

Democracy in India

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democracy in india



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INTRODUCTION

THE most important problem before India today is rapid and large-scale economic development. At a time when totalitarian planning techniques are alluringly held before the world as a panacea for all economic malaise, it becomes all the more important for the people of India who are committed to the democratic way of life to devise ways and means of economic development within the democratic framework. The adoption of totalitarian planning techniques in the Second Five-Year Plan has already put an enormous strain on the democratic institutions in the country. In order to avoid a similar situation, in future, and to make the country safe for democracy, it is essential to educate public opinion on the fact that rapid and large-scale economic development is not only desirable but also possible within a democratic framework. After all even phrases like "standard of living" make sense when there is meaningful production of goods and services desired by the people and there is scope for exercise of individual initiative and enterprise in an atmosphere of freedom. However, a definition of the content of democracy and what it means to the individual citizen is required to promote an appreciation of democracy.

The task of searching the content of a democratic society is not easy. An attempt in this direction was made by the Forum of Free Enterprise, in keeping with its tradition of stimulating public thinking, believ-

ing as it does that free enterprise is closely inter-linked with free society. A series of lectures on "Democracy in India" was arranged in which eminent speakers dealt on various aspects of a democratic society with particular reference to Indian conditions.

Messrs Dhawale-Popular are to be congratulated for bringing together these lectures in the form of a book to be readily available for the public in this country.



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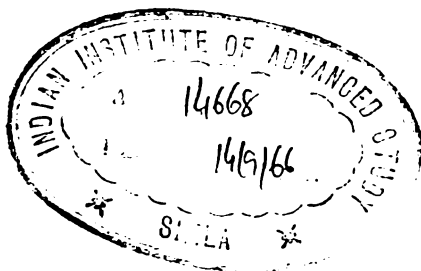
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CONTENTS

- Introduction. 5
1. PHIROZE J. SHROFF
Fundamentals of Democracy. 9
 2. J. M. LOBO-PRABHU
The Problems of Administration. 29
 3. V. B. KARNIK
The Place and Functions of Trade Unions in
Democracy. 54
 4. MURARJI J. VAIDYA
Democracy and the Common Man. 84
 5. N. A. PALKHIVALA
The Rule of Law and the Tyranny of the
Legislature and the Executive. 103
 6. N. RAGHUNATHAN
Prospects for Democracy in India. 120
 7. FRANK MORAES
Functions of the Press. 131
 8. B. K. DESAI
Totalitarian Menace to Democracy. 136
 9. N. DAS
State Enterprises in a Democracy. 162
 10. A. R. WADIA
Universities in a Democracy. 178

FUNDAMENTALS OF DEMOCRACY

THE word Democracy comes from two Greck words, "Demos" meaning "people", and "Kratcin" meaning "to rule". Democracy, therefore, means government by the people themselves. The concept of democracy has been one of growth and development through centuries. Hence democracy has not meant exactly one and the same thing to different people or to the same people at different times. A good description of democracy was given by Abraham Lincoln a hundred years ago when he said that democracy was "the government of the people, by the people and for the people". A cynic has described democracy as the government of fools by knaves. That would be true if the people are kept in ignorance about their own rights and scheming demagogues exploit them for their own purposes. However, the chief characteristic of true democracy is that the government is carried on by and with the consent of the people and in accordance with the will of the people.

The concept of democracy was not unknown to people in ancient times. From the dawn of history, man has cherished his freedom, for freedom has been the very breath of his existence. Without freedom, man has found his life stifling and unrewarding. It is true that man has not always enjoyed freedom in the modern democratic sense, but he has always aspired to keep himself free from domination by foreigners or dictatorial individuals or groups within his own country.

In a democracy the individual is guaranteed certain fundamental rights. As early as the time of King Hammurabi of Sumer, a Code containing some of the rights and obligations of the ruler and the ruled was laid down some 4,500 years ago. This Code makes it clear, amongst other things, that the government of the people is to be carried on by the ruler in accordance with the laws which should receive the general consent of the people.

The Medes and the Persians had their own time-honoured laws and the King was bound to govern his people in accordance with these laws. In his famous Behistun Inscription, Darius the Great says that he governed his country in accordance with the laws of the people and that he did not oppress any person however lowly he might be. He proclaims that the Almighty gave him the land of Iran to govern in accordance with the laws of the people and that his successors must also defend the people and govern in accordance with the laws.

In ancient India, too, the King was bound to govern in accordance with **Dharma** or the Eternal Law. Indeed, **Dharma** was supreme and the King himself was subject to **Dharma**, and as soon as the King failed to rule in accordance with the dictates of **Dharma** he became liable to be deposed. In "Manusmriti" and other old Indian Hindu Scriptures there are references to the duties and obligations of the King to govern the people in accordance with the laws of the land.

Five hundred years before Christ the Greeks had developed the concept of democracy. In their City States the people took a leading part in governing themselves. All decisions in respect of administration of the people were arrived at after full discussion amongst the people themselves. One of the earliest of Greek law-makers, Solon, was entrusted with the task of compiling the laws for the people. Solon was actuated with the desire to give the people the right to govern themselves. Hence he says, "I have given the common people sufficient power to assure them of dignity." The word "dignity" here is important. Democracy always safeguards the individual and does not treat him as merely a tool of the State.

The Stoics, the Greek philosophers who lived some three hundred years before Christ, had thought that all men were brothers and that there was one natural or moral law which laid down certain inalienable rights, which ensured the dignity of man without which he would sink to the level of the lower animal.

According to the Stoics, it was incumbent on all rulers to recognise the fundamental rights of man and to enforce them with impartiality and justice to all classes of people. In the Roman Republic, the rights of the individuals were always recognised and respected by the rulers who came from amongst the people themselves. With the Romans it was always an accepted doctrine that **Vox populi supreme lex**, i.e., the voice of the people is the supreme law.

Democracy in the modern sense was developed particularly in medieval England. The German tribes which had migrated from the Continent to England had brought with them the basic principles of freedom and democracy. They had elected leaders and they insisted that their chosen leaders should govern them in accordance with the will of the tribes. The English people throughout their constitutional history never lost sight of this basic fact. In such constitutional documents as Magna Carta and the Bill of Rights, the fundamental rights of the people were defined and guaranteed.

The English immigrants who settled in America took with them the fundamental principles of democracy as they obtained in England. When the ruling clique in Britain tried to discard these principles in their relations with the colonists, they rose in revolt. They emphasised that there could be no taxation without representation. As their reasonable claims were not conceded, the Americans declared their War of Independence and fought it to a finish till their

independence was won. Some of the noblest principles of democracy are enshrined in the American Constitution and in the pronouncements of the leading Americans of that era.

Democracy in the modern sense requires a freely elected legislature usually with an adult franchise. This legislature must exercise a vigilant control over legislation, taxation and foreign policy. The Executive is responsible to the legislature in a democracy. The Ministers who are heads of the Executive branch of the Government remain in office so long as they enjoy the confidence of the elected representatives of the people.

It is one of the basic rights of the people to demand that the territorial integrity of the country should be safeguarded by the Government in power against aggression. No Prime Minister or the Government should keep the people in dark for any reason whatsoever about the encroachment by any foreign power on the State territory. Democracy fails in one of its basic objectives when the Government of the day does not take the legislature and the people immediately into confidence with regard to the violation of the territorial solidarity of the country.

Democracy releases springs of achievement and self-fulfilment amongst people. When people take an intelligent interest in the working of the Government of their own country, they not only safeguard their own liberty but realise the stake they have in the proper administration of their own country. This

gives them a sense of human dignity and worth. Modern States are always anxious to augment their power at the expense of the society. Every contingency is exploited to increase the power of the State. Those who are at the helm of affairs in a State keep on glorifying and exalting the State, because they know that this glorification redounds to their own exaltation. Of course, they sing a different tune when they do not happen to hold office. As has been well said, the price of liberty is eternal vigilance and people in a democracy must take care not to be beguiled into a false sense of security by politicians who make a constant encroachment on their rights and liberties under the guise of raising the standard of life or bringing about a rapid economic development of the country.

In a democracy, there may be parliamentary form of Government as in the U.K. or a presidential form of Government as in the U.S.A. To some extent there may even be a blending of these two forms of Government. It is not enough that the electorate should exercise its franchise at the time of the general election and then remain politically dormant till the next general election. Just as the members of the legislatures have to scrutinise the acts of the executive, so the electorate has to keep a vigilant eye on the legislative activities of their representatives. For the successful working of a democracy the electorate must continue to remain politically alive and watchful. It must express its opinions on various public matters

by all constitutional means. The members of the public should deem it their duty to write to their representatives in the Legislatures to acquaint them with their views on important topics affecting the people. The success of a democracy can be measured in terms of the intelligent interest taken by the people in the working of the Government. What is essential is that in a democracy in the final analysis the Government must be in accordance with the will of the people.

In India we have a quasi-federal form of Government. There is a Union Bicameral Legislature and in the States there are either Bicameral or Unicameral Legislatures. Election is by adult franchise, and the people have taken a keen interest in electing their representatives to various Legislatures. However, in order that the electors may be competent to elect the right type of representatives it is essential that they must have a certain basic amount of information and proper judgment. With an illiterate or semi-literate electorate, democracy cannot function as effectively as in a country where people are educated and mentally well-equipped to form their own judgment with regard to their representatives. There is no doubt that with the spread of education in our country the electorate would be better fitted to exercise the valuable franchise which is granted to it under the constitution.

Interpellations in the Legislature provide a useful weapon for exercising a vigilant control over the

executive. The Question Hour in Parliament is as interesting as it is useful for a democratic control by the people's representatives over the executive branch of the Government. It is true that occasionally the questions are frivolous or futile and their answering involves a waste of public time as well as money. But by and large they serve a very useful purpose. The answering of the interpellations has become a fine art with Ministers who are determined to keep the questioner as uninformed as he was before he asked the question. However, by means of clever supplementaries much valuable information may be elicited from an unhelpful or reluctant Minister.

In a democracy people have the right to express themselves freely and to choose their representatives by free elections. There can be no democracy where people are required to choose their representatives from a single party which alone is recognised as the legitimate party. In the so-called "people's democracies" the citizens are required to choose their representatives from one party which claims a monopoly of all political, social and economic thought. It is obvious, therefore, that there cannot be true democracy in these so-called "people's democracies".

Democracy is essentially a government by debate and free discussion. Political parties which have no faith in democracy and exploit democratic institutions to destroy democracy are obviously anti-democratic and totalitarian. Totalitarian regimes which call themselves "people's democracies" are sailing under

false colours. Authoritarian regimes have a recourse to continuous indoctrination and brain-washing to maintain the supremacy of the rulers at the apex. The fact that these totalitarian regimes are compelled to call themselves democratic makes it clear that it is necessary to convince the people that the government is in accordance with their will. In order that the people in such regimes may not become aware of their fundamental rights they are prevented from knowing what goes on outside the confines of their own country. All means of communication of free thought are cut off and the people are made to subscribe to certain beliefs which are laid down by the rulers.

In India, democracy is in an incipient state. Before 1947 under the British regime the people had some training in the working of the democratic institutions, but complete democracy was denied to them. However, with the ushering in of independence, democracy has been assured to the people. As we have seen, democracy is essentially a government by debate and discussion. Even minority opinion is entitled to be heard. In our country because of the dominant personality of the Prime Minister, democracy has not functioned as successfully as it should. The Congress Party has a big majority in the Central Legislature and in many of the States. Because of the great awe in which the Prime Minister is held, many of the members become tongue-tied when crucial issues come up for discussion. Most of the major decisions affect-

ing the everyday life of the people are made by the Prime Minister himself. If this tradition develops in the future with other Prime Ministers, democracy in our country may not develop along right lines.

Deification of a politician and democracy cannot subsist together. Exaggerated respect for a politician, however eminent, undermines democracy. In our country we often hear such cries as "After Nehru Who?" or "After Nehru What?" The fact that such cries are raised suggests that democracy has not taken firm roots in our country. In a democracy government does not revolve round the personality of any one individual. A paper democracy which is contained in the constitution of a country but does not exist in practice is worse than useless. In such a country the people live in a political dream of make-believe. Where people permit a deified personage to make all political, economic and social decisions affecting the country, they sign the death-warrant of democracy which may be enshrined in their constitution. In a mature democracy people do not worry about the successor of the incumbent of the office of a Prime Minister. They know that if one Prime Minister vacates his high office, there will be several others, more or less equally qualified, to discharge the duties of the exalted office. In a democracy people expect the confidence and certitude that Prime Ministers may come and Prime Ministers may go, but the governance of the country will go on forever.

In a democracy, the armed forces are always subject to civil authority. Under the Indian Constitution the supreme command of the Defence Force of the Union is vested in the President and the exercise thereof is regulated by law.

In our country certain bodies like the Planning Commission and the National Development Council have acquired extraordinary powers which are not quite consistent with a satisfactory working of democracy. Both these bodies are dominated by the great personality of the Prime Minister with the result that the Legislature does not get enough scope for the exercise of its basic rights with all their implications. The National Development Council has assumed such authority that it is enabled to give directions to the State Administrations and to a considerable extent to the Administration at the Centre also. Recently a Food Minister had to resign because his policies were sharply criticised by the Central Legislature: yet the National Development Council which met shortly after the Food Minister's resignation put its seal of approval on the very policies which had led to the Minister's resignation. In a democracy there is no scope for a body which has rights and powers but no responsibility to the people. It is fatal in a democracy to carry on Government with any particular economic and social bias. Due regard should always be had to the legitimate interests of all sections and classes of people. The minorities must feel that justice is done to their interests. They should be

allowed to put their point of view before the public by every legitimate means, and they should have the right to express themselves in the Legislature. If they are heard only for the sake of appearances and no regard whatsoever is paid to what they say, democracy in their case becomes an engine of oppression. It is true that the minority view should not operate as a brake on the advance of the people, but at the same time it should be given the right to make itself heard. The tyranny of a bare majority may be as irksome as that of an out and out dictator, especially if the views of the bare majority are powerfully influenced by the dominating personality of the head of the Government.

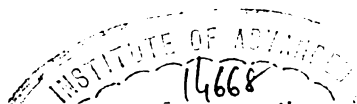
In a democracy there are usually two important parties, and it has always been recognised that when the ruling party fails to gain the approval of the people to its policies, it must make way for another party, the policies and programmes of which are more in conformity with the will of the people. If the ruling political party builds up an extensive political machine to liquidate all opposition from other minority groups, democracy is put in jeopardy. If a party resorts to the dangerous weapon of fomenting class war between the citizens and citizens, it loses its claim to be called democratic.

Upholding the fundamental rights of the people should be the primary concern of a democratic government. The fundamental rights include the rights to life, limb, liberty and property. Some of the

amendments to our Constitution have nibbled away at the fundamental right of the people to their property by making compensation in respect of state acquired property not justiciable. On the other hand, the Constitution of many of the democratic countries expressly provides that a citizen cannot be deprived of his property except in the interest of the public and on due payment of adequate compensation which is always justiciable in a court of Law. Some Constitutions further provide that a citizen cannot be deprived of his property unless full compensation is paid in advance.

In a democracy the Constitution should be the treasured document of the people. It should not be tinkered with on slight pretexts by politicians who are in a hurry. When amendments to the Constitution are inserted to suit the convenience or the whims of the politicians, it comes into disrepute. It is the duty of the Government to promote utmost respect amongst the people for the Constitution of the country. Hasty and ill-conceived amendments to the Constitution are inconsistent with the successful working of a democracy.

In a democracy the fundamental rights of the people are guaranteed either by the express words of the statute or the conventions of the constitution. The Indian Constitution declares that all persons are equal before law and that all are entitled to equal protection of the laws within the territory of India. The State is prohibited from discriminating against any



citizen on grounds only of religion, race, caste, sex, place of birth or any of them. The Constitution provides for equality of opportunity on matters of public employment. The State is prohibited from conferring any title other than military or academic distinction.

The Constitution of India provides that all citizens have the right to freedom of speech and expression, to assemble peaceably and without arms, to form associations and unions, to move throughout the territory of India, to reside and settle in any part of the territory of India to acquire, hold and dispose of property and to practise any profession, or to carry on any occupation, trade, or business. These are indeed some of the basic rights of the people in a free and democratic society, but much depends upon the manner in which they are implemented.

Democracy is threatened where laws are not scrutinised by the legislature in all their implications and are motivated by ideological considerations. Administration by ordinances and notifications in peace-time is subversive of democracy. The nationalisation of the Life Insurance Companies was brought about by an Ordinance though it was subsequently confirmed by legislation. This mode of dealing with a very important question affecting the property rights of thousands of people is not in conformity with democratic practice. Government by notifications shakes the confidence of the people in a democracy. In the case of the nationalisation of the Life Insurance

Companies, even though four years have passed away since the State acquired the Companies, the shareholders in some of the Companies have not been paid any compensation in spite of reminders.

The Civil Services have a very important role to play in a democracy. The policies are laid down by the Legislature through various laws, but it is for the Civil Services to carry out the administration in accordance with the laws of the land. It is, therefore, of utmost importance that the Civil Servants must be efficient and honest and that they should do their duty without fear or favour. Arming the Civil Services with enormous powers is not conducive to the smooth working of a democracy. Snobbery, robbery and jobbery in administration put the "mock" in democracy. Politicians should not try to interfere with or influence the administrative officers. The appointment and promotion of Administrative officers should be free from all political intrigue. The Public Service Commission is an important adjunct in a democracy. Like the judiciary the Public Service Commission should be entirely free from executive control and interference. The members of such commission should be incorruptible and sufficiently qualified to do their duty with fairness and a high sense of duty. It is unfortunate that in our country the recommendations of the Public Service Commission are sometimes disregarded by the Ministers on the spurious ground that it is they and not the Public Service Commission who are responsible to the Legislature. On a parity of

reasoning the executive may as well interfere with the judgments of the law Courts !

If the civil servants have to please politicians to safeguard their interests in respect of their advancement and promotions they may not be in a position to do their administrative work efficiently and honestly. Corruption becomes a bane of administrative services where enormous powers are given to its members. An administrative officer may not be corrupt, but he is always in a position to harass the members of the public if he is so minded. This harassment may consist in merely delaying what he is bound to do. This delay may cause an enormous loss to the party who is subjected to it. For want of proper traditions in an administrative service, it is always necessary to lay down certain definite rules requiring the officers to complete their work in accordance with law within a definite period of time.

The Judiciary has a most vital role to play in a democracy. The judges are the watch-dogs of the free institutions of the people. They must do their duty without fear or favour. They must uphold the rule of law. They must foil the pretences and the power of the politicians to substitute the rule of law by political ukases which deprive the people of their fundamental rights. The judges should have security of tenure. They should hold office during good behaviour. The judges should not be improperly criticised by politicians for doing their duty honestly. No

person, however eminent, should try to browbeat the members of the Judiciary.

In a democracy the administration of justice should be cheap and expeditious. The state should not put obstacles in the way of aggrieved parties by demanding exorbitant Court fees. Such a practice may amount to selling justice rather than dispensing it as a part of state's duty.

Administrative courts do not fit in in the working of a democracy. The judiciary should be separate from and independent of the administrative services. The basic rights of the people should always be justiciable by independent courts of law. The Administrative courts may help the executive officers to apply undue pressure on the subjects. Politicians who attempt to interfere with the administration of justice are a menace to democracy. In our country the judiciary has upheld the traditions of independence and fearlessness. The selection and appointment of superior judiciary should be free from the control of scheming politicians. The judges should be entitled to perform the duties within the framework of a democratic constitution. It is a pity that the Law Commission has been constrained to remark that the standards of judiciary in our country are deteriorating and that the appointment of Judges in the High Courts are sometimes governed by political, communal and caste considerations.

Totalitarian planning is inconsistent with democracy. Such planning robs the people of their fundamental

right to order their lives so long as they do no harm to the society. It deprives them of their right to pursue legitimate happiness. It enforces regimentation of the people. The planners lay claim to omniscience and omnipotence. The people are treated as juveniles who must be subjected to a rigid regime of checks and controls in respect of their economic, social and cultural activities.

Totalitarian planning involves the control of export market, foreign exchange and such other activities of the people. These controls may be used to render nugatory the working of democracy. Where people have to go before administrators and seek favours from them to obtain the rights to which they are entitled, democracy is in danger. Similarly, where the starting of business is strictly regulated, people's fundamental right of pursuing their legitimate avocations is impeded. State Trading is another tool by which the State tries to regulate the economic life of the people. Apart from inefficiency and incompetence of the people who happen to be at the helm of affairs in a State Trading Corporation, the people are subjected to insidious form of taxation by the working of such a corporation.

Newspapers have an important role to play in safeguarding democracy. It is the duty of the Fourth Estate to report all essential news correctly and objectively and to give right guidance to public opinion by free and disinterested editorial comments on public affairs. It may be said without contradic-

tion that modern democracies would cease to function without a free press. Newspapers must report all news objectively so that people may be in a position to form their own judgments with regard to any particular topic affecting their interest. The Government should never try to influence the press by withholding advertisements from critical papers or by putting obstacles in their way in obtaining newsprint. In a democracy the Government should never try to canalise news along certain lines, and the newspapers must be left free to obtain all news including foreign news through their own agents.

Without autonomous universities, democracy cannot function. Universities and seats of learning should be free from interference and political control. Universities should not be used as instrument of totalitarian indoctrination. Control of education by government agencies with a totalitarian bias undermines democracy.

People lacking in discipline are ill-equipped to enjoy the blessings of democracy. When people resort to **satyagraha**, hunger-strikes, **morchas** and marches on frivolous pretexts, they make an exhibition of their political immaturity. In a democracy people have the right to demonstrate their opinions and sentiments in a disciplined manner with regard to any governmental action affecting their well-being or safety. But excessive and unreasonable exercise of this right converts a democracy into a mobocracy. In our country we have complaints about a disastrous

Lack of discipline amongst students, teachers, office workers, labour, Government servants, professors, politicians and even members of the legislatures. This is bad for a proper growth and development of democracy in our country.

India now stands at the cross-roads of her political career. With the ever-increasing tempo of totalitarian trends, the roots of democracy in this country may wither away and die. All the democratic and liberal forces in this country must unite if they desire that the future generations of Indians may enjoy the blessings of democracy.

J. M. Lobo-Prabhu

THE PROBLEMS OF ADMINISTRATION

WITH growth in the numbers of government staff to 6.1 millions and with legislation reaching small details of the life and work of the people, the question of locating the moving forces in the administration is of great importance. Even a Leviathan has in its enormous mass somewhere the centres of direction. Though in the last eleven years, the administration has achieved very little, its crushing weight has twisted and turned on the people, following the decision or lack of it, in the politicians and officials, generally at the highest level. The tendency to polarise power is partly from a desire for uniformity but largely from undue concentration of power in the Congress High Command or the Planning Commission. The fact that States are becoming increasingly dependent on the Centre for finance and are subject to common controls has left them with little independence against the Centre.

I have served three administrations, that of U.P., the Centre and Madras, during five forms of Government. My experience can indicate the measure of power which the government has exercised on the staff and on the people. Under the system of dyarchy, till 1937, the British maintained two spheres of power, one in their own interests and the other in the interest of the people. This did not exactly fit in with the scheme of dyarchy, because, for instance, in the matter of law and order, which they reserved for themselves, the British were not only serving their colonial interests but also the interests of the people. This did not also mean that the British allowed any obvious action to reflect their intimate interests. But where their trade, investments or honour were concerned, the administration had to serve them, either because the rules were so made or because the staff was so disposed. Once when I stood for the Municipality against a British-managed Railway, some excuse was found to transfer me. The Government even took note of social differences between Indian and British officers. In what concerned the people, there was no interference, the rules and law being meticulously respected. Enthusiasm, however, was checked not because it would do good to the people but it might compromise the foreign rulers.

