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## 'MANTHAN' Monthly

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## Dear Reader :

Pranam !

This week we bring you something more than a formal review of Wali Khan's "*Facts are Facts : the Untold Story of India's Partition*"; we bring you the quintessence of that book. It proves conclusively that the Partition of India was an imperialist plot, of which the Muslims were enthusiastic but unwitting victims—along, of course, with the Hindus who were scandalised by the whole thing. **Wisdom**—Hindu and Muslim, Indian and Pakistani—demands that this continuing conspiracy is defeated. It is never too late.

We also bring you a professional appreciation of Justice Krishna Iyer. And then there is the story of the Swadeshi Movement; it goes back a century and a half !

This month's "Page From History" throws some light on the Indian roots of Egyptian civilization. It is said that people from the west coast of India went to Egypt, Greece etc.,—via an ancient canal, connecting the Red Sea to the Mediterranean, through the eastern-most channel of the Nile estuary ! These people were the Phoenicians ('Panis' of Rigveda ?) who lighted the lamp of culture in the Mediterranean littoral !

Truly, History is stranger than fiction.

Yours brotherly,  
'M'

## Wali Khan tells the "Untold Story of India's Partition"

In his book 'FACTS ARE FACTS; The untold Story of India's Partition', (Vikas, Pp. 182, Rs. 125) Wali Khan sets out to prove that the Partition of India was an imperialist conspiracy to weaken India on the one hand and encircle Russia on the other; and he proves it to the hilt.

In the beginning, and particularly after 1857, the British were very hostile to Muslims—and correspondingly friendly to Hindus. When, however, the Hindus, after 1905, began to talk of Swadeshi and Swarajya, the British became increasingly anti-Hindu and pro-Muslim. They were confirmed in this new policy by the realisation that while Hindus were confined to India, Muslims were spread from the Atlantic, across-Africa, Middle East and Asia, to the Pacific. Favouring Muslims in India, could help them in their relations with dozens of Muslim countries.

When, however, Hindus and Muslims united over the Khilafat issue in 1921, the British were stunned. But they soon set to work to divide Hindus and Muslims more than ever before. When the Khilafat Committee consisting of Muslims, asked people to resign government jobs, the British said it was a Hindu conspiracy to pocket what few jobs the Muslims had. The Nizam of Hyderabad was persuaded to issue a firman, dubbing the Khilafat Movement "anti-Muslim." When Gandhiji and Ali Brothers stormed the Aligarh Muslim University, the British staged a riot in Aligarh.

The failure of the Khilafat Movement, and the unfortunate withdrawal

of 1921 movement, led to much frustration, anger, and in-fighting. In his Sept. 21, 1922, note to the Secretary of State, the Viceroy, Lord Reading, gloated: "I have just sent you a telegram, which will show you, how near we have been to a complete break between Muslims and Hindus." On Jan 1, 1925, the Viceroy wrote to the Secretary of State: "The bridge Gandhiji had built to span the gulf between the Hindus and Moham-medans, has not only broken down but, I think, it has completely disappeared."

In this Operation Sabotage, the British were particularly helped by Mohammed Shafi and Fazli Hussain of the Punjab. After 1936 elections, Sikander Hayat, Chief Minister of Punjab, and Fazlul Huq, Chief Minister of Bengal, joined the Muslim League on the "advice" of the Viceroy.

The British tried to use Muslims, Harijans and Princes against the Freedom Movement. Gandhiji's Fast-unto-death, leading to Poona Pact with Dr. Ambedkar, made the Harijan card unavailable. And the Princes were too powerless and gutless to either support or oppose, either the Freedom Movement or the British. Secretary of State Amery moaned on Oct. 1, 1943: "It has been a real mistake of ours in the past not to encourage Indian Princes to marry English wives for a succession of generations and so breed a more virile type of a native ruler." Obviously he thought that Anglo-Indian products of such princely marriages would have been at once more assertive and more pro-British! However, racism—which forbade such mar-

## The real leader of the Muslim League was—the Viceroy !

riages—and self-respect, do not go together.

And so the British were left with only one card—the Muslim card; and they played it to the last round. On Feb. 2, 1931, the Viceroy told Fazli-Hussain that they must "build up a great organisation which might focus all constructive efforts to fight the Congress". The League, accordingly, prepared a scheme, "the financial aspect of which was the responsibility of the Princely states." (P. 8)

Since Jinnah at that stage was still not dancing to British tunes, the Muslim League was split. The pro-British Fazli-Shafi wing was now presided over by Iqbal, who was now favoured with a Rs. 500 monthly gift by the Nawab of Bhopal—by courtesy the British ! (Iqbal responded by singing of the Nawab as Sitara-i-Islam, the "star of Islam". Here was a Sir Sahab, singing for his supper.) Sikander Hayat, Chief Minister of the Punjab, was also sniping at Jinnah, to the intense delight of the Viceroy.

However, the out-break of World War II, changed all that. The Congress opposition to the war effort, very much irritated the British. The protest resignations of eight provincial Congress ministries were perceived as a slap in the British face. The British now decided to build up the Muslim League as an organisation united in its hatred of Hindus and Congress, and opposed to the unity and independence of India. And when the British decided to treat Jinnah on

par with Gandhi, the former agreed to toe the British line. The fate of India's unity was sealed.

