DECEMBER 12, 1972.

LOCAL ENTRANTS can buy our Cash Receipts in the Competition Department. On December 11, and December 12, Cash Receipts will be sold on the ground floor near the Entrance to the building.

LOCAL ENTRANTS may LOCAL ENTRY BOX which make France and Holland mois near the entrance. is near the entrance.

particulars in THE WEEKLY ILLUSTRATED dated November 12. 19, 26 and December 3, 1972 and FEMINA Dated November 24 and December 8, 1972.



A Thought for Today

We are always getting ready to live, but never -Ralph Waldo Emerson

ONE-MAN RULE

In practical terms, the Nadeed of Pakistan itself, hinges to India's plea. on it. For, while it is bad However, in the event of failenough that the proposed confor anyone to challenge the it will concentrate almost all exassembly will be dominated by

temperament as well as by training. But even if it conced- trade. ed that on the strength of the experience of the 'fifties he is justified in taking the view that Pakistani politicians are too

First Step

to enter into a separate trade tion, of the archaeological groves of academe. agreement with India is the first department, to such schemes protracted effort to forge a new relationship with Western Eutope, after Britain's entry into at.

| The first country of this country is conceived by managements as president rictors principal so widespread that people in some finational security adviser, presumational security adviser, presumation have staged demonstrations to draw the government's attended to have been settled. But the making tall claims the state government's attended to have been settled. But the making tall claims the state government's attended to have been settled.

the Common Market. It marks a victory for those, both in the council of ministers and in the EEC's executive commission, who support this country's contention that the enlarged EEC should not defer entering into vidual countries until it has first problem hammered out a common policy parts of the state suffer countries are too big, and their state of affairs continue? that a satisfactory solution will subterranean flow.

soon be worked out. The trade The farmers of the alluvial Indothe council has endorsed in principle, only envisages bringing together all the concessions which India now enjoys on her jute, coir, loose tea, textiles, co- when he succeeds he can seldom when he was a seldom when he It does not say anything about acres, and in years of acute scarcity even the "successful" wells run dry. He pays ten times as much as goods, or of jute and coir pro-ducts, that can enter the Com-mon Market free of duty mon Market free of duty.

Thus, unless this country can wring further concessions from the EEC in the near future, it | This naturally compels him to tional Awami Party in Pakistan will not be able to make good his aim is to squeeze the maximum has made a futile gesture in persuading or compelling its repre- when the current British scheme He has to recover his high costs. sentative, Mr. Ghaus Baksh of preferences lapses in December 1973. India's case for fur-Bizenjo, to withdraw from the ber 1973. India's case for fur-all-party committee which is ther concessions is very strong. A more extensive network of mawon over or terrorised the an increase in duty free imports mains a basic problem.

others. But it is as well that at of machinery by as much as 60

Thousands of farmers all over the state have sought to recover their expenses by going in for highprocesses to a costly farce, it port of commodities in which umption. might be in a position to claim the competitive position of the that it had warned the country developing countries is strongand offer itself as an alternative est. The EEC nations are better and one planted with millets. The and offer itself as an alternative est. The EEC nations are better and one planted with millets. The pact throughout the state.

to Mr. Bhutto's Pakistan Peo- aware of this anomaly than be- eighth is irrigated and he has diviple's Party. The issue is, of fore and there is some reason course, not at all partisan. The therefore to expect that they very future of democracy, in-will lend a sympathetic ear

ng to secure further concessstitution will make it impossible for anyone to challenge the long, the policy makers here What could have been an interiors, the policy makers here will do well to look for alterna- the notorious U-2 affair that wreckauthority of an incumbent prime tive means of safeguarding, and it began has gone largely, though minister, it is much worse that even increasing, this country's not completely, unnoticed. ecutive powers in the central exports to Europe. The first government and all legislative bility of increasing bilateral is to explore seriously the possi- Prowler authority in the lower house in trade with members of the EEC, territorial waters an unidentified Islamabad and thereby deprive like Belgium, whose exports fortnight just before the Helsinki legislatures of their very raison d'etre. Since both the central whether the EEC is prepared and cooperation began, would have government and the national to waive the quota limits in liked to keep the incident comorder to permit this country to pletely quiet. Punjab. the consequences in terms of dissatisfaction in other donor countries in kind. Find the still far from extinct species of cold warriors at both the NATO parts of Pakistan and strain of ally, in the current climate of headquarters the country's unity in the not too distant future can easily be imagined.