In the first Indian government between 1937 and 1939, the administration began to be slanted politically not only for principles but for persons. I remember once a Congress M.L.A. refusing to pay his land

revenue and when I attached his estate, in the ordinary course, trying to injure me through the government by complaints against my staff. In appointments of staff, assignment of land grants and contracts, political pressure began to develop. This was the beginning of parallel government, working through suggestions, which if not accepted, became threats. To the extent, the government supported partymen, right or wrong, officials lost objective standards of judgment, the more so as they found promotion came from placating the partymen. For their ideologies like land reform, khadi, prohibition, the Congress wanted no advice from officials. When I dared to tell an eminent Congress leader that rights in land would not change the tradition of the people, unless they were a **quid pro quo** for better agricultural practices, I was told that the Congress knew what it wanted. Similarly, when I explained and proved to another eminent Congress leader that co-operative loans only increased unproductive expenditure, I lost my chance of becoming the Registrar of Co-operative Societies. Officials soon learnt that like the British, the Congress had its own sphere of interests, which were not to be touched.

The regime of Advisers which followed was concerned only with winning the war. In a sense, they destroyed the administration so carefully built up for 150 years. Recruits, war loans and subscriptions took precedence over every other consideration. Corruption, inefficiency and even injustice became

prevalent. What was worse, the control of essential commodities laid the foundations for totalitarian power. At the same time, the staff was needlessly multiplied, which was the beginning of a process, which the Congress has since followed. Such was the confusion created by controls, and the stagnation in work and staff of mushroom growth. If there was power anywhere in the government, it was, paradoxically enough, in what was not being done.

The first Indian Government at the Centre was obsessed by the conflict between the Muslim League and the Congress. To the confusion inherited from the war was added a neurotic communal note in everything which was done. At the same time, the first rapture of power led to many extravagances, which the permanent services could not restrain as they were still mistrusted. As Joint Secretary in the Food Ministry, I found the obsession was to ban **vanaspathi** as if the people were poisoned by it. At the same time, after rules had been approved to allow licences for export of pepper on the basis of past exports, I was asked to make an exception in favour of a political sufferer on the ground he had been sentenced to an imprisonment of 75 years. The era of anonymous letters also began so that all officers developed a tendency to please everyone and in that connection, to avoid decisions by postponing them. The natural consequence was that the staff was increased, making work for itself by parallel inquiries from numerous tangential points. With the prepara-

tions for Partition, normal work came to a near standstill.

The fifth, that is the present period, started with the bloodbath of partition. Its first effect was to endear the officials to the Congress because it came to realise how much it depended on them. The process was not difficult as officials had by then enough political sense to realise that in their own interest they had to serve the Party before they served their conscience or the country. The I.C.S. was most precariously placed because if any officer lost favour, he was precipitated to his State Government at pay which was two-third to half of what was drawn at the Centre. Since only subservience meant survival at the highest level, the whole administration lost its confidence and independence. In a sense it became a party organisation, paid by the whole country, but willing to serve it only to the extent that the party interests were advanced. In this connection, the I.C.S. betrayed the country more than anyone else, disgracing its previous record of rectitude. This has not been perceived because in the manner and method of work they remained superior to others, being bankrupt only in principles and purpose. With every step, the Congress completed the subjugation of the I.C.S. officers being given promotions by creating new work and posts. Even those at the top had new categories invented for them, while favourites received extensions and re-employment. Even at this moment one Chief Secretary for whom extension could not

be secured has a new post created for him for work *which had been comfortably done*, in addition to their duties, by the P.W.D. Secretary, the Home Secretary and the Chief Secretary himself in succession during the last two years. The Congress has also learnt a new way of subduing officers who fail to be amenable. As in communist countries, they employ a special branch of the police, the S.P.E., to find out some lapse, on which the officer can be subjected to proceedings, however infructuous they may be in the end. In Bombay State, even a Collector was arrested because he was travelling with a girl in his car. This has induced a spate of resignations in the I.A.S. because it is being realised that no officer is safe, if he has any independence. It is bad sign that a democratic government should begin to work through the police. Even in ordinary administration, and at elections, the politicians now exert pressure through the police, short-circuiting other official agencies.

The alliance between the Congress and the Services has been favoured by a subversion of the Constitution, on which there has been a conspiracy of silence. Ours is a Presidential Constitution, the powers of the President being described in the authentic terms used in the American Constitution, which implies that the heads of all Ministries should be eminent but not elected persons, the executive being separate from the legislature. On an analogy of the British Constitution, elected Ministers, who may only "aid and advise", have arrogated the powers of the President

and his executive. This has several grave consequences, first that as Minister represents the executive, the legislature does not control and cannot criticise it, which assures immunity for the corruption, inefficiency and arrogance which now characterises the administration. Secondly, the Ministries instead of having the best talent to head them are now at the mercy of the ignorance, illiteracy, prejudices and worse motives of party leaders. Not only the aberrations but the Himalayan mistakes of government can be traced to the apex of the administration being so inept and ill-informed. Thirdly, the power of the Ministers both in the legislature and in the executive, leaves no independence to the permanent services. And fourthly, as the Ministers depend on the legislators and leaders of their party, they share with them their executive power, in a ramification which is parallel to the permanent services. While this has been disclosed during communist rule in Kerala, it exists in the same way in other states, perhaps more so because the state governments have also the support of the centre.

The question is, when the Ministers have such absolute power, to what extent do they exercise it. This involves a study in motivations. As human beings, Ministers whose appointment is a windfall are primarily concerned with survival in their positions. As this depends on the political fortunes of their party and its members, their first allegiance is to them. In older and more informed democracies, such allegiance

is subject to the limitations imposed by public opinion. Different parties function on their own ideas of what is best for the whole people. In new, uneducated and uninformed democracies, such opinions as are expressed follow and do not guide the government. Only recently some attempts at criticism of government have been made but however convincing they may be, the people subject to traditional sovereignty to the reigning government, do not care or dare to respond. To the extent also the government is becoming more totalitarian by its controls and enterprises, the common man is becoming more subservient for the very necessity and survival. It all means that the party in power is not restrained by public opinion and can do whatever serves it or its members. Even in these circumstances, if the party had taken the view that the prosperity of the people would make for its own prosperity, democracy may not have failed so much. Perhaps due to the low cerebration of those in leadership of the party, the narrower view has been taken that party interests take precedence. It is the basic tragedy of the country that the country's interests are only served by the government, when they agree with the party's interests. This brings into play the instincts of power and profit.

Of the various lines of power, the first has been multiplication of staff. This is because the Congress has not been able to outgrow the traditional idea that government means control of large bodies of officials. There is nothing in which Ministers are more interested

than in creating posts and appointing their men to them. They can go to any lengths. In one state, two Ministers who wished to promote their relations to the posts of D.I.G. overcame the seniority of four others, by trying to transfer one to the cadre of a neighbouring State and when the Government of India did not agree to this, paying him a D.I.G.'s salary (for three months he remained without posting orders). Against another an inquiry was started till he could be put out of the way by a transfer to another State. A third has been given the post normally held by a Superintendent of Police, though he draws the pay of a D.I.G. A fourth is now subject of inquiry initiated by the very officer who superseded him. It is only because the public unknowingly pays for it, that so much injustice is done for advancing personal interests. It may be difficult to find any Minister for whose relations undeserved promotions and unrequired posts have not happened. The public could help but it knows not what it is suffering. To absorb the staff and also for purposes of power, the government has been devoted to many controls, that there is little that anyone can do in which official sanction is unnecessary. For the same reason, the state sector is being developed not only at the cost of the private sector but of the taxpayers who have to give loans and taxes for investments which show no return. Whatever has been done for the common people is only for propaganda. Land reform has not produced rents or increased production, co-operation has pressed public

money in the hands of superior tenants so that they may indulge in unproductive expenditure ; schools and hospitals only serve statistical purposes, unless they are meant to oblige party members ; Community Projects and Social Welfare, according to Committees appointed by the Government itself, have only produced white collared employment. One would like to think that the ruling party may be forgiven because it knows not what it is doing, but the basic motive for power and profit cannot be ignored. The very fact that it will not recognise its mistakes and learn from them confirms this. The net result is that the country exists for the government and not the government for the country.

The question is how power in the government can be so distributed that the administration is efficient and honest and the people's representatives are vigilant and effective. In the first place, the letter of the Constitution can be enforced to secure the separation of legislative and executive powers. A very desirable result of this will be the weakening, if not the end, of the party system. When the executive is not political, it will be the common target of all parties, which must unite in watching and controlling through powers of the legislature. Such a consummation will not only end the country being governed in the interests of a single party but will also eliminate the frustration of the parties out of power which now leads to extravagance both at home and abroad, unbecoming of the mature country. In fact, in all

neighbouring countries, where presidential rule has been established, parties have ceased to exist. By too faithfully copying the English form of democracy, which has a different evolution and environment, the party system has come to undeveloped countries, almost as a corrosive to good government. The politicians, who benefit or expect to benefit from the present combination of legislative and executive powers and from the party system, will be difficult to persuade and may proceed to amend the constitution. It will then be necessary to mobilise public opinion because unless the separation of the legislative and executive forces is effected, the administration is bound to deteriorate to the point that it must break down as in neighbouring countries, in which the army has intervened to eliminate parties and legislatures misusing executive powers. If the public fails to establish this very vital safeguard for democracy, a few expedients are available to limit the abuse of power from the combination of the executive and legislative functions.

In the first place, the powers of the Ministers and secretaries deserve to be strictly defined, the former being restricted to policy, the latter to execution including control of their staff subject only to appeal to the Public Service Commission. A High Power Commission may be appointed to make the delimitation, with reference to the practice in other countries with the parliamentary form of government. There is much talk at present, arising

from a recent L.I.C. case, of recording the decisions between the Minister and Secretary. It is amazing that anyone could advance that in matters of the highest importance, affecting a continent of 380 millions and more, secretaries cannot find time before or after to record decisions reached. A secretary is either negligent or inefficient, if not worse, if he cannot stretch himself to the task of such recording. There is another question, if the Secretary should record his own views before the Minister records his decision. It is an abuse of his position that a secretary should not discharge his responsibility to place all facts and reasons in writing before important decisions are reached. When a minister proposed that I should consult him before I noted on important cases, I had to remind him that as secretary, I had a place in the constitution and that while he could override my views, he could not impose them. In fact, I told him that in his interests and those of the country, before he came to a decision, he should have an objective appraisal because if I only echoed his thoughts it would be the case of a man keeping a dog and doing the barking himself. It is a consequence of ministers requiring an alibi of others for their decisions that the practice has grown up that secretaries, abdicating their own duties, consult ministers before noting. It is, therefore, vital for administration that secretaries should record their views in full, adding to them anything that may arise from such discussions as the ministers have with them subsequently. There will

be purity in administration because the ministers will no longer be able to shelter themselves behind the command performances of their secretaries. Even a movement for establishing this salutary rule for realising the full value of the highly paid administration would be justified. The ministers may have the full freedom of their opinions but these should not be masked as the opinions of highly expert or experienced officials. That way lies not only the failure of the administration to justify its worth and cost but also the failure of democracy, as the government by the aristocracy of intelligence.

Much, however, has to be done to improve the administration inherited from a colonial power. While it has force, it has neither purpose nor efficiency. So far its purpose has been to serve itself which it has learnt is only to serve the ministers and their party. This is not unexpected, human nature being what it is. No Secretary or other highly placed officer can survive the displeasure of the Minister. Even at present, a Chief Secretary in one state is facing prosecution because he succeeded in a land deal against a minister's relation. A Post Master General has resigned because he was transferred on the complaint of a labour union. The result is a democratisation, which communicates itself to the entire service. Everyone works on the theory that sycophancy and not efficiency, amiability and not ability is the basis of promotion. Considering the responsibilities which the government has assumed, it is absolutely necessary that the adminis-

tration must become objective in judgment and independent in action. This requires organic changes, on the one hand to insulate officials from political influences and, on the other, to relate their promotion to the service rendered by them.

“Your most obedient servant” ended all communications from the foreign rule which independence changed. Now, the subscription is “yours truly” though one, like Jestling Pilate, may inquire, “what is truth?” Whatever the British failed to do, they had, according to their enemies, a sense of form and, according to their friends, a sense of realism. An administration paid by the people, for its service, can have only the single aim of being devoted to it. The tragedy of the situation is that both natural and historical causes are in favour of an administration being an estate in itself, with rights, by virtue of its position to live on and not for the people.

The historical causes are that the rulers of India farmed the country to their subordinates, for getting what they could out of it, provided they maintained the sovereignty of their employer. The British who were concerned initially with their trade found that in following this tradition their employees secured law and order on which their operations were based. The official became the zemindar, the tehsildar and even the deputy collector, sacred names in the nineteenth century, because of the power and the consequent wealth they commanded. Even, in the twentieth century, these officials were progenitors of the political

leaders who were to replace the British. Many of our Ministers are derived from officials. One Union Minister is the son of a **patwari**, the village scribe, the foundation stone of the entire administration, while another was in person a Deputy Collector. The conclusion, which cannot be escaped, is that our present order derives from the officials of the past, for which reason, it thinks that the highest political award is to control, appoint and sometimes, when political power fails, to be part of the administration. This complex, that officialdom represents permanent power and profit, is the cause not only of our disappointment with the administration but with our political order. Without our being conscious of it, the country is existing for the government instead of the government existing for the country.

To this tradition that the people must serve the administration there has been support from other factors. In the first place, the Independent Government of India owed its survival from the blood bath of the Partition to the services. It was due not only to the soldiers and secretariat, but to the steel frame reaching to the village scribe that the country carried on. In the words of Houseman, the services

“On their shoulders held the sky suspended
They stayed and earth's foundations stay
Whom God abandoned, they defended
And all for the sum of pay.”

Arising out of gratitude, which had its practical implications for the future, the Congress realised that

its own future depended on the services which held the country in the traditional hold of their inevitability. This meant that first the services must be allowed their share, and second that the more of them, the better for the party in power. This transformation of the services, which no one has noticed, is the basis of political power today. In the services, the party in power has its field day, the public accepting the party in power because it cannot reject the countless officials who have the last word on their life and work. This is called democracy because power has destroyed the capacity for analysis, and those who can think independently and express the truth, Indians or foreigners, dare not risk their popularity.

The strength of the services next derives its power from the concept of the Welfare State. Never before had controls and finance placed so much power with the officials. There is almost nothing a man can do without a great light from officials. The smallest official, therefore, typifies bread and butter not only without a green light from officials. The smallest official may not be offended, he must be placated if any one wants anything for his way of life. Few realise that the government's interest in the welfare of the public is interest in its own welfare derived from the power of officials acquired on the lives of the people. In respect of finance, never did officials have so much discretion with public funds to favour nebulous schemes, which individuals, mostly from the party,

could cogitate. So long as some suggestion that the public is likely to benefit is offered, taxes collected from the general public are made available by officials to individuals who benefit themselves. Though committees appointed by government themselves have condemned the waste on Community Projects, Co-operation, Social Service Projects, Bharat Sewak Samaj, Sadhu Missions or whatever agency is found in desperation, to make public taxes available to party agencies for spreading the gospel that the government is interested in the public, money is ladled out to officials on pain that it must be spent. Some do so, and, those with some vestige or rectitude who fail, are blamed. Never was squandermania exalted to a duty, which the officials may neglect to their own cost.

A third reason for the arrogance of the staff is that it is no longer subject of subordination. Senior officers are reluctant to be severe for fear of victimisation, political or otherwise. When the staff is organised in unions, the superior officers are more powerless because unions have the ear of the government and for reasons of popularity they support every union member, right or wrong. The role is, therefore, forced on supervising officers of being only figureheads. The result is general inefficiency, arrogance and corruption to which the public has to submit, samples of which can be found in every department. There are few officials who attend to the public except in a spirit of condescension, which can be changed frequently only by sweetening them.

.. The infructuous controls and plans of government dispose the staff to be contemptuous of their work. This is natural because if the results are only reports, the staff justifies itself that less work is less waste of public funds. The more adventurous take advantage of controls to supplement their pay which they regard as low comparable to private employment. From relaxations on Prohibition, for instance, the police in one state get at least Rs. 300/- monthly for each police station. In motor transport, both in the issue of permits and licences and in the enforcement of rules, the takings are even larger. The sense of frustration from new schemes of the government extends also to the general work. Whatever it costs the government or the public, public land, buildings, materials lie unused because no official feels the waste. Even when Public Accounts Committee criticises, hardly anyone is punished. There is no conscience about the tax-payer's money not only because it is considered public money but because it is rarely put to fruitful use.

Another reason for the fall in standards of the administration is the example of the politicians. Their qualifications are so low and their work of such slight value that the staff, even down to peons, measures itself against them and finds itself better. A candidate for the post of a poen argued that he should not be disqualified because he had passed only the middle school because the Chief Minister had not passed even the primary school and did not know English or

Hindi while the peon did. The staff just cannot accept that democracy can abolish for the politicians the standards which are enforced against all others. The disparity between the higher ranks of the services and the politicians is so great that officers find it difficult to conceal their intellectual condescension. In addition to all this, corruption associated with some ministers and the nepotism associated with nearly all, put a strain on ill-paid government servants against whom only the anti-corruption staff is maintained. The feeling that double standards are maintained has ended the sense of values for many government servants. In this connection, the Congress has made a distinction even in law in favour of ministers. Anyone of them involved in the cases investigated by the Special Police Establishment is not handed over to the Courts but to the Congress President. The action taken by the Congress President can be judged by the fact that one Minister reported for corruption was shortly afterwards appointed as Home Minister in a State.

Lastly, officials derive a strategic power from rules which are complicated, prolix and out of date. For instance, in the P.W.D. contractors pay as a matter of course because even the best of them can be held up for infraction of one or other rule. Even the general public submits to obviously unreasonable official decisions, because argument only means delay. Appeals to higher officers are useless because frequently the offenders themselves have to enlighten their superiors on the rules.

There is no spirit of service in the administration. Under the British there was fear of punishment and a certain measure of pride. Now there is only a disposition to exploit the power of public facilities so that after paying increased taxes, the common individuals have to pay bribes to get what is their right. Within the short period of a month, two instances came to my notice, which can indicate the callousness to which corruption can drive the staff. Two of my employees, one bitten by a rabid dog, and the other injured to the bone were not treated at the government hospital, until I had to draw the attention of the District Medical Officer to the bribes demanded. Even those disposed to be honest and earnest are overborne by the tide of those who are different. In the lowest cadres, corruption is almost standardised, a fixed **mamool** as insurance, and specific payments in the revenue department for favours like occupying government land, in the Forest department for cutting more than the contracted number of trees, in the Irrigation department for water out of turn, in the police department for illicit distillation, in the P.W.D. for work below specification, in the Railways for wagon allotment. The next higher cadre receives a share for turning a blind eye. Above this, corruption is not regular, varying according to the propensities of the officers. At the higher levels, it is in the form of entertainment or of favours to relations, in the way of contracts and appointment. With clerks, sweeten-

ing is necessary to secure early orders and sometimes favourable noting.

The mechanism of corruption is discourtesy, delay and disfavour. The public is helpless because these are imponderables on which charges are difficult. It learns it is better to pay quietly. Where powers are exercised on discretion as by the police or assessing authorities, corruption takes subtler forms. In crimes against persons the police can slant the record of evidence according as they are conditioned to help the complainant or the accused. In crimes against the state like prohibition, gambling, smuggling, breach of transport rules, the tendency is for the police to arrive at a **modus vivendi** with the offenders, with staged detections, to keep up the appearance of vigilance. Even if suspected by superior officers, evidence is difficult as there are no aggrieved parties. Assessing authorities also depend on the same absence of evidence. At worst they can be charged for default for which they generally plead inadvertance. Supervising authorities, even when disposed to be strict, find it difficult to arrive at conclusions except on the reputation of the suspects.

Unless the administration is made to serve the public, the institution of democracy itself is threatened. A committee to inquire organically into the conditions of the administration cannot be delayed much longer. Among the organic defects, which are obvious, the first is delay, as a means to obtain gratification from the public out of its despair. If there is clocked dis-

posal of work, not only will the public be served in its turn but the officials will not have the opportunity for negotiations. A visual indicator for clocked disposal may be the use of red ink in all work done within the general time limit. The notoriety quickly induces defaulters to observe the prescribed rhythm of work. If the practice is made applicable to all government officers, delay, the most potent cause of inefficiency and corruption, will be eliminated.

In the second place, the work of the administration suffers from its inheritance of forms and procedures of the previous regime, based on caution and mistrust, which the Congress has only accentuated. There is so much scriptory work on one hand and formalised supervision on the other that nothing tangible gets done. In Madras State, each Collectorate sends more than 6,000 reports a year, about 35 daily, which no one reads at either end and which are compiled into abstracts after about two years, when the information is completely out of date. Reports must be related to action taken and should be the basis of further action necessary. A Commission to reduce scriptory work is necessary if the staff is to have time to remove the grievances of the public, on one hand, and to show results for the benefit of the country, on the other. Unless there is pragmatism, we shall continue to increase the staff with diminishing returns for the country.

In the third place, the staff must have incentives for good work. At present, it is disposed only

to sycophancy because its future depends on confidential remarks of superior officers which naturally tend to be based on their personal reactions more than on the quality of the work done. Adverse remarks are not communicated unless they relate to what are nebulously regarded as remediable defects, which means for personal reasons, which are frequently based now on caste considerations. An official has the future loaded against him, without being aware of it. As in the Army, all periodical remarks should be communicated to every official. Also, as in the Army, every official should be categorised and informed of his category so that he can try to improve. Thirdly, the remarks, which now tend to be colourless, should be specifically related to the targets of his work, which the official has reached. This would induce interest in quick disposal than merely in gratifying superior officers. A further step may be to empower the Public Service Commission and superior officers to periodically review the work of officials, particularly in respect of their positive contributions and their progressive attitude.

In the fourth place, the public deserves to be associated closely and regularly with all branches of the administration. A useful expedient may be to have a public forum at all district headquarters every month at which the public and the officers of all departments can face each other and resolve their difficulties. It may be convenient to have members of the public nominated to represent the public in

respect of different departments so that they could aid and advise on difficulties before and at the forum. The Collector could preside, with power to order officials of other departments or report them, if this is necessary. Such forums will place all officials on their toes, while subordinates will become conscious of the risk of exposure for conduct against public interest.

In addition to these measures, there is another which can be undertaken on behalf of the public by the Press. It is unfortunate that our Press with all its staff and resources has never interested itself in the problems of the common man. Somehow, it has too closely modelled itself on the foreign Press, in following national and international issues, forgetting that it is the only organ in which the intimate problems of a nascent democracy can be reflected. To the extent the Press can report on the working of measures and staff of government in a fair and full manner, the administration will become more conscious of its responsibilities, while democracy will be saved from many errors of omission and commission. Such detached appraisal will reduce the importance of the yellow Press which is now the only channel for grievances arising from the action of the administration.

While our administration has failed so far to give the country the benefit of its independence, it is not from lack of capacity but lack of direction. Traditionally, the administration has an important place in

the country, which can become an honoured one if the spirit of service can be built in. This is not impossible if organic changes in the purpose and procedures of the administration are made. This may require some psychological insight and experience of existing practices but this should not be beyond a committee of independent men. The Congress, which is finding itself discredited on all sides, would do well to improve the administration whether in the future it will serve it or some other party in power. After all, the administration is an instrument which must be true and strong for the government, as for the parties opposing it. The craze for mere numbers of staff and spectacular announcements of work must be replaced by staff and work pointed for results for which the country is hungry. The Congress has to grow to the stature of the great country it governs by an administration devoted to the interests of the people.

V. B. Karnik

THE PLACE AND FUNCTIONS OF TRADE UNIONS IN DEMOCRACY

THOUGH the theme is very wide and would ordinarily cover the discussion of trade union activities in many democratic countries, I shall confine myself only to a discussion of the role that trade unions have to play in the democracy that has been established and is developing in our country.

At the outset, I would like to draw attention to one or two facts of history. Trade unions are a product of the age of democracy. In the earlier age of feudalism or absolute monarchy, there were no trade unions and there was no place for them. There were the guilds of merchants and traders and master artisans and in some places they were powerful institutions, but they were different types of organisations than the trade unions of the modern age. In any case, trade unions with which we are concerned did not spring out of them. The trade union movement is a development of the nineteenth century, and more

particularly, of the latter half of the century. It is the development of factory industry which created the condition for the organisation and growth of trade unions. It brought together large masses of workers to work in co-operation with each other under the same roof. They were a helpless mass of workers, uprooted from their rural traditions and surroundings, and perplexed and bewildered by the new conditions under which they had to work. Working together under the same roof created a new bond amongst them and it found expression in the organisation of trade unions. As Frank Tannenbaum has stated: "The original organiser of the trade union movement is the shop, the factory, the mine, and the industry. The agitator or the labour leader merely announces the already existing fact". ("A Philosophy of Labour" p. 60). Trade unions all over the world are the products of factory industry. They grow along with the growth of that industry. Those who desire to abolish them will have to decide first to abolish modern industry.

