



4971

July 15, 1975.

Drash

My dear Nani,

I understand orders have been issued to newspapers -- perhaps only Dailies as so far ^{we have not} received any such order -- that only censored versions of the proceedings of Parliament and the Supreme Court in relation to Mrs. Gandhi's appeal could be published. I am enclosing herewith a note prepared by our Sri K. Santhanam in this connection. In the light of what Sri Santhanam has observed in his note one should conclude that both these orders are unconstitutional and deserve to be vindicated in Courts.

If writ petitions can be filed against these orders, perhaps the mere propaganda effect for the freedom of the Press, may itself be valuable irrespective of the result.

I naturally am anxious to know your view in the matter and need I tell you, if you advise filing a writ in the court we would look to you as our counsel.

With high and affectionate regards from us both,

Yours sincerely,

T. Sadasivam

T. Sadasivam

Sri N.A. Palkhivala
Bombay.

Copy to: Sri M.R. Masani
Bombay.

Post Script: The other enclosure ~~by~~ by Sri K. Santhanam is a copy of the letter which he intends to address the Members of the Parliament.

T. S.

Parliament and Censorship

Article 105 (1) of the Constitution says: " Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament."

Article 105 (2) says that no member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof.

Article 105 (3) says: " In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by Law and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, the commencement of this Constitution."

No censorship has ever been imposed in respect of the proceedings of the House of Commons.

Article 359 empowers the President to curtail resort to courts for the enforcement of the rights conferred by Part III of the Constitution. It does not refer to Article 105 (3). The supreme authority is the Parliament and its function as the embodied will of the people implicitly excludes any power of the executive to come between the Parliament and the people or to prevent the latter from learning of the proceedings of Parliament through the normal agencies of the Press. It is open to Parliament to go in secret session or direct the press not to publish any part of the proceedings. The executive has no right to assume or expand such power.

For all these reasons, any censorship of the proceedings of the Parliament can be allowed only if Parliament directs by special law such a course. Therefore, the present order that newspapers should publish only censored proceedings of Parliament is unconstitutional and illegal and deserve to be contested in a High Court or the Supreme Court.

The Supreme Court and Censorship

Article 145 (4) says: " No judgement shall be delivered by the Supreme Court save in open Court, and no report shall be made under article 143 save in accordance with an opinion also delivered in open court. " This provision ~~means~~ means that the judgement shall be known to the people and therefore no newspaper shall be liable for punishment for publishing an accurate version of such judgement.

The emergency provisions do not curtail the powers and privileges of the Supreme Court except to the extent that the President may prohibit resort to it in respect of any rights under Chapter III. The right of the press to publish proceedings of the Supreme Court orders arises not only from Article 19 but also through the implied right accruing from Article 145 (4). Therefore the order that only censored proceedings of the Supreme Court may be published is unconstitutional and deserves to be contested by a writ petition.

Bear Member of Parliament:

I am not approaching you in your capacity as a Member of any political party but as a duly elected Representative of the People. The Parliament is the guardian of the rights and liberties of the Indian people. It has also to safeguard the Constitution which gives the Parliament itself the power to function as the Supreme Will of the people. While it is true that under Chapter XVIII, the Executive is empowered to assume special powers to deal with extraordinary situations, it will be destructive of the powers of Parliament itself if, in the name of emergency provisions, the executive is enabled to destroy the essential values and the main principles underlying the constitution.

The rule of law, freedom of the press, the making of the law by Parliament and State Legislatures constituted through free and fair elections under the Constitution are the foundations of Indian democracy embodied in the Constitution.

The rule of law is being practically nullified and the Constitution is being shattered through the misuse of the articles in the emergency chapter by measures which were not even remotely contemplated by the Constituent Assembly.

To contend that any emergency had arisen on the 26th of June, 1975 to upset the country or disrupt the functioning of Parliament and State Legislatures, the Judiciary or the Administrative machinery, is totally without foundation. Imprisonment of all opposition leaders of Parliament and a very large number of political workers, not for any offences they had committed but because their activities were personally embarrassing to the Prime Minister, is unconstitutional.