The coordinated the country's unity in the not likely to stand a greater chance of success if they are part of the country's unity in the not likely to stand a greater chance of success if they are part of the country's unity in the not likely to stand a greater chance of success if they are part of the coordinated the proof that the story leaked out. Mr. Bhutto is an autocrat by a coordinated policy which of NATO's naval plans for north-emperament as well as by aims at replacing aid with of NATO's naval plans for north-

Ruining Temples Far too many temples in Infickle in their loyalties to be dia are being ruined by thought trusted to produce and sustain less, philistine "restoration" a stable government, the more As a rule, this consists of little honest course for him would more than daubing them all have been to stick to his prefeover with gaudy paint. Apparence for a presidential form of rently, a similar fate has now

THE Union home ministry did not chairman of Harvard's government ernment should give more powers
rence for a presidential form of rently, a similar fate has now government. This would have overtaken the famous temple Lok Sabha the other day when it son, thinks otherwise. provided for checks and balan- of Jagannath at Puri in Orissa. first tried to steam-roller the Allces and a healthy debate on According to the Union educamatters of public interest. But tion minister, Mr. Nurul Hasan, opposition parties are even since it has been continuously and agree to its postponement. more to blame. Once they had whitewashed and has therefore discovered that Mr. Bhutto lost its pristine character, it could not be persuaded to ac- will no longer be protected as and federal system, they need curious official reaction, to say to have done in the first place. On on this matter as on all affairs of not have endorsed a so-called the least The source. not have endorsed a so-called the least. The government ought its own admission, the compromise which would in- to be concerned less with strikvest more powers in Pakistan's ing individual temples off the prime minister than the U.S. list of buildings worthy of prepresident enjoys. The latter, for servation and more with trying instance, cannot dissolve the to prevent them from being legislature at will. The tragedy ruined in the first place. Should duly laid before Parliament." of it all is that a one-man rule managements, especially if the must in the final analysis depend monuments under their care on its survival on the support are internationally known, be of the same bureaucratic-mili- allowed to tamper with them in cutive does in exercise of its enormous powers. To aggravate this tary-industrial elite which has any way they like? Should there state of affairs by deliberately withruled Pakistan since Khwaja not be some inspection by the holding from the two houses what Nazimuddin's dismissal as archaeological department of prime minister in 1953. Mr. what precisely such tampering proval is therefore doubly deplo-Bhutto may be vain enough to will entail? In a number of rable. believe that he will be able to states, there is a religious enbend it to his will in the coun- dowment board, on which try's larger interests. But others managements are represented, THE North Viet Namese peace before him thought the same which is supposed to be conway and came to a sorry end. cerned with how temples are administered. But they tend to supervise the finances of tem-The decision taken by the ples alone. Surely, they also council of ministers of the Eu- ought to turn their attention, in the property of the peripate-tic professor to make up his mind

DROUGHT IN MAHARASHTRA

II-A Long-Term Problem

By ASHOK THAPAR

THIS year's crisis is only a more ded it into several small patches, rative sugar factories acts as a powbilateral agreements with indi-serious version of a perennial each given over to an intensive rotation of onions, chillies, lucerne in Maharashtra. Large from towards all developing nations, chronic scarcity. Over the years its this drought year in which he has The presence of Britain in the living with drought, and its civil he has stuck to each grown accustomed to he has stuck to each grown and its civil he has stuck to each grown and its civil he has stuck to each grown accustomed to he has stuck to each grown and its civil he has stuck to each grown and the heart council for the first time has servants have acquired considerable quarter acre that he still manages obviously helped to tilt the expertise in dealing with the pro-scales in India's favour. Its blems that it creates. Relief works argument that some developing are an annual feature in many discountries are too hig and their

problems too urgent to brook delay, has obviously helped to and recovered these privations with courage and recovered these privations. The whole his derate their previous opposition to such agreements. The for water. Nature has never helped for water. Nature has never helped way has thus been cleared for the specific problems involved in locating, tapping, tackling the specific problems lifting and utilising this precious which India faces. But the de- resource. Not only has it deprived cision taken by the council of him of adequate rainfall, it has also ministers contains no assurance put a layer of hard rock between him and an uncertain, undependable

agreement drafted by the EEC's executive commission, which of water 25 to 30 feet below the conut and handicrafts exports, hope to irrigate more than three