When the Muslim League offered to promote British policy, the British Government responded by bringing all the Muslims under the banner of the Muslim League. On 5 October 1939, the Viceroy wrote : "He (Jinnah) thanked me with much graciousness for what I had done to assist him in keeping his party together and expressed great gratitude for this." (21) Notes Wali Khan : "The party was Jinnah's, but keeping it together was the Viceroy's responsibility."

At this same meeting, the Viceroy said that Jinnah complained bitterly about the excesses committed by the Congress Governments against the Muslims. The Viceroy replied that, to the best of his knowledge, no excess had been committed. As a matter of fact, he added, this feeling may be an outcome of the Muslim League paranoia. To this, Jinnah replied that one example of excess was the Frontier Government ruling that Hindi should be made a compulsory subject in all schools.

Says Wali Khan : "The above statement has no semblance of truth. Jinnah had to scratch around to find proof of his allegation. But he could not have selected a more absurd example. The Frontier Government had declared a compulsory language, but it happened to be Pashtu. Perhaps Jinnah, being so out of touch with real India, could not tell the difference between Hindi and Pashtu."

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Incidentally, all Indian languages were more or less Greek to Mr. Jinnah. Gandhiji once wrote to him a letter in Gujarati with a copy in Urdu. Jinnah confessed he didn't understand either of them well enough.

However, the British were not content with the League saying 'no' to whatever the Congress said; they wanted it to make a "positive" demand of its own. On Feb. 20, 1940, Jinnah met the Viceroy and "opened the proceedings by asking me what were we to do, assuming that 'we' meant Muslim League. The Viceroy was annoyed that here was an Indian party, seeking advice from its colonial masters. But the Viceroy was hardly the man to disappoint him. 'At the risk of wearing him, I was bound to repeat that it was quite useless to appeal for support in Great Britain for a party whose policy was one of sheer negation.'" (25)

The "positive" policy, Jinnah and the Viceroy agreed on, was that the League should demand Pakistan! On March 12, 1940, the Viceroy informed the Secretary of State: "Upon my instruction, Zafrullah wrote a memorandum on the subject, Two Dominion States. I have also thanked him for further clarification which, he says, is forthcoming. He is anxious, however, that no one should find out that he has prepared this plan". (29)

Zafrullah was a Qadiani, a dissident Muslim sect, that was inspired by the British in the Punjab in the last

century. Qadianis were, therefore, consistently pro-British. It was this 'Two Dominion States' Memorandum that was adopted by the Muslim League at Lahore as its Pakistan resolution on March 23, 1940!

When in May 1940, over a hundred independent Muslim leaders met in Delhi and took a reasonable line, the Viceroy refused to take note of them. On May 14, he wrote to the Secretary of State: "I attach no particular importance to the Delhi Conference of the Muslims which took place a few days ago. It has been well-organised and the British press machine has written it up admirably.....We both are, of course, aware that there is a not unimportant Muslim element outside the Muslim League...indeed, I am sure that Jinnah remains the man to deal with on the Muslim side."

The Khaksars offered to help the war effort by recruiting 50,000 soldiers. But the Viceroy refused even to answer their telegram; they had decided on Jinnah as the sole representative of Indian Muslims, on their own terms!

Nationalist Muslims led by Allah Bux Soomro, Chief Minister of Sind, and member of Viceroy's Defence Council, met again in Delhi in 1941. They made some constitutional proposals and asked for the release of Nehru and Azad. But the Viceroy refused to deal with him. In his letter dated 11 October 1941, the Viceroy wrote an account of their altercation on this issue: "He ask-

### *The British commissioned Zafrullah to prepare the Pakistan Plan*

## *The British asked the Punjab Premier not to leave the League*

ed me, "When am I likely to hear about your decision?" I replied, "You will hear nothing. You are not one of my Advisers, but the Prime Minister of Sind. I have not the least intention of telling you how I propose to handle my business, and I trust you understand that". He said "You are very frank", I said, "I am bound to be frank. This is my business and my responsibility." (36)

Remarks Wali Khan: "I twas ironical that the Viceroy of India did not allow a member of his own Defence Council the right to receive feedback on his proposals. On the contrary, he personally consulted the leaders of the Muslim League on national and political issues. His manner of speaking to a national leader was most offensive. The British spared no effort to make it clear to all Muslims that unless they paid homage to Jinnah, they would remain non-entities for them."

Seeing all this, Jinnah began to become too big even for the big boots given him by the British. He asked for League ministries to be set up in Hindu-majority provinces. By making this demand, Jinnah incurred temporary displeasure of the British. The Viceroy wrote on 10 July 1940: "I hope that Jinnah will not continue to press his extravagant claim. If he does, I think myself, that we may definitely have to consider whether we should continue the efforts which I so far have made, to keep the Muslims together." When word got round that the British were annoyed with Jinnah, every Muslim leader started offering his

services'. The Viceroy wrote about such an offer by the Chief Minister of the Nizam of Hyderabad, Sir Akbar Hydari. The letter is dated 29 August 1940: "You may be amused to hear that Hydari, during our conversation a few days ago, coyly hinted to me, that if there should be trouble with Jinnah and Muslim League, there was, at any rate, a very prominent Muslim, who could steer the country through the troubled waters that may lie ahead." The Viceroy said that he thanked him, saying that the Nizam's leadership was more suited to Hydari of Hyderabad. Notes Wali Khan "These were lovers' quarrels an old habit of political gamesters." (32)