Though the action taken against smugglers, tax evaders and illegal traffickers of foreign exchange may be desirable from an economic and moral point of view, these are evils which have been known to Parliament for the past many years. The appropriate way of dealing with them was under a comprehensive law enacted by Parliament. We are not aware that the ruling party introduced any law in Parliament to prevent such offences and that it was prevented by the opposition parties. Even murderers have to be convicted by a court of law before being punished. Even smugglers and other indulging in economic offences are citizens of this country and they should have the protection of law. Hence it is necessary that Parliament should enact a comprehensive law in the matter and put an end as quickly as possible to the arbitrary proceedings taken under cover of emergency. Properties attached can be forfeited or sold only under the appropriate law and such a law should be enacted quickly as otherwise there is a danger of attached properties being lost or misappropriated.

The freedom of the press is necessary not only for democracy but for any civilised country. The present censorship, which has imposed a complete black out of all factual information regarding political and economic events, except those permitted by the censor will, if prolonged, completely demoralise our public and social life. Indian unity will be gravely jeopardised by the inability of citizens of one part of India to know what happens in the rest of the country. Efforts will be made to overcome the censorship by publication of unauthorised leaflets circulating all kinds of rumours. Attempts to suppress such information will involve the imposition of unrestricted Police Raj all over the country.

It is monstrous that attempts should be made to censor parliamentary proceedings and proceedings of the Supreme Court. There can be no freedom or democracy of any kind without the freedom of the press.

The status and functioning of Parliament depends upon the sanctity of the press and liberty of movement of Members of Parliament except when they are convicted by appropriate courts of law for offences involving moral turpitude. If the Ruling party can place under detention Members of Parliament belonging to the opposition, then the integrity of Parliament is lost. It will be reduced to a party caucus and it will slowly deteriorate into a totalitarian dictatorship supported by a party whose members are practically under duress to support the dictatorship unconditionally.

It is also a dangerous illusion to think that any dictatorship could control this vast country with lakhs of villages and thousands of small towns. A centralised dictatorship will have to get rid of federalism and establish a centralised administration which can never reach the remote rural areas and small towns. It will necessarily pass into the control of the local gangs of adventurers and the dictatorship will have to come to terms with them. Then, INDIA will drift into chaos. It is easy to destroy democracy and orderly government. But, it is a herculean task to restore them. It was the spirit of patriotism aroused by the struggle for freedom under Mahatma Gandhi that enabled his immediate followers, who took over the government of the country in 1947, to have given stability, peace and orderly government until now. When once they are destroyed, it is difficult to foresee what will happen. There will be all kinds of movements for separation, caste conflicts and class war. Neither the Prime Minister and her party nor even the Indian army will be able to save the situation.

So, dear Member, please do your best to prevent further deterioration. Both the proclamations of emergency should be revoked and all people detained on political considerations should be released. This should be the first step.

The enactment of comprehensive laws for dealing with economic offences and the prosecution and punishment of all those suspected of economic offences should be the next step.

General elections to the Lok Sabha and all State Legislatures should be the third step.

Together with the immediate removal of press censorship, these are the necessary steps to restore values of democracy and rule of law which alone can ensure peace and progress for the people of INDIA.

Yours sincerely,

(K.Santhanam)

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Thursday, the Third day of July, One thousand nine hundred
and seventy five.)

Present: The Hon'ble Mr. Justice Ramanujam.

WRIT MISCELLANEOUS PETITION No.6169

IN

W.P. Nil 4525 of 1975

T. SADASIVAM

.. Petitioner (Petitioner in
W.P. No.4525 of 1975 on the file
of the High Court)

Vs.

The Deputy Secretary to the
Government, Government of
Tamil Nadu, Public Department,
Fort St. George, Madras-9.

Respondent.
3rd Respondt. in -do-)

Petition praying that in the circumstances stated therein and in the affidavit filed with W.P.No.4525 of 1975 on the file of the High Court, the High Court will be pleased to issue an order of ad interim injunction restraining the Respondent herein from enforcing his impugned order bearing Public (I & P.R.) Department, Censor No.3/P.O.(Swarajya 5-7-75) 75 dated 30-6-75 and from taking further steps in pursuance of the said order pending W.P.No. 4525 of 1975 presented to the High Court under Art.226 of the Constitution of India to issue a Writ of Certiorari filed mandamus calling for the records relating to the order of the 3rd Respondent bearing Public (I & PR) Department, Censor No.3/P.O.Swarajya 5-7-1975)/75 dated 30-6-75 ~~dated~~ and directing the third respondent not to enforce the aforesaid impugned order in relation to the issue of the English Weekly "Swarajya" dated 5-7-75 published from Madras.