UTMOST CARE

overseeing the preparation of a indeed. Spokesmen of the EEC for and medium irrigation projects constitution for the country in have expressed the hope more can make his task easier. In addiaccordance with last October's than once that larger exports command areas, they re-charge the agreement. His resignation will to Europe under the generalised scarce subterranean flow. This pernot stop the drift towards one scheme of preferences will off-man rule because President set the loss of exports to Bri-Rhutto has successfully under-tain But even they have been Bhutto has successfully under- tain. But even they have been fits from canal irrigation. But even mined all opposition to his forced to admit that in reality after more generous supplies of peculiar concept of stability in the GSP is far less liberal than ground water have been brought to his own ruling party and either it looks. For instance, it permits fore, the high cost of tapping it re-

Teast one fairly influential poli- per cent.; but of cotion textiles their expenses by going in for high-tical organisation has had the by only 4.3 per cent. a year. In ly diversified cropping patterns, good sense even at this late stage other words, it is most liberal with a heavy emphasis on intensito dissociate itself from an in allowing imports of those vely cultivated cash crops. The irriagreement which makes a commodities which the deve- gated farmer in Maharashtra is tomockery of both democratic and loping countries either do not than his counterparts in any other federal principles. When the produce, or which cannot state. The moment he can lay his proposed constitution inevitably match the sophistication of ri-reduces democratic institutions val European products, and an acre, he plants it with some-tic empty shells and democratic least liberal in allowing the imto empty shells and democratic least liberal in allowing the im- and not cereals for domestic cons-

cauliflower and turmeric. Even in His neighbour, Bhika Borode, has also placed his three acres under cash crops and grows

brinjals, onions and lucerne Even in Lonivarni, a chronic drought-affected village district, a farmer, Venubai Sahibrao Salunke, grows a combination of chillies, carrots and lucerne on the rrigated portion of family holding — despite the fact that each year half her family has to migrate to the cane areas in

Ahmednagar district in search of

DIESEL OIL

work.

This is the only way she can pay for the cost of the diesel oil for her pumping set. Were grow cereals for personal consumption she would be unable to meet she borrowed to dig the well. Much the same pattern can throughout areas of Nasik, Marathwada, Ahmednagar and Sholapur. The reasons are not far to seek. An irrigated acre under jowar cannot but fetch a net income of Rs. 500, whereas an acre of potatoes, onions or bananas can yield a net income of as much as Rs.

But how far can this pattern he extended? The market for vegetbles is essentially limited and production must be carried out in areas close to the major consumer centres. This apart, the notorious price fluctuations make investment overheads extremely risky and can not be expected to stimulate the spread of irrigation beyond a

An alternative to vegetables is the new, irrigated H-4 cotton which yields as much as 15 quintals per acre and a net income of over Rs 2,000. But the Maharashtra farmer has yet to cultivate it extensively. Its potential remains unknown, and besides it is subject to much the same price fluctuations that play havoc with the vegetable growers of Nasik.

Against this background, the only ment programme with a steady and viable stimulus. Its success stands devastated countryside. They not only continue to provide their farthe drought-ridden areas. Together irrigation the cost of

intensive erful catalyst in many different ways. It buys the farmer's cane at guaranteed prices, thereby solving his single most important pro-blem. It assists its members and other farmers in the area to obtain credit from the banking system to meet their crop-loan requirements and their long-term investments in wells, pumping sets and machinery, companies with branches all over which in turn further increase the which in turn further increase the the U.K., New York, Can irrigated acreage and reduce the Australia and South Africa,