In his March 1, 1941 letter to the Secretary of State, the Viceroy wrote that Sikander Hayat told him that there was a difference of opinion between him and the Muslim League Working Committee on the question of Pakistan. He expressed his desire to resign from the Committee. The Viceroy sent a message to the Punjab Governor, Sir Henry Craik, to stop Sikander Hayat from resigning. "This is not the moment at which I want to see any split in the Muslim League. I think it is very important (tiresome, as its activities may be in some ways) to maintain it as a solid political entity." He then spells his interest in keeping the party intact: "That is more desirable since we are moving into the next phase of Gandhi Satyagraha campaign, and any fissure in the Muslim ranks, more particularly over this vital question of Pakistan . . . would be a very great encouragement to the anti-war party and might well

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make our position in dealing with Satyagraha more difficult". (35)

In January 1942, Chiang Kai-shek visited India to help bridge British-Congress differences. The Viceroy wrote to the Secretary of State on Jan. 26, 1942: "I know you would at once take the point of his seeing Jinnah as well as the other two. I shall have to coax him to receive the Head of the Muslim League, whether he feels inclined or not." The British were carrying Congress-League and Gandhi-Jinnah "equality" to imperial lengths. As Jinnah was happy to reveal to his colleagues at the meeting held in Lahore, which approved the creation of Pakistan until then the Viceroy thought Gandhi was all in all. But now he sang a different tune. "After the war (began) I was treated on the same basis as Mr. Gandhi. I was wonderstruck why all of a sudden I was promoted and given a place side by side with Mr Gandhi."

Gandhiji saw through the British game. On April 24, 1943, therefore, he addressed a letter to Jinnah in which he said the British could transfer power to him. But the British had no intention of transferring power—certainly not to a united India—whether under Gandhi or under Jinnah. Jinnah had said that the British dare not stop a letter addressed to him. But the British did exactly that—on Churchill's personal orders. And Jinnah not only pocketed the insult, he came to the defence of the British by saying that there was no question of entering into correspondence with Gandhi so long as he did not call off the Quit India policy!

On June 1, 1943, the Viceroy gratefully welcomed Jinnah's response as "a very valuable advance."

One of the bigger worries of the British was NWFP. Here was a 93% Muslim province, which had a Congress majority, and not a single League MLA! It was a complete and standing refutation of Jinnah's claim as sole representative of Muslims.

More. The British were planning to put an Islamic and anti-Communist ring around the soft under-belly of Russia. The ring would have a gaping hold in it, with an anti-British and anti-League NWFP. So the British and Mr. Jinnah decided that NWFP must have a League ministry. And for this, the ground must be prepared by buying Mullah support through Khan Bahadurs. Khan Bahadur Kuli Khan, who had been defeated by the pro-Congress Khudai Khidmatgar in the 1936 elections, was chosen as the chief British agent. Writes Wali Khan: "Cunningham wrote that Kuli Khan was being used as the Mullah liaison. He was commissioned to work secretly with the tribal Mullahs and with others who were not prepared to come out in open support."

Cunningham records that he persuaded the leaders of the Jamiat-ul-Ulema-e-Sarhad to go to Waziristan and convince Faqir Ipi that since the British were at war against the Germans and Italians, the Faqir should not bother them because they were now fighting against an infidel race. Their war, in its own way, was a Jihad; therefore Faqir's Jihad against them

### *How Jinnah and Cunningham gave NWFP a League Ministry*

## Buying Mullahs for Rs. 10-15 a month !

should be called off. The British were conducting this intrigue with utmost secrecy. Their enemies had no suspicion that such documents and letters were being exchanged. Cunningham was happy that Faqir's deputy, Mohammad Waris', letter written to Jamiat-ul-Ulema-e-Sarhad was friendly in tone. It became evident that Faqir and his companions had no inkling that the Mullahs were accomplices of the British, with explicit instructions from them.

The smaller Mullahs were handed to the local Khans. Those slightly superior in rank reported through the Deputy Commissioners. The senior ones had a direct line to the Governor, Cunningham, who wrote: "I have not been in touch with any of the smaller Mullahs myself. I have done it through the following agents with whom practically all my connections have been verbal; as little is put on paper as possible. Ghulam Haider of herpao village told me that he thought he could work through about nine or ten Mullahs, including those of the following villages: Razzar, Kot Tarnab, Tongi, Utmanzai and Umorzai later Prang and Charsadda.

Cunningham wrote that he had asked Ghulam Haider of Sherpao village to meet each Mullah on an individual basis, prepare him to serve the true cause of Islam, give him forty-fifty rupees, tell him that he will receive another visit after four months, at which time he should be prepared to brief the authorities about his activities to-date. Cunningham said that he had given Ghulam Haider of Sherpao village Rs. 600. The list of

Mullahs from districts Naushera and Peshwar was handed to the Deputy Commissioner, Iskander Mirza.

The Mullahs of Swat, Bancer, Mardan and Rani Zai were the responsibility of the Prime Minister of Swat, Hazrat Ali. Cunningham wrote, "The Wazir-i-Azam (Hazrat Ali of Swat) sent me a list of the Mullahs through whom he is working. He is paying them an average of

(Continued on page 35)

### Jinnah's Arrogance

Mr. Jinnah could be quite ill-mannered. At the Simla Conference in 1945, he refused to shake hands with Maulana Azad, Congress President.

When, on Aug. 4, 1947, Mountbatten reached Karachi to inaugurate Pakistan, Jinnah did not go to receive him at the airport. (Nor did Liaquat Ali.) Mountbatten was received only by the Governor of Sind.

At the inauguration of Pakistan, Jinnah wanted a higher chair than Mountbatten's. But the British told him that he would become Governor-General of Pakistan only after Mountbatten had administered to him the oath of office. And, in any case, until Aug 15, Mountbatten was Viceroy, and Viceroy was greater than Governor-General.

Also Jinnah was so arrogant that when Iskander Mirza asked him to show some consideration to Muslim League leaders who had helped in the creation of Pakistan, Jinnah replied: "Who told you that the Muslim League brought in Pakistan? I brought in Pakistan with my stenographer."

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## While Subba Rao's Chief Concern Was 'Fundamental Rights', Krishna Iyer's Was, The Poor

Here is the second and concluding part of F.S. Nariman's, C.K. Daphtary Memorial Lecture, 'The Judiciary and the role of the Path-finders'.

—Editor

MR. JUSTICE KRISHNA IYER was responsible for, and in turn inspired, a new thrust, a new direction, for the Supreme Court. He helped to humanise the legal system, particularly in the field of criminal jurisprudence and jail reform. He extended the frontiers of the accountability of the State and its instrumentalities in their ever expanding operations. He often strayed from the beaten path of the law, spinning his own "cocoon of jurisprudence", inspired obviously by the fact that, in dispensing justice, the answer to the question "what result is best for the country?" is not always consistent with the response obtained by asking: "what is the decision according to law?" He thus treated—and so inspired other judges to treat—binding decisions as no more than decisions applicable to the facts of that particular case. To attempt an assessment of Justice Krishna Iyer through his judgments (as in the case of Subba Rao) would not, therefore, be a correct approach. This judge, more than any other, by his wordy and sometimes seemingly irrelevant judgments, made other judges think. Even when he was writing a majority judgement he made provision (as in a minority opinion) for the "brooding spirit of the future".

In a scholarly article which I read sometime ago, the author asked: "What is the point of a judgment including

passages which are, on the judge's own admission, irrelevant?" And the answer was that there are diverse audiences to whom judicial opinions are addressed. Some judges (in their judgments) are constantly explaining their decisions to litigants, and their lawyers and to succeeding generations of judges. So it is with the judgments of Krishna Iyer. He is also the originator of introducing into judicial pronouncements "The Purple Patch": it is not uncommon with some judges; the phrase is explained by Lord Denning in his latest book:

"When you are covering, as with a garment, some weighty or important matter, you should sew on one or two purple passages so as to attract the attention of those who are unfamiliar with it."

Krishna Iyer's judgements are strewn with "purple patches."

He made no secret of the fact that a judge must have a social philosophy and a humane approach to legal problems. Whilst Subba Rao had an obsessive concern with fundamental rights, Krishna Iyer's concern was broader—for the poor and down-trodden. He carved out a special entrance for the destitute in the somewhat formidable portals of the Supreme Court. Along with Justice Bhagwati, he gave a new dimension to Articles in the Fundamental Rights Chapter which had hardly received attention from the Court. The rights against exploitation in Art. 23 were, under his stewardship, enforced and given meaning.

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was so arrogant nder Mirza asked e consideration to e leaders who had ation of Pakistan, "Who told you League brought in ught in Pakistan pper."

## How he handled Mrs. Gandhi's Election case in June 1975

And then he had that abiding quality of a great Judge: he was fearless. Whilst still a junior puisne Judge in the Supreme Court within two years of his elevation from the Law Commission to the highest court, he sat as a Vacation Judge during the Summer Recess of 1955. It was destined to be the most historic Summer Recess of the Court. Mrs. Gandhi had lost the Election Petition filed against her by Mr. Raj Narain in the High Court of Allahabad. The High Court Judge ruled that she had forfeited her seat in the Lok Sabha. She sought an absolute stay of the judgment and order.

The matter was argued before Krishna Iyer J., the Vacation Judge. He could have passed the buck, granting an absolute stay till the reopening of the Court when a Bench of three or five Judges could have finally heard the application. But he did not flinch. Sitting singly, and so taking the entire odium on himself, he passed an Order granting only a limited stay, consistent with the practice of the Supreme Court in all election appeals. He ordered that whilst Mrs. Gandhi as Prime Minister could speak in either House of Parliament (so long as she filled that office), Mrs. Gandhi as a Member of Parliament could not vote nor participate in proceedings of Lok Sabha, since she had been unseated by the judgement of a competent Court. India's constitutional historian Mr. H.M. Seervai (otherwise critical of Justice Krishna Iyer and many of his judgements) has this to say of the period just before the declaration of Emergency: (what he called the

First Period):

"Of the first period, the historian will say that the Supreme Court moved towards its finest hour, a day before the Proclamation of Emergency, when on 24th June, 1975, Krishna Iyer J., following judicial precedents, rejected an application made by Mrs. Gandhi that the Allahabad High Court's Order, finding her guilty of corrupt election practices and disqualifying her for six years, should be totally suspended. In the best traditions of the judiciary, Krishna Iyer J. granted a conditional stay of the Order under appeal, although he had been reminded by her eminent Counsel Mr. N.A. Palkhivala, "that the nation was solidly behind (her) as Prime Minister" and that "there were momentous consequences, disastrous to the country, if anything less than the total suspension of the order under appeal were made."