....P/2

ORDER; This petition coming on for orders upon perusing the petition and the affidavit filed in support of W.P. No.4525 of 1975 on the file of the High Court and upon hearing the arguments of Mr.Dolia for Messrs. Sunder and Miss K.Kusum Kumari , advocate for the petitioner IT IS ORDERED AS FOLLOWS:

- 1) That NOTICE do issue to the Respondent herein to show cause why this petition should not be completed with; and
- 2) That an injunction to issue restraining the Respondent herein from enforcing his impugned order bearing Public (I & PR) Department Censor No.3/P.O.(Swarajya 5-7-75/75) dated 30-6-1975 and from taking further steps in pursuance of the said order pending further orders on this petition and (3) IT IS FURTHER ORDERED that the aforesaid order passed herein is WITHOUT prejudice to the respondent right to proceed against the petitioner for any contravention of the rules.

Sd/ C.S. Narasimhan
Assistant Registrar (P)

/True copy/

Sub Assistant Registrar(App.side)

To

1. The Secretary to the Government of India, Home Department, New Delhi.
 2. The Chief Secretary to Government of Tamil Nadu, Fort St. George, Madras-9
 3. The Deputy Secretary to the Government of Tamilnadu, Public Department, Fort St.George, Madras-9
- one C.C. to Mr.S.Sunder, advocate on payment of charges S.R. 8564.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Special Original Jurisdiction
W.P.No. 4525 of 1975.

T.Sadasivam.

... Petitioner.

Versus

1. The Union of India
represented by the Secretary,
Home Department, New Delhi
2. The State of Tamil Nadu,
represented by the Chief Secretary
to the Government,
Fort St. George, Madras-9 ..
3. The Deputy Secretary to the
Government,
Govt. of Tamilnadu,
Fort St. George, Madras-9 .. Respondents.

Petition under Article 226(1) (a) of the Constitution of India.

1. The address for service of the Petitioner is that of his
Advocates Mr.S.Sunder and Miss. K.Kusum Kumari, 71 Law
Chambers, High Court Buildings, Madras-1.
2. The address for service of the Respondents is as stated
above.
3. For the reasons stated in the accompanying affidavit the
Petitioner herein prays that this Hon'ble Court may be pleased
to call for the records relating to the order of the 3rd
Respondent bearing Public (I & PR) Dept. Censor No.3/P.O.
(Swarajya 5-7-75)/75 dated 30-6-1975 on the file of the third
respondent bearing Public (I & PR)Dept. Censor No.3/P.O/
Swarajya 5-7-75)/75 dated 30-6-75 by issue of a Writ of
Certiorarified Mandamus directing the third respondent
not to enforce the aforesaid impugned order in relation
o the issue of English weekly "Swarajya" dated 5-7-75
published from Madras and to pass such further orders as
this Hon'ble Court may deem fit in the circumstances of
the case.

Dated at Madras this the 3rd Day of July, 1975.

Sd/

Counsel for Petitioner

/ True copy /

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Special Original Jurisdiction

W.P. No. 4525 of 1975

T. Sadasivam

...

Petitioner

Versus

1. The Union of India
Represented by the Secretary
Home Department
New Delhi.
2. The State of Tamil Nadu
represented by the Chief
Secretary to the Government,
Fort St. George, Madras-9
3. The Deputy Secretary to the
Government,
Government of Tamil Nadu
Fort St. George, Madras-9 .

Respondents

AFFIDAVIT OF THE PETITIONER

I, T.Sadasivam, son of Thyagaraja Iyer, Hindu, aged about 72 years, residing at Kalki Gardens, 20 Dr.Guruswami Mudaliar Road, Madras-31, do hereby solemnly and sincerely affirm and state as follows :

1. I am the petitioner herein.
2. I am the Chairman of Bharathan Publications Private Limited, which is publishing a weekly "SWARAJYA" published from Madras, besides Tamil weekly 'KALKI' and Tamil fortnightly "Gokulam". The English Weekly "Swarajya" was founded by the late Khasa Subba Rao and a number of eminent persons like Pothan Joseph, Philip Spratt, K.Santhanam were its Editors. The present Editor is Sri R. Venkataraman.
3. The issues of the weekly SWARAJYA bear the date of every Saturday. However, the issues are released even on Thursdays prior to the respective dates of issues. In order to ensure releases on Thursdays, copies of the weekly are despatched on different days from Monday itself. The copies are made ready on the previous Saturday morning itself.
4. Totally about 10,000 copies of the weekly are printed every week. The issues of the date July 5, 1975 were made ready as early.

as 28-6-75. About 8000 copies were already despatched in different batches to various places in India. The despatch commenced on 30-6-75 itself.