> substantial advances to their mem-Nasik district the co-operative sugar several hotels. He is also a highly factory alone has promoted the de-successful TV tycoon. His television velopment of a large minor irri-gation programme which includes gether with radio interests in 10 0,000 pumping sets. This has, in turn, provided the base for a second sugar factory which is soon to be established nearby. The cooperative sugar factory at Rethra in Satara district has been responsible for extending irrigation by almost 20.000 acres, which now produce enough cane for two more situation in which industrialists and new sugar factories in the same businessmen having other interests areas. This chain reaction has been repeated all over Maharashtra in Sangli, Kolhapur, Poona or Ah-

In comparison, the Small Farmer' a mere 500 acres. Over 95 per of the members of the cofrom the S.F.D.A., yet they have been able to move forward at a much faster pace simply because they have a guaranteed market.

CLAMOUR

Maharashtra's irrigation develop-licences as a base for expansion. is the only crop which can stimuout more clearly today than ever belate investment in irrigation on a Performance Scrutiny Board than age the hawks once again, the cane areas are the sole scale large enough to deal with the qualifications negatively under. An article in the same problem of drought. If the acreage scored by him for appointment to under it can be increased progressively it is not Maharashtra alone constituted. Both Mr. Tendulkar, oasis of prosperity in an otherwise problem of drought. If the acreage mers with a secure income but also that stands to benefit, but the whole employ thousands of families from of India. Despite the high cost of with their bullock carts they earn sugar in this state is far below that between Rs. 5 and Rs. 9 per day of manufacturing it anywhere else by harvesting and transporting over in the country. It is now up to the ten million tonnes of cane from Centre to relax the licensing system

ravages of recurring drought. When they fail to obtain loans of the world, block-making com-from banks they themselves make

Development Agency covering an area of nine tehsils in Thana and Nasik districts has in the last two years managed to promote only 130 pumping sets, to command at best operative sugar factories own no more land than those who benefit appears to miss the crucial import

No wonder, then, that there is a ast clamour throughout Maharashtra for more sugar factories. As far back as five years ago a cooperative society in Sholapur succeeded in collecting Rs. 40 lakhs ively interpreted by the censors. It as share capital from local farmers is this which the Khosla Commission as share capital from local farmers even before it had received a licence to set up a sugar factory. Farmers to undertake. What, I think, is imin Ahmednagar, Aurangabad, Kolhapur and Sholapur have been so keen to provide themselves with a pertinent reference to the precedent guaranteed sale point for their cane set by the Supreme Court verdict that they have even purchased old in the case of K. Ahmed vs. the

UNDERWATER U-2?

it began has gone largely, though

But they had to contend with in Brussels and the

also been anxious not to fall foul of the Soviet Union's mounting naval power. It therefore wanted to steer middle course over the violation of its territorial waters by re-monstrating with the Russians in perhaps be explained by the special off the hook?

private while doing everything pos- nature of the Sognefjord in which sible in public to minimise the bitterness. But the men at NATO's naval

command were furious, They saw red at the very thought that the Russians seemed able to patrol heir backwaters with impunity. They wanted a major row, angrily dismissing the suggestion that the 'intruder" may have been nothing more than a whale. "Bah! show us a whale with a periscope" they

Experts

NATO experts indeed insisted that they had identified the offending submarine as a Russian-buil Whiskey, although they could no swear that it was flying the Russian flag.

The Russians not only denied the charge indignantly but alleg ed that the Pentagon and the CIA might have been up to some ocation" to jeopardise the Helsinki meet.
If the Whiskey was really in

it is said to have been detected Stretching 120 miles into Norweterritory, this fjord is an gian place for hiding underwater ballistic missiles aimed at Leningrad and Moscow. The Russians are human enough to want to make sure from time to time that this does not happen.

On the other hand, it is quite: possible that the Russians were nowhere near Sognefjord and the CIA had some peculiar fish of its own to fry.

At any rate, both sides are vehemently blaming each other and protesting their own innocence, while behind the scenes at Helsinki hitterness has begun to mount.

