

49/7

NEWS LETTER

:1:

Edited and published by Mr. C.T.Daru  
for and on behalf of the Citizens for  
Democracy- Yearly Sub.: Rs.10

No.1

June 26, 1976

"Liberty of speech means that it is  
unassailed, even when the speech hurts.  
Liberty of the press can be said to be  
truly respected when the press can  
comment in the severest of term upon,  
and even misrepresent matters."

-MAHATMA GANDHI-

From the editor's desk -

To-day is the first anniversary of the blackest  
day in the history of independent India when thousands of  
persons were detained in jails on no ground whatever and  
precensorship was clamped on news papers so that news of  
the black deeds of the government could be suppressed.  
This news letter will be our positive answer to precen-  
sorship. Such letters will come to you as often as it is  
necessary until the Indian press is liberated from the  
iron grip of draconian press laws. The daily press is  
to-day blacking out all news unpalatable to the ruling  
party. This is done in obedience to the 'guidelines' and  
also to directives, oral and written, issued by the Chief  
censor. The NEWS LETTER will publish news which are  
significant from a democratic point of view and which  
the daily press is not likely to publish.

Truth and accuracy in giving the news will be  
our motto. Nothing will be included which has not been  
verified as correct.

You may help us :

- (1) By supplying significant news items in brief  
after checking their accuracy.
- (2) By circulating this letter as widely as possible.
- (3) By enrolling more subscribers.
- (4) By sending addresses of periodicals weeklies  
fortnightlies etc. which are somewhat fear-  
less and which are likely to publish items  
from this letter in their issues.

(A decision to publish this news letter was  
taken by the national executive committee of the  
Citizens for Democracy in its meeting held on 10th  
and 11th April, 1976 at Bombay).

9, New Alkapuri Society .  
Gulbai Takeria  
Ahmedabad 380 015  
(Gujarat)

Yours sincerely,

C.T.Daru

(C.T.Daru).

In breach of the assurance given on the floor of the Lok Sabha by the then law minister Shri A.K. Sen, the following 16 Judges of the High-Courts in different states have been transferred without their consent.

S. Obetul Reddy C.J. of A.P. transferred as C.J. of Gujarat vice Shri B.J. Divan transferred to A.P. O. Chinnappa Reddy J. of A.P. to Punjab & Haryana. Chinna Kondiah of A.P. to M.P. S H Sheth J. of Gujarat and Vimadalal J. of Bombay to A.P. Both S. Rangrajan J. of Delhi and S. Sadanand Swami J. of Karnatak to Gauhati. D M Chandrashekhar J. of Karnatak to Allahabad. D S Tewatia J. of Chandigarh and D. Beharilal J. of H.P. to Karnatak. A P Sen J. of M.P. to Rajasthan. T U Mehta J. of Gujarat to H.P. P.M. Mukhi J. from B'bay to Calcutta and C. Lodha J. from Rajasthan to M.P. A D Koshal J. from Chandigarh to Madras. Rajendra Sachar C.J. of Sikkim to Raj. High-Court as punise Judge M S Greval J. of Chandigarh to Sikkim as C.J.

The legal circles all over the country strongly believe that these transfers are punitive. The transferred Judges showed integrity, independence and courage in deciding MISA and other political cases against the Govt. For instance Rangrajan J. of Delhi ordered release of the eminent Journalist Kuldeep Nayar. Chandrashekhar & Sadanand Swami JJ. had ordered that Advani a detenu under MISA be permitted to go to Ahmedabad under police custody for nomination at election of the council of states from Gujarat Assembly constituency. Vimadal & Mukhi had ruled that conditions of detention of MISA detainees should be liberal, Sheth & T U Mehta JJ. had addressed a letter to Judges all over India analysing the drastic constitutional amendments proposed at one time and Sheth J. had held against the Govt. in the famous censorship case against Bhoomiputra. Divan C.J. showed independence in most difficult time. The Bar every where has saluted these Judges for their Judicial independence and resented these transfers.

Sheth J. has challenged the legality of transfer by a petition in Gujarat High-Court. Mr. H M Seervai the eminent constitutional lawyer and former adv. General of Maharashtra appeared for him at the preliminary hearing. The petition was admitted after some discussion and the hearing has been set for 26th July.