5. I submit that the President of the Union of India made a declaration under Article 352 of the Constitution to the effect that emergency exists. The Central Government has issued an order called "The Censorship Order" in exercise of the power conferred on it under Rule 48 of the Defence of India Rules 1971. The said order inter alia reads as follows:-

"The Central Government hereby makes the following order namely (1) that no news, comments, rumour or other report relating to (a) any contravention of alleged or purported contravention of any of the provisions of Part III, Rules 31 and 33 of Part IV, Rules 37, 38, 39, 43, 47, 50, 51 and 52 of Part V, Part VIII and Part IX of the said rules including orders made thereunder or (b) any action taken in relation to such contravention, or (c) any action taken under the provisions of the Maintenance of Internal Security Act, 1971 (26 of 1971) shall be published in any newspaper, periodical or other document unless such news, comments, rumour or other report has been submitted for scrutiny to an authorised officer and the publication thereof is authorised in writing by such officer (2) that no such publication shall be made except in accordance with such conditions of restrictions as such officer may impose.

6. An issue of SWARAJYA was submitted for scrutiny to the 3rd respondent herein who is the "Authorised Officer" for the purpose of obtaining his authorisation for the publication. I may submit here that the copy was submitted for scrutiny only by way of abundant caution, although we were not obliged to do so under the Censorship order dated 26-6-1975, referred to supra. We heard from various sources that certain other weeklies like KUMUDAM and ANANDA VIKATAN were not delivered to the consignees as they did not contain the authorisation and the censor certificates. We were also told that a consignment of ANANDA VIKATAN sent to Bombay was returned to

Madras as it was not submitted for scrutiny. Therefore, although the SWARAJYA issue dated 5-7-75 does not contain any news, comments, rumours or other reports relating to (a) any contravention or alleged or purported contravention of any of the provisions of Part III, Rules 31 and 33 of Part IV, Rules 37, 38, 39, 43, 46, 47, 48, 50, 51 and 52 of Part V, Part VIII and Part IX of the said Rules including orders made thereunder, or (b) any action taken in relation to such contravention, or (c) any action under the provisions of the Maintenance of Internal Security Act, 1971, it was submitted for scrutiny only by way of abundant caution.

7. The 3rd Respondent passed an order bearing Reference Censor No.3 dated 30-6-75 stating that the deleted portions in pages 1 and 2 in Swarajya dated 5-7-75 are not approved for publication on 1-7-75. I made a detailed representation stating that the passage ordered to be deleted which forms part of the review of the working of Swarajya for last 20 years, in the context in which it appears relates to the determination in observance of democratic conventions and privileges, the need to preserve democratic institutions based on individual liberty and dignity of a man and that they are general observations dealing with recognised canons of democratic life. I further stated therein that the said passage does not contravene the Provisions of the Censorship Order and that the order directing the deletions of the said passages is outside the scope of the authority of the 3rd respondent conferred on him by the Censorship Order passed under Rule 48(1) of the Defence of India Rules 1971. The passage objected to by the 3rd respondent reads as follows:-

"Today grave threats to democracy are looming large on the horizon. Many of the cherished fundamental rights have been put in the cold storage in the name of emergency. Conventions of Parliamentary democracy are sneered at and trampled upon. We are only left with the shell of democracy, the substance having disappeared long ago. In this context Swarajya pledged itself to fight for the cherished objective of a real democracy based on individual liberty and dignity of man and seeks the combined support of our people for the achievement of the objectives."

I was informed by the 3rd respondent, when contacted on phone on 2-7-75 that he does not see any reason to interfere with the previous order dated 30-6-75 and if his order is required in writing he would deliver to the messenger if sent by us.

8. Aggrieved by this order I am approaching this Hon'ble Court involving its jurisdiction under Article 226 of the Constitution of India.

9. The Order of the 3rd Respondent bearing Reference Public (I & P.R) Department - Censor No.3/P.O.Swarajya/75 dated 5-7-75 is liable to be directed not to insist on the deletion of the portions in Swarajya dated 5-7-75 deleted by him by the impugned order of issue by a Writ of Certiorarified Mandamus on the following among other grounds.

(a) The Censorship order dated June 26, 1975 made by the Central Government requires submission of news, comments, rumours or other reports relating to matters specified therein and authorisation of the same before publication. The matter not not approved for publication under this impugned order does not require such authorisation. Further the censorshiporder does not empower the authorised officer to direct the portion in question to be delete. That is beyond the competence of the authorised officer under the Censorship Order.

(b) The first emergency after Independence was declared on 26-6-1972 during Chinese aggression and was revoked on 10-2-1968. The second emergency was declared on 3-12-1971 at the time of war with Pakistan and the said emergency is still in force. Both the Emergencies were declared for the purpose of defence of India and during the period of external aggression. The first period of emergency was for a period of about 5 years and 3 months and the second which is still in force is continuing for about 3½ years. The emergency referred to in the article is only the said two

emergencies and not the latest one which has been declared for the purpose of avoiding internal disturbance on 25-6-75. The Censorship Order which has been issued for the purpose of Defence of India Civil Defence, the public safety and maintenance of public order deals with particular matters relating to a particular subject or class of subjects for being submitted for scrutiny as envisaged by Rule 48 of the Defence of India Rules 1971. The particular subject mentioned in the order deals with any news, comments, rumours or other reports relating to any contravention or alleged contravention or purported contravention of the provisions of the Defence of India Rules mentioned therein including the orders made thereunder or relating to any action relating to such contravention or in regard to any action taken under the Maintenance of Internal Security Act, 1971. The passages objected to by the third respondent in the leading article do not comment any of the matters stated supra. The only clauses applicable to the instant case are clauses (a) and (b) of the Censorship Order. The passages in the leading article referred to supra do not relate to any contravention or alleged or purported contravention of any matter mentioned therein. Neither do they relate to any contravention of the orders made under the various provisions of the Defence of India Rules mentioned therein and in particular relate to any action taken by the authorities in relation to such contraventions.

(c) The third respondent has got no authority to impose pre-censorship or direct deletion of any particular passage unless such publication relates to any contravention or alleged or purported contravention of any of the provisions of the Defence of India Rules mentioned therein including orders made thereunder or unless such publication relates to any action taken in relation to such contravention.

- (d) The authority to impose conditions or restrictions on the authorised officer is only in regard to such publications mentioned in sub-clause (1) of the Censorship Order.
- (e) The Censorship order does not lay down any guidelines or guiding principles for imposing conditions or restrictions even in such matters calling within the purview of that order.
- (f) The Petitioner submits that the guidelines or the general guidance issued by the Press Information Bureau of the Government of India cannot enlarge the scope of the Censorship order of prohibit publications of any news, or comments in regard to matters not covered by the Censorship orders. If there are any such guidelines they are not valid as beyond the scope of the statutory order issued under Rule 48(1) of the Defence of India Rules 1971.

10. In this petition I am not challenging the validity or otherwise of the proclamation of the Emergency of the Censorship Order. I submit that the ~~ix~~ impugned order of the 3rd respondent is beyond the competence of the said respondent under the Censorship Order dated 26-6-1975.

11. As already stated the copies intended to be released on Saturday or made ready on the previous Monday. The bulk of the copies of the issue dated 5-7-75 have already been despatched to various places in India and have been received by the subscribers and general readers already. The copies for the readers in the city of Madras are released today. Pursuant to the impugned order the 3rd respondent is attempting to issue orders for seizure of the issues dated 5-7-75. In the circumstances it is prayed that this Hon'ble Court may be pleased to pass an ad interim injunction restraining the 3rd respondent from enforcing his impugned order bearing Reference Public (I & P.R.) Department Censor No.3/P.O./Swarajya (5-7-75)/75 dated 30-6-75 and taking further steps in pursuance of the said order pending disposal of the above Writ Petition and render justice.

12. Under these circumstances it is just and equitable that this Hon'ble Court may be pleased to call for the records relating to the order of the 3rd Respondent bearing Censor No.3/P.O./Swarajya 5-7-75/75 dated 30-6-75 and quash the said order of the 3rd Respondent bearing Public (T & PR) Dept. Censor No.3/P.O./Swarajya 5-7-75) dated 30-6-75 by issue of a Writ of Certiorarified Mandamus directing the third respondent not to enforce the said impugned order in relation to the issue of the English Weekly "Swarajya" dated 5-7-75 published from Madras and render justice.