The other important fact to be remembered is that trade unions could grow only because of the existence of political democracy. Political democracy has secured for workers some political rights such as those of freedom of the Press, freedom of speech, and freedom of assembly and organisation. In time, they were also to get the right of vote. Franchise was widened from time to time, and in the end there was adult franchise. Workers utilised all these demo-

cratic rights for establishing the organisations and for conducting struggles for the improvement of their conditions. But even in a democracy, workers had to wage a long and bitter struggle for securing recognition of their right to organise. Traders and manufacturers who had led the struggle for political freedom against Kings and feudal lords were not prepared to concede the freedom that had been won to other classes of the people. They were inclined to regard workers' organisations as illegal conspiracies for bringing about breaches of the contracts of service. They were an encroachment, they thought, on their freedom of contract. The law and the established custom of those days supported their point of view. In England, there were the Combination Acts and until they were repealed in 1824 organisation of trade unions was illegal. Even after their repeal the way was not smooth or even. Trade unions were still regarded as liable to pay damages to employers for inciting their workers to commit a breach of their contract of service. The legal battles to win immunity from criminal and civil prosecutions had to be fought time and again and it was only in the early years of the twentieth century that the issue was at last decided in favour of trade unions. Law had to adjust itself to the demands of the new situation. Workers had grown numerically, their weight in the society had increased, they had developed into a powerful political force and in the social and political conditions

created by democracy it was no longer possible to deny them the elementary right of organisation.

Trade Unions developed in industrially advanced countries along with the growth of industries and the advance of political democracy. It is not necessary here to trace the history of that development. It will be sufficient to say that by the middle of this century trade unions have acquired in all modern societies an honoured and assured place. They are recognised as lawful, independent organisations of workers and they are no longer required to justify their existence or contend for their right to exist and represent workers. They are now accepted as an essential part of the industrial society. They have won for themselves the unquestioned right to be consulted by the employers and the Government on all industrial matters. They are progressively winning for themselves the right to be consulted on all matters of public policy. Men who have risen from the trade union movement have in recent years occupied positions of trust and eminence in many countries. They are being called upon in larger and larger measure to shoulder national and international responsibilities. It is accepted on all hands that no significant increase in production can take place without the willing and enthusiastic co-operation of trade unions. Efforts are therefore made in all democratic countries to secure that co-operation and to make trade unions a part and parcel of the national endeavour for a better and fuller life. Dealing with this high status that trade unions have

acquired and the new role that they have to play, Prof. Harold Laski wrote ten years back : "It is no exaggeration to say that the status of trade unions is today far higher and their power far greater, than it was a generation ago. No doubt they have lost some of the functions they used to perform, or at least, some of those have become far less central to their activities than used to be the case ; but they have also taken on new functions which, as one examines them, involve immensely great social responsibilities than before" ("Trade Unions in the New Society" — pg. 4). I shall at a later stage invite attention to the new functions that trade unions have to discharge in the modern age; as pointed out by Prof. Laski.

The only exception to this general phenomenon of the growing recognition of trade unions as a powerful social force is to be found in totalitarian countries. Even in those countries they cannot altogether ignore the large mass of workers. Aware of the danger involved in allowing workers to form their own independent unions, rulers of totalitarian countries herd them into state-sponsored and state-controlled organisations. With this object in view, Hitler organised in Nazi Germany the Labour Front. In Communist Russia they call them trade unions but they have all the characteristics of the German Labour Front. They are not independent organisations of workers formed by themselves for the protection and advancement of their own interests. They are established, controlled and managed by the Government. Their main func-

tion is to implement and advance the policies of the Government and not to protect the interests of workers. The Government has assigned to them some of the functions in the matter of the administration of welfare funds. Russian unions perform those functions like any other department or agency of the Government. They have no independent existence of their own and cannot pursue any policies of their own. The Communist Party which controls the Government also controls the trade unions and runs them as methodically and rigidly as any other organisation in the country. Trade unions in other communist countries follow the same pattern. In Hungary when on the outbreak of the national revolution the trade unions went out of control, they were mercilessly suppressed and leaders of trade unions and workers' councils were subjected to heavy penalties. Some outstanding leaders were sentenced to death and had to pay with their lives for their crime of championing the interests of workers. Under communism there is no place for trade unions as independent organisations of workers. A totalitarian regime cannot tolerate the existence of alternative centres of powers. It is only in a democracy that such centres can exist and compete with each other for influencing the policies of the Government and the society.

Let us now turn to the Indian Trade Union movement and deal with some of the problems that it has to face in the democratic society that is developing in the country. The trade union movement is

now about forty years old. The first trade union of the modern type was formed in India in 1918. Earlier there were some sporadic attempts at organisation and some efforts were made by some public men to invite attention to the plight of industrial workers. The most notable amongst them was the attempt made in Bombay by Narayanrao Lokhande in the Eighties of the last century. He made representations to the Government for improvement of the Factories Act; one of those representations was signed by several thousand workers. But there was no continuity in those attempts, and as an organised force trade unions can be said to have emerged only after the end of the first world war. The conditions created by the war forced workers to get together and organise themselves in order to secure some relief. As a result of the war, prices had risen high and workers were finding it extremely difficult to make both ends meet. Their immediate demand was for a dearness allowance to compensate them against the rise in prices. They had complaints about the conditions of work, more particularly about their treatment at the hands of supervisory officers. They also wanted reduction in the hours of work which were then fourteen hours a day. With these and similar demands workers in industrial cities like Bombay, Calcutta and Madras formed trade unions and began to agitate for their satisfaction. The year 1920 saw the establishment of the All-India Trade Union Congress as the central organisation of all these unions. The establishment of a central organisation enabled the

trade union movement to emerge in course of time as a strong and stable force.

In India trade unions did not have to wage for securing the right of existence as grim and as fierce a struggle as they had to wage in many other countries. India was then under foreign rule and foreign rulers could not adopt as hostile an attitude towards workers and their organisations as indigenous vested interests might have adopted. Moreover, the British rulers were subject to the democratic influences that had developed in Great Britain. Besides, British manufacturers were for their own interests keen on improving the labour conditions in India. They did not want Indian manufacturers to undersell them in Indian markets by taking too much advantage of the low labour costs that prevailed in the country. Guided by that motive, they put pressure upon the British rulers of India to take legislative and other measures for improving the conditions of labour. The Factories Act that was enacted in 1881 was a direct consequence of this pressure. Many other labour laws that were enacted in those early years owed their origin to that cause. In 1919 India became one of the founding members of the International Labour Organisation. The membership has continued since then and it has been of immeasurable help to trade unions in developing their strength and securing some of their demands. The very organisation of the All-India Trade Union Congress was primarily due to the condition imposed by the constitution of the I.L.O. that workers' and employers'

representatives attending its conference should be nominated by Governments in consultation with their representative organisations. All these factors helped the growth of the movement. And yet it was not an easy or smooth task.

Hundreds of trade union workers had to labour hard for many years before the foundations could be laid and workers of various industries could be brought together in their respective trade unions. Many of them had to face arrests and imprisonment, and lathi charges and bullets. Thousands of workers had to undergo long periods of sufferings and privations as a result of strikes that they had to wage even for securing a consideration of their very minor demands. The Indian trade union movement is not without its list of martyrs. Brought up in the feudal tradition of relation between masters and servants, it took Indian employers a long time to accustom themselves to the idea of their employees forming themselves into unions and seeking to discuss with them the terms and conditions of their employment. They thought they were obliging workers by opening factories and giving them employment and that they should be eternally grateful to them for saving them from the pangs of hunger and unemployment. It was sheer impertinence on the part of labourers, they thought, to complain about their wages and conditions of work and form organisations for improving them. That was contrary, they believed, to the natural order of things. Their reaction to the organisation of trade unions was, therefore, violent and fierce. They re-

garded them as hostile and subversive organisations. They wanted their workers to keep away from them. For a long time they deluded themselves with the belief that trade unions were the creations of mischievous outsiders and that their employees did not want them. Acting on that belief, they refused point blank to recognise trade unions or to carry on any discussion or negotiations with them. They resorted to many methods for suppressing them. Victimisation, blacklisting, assaults, denial of facilities, lockouts and hiring of toughs and black-legs for breaking strikes were some of the methods that were used. They also used the method of bribery. In some cases company unions were organised. But none of these methods succeeded.

In spite of all opposition, trade unions developed, their membership and influence increased and employers found that they could not carry on without talking to them and discussing with them the problems of their workers. In recent years, more and more employers are finding it necessary to recognise unions. The need has been felt more since the introduction of the conciliation and adjudication machinery. Once a dispute goes before that machinery, an employer is forced to take notice of the union and talk to it. The talk which begins in the office of a conciliation officer or in the court of an adjudicator continues elsewhere and in a short while both the employer as well as the union find it profitable to keep the talk going. A number of unions have through this process secured

de facto recognition from employers. It may be said, therefore, that the old hostility has now disappeared. But the real spirit of genuine co-operation with trade unions is yet to develop. A few enlightened employers have granted recognition to the unions of their employees. They enter into collective agreements with their employees and try to secure their co-operation in the running of their enterprises. But that is not yet a general phenomenon. Most employers still look at unions with a feeling of distrust and regard them at best as nuisance which has to be tolerated. This is an attitude which is hardly in tune with the demand of the age.

The attitude of the Government was not also initially helpful to the growth of unions. In the early years government officers regarded themselves as the protectors of the interests of workers and thought that the latter should turn to them and rely on their good offices for the solution of their difficulties. They thought there was no need for workers to build up their organisations. When unions developed and began to agitate for the improvement of workers' conditions their first reaction was to regard it as a problem of law and order. They thought that union activities would lead to breaches of peace and, as guardians of law and order, they regarded it as their duty to discourage and suppress those activities. The provisions of the Indian Penal Code and the Criminal Procedure Code were liberally utilised to secure that purpose. With the spread of the trade union movement

and a larger measure of public support to the cause of labour, the Government was compelled to effect a change in its policy. From hostility it advanced to the position of neutrality. The Government declared that it would side neither with employers nor with workers, but would hold the ring allowing the two parties to fight out their differences. In effect this policy was far more advantageous to employers than to employees, as there was intervention on many occasions on grounds of breach of peace and on most occasions it was in favour of employers and against employees.

The policy of holding the ring did not remain in force very long. Public conscience revolted against it. The general feeling was that, the workers being the weaker party, they should receive support of the public authority and that the Government should intervene and bring about speedy settlement of disputes. The feeling grew stronger with the growth of the national and democratic movement. The wave of strikes that developed between 1925 and 1928 also compelled the Government to revise the policy. It could no longer remain indifferent to the big strikes. Big strikes could not be treated any longer as mere affairs between employers and workers involved in the strikes. The society as a whole was vitally interested in them as they led to grave public inconvenience and hardship. The Government was, therefore, called upon to take interest in strikes and try to avoid them or settle them as early as possible.

This social responsibility of the Government found legislative recognition for the first time in the Trade Disputes Act of 1929. The Act was passed, but was seldom used. It was only after the formation of the first popular Ministries in 1937 that the Government began taking more interest in labour matters. This helped the growth of unions and brought some relief to workers. The second world war broke out two years later. It brought with it the Defence of India Rules, the prohibition of strikes under those Rules and the compulsory reference to adjudication of all trade disputes. The adjudication machinery that was evolved then has continued to this day. It has become an essential part of the industrial law. What was accepted as an emergency measure has become a normal practice. In the beginning, the opportunity to take a dispute to a court of law and secure its verdict on the demands of workers helped the development of trade unions. Workers were able during those days to secure through courts increased dearness allowance, larger bonuses and many other concessions and privileges. But the flow of those benefits through courts could not continue indefinitely. Trade unions suffered a setback as the flow dwindled. It is being recognised now that too much of dependence on courts or such other external authority is not good for the trade union movement. It discourages the process of collective bargaining which is the main function of a trade union. Hostility of the Government is no doubt a grave handicap ;

too much of official intervention may prove an equally grave handicap.

These are some of the difficulties that trade unions had to encounter owing to the attitude of the employers and the Government. But there were some other objective difficulties which also came in the way of their rapid growth. The first and the main difficulty was the slow and uneven growth of industries. In the beginning they had to struggle against the deliberate policy of the Government to prevent the growth of indigenous industries. The policy underwent slow change when under the stress of conditions created by World War I the Government had to adopt the policy of "discriminating protection". Later progress was held up as the market did not expand. The growing poverty of people put a severe limitation on the expansion of the internal market. Industries had to face from time to time the problem of over-production as there was no effective demand for the goods that they produced. This periodical state of crisis in which industries found themselves until the outbreak of the second World War was not favourable to the growth of trade unions.

The other grave difficulty that they faced was the overabundant supply of labour. The country was never short of manpower. Industries were not able to absorb more than a small percentage of the labour power that existed in the country. There was always a large mass of unemployed workers in the cities and

it grew larger every day with the arrival of thousands upon thousands of new workers from villages. The population grew at a rapid rate and that made the problem more insoluble. The problem of unemployment is staring us in the face even today and is likely to be with us for many years to come. When the Second Five-Year Plan was drawn up, the number for whom new job opportunities would have to be created was estimated at over 15 million. In the discussions that are now taking place about the Third Plan the number is put at 25 million. That will give an idea of the enormity of the problem. It is not easy to organise unions and to build them up as strong organisations in the face of such a vast mass of surplus labour power. In countries like England and the United States which boast of a powerful trade union movement there was a perennial shortage of manpower. It is that shortage which gave them the bargaining strength which enabled them to build up their massive unions.

Another difficulty has been the ignorance and the backwardness and the rural character of workers. They came to cities from faraway places. They belonged to many castes and creeds and language groups. They were an uprooted mass of humanity who had been, as the Royal Commission on Labour has stated, not pulled to but pushed into the cities. They had no education and no training in the jobs that they were to perform. They had no tradition of self-organisation or self-help. The only organisa-

tion that they knew was their family or caste or village community from all of which they had been torn asunder. It was not an easy job to persuade this scattered mass of helpless humanity to get together into unions and build them up as stable mass organisations. By themselves the workers would not have been able to accomplish this task. It is the help and the guidance that they receive from the so-called outsiders, the public spirited lawyers and doctors and political and social workers who volunteered to work amongst them and build up their organisations that enabled them to do it in some measure. The Indian trade union movement owes a deep debt of gratitude to the pioneering zeal and selfless work of those hundreds of political and social workers who laid its foundations and erected a good part of its structure. But this reliance on outside elements, which was in itself due to the ignorance and backwardness of workers, is responsible for many of the ills which have afflicted and are afflicting the movement. It is responsible for the domination of political parties, for the splits and quarrels which have weakened the movement, for the absence of rank and file leadership, and for the workers' comparative lack of interest in the strength and stability of unions. With the spread of education and the growth of consciousness amongst workers, this handicap will disappear, and then the trade union movement will be able to rise to its full stature.

In spite of these many difficulties, trade unions developed and are now a force which nobody can

ignore. The number of registered trade unions in the country is now over 7,000 and their membership over twenty-five lakhs. They are to be found in all trades and industries and in all parts of the country, in big cities and in small towns. They have now acquired a recognised and honoured place for themselves. Both the Government as well as employers have to take note of their existence and make their policies and actions acceptable to them. The unions can be held to have acquired this new status during the years of World War II. In the emergency that was created by the war, it was realised that the help and co-operation of trade unions were both necessary as well as valuable. Efforts were then made to secure that help and co-operation. Works committees and production councils were created on a joint basis and endeavours were made to secure trade unions' association with the participation in efforts at increasing production. In 1942, the Government began the new practice of convening every year a tripartite labour conference to discuss the various labour measures that they proposed to adopt. In these conferences organised trade union movement was granted equal representation with employers. Representatives of the workers were able to sit together in these conferences on an equal footing with representatives of employers and discuss the labour policies of the Government. This gave trade unions a new status and dignity. Employers had to take notice of this new status of unions and change their

attitude towards them. In the succeeding years trade unions got equal representation with employers on many other committees and councils. This process of recognising trade unions as an important social force and trying to win their co-operation in tackling national problems, which began during war years, continued even after the end of the war and received a fresh impetus after Independence. The democratic Government of the sovereign independent Republic of India is far more conscious of the valuable role that workers and trade unions can play in the national effort for building up the country.

The Constitution of the Republic of India has accepted and guaranteed the workers' right to organise themselves. It has also accepted and guaranteed workers' right to strike. There are besides the Directive Principles of State Policy contained in a separate chapter which accept most of the basic demands of workers and declare that it would be the constant endeavour of the State to secure those demands. It is true that at the moment the Directive Principles of State Policy are no more than a pious declaration. But even a declaration in such a basic document as the Constitution has its value. It is no longer necessary for trade unions to justify those demands. They are already accepted in principle. What remains for them is to build up their strength and awaken public opinion to secure their implementation. They can do it more effectively now because they have the right to vote. Already

there are some trade union leaders in Parliament and in State Legislatures. Their number is likely to grow as workers become more conscious of their right to vote and use it to secure the election of those who will stand by them.

The importance that the Government attaches to securing the co-operation of workers and their trade unions is to be clearly seen in the first as well as the Second Five-Year Plan. The Second Five-Year Plan has stated :

“ The Five-Year Plan was drawn up in the context of the growing consciousness of industrial labour in the national economy. Much of what has been said in regard to labour policy in the first five-year plan holds good as a basis for the future. However, in the light of the socialist pattern of society, within which setting the second five-year plan has been framed, suitable alterations in labour policy required to be made. A socialist economy is built up not solely on monetary incentives, but on ideas of service to society and the willingness on the part of the latter to recognise such service. It is necessary in this context that the worker should be made to feel that in his own way he is helping to build a progressive State. The creation of industrial democracy, therefore, is a prerequisite for the establishment of a socialist society.... A strong trade union movement is

necessary both for safeguarding the interests of labour and for realising the targets of production." (Second Five-Year Plan, page 572).

With that end in view the Plan has adumbrated the idea of workers' participation in management. It is not necessary to discuss here the particular idea. The plans for securing that participation are yet in a nebulous state and it is likely that in the present condition of the industry and the trade union movement they may not make much progress. What is important is the acceptance of the concept of partnership. It is accepted now that workers are as much partners in an enterprise as the shareholders. The latter may contribute their wealth, but the former contribute their labour which is as valuable. There is, therefore, in every industrial enterprise, a partnership between employers and employees. Once this fact is accepted it will not be very difficult to find a fair solution to the problems that crop up from time to time. Mahatma Gandhi talked about this partnership between capitalists and workers as early as 1920. The idea sounded strange in those early days. But it does not sound strange any longer.

This change in the attitude towards trade unions which has taken place in India is in keeping with the change that has taken place in all democratic countries. Trade unions are now regarded as one of the vital institutions of democracy. It is true that trade unions can exist only in a democracy, but they are

FD—5

also a bulwark of democracy. If there is no democracy in the industrial field, it cannot exist too long in the political field. Trade unions are no longer concerned merely with questions of wages, hours and allowances. They are concerned with the all-round life of workers, as producers, as consumers and as citizens. The scope of trade union work has expanded enormously. They are now interested in all national problems, in economic as well as in educational policies, in the problems of public health as well as in the problems of currency and credit, in welfare activities as well as in measures for national defence, in questions of rural development as well as in questions of war and peace. They demand to be heard and consulted on all these matters and the demand is being progressively conceded. Even in the industrial field, there is a substantial increase in the scope of their work. They cannot now rest content with making demands; they have to shoulder the responsibility of making it possible for the concern to concede those demands. They have to accept the responsibility of expanding production and increasing productivity. They cannot any longer make irresponsible demands and adopt an attitude of unconcern towards the fate of the enterprise. It is their interest in the enterprise and the industry which is now persuading them to put forward the demand for participation in management.

There is now no longer a clear line dividing the functions of management from those of trade unions.

Prof. Laski has stated : " It is impossible for unions to accept an arbitrary line between their function and the employers' functions." Tannenbaum makes the same point more explicitly. He has written : " There is no line that can be drawn between the two spheres of interest, except at a single moment in a given history. The situation is fluid, and will remain so. Neither the workers nor the management can define their relative position in final terms. In fact, the very appearance of the trade union is a denial of the unchallenged authority of the management. A union, by assuming responsibility for the welfare of its members and acting as their agent, must of necessity be concerned over every item that affects their fortunes. Every activity of management bears upon the well-being of the workers. The disputes at any moment are over a temporary delineation of a moving line. The end is participation in management." (**A Philosophy of Labour**, Frank Tannenbaum, p. 160). These expanding functions of trade unions have placed upon them new responsibilities and have also opened out for them new opportunities for service to their members as well as to the society as a whole.

In a democracy there is no other way but to recognise the position of trade unions and to seek in co-operation with them the solution of workers' problems. Out of the age-old twin methods of dangling the carrot or using the whip the latter method is not possible in a democracy. A stage has been reached in democratic societies where the only alternative to

securing the willing participation of workers is the abolition of democracy itself. As Prof. Laski has stated in his well-known book on the role of trade unions in the modern age: "We have increasingly to accustom our minds to the realisation that hunger and fear have ceased to be instruments of discipline upon which a democratic community may successfully rely. Or at least, if it seeks a continued reliance upon them, it is no longer likely to remain a democracy. For constitutional government in industry is rapidly reaching the point where the alternative to it is despotism tempered by rebellion." (p. 144).

In the new era created by technological progress and the expansion of democracy both employers as well as workers have to be conscious of their social responsibilities. No employer can regard his factory as his private preserve and run it in any manner that he likes. There are a number of limitations on his rights of ownership. His right of hiring and firing men at his sweet will is no longer available to him. He must pay them a wage that is decided by law or by a collective agreement. He must provide in the factory the conditions of work that are laid down by law. He cannot close down the factory at his sweet will. Even in a private enterprise economy, he has to run it more or less as a public concern. The society is vitally interested in the proper and efficient running of every factory. That is more so in an economy that is developing according to a plan. The society cannot allow an owner to ruin his factory

through bad management, or through bad labour relations. Nor can it allow workers and their union to ruin it through perpetual quarrels and conflicts. The society expects both sides to settle their differences through mutual adjustment and to co-operate with each other for the more efficient running of the enterprise. A spirit of co-operation and adjustment is the demand of the new age both on employers and trade unions.

In a democracy there is no scope for class war. A class war can end only in the elimination of one class or the other, and the establishment of a dictatorship. A democracy provides for the settlement of political issues through discussion. It must provide for the settlement of industrial issues also through the same method. Trade unions follow that method when they engage in collective bargaining. Collective bargaining may sometimes lead to a strike, but that is the last weapon in the armoury of a trade union; and the strength and the effectiveness of a union lies not in the constant use of that weapon but in the successful avoidance of its use. There are classes in a society and there are conflicts of interests among them; but virtue lies not in intensifying those conflicts but in lessening and adjusting them. In a democracy various sections and classes of the people learn to live together in tolerance and amity. It is the task of trade unions to aid that process and simultaneously strive to raise the economic, social and cultural level of workers so that they may share as equal partners

in the progress of that society. It is thus that trade unions seek to transform political democracy into economic and social democracy.

Democracy cannot afford to ignore the constant danger that threatens its very existence. It is the danger posed by the machinations of international communism. International communism operates through external aggression and also through internal subversion. In the face of that external danger, workers and employers in a democratic society are required to stand together and work together for the preservation of the democratic way of life. They cannot allow their internecine quarrels to drag on and endanger the safety of their society. They must seek a path of mutual adjustment and realise through actual experience that their progress and prosperity are mutually interdependent. In course of time they develop a new social outlook and begin to work together for the advancement of the society as a whole.