- \* Vinoba Bhave, who has been pleading and striving for national consensus, seems to be on the confrontation path. He has given a notice to go on the fast-unto death, if the ban on cow slaughter is not imposed by 11th September, that happens to be his birthday. The notice was dated 31-5-1976. The Government has responded by censoring all news regarding this, raiding the Paunar Ashram, confiscating the June issue of Vinoba's journal "Maitri" and putting a seal on the Maitri printing press.
- \* Mr. C.L.Lakhanpal (a MISA detainee) defeated the pro-Congress candidate Gokul Chand Mittal by 174 to 150 in the election of the Presidentship of the Chandigarh High Court Bar Association.
- \* Similarly Mr. P.N. Lekhi (another MISA detainee) defeated the Congress-supported D.D.Chawla by 274 to 224 votes in the election of the Presidentship of the Delhi High Court Bar Association.
- \* The Gujarat High Court Bar Association passed a resolution strongly condemning transfers of Justice S.H.Sheth and Justice T.V.Mehta on 13 April 1976 and observed a one day strike. On 15 April, it passed a resolution opposing the transfer of Chief Justice B.J.Diwan.
- \* A meeting of M.Ps., leaders of various opposition parties, Sarvodaya workers and academicians was held in presence of JP in Bombay on 20 and 21 March. The meeting appointed the National Committee for Review of the Constitution, consisting of M.C. Chagla, K. Santhanam, Babubhai Patel, Shanti Bhushan, H.V.Kamath, V.M.Tarkunde, Prof. Aloo Dastur, Era Sezhiyen and Krishna Kant. The last two are the convenors. The committee has already produced its interim report. The final report is awaited.
- \* In pursuance of above, a state-level constitutional reform committee has been formed in Gujarat under the convensorship of C.T.Daru. The committee held its meeting and organised a public seminar on 13 June 1976.
- \* Shree Krishna Bajpai and Harimohansingh Yadawa, newly elected Members of Legislative Council of U.P., were arrested under D.I.R. with eleven others. They were holding a condolence meeting on the death of a pradhan Mr. Pandey, who was killed during the election campaign.
- \* Harivadan Bhatt (a MISA detainee) died in Ahmedabad while he was in jail. He was a Jana Sangh worker from Surat. He was in indifferent health even at the time of his arrest.

- \* Bhogilal Gandhi, a well known literary figure and top-leader of Sangarsh Samiti in Gujarat, was arrested under D.I.R. and brought to Ahmedabad on 14 June from Bombay, where he was convalescing from the intestinal tuberculosis. He is in a very delicate health. Later on, he was released on bail.
- \* Leading Sarvodaya Youth workers of Gujarat Mandakini Dave, Rajendra Dave and Hasmukh Patel were arrested in May last under D.I.R. when the civil court granted their bail application and released them, they were rearrested immediately in the court compound under MISA.

Shri P.C.Sethi, Union Minister of Chemicals and Fertilisers, was in high spirits all through out his Ahmedabad visit. He rebuked a corporator, who requested him to not to speak in English in the labour area meeting.

At the meeting of the congress workers also he behaved in a way which caused resentment. Among other objectionable words he said: "Defectors from other parties have come to the Congress. But they should remember that they cannot now defect any further. Where will they go? There is no place for them except the Jail under the MISA."

On finding that the Circuit House where he put up the arrangements were not as luxurious as he desired, the manager Shri Nayak was suspended from service at his instance.

The censor directed that accounts of his functions should not be published without his scrutiny and permission.



Fading hope in India (New York Times editorial  
dated 30-4-'76)

If India ever thinks its way back to freedom and democracy that were proud hall-marks of its first 28 years as an independent nation some one will surely erect a monument to Justice H.R.Khanna, of the Supreme Court. It was Mr. Justice Khanna who spoke out fearlessly and eloquently for freedom this week in dissenting from the Court's decision upholding the Prime Minister Indira Gandhi's Government to imprison political opponents at will and without court hearing.

Indian democrats are likely to remember only in infamy the four Judges who obediently overturned the decisions of a half dozen lower Courts scattered across India which had ruled in defiance of the Government that the rights of Habeas Corpus could not be suspended, even during the emergency that Mrs. Gandhi declared last June. But they will long cherish the lonely Judge who said, in words reminiscent of other enduring declarations for freedom :-

"The power of Courts to issue a writ of habeas corpus is regarded as one of the most important characteristic of democratic states under the rule of law. The principle that no one shall be deprived of his life or liberty without the authority of law is rooted in the consideration that life and liberty are precious possessions".

For his colleagues, who held the Government's actions in jailing thousands of its political opponents without trial or even detailed charges to be 'legal' under the sweeping emergency powers granted by the 'Constitution'. Mr. Justice Khanna had a tart and haunting reminder:-

"In a purely formal sense, even the organised mass murders of the Nazi regime qualify as law".

It is a reminder that ought somehow to force its way into the Consciousness and thence on to the conscience of this stubborn woman who, for the last ten months, has behaved more in the manner of an Empress or a Vicerene than like the daughter of Jawaharlal Nehru. The submission of an independent Judiciary to absolutist Government is virtually the last step in the destruction of a democratic society; and the Indian Supreme Court's decision appears close to utter surrender.

A defeated lawyer was close to the truth when he said after that decision :-

"This case was our last hope and now that hope is gone".

### 80 Americans appeal to India to restore fundamental rights:

More than 80 Americans, most of them widely known, have issued a joint appeal expressing distress at repression in India and calling for the reconstruction of fundamental rights. The appeal appeared in New York Times dated March 5, 1976. The fervent appeal states: "We deplore these events, especially in India, because there democracy was established after a long struggle for freedom led by some of the greatest contemporary exponents of human rights, and also because the respect of democratic India for these human rights was for many years a beacon light for all newly independent and developing countries."