Solemnly affirmed at Madras
this the day of July 1975
and signed his name in my
presence.

Before me,

Advocate Madras

/ True copy /

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Special Original Jurisdiction
W.M.P. No.6169 of 1975
in
W.P.No. 4525 of 1975.

T. Sadasivam.

.. Petitioner/Petitioner

Versus

The Deputy Secretary to the
Government, Government of
Tamil nadu, Fort St.George,
Madras-9.

.. Respondent/3rd Respondent.

WRIT MISCELLANEOUS PETITION UNDER ORDER 39, Rules 1 and 2
C.P.C. read with Article 226 of the Constitution.

For the reasons stated in the affidavit filed in support
of the main Writ Petition, the Petitioner herein prays that
this Hon'ble Court may be pleased to issue an order of
ad interim injunction restraining the respondent herein from
enforcing his impugned order bearing Public (I & PR) Department,
Censor No.3/P.O./Swarajya 5-7-75 dated 30-6-1975 and from
taking further steps in pursuance of the said order, pending
disposal of the above Writ Petition and to pass such further
or other orders as this Hon'ble Court may deem fit in the
circumstances of the case.

Dated at Madras this the 3rd day of July, 1975.

Counsel for Petitioner

/ True copy /

COPY

Public (Information and Public
Relations) Department.

Letter No.29315/PO/75-1 dt.3-7-1975.

From

K.A. Sundaram IAS
Deputy Secretary Government and
Ex-Officio Director of Information and
Public Relations and
Authorised Officer,
Fort St. George,
Madras-9

To

The Editor,
SWARAJYA
Chetput,
Madras 600 031

Sir,

Sub : Declaration of Emergency - Press
Censorship - Regarding.

Ref : 1. Censor No.3/PO/Swarajya/75 dated
5-7-75 and 30-6-75.

2. Your letter dated 1-7-75.

The passage meant for publication in your
journal dated 5th July 1975 was disapproved only after
careful scrutiny as it was a violation of Clause No.3
of the G.O.Ms.No.2097, Public (I & PR) Department,
issued under Sub Rule No.1 of Rule 48 of the Defence
of India Rules 1971.

Yours faithfully,

Sd/

3-7-75

Authorised Officer.

SWARAJYA

(Founded by KHASA SUBBA RAU)

Vol. XX. No. 1

MADRAS, JULY 5, 1975

Price 40 p.

TWENTY TODAY

R. VENKATARAMAN

WITH THIS current issue, SWARAJYA enters on its 20th year of service to the nation. Looking back over this eventful period of our national history we feel a sense of pride that during all these years SWARAJYA has been a beacon lighting the path to a higher and nobler way of life. The name SWARAJYA brings hallowed memories of the valiant fight against the British imperialism waged by the great patriot, T. Prakasam. Khasa Subba Rau, the founder of the weekly, or Khasa, as he was fondly called by his friends, was a journalist of outstanding integrity, undying patriotism and ardent devotion to the freedom of the press. With a mastery over the language and an inimitable style, Khasa could be devastating or pungeant, sarcastic or kind and generous, according to the needs, circumstances and times. He always regaled his readers with the vintage of finest brew. Pothan Joseph and Philip Spratt carried forward Khasa's traditions, enlivened the pages of SWARAJYA and added variety to it. Sri K. Santhanam brought to bear his mature wisdom, vast and varied knowledge and experience, a sobriety and an inoffensive dignified style of writing that not only soothed the frayed tempers of our public life but shed light and lustre in the midst of dust and din.

Whoever was the editor, SWARAJYA was always regarded as Rajaji's paper. The saintly wis-

dom that flowed from his crisp, incisive and epigrammatic sentences, the lacerating wound they caused to those who erred and the fearless and forthright expression of views on all political, social and economic issues they contained gave to SWARAJYA, a weight and importance unequalled by any other paper of its kind in India or abroad. Through his 'Dear Reader' column, he shared his innermost thoughts with his audience and established a holy communion with them. The readers were truly orphaned on the demise of this universal parent. The credit for bringing together such a galaxy of eminent men and enabling the machine to function smoothly and efficiently goes to Sri T. Sadasivam, who obliterates himself from the picture and

always remains in the background. To his managerial talent, the SWARAJYA owes much of its success. Rajaji ensured that SWARAJYA remained at all times a champion of democracy. He was quick to notice deviations from the hard and straight path and condemned them in no uncertain terms. He insisted on a clear line of demarcation between the party and the Government and urged the ruling party through the columns of SWARAJYA not to blur the lines. Under his guidance, SWARAJYA never wavered from its commitment to democracy. Today, grave threats to democracy are looming large on the horizon. Many of the cherished fundamental rights have been put in the cold storage in the name of emergency. Conventions of par-