Suggestion

Hasty Retreat

On The Increase

Many thanks to Le Monde therefore for coming out with a constructive suggestion;

Why shouldn't Switzerland, with its tradition of neutrality and passionate attachment to peace, it says, own up the offending sub-marine and thus take everyone else

Current Topics

India Services Regulations (Indemnity) Bill through the house and then had to beat a hasty retreat

It is significant but not surprising that several Congress members joined the protest against the bill not saying a word about whether that seeks to validate retroactively or not the chairman's supposition ministry state. has been placing before Parliament only the "rules' made under the All-India Services Act but not the regulations". Now by a legal sleight of hand it is trying to preall such regulations would be deemed to have been

have either the time or the inclination to scrutinise all that the exeshould legitimately be placed be-fore them at least for formal ap-

Waiting For Henry

negotiators are not the only ones waiting for Mr. Henry Kissinger. So are his Harvard who gave him leave for two years-the maximum permissible period-but have patiently waitropean Economic Community addition to drawing the atten- whether he wishes to return to the

After Mr. Kissinger's reappointtangible fruit of this country's conceived by managements as ment as President Nixon's principal so widespread that people in some

He seems to believe that Mr Kissinger might yet want to return to teaching immediately peace agreement on Viet Nam. He is therefore keeping "friend Hen-ry's" chair vacant for some more time. Meanwhile Mr. Kissinger is

Soaring Crime

SOME months ago more than 1,000 professional criminals in 1,000 professional criminals in Bihar surrendered to the authorities. The event was described in official circles as a major break through in the fight against crime But as far as one can see, it has made little difference to the genera law and order situation. According to a report in a leading Patna newspaper, dacoities in the Nawadah area have increased to such an extent that road journeys after dusk have become unsafe. As many as 14 highway robberies were com mitted in the last two months

One major reason for the soar ing crime wave in Bihar is to be ound in the collusion between and influential lawless elements politicians. Though police stations are being opened in rural areas, the situation has not improved because district officials are reluctant to take firm action against criminals. It also appears for anti-dacoity operations gone into the wrong hands. The

"professional" eggars compulsorily in order to keep their numbers down. The use of compulsion in a free society

down a proposal in

Unfair Proposal

THE Union minister for family

specially in an area as intimate as his, is a highly debatable matter. But even assuming that coercion were to be employed, why should beggars be singled out? Nine out of ten people who seek alms in India do so not in preference to working but because they have no work to do. Why should they be considered a special target for sterilisation just because they are unemployed for no fault of their By "professional" mendicancy

meant, presumably, those who shoose to beg even if they are able get a job and those who run pro "employing" itable rackets by beggars and taking away the major part of their daily pickings. For such racketeers, stiff punishment, including an extended jail term, would be a better deterrent than beg for rather than earn a living with outstretched hands.

Old Hand

A man bought a parrot and tried to teach it to talk. Going over to the bird he repeated for several minutes the words "Hello, hello!"
At the end of the lesson the par-Instead of rot opened one eye and answered

READERS' VIEWS

Press Baron

To The Editor, The Times of India

Sir,-To those in the highest positions in the government, who are constantly worried about press monopoly, the following facts should prove quite revealing.

press baron

The international

Lord Thompson, a self-made millionaire, today owns 200 newspaper spread over 10 countries, 191 mis-cellaneous publications, 7 book printing companies in 6 countries ance companies, 11 transport com-In the Niphad taluka of panies, the Britannia Airways and different countries.

In spite of this, the monopoly press baron is never accused of having exploited his position. Recently, the Prime Minister of India, while defending the Press Bill, had stated that in no other country of the world there exists a also own newspaper chains. With due respect, this is not the correct factual position.

(Dr.) R. C. COOPER Bombay, December 2.

Broad Guidelines

Fo The Editor, The Times of India Sir,-Your editorial. 'Playwright's

Win, howsoever well-intentioned

of Mr. Justice Kania's judgment in the Sakharani Binder case. important thing in rationalising censorship, whether of films or of tage performances, is not so much the inevitability of appointing what traditional leader-writers customarily like to call members. It is, rather, the laying down of precise and unambiguous norms which can then be objectsion on film censorship was asked portant in the Bombay High Court judgment. (which, in turn, makes a ray of hope comes from the sugar and uneconomic private-sector Union Government) is more the industry. It alone can provide units merely in order to use their broad guidelines laid down by Mr. cences as a base for expansion.

Justice Kania towards such a rethe past for challenging India military responsion of the rules governing the tarily. But the only outcome of Stage such speeches would be to encourlocus standi of the state's the playwright, and Mr. Kamlakar high cost of producing below that Statements) by making out that the statements) by making out that the statements by making out that the statements and also type of "reputable actors.....who have the moral breadth, etc." suggested by you will necessarily act any differently from most members solve of the board in the absence of a highly precise, consistent and rational code.

> DNYANESHWAR NADKARNI Bombay, December 5.

Bombay's Case To The Editor, The Times of India

Sir,-The government of Mahaashtra spends more than Rs. 100 crores annually on education, from which the Bombay municipal corporation is allotted only Rs. 78 lakhs, i.e. less than one per cent. of the total expenditure! Bombay gives to the government of Maharashtra Rs. 4.05 crores as taxes for educational purposes alone, against which the grant received by the B.M.C. is a mere 17 per cent. of

The population of Bombay is 50 lakhs (15 p.c. of the total population of Maharashtra), from which lakh students study in 1.070 schools run by the Bombay Municipal Corporation. It is also to be remembered that Bombay pays Rs. 500 crores in the form of various taxes to the Central government and also pays Rs. 80 crores to the Maharashtra government.

this amount.

Considering these facts, the demand of the corporation for more aid by way of grants is justified.

HUSAIN E. BEGUWALA Bombay, December 2.

Uganda Asians To The Editor, The Times of India

Sir,-Uganda Asians have become refugees overnight. Most of those to district officials to deal with who have arrived in India are penniless and it will be difficult fo them to settle down unless the government comes to their rescue. It would be advisable to appoint a planning. Mr. Uma Shankar Dikshit, was perfectly right to turn committee under the chairmanship of the External Affairs Minister

to go into this question. Most of the Asians from East Africa are skilled and successful business people.

Uganda Asians should be giver 100 per cent. loans against their insurance policies with the which are both in rupees Uganda currency. If they get import licences, land at concessional rates and priority in industrial licences they will help both themselves and the country.

G. J. DATTANI Bombay, December 2.

Anecdotes

To The Editor, The Times of India Sir,-For the last 10 years I have

been collecting interesting anecdotes from the lives of politicians of different countries from various soursterilisation. Those who prefer to ces. Some of their witty remarks exchanged in the legislatures have are likely to have such an attitude also been collected. All these have because prolonged idleness has fos- to be printed in book form, but Once they are put to the collection is still incomplete. work, it should not be long before The readers are requested to send their restored self-respect prevents me any anecdotes, witty remarks them from standing on the screets and epigrams that they might know about the lives of foreign and Indian leaders, past or present, so that these can be included in the proposed publication. Proper acknowledgement of the sources of information will be given in the book

JAG PARVESH CHANDRA Deputy Chairman Metropolitan Council. Delhi, November 28.

told President Bhutto

Since Pakistan stands

to argue about Thako Chak.

exposed government."

The Scarchlight of Patna

delineation tangle should be

last meeting for the purpose.

quite specially that the second meet-

ing between the Indian and Pakis-

tani chiefs of staff to resolve the

Taking a similar line, Rushtra

door of Jaipur suggests that Mr

Bhutto and General Tikka Khan

should evolve a formula acceptable

to India before the two army chiefs

solution "may be difficult but not

impossible" to evolve since both

parties seem keen on a settlement

tic. It criticises Mr. Bhutto for fail

says he will have to bear the con-

sequences of the difficulties that

have come in the way of implemen-

According to Deccan Herald of Bangalore, Mr. Bhutto "appears to

be playing for time and hoping

Several papers have taken note

Describing such talk as foolhar

dy. The Mail of Madras points out

An article in the same paper by

that Pakistan had more than made

Mr. Rikhye's sources are unclear

tani army actually had 20 divisions

before the war (as against the insti-

up for those lost in Bangladesh.

As for the Pakistan air force, he

gives figures of transfers from other

the war, and that it was far stronger

even then than the inst

ting the Simla agreement

pretends not to know his

will give in".