(Seervai's *Constitution of India* Vol I. 3rd Edn. P. 1018.)

Great praise indeed. But then Krishna Iyer always did what he thought was right; he never bothered about the consequences. In the *Bangalore Water Supply case*: (AIR 1978 SC 548) he deliberately widened the spectrum of what was meant by the word "industry" under Sec. 2 (j) of the Industrial Disputes Act, 1947, overruling what the Supreme Court had previously and almost consistently said about this word and its restricted interpretation and carrying six of his colleagues with him.

When Parliament intervened to re-define narrowly the term "industry" in the Act, almost nullifying his judgement, the amendment did not bother him. His approach in this, as in all matters, was

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influenced only by his own sense of the dominant need of the times. In the same case, after noticing the rival contentions of counsel for each of the parties he said :

"Is it not obvious from these rival thought-ways that law is value-loaded, that social philosophy is an inarticulate interpretative tool? This is inescapable in any school of jurisprudence."

Law to him was "value-loaded".

His social philosophy was more than an interpretative tool. It has been the mainspring of almost all his judicial dicta. He founded this new "school of jurisprudence," which had many adherents. It still has.

A Judge carries with him biases and prejudices (his "can't helps", as Justice Holmes called them), so with Justice Krishna Iyer and the adherents to his school of thought. He always believed that the assertion made in the United States that the Supreme Court is a political institution applied as much to India as to the United States. "Law without politics is blind," he once said; "politics without law is deaf."

He would rather do justice, overriding law, than administer what he believed was injustice according to law. After retirement he said "the myth is that courts of law administer justice; the truth is that they are agents of injustice". He thus widely influenced some judges to do justice according to their whim, in disregard of law. In this he did a disservice to the adherents of his school of thought.

Concepts of justice vary and some judges sitting in various Courts in the country, without his legal acumen, a d not endowed with his extra-ordinary faculty for distinguishing right from the wrong, have attempted to emulate him; they have failed. Their experiments in imitation have been disastrous—and the blame is laid at the door of Krishna Iyer.

Some have attempted to ape his style and use four-syllable words where even one would do. Such persons have failed to realise that Krishna Iyer always regarded language as a vehicle for ideas, and if the manifold ideas in his fertile brain could not be expressed in known language, he had no hesitation in inventing words, and adapting English words to suit what he believed were Indian conditions. In *Shamsher Singh vs. State of Punjab (AIR 1974 SC at p. 229)* a Bench of seven Judges sat to consider whether the Constitution contemplated the President and the Governor as real repositories of power or whether they were like the British Crown: (a point of topical interest these days). Krishna Iyer J. in delivering a separate but concurring judgement posed the question for decision thus :

"Is Rashtrapati Bhawan—or Raj Bhawan—an Indian Buckingham Palace, or a half-way house between Buckingham Palace and the White House?"

Such imagery is inimitable, expected of Krishna Iyer; intolerable and ludicrous when attempted by someone else.

People who attempt to ape him do not realise that his penchant for long words

*"It is a myth that courts administer 'justice'; they don't."*

## *Here was a mixed package of Law, Politics, Commonsense, Compassion*

was not a studied exercise; for he spoke in Court in the same vein.

I once heard him deliver judgment in Court Room No. 3 (where he sat), an oral judgment, a judgment 'off-the-cuff', where amongst several multi-syllable words he used one with six syllables: "RATIOCINATION." There were many litigants and some lawyers present in Court that day; half of them, I am sure, could not pronounce the word, and most of the others did not know what it meant.

Justice Krishna Iyer has been, and is, a mixed package, packed to the brim with a rich mixture of law, of politics, of commonsense, but, above all, compassion. When on the Bench he always reminded me of Lord Denning's picturesque simile of a Judge as rider. When counsel urged the Master of the Rolls not to invent a new head of police policy, Lord Denning retorted: "I know that Public Policy is an unruly horse but it is for an able and competent judge to ride that unruly horse and to bring it down on the side of justice." In the course of his judicial career, Justice Krishna Iyer gladly rode unruly horses; in fact he even looked for them. He showed considerable prowess (and ingenuity) in bringing them down on the side of Justice. At times, however, after the ride, the fences of the law needed some mending. The new sights he fixed for the highest Court are epochal; the new trends of thought remain, long after he has retired. In fact, without ever having the authority of a Chief Justice, he left his mark on the

decisions of the Supreme Court in the late seventies; they had a distinctive stamp: they were the judgments of the Krishna Iyer Era. But it is well to remember that it is at all times difficult, and sometimes dangerous, to emulate a person whom you cannot hope to be. As Dr. Johnson once said, "almost all absurdity of conduct arises from the imitation of those we cannot resemble." So, there are dangers in saying and doing all that Krishna Iyer said and did!

In fact in the celebrated judgment in *Mahendra Gill Vs. Election Commission* (1978) 1 SCC 447, Justice Iyer himself decried the lack of objective standards in judicial determinations. Quoting from a book by Alan Barth ('Prophets with Honour') Justice Iyer accepted the standards for judicial decision mentioned there and set out the following passage with approval:

"A Court which yields to the popular will, thereby licenses itself to practise despotism, for there can be no assurance that it will not, on another occasion, indulge its own will. Courts can fulfil their responsibility in a democratic society only to the extent that they succeed in shaping their judgments by rational standards, and rational standards are both impersonal and communicable."

The above observation, said Krishna Iyer, would equally apply to the Election Commission. If so, one may add, it must also apply to the superior courts in the land, including the Supreme Court.

On the Court, Krishna Iyer was a prolific writer, an indefatigable worker.

(Continued on page 31)

## The Role of Swadeshi in the Freedom Movement

*The Swadeshi movement was an essential part of the movement for Swarajya. Contrary to the general impression, it ante-dates not only Gandhiji but even the 1905 movement for the annulment of the Partition of Bengal.*

*Nor has Swadeshi become irrelevant after Swarajya.*

*Here is a history of the role of Swadeshi in the national movement.* —Ed.

THE IDEA OF SWADESHI is as old as the national consciousness in modern India, which is the result of the interaction with the West. It is also a part and parcel of the great Asian awakening, which restored national pride and confidence in the national heritage and culture, and spurred men to shake off colonial-cum-cultural domination of the West. Educated Indians came to realise the evil consequences of alien rule. A section of the educated Indians was developing a servile mentality in imitating the superficialities of English life. British imperialism, not content with the destruction of the old industries, was bent upon crippling even the infant cotton industry of Bombay. Lord Lytton reduced the import duty on Lancashire cloth to a paltry 5 per cent. Further discrimination against Indian goods followed in 1886, when the import duty on woven goods from Lancashire was reduced from 5 per cent to  $3\frac{1}{2}$  per cent—and simultaneously imposed a corresponding excise duty of  $3\frac{1}{2}$  per cent on all woven goods produced by Indian mills. The new measures resulted in the remission of taxation amounting to Rs. 5½ lakhs on imported goods—and an

increase of Rs.11 lakhs in taxation on Indian goods! This injustice brought sharp reaction in India. The movement for Swadeshi acquired a momentum.

However, the first gleam of Swadeshi may be seen as early as 1849, when Gopalrao Deshmukh of Pune, through the columns of 'Prabhakar,' emphasised the use of Indian goods in place of imported ones. In Bengal, the vogue for Swadeshi may be traced back to 1867, when Nabogopal Mitra, under the inspiration of Raj Narain Bose, started organising a Hindu Mela, which regularly met once a year for nearly fourteen years. The Press also actively started preaching the gospel of Swadeshi—and inculcating a habit among people to purchase home-made goods, irrespective of their cost—as the only way to arrest the growing poverty of the people. Gradually the press all over India became more vocal, and it exhorted the people to boycott foreign goods, to use nothing but Indian goods and to establish popular associations to achieve these ends.

Thus the next stage in the growth of the Swadeshi movement was its propagation through recognised public associations of the country. At the Second Industrial Conference, sponsored by the Industrial Association of Western India, M.B. Namjoshi laid stress on the members using Swadeshi goods instead of imported ones, and to report to the annual conference the results of their efforts. In Bengal the provincial conferences also popularised the Swadeshi cult, particularly at Burdwan in 1894. The Congress in its 1891 session reproved the delegates for

## *From Hindu Mela & Namjoshi to 1896 bonfire of English cloth*

not using Swadeshi. Murlidhar, the Flag staffian Congress leader from the Punjab, took the delegates to task for buying imported goods and thus "battering on the hearts blood of your brethren."

The Education Gazette of June 5, 1881, pleaded that the Indian products "may be good or bad, but the people of this country should feel for them as they feel for their parents, whether good or bad."

The discriminatory tariff policy of the Government of India provoked the people and gave a fillip to the Swadeshi Movement. The cry was raised against Lancashire goods, and the movement made a start in cutting across the bounds of caste, creed and province. A new realisation dawned upon the people that instead of appeals, protests and resolutions, some concrete steps should be taken to stop all dealings with Manchester. As the Bombay textile industry was the victim of Manchester, naturally enough, it became the focal point of protests, though its zeal was shared by other parts of the country. Boycott and Swadeshi were preached to the people through meetings, where people took pledges *not* to wear anything except Swadeshi. 'Nyaya Sindhu' of March 2, 1896, reported: "Huge bundles of English clothing were thrown into Holi fire this year."

Dadabhai Naoroji praised the popular songs bidding the people to abjure imported articles and use Swadeshi. "The songs are at present directed against

English wares, but they are also a natural and effective preparation against other English things when the time comes, if the English in their blindness allow such time to come."

Bal Gangadhar Tilak played an important part in boycotting English wares, for which he was inspired by China, which had boycotted American goods most successfully in protest against the expulsion of the Chinese emigrants from the United States.

Swadeshi in its early phase was only an economic movement, and it fell short of becoming "a vigorous, all-India and all pervading movement", since the Moderates in the Congress were not bold enough to adopt Swadeshi, for fear of offending the government. And the rising industrial class took it to be impracticable. The Bombay mill owners and their friends were not interested in the total boycott of foreign cloth till the textile industry came of age—until, they said, about twenty years later. The Times of India (March 11 & 18, 1896) published two letters from D.E. Wacha, mill-owner Joint-Secretary of the Congress at the time, and its President in 1901, which, while lauding the Swadeshi movement as an expression of patriotism, declared it to be impracticable from the business point of view and even regarded it as "a harmful diversion of public energy." The people in general also opted for imported cloth for its cheapness and quality.

The Partition of Bengal in 1905, cut

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in half, the twenty-year period fixed for "boycott" by the Bombay mill-owners. The explosive anti-Partition movement in Bengal invested Swadeshi and Boycott (an economic movement until then), with political flavour. The movement inaugurated formally on August 7, 1905, for annulling the Partition, was converted in 1919 by Gandhiji into the struggle for freedom. The Swadeshi spirit, hallowed by the supreme sacrifices of Bengal, became a weapon in the hands of an unarmed people to fight the mighty British empire. The Swadeshi spirit and boycott were reinforced by 'Bande Mataram', which, like 'Har Har Mahadev' of the mediaeval ages, became a clarion call to the people. Use, purchase and sale of Swadeshi, and chanting of 'Bande Mataram', were declared punishable offences by the government. Bande Mataram became "a Mantra, a power, an inspiration, a revelation, a truth", wrote Bipin Chandra Pal.

The famous trio, Bal, Lal, Pal, who later formed the 'extremist' group in the Congress, at the Calcutta session of the Congress in 1906, put forward four resolutions—Self-Government on colonial lines, National Education, Swadeshi, and Boycott of foreign goods—which were passed due to the tact and moderation of Dadabhai Naoroji, in spite of the opposition of the 'moderates'. But at the next session of the Congress at Surat the 'Moderates' excluded the resolution passed at the Calcutta session on Swadeshi, National Education and Boycott of foreign goods! The extre-

mists took exception, and the session ended amidst uproar and fisticuffs. The 'Extremists' walked out of the Congress.

The anti-Partition movement, which centred round Boycott and Swadeshi, ushered in real nationalism with self-help, non-cooperation and passive resistance, and very soon it changed its character to Swadeshi movement with an all-India complexion. The non-cooperation and passive resistance were for the first time preached by Arabindo Ghosh through his paper, 'Bande Mataram', to bring an unprecedented revolution through moral force and peaceful pressure. The meaning, concept and content of Swadeshi were also changed radically. Beginning as an economic concept, it became a synonym for everything Indian, and it literally meant returning to our culture and heritage, our genius and tradition, our own ethos and institutions, after a proper re-appraisal of their value in the light of modern circumstances. The preference of Indians for foreign wares changed overnight. They now made a bonfire of western clothes. The Manchester trade suffered a serious decline.

London 'Evening News' reported on Sept. 1, 1905, that the Marwari Chamber of Commerce had cabled to Manchester Chamber of Commerce: "The sale of Manchester goods has practically stopped. We shall be ruined and shall not be able to make future contracts unless the Secretary of State withdraws the Partition, and the boycott ceases. The matter

### *Surat Congress split up on the issue of Swadeshi!*

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## *Many Muslims supported Swadeshi Movement*

is very urgent. Unless the cause is removed in three or four days by countermanding the Partition, goods for the Puja will remain unsold and the 'Lucky Day Sales' will become impossible. Please help us."

According to Bipin Chandra Pal, the Swadeshi movement had contributed two things, economic self-reliance and employment for the people. He wanted to make it more broad-based, to cater to the needs of the people in all fields of activity—industrial, commercial educational and social, so that the people lived a decent and honourable life, independent of government service. Similar efforts were to be made for the villages also. Pal spoke of a new mass orientation of the Swadeshi Movement, emphasising its many dimensions. It presented a solution to "the starving, the naked, the patient and long-suffering 300 millions of our people and in them we see a new potency which we never had felt before". He stood for protection for nascent industries, and in the absence of that, "Boycott to us is Protectio". He was for the organisation of rural masses into economically and politically self-reliant communities.

The all-embracing effects of Swadeshi were felt by the Moderates also. Gokhale, the leader of the Moderates, praised the Swadeshi spirit for its deeper, passionate, fervent and all-embracing love of the motherland, and prophetically said that "in this movement we shall ultimately find the true salvation of India."

The Swadeshi movement had certain interesting features. The movement was a sequel to the partition of Bengal on Hindu-Muslim lines. And there were frequent Hindu-Muslim riots during the agitation, at the instigation of the government. So much so, that C.J.O'Donnell, M.P., sorely aggrieved at the open patronship of the British officials towards the Muslims during the Swadeshi movement, put the question straight in the House of Commons: "May I ask you when has it become a part of the policy of the British people to sub-divide the possessions according to the religious tenets of their inhabitants?"

Yet the Muslims also worked against partition and for the Swadeshi Movement. At a big meeting of the Muslims on Sept. 23, 1905, at Raja Bazar, with Abdul Rasul in the Chair, three Resolutions were passed (i) recording the protest of the Mohammedan community against the current report to the effect that they had no sympathy with the measures adopted by the Hindus for the amelioration of their country and offering their support to the Hindus; (ii) expressing their desire to join the Hindus, not merely regarding the partition, but also other matters; and also (iii) expressing their strong support in favour of the use of Swadeshi goods.

It is generally believed that the Mohammedans as a community were in favour of the partition of Bengal, while the congress was deadly opposed to it. But Nawab Syed Amir Hussain, Secretary of the Central National Mohammedan

*(Continued on page 27)*

## Egypt's Search for its old Indian, Pagan, Pharaonic Soul

Received from Mr. Dennis Walker, Ph.D. candidate in 'Arab Nationalism', 35, Rossmund Street,  
Balaclava, Melbourne-3183, Australia, through the good offices of Shri Ram Swarup.

TAWFIQ AL-HAKIM (b. 1899, Alexandria, Egypt) is regarded as the most outstanding Arabic dramatist of the century. He was born into a well-to-do family, his mother being of aristocratic Turkish descent. After studying Law at Cairo University, he went to Paris to continue his legal studies but instead devoted most of his time to the theatre. On his return to Egypt four years later (1930), he worked for the Ministry of Justice in a rural area as well as for the Ministry of Education in Cairo. However, in 1936, he resigned to devote himself entirely to writing.

After some early efforts, Tawfiq al-Hakim won fame as a dramatist with his *"The People of the Cave"* (1933), ostensibly based on the story of the Seven Sleepers of Ephesus but actually studying man's struggle against time. This introduced a series of "dramas of Ideas," or of "symbolism". They include *Shahrazad* (1934), based on *The Thousand and One Nights*; *al-Malik Udib* (1939); "King Oedipus"; *Pimaliyun* (1942); "Pygmalion"; and *Sulayman al-Hakim* (1934; "Solomon the Wise.")

For all his career as a radical intellectual and playwright, Tawfiq identified and resisted two forces as threats to Egypt's spiritual potential: (a) The West's imperialism and atheistic materialism, and (b) the narrowly neo-traditional Arab-Islamic orientation. Tawfiq denounced both Westernizing and Islam-sustained Arabist orientations as aimed to eliminate Muslim Egypt's distinctive identity, defined by its pagan Pharaonic golden age. When al-Hakim matured as a thinker in the 1920s,

several Theosophical Lodges were active in Egypt. The writings of Madame Helena Blavatsky strongly impressed upon Tawfiq al-Hakim and like-minded Pharaonist liberal writers such as Muhammad Husayn Haykal that Hinduism and ancient Egyptian Pharaonic "paganism" were congruent and had been in contact. As they again seized ancient Pharaonic religion to supplement modern secular Western thought and the Arab-Islamic tradition's insights, Muslim Egyptians had to seize Hinduism and the Gita at the very same time, so Tawfiq and Haykal argued in 1920s.

It was not that al-Hakim ever strove to eliminate Islam from Egypt or even from Egyptian public life. Islam he saw as an element inwoven into Egypt's history that—like Arabism—should have an honoured place. But al-Hakim criticized fundamentalist Muslim forces in Egypt as wanting to make a totalistic interpretation of Islam, excluding any other sources of spirituality or culture or identity for the Egyptian nation.

We now turn to a Hinduism-influenced open letter to the Westernizing-Arabist Dr. Taha Husayn that Tawfiq al-Hakim published in *al-Risalah* magazine (Cairo) for 1 June 1933 (pp. 5-8). The letter of Tawfiq was a striking critique of perceived "materialism" in both western civilization and in classical Arab civilization.

In the Pharaonist writings in the 1930s and 1940s, Tawfiq al-Hakim vocally urged Egyptians to distinguish indigenous organically Pharaonic elements linked to India from Arab elements. He

## The Arab civilization was weak on thinking and spirituality

wanted Egyptians to eliminate many Arab elements from current culture while nourishing the Pharaonic elements. To what extent were these pharaonic stances directed to cut out Islam or some aspects of Islam from Egyptian life? This period was not one in which it would be easy for Arab Egyptian liberal intellectuals to publicly criticize Islam. The 1920s had been a period for fresh discussion. But the 1930s were a period of Islamic reaction against the West even among the very Westernising-educated Muslim Egyptians for whom al-Hakim and similar intellectuals wrote. In this climate, it would have needed great courage to discuss issues of Islam and Egyptian national identity frankly. On any interpretation of Middle East history, the Arabs had been Islam's initial custodians and in at least some periods of their history they had tried to live Islam completely even if in other periods Islam had sat lightly on them. When Al-Hakim criticized classical Arabs as "materialist" and lacking in spirituality he definitely implied that Islam was incomplete or inadequate by itself for the "spiritual" Egypt. Thus, he wrote: "It is impossible then for us to see in all of Arab civilization any inclination to matters of the spirit and thought in the sense in which Egypt and India understand the two words spirit and thought."

It was implicit, then, that al-Hakim's criticisms of the classical Arab elements in Egypt entailed some rejection of insular interpretations of Islam.

The main weight of Tawfiq al-Hakim's drive in 1933 to articulate a spiritual national Egyptian identity was directed against the traditional Arab and Muslim

elements. He only wanted to eliminate some of these elements from Egyptian culