '50s, the present

Has Indian democracy attained the maturity to elect as the next President an independent personality who is not a stooge of the Prime Minister and the cabinet or will it continue to allow sycophancy and the cult of personality to carry on until we sink to the level of an Afro-Asian one-party dictatorship?

crisis would never have erupted. Any attempt to ignore the President would have been nipped in the bud by the President rapping the Prime Minister on the knuckles, and things would not have reached the stage they have.

The solution now is not to sweep this issue under the carpet but to go back on our mistakes and to restore the Constitution of 1950 by discarding the excrescence that has attached to it

since then. Whether Indian democracy has now attained the maturity to be able to do this by electing as the next President an independent personality who is not a stooge of the Prime Minister and the cabinet or will continue to allow the sycophancy and the cult of personality to carry on undermining our democratic Constitution until we sink to the level of a typical Afro-Asian one-party dictatorship, only the future will reveal.



The succession of rubber stamps continued with the election of Fakhruddin Ali Ahmed who failed to dismiss Mrs. Gandhi when she declared the emergency.



Sunday Review

Films



BEACH PARTY: A scene from Eric Rohmer's "Pauline at the Beach".

Marilyn Monroe is once again canonised as the ultimate velvet goddess, love letters fill the postman's sack and the air's thick with the sweet smell of incense. A week in London, established that feeling.

by Lens Eye

ROMANCE has returned. All over the world — except in India where angry young men still sizzle and snarl in anger — there's a fragrant pot-pourri of entertainment. Songs of angels with wings swirl out of stereo decks, Marilyn Monroe is once again canonised as the ultimate velvet goddess, love letters fill the postman's sack and the air's thick with the sweet smell of incense.

A week in London, where I stay in an old-worldly inn right in the hub of the ever-frenetic Oxford Circus, establishes that feeling. In the rush-hour crush, women executives stop to fix a crimson rose in their powder-pink coat lapels. The revival of *High Society* on the West-End stage is just the unveiling of another bucks musical. Budgeted at

were courted with orchids by men in frilly shirts and black bows.

To many like me weaned on the Beatles, Bob Dylan, Steely Dan and the Grand Funk, Porter's repertoire is a revelation. When he wrote *Love for Sale* in which a woman of the night offers "old love, new love — anything but true love", the lyrics were considered so frank that the first British recording in 1930 by an orchestra was allowed to be released only in an instrumental version of Lord Chamberlain. It took Shirley Bassey's dramatic version of that song to bring out the pain behind the elegance. Ella Fitzgerald's *You Do Something For Me* and Eartha Kitt's delicious rendition of *My Heart Belongs To Daddy* showed up the unparalleled rapport between words and music that made Porter the best of his age, any age. Porter was that rare beast

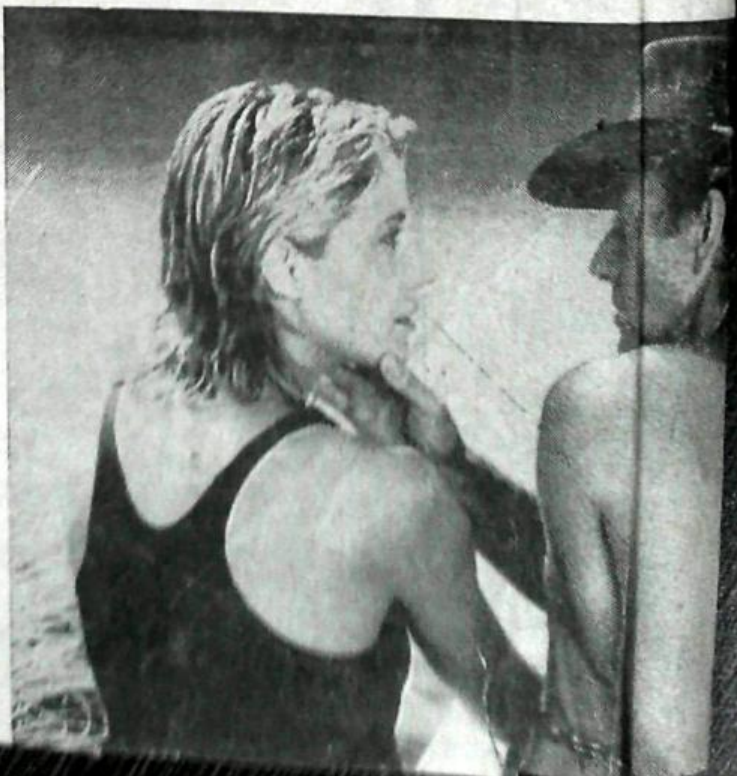
a symphony by Strauss. You're a Bendel bonnet. You're a Shakespeare sonnet. You're Mickey Mouse."

If the stage is celebrating the Porter magic, the cinemas have also become monuments of mush. The scream-and-shout horror piece *The Fly* actually turns out to be a blockbuster romance and is on view just in time for St. Valentine's Day. It has them sobbing and shivering in the aisles as the Canadian director David Cronenberg (the man who gave you the original exploding head in *Scanners*), decides that he has a heart after all.

The story pupates much like the 1958 chiller from which it was reworked: a scientist is fused with a frisky fly at what's called "a molecular genetic level". Now the scientist's body changes, his behaviour also undergoes a drastic warp: an insatiable libido, an almighty sweet tooth for starters, culminating in an entirely non-human ethos. "Have you heard of insect politics?" the scientist asks. And then answers, "Neither have I. Insects don't have politics".

Cue for the element that makes the monster movie different. Love. For there's the all-too-human relationship at the core, as the science-whiz gets involved in a tempestuous love relationship with a sweet-natured, brun-

Ticket To Love



Media

Star Break



THE ACTRESS PRODUCER: Jeetendra and Sridevi in "Majal".

Film Diary

NOW, the news is that Sridevi is turning into a film producer. Her name may not be actually blazoned on the credit titles but her mother I believe is going full steam ahead in making films in Tamil and Telugu. Their first effort will be a Madras-version of Nagina.

But Sridevi may not do the film herself. After all, the idea's just to make a good investment of the money that the actress has earned ever since she was three-years-old and acted as a child-God (not goddess) in south Indian mythological movies. The Nagina role will, therefore, go to someone else. Not sister Sri-lata though because their mother's still waiting for some Hind' film producer to give her the big break.

turned into a new woman, greeting everyone from journalists to teaboys with a yankee-twanged "Hi!" A few months ago, she'd decided to drop out of Sherni, said she couldn't give this film any dates but she's changed her mind and is giving director Harmesh Malhotra all the co-operation he needs. Being tough with the man who gave her Nagina would be the height of ingratitude, wouldn't it?

AMRISH PURI got his come-uppance from a bit player recently. Seems, Amrish is fond of giving others direction on how to act and not to act but matters went to absurd extents or when he asked this not-as-famous actor to change his lines of dialogue because they didn't sound "correct". The incident took place on the sets in a Madras studio where directors aren't in the habit of being dictated to. The director was enraged.

politicians and arranges for her "cultural improvement" by tutor William Holden. Hilarious.

Now, film imports from European countries, have a regular market. But since it's not summer yet, since the new continental goodies haven't been premiered at the Cannes festival, the latest Godard, Chabrol and Resnais haven't made it to the Leicester Square movie maze yet. Still, there's great compensation. For Eric Rohmer's *Pauline at the Beach* continues to draw them in though it's been on the circuit for over two years. This, of course, is the soufflé-light comedy about an idyllic beach outing.

A 15-year-old innocent goes on holiday, and instead of fun finds a perverse, sometimes painful lesson in emotional games of the adult world: as her older cousin rejects a boring old flame and lurches into an affair with a sly advocate of freedom in sexual relationships, she witnesses the trio's discussions, double standards and deceit. And she understands yes, love exists. But if you're devious, if you play mean games, it stinks.

Take a break from the wanderings. And the inn has a TV set (a micro-box actually) in the white-enamelled lobby. What's on? Again, a hark back to the days when people still called each other "darling". They believed in terms of endearment instead of just giving movies such catch-names. So, there's Katherine Hepburn as the small-town social climber in *Alice Adams*. Magnificently, she resorts to endless subterfuge to mask her painful unease. Comes the ghastly dinner party and all her social pretensions finally collapse under pressure from a heatwave. Very, very charming.

It's the midnight hour. But the roads wear the look of early evening. From the window, I can see the black cabs bobbing, the seats occupied by guys and dolls in shiny black, out to paint the Saturday night reel. The tradition of the week-end whoopee persists. Pamphlets for tourists on the side-table implore them to turn into nightbirds. Sleeping would be silly.

"There are 11,000 people a square mile in London," the copy declares, "so the chances of meeting someone you like and care to spend time with are reasonably high. It is simpler if you are driving around in a car of your own. But take a few tips. Do not talk to strangers in the night or in the lift. Avoid people who are ill-tempered. Above all, be careful with people who are unemployed. They may pick your pocket."

As I London my hunch

ette journalist. The poignancy is that of a Mills and Boon paperback for the '80s, albeit with gore and grisly stuff on it.

Or consider the rush for *The Golden Child*. At the Odeon, the queues are long and winding for the cutesy Eddie Murphy who adores kids. A freelance social worker who specialises in finding lost children, a job which in Los Angeles must have the demand of an ice-cream seller in hell. Spotted by various oriental persons as *The Chosen One*, he then embarks on his mission to retrieve a winsome waif who has the power to convert the world to goodness.

The Australian Kangaroo man Paul Hogan is making crowds hop over to *Crocodile Dundee* a sometimes funny, sometimes bizarre account of a middle-aged man from Down Under who jets over to New York and knocks the muggers and assorted riff-raff out of shape. In other words everyone loves an outsider.

At the re-run movie parlours, there are such kiss-a-reel, ritzy romances as George Cukor's 1950 film *Born Yesterday*. Throughout her too-short career Judy Holliday played the not-so-dumb blonde in many guises. Here she's a gangster's moll installed in a preposterously opulent Washington hotel suite while her lord and master does a little business with

love