Signatories include Nobel Laureates like Salvador, Dr. Linus Pauling and Dr. Paul Samuelson; eminent political scientists Dr. Charles Frankel, Michael Harrington, Stanley Heginbotham, Harold Isaacs, Richard Park, Donald Rosenthal, Donald Smith, Myron Weiner, Werner Levi, and Howard Wriggins; Sociologists like Daniel Bell, Malaim Marriott, and Milton Singer; men of public affairs like Emanuel Celler (Congressman), Ramsey Clark (former Attorney General of U.S.P.), Philip Jessup (former judge, International Court of Justice), Paul Kutz (Humanist), and Ved Mehta etc..

### Citizens for Democracy: Annual General Meeting:

The annual general meeting of the Citizens for Democracy was held at Bombay on 19th and 20th June. About 400 members from all over India attended. J.P. presided. There was a free and fearless discussion about loss of democratic rights in India. The meeting adopted, among others, resolutions (1) demanding early elections after release of political prisoners, restoring freedom of the press and removal of ban on public meetings (2) protesting against bad treatment to detainees and political prisoners (3) on the amendments to the constitution (4) protesting against transfer of judges and encroaching upon judicial independence (5) on plan of work (6) on corruption. M.C. Chagla, Minoo Masani, S.M. Joshi, Chimanlal C. Shah and others made speeches which draw loud applause. Detailed report in the next letter.

\* In an interview given to the representative of the Astralian "Canberra Times", the Prime minister said that there is how no censorship in India, only some guidelines have been given.

- But only few days Prior to her interview "Bhoomiputra" (a orgen of Sarvodaya ideology in Gujarat) received a show cause notice asking why the press should not be for feited for "non-comlianse of pre-censorship" on the 15th June, Bhoomiputra received another notice demanding the deposit of Rs. 25000 for publishing an article of Gaur Kishor Ghosh, an eminent literatureur from Bengal.

- The press at Paunar was Sealed for publishing Vinoba Bhawe's periodical "Maitri", which contained his letter regarding his decision to go on fast for the demand of national ban on cow- slaughter.
- "Opinion" of A.D. Gorwala got notice to demanding deposit at Rs. 25000. Mr. Gorwala made a write petition on 12th May and got stay order. Even then the post office refused to accept opinion packets without any authority of law.
- Similarly "Dainik Marathawad" (Aurangabad), Rashtrasevak (Jalgaon) and "Vikas" (Pacheve) have also received notices for deposits under the censorship order.

Noteworth publications :

- \* Yakeen (Hindi periodical) edited by Narayan Desai  
Yakeen Karyalay, Suruchi Vasahat, Bardoli-1  
subsaviption Rs.10.
- \* Gujarat High-Court on precensorship : Judgement  
in Bhoomiputra case (complete text)  
published by P.D. Patwari, Pritamnagar-no Pahelo  
dhal, Ellisbridge, Ahmedabad-6 Rs. 5/-

### Why J.P. returned the help from the P.M. Relief fund ?

Recently the Prime Minister offered Rs.90,000 from the Prime Minister's Relief fund to Jaya Prakash Narayan for the purchase of a dialyser for kidney treatment. As by then enough money was received from people and a dialyser was already purchased, J.P. returned the money after accepting a token sum for the sake of courtsey.

There appeared many criticisms in the Press accusing J.P. of "bringing political considerations into a humanitarian act" and "accepting donations from smuggler but rejecting donations from the P.M.".

The fact of the matter is that a committee (consisting of Ravishankar Maharaj), Swami Anand, Kedarnathji, and Dada Dharmadhikari) collected more than three lakhs of rupees through small donations only. This collection was done in the early 1976; and the fund was already closed in March last. But the censor did not allow this other side of the story. The following excerpts from JP's letter to the Prime Minister dated 11 June will set the matter in right perspective:

"There are two other relevant points that I should mention here. One, the committee had announced that only small contributions would be acceptable. Some friends had offered large donations, but they were not accepted and only small amounts were taken from them. Two, before the contribution from your fund was received ... the committee had closed the fund through a public announcement on the ground that the fund has already been over subscribed. In these circumstances, it is not right that I should accept such a large donation from your Relief Fund. There is so much of relief to be rendered that every pise of a relief fund should be used where it is needed most ..... There is no discountsey meant at all and I am grateful for the concern shown by you for my health."

### STOP: PRESS

### DARU DETAINED

- \* On eve of the publication of this newsletter, its editor, Mr. C.T.Daru has been arrested under MISA on the night of 24 June. Mr.Daru is a leading Radical Humanist, activist of the Citizens for Democracy, and top-ranking advocate of the Gujarat High Court. He convened Civil Liberties Conference in October 1975, Save the Constitution Convention in January 1976. He fought many legal battles for liberal cause, including famous Bhoomiputra case on pre-censorship. He is kept in Jamnagar district Jail.
- \* On the same day, editor of Bhoomiputra Mr.Chunibhai Vaidya was also arrested under MISA in Baroda.