VICTIM

DON'T BE STUPID. IT IS ONLY
THE CAT. IT IS NOT THE
MIDNIGHT KNOCK!



liamentary democracy are sneered at and trampled upon. We are only left with the shell of democracy, the substance having disappeared long ago. In this context, SWARAJYA pledges itself to fight for

the cherished objective of a real democracy based on individual liberty and dignity of man and seeks the combined support of our people for the achievement of the objectives.

by internal disturbance may be made before the actual occurrence of war or of any such aggression or disturbance if the President is satisfied that there is imminent danger thereof.

PROCLAMATION OF EMERGENCY

The President of India, Mr Fakhruddin Ali Ahmed, issued a proclamation on June 26 declaring a state of emergency throughout the country.

The following is the text of the proclamation:

"In exercise of the powers conferred by Clause (one), Article 352 of the Constitution, I, Fakhruddin Ali Ahmed, President of India, by this Proclamation, declare that a grave emergency exists, whereby the security of India is threatened by internal disturbances."

The relevant provisions in the Constitution of India on Emergency say:

Article 352 (1): If the President is satisfied that a grave emergency

exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbances, he may, by Proclamation, make a declaration to that effect.

(2) A Proclamation issued under Clause (1): (A) may be revoked by a subsequent Proclamation; (B) shall be laid before each House of Parliament; (C) shall cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

(3) A Proclamation of Emergency declaring that the security of India or of any part of the territory thereof is threatened by war or by external aggression or

PRESS CENSORSHIP

Simultaneously with the Proclamation of Emergency, the Press in the country has been brought under censorship for the first time since Independence. There was no censorship during the first spell of emergency proclaimed in the wake of the Chinese aggression in 1962. A press advisory system was in operation at the time of the Indo-Pakistan war in 1965.

In a pre-dawn swoop, top non-CPI Opposition leaders and some Congress leaders were arrested on June 26 under the Maintenance of Internal Security Act. In all, over 600 arrests were made in several parts of the country that day.

We refrain from commenting on the emergency because of press censorship.—Ed.

IS OUTLAY ON FAMILY PLANNING UNPRODUCTIVE "EXPENDITURE"?

PROF. L. G. BAPAT

AT A RECENT seminar, Dr R. T. Ravenholt, Director of the Office of Population of the Agency for International Development, expressed disappointment at India's failure to implement her family planning programme vigorously. Our planners concede it when they admit in the Fifth Plan draft (pages 240 and 252) that even the modest Fourth Plan targets of family planning have not been achieved.

DIVERSION OF RESOURCES

Still, not only enough funds have not been provided in the Fifth Plan, but those earmarked for family planning have been classified as "expenditure", suggesting their unproductiveness. However, both in theory and practice, family planning expenditure is found to be much more

productive than investment in agriculture, industry, etc.

In his theoretical model, Prof. Stephen Enke, an American economist, has shown that in India, the *per capita* income can be raised much more quickly by diverting some resources to population control. He says: "Resources earmarked for controlling population will be more effective in raising the *per capita* income over, say, a 10-year period than are resources of equal value invested in traditional development projects."

Prof. Paul Demeny, a French economist, applies the principle of opportunity cost. He compares the two alternatives: investment in family planning and investment in increasing material production. If more is invested in controlling birth, there shall be

less sharers in the national income. But less will be available for investment elsewhere. Hence, some material production will be lost. If we invest less in population control, material production will be at a higher level, but there will be more people to be fed too. Opportunity cost of lower births is equal to loss in material production, whereas that of higher production is equal to extra births.

U.N. PROJECTION

By using an aggregative model, Prof. Demeny concludes that the opportunity cost, namely, forgoing of some production, is much less than the benefits of reduced sharers in the national income. He says: "The economic case in underdeveloped countries is very strong for forgoing, if necessary, large directly productive investments in order to achieve an early substantial reduction in fertility."

What is our own experience? During 1951-69, the actual amount