It is far more difficult to fight the internal danger of communism. It is no doubt an agency of international communism, but it hides that character and seeks to operate as a national movement. It dons from time to time many an attractive garb, but the one object of all its activities is to discredit democracy and to pave the way for its destruction. Communists are usually active in the trade union field. They seek to gain control of as many trade unions as possible and then to utilise them for the purpose of the Communist Party. They have no interest in the immediate

demands of workers, their main interest is in expanding the influence of their party. They work in trade unions not so much for effecting improvements in the conditions of workers as for securing their allegiance to the party. Believing as they do in the theory of class war, their attempt is always to lengthen and intensify the struggles between workers and employers. They owe no allegiance to the democratic society and are therefore indifferent to its fate. Their loyalty is pledged to the international communist movement and in whatever they do they seek to serve its interests. Their tactics may change from time to time, but the aim and the purpose of their activities always remain the same. They are the avowed enemies of democracy. They must be identified as such and must be effectively prevented from infiltrating into the democratic trade union movement.

The general statement applies with greatest force to an industrially backward country like ours which is seeking to lift itself by its bootstraps. We have embarked on an era of planned development. We desire to bring about rapid economic progress. We want to put an end to the poverty, the hunger and the misery which have plagued us for centuries. In the words of the Prime Minister, it is a mighty adventure that the country as a whole has undertaken. Workers are as much a party to that adventure as other sections of the people. The adventure will not succeed without their co-operating and the co-operation of their unions. In this situation trade unions

have a big responsibility on their shoulders. They have not only to protect and advance the interests of their members ; they have also to assist in the building up of the nation. In view of this responsibility, they have to develop a constructive and positive attitude which will realise that the progress of workers cannot be secured apart from and in opposition to the progress of the society as a whole. If trade unions will adopt that attitude and reorientate their activities from that point of view, they will be able to play a big part in the development of Indian democracy and will thereby justify the democratic rights that they enjoy and the position of trust and responsibility that has been accorded to them. Indian trade unions are not as yet as strong as they should be ; there are many defects and shortcomings in their working. But, I believe, that by far and large they are capable of developing this new outlook and discharging the new responsibility that the conditions of the modern age have placed upon them.

In his book on "American Capitalism" Prof. Galbraith has developed the theory of **The Counter-veiling Power**. On that basis, it is sometimes said that as in the United States, organisations of employers and employees can develop as counterveiling powers against each other and, each pursuing its own aim, can in that manner advance the interests of the society as a whole. I cannot entirely accept that point of view. The United States of America can, because of its immense natural resources and the pre-eminent

position that it has attained, afford the luxury of allowing various sections of the people to compete against each other and to build up rival pressure groups. A country like India which has yet to take its first steps towards industrialisation cannot afford that luxury. Here the emphasis has to be on co-operation and not on competition. In our country various sections of the people must co-operate with each other so that production and national wealth may increase and there may be more of food and employment for all. This applies more particularly to employers and to workers and their trade unions. A spirit of co-operative enterprise must develop amongst them so that working together they may be able to produce for the society larger quantities of goods and services. There is hunger and misery in our country, but over and above that, we have in our midst disloyal and disruptive elements who desire to exploit them for their own political ends. They have no desire that our democratic experiment should succeed. For, its success would disprove their thesis that no social and economic advancement can take place without the establishment of a dictatorship of the proletariat. They would like India to abandon the path of democracy and follow in the footsteps of Russia and China. They exploit the dissatisfaction and the discontent of workers for spreading bitterness and distrust and disbelief in the capacity of the country to overcome her present difficulties. Those elements must be isolated and exposed before workers as the enemies of demo-

cracy and orderly progress. They have given a further proof of their anti-national character by the attitude they have adopted on the issue of Chinese aggression. It is the duty of trade unions to keep workers away from such elements ; and it is equally the duty of employers not to make the work of communists easy by adopting a recalcitrant and unreasonable attitude towards workers and their demand.

Trade unions are playing a big role in bringing about a gradual transformation of political democracy into an economic democracy. The primary task of trade unions is to strive for the economic betterment of workers. But the task does not end there. They have also to strive for their social advance and cultural upliftment. Their ultimate aim is the establishment of a free society of free and equal men, the inauguration of a new civilization. Sidney Webb, when he wrote about Soviet Russia twenty years back, described it as a new civilization. The description proved wrong. The dream they may have seen in communist Russia turned into a nightmare ; the reality as it emerged in course of years turned out to be the exact anti-thesis of what it was expected to be. However, the quest of man for a new civilization and for a free society of free and equal men has not ended. Trade unions are well qualified to pursue that quest in their own sphere. That should be in present conditions the main motive of all trade union work. This places a big responsibility on trade unions, but it also provides them with a big opportunity to work for the

broadening and deepening of democracy. I hope trade unions will be able to accept this challenge of the new age. I appeal to all well-wishers of the trade union movement to help it to discharge that responsibility.

Murarji J. Vaidya

DEMOCRACY AND THE COMMON MAN

I HAD an occasion to meet a few weeks back a gentleman who occupies a prominent position in the Government of India. He had just returned from a tour of Soviet Russia. We naturally started discussing the economic development of the USSR. In describing his impressions he praised the great advance that has been made in the industrial development in that country. When I pointed out to him that the common citizen in Russia does not still enjoy the freedoms which his counterpart in a democracy does, his comment was very significant :

“Do you think,” he asked, “that the common man worries about these freedoms so long as he gets his bread and job and a house to live in?” I pointed out in reply that man does not live by bread alone and that there are certain higher values of life which are more sacred to the human mind than the mere existence for bread and a job.

Thomas Jefferson who was the Third President of the USA at the end of the 18th century had some very significant things to say about the place of Com-

mon man in a democracy. I would quote a few of his sentences. In the famous Virginia Convention, of which Jefferson was one of the authors, the following significant sentences occur :

“ All men are by nature equally free and independent, and have certain inherent rights namely the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety. That all power is vested in and consequently derived from the people ; that Magistrates are their trustees and servants, and at all time amenable to them.

“ That government is or ought to be instituted for the common protection and security of the people, nation, or community ; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and most effectually secured against the danger of mal-administration ; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.”

Although he belonged to another age and another country, his testament of faith in democracy can be

adopted **in toto** by all democrats in all ages and in all countries.

Let us first be clear about what democracy means. Abraham Lincoln described Democracy as "the rule of the people by the people for the people." In actual practice Democracy means that the power structure in society is so arranged that the people have a voice in their own affairs. Although the large size of the country, the vast population and complexities of life brought about by an increasingly technological society do not permit participation by every citizen in the making of all decisions, still institutions can be so arranged that representatives of the people elected by secret ballot make the laws on behalf of the citizens; the organs of administration shall be so arranged as to serve the citizens, and finally the law courts shall be so established and conducted as to interpret the law in an impartial manner as between citizen and citizen, as also between the citizen and the State. Above all, the representatives elected shall be ultimately responsible to the people and at all times responsive to the citizens. That is as far as the political aspect of a democracy comprehending the three organs of government—the Legislature for law making, the Executive for administering the laws and the Judiciary for interpreting the laws — goes.

In contrast to a democracy, dictatorship means the rule of one person or a group of persons or a party which manages to seize power. In a dictatorship, neither the will of the people nor their consent counts.

The executive is arbitrary. The law courts are hand-maidens of the executive of the Government.

To ensure that everything shall be done according to the will and consent of the people in a democracy, the Rule of Law is held to be supreme. Within the framework of the Constitution approved by the people, the legislators shall make the Laws. When any law is not in accordance with the Constitution, the citizens can challenge them and have them declared **ultra vires** by the law courts of the land.

The Rule of Law also means that all citizens and institutions as well as the Government shall be equal in the eyes of the Law. It also means that nobody, not even the Government, shall be above the Law. It is very important to understand this aspect of democracy. The Government in our country has shown a tendency to forget this elementary fact. For instance, every time some legislation is declared **ultra vires** of the Constitution, an ordinance is passed and the Constitution itself is amended later. Whereas the Indian Penal Code drawn by Lord Macaulay has stood barely ten amendments in over 120 years, the Indian Constitution has already been amended no less than seven times since it was adopted nine years ago. The worst of all amendments is the one which takes away the right of the citizens to move a court of law on the issue of just compensation for property acquired by the State. This is a blow at the most fundamental institution of the Society. With private property, of course regulated by socially desirable measures, both

stability and progress are possible. Therefore, to deny this right is a perversion of the spirit of democracy.

Apart from the Rule of Law, a democracy should mean for the citizen, freedom of thought, of expression and of association. It should guarantee also freedom of the Press and freedom of religion.

I shall not go into details with regard to various freedoms but shall point out to you the dangers to the freedom of the Press in this country. The State Trading Corporation, which has been rightly described by some as the Twentieth Century East India Company, has entered into the field of newsprint trade. Apart from considerations of high prices it charges for the sake of its profiteering, by control of newsprint, the Government can eat into the freedom of the Press. The second danger is with regard to Government advertising. There is a proposal now to concentrate all Government advertising into the hands of the Directorate of Advertising and Visual Publicity of the Union Government. If this step is taken, it will constitute a vital blow to the freedom of the Press. Government advertisements will be made use of as a tool for brow-beating any paper or journal which dares to criticise the Government. In this context, the repeated attacks the Prime Minister and others have made on the Press in recent months are ominous. The collectivist mentality of Communists, Socialists and Fascists reacts in the typical fashion whenever they encounter any criticism from the Press. Although I for one believe that our Prime Minister

is a democrat by temperament, his example will be followed by lesser lights in the mistaken notion that they are thus serving the cause of the people. Let us remind them that the function of a free Press in a democracy is to serve the Public and not the Government. Especially in a country like ours where a real democratic alternative of any measurable strength is just now in the process of evolution, the Press has a greater responsibility than elsewhere.

Having considered the general philosophy of a democratic society, I shall now consider the operation of our democracy from the viewpoint of the common man. Like the snowman or the Yeti, the much-mourned common man of India is an elusive figure so far as the powers that be are concerned. However, for all practical purposes I take as common men all citizens of this country excepting the leading bureaucrats and political autocrats who under the sacred mantram of "socialistic pattern of society" are enjoying all the benefits of a perquisitive society at the cost of the common people.

There are three aspects to which I wish to refer. First, the attitude of Government officers towards the citizens. Second, where the common man stands with regard to his basic needs, namely, food, housing and clothing. Third, the great issue of whether the sacrifice of individual freedom at the altar of the Government for the sake of a few morsels is possible and desirable. This last point is very important. I shall deal with it at length because many politicians

in India are fond of saying that the common man in this country does not really care for any freedoms, but only for his bread.

Attitude Towards Citizens

With regard to the attitude of the Government servants towards the common man, the story is very tragic. In a democracy, the Government servants are supposed to be the servants of the public. But now in India the citizens are nowhere before the Leviathan of the State. They are met with insolence, arrogance and are treated like criminals in many cases. It has become increasingly difficult to get anything done out of many Government departments which have exceeded the bounds of human standards not only with regard to corruption but also arrogance. This is due to two reasons. The first reason is that the so-called comprehensive planned development requires control at every stage of life. These controls have placed so much power in the hands of Government servants, that it is liable to be and in fact generally is abused and misused whenever the common man has to run to the Government in getting the slightest thing done. How many of you have not taken a day's casual leave just to get permit for spirit for the domestic stove ! And yet, over the common man the politician of "socialistic pattern" sheds copious tears.

The second reason for corruption is that it is rampant at higher levels itself, and as such there is no moral authority there to eliminate it in lower levels. Thus there is general demoralisation. In this

context, I wish to point out that corruption assumes subtler forms than "mamool" or cash payment. It is not merely monetary. It assumes subtle forms like exercise of patronage to reward faithful followers and trumpet-blowers by giving them licences and facilities at tax-payers' expense. There are more subtle forms like protocol. What is a normal requirement of diplomatic life is turned into an escape route for top politicians to smuggle in much desirable foreign valuables. And finally, there is the subtlest form of corruption — flattery through public addresses and commemoration volumes.

I would like to make some concrete suggestions for improvement of administration so that the common man is not harassed. Giving an increment of Rs. 5/- to the low-paid staff as recommended by the Pay Commission will not help to improve the present situation. Ministerial exhortations are equally, if not more, pointless to improve the service morale.

The first requirement for improving the morale is that the entire administrative machinery has to be put on sound commercial principles of operation. Thus it is first and foremost a problem of organisation. Secondly, staff members should be given better technical skills and training in public relations. This step can be effective only if the rules with regard to seniority are relaxed in favour of efficiency and courtesy, and also if immediate dismissal is made possible for inefficiency and corruption. The old idea that a Government job is a "jahgirdari" for life has no

place in the middle of the 20th century. The third requirement is that the policies of the Government should be communicated in a better fashion among its own staff. Fourthly, better mechanical aids should be provided to expedite work and increase productivity. Lastly, the Government should cease dabbling in unnecessary work and should concentrate on guaranteeing law and order, a minimum efficiency in its departments, and provision of basic amenities like postal and communication facilities.

Needs of the Common Man

Now we come to the needs of the common man. There has been no greater betrayal of the common man than with regard to his basic needs of food, housing and clothing. The cost of living has increased manifold. Although the Governor of the Reserve Bank of India claims that the Indian rupee has depreciated only to the extent of 29 per cent in the last 12 years, the experience of the common man has been different. His rupee purchases for him barely $\frac{1}{4}$ th of what it used to 12 years ago. Deficit financing to finance the ambitious state projects has reduced the value of money. Inflation hits the common man most because his earnings are low and fixed and his savings are meagre. The politicians can afford to give sermons on the value of the rupee having remained stable or depreciated negligibly.

It would have been expected that since agriculture is our basic asset, every opportunity and incentive would be provided for developing it to the fullest. All

industrial countries which enjoy a high standard of living have first of all concentrated their energies on developing their agricultural asset to the fullest. Only then have they been able to develop a viable industrial sector.

What is the position in India? Fantastic schemes of land legislation, which in many cases literally mean mass confiscation of property, have become the order of the day. The farmer does not know what fate is in store for him and his land. Land and the poor farmer have become pawns in the political chessboard of the power politicians.

Instead of economic holdings being encouraged, land legislation has given a fillip to fragmentation. As if that is not enough, now two contrary and mutually irreconcilable measures are proposed to be adopted. On the one hand, the States are imposing ceiling on income derived from agriculture. With the already depreciated currency, a ceiling of Rs. 3,600 for a family of five which many States seek to impose, will mean nothing but a compulsory and permanent helotage to the peasants. That is perhaps what the Socialistic Pattern means. It has been rightly pointed out that socialists adopt a dog in the manger policy — they cannot lay eggs and they will not allow the hens to lay them either.

The latest innovation, quite opposed to the ceiling business, is joint co-operative farming. There is said to be no compulsion in this, but measures proposed imply compulsion as a means to form these so-called

joint co-operative farms. Will our planners heed the warnings of veteran socialists like the former Burmese Premier, U Nu ? He said two years ago : “ As regards co-operatives, in democratic countries co-operative societies without first ensuring co-operative minded-the Government’s generous assistance to co-operative societies without first ensuring co-operative minded-ness among the general public is mainly responsible for the lamentable situation in which many co-operative societies have landed.”

I wish to warn the country that the so-called joint co-operative farming is nothing but introduction of Soviet collectives by the backdoor. The real intention is to extract the agricultural surplus by denying fair rewards to the farmer for his product and to use that surplus for financing heavy industries to be installed by the State under ideological compulsion.

Even without the threat of measures like joint co-operative farming, which will have an adverse effect on food production, the Government has miserably failed on the food front. Already nearly Rs. 1,000 crores have been spent in the last twelve years over the import of food. Instead of seeking to increase food production by giving proper incentive to the farmer and also making available the basic facilities like more water, better seeds, etc., fantastic measures of distribution are now proposed. State Trading in foodgrains by displacing over three lakhs of traders directly engaged in the trade and millions of other dependent on it will not only create unemployment

but also give a repeat performance to the common man of the war-time experience of rationing. Apart from the utter demoralisation of public life, it will lead to the concentration of enormous power of patronage in the hands of the State, i.e., the politicians and the bureaucracy. This be a graver danger to the democratic way of life.

The fact that in one of the notes submitted by the so-called Statistical Adviser to the Prime Minister it was proposed that during the Third Plan every year Rs. 130 crores should be made available to the State exchequer from the profit of the sale of foodgrains by the States should open the eyes of the common men to the dangers that are inherent in this scheme of state trading in foodgrains. Food stuff will be an item which the Government will make use of to tax the common man in an indirect way.

At a time when miracle fabrics and countless varieties of cloth cater to the consumer's choice elsewhere in the free world, the poor common man in India finds that an elementary commodity like cloth is being increasingly taken beyond his reach. Apart from artificial restriction on the production of certain varieties of cloth and the ban on rationalisation, the heavy burden of excise levies has increased cloth prices to artificially high levels. In September 1956 additional excise duties to the extent of about Rs. 30 crores were imposed overnight. This sent many a mill to the wall. The ensuing unemployment brought about the spectre of hunger and destitution to many a home. But the Leviathan of the

State was not satisfied either with the penury inflicted on the workers or the increasing cost of the cloth for common man. There is not yet a sensible policy with regard to cloth for the common man.

Bread & Freedom

Now finally I shall deal with the most important question in a democracy : of freedom and bread. Much is made of the so-called progress in Communist countries where it is said that although freedom is denied bread is provided. To understand that argument, first of all you must not forget the enormous cost paid in terms of human life and individual dignity. This is overlooked by those who admire Communist techniques of planning and way of life. It is estimated that in Soviet Russia over 30 million (3 crores) of people have been liquidated in 40 years since the October revolution in 1917. Lest I sound propagandistic, I shall quote to you passages from the speech by the Soviet Premier, Mr. Nikita Khrushchev, at the 20th Congress of the Communist Party of the Soviet Union. In this speech he listed a number of brutalities and cases of injustice perpetrated by Stalin. The following are some of the relevant passages from Mr. Khrushchev's speech :

“ Stalin acted not through persuasion, explanation and patient co-operation with people, but by imposing his concepts and demanding absolute submission to his opinion. Whoever opposed this concept or tried to prove his viewpoint and the correctness of

his position was doomed to removal from the leading collective and to subsequent moral and physical annihilation. This was especially true during the period following the 17th party Congress, when many prominent party leaders and rank-and-file party workers, honest and dedicated to the cause of Communism, fell victim to Stalin's despotism."

At another place, Mr. Khrushchev says :

"It became apparent that many party, Soviet and economic activists, who were branded in 1937-1938 as 'enemies,' were actually never enemies, spies, wreckers, etc., but were always honest Communists ; they were only so stigmatised and, often, no longer able to bear barbaric tortures, they charged themselves (at the order of the investigative judges — falsifiers) with all kinds of grave and unlikely crime

"Many thousands of honest and innocent Communists have died as a result of this monstrous falsification of such 'cases,' as a result of the fact that all kinds of the practice of forcing accusation against oneself and others. In the same manner were fabricated the 'cases' against eminent party and state workers — Kossior, Chubar, Postyshev, Kosarev and others."

This is what one intimately associated with Stalin who represented the Communist dictatorship had to

say. It is strange that yet many well-meaning individuals also in this country fall a prey to Communist techniques of planning and materialistic creed of bread, but no freedom. Such of those who have a fascination for revolutions and a contempt for democracy and its most cherished values of individual freedom need to be reminded of the following words of one who has devoted considerable study to the subject of revolutions. I am quoting George Bernard Shaw, no sympathiser of free enterprise, and a highly respected figure in the socialist circles.

“Revolutionary habits are hard to change ;
and it still holds good that one of the first
jobs of a successful revolution is to get rid of
the revolutionists.”

It is easy to see, therefore, that destruction of freedom and human life is a continuous process in communist countries and all this is done in the name of the people and bread for them !

- It is now found that even in Communist countries, with enormous powers in the hands of the State, progress has been made possible only in those fields wherein freedom of thought and freedom of enterprise are allowed. For instance, remarkable progress in the field of missiles has been made possible by permitting the fullest freedom of thought to those engaged in this field. With regard to farming, the Soviet Union has found that whenever there has been relaxation of the collectivist approach and incentives are provided, deliveries in the free market of food stuff by farmers have increased.

The Soviet people now desire more consumer goods and freedom of choice. In other words, they want the right to consumer's preference. The Soviet people are now demanding more consumer goods and area of choice in the consumer goods field. For instance, the orange silk lampshade was the only type of lampshade produced for years and stood in all homes as a symbol of backwardness in Soviet consumer goods styles. By a decree of Central Committee of the Soviet Communist Party on October 15, 1959, the orange lampshades will be abolished and more varieties will be produced. The decree also has the following most important remark on consumer goods :

“The production of many cultural and everyday household items lags behind the constantly growing demands of the population. There is a shortage of television sets ; pianos ; children's and youths' bicycles ; washing and sewing machines ; refrigerators ; electric irons ; food grinders ; porcelain, china, glass and enamel containers ; household chemicals ; hardware, and other items.

“In several towns, and in some rural areas, it is not always possible to buy the simplest household needs, production of which could be organized on the spot. Very few goods made of plastic and other synthetic materials are being produced.”

Thus we see that even in Soviet Russia it is now realised that bread has meaning only in the context

of freedom of the consumer ; that standard of living has meaning only in the light of consumer preference and choice and that once people start thinking on these lines the growth of consumer goods industries is inevitable. Consumer preference and choice will lead also to producers' preference and choice. Thus ultimately freedom of enterprise cannot be dispensed with. The central planners who seek to control every aspect of life from their holy **gadi** will be displaced in course of time. The proper function of planners is to see that resources are utilised to the best and fullest extent by individuals and voluntary organisations of individuals.

What then should be the lesson of history for us ? We need both bread and freedom. The question of bread or freedom does not arise. There is only one possible way to have bread and to enjoy it, and that is through free enterprise.

Thanks to the progress of technology, it is possible to have both bread and freedom today. Technology, which at one time concentrated capital in a few hands and led to unbridled capitalism of 19th century or as a reaction to it to the state capitalism of Soviet Russia and satellites, is today running in the other direction. It is leading to decentralisation and, therefore, a large number of independent points of decision-making. That state of affairs will deal a death blow to the Leviathan of the State.

For ensuring happiness for the common man in this country, the following steps are essential :

- (1) The administrative machinery of the Government should be streamlined and procedures should be simplified. There should be responsiveness to public needs and opinions.
- (2) The fullest freedom of enterprise within socially desirable State regulations should be provided to citizens both as producers and consumers. Under these conditions, the common man shall not only have prosperity and freedom but also equality of opportunity and social justice.
- (3) State Capitalism or expansion of State sector of industries at enormous social cost should be stopped. Socialist thinkers elsewhere in the world are rapidly realising that socialism has failed. For instance, Mr. Douglas Jay, former Financial Secretary to the Treasury of Labour Government and a close associate of Labour Party Leader Hugh Gaitskell, says :
“ The word ‘ nationalisation ’ has become damaging to the Labour Party. This is a fact ; and it is no use denying it, even if you deplore it. We have allowed the word which properly applies only to public monopoly, to be associated with social ownership as a whole.
“ The myth that we intended to ‘ nationalise ’ anything and everything was very

powerful in this Election — any canvasser will agree. We must destroy this myth decisively ; otherwise we may never win again.”

- (4) The enormous power of the State and the politicians should be destroyed. By this I mean the removal of those powers which do not legitimately belong to the State and the politicians. The chances of misuse and abuse of power are thus reduced. In a recent speech Acharya Vinobha Bhave rightly pointed out : “ We should establish a democracy of our own pattern and not the one copied from other countries. I am not a politician but in the present age of science, I can say with certainty, the politicians have no place. Either the man will exist in this age or the politician. If the politician exists, humanity will vanish.”

N. A. Palkhivala

THE RULE OF LAW AND THE TYRANNY OF THE LEGISLATURE AND THE EXECUTIVE

The expression "the Rule of Law" has two meanings. In the strict sense it means administration of the country according to fixed legal principles which are applicable to ordinary citizens and Government officials alike. In this sense we do have the Rule of Law in this country. The other meaning of the expression "the Rule of Law" is governance in accordance with the basic principles of human freedom and justice. In this sense the Rule of Law needs to be carefully watched and guarded in this country because year by year we are having steady, though sometimes imperceptible, inroads by the Executive into the citizen's basic freedoms. Some of the laws which are in force in India today and some of the instances of the administration of the laws can only be described as the tyranny of the Legislature and of the Executive respectively.

The Attorney-General of India in one of his recent addresses referred to the "tyranny of the Legislature"

in this country. He also referred to the drift towards authoritarianism.* These expressions, coming as they did from the highest Law Officer of the Government of India, who is known for his balanced and moderate views, must make every citizen sit up and wonder whether the heritage of freedom does not need to be guarded more carefully now than ever before.

I

Let us start with the tyranny of the Legislature.

Philip Milner Oliver said forty years ago that the greatest assaults upon life and property are the crimes not of an individual, but of Society itself. If I waylay you, beat you, and steal your purse, Society will judge me. If I join with two or three others, Society will judge both me and them. If, in the company of a great multitude, with riot and affray, I burn your house and stone your body, Society will judge. But if not I, or two or three, or a great multitude, but the whole

* On a subsequent occasion, at the inauguration of the Bar Association of India, Mr. M. C. Setalvad, the Attorney-General of India, observed, "Our Governmental regimes have been functioning under the dominion of parties with huge majorities and without the salutary control of effective Oppositions. There are trends in our body politic which seem to make for authoritarianism and draw us towards the rule of a few. Important decisions affecting public interests are taken not by Governmental agencies but by the parties in power whose dictates seem in turn to be followed by the Governments. There is an unmistakable tendency to belittle the functions of the judicial process and indeed to interfere with its operation."

of Society itself attacks your person and your property, if by utter disregard for the rules of health Society curtails your life, if by oppressive economic laws or systems Society curtails your wealth, you have no remedy at law, for Society, which does the wrong, is also the judge. That is Democracy in action !

This type of encroachment on individual liberty is sought to be justified on the ground that in a Welfare State the Executive must be allowed to take strong measures to further the cause of social justice. Since the corrosion of individual liberty is effected in the name of social justice, it may not be out of place to quote from Mr. Justice Brandeis whose whole life and work were dedicated to the cause of social justice : " Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding ".

The spate of legislation rushed through Parliament and through the State Legislatures is tyrannical in its very volume. Our laws multiply even faster (proportionately) than our population, which is saying a good deal. If the President of India did nothing during his waking hours except digest and study the Bills which are reserved for his consideration and his assent, he would hardly have time to go through all the Bills.

There are large number of new laws passed every year which by their sheer over-abundance and complexity make the life of an ordinary citizen pretty uneasy. The citizen is doped into accepting the laws by the claptrap of "dynamic society" and "changing social and economic conditions". If there is any one thing which is absolutely necessary and essential to the rapid and steady progress of this country, it is a brake on the law-making activity of Parliament and of the State Legislatures. The laws are ill-conceived and ill-drafted and they need amendments within a few months of their being enacted, which means further legislative activity, and further difficulty for the citizen who is lost in the statutory labyrinth. Stability, which is one of the main attributes of any good system of jurisprudence, is unknown in India today.

There is something which is still more basic and which affects the citizen still more vitally, and that is the way in which Parliament has been tinkering with the Constitution to suit the moment. The various amendments made to the Constitution have whittled down the fundamental rights to such an extent that the fundamental rights are now only an abridged waist-pocket edition of what they used to be. There is very little left of their original breadth and content. Article 31, which provides that no citizen should be deprived of his property without compensation, is only a husk of its former self. You can hardly recognise that the same Article deals with the same matter and contains the same right as it did in 1950. Inadequacy

of compensation is no longer a justiciable issue. The State takes your property and that very State decides for itself, without giving you redress in a Court of law, how much compensation it will give you. Article 19, which guarantees the fundamental right to acquire, hold and dispose of property and to practise any profession and to carry on any occupation, trade or business, has likewise been amended and retains only a fraction of its old efficacy. The main reason why the fundamental rights have been truncated without public protest is that there is no mobilised public opinion eager to uphold the Rule of Law. If you want to call a meeting to consider bifurcation of a State, you can easily gather a surging mass of one hundred thousand citizens. But if you are going to have a debate on the fundamental rights, you will hardly be able to muster a gathering of 300. The basic values which underlie the Rule and which concern the individual liberty and freedom of the citizen are matters which fail to create even a ripple on the sea of public opinion. Thus there is no effective opposition either inside Parliament or outside it against the Government which is prepared to batter the Constitution to implement its own policies of the day.

Apart from the constitutional amendments, the tyrannical laws on different subjects made by Parliament and the State Legislatures would really make a very long and distressing catalogue. The Law Commission was assigned by the Government of India the task of ascertaining what reforms were needed in our

laws. It wrote a fairly long and exhaustive Chapter on Court fees. Court fees on a heavy **ad valorem** basis are levied in India alone of all the important countries of the world. Administration of justice in other countries is a matter which the citizens expect as of right from their Governments; citizens of other countries are not charged heavy Court fees for being given justice in a Court of law any more than they are charged a fee for being defended against foreign invasion. The Law Commission recommended that the various States of India should abolish Court fees. That recommendation was made some time last year. After the publication of the Law Commission's Report, the most progressive State in India, the State of Bombay, took the step of **increasing** Court fees very substantially. This is a measure of the respect which the State Governments in India have for the Rule of Law and for the unanimous recommendations of the Law Commission. The Law Commission was not manned by men whom the Ministers are fond of calling reactionaries and die-hards. The Commission was headed by the Attorney-General of India and had for its members a Supreme Court Judge, a Chief Justice of a High Court and Advocates-General of different States. After that Commission had made a unanimous recommendation for abolition of Court fees for any State to increase court fees by enacting a new statute would be nothing short of legislative tyranny. There may be two opinions about the wisdom of State Trading in food or State Trading in manganese ore, but

there cannot be two opinions about the flagrant injustice of State Trading in justice. Actually, the administration of justice in different States is being carried on at a profit by the State Governments. It is incomprehensible why in India people must pay the highest Court fees, the highest direct taxes, the highest motor vehicles tax and the highest other levies. The burden becomes all the more intolerable in view of the fact that a substantial part of the revenue goes down the drain — as a result of corruption and extravagant waste in public administration and the public sector.

The Indian Legislatures today seek to carry into effect a certain ideology which pervades the governmental policy, regardless of any consideration of justice. Let us look, for example, at the amendments made to the Expenditure Tax Act, 1957. That no other nation had levied expenditure tax before India, says a good deal for the pioneering spirit of the present Government, if it does not say much for its wisdom. But after two years' working of the Expenditure Tax Act, to put in by way of amendments the drastic provisions which the Select Committee had deliberately eschewed is a clear indication that the Government has no consideration for the basic principles underlying the Rule of Law. Half a dozen amendments have been made to the Expenditure Tax Act in 1959 which are directly contrary to the spirit and policy underlying the previous recommendations of the Select Committee appointed by the Government

itself in 1957 to consider the Expenditure Tax Bill. One of the most fantastic amendments is that if somebody makes you a gift of an article which you don't want and would not buy for yourself, the cost of that article can be treated as your expenditure. the donor has to pay gift tax and the donee has to pay expenditure tax. It is difficult to conceive anything more unreasonable or more unjust in fiscal legislation.

Section 23A of the Indian Income-tax Act still mulcts a company in penal super-tax for not declaring the statutory percentage of dividends. However urgent the current business requirements of the company may be, it must still declare a large dividend or is otherwise penalised by the levy of additional super-tax. In England, from where the Indian Legislature borrowed Section 23A, a company is not penalised if it uses its profits for current business requirements instead of paying dividends. Year after year the different Chambers of Commerce point out the injustice inherent in Section 23A, but nothing is done about it. We have grown accustomed to a comfortable time-lag of at least a decade intervening between the need of a change in the law in the interests of justice and a serious attempt on the part of the Government to effect the change. A law does not cease to be unjust because it has been made by the elected representatives of the people. Legislative injustice is injustice, whether it is perpetrated by a Dictator or by an elected Assembly.

II

The tyranny of the Executive has increased manifold in recent years. A large and all-powerful bureaucracy has grown up in this country which has no conception of fundamental rights and little respect for the basic principles of the Rule of Law. Let me mention one instance here, which arose under the Central Sales Tax Act. The Central Sales tax is levied by the Centre for the benefit of the States and the different States collect the tax as the agents of the Central Government. In the case of one of the biggest and best-run Companies in India, two different States levied the central sales tax as the agent of the Central Government on the same transaction. After the Company had paid the tax to one State, the other State still insisted on recovering the same sales tax over again on the same transaction under the same law as the agent of the same Central Government. All attempts to prevent such double recovery of the same tax, which ran into several millions, having failed, the Company had ultimately to seek redress in the Supreme Court. Such an instance speaks volumes for sense of justice with which the personnel in the Revenue Departments are imbued.

Instances of tyrannical administration can be multiplied from the Company Law Administration Department and the Department of the Controller of Capital Issues. There have been instances where the Controller of Capital Issues has refused to grant per-

mission for the issue of capital on the terms proposed by the company for no understandable reason related to the law which he is administering.

The main misfortune of India today is that its good citizens are all men of thought, and it is only its bad citizens who set fire to public properties and throw stones at the police and they get exactly what they want, from the dismemberment of States to the repeal of an increase in levy on sugar or tea. The good citizens merely grumble harmlessly to their friends at Clubs or at small gatherings and their most legitimate and crying grievances remain unredressed. The good citizens will not fight for their rights but are content to bemoan the way in which the laws are enacted and administered and they accept this state of affairs with a degree of fatalism which is hardly conducive to the growth of a healthy democracy.

The Constitution enjoins that the laws must be administered without discrimination. The public authorities think that it must be administered without discernment. Very often the guilty and the innocent, the honest and dishonest, are treated alike. Under Section 23A of the Income-tax Act which has been referred to earlier, companies which do not declare sufficiently large dividends are penalised by being charged an additional super-tax. In order that the Income-tax Officer may not apply this section in a case where justice demands that an Order under that section should not be made, it is provided that action can be taken by the Income-tax Officer only with the

prior approval of the Inspecting Assistant Commissioner. In my experience, I have rarely come across a case where the Inspecting Assistant Commissioner withheld his approval to action proposed by an Income-tax Officer under Section 23A. I have seen cases where the Inspecting Assistant Commissioner has cheerfully granted his approval to the Income-tax Officer's proposal to penalise the company under Section 23A where the company had admittedly no funds out of which to declare the dividend and had outstanding tax liabilities to clear and would have suffered attachment and sale of its property had it chosen to declare a dividend instead of paying taxes. In another case, where a company did not sell its shareholdings in other companies but merely valued them at the market price in its balance sheet, the Income-tax Officer with the previous approval of the Inspecting Assistant Commissioner levied penal super-tax under Section 23A because the company did not do the impossible, viz., did not declare a dividend only as book appreciation. Where a bureaucracy has so little sense of justice and fairplay, it is most undesirable to clothe it with powers of such wide-ranging amplitude and invest it with such unfettered discretion as many of our laws provide for. I shall repeat here what I have said before on other occasions, that I have not seen one Sales Tax Officer or one Income-tax Officer ever coming to grief as a result of making fantastic assessments, whereas countless citizens come to grief every year as a result of not duly paying

their taxes to the State. This tyranny of the Executive will continue to persist and will take accentuated forms, unless public opinion is mobilised and the public authorities are compelled to display a sense of fairness and justice in their dealings with the citizen.

Samuel Butler once said that conscience is very well-bred and soon ceases to speak to those who will not listen to it. As with the conscience of individuals, so with the conscience of Governments. The Government reaches a stage; after it has gone on for years completely impervious to public grievances and public criticism, and completely oblivious of its duty to act fairly by the citizens, when its conscience ceases to speak to it and it comes to believe that the public are just grumblers who will not appreciate what a golden administration they enjoy in their own country.

The tyranny of the Executive becomes absolutely intolerable when it goes to the length of even ignoring or overriding the statutory law of the land. The statutes expressly enact that no orders, instructions or directions shall be given by the Central Board of Revenue so as to interfere with the discretion of the Appellate Assistant Commissioner in the exercise of his appellate functions, and yet in practice circulars of the Central Board of Revenue are regularly and systematically circulated among the Appellate Assistant Commissioners, indicating what are the views of the Central Board of Revenue on questions arising under the Income-tax and other fiscal laws. I have

found in practice that in an overwhelming majority of cases these circulars of the Central Board of Revenue are scrupulously followed by the Appellate Assistant Commissioners, and thus the provisions of the statutory law of the land are clearly subverted. One would not have much quarrel with this state of affairs if the circulars were fair and reasonable. But even when the circulars are hopelessly unfair and are directly contrary to the statutory laws of the land, they are still followed not only by the Income-tax Officers but also by the Appellate Assistant Commissioners. An instance in point is a circular of the Central Board of Revenue that for the purposes of wealth tax, the value of a life interest should be taken on the basis that the purchaser of the life interest would be content with a 4% yield on his investment. Section 7 of the Wealth-tax Act, 1957, provides that the market value of the property should be taken as the value for wealth tax purposes. So the correct statutory test is — how would a person pay in the open market as the purchase price of a life interest under a trust. No man in his senses would purchase a life interest on the basis of getting a 4% yield, when he can easily get 6% on first-class debentures and more than 6% on first-class preference shares or on the ordinary shares of the best banks in the country. Again, no sane man would buy such a life interest without taking into account the expenses of taking out an insurance policy on the life of the life-tenant to guard against the loss of capital which he would suffer in the event of the

premature death of the life-tenant. Nor would any rational man convert his capital which is not liable to income-tax, into taxable income, without taking into account the factor of taxation. Every purchase of a life interest would involve the conversion of income-tax-free capital into taxable income, and consequently the factor of taxation would go to reduce the prize which any sensible purchaser would be willing to offer for the purchase of a life interest. Besides, anyone purchasing a life interest under a trust would have no control whatsoever over the corpus, which fact would dissuade anyone from buying a life interest unless he gets a better yield than he would by investing his capital directly in shares and securities over which he can have complete control. All these factors which any intelligent layman would understand and which need no special training either in accountancy or in law, are totally ignored by the circulars of the Central Board of Revenue, which presume that the half-witted citizens of the this country would be willing to offer for a life interest a price which gives them 4% yield, without taking into account the aforesaid factors of taxation, insurance charges, much higher yield on first-class investments, etc. The result is that following the circular of the Central Board of Revenue which provides a rule of thumb having no relation whatsoever to the real market value of the life interest calculated on any rational or commercial basis, all Appellate Assistant Commissioners dispose of wealth-tax appeals by valuing life interests at fantastic figures

which are nowhere near the real market value of the life interests. Thus, Section 7 of the Wealth Tax Act, which is the law of the land, is openly violated by the very persons who administer the law. It is about time that people compelled the Government to amend the Wealth Tax Act and provide that the Government should be under an obligation to take over the life interest or any other property at such valuation as the Wealth Tax Officer chooses to put upon it for the purpose of the Wealth Tax Act.

Another instance of the tyranny of the Executive is the scandalous way in which permits have been granted to the State Transport Corporation under the Motor Vehicles Act. Under that Act it is in the discretion of the Regional Transport Authority to grant a permit for plying buses to an applicant. There have been a large number of cases even in a well-regulated State like Bombay, in which the State Transport Corporation applied for and obtained permits to ply buses, without even having buses to put on the road and without being able to say within what time it would ever acquire the buses; and permits were refused to citizens who had buses and had been plying them for many years. Such **mala fide** exercise of discretion is the very travesty of justice. The final appeal from the decision of the Regional Transport Authority is to the Government itself, i.e., the very State that owns and controls the Corporation and which wants its own creature, the Corporation, to get the permit. In other words, the Government in constitut-

ed by the law of the land a judge in its own cause and the subordinate authority, the Regional Transport Authority, seldom brings a judicial mind to bear on the case which it has to decide.

One of the main reasons why unfair legislation can easily be rushed through Parliament and the State Legislatures is that the uneducated electorate is hardly concerned with returning the right type of man to the Legislatures. A man may have the highest intellectual and moral qualifications but he would be defeated in an election by a candidate whose sole qualification is that he believes in the dissection of a State. The best minds in the country are outside the Legislatures and the Government takes precious little pains to utilise them in the national cause. Even when Committees and Commissions are appointed, it is the narrow statistical expert who gets appointed and seldom the man of vision and culture, of humanity and imagination.

What is the effect of this type of tyranny of the Legislature and of the Executive? A wide-spread feeling of discontent among all strata of society. The people feel the injustice of it, though they are too spineless and too fatalistic to offer effective opposition against this type of legislation and administration. The whole atmosphere is drenched with disrespect for the law. Evasion of the law is the way most often resorted to get round unfair legislation and unfair administration. The tides of democracy have receded in neighbouring countries like Pakistan, Burma, Indo-

China and the countries of the Middle East, precisely because of the unfair administration of unfair laws, coupled with the inefficiency and corruption which honeycomb the administrative set-up. There is a positive danger of the public discontent in India resulting in the sapping of the strength of the Government and the morale of the people, unless something is done quickly and firmly to bring about a sense of justice and fairness in the administrative machinery and greater care is bestowed by the Government on the need of enacting laws which do not bear hardly and harshly on the citizen. The whole difficulty arises from the naive belief that the Executive alone knows what is good for the people, that the Executive should be paramount and supreme and that the citizen exists only to be bludgeoned by the State.

Two things alone can counteract this tyranny of the Legislature and the Executive. First, there must be a powerful, well-knit opposition inside the Legislatures to balk the passage of Bills which are not consistent with the basic principles of the Rule of Law. Secondly, the public conscience must be aroused to an extent where the citizen forgets his own selfish interests and fights for a cause which he knows to be the cause of individual liberty and public good. Unless such an opposition is developed inside Parliament and such public opinion is aroused outside it, we may continue to enjoy the husk of democracy, but the essence of democracy and of the Rule of Law will be irretrievably lost.

N. Raghunathan

PROSPECTS FOR DEMOCRACY IN INDIA

THE Congress claims, that besides capitalist democracy and communism, there is a third alternative which can preserve democratic values while it prevents the emergence of the evils associated with unlimited *laissez faire*. "Democratic Socialism" is the description which the Congress applies to Marxian socialism modified by such democratic frills as the development of co-operation and rural industries and decentralisation through the establishment of Panchayat Raj. It is expected to maintain a just balance between equality and liberty. These various assumptions are briefly examined below in the light of the experience of other countries and of such results as have actually accrued from the attempts made hitherto to implement the Congress programmes. It seems to me that the conclusion is inescapable that the "Co-operative Commonwealth," which is the proclaimed goal of Congress policy, is bound to turn out to be a mirage; and then the Congress, if still in power, may be compelled by the logic of **real-politik** to plump for pure naked Marxian Socialism without any frills. The

question every lover of liberty has to ask himself is whether, in that case, Marxian Socialism is likely to be achieved, (if at all it is achieved) without an intolerable infraction of individual liberty and human dignity such as we have been witnessing for forty years in Soviet Russia and its satellites.

Co-operation : Historical

Co-operation is offered as a prime panacea for the evils of bureaucratic centralism. Let us see how these exalted aims worked out in actual practice in those countries which were pioneers in this field. In England, where enthusiasts like Robert Owen looked upon co-operation as having unlimited possibilities, the Utopian dream faded out with the failure of Owen's New Harmony and other similar experimental community settlements. Hard-headed co-operators learnt to limit their ambitions. The success of consumers' co-operation depended on the pursuit of businesslike principles. The profit motive was masked, not eliminated. Producers' co-operation was a total failure in the earlier years, because the problem of organisation and leadership proved intractable, and the question of a just price baffled solution. Charles Gide, the theorist of co-operation, was content to fall back on the plea that, while the substitution of the State or the municipality as owner would not eliminate the owner-employee relationship, the wage-earner had at least the emotional satisfaction that he did not serve an individual profit-seeker. But Mrs. Webb, more logical, gave a definition of the co-operative commonwealth to be, which was a clear foretaste of Com-

munism. Her grandiose vision contemplated "a gradually emerging new social order, to be based on the deliberate adjustment of economic faculty and economic desire and to be embodied in an interlocking dual organisation of democracies of consumers and democracies of producers, voluntary as well as obligatory and international as well as national." You can almost hear Mr. Nehru's accents in these words. Mrs. Webb's glib assumption that the State as an association of consumers and the trade union as an association of workers would establish an equilibrium of forces, was, to say the least, an over-simplification because the State as monopolistic producer has the individual consumer as much at its mercy as the worker.

Co-operation, if it means like-minded people with common interests combining in the pursuit of limited objectives, can be successful, but that success does hit somebody (the retailer, the producer if the combination is that of consumers), and an element of its success is contributed by its employees being treated like the employees of the private profit-makers. That apart, the essence of co-operation is voluntary association on the basis of respect for private property. This is proved by the success attained in the co-operative sphere by the Scandinavian countries. If Israel does practise a measure of collectivism successfully, it is based on voluntary association ; and the success is due not only to the unifying power of religious conviction but also the driving force supplied by an overwhelming feeling of being hemmed in by hostile forces.

The Indian Plan

The Indian Government's co-operative policies repudiate ultimately both voluntariness and private property. The Reserve Bank's Rural Credit Survey proposed a scheme which would violate two fundamental principles of co-operation, i.e., that the primary co-operative unit should be small and the liability of members should be unlimited. It did this because it was called upon to attempt an impossible task, — to suggest ways and means of providing through co-operation all rural credit including the channelling of State aid. But Mr. Nehru scrapped overnight the carefully deliberated recommendations, such as they were, with scant regard for democratic procedure. He no doubt hoped to establish his orthodoxy with co-operators by plumping for small primary units and unlimited liability. Not content with this, he asked for a considerable relaxation of the salutary safeguards against improvidence and dishonesty evolved over many years. At the same time he wanted that everybody in the village should be brought into the co-operative society, thus contradicting the basic principle that co-operation should be voluntary and admission of members must be left to the complete discretion of the organisation. The Working Group — a predominantly official body — that was asked to give form and substance to this sudden inspiration of Mr. Nehru's has fenced by putting forward alternatives which in fact politely negate the Prime Minister's assumptions. But it unctuously supports the two most

objectionable features of the National Development Council's decision, taken under Mr. Nehru's inspiration, — that everybody should be roped in, such members of the village as refuse to join the co-operatives being 'induced' to do so by threat of denial of such essentials as fertilisers, etc.; and, secondly, that marketing should be controlled so as not only to facilitate recovery of loans advanced but also to ensure a sufficient supply of grain to the towns at prices fixed by the Government.

In regard to co-operative farming, I am content to quote the Report of the Community Development Evaluation Mission which points out that all over the world co-operative farming, where it has been tried, is encountering difficulties. The Mission observes that co-operative exploitation cannot succeed unless there is mutual trust among the members; unless they are, as a body, devoted to the common task; unless the technical management is of a high order; unless there are profitable markets; and unless capital is plentiful. The solitary success the Mission discovered in its tour all over India was a farm near Poona; and the Report candidly adds that the Government cannot lend to every co-operative farm, as they did to this one, more than Rs. 400 per acre of land cultivated.

Village Raj

The Government propose to link co-operatives closely with the village panchayat on the one hand and the Community Development organisations on the other. The proposal to make the village level worker

of the C. D. projects supervisor of co-operatives, and the relaxation of rules regarding co-operative control and audit must result in destroying those safeguards which are indispensable for the growth of co-operation, a difficult plant in uneducated soil ; and the linking up of a voluntary body, the co-operative, with an administrative organisation to whose jurisdiction the entire village is willy-nilly subject can only result in extinguishing the former's freedom. As for self-government at the village level, if it is to be real and not a mask for faction rule, elections which have produced large-scale corruption should be eliminated. Government by public meeting should be substituted instead, such as was practised in the Greek City States, in English parish government and in our own old-time panchayats which followed not the rule of majority but strove for unanimous decisions. That would be grass-roots democracy ; and such a democracy will not lend itself to the manipulation of party bosses. But this, for obvious reasons, will not commend itself to the ruling Party.

Decentralisation

As regards the influence of the community development programme on the growth of democratic ideas, it is worth noting that the theory behind the movement, as enunciated by the Evaluation Mission, is that "change must be a total process involving the total person and the entire community". I will merely say that this total approach is not the way of democracy which operates through a plurality of agencies owing

their inspiration to no central direction. That basic objection apart, the Mission's examination of actual results shows that there is far too much of window-dressing and waste, and that popular initiative and positive co-operation are still far to seek. The Mission finds that, in a frantic endeavour to produce statistical triumphs, a too ambitious programme has been embarked upon; and it counsels that consolidation, not expansion, is what is called for.

The spread of rural industries has been put forward by the ruling party as one of the main ways of effecting democratic decentralisation. With regard to this it is enough to point out that in the C. D. Evaluation Mission's view "some of the policies and programmes in the field are working at cross-purposes." It holds that **khadi** and hand-pounding and the village **ghani** may give some kind of sentimental satisfaction, but they are leading to the scrapping of such little machinery (rice mills, etc.) as was being actually used in the village, thus adding under-employed machinery to the tale of labour resources and teams of cattle that are not fully employed. And a Government which believes in rapid industrialisation cannot logically quarrel with this view or take exception to the Mission's conclusion that "India must gradually change the concept of village self-sufficiency and relate its rural improvement programme to the industrial development of the country as a whole."

The above brief examination of the various frills attached to the Congress brand of Socialism will show that they do not really modify or lessen its undemocratic

tic character. Lip-service to decentralisation, to Sarvodaya and other expressions of Utopian idealism merely serve to distract attention from the steadily increasing concentration of power, and the emasculation of liberty in the name of equality. Philosophical anarchy may be the ultimate ideal of scientific Socialism itself, as an Indian exponent of it claims. But in a world where the multiplication of amoral forces such as the machine invests determined minorities with invincible power, the withering away of the State is bound to be nothing more than a dream, though by beguiling the masses such talk might help to establish tyranny more firmly in the saddle. All West European countries have found by experience that the boundary line between the Social Welfare State and Marxian Socialism — the essence of which is the ownership and/or control of the means of production by a minority which exercises power in the name of the masses and operates through an elite — cannot be crossed without placing the individual completely at the mercy of Leviathan. Old campaigners like Prof. Cole who think that parliamentary democracy will never achieve the goal of Socialism unless parliamentary procedure and techniques and the whole socio-legal complex are drastically recast by a triumphant Labour Party are answered by the steady refusal of the electorate in Britain to pay this price for the Socialist Paradise so temptingly held out.

Liberty Incompatible with Marxism

Incipient democracies like India must profit by the

experience and wisdom of these Western countries. Democracy can succeed only if there is general agreement in the community on basic aims and ideals. Differences at that level must not be such as are unbridgeable. But the reality of differences on other than fundamentals must not be ignored, or sought to be blurred. Respect for minorities requires government by debate, the debate being conducted at once in Parliament, in the press, and through the whole network of political institutions and voluntary organisations. Mr. Nehru recognises the need for basic identity of aims by asking for emotional integration. But the pursuit of doctrinaire aims like elimination of inequality by the ruthless use of majority power is the worst way of securing the same. The basic unity of a nation is instinctive, often inarticulate. It is grounded in impulses that are largely moulded by common history and tradition. The incursion of the State into every sphere of national life is alien to the Indian tradition ; and it must weaken the national fibre, to the inevitable detriment of the spirit of liberty.

After all a certain degree of equality has existed side by side with liberty in democratic countries ; while in totalitarian countries, when liberty was extinguished in the name of equality, the latter also shared the same fate. Ultimately, it is in the spirit of resistance in the individual and in voluntary associations banded together for defending the individual's rights, that the hope of democracy lies ; historically, it was this spirit of resistance that brought representative government

into existence. In a country like India, the factors that keep alive this spirit of resistance, such as political education, a free press, a multi-dimensional economy, are largely absent. In the post-Independence era, far from nurturing such rudiments of these as there were, the Government have taken the line that it is for them to decide what is good for the people, that other political parties which do not take the same view of the good must be deemed unpatriotic, that the press should be patronised if it learns to behave and should have its morals questioned should it dare to differ, and that the public must be conditioned into Socialism. Parliament, as it is today, is hardly representative of actual public opinion in the country. The only safeguard of freedom left is the peasant's passionate clinging to his land and his way of life. Deprive him of these, turn him into a rootless proletarian dependent entirely on the State for a means of living, and then you will have, not 'scientific' Socialism, but a condition of chronic anarchy in which no Government on earth can control the mass or put it to the service of plans cerebrated by Utopia-builders.

Signs of Hope

There are, however, signs on the horizon that permit a subdued optimism in regard to the future of democracy in this country. With the advent of the Swatantra Party, the Opposition has ceased to be a phoney one. In the few months since it started, there has been more vigorous political debate than in the whole previous decade. The Central Govern-

ment's retreat over the question of bifurcation of Bombay State is submission, however reluctant, to the force of public opinion. The furore about the Government's excessive secrecy regarding China's incursion into Indian territory spells the end of the slogan, "Leave it to Nehru, he knows best." China's hectoring has brought home to the people as nothing else could the truth that Communism and **Panch Shila** are immiscible like oil and water. If the Government are really anxious to stave off Communism, they should stop going about administering sugar-coated Communism in small or big doses. They should learn not to put intolerable strains on the economy by seeking short cuts to the status and strength of a Big Power. They should recognise realities and bend their energies to a slow and steady development of the national resources, treating the human material not as clay to be kneaded by the potter but as the vehicle of the free spirit. Instead of holding up for emulation the West's endless craving for material accumulation, the aim should be to confirm the common man in his native virtues — thrift, a total lack of envy, a steady faith in **Dharma**, an honest conviction that every man is entitled to ask for what he is worth and no more, and a shrewed common sense that will enable him to make the most of even limited opportunities if administrative incompetence, corruption and doctrinaire ideas are not allowed to stand in the way of his progress.

Frank Moraes

FUNCTIONS OF THE PRESS

WE live in a period when things keep happening. Newspapers do not have to run in desperate search for news. Conditions were not so propitious for a free and fearless Press some years ago. I am reminded of a story about the famous American journalist, Gordon Bennett. On hearing that war had broken on the Mexican frontier, he sent his photographer to take photographs. On reaching the place, the photographer wired him saying that there was no war. It was only a rumour of war. Bennett wired him back, "You send the pictures. We'll provide the war." There is no necessity for such desperate attempts to manufacture or get news these days.

Napoleon once said that one hostile newspaper is to be feared more than a thousand bayonets. This is true no longer in the altered context of the modern world. There is a new relationship between the Press and Government all over the world. The problems of organising a newspaper are so vast and complicated that the concept of a Press isolated from the community at large no longer holds true.

The modern newspaper is not an isolated phenomenon. There is a close inter-relationship with the

public. Public opinion, which the Press influences, has itself become so important that it exerts a powerful influence on the shape and policies of a newspaper. That is how an independent Press has to function in a democracy. It is interesting to note that in the last two to three years public opinion has responded vigorously to the Indian Press. This has resulted in a change in Government's attitude on a number of public issues.

The beginnings of these healthy developments are to be found in the Hungarian tragedy of 1956. I was in New York at that time, and had a good opportunity of feeling the pulse of the free world which was very much agitated by the ruthless Soviet mowing-down of freedom fighters in Hungary. The Indian Government took a very strange attitude. But the Press and the public in our country reacted in a different manner. The divergence was very sharp. Ultimately the Government was forced to revise its stand on the Hungarian issue. This had a welcome effect all over the world. While on Hungary, which after all is very far away from India, public opinion was agitated to some extent, the public reaction to happenings in Tibet in 1959 has been more marked. For years we have been nurturing an illusion that colonialism is the monopoly of the West, and that the white man alone colonised over others. Hungary opened our eyes to the fact that there is a more ruthless and dangerous form of colonialism which is a manifestation of Communism. Tibet showed that colour—

brown, yellow or black or whatever colour it may be, other than white — can be no bar to the exercise of colonialism.

It had been the old and usual practice to associate ideals of equality and liberty with Communists. The Hungarian revolution and its brutal suppression opened the eyes of the Indian public to the real nature of Communism. Still, there were lingering doubts. The ruthless Communist Chinese behaviour in Tibet has at last opened our eyes. This double truth was brought home to the public by the Indian Press in spite of the unrealistic attitude taken by the Government of India. The Press of this country has done a signal service to the cause of democracy in thus mobilising public opinion.

It is not uncommon to come across instances of politicians dubbing the Indian Press “irresponsible”. But here are two concrete instances of the Press having been proved both responsible and correct. The Government cannot conveniently forget the fact that its attitude towards communism was wrong. Now in the Chinese aggression of our own territory we have a situation which will affect not only us but future generations. Therefore, in the timely awakening of Indian public opinion, the Indian Press has done a signal service to Indian democracy and also to future generations.

It is important to consider the function of a Press in a democracy. Mr. Wickham Steed, the renowned editor of the London “Times”, once said that the

function of the Press was to collect news, interpret it and inform the people of its significance. This can be considered an apt definition of the functions of the Press. It is to inform and instruct the public. In the collection and presentation of news the Press has to be impartial and fair to all parties concerned. It should also try to be as objective as possible.

There are certain responsibilities on the part not only of the newspaper, but also of the people. News is what the public is primarily interested in and wants to know about. All of us have heard the well-known saying that when a dog bites a man it is not news but when a man bites a dog it is news. In other words, anything out of the ordinary run which stimulates public interest is news. The Press should present news objectively, but when it comments, the Press should be free to express its own views. The celebrated journalist, C. P. Scott, said that comment is free but facts are sacred. This fact needs to be appreciated by all those who believe in the freedom of the Press.

Sometimes a question arises as to what a newspaper should print by way of news. I recall an interesting instance in the United States. In a small town the local church Minister complained that the paper in the city was giving too much of sensational news. The editor made a sporting offer to the Minister to run the paper for a week. When he had done so, they found that on a normal day out of 23 stories in the front page there were nine on crime. It was then appre-

ciated that while sensationalism can be excluded by some papers, by and large many papers give what is considered to be sensational news because the public demands it.

In expressing its views, despite their unpopularity with the public, the newspaper has to give its own views. While the Press has to follow the readers so far as news is concerned, it need not yield to the public so far as views are concerned. It is interesting to note that smaller papers excel in this vital function. The London "Times" correspondent in Berlin during Hitler's regime realised that while the metropolitan Press in Germany toed the Hitlerite line, the provincial Press was relatively free. He found a number of anti-Nazi and anti-Government news items and views in the small provincial papers. He collected these items and filled his column to the "Times". For his pains, he was expelled from Berlin. But he discovered the great truth that even a totalitarian Government cannot shut up the people at all points.

The primary responsibility of a newspaper is not to the Government of the country but to the people, whatever, may be the party in power. In our country, where democracy is still young, we have to strengthen the healthy institution of a free Press. If the two-way traffic between the Press and the public is maintained, whether the leaders agree or disagree with editorial views, a free Press and a sound democracy will be ensured.

B. K. Desai

TOTALITARIAN MENACE TO DEMOCRACY

IN order to appreciate the totalitarian menace to democracy, it is necessary first to understand its nature and magnitude. At the same time it is necessary to restate the fundamentals and reassess the value of democratic way of life because only then, by contrasting it with its opposite, would we be able to recognise its worth in a better light. Constant acquaintance, it is said, breeds contempt. It is more likely to be the case with people like us who are living under a democracy which is yet far from perfect and which has yet to strike firm roots in our soil. It is rather a tragic irony that to people like us who have had no personal experience of totalitarianism, the term democracy has very little meaning. We are unaware of the basic liberties we enjoy as we are unaware of oxygen in the air we breathe. On the contrary, the freedom of thought and expression we enjoy tends, to encourage us to find fault with the political system under which we function. In our impatience to achieve quick results we are prone to criticise various shortcomings from which democracy suffers. There is

nothing wrong in this criticism, as democracy presupposes citizen's right to criticise and register his protest even against itself. But still we do not know how disgruntled, but secure, we all are within the law of the land. We do not know the shivering insecurity or the naked horror of an autocratic police state. We only know and nurse our own grievances and frustrations and magnify them out of proportion. But, what is unfortunate, in the process we tend to lose our perspective, and come to dispise the basic values of democracy and develop a fatal fascination for illusory short cuts which totalitarian propagandists offer as guaranteed cures to our existing social ills and evils.

There is another factor which tends to obscure the value of democracy as we understand it. The modern totalitarianism parades with a vocabulary of freedoms and rights loaded with connotations precious to all genuine humanists. It insists in the shrillest tones that the regimes it controls are actually democracies in a "higher sense". It is yet another piece of irony that at a time when people under democracies have come to lose their faith in democracy, those who are dedicated to its open destruction are parading under false banner as its true champions and purificators. In India, communists are the noisiest group who are posing as true defenders of freedom and democracy in our land. In this, they are only following in the footsteps of their dear departed leader, Comrade Stalin, and his successors. We all know that after the worst bloody purges in history, Stalin promulgated the Constitution for the Soviet Union which bore his

name. He praised it as the most democratic Constitution in all history. This Stalin Constitution was prepared by a Committee of 31, almost all were subsequently liquidated by Stalin—the leader after whom this “most democratic constitution” was named. Such instances can be multiplied *ad nauseum* but still we find people taking these false promises and professions at their face value. The success of these demagogues only shows the universal appeal of democratic values to which even the greatest enemies of democracy are compelled to render lip allegiance and service. It also proves the efficacy of the sustained use of propaganda with the help of which demagogues have been able to convince the people that dictatorship is a superior form of democracy. This semantic confusion is just one of the aspects of this menace of totalitarianism which has even deprived the words of their moral connotations. It is, therefore, necessary at first to define democracy and begin at the beginning.

The history of mankind is the history of man's eternal quest for freedom and search for truth. These are the two basic urges of man and man tries to seek and fulfil the purpose of his life through them. Until a century ago, man tried to expand the boundaries of his freedom through his search for truth as nature was the greatest tyrant limiting man's freedom. But science has now tamed this tyrant to a large extent and today man finds that in the absence of freedom he cannot carry on his search for truth. Today freedom has become more precious and a pre-condition for man's progress.

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But freedom is not only one's formal right to disagree ; it has a positive content. It is an essential condition for achieving fuller life. Its purpose is that every one be allowed to seek his own happiness and substance of life in his own way. Naturally, it is opposed to those powers which try to restrict this right of man or claim to possess the wisdom to decide what is man's happiness and how much of it he should enjoy. Government or State is such a power which always threatens, unless effectively checked, to restrict individual's area of freedom. And democracy is one of the institutional devices that man has evolved through centuries of experience to safeguard and expand his freedom — freedom which would be consistent with his obligations to his fellow citizens.

To define it briefly, therefore, a democratic society is one where the Government is based on the consent of the governed. This is a very rough definition of democracy but, if understood in the proper spirit, it enables us adequately to judge whether and how far a particular community or government is democratic. Now, if this definition is accepted certain conclusions follow from its premises.

The first is where the consent of the governed cannot be recorded freely, that is, where institutional arrangement whereby the consent or otherwise of the people can be registered or implemented are lacking, democracy in such cases is non-existent. In other words, where free and fair elections do not take place, that society is anything but democratic.

Secondly, just as political institutions should not obstruct the expression of citizen's consent, there also should be no economic coercion which would affect the citizen's consent in a different way. In other words, political democracy should be accompanied by economic democracy to make the expression of popular consent really free.

And lastly, the third corollary of our definition is the absence of spiritual fetters or blinkers which would vitiate the consent by perverting it. This condition implies that all institutions of culture or sources of information and knowledge should be autonomous and free from extraneous restrictions. Only by having free access to all the sources of information and education can the citizen form his own consent intelligently; otherwise information becomes just propaganda and education degenerates into indoctrination. In such cases, the consent of the citizen is vitiated by the lack of proper spiritual foundations on the basis of which alone the consent can be formed intelligently. We all know that Hitler came to power through democratic methods by perverting the consent of his people with the help of his propaganda machine.

Thus these are the three pillars — political, economic and spiritual — on which alone institutions of democracy can be securely built and sustained. But democracy is not only a matter of institutional pattern. It is more than that. It is essentially a way of life or mode of collective behaviour. It is a set of values which shape and guide these institutional patterns.

The first and foremost among them is the respect for the intrinsic worth or dignity of every individual. Democracy is based on the recognition of the intrinsic worth or dignity of every human personality. It therefore tries to give full scope for the development and realisation of individual personality, talents and capacity. The corollary of this is the recognition of one's right to differ. Democracy accepts, and often encourages, differences of opinion and ideological struggles, but it simultaneously proclaims that life should continue in decency and conflicts should be resolved harmoniously by the consensus of the popular opinion. It is a system which demands that all socio-economic and political changes be brought about without sufferings and it is a process whereby a minority can hope to transform itself into a majority and a ruling party by methods of persuasion and not by those of violence and insurrection. Democracy thus believes in the value of difference, variety and uniqueness as a condition for enlarging man's personal freedom and enriching his inner life.

This, in short, is the meaning of democracy as a way of life and institutional pattern. Now, Marxism, or so-called scientific socialism, came on the scene to remedy social evils of the incipient capitalist society of the last century and to restore to the self-alienated or depersonalised proletariat his human dignity. It conceived the socialist revolution as an extension of existing democratic processes — political as well as social. In other words, it wanted political democracy

to be reinforced by economic democracy. In this connection it would be worthwhile to note that even the famous expression "dictatorship of the proletariat" which Marx used, was intended to mean not the suspension of democracy, but only the predominant political influence of workers in a socialist State. In short, it was meant to describe political condition and not a form of Government.

But what we find in the so-called workers' democracies is a ghastly mockery of Marx's dream of a new society. It is dictatorship pure and absolute, it is not even the suspension of democracy but its total extinction.

It is not necessary here to dilate on this point as the facts are too well known to need repetition. In a Communist State, we know, the people have no opportunity to express or implement their consent. The Communist Party is supposed to know what is in the interest of the people, better than the people themselves. The voter has therefore the only choice of voting 'yes' or 'no' to a single list of candidates selected by the Communist Party. Not only that, the Soviet Constitution openly states in its section 126 that the Communist Party is to be "the directing nucleus of all organisations of the working people, both public and state". Thus the formation or existence of any party other than the communist, is against the fundamental law of the land. And this dictatorship is to be a permanent form of Government ;

people will have to endure it till the whole state withers away.

But there are some people who try to justify this loss of political freedom on the basis of economic progress made by the communist countries — especially by the Soviet Union. Of course, it is an indisputable fact that in some branches of industry and technology, the Soviet Union has made giant strides forward. But this forced industrialization, which could be achieved even under Fascism, provides no criterion for judging the progress of democracy or socialism in any country. Its significance depends on how it is reflected in the living standard of the people, of the ordinary consumer, or the working conditions of the proletariat. It is common knowledge that the ordinary consumer is the worst sufferer in any communist country including the Soviet Union. Even ordinary things of every day life which make life bearable are either not easily available or they are very expensive. This is no exaggeration. Even Khrushchev has had to admit this fact recently by promising more consumer goods to the people. And if any one has any doubt on this score let me quote from a letter that appeared in **Sovetskaya Rossiya**, a Russian paper, on October 4, last year :

“It is time to stop justifying it all by Sputniks and Luniks”. One reader wrote, “Come down to earth — to the most ordinary pair of shoes. I have only one pair, but I have worn them for four years already. And

why? Because it is a Western pair with a foreign mark. . . . Personally I do not need the TU - 114. I use the tramway, but I want to live well and dress well."

One has only to read Russian papers to realise the intensity of the desire of the average Soviet citizen for a decent and better life.

Such is the living standard of the common man even after 40 years of socialism. And about the working conditions, the less said the better. In communist countries, it is not disputed even by their apologists, the workers' right to strike is abolished; striking or the incitement to it is punishable by capital punishment, unauthorised quitting of one's own job or even lateness are severely punished. In short, even in the present liberal era, the labour legislation in Russia and other communist countries have worst features which, in some cases, even surpass those imposed upon workers in Fascist or Nazi regimes.

The result of vesting of complete monopoly of political power, information and organisation in the Communist Party has thus resulted in the cruel enslavement of workers. The Communists are fond of calling their regimes "workers' democracy", but it is a revealing commentary that every time communists seize power, a mass exodus follows from that unfortunate land. We have the example of three million people fleeing from East Germany to West Berlin, about three million from North Korea to South Korea; more than nine lakh north Viet Nameese moving to

South Viet Nam by whole villages, three million Chinese entering Hong Kong or about three lakh Hungarians escaping to freedom in the West in a few short months in 1956. If we are to believe in the professions of these champions of people's democracy, we should have witnessed the reverse phenomenon of people from non-communist lands fleeing from their countries in large numbers and taking refuge in the Red paradise.

Thus in a people's democracy the worst sufferers are the people themselves. They not only lose their freedom, but the size and quality of their bread is also completely at the mercy of their masters. There are no institutional guarantees whatsoever to secure the citizen's right to freedom of thought, expression and action. And yet this system is glorified by its propagandists as a "new democracy". This "new democracy" only consists in the loss of all the old freedoms. But this absence of institutional guarantees against the abuse of power by Government is not without reason. Behind it lies a definite set of values and a way of life which is described as totalitarianism and which can only be defined as the total negation of freedom. Unlike in a democracy, man in this system occupies only a peripheral position. Power, or absolute power, is its supreme goal or value. With the help of this absolute power it tries not only to change the material conditions but it also aims at changing the character of man — remoulding man in its own pre-conceived pattern. Man, according to this mode of thinking, is only an effect of a complex of

causes — he has no free will or inner substance. And once man slips from his central position, he becomes just a small cog in the monstrous power mechanism of a total state. Life loses its sanctity and morality only consists in employing any means that is good to achieve the pre-determined end. “In politics”, as Lenin declared, “there exists no morality, the only things that exist are the results”. This moral nihilism naturally leads those at the helm to sacrifice human lives for the perpetuation of their absolute power. The millions of corpses that this system has piled up during the course of four decades in the Soviet Union or in a single decade in Red China should stagger any one’s imagination. As one author has put it, in communist countries people have witnessed more persons dying from politics than from disease. And mind you, the victims were not only non-communists or anti-communists; even top ranking communist leaders and generals did not escape death at the guillotine. Their only crime was that they failed to reach the apex of the pyramid of absolute power, and their fate was inherent in the logic of the system itself where the struggle for power is virtually the struggle for survival or existence. The communists in democratic countries always accuse existing governments of harbouring dictatorial ambitions whenever any curb is sought to be placed on their activities. In our country we always see the communists attacking the ruling party for being dictatorial in its designs. But it should be remembered that the safety of a communist leader is protected

better in any non-communist country than it is protected in a communist state.

In democratic countries communist leaders can work and move about freely protected by the rule of law. If we compare the number of communists executed or imprisoned by the Communist Government with the number of Communists who have met the same fate in democratic countries, the glaring contrast will be obvious. In our country, even when in 1950-53, the communists were busy in plotting insurrection to overthrow the democratically elected Government, there was no all-India ban imposed upon the party. And even today when the same party is taking an avowedly anti-national stand on the question of Chinese aggression and acting as Peking's fifth column, not a single communist leader has been placed behind the bars. Democracy has an innate respect for a free, even if crude, manifestation of social forces from which it has sprung itself. It even tolerates manifestation of anti-democratic forces so long as these forces do not exceed certain constitutional bounds. But totalitarianism suffers from no such moral or constitutional inhibitions. It simply equates any form of opposition with treason or counter-revolution and deals with it likewise. In a democracy, there can be differences of opinion and defeat or victory at the polls ; but in a totalitarian system there are no differences, there is only liquidation.

Democracy and totalitarianism are thus incompatible with each other. They are incompatible in the sense that they are mutually exclusive. But, then, the

question is, can the two systems find a way of living side by side peacefully? Can they ultimately evolve towards a higher synthesis which will possibly negate both and yet preserve within it some of the best elements in each? If the answers to these questions could be given in the affirmative, there would be no question of totalitarian menace to democracy and the world would be far more hospitable and happier a place than we see it today. This brings us to the question of peaceful co-existence of the two systems in the world. The term peaceful co-existence was coined by Trotsky in 1917 and even though Lenin never employed it, the present communist leaders swear by Lenin's name in their profession of peaceful co-existence. But even to Lenin the problem of co-existence with the non-communist world was subordinate to the concept of world revolution. "In the end one or the other will triumph; a funeral requiem will be sung either over the Soviet Republic or over world capitalism", this was Lenin's idea of peaceful co-existence. The central fact of the world communist movement is that from its beginning it has been a group whose basic drive is total power and whose ultimate objective is world domination. And the communist leaders right from Lenin to Khrushchev have made no attempt to conceal their intentions in this regard. Like Nazism, communism has repeatedly given the characteristic advance notice of its intentions in public statements, which have been tragically neglected by democracies. And these statements are clear enough to leave no doubt as to the real intentions and designs of the

communists. They only prove one basic fact: no matter how much the non-communists may wish to co-exist with the communist empire, there can be no such co-existence as the communist theory and its leaders themselves have ruled out its long range possibility. The theoretical basis of Soviet foreign policy, which is based on the Marxist doctrine of class conflict and revolutionary wars, itself precludes any possibility of genuine peaceful co-existence. Besides, there is a fundamental difference between what we understand and what the communists mean by the word "peace". They have repeatedly pointed out that "peace" can only be achieved under the conditions of a world communist government. Until this end is achieved, wars and revolutions are necessary to destroy the non-communist states. The psychological basis for peace itself is lacking in their theory. Of course, the Soviet leaders now realise full well that global war is out of question in this age of nuclear weapons and open military action on a large scale will defeat its own purpose. What now they propose as peaceful co-existence is, therefore, a declaration of war short of military action. For example, Khrushchev in his speech on October 10, last year stated: "Co-existence means continuation of the struggle between the two social systems — but by peaceful means, without war. . . . We consider it to be an economic, political and ideological struggle, but not military". Thus the global civil war waged by communism has not been cancelled; it continues, though only with the weapons of economics, propaganda and subversion.

In their fight to achieve these objectives, the world communist leaders have numerous organisations at their command. These include three main groups (1) Fifth column or communist parties all over the world, (2) Diplomatic services of communist countries and their espionage agencies and (3) various world-wide front organisations. These agencies have their own particular tasks laid down by the master planners and every action of these various agencies is part of a single plan. They form part of a single assault on the free world directed by the central headquarters of this movement and are geared in a single, flexible, but integrated, military-type operation aimed at overthrowing the non-communist world.

That the Communist Party in every country serves as the fifth column of the Kremlin or Communist bloc is now established beyond doubt. But still few people have the real idea about the character of this party and nature of its activities. In 1920, the Second Congress of the Communist International laid down 22 conditions as binding upon all communist parties throughout the world and they have been subsequently rigorously enforced. One only need read these famous conditions carefully to realise the true character of the Communist Party in every country. Here I will briefly mention four conditions which are very typical :

Condition 6 lays down that ; "Each party desirous of affiliating to the Third International should renounce not only avowed social patriotism, but also the falsehood and hypocrisy of social pacifism ".

Condition 14 stipulates that "Each party desirous of affiliating to the Communist International should be obliged to render every possible assistance to the Soviet Republics in their struggle against all counter-revolutionary forces. The Communist Parties should carry on a precise and definite propaganda to induce the workers to refuse to transport any kind of military equipment intended for fighting against the Soviet Republics and should also by legal or illegal means carry on a propaganda amongst the troops sent against the Workers' republics".

Condition 3 lays down that "the Communists can have no confidence in bourgeois laws. They should create everywhere a parallel illegal apparatus which at decisive moment should be of assistance to the party to do its duty towards the revolution".

And lastly Condition 4 enjoins upon the communists that "persistent and systematic propaganda and agitation must be carried on in the army, where communist groups should be formed in every military organisation".

These are some of the conditions that govern the existence and activities of the Communist Party in every country. Though the Comintern is no longer in existence, these conditions are binding on the Communist Parties even today. The only difference is that now they are not so frankly stated in so many words. But even if one reads the preamble to the Constitution of the Communist Party of India, which was adopted at Amritsar about two years ago, one would find that the same conditions still govern the

activity of the Indian Communist Party. Only they are slightly differently worded to suit the changing conditions and give a cloak of legality and respectability to the party in the public eyes. These conditions reveal that the Communists in every country are not just another political party. They themselves admit that their first allegiance is to the Soviet Union and international communism. And, secondly, these conditions prove that the Communist Party in any country is essentially a conspiratorial movement directed and rigidly controlled by the central headquarters of the proposed world revolution. This explains the secrecy that usually surrounds the deliberations and activities of the party. Now the existence of such a conspiratorial movement, which ostensibly functions as a democratic opposition with a flexible readiness almost to proclaim everything raises many fundamental problems. This is not an honest and loyal opposition within the framework of democratic processes which every democrat has to respect and encourage in the interest of democracy. It is a conspiracy to undermine and overthrow not only the democratically elected Government but the very framework of the democratic institutions; and it is subsidised and rigidly controlled from the foreign soil by the avowed enemies of democracy all over the world. Its main function is to acquire respectability by hypocritical espousal of democracy and unscrupulous exploitation of popular prejudices and grievances, to occupy strategic posts and then to open the gates after the Trojan horse is safe within the city. Tolerance

of such a foreign element in our body politic is likely to endanger the very existence of democracy which is not yet firmly established in our country. Besides, at this time when a powerful communist country like Red China has openly committed aggression on our soil, the party fulfilling these conditions is not only dangerous but positively harmful to the security of our country.

Then, there are communist states, their diplomatic services, secret police and espionage agencies which also work towards the same end. It is common knowledge that communist embassies and consulates and various diplomatic agencies mainly indulge in espionage activities and guide and maintain contacts with communist and pro-communist forces in their respective countries. The report of the Canadian Royal Commission on the Gauzenko Affair or the Report of the similar Australian Government's Commission of Petrov affair and reports of innumerable Soviet and other Communist Government's agents who defected to the West would suffice to convince anyone on this point. They throw a flood of light on the nature of activity of the Communist diplomatic representatives in various countries. I would briefly mention some of the remarks made by Mr. A. Y. Kaznacheyev who was a high-ranking officer in the Soviet Embassy in Burma for more than two years and who defected just about a year ago. Explaining the reasons for his defection, in his speech delivered in New York in December last, that is last month — he stated :

“ The activities of the Soviet intelligence in Burma are to subvert the nationalist political forces and politicians, gather secret information about the Burmese Government and to carry out special psychological warfare. . . . The intelligence group works with its agents in the political parties, such as the pro-communist National United Front. The largest part of my work was the translation of reports and documents of these agents who penetrated the political parties, in addition to governmental departments and the Burmese Army”. He further asserted that in the 1956 general elections in Burma, a determined attempt was made to achieve power by parliamentary means by communist forces with the financial aid of the Soviet and Chinese embassies.

‘ This is the picture of activities of communist diplomatic services in Burma — a country with whom Khrushchev and Mao, both have sworn eternal friendship on the basis of peaceful co-existence. In Burma the Communists are still following insurrectionary methods and, therefore, their party is banned. The diplomatic services therefore work through the pro-communist National United Front — which is a front organisation of the Communists. In India the Communist Party is not declared illegal and functions openly. And we all know how it is guided by the diplomatic services of communist countries. For example, last year at the time of the Tibetan uprising, it was openly reported in the press that a high-ranking Communist Member of Parliament was summoned by the Chinese Embassy in New Delhi to give the

party the official line on the question of Tibet and so-called anti-Chinese activities in Kalimpong.

I will quote only one more short passage from Mr. Kaznacheyev's testimony as it is relevant to the present conditions in our country. He stated :

“ The final goals of Peking and Moscow are the same, although there are some differences in their tactics. Burma and Cambodia along with Indonesia are recognised to be in the sphere of influence of China, while the recognised Soviet sphere of influence includes, in this area, India, Ceylon and Afghanistan. The immediate interest of Moscow is to have Burma as a weak but friendly neutral, with the communists working slowly towards achieving a communist government by parliamentary methods. The Chinese generally do not believe in the usefulness of neutrality and have therefore maintained support of the communist insurgents and kept the Burma border problem unsettled. . . . While the Soviet Government hopes to seize Burma's hand in order more easily to seize her throat directly. The result is the same ”.

This explains the seeming difference between Khrushchev's benign smile and Chou's brusque rudeness towards our country. One has only to substitute India for Burma in the passage quoted just now to understand the difference between the stands taken by Russia and China.

And lastly, there is the network of various world communist front organisations like World Peace Council, Afro-Asian Solidarity Committee, World Federation of Trade Unions, World Federation of Democratic Youth, and so on. There are also various friendship associations and cultural societies which have sprung up like mushrooms in the last few years. There are about fifteen to twenty such organisations functioning in this city alone. These agencies have their particular tasks laid down by the master planners, but they work towards the same goal — to serve as instruments of Soviet foreign policy. Their main goal is to trap in their net-work innocent men in leading places in different fields of life whose goodwill outruns their knowledge and use them as propagandists of the communist cause. It is with their good intention that the road to totalitarian hell is paved in every country. It is with the help of these front organisations that the communists constitute their large army of fellow travellers.

We have thus seen the policy of the world communist movement towards the non-communist world, also the political theory on which it is based, the steps taken by the Soviet-controlled agencies to carry out that policy and the instruments employed in the process. The only conclusion that could be drawn from this discussion is that this modern totalitarianism constitutes a danger to the very survival of democracy all over the world. If and when this totalitarianism comes to power, it will not only destroy democracy and our precious, though incomplete, liberties, but it will

wipe out our age-old civilisation and stamp out all that is good in our life. It will usher in a society based on hatred and hostility and propped up by the terror apparatus of secret police, spies and informers ; its source of knowledge, its access to free opinion, its press and publishing institutions would all be rigidly controlled by the communist party which in turn would be totally servile to its Soviet or Chinese mentors. It will mean total and absolute slavery of the body and mind where the life of the individual would be characterised by constant insecurity and fear.

Coming to our country, we find that only recently we have become slightly awake of this menace, thanks to the Chinese policy of stabbing in the back. Until now, with our foreign policy based on the belief in the possibility of impartial friendship for totalitarian powers as well as the democratic world, we had lulled ourselves into a false sense of security. With our typical moral righteousness, we had looked down upon any military or political combination which would offer us the prospect of collective security. Neutral in the world-wide struggle between democracies and the totalitarian camp and divorced by neutrality from the defensive alliances with the western democracies, India was the obvious magnet to attract totalitarian gamblers for power. Till recently we preached to the world virtues of non-alignment and friendship for all, but now we have learnt at the cost of our national security that this totalitarianism does not recognise non-alignment. Either you are with it or against it ; there is no half-way house.

But this threat is not only a military threat which could be resisted by military operation alone. It is the usual exercise in the standard communist tactics of military and diplomatic pressure combined with direct subversive action among the people by the agents of the totalitarian power. And far more insidious than the direct military aggression is the method of subversion. The first is open aggression which can be defeated by the firm resistance of a united people. But subversion is outright treachery which masquerades as friendship and undermines your very existence as a free society by paralysing your will to resist. It does not attack you, it simply betrays you. It paves the way for the aggressor to take over your country without even firing a single shot.

Today we find the results of this process in our public and political life when we are faced with the threat of open invasion by the Chinese Communists. Even at this hour of national peril we find a tendency in high circles to seek a fine distinction, where there is none, between Chinese expansionism and world communism in order to avoid taking a firm stand against the latter. We find our leaders trying to find excuses for the Chinese Communist action in order to rationalise their own past behaviour. But worse still, we see the incredible spectacle of the man who is entrusted with the task of defence of our country against the aggression, himself refusing to admit the very fact of aggression on the specious plea that the word aggression is difficult to define. Similarly we find to-day growing communist influence in the Civil Services,

strong communist representation in the key trade unions in the heavy industries and transport, crypto-communist M.P.'s in Parliament discreetly opposing or sabotaging any measures designed to maintain national strength and security; communist and crypto-communist journals and fellow-travellers condemning all those who demand firm action against the aggressor as a bunch of war-mongers and reactionaries; and finally we see crypto-communist journals being widely circulated in the defence forces with the direct or indirect blessings of the authorities concerned. These and other similar instances indicate the wide-spread effects of this same process of subversion.

To sum up, communism, by its very nature, is the greatest living enemy of freedom. Of course there is no perfect democracy anywhere in the world, but imperfection is inherent in human institutions so long as man does not attain perfection. But victory of this totalitarianism would mean the end of our freedom and civilization. A democracy, however imperfect it may be, allows the people the opportunity to improve it. All over the world there is a conscious effort in all democracies to rid it progressively of all its imperfections. Choice before us today is therefore between imperfect democracy and its total negation. The choice is clear-cut and inevitable sooner or later. No country, no people, or no movement can stand aloof and be neutral in this struggle. The struggle is between democracy and totalitarianism and not between capitalism and socialism as some people would like to pose it. The democratic state accepts the

socialist system or one of free enterprise and gives full scope for the majority to choose between the two. But champions of both these systems have one thing in common ; they both accept democracy as a way of life. That is why we see today that the antagonism between the two systems is more imaginary than real. Democracy has reformed capitalism as well as socialism and has brought them nearer each other — a fact which has been admitted — though indirectly — by Tito's Yugoslavia, as well as by enlightened socialists in the West like the Social Democratic Party of West Germany. As one eminent socialist thinker has put it : "The only class war which democratic socialists are prepared unqualifiedly to wage is the defence of democracy against the enemies of freedom." Threatened with the menace of totalitarianism, we see today in the world all democrats on the right side of the barricade — whether they are socialists or believers in free enterprise. In India alone we see the same situation in Kerala where Communists are poised against all democratic forces in the State. This is the result of the growing awareness of this menace which is all-pervading and all-embracing. We cannot simply wish it out of existence, nor can we afford to ignore it by sitting on the fence. Because the danger is that this system might be forced upon us if we remain oblivious of the threat. That is why it is the task of the much-maligned anti-communists repeatedly to sound warnings and educate the public against this menace. And we know from our own experience that it is a thankless job in this country and is often

likely to be misunderstood and mis-interpreted. But then, one has at least the satisfaction and honour of being in the company of great eminent thinkers and sages like Bertrand Russell, Shri Aurobindo Ghosh and a host of other eminent thinkers of our time. It would be therefore fitting to conclude these remarks with a passage from the book "The Practice and Theory of Bolshevism" written by Bertrand Russell in 1920 after his visit to the Soviet paradise. Warning the world that this new fanatic creed was "destined to bring upon the world centuries of darkness and futile violence," Russell wrote :

"I do not know whether Bolshevism can be prevented from acquiring universal power. But even if it cannot, I am persuaded that those who stand out against it, not from love of ancient injustice, but in the name of the free spirit of Man, will be the bearers of the needs of progress, from which, when the world's gestation is accomplished, new life will be born."

— And that we consider as our reward.

N. Das

STATE ENTERPRISES IN A DEMOCRACY

THE evolution of the "public sector" is a very recent one in our country. Unlike in Western countries like the U.K., France, Germany, Sweden and Italy, its history in India can be compressed within the period, 1947 to date. It is a strange and fascinating story — with a uniqueness of its own, relatively free from doctrinaire ideologies and catchwords which had accompanied the development of the public sector in such countries as the U.S.S.R. and China.

Prior to 1947, there was virtually no "public sector" in the Indian economy. The only instances worthy of mention were (a) the Railways, (b) the Posts & Telegraphs Department, (c) the Port Trusts, (d) the Reserve Bank of India, (e) the Ordnance & Aircraft Factories and (f) a few State-managed undertakings like the Government Salt factories, Quinine factories, etc. This was because the management of industrial and commercial undertakings was not considered to be the legitimate function of Government.

With the attainment of Independence, things began to move fast. The new Government issued its first Industrial Policy Statement in April 1948, laying down the respective roles of State and private enterprise. "A dynamic national policy must be directed to a continuous increase in production by all possible means, side by side with measures to secure its equitable distribution. The problem of State participation in industry and the condition in which private enterprise should be allowed to operate must be judged in this context." The industrial field was accordingly divided into three groups — (a) strategic industries which should be the exclusive monopoly of the State, e.g., the manufacture of arms and ammunition, atomic energy and railway transport ; (b) key industries like coal, iron and steel, aircraft manufacture, shipbuilding, manufacture of telephone, telegraph and wireless apparatus, and mineral oils, where existing private concerns would be allowed to operate for the next ten years, subject to the inherent right of the State to acquire any of them in the public interest and also to the stipulation that the establishment of new undertakings in this field would be the responsibility of the State ; and (c) remaining industries where private enterprise would be allowed to operate, subject to such Government control and regulation as might be considered necessary.

The above Policy received its final seal of approval in the Report of the Planning Commission dated December 7, 1952. In the chapter on "Objectives,

Techniques and Priorities in Planning," the Commission referred specifically to the relative shares of the public and private sectors in the ownership of productive capacity and reiterated the division of the sphere of responsibility as laid down in the Industrial Policy Statement of 1948. It was stated, however, that the distinction between the public and private sector was one of relative emphasis only: "private enterprise should have a public purpose and there is no such thing under present conditions as completely unregulated and free private enterprise."

Pursuant to these objectives, the State started acquiring interest in, and control of, a number of industrial and commercial undertakings. Meanwhile at Avadi, the Indian National Congress had definitely declared that the "socialistic pattern of society" was the goal of planning in India. The following year, at Amritsar, the word "socialistic" was replaced by the word "socialist", while another year afterwards, at Nagpur, the creation of a "democratic and socialist society" became the objective. Almost at the same time, i.e., on the eve of the formulation of the Second Five-Year Plan, the Government announced a new Industrial Policy in April, 1956. Under this certain industries specified in Schedule A were to become the exclusive responsibility of the State, while certain other industries specified in Schedule B were to be progressively State-owned. In Schedule A were included all such industries as iron and steel, heavy plant and machinery, coal, mineral oils, etc., while in

Schedule B were placed machine tools, heavy chemicals, fertilisers, manufacture of drugs, dye-stuffs and plastics, etc. The new Industrial Policy was duly approved by the Planning Commission in its "Outline of the Second Five-Year Plan."

All this is familiar history. I have, however, thought it fit to recapitulate the sequence of events, because this would help us to understand why there has been such spectacular increase in the number and size of public undertakings. The Government did not take on these additional responsibilities in a fit of absent-mindedness. There has been a conscious, planned drive to set public enterprise as a pace-maker and to make the State the principal agency for promoting rapid and balanced development. There has also been a keen desire to bring about an orderly transition to the "socialist pattern of society". It has been argued in all sincerity that, if there is to be a reduction in inequalities of income and wider diffusion of economic power, the State must become the major owner and dispenser of the means of production.

The progressive expansion of the area of operation of the public sector raises certain important issues in a democracy, particularly in relation to such factors as the right of the individual to judge for himself what is best for him and also his right to expect either a lower price or a better product. Unfortunately, so far, the operations of public undertakings have been almost a closely guarded secret. Although, theoretic-

ally, they are subject to the scrutiny of Parliament, in actual practice, members are either far too busy to worry about the operations of these undertakings or, even if they have the time, they do not have the technical competence to scrutinise their affairs. On the few occasions when the Estimates Committee of the Parliament has looked into their working, their verdict has almost invariably been unfavourable. The reports of this Committee on the three Steel Projects, the Bharat Electronics, the Hindusthan Antibiotics, Ltd., and the Hindusthan Insecticides, Ltd., reveal a state of affairs which would have put to shame any private undertaking of equal size and importance. Even as late as February 1959, the Committee found it necessary to repeat its earlier complaint that Parliament was not being given full information about the plans, programmes and estimates of the undertakings along with the budget documents, and that the annual reports were presented long after the year was over. As a matter of fact, no steps were being taken to ensure that a new industrial or commercial venture in the public sector fulfilled all the conditions that a similar undertaking in the private sector is required to fulfil and there was no well-trained and well-staffed cost-accounting organisation to serve as an efficient tool of financial and managerial control. We need not tire ourselves with a recital of these and various other acts of omission and commission on the part of the management of these public undertakings. The following extract from the 19th report of the Estimates

Committee on the Organisation and Administration of Nationalised Industrial undertakings would show with what scant courtesy the Government treats the recommendations of its own Parliament's Estimates Committees :

“ The replies of Government to the recommendations made by the Committee are not quite informative in a number of cases. In certain cases, their reply simply states that there is no objection to the suggestion or that it is unexceptionable or that the Government is in agreement with the recommendation. Very little light is thrown on whether or when the recommendation is proposed to be implemented and in case it is not considered necessary to implement certain details mentioned in the recommendation, why it is not considered necessary to do so.”

The fact is that although many Committees and Seminars have deliberated on the subject, the vexed question of parliamentary control and responsibility has not been satisfactorily solved in respect of our nationalised undertakings. The crux of the problem is how to safeguard the national interest without encroaching upon the administrative independence of the Boards of these undertakings and without usurping the responsibility of the management. While excessive control may take away the autonomy of the public corporations and undermine the very principle

on which they are founded, it should not be forgotten that every tax-payer has a stake in their efficient functioning. Unfortunately, even parliamentary control can be exercised mainly through debates and interpellations, and how few of our parliamentarians possess the requisite expert knowledge and enthusiasm to exercise such control ! Debates on annual reports are generally perfunctory because (a) parliamentary time available for debate is often too limited for each nationalised undertakings to be fully debated ; (b) very few members take intelligent interest in the figures and statistics which are presented in an annual report, and (c) the Minister concerned often tends to act as a counsel for the Board. It is in this context that the proposal to have a Special Committee of Parliament to examine the working of public corporations at stated intervals assumes practical importance.

We now come to the most important aspect of the operations of public undertakings, viz., profits and prices. In a democracy, the position of the buyer of publicly produced goods should not be materially different from that of the buyer of privately produced goods. The consumer should be at liberty not to purchase the publicly produced goods, if they are not worth the price. Unfortunately, a nationalised undertaking often produces goods and services which are not produced by anybody else : the consumer has very little choice in refusing to buy such goods and services. But, even in such cases, the price fixed for the con-

sumer should be reasonable and within the capacity of the buyer to pay.

The Government, however, appears to have evolved a new set of economic principles for the fixation of prices of goods and services produced in the State sector. When the A.I.C.C. seminar on Planning held at Ooty in June, 1959, announced that "State enterprises should be so conducted as to yield planned profits", it was hailed by certain sections in the private sector as proof that even the Congress party recognised that profits were desirable and were an essential element of costs and, hence, of prices. But they failed to realise that this was not what the advocates of "planned profits in the public sector" meant. What they meant was that, by suitable manipulation of prices, State enterprises should be made to yield a predetermined volume of profits. This was suggested because the increased tempo of Governmental activities required huge sums of money and a most convenient method of obtaining the same would be by charging higher prices for the products of State undertakings. A public enterprise was to be conducted on a profit-making basis, not in the sense that its products should be sold at an economic price (this could cover the cost of production and include allowances for replacement, expansion and maintenance), but that it should also get for the community something in addition, viz., sufficient resources for financing the overall investment and maintenance expenditure of the Government.

This is a dangerous thesis. So long, the accepted principle was "no profit, no loss", because it was felt that, being public, State enterprises should not make profits at the expense of consumers, particularly as they do not have to pay a dividend to the shareholder. In certain situations, the prices might even be fixed "below cost", e.g., the Government might like to supply cheap gas, cheap electricity or cheap transportation for a social purpose (this would be a case of operating a public enterprise at a "planned loss"). But to suggest that prices should be "above cost" so as to bring an extra return to the Exchequer is against all rational principles of price-fixation.

The most important objection to such a policy is that most State undertakings are monopoly producers and the consumer is left with very little choice to turn elsewhere if he finds the price "excessive". Under a competitive price system, the entrepreneurs usually bear the burden of any tax imposed on the commodities. In any case, the burden is reduced to the minimum due to competition between entrepreneurs to win over the consumers. This is not possible when the State has the monopoly of a particular item of production.

Then there are cases where the products of a public enterprise are used by enterprises in the private sector. If, for instance, the Government were to fix the price of such basic products as coal, iron and steel, and petroleum on the principle of "maximisation of profits", all consumer industries in the private sector

which make use of these products would be hard hit and the ultimate consumers would have to pay a stiff price for the various items of living. Further, in a competitive world market, this would adversely affect India's export trade in many goods and commodities.

The strongest objection to the above principle is the very great temptation it offers to the Government to maximise profits by charging the community higher prices. Taxation through this backdoor method would have the additional demerit of being regressive. In India, taxes are levied not where they are most easily borne but where they are most easily collected. In enterprises in which the Government has a monopoly (e.g., railways and fertilisers) there would be no check to charging whatever prices the traffic can bear, and past experience shows that the traffic can be made to bear — at least in the short period — the most fantastic charges !

Such a pricing policy would also provide a convenient cover for inefficiency. In private enterprise, competition ensures a reasonable standard of efficient operation, but there are no such safeguards in public enterprises. In the long run, the cost of inefficiency would be shifted to consumers in the form of higher prices. There is the further danger that political, rather than economic, considerations might become more important in the fixation of price.

The point appears to have been completely overlooked that profits foregone may sometimes bring greater return to the Exchequer than profits maximised.

For example, fixation of the price of fertilisers at a reasonable figure and the consequent loss of profit, if any, may be more than offset by increased receipts from agricultural income-tax via increased agricultural output. Similarly, the pegging of prices to actual cost in industries like coal, iron and steel, and petroleum, may give such a fillip to industrial development that a much larger amount may flow into the coffers of the Government through increased tax receipts and foreign exchange earnings.

The advocates of maximisation of profits in the public sector often point to the practice in socialist countries where the prices of most commodities are fixed well above cost. This line of argument completely overlooks the fact that India is still a mixed economy and has a democratic set-up, where consumer goods industries and the production of foodgrains and other agricultural crops are solely in the hands of the private sector and even certain heavy industries are shared by the two sectors. In such a situation, the principle of profit maximisation in public sector undertakings, and the consequent fixing of prices above the normal cost, can be adopted only at great risk to the rest of the economy. The temptation to earn more profits by invoking the principle of the capacity of the traffic to bear can become irresistible.

One would have thought that the very fact that public undertakings partake of the character of "insulated" monopolies would make the Government extra careful in regard to the fixation of prices. In

private enterprise economy, competition, howsoever imperfect, provides the natural safeguard for the consumer. In a public undertaking, on the other hand, the "take it or leave it" attitude makes it extremely difficult for the consumer to affect price policy. The Government which should have come forward as the custodian of the consumer's rights, appears instead to be intent on throwing overboard whatever little rights the consumer has in an economy already rigidly controlled by State. It has been suggested by some that Consumers' Councils would be the answer to the problem posed by Government's thinking. But what can a Consumer Council do when the whole basis of Government's policy appears to be a negation of the rights of the consumer?

The other problem inherent in public undertakings is that posed by the workers thereof who want special benefits for themselves (e.g. higher wages, security of service, better housing, etc.) and also representation on the executive boards and bodies associated with such boards. It is true that similar demands are made in the private sector also, but labour puts forward the special plea that, in a nationalised undertakings where "profit" in the usual sense is non-existent, it should be possible for the Government to give them a such larger share of the products of industry and also to consult them in matters affecting their remuneration and well-being.

The consumer is, of course, conveniently forgotten in this tussle between the workers and the manage-

ment. The Government, however, finds itself in a rather tight corner when presented with such demands by its own workers. Its plea that workers in a nationalised undertaking owe a special responsibility to the management and that it behoves them to work in a spirit of public service, has so far failed to impress. Human nature being what it is, workers are not inclined to accept a different standard for the public sector. Not only that : they retort, with some justification, that Government should set an example to the private sector by themselves acting as a model employer.

The hope that workers in nationalised undertakings would be transformed by the very act of nationalisation and would think in terms of the national (as opposed to their sectional) interest has not been borne out by the actual course of events. We find workers in nationalised undertakings complaining that not only does the Government not show them any special consideration, but that it is sometimes more reactionary than management in the private sector. To give only two recent examples, the Code for Discipline in Industry, formulated more than a year ago, has not been accepted by managements in the public sector yet, nor has the principle of voluntary arbitration been applied to disputes between the management and workers in such undertakings.

This invidious discrimination raises certain fundamental issues in a democracy. There is no justification for having one yardstick for the private sector and

a totally different one for the public sector. Whether an undertaking is owned by a body of shareholders or by the State, public and private corporations face very similar problems, which indeed are common to all large-scale organisations. How to determine wages, settle disputes, achieve a sense of participation, decentralise decisions, accumulate a sufficient surplus to be ploughed back into the undertaking, and satisfy a critical public, are matters that face public and private corporations alike.

There is an additional reason why there should be no discrimination. When the two sectors are expected to co-exist and even to live in a spirit of healthy competition, policies and decisions taken in the one cannot but influence conditions and circumstances in the other. Thus, both price policy and labour policy in the public sector must have its repercussions on undertakings in the private sector. If a certain principle is conceded in a public undertaking in the matter of fixation of the price of its product, the Government should not logically refuse to apply the same in a private enterprise producing a similar product. Secondly, when labour in a private enterprise is granted concessions which are denied to labour in a public undertaking, the question naturally arises whether this would not inflate costs in one sector of the economy and make it difficult for the private sector to survive. It is indeed unfortunate that, in laying down principles and codes of conduct, the Government often overlooks these basic facts of inter-relationship.

It is sometimes argued that the widening of the public sector would help to diffuse economic power — particularly in an underdeveloped country like India. The Planning Commission has stated more than once that a more even distribution of economic power can be achieved only through all-embracing State action. But may not the assumption of greater power by the State mean merely a **shift** in the seat of concentrated economic power and not a diffusion of power and economic demonstration? The “new despotism” that is slowly arising in India today as a result of the widening of the public sector is as much to be dreaded as the avarice and unscrupulousness of some traders and industrialists in the private sector. It is not democracy when private capitalism is replaced by State capitalism, placing both workers and consumers at the mercy of the Leviathan State and the new tyranny of the public sector.

This last point is rather important. The Government is worried about accumulation of power in a few private hands, but accumulation of power by public undertakings must equally be of concern to the mass of private citizens, because how that power is used affects the whole community. The situation is aggravated by the fact that the majority of those liable to bureaucratic oppression are, in most countries and more so in India, too uneducated to defend their rights. And, of those who are educated, many reckon that since the outcome of their challenge to the power of the State is uncertain, the enormous

time and trouble involved are not worth the risk of an adverse verdict, with the likelihood of further oppression.

It is, therefore, time that people realised that there is no magic in the words "public enterprises" and that mere extension of the public sector does not provide an answer to the problems of entrepreneurship, production and a fair deal for consumers. It was once assumed that, managed by selfless men of outstanding ability devoted to the national cause and aided by a band of equally selfless workers placing the national interest above their sectional interest, public enterprises would usher in the grand new world of a socialist society. Experience in other countries and in India has shown that the mere act of transplanting to the public sector does not change human nature. Hence, although, in theory, a public enterprise should have no other objective than that of public service, in practice it may fall conspicuously short of this ideal. Not only that: it may even develop into a kind of "managerial empire" in which officials, enjoying the security of tenure characteristic of the civil service, may become singularly smug and apathetic about the purpose they are supposed to be pursuing. These are hard facts which a community wedded to the principles of democracy can afford to ignore only at its peril.

A. R. Wadia

UNIVERSITIES IN A DEMOCRACY

WE cannot understand the role of universities in a Democracy without understanding the implications of democracy. Democracy is a very complex term. It is interesting to note that normally we say the world is divided into two political blocs, the free democracies of the West and the communist countries. But Russia and China also describe themselves as "people's democracies". When two parties, entirely opposed to each other, can yet claim to be labelled as democratic, there must be something complex about the whole idea of democracy.

Democracy is derived from the Greek word "demos" meaning people. In ancient Greek city states, it meant government by the people. All free citizens of the Greek city states took part in political deliberations, to a certain extent even in administrative and judicial matters. The people were the Government. The small city states were always politically weak. They were conquered by Philip of Macedonia and Alexander, and still later, by the Romans, and the political democracy that was known to ancient Greeks

ceased to exist. Democracies again emerged on the stage of world history in the free medieval cities of Europe, for example, Venice. But even those have passed away and only extreme democrats, i.e., people who believe in the direct participation by all citizens in government, want the revival of the city state as the freest and highest political entity. Rousseau, the famous author of "Social Contract" which is generally regarded as one of the causes which led to the French Revolution, condemned even England as not being really free. He said that an Englishman was free only once in seven years at the time of the election. For the rest of the time, he is as much a slave as anybody else in the world and, therefore, he wanted to revive the ideal of the Greek City State. But it remained only a theory. It never came to pass. Curiously enough, Karl Marx, when he wrote his famous book "Das Kapital" which has become the Bible of the whole communist world, as a sincere lover of equality and freedom, did not want the continuance of the large country state. He too aimed at small communes where people can live by themselves, rule themselves and lead comfortable lives. For him, the dictatorship of the proletariat was only a means to an end, for taking away the political power from the wealthy and to use it in the interests of the labourers. When the labourers had got what they wanted, when the capitalist class had been destroyed, he was confident that the State would wither away. That has become a familiar expression, but neither communist Russia nor China is ever going to give up

its political power and importance, and the State is not going to wither away. In fact, the Russian and the Chinese States today are much more powerful than any State in the World today or in the history of the world. It is as large as any absolute polity of the ancient oriental countries or of the Roman Empire or even of the Napoleonic regime. That is the present position. So, direct democracy as a government for the people, of the people and by the people is an idle dream. Direct participative democracy is never going to be realised.

Three centuries ago, England with her love of freedom, managed to develop a new concept of democracy. That concept was achieved through the institution of representative government, which developed slowly. It cannot be said that the English Revolution of 1688 was really a revolution of the people. It was not. It was a revolution of a few powerful landed, aristocratic families, but they took up the challenge of the King and succeeded in seeing that the power of the Crown was curbed, practically taken away and transferred to the Parliament, particularly the House of Commons. That continued during the 18th century, but in the meantime, the Industrial Revolution came into existence. A new class of people had arisen, the capitalists, and along with them the industrial labourers. They were without any political power. They agitated for it and in the course of the 19th century by successive acts of reform, the franchise was extended, and more and more people really took the

political power into their own hands. No wonder, John Stuart Mill, when he wrote his famous book on "The Representative Government" described it as the greatest political discovery of modern times.

There is a great deal to be said for Representative Government as being democratic to a considerable extent. It was not the government of the people, by the people themselves, but it certainly was the government of the people by the representatives of the people, who could be trusted to be identified with the interests of the people. That has made Representative Government so popular. Democracy in this indirect sense has worked most successfully in Anglo-Saxon countries, England and her Colonies, particularly. The United States of America followed in the footsteps of their Mother Country and claimed independence and achieved independence and have become today the most powerful democracy in the world. The French Revolution started with slogans of Liberty, Equality and Fraternity. But the French people had not got the same love of liberty as the English people had and their revolution ended in chaos which gave a chance to Napoleon Bonaparte to come forward and save France from herself so that the slogan of the French Revolution, "Liberty, Equality and Fraternity", vanished for a time under the Napoleonic Empire. But, let it be said to the credit of Napoleon that he represented the people, the masses, and wherever he went, the people got a new awakening, whether it was in Italy or Germany or Austria, and whenever Napo-

lean was defeated, as in Spain and in Russia, the people continued to be backward. The victories of Napoleon gave a new urge to democracy and as a result, in the course of the 19th century, democracy came to be established more and more on the Continent. But there it has not worked so successfully as in the Anglo-Saxon countries. In Switzerland, Norway, Sweden, Denmark, Holland and Belgium, which are, of course, comparatively small countries, democracy has worked well. But France has had a series of revolutions. Democracy has not succeeded there and in the course of the last two years, we find how the new regime of President De Gaulle has transformed the French Republic into a really considerably modified democracy. The chief power has been taken away by the President and the French people have acquiesced in it because that was the only way to save France. France suffered two ignominious defeats in the two World Wars as a result of unstable democracy. Germany had an extremely disciplined people, but they have not taken kindly to democracy. It is curious that when after the conclusion of the First World War the Weimer Constitution was drawn up, it was described as the best constitution in the whole world. But we know how the constitution did not stand the test of time. Hitler arose with his absolutism and crushed democracy in Germany and established himself. He had to pay a price for it. Today there is a very successful democracy under Adenauer in West Germany, but we have been hear-

ing of neo-Fascists rising again and what course the future will take we do not know. Anyway, it is a mistake to imagine that democracy will succeed anywhere and everywhere.

Democracy is an extremely costly type of Government. We often attribute great luxury to the kings and tyrants. But after all, they are few compared to the number of monarchs that reign in our democracy in different parts of the country. Enormous amounts have to be spent for electioneering campaigns, and enormous amounts that have to be spent on the maintenance of Parliament and other democratic institutions. The cost is heavy, but it is justified to a large extent in that people are the real political power behind the Government. It is the people — may be once in 7, 5 or even 3 years — who have the power to change the Government, and, more than anything else, there is the political consciousness that "I am a citizen of a democracy, I have got a vote and I can exercise that vote." The sense of individual dignity and self-respect is the greatest gain in a democracy as a political form of Government. But democracy cannot succeed unless it fulfils certain conditions.

The first condition is that the people themselves must be interested in Government. People who have been accustomed to be ruled autocratically for centuries cannot all of a sudden develop this sudden love. It does not work. One reason why democracy in England has worked so successfully is that it has been a matter of a very slow but steady growth. English historians are fond of tracing back their ideas of free-

dom to the Magna Carta in 13th century, but the real power continued with the King right down to the Revolution of 1688. And even then, slowly the franchise has been extended. It was only in 1919, after the end of the First World War, that England had real adult franchise. Perhaps that explains why democracy has worked steadily, because it has grown steadily. Ideas of freedom and equality have been soaked into the consciousness of the people so that today it is open to Englishmen with almost 100 per cent literacy, to boast of a very successful democracy. People who have no interest in political ideas or in political institutions can hardly be expected to be good democrats and can hardly be expected to vote independently.

The second condition is that people must be willing to vote independently ; not on the basis of caste, nor of family nor of bribery, nor merely personal popularity, but on the basis of an understanding of political principles adumbrated by political parties. That is very important.

The third condition is that the people must be ready and willing to accept the verdict of the ballot box. If a certain party is returned with a majority, that majority has the right to rule and the minority must accept it. It is a remarkable characteristic which we notice in British political life that the democratic spirit is prevalent. Let us take for example the question of our own independence. We got it because it was our good fortune that the Labour Party was in power and it happened to be very sympathetic to

India. It is not difficult to see what would have been the fate of our political independence if Sir Winston Churchill had been the Prime Minister of England at that critical time. I am afraid we would not have got our independence so easily, practically for the mere asking. Sir Winston Churchill did his very best to oppose it, when he was in the Opposition. But when he was returned to power and became the Prime Minister, theoretically he had the power to undo the whole business but he did not do it. He loyally accepted the decision carried out by the previous Government, that being the tradition of British democracy. They do not undo what the previous Government has done. They might modify it here and there, but on the whole, they keep up the continuity of the Government. That is another very important principle. That is why no heads are broken at the time of the British elections, and there is no kidnapping of voters.

Then there is the most important condition of a democracy, the right of the minority to change itself into a majority. Where this right does not exist, democracy does not exist. That is why neither Russia nor China has any claim to be called democratic; both these countries are ruled by a single party which expects rigid obedience from the people at large and the party policy is laid down by a few people at the top who rule for the time being as autocrats. That is not democracy.

The right of the minority to change itself into a majority implies fundamentally the freedom of speech, the freedom of association, and of the Press and secret ballot. Without these freedoms, it is impossible for a democracy to flourish.

Curiously enough, even when we talk of democracies of the West, democracy does not mean one and the same thing. British democracy is one thing: parliamentary government, bicameral, the Lower House having the chief power, the leading party in the lower house to form the Government, the leader of that party to be the Prime Minister, the Prime Minister to elect his own colleagues and all of them to be responsible to the Parliament. The King has to accept whatever law Parliament passes. In the United States, they developed a democracy which is entirely different from the democracy of England. They did not want the executive, the legislature and the judiciary to be amalgamated into one, as more or less happens in England. In the States, the executive is independent. It is represented by the President who is elected for a term of 4 years. He cannot be ordinarily removed. He selects his own Secretaries, i.e. his Cabinet. The legislature has to accept or vote the recommendations of the President, but for the time being, the President has got enormous powers.

There is yet another type of democracy in Switzerland, where there is the nearest approach to the old Greek type of democracy. In Switzerland, it is open for the people to vote directly on any particular legis-

lative measure. They have got the device of referendum.

When independence came to us, naturally we chose democracy of the British type because for a century we had been educated under the British. We have been impressed by the British institutions, British parliamentary form, British Government procedures and we thought it very natural we should have the British type. We have done it except that we do not have a monarch who could serve as a hereditary king or emperor of India.

There is another aspect which has a very important bearing on the problem of universities. Usually, when we talk of democracy, we tend to emphasise liberty and equality. The principle of "one man, one vote" has come to be accepted. There is equality. Whether he be a millionaire on the one hand or a poor man on the other, they have got only one vote each. There is freedom for all, there is the rule of law for all, but there is an important principle involved in the success of democracy and that is the principle of leadership. No democracy can do without leadership which essentially implies something aristocratic. We cannot deny it. We cannot get away from it. In this connection, the story of Aristides in the ancient Greek City State of Athens needs to be recalled. There they made a fetish of equality and if any person became very popular, the people immediately got nervous. They said: "This man is aiming at power. He is going to deprive us of our freedom. What shall we

do?" Aristides was a superior individual who had a very high reputation. He was always called Aristides the Just. One would expect the people to be proud of such a person, but they got jealous of him and they brought forward a motion in the assembly that he should be banished from the state. When the voting was taking place, one man was voting against Aristides. The latter asked him: "Friend, why are you voting for the banishment of Aristides? What has he done to you?" The reply was "Oh! I am tired of people describing him as Aristides the Just." That was the fear that they had of superior persons. But even today in a democracy which is ruled by Parliament, the Parliament is to be dominated by a Cabinet and the Cabinet by the Prime Minister, and we must have the very best of leadership. In other words, our democracies will have to be aristocratic to a considerable extent. There need not be the aristocracy of mere wealth nor the aristocracy of heredity, but the aristocracy of intellect, of good character, good intentions, where the leader can be accepted by the people and the people can say: "He is our saviour, we have voted him into power because we trust him. He is our leader."

What is the function which the Universities are expected to fulfil in a democracy? Universities are institutions where the liberal arts and sciences and the professions can flourish. It is very often forgotten that democracy or representative government is really in practice aristocratic. The aristocracy is derived

from the people, but for the time being it is the leaders that count. They formulate the policies and the people accept them. If a democracy is to have good leaders, those good leaders will have to be supplied by the Universities. I consider this as an axiomatic truth. In England, for instance, Oxford and Cambridge Universities have supplied an immense amount of power in the building up of the British Empire as well as in the building up of democracy inside England. It used to be said that every President of the Oxford Union would become a great man in life. If we refer to the long list of Presidents of the Oxford Union, we will find that they have become Prime Ministers, Chancellors of the Exchequer, Ministers, Governors, Viceroy, Archbishops, captains of industry; in fact, there is hardly any department of public life that has not been dominated by the graduates of Oxford and Cambridge. England, on the whole, has been aristocratic in character, and the Oxford and Cambridge Universities are aristocratic in character. Today, that character is changing under the pressure of circumstances. Even when socialism was rising and had not got real political power, it turned to Oxford. The members of the Socialist Party were too poor to join Oxford or Cambridge University, so they started their own college there, as for example, the famous Ruskin College at Oxford, where they picked out able young men from the labouring classes and sent them to be educated. They were permitted to attend lectures given by the teachers in the Oxford University. But they were not recognised as students

of the University. They were a class by themselves. Today, that is completely changed. When the Labour Government came into power, it realised the importance of Universities, especially of Oxford and Cambridge, but it would not continue the old tradition of the sons of Lords and sons of retired Anglo-Indian officials dominating these Universities merely because they were wealthy. They wanted the poorest Englishman to go to Oxford and Cambridge if intellectually fit. The Government was prepared to give them scholarships.

In America, University education, is, on the whole, much more common than in any other country in the world. But even there, there are several Universities like Harvard which are definitely looked upon as superior to others. We in India are far away from America and do not know anything about the relative worth of various universities. Therefore we hail every graduate of every American University as very highly trained. That is merely due to our ignorance. In America they would not pass off as absolutely equal. That again implies a certain principle of selection. In the case of a country like Russia where education is free there is very rigid selection. No Russian is automatically allowed to go up to a University. The Government pays for his education, but the Government keeps to itself the right of selecting who is going to be educated. Naturally, they will select the best, although party considerations are always there.

Unfortunately, in our country Universities are indeed in a very bad way. I have grown grey in the service of Universities. Today I have to hang down my head in shame for what is done in our Universities by our Vice-Chancellors, or so-called Professors or by our students. We suffer under an entirely false notion that every Indian has a right to university education. That is absurd altogether. University education implies a certain capacity which everyone has not got. So far as university education is concerned, a certain intellectual capacity is required, a certain fondness for books, for reading. It is only then that we can make the best use of university education and if anybody and everybody is allowed to enter the University, as happens in our country, then there is chaos.

Our Universities are hopelessly overcrowded and so too are our colleges. Young men flock to these institutions, become graduates by lowering the standards and ultimately are forced with the problem of unemployment, frustration, despair. How can we expect our Universities to produce real graduates? It is a very serious problem. Our Government seems to be anxious to add to the number of Universities and colleges. The communist countries have got a certain plan, according to which they want to have a certain number of technicians. They train as many technicians as they need. In India, we have got planning, but the less said about our planning the better, because neither the targets are attained nor have they got any coherent relationship to the actual facts of our country.

The profession of teaching in our country is markedly underpaid, and, therefore, the professors are not always the best available brains. To make matters worse, we have a so-called democracy in our Universities. Vice-Chancellors are to be elected, and so are the Deans. The result is politics. Most of our professors spend their time in canvassing either to be Vice-Chancellors or Deans. In order to get votes, they have to build up their parties. That has been the ruin of Banaras and many a other University.

We are also beset by the linguistic problem. Whatever may be the defects of our universities, they have rendered one great service. They have given us leaders, especially in the days of our political struggle. Majority of these leaders have been brought up in a certain tradition of love of the English language. To-day, we are in a hurry to do away with English. If we are honest to ourselves, and intend to preserve the unity of our country, we should at least say: "All right, we shall give up English, and shall have our own language, but one common language for all the universities." Instead of that, we have a scramble for regional languages that is going to balkanise our country. That will jeopardise the life of integrity of our universities.

It is imperative that the public should appreciate the close relationship which exists and is bound to exist between the Universities on the one hand and the democratic type of Government on the other. Universities have an important role to play. They

must give leaders not merely in the political but in every field of life. That is the path which Indian universities have chosen. Their problems are immense. It is for us to be little more wise, to be a little more far-sighted, to forget our caste, linguistic and provincial loyalties and remember that if we have to survive as a democracy, and as an independent country, we shall have to live up to the ideal of India as one country. That is the path for the Indian Universities. Then only Indian democracy can flourish.

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Mr. B. K. Desai is a young writer who has specialised in problems of communism. He is the Hon. Secretary of the Democratic Research Service.

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Dr. N. Das is the Director-General of the Employers' Federation of India. He retired from the Indian Civil Service in 1958. Dr. Das is the author of several books on Indian economy.

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Prof. A. R. Wadia is known to the public of the country as an authority on educational matters. He is the Director of Tata Institute of Social Sciences in Bombay and was for some time a Member of Parliament.

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ERRATA

for

read

Page 44	Line 20 21 & 22	without a great light from officials. The smallest official, therefore, typifies bread and butter only without a green light from official. The smallest	without a green light from officials. The smallest official, therefore, typifies bread and butter not only to the common man but to the highest in the land. The
Page 50	Line 30	for good wark	for good work
Page 76	Line 4	unions is the	unions in the
Page 89	Line 9	a great responsibility then elsewhere	a great responsibility than elsewhere
Page 109	Line 30	of the select committee	of the select committee
Page 110	Line 5	article can be treated as your expenditure. the donor	article can be treated as your expenditure. The donor
Page 113	Line 20	do the impossible, viz., did not declare a dividend only	do the impossible, viz., did not declare a dividend out of these profits which it had never made but which appeared only
Page 116	Line 7	factor of taxation would go to reduce the prize which	factor of taxation would go to reduce the price which
Page 123	Line 20	many years. At the same time he wanted that every	many years. At the same time he wanted that every
Page 137	Line 10	perspective, and come to dispise the basic values of	perspective and come to despise the basic values of
Page 137	Line 12	short cuts	shortcuts