Rajasthan Patrika is less optimis

fined by New Delhi or forget about

FROM THE NATIONAL' Take it or leave it

THE exchange of prisoners-of-war of rival proceedings being conduc-1 captured on the western front ted simultaneously and the promise to release several Nadu assembly. But there is unanithousand innocent civilians by mity on the conclusion that it has either side has not helped to reduce gravely injured the prestige of the the tension between Pakistan and parliamentary process. this country.

"the

According to The National He-rald, "The extraordinary develop-In fact, as Generals Maneckshaw ments in the Tamil Nadu assembly and Tikka Khan prepare to meet again, more and more commenleading to the speaker and the deputy speaker presiding simultaneously tators suggest that this should be and conducting parallel proceedings. the last such meeting, at any level, Almost without exception, they feel each ordering the expunction of the it is high time that the government proceedings conducted by the other. either to can have no parallel. take the Simla package deal as de-

"It cannot be that the DMK, of whatever kind." it adds sarcastically, "wants to put an end to parliamentary democracy in Tamil Nadu much more than India by implein the name of fighting over the heritage of Annadurai.'

menting the agreement, they see From Bangalore, Prajavani says that the episode "should cause conno reason to allow Mr. Bhutto or General Tikka Khan to continue cern to everyone who has faith in For instance, Link urges Mr the future of democracy in the Bhutto "to give up pretending to be some kind of conqueror when been held up to ridicule." be some kind of conqueror when While agreeing in this respect, the in actual fact he can speak only on behalf of a beaten army and an

two papers take opposite positions in allocating blame. The Herald criticises the opposition and advises it to "try to retreat to the path of constitutionalism....With every neident, Mr. Karunanidhi has so far shown that the majority of members of the house have been on

But Prajavani feels that it was for he government to uphold constituional and democratic practices. If had shown some patience, the unpleasant episode could have been

From the same state Samyukta Karnatak trics to steer a middle course: "Constitutional pundits and lovers of democracy did not ap-prove of Mr. Mathialagan's decision to adjourn the assembly. But the parallel proceedings house, initiated by the DMK cannot be approved either." Duniva of Indore says much the

that India, sick and tired of trying Indian Nation of Patna to do business with a man who the point that the DMK's majority mind. does not protect it from blame. In fact, this made its actions reprehensible." Since it had a majority, "why could it not allow the no-confidence motion against it to of a speech by Mr. Bhutto in which be talked out?" After this, it could he talked of "revenge". Calcutta's have taken up the no-confidence Ananda Bazar Patrika says that move against the Speaker. India cannot afford to be uncon-In view of such misbehaviour, is

advocates President's rule for the state. But Swatantra Bharat of, dy. The Mail of Madras points out Lucknow is equally sure that "any that Pakistan has paid heavily in demand for Central intervention in Tamil Nadu would be inappropriate as long as the DMK enjoys a ma-From Jaipur, Rajasthan Patrika

focusses the responsibility for the Tamil Nadu incident on the Anna Ravi Rikhye endorses the Patrika's Tamil Nadu incident on the Anna fears. The writer insists that the DMK and other opposition parties. figures of Pakistan's military stren-Among them, it singles out the gth put out before the 14-day war ongress as particularly worthy for encouraging undemocra-Strategic Studies in London were tic acts. far less than the actual and also Rashtradooi echoes these sentiments and insists that there is no

up for the losses it suffered in the cause for Central intervention. After blaming both sides, Juganar of Calcutta takes the line that but he is positive that the Pakisthe Speaker had been authoritarian in ignoring the reality of the DMK's majority. It suggests that norms be tute figure of 14) and has raised evolved soon to avert the possibility fresh divisions since then to make of a similar episode recurring else-

The Pioneer of Lucknow is also countries to maintain that it is than the past. It suggests that the better equipped today than before next speakers' conference give priority to evolving healthy conven-tions on the functioning of legislatures, their relations with government and the authority of speakers.

Opinions differ on who was pri marily responsible for the spectacle

Palkhivala calls Article 31 (C) a 'monstrous outrage on Constitution'

NEW DELHI, December 7.

on the Constitution," and said it was doubtful if even the members who had voted for it had ever realised the full legal implications of the amendment. He was arguing before the supreme Court bench of 13 judges

hearing petitions challenging the am endment, which purports to place out side the court jurisdiction social legis lation against concentration of wealth and for redistribution of wealth. LEGAL EFFECT

Discussing the legal effect and con

equences of the new Article 31 C inerted into the Constitution, counse for petitioners said there was "a fine but vital distinction" between two cases in the structure of the article. First, fundamental rights are amend d to permit laws to be validly passed which would have been void the amendment, and, secondly, fundamental rights remain unamende but the laws which are void as offending those rights are validated by legal fiction that they shall not be leemed to be void.

The question was not one merelof legislative device, Mr. Palkhivala submitted. In the first case, the law was constitutional in reality. In the second, the law was unconstitutional in reality but was deemed by a fiction of law not to be void, with the result hat "constitution-breaking laws are validated and there is a repudiation or abrogation of the constitution

as an amending device, he said, logi-cally it would be equally permissible to have an article like "notwithstanding anything contained in the Constitution, no law passed by parliament or any state legislature shall be deemed to be void on any ground whatever." The insertion of only one such article would "toll the death-knell of the Constitution. Some of the judges remarked that

the provision seemed to be sweeping, that it covered all types of property, and perhaps it could in-clude eyen professionals like mem-bers of the year. The accumulatwealth of a library could also be distributed. The exemption from cour scrutiny might even extend to ordi nances by governors.

RESUMED ARGUMENTS Mr. Palkhivala remarked that he

ould more than make good "the firs

reactions of your lordships. "In fact, if there was ever a mons trous outrage on the Constitution, is this article 31 (C)," he said. In his resumed arguments this morn ing, Mr. Palkhivala contended that the 24th Constitution amendment, by which

parliament has asserted its right t mend any part of the Constitution in cluding fundamental rights, was void even if the court were to hold that the 'Golaknath case' was not decided

MR. N. A. Palkhivala described submitted it was open to the petition- er to say now that every fundamental right was an exsential feature of the ing he wished to vindicate, counsel Constitution and, therefore, although the 13 (2) bar could be lifted so as to permit abridgement, no abridgement of any right could go to the extent of damaging or destroying the core or essence of the right.

To a query from the bench, Mr. Palkhivala affirmed he was, relying on the Golaknath judgment in its entire-

As "One in alternative to the other". however, he was invoking the doctrine of implied and inherent limitations on parliament's power to damage or desroy the fundamental rights, an "essence" of the Constitution, he sub-

GOLAKNATH VERDICT

In other words, assuming whichever way the court looked at the Golaknath verdict as being rightly decided or otherwise, the net effect would be the same-that the 24th amendment was void, Counsel maintained. For, he argued, even if the Cons-

itution had not expressly provided the

13 (2) bar, as in the United States and Canada, the court would still apply the inherent limitations on a creature of the Constitution to destroy the essence of the Constitution Asked if the doctrine could be applied in the face of an specifically lifting the bar, Mr. Palkhivala said it was a totally different natter. The inherent limitations owed their existence to the scheme of the

bar under Article 13 (2). The effect of lifting the bar would only he that parliament might amend the rights but could not damage or which case the doctrine would be invoked.

Constitution and owed nothing to the

Seeking to meet the point that the doctrine was something outside the constitution. Mr. Palkhivala said the President of India would be an allpowerful man if implied limitations were not invoked by reference to the expression "aid and advice" he gets from the cabinet. The "aid and advice" need not otherwise control or limit the power of a President, who is the supreme commander of the forces and who in terms of Article 53 could exercise his executive power either "directly" or through officers subordinate to him.-P.T.I.

U.N.I. adds: While counsel referred, after reading the clauses, to their pos-sible consequences, the chief justice said that it might hypothetically possible for the state, under the guisu bute even the books collected in a lib-

Mr. H. M. Scervai, counsel for the espondent Kerala government, was up on his fect. "Your lordships, I have not stated or implied, in my affidavit, any such dis-

astrous consequences, he said. "However, if any law so lays down, it would Independent of the 'Golaknath' rul- still be the law," he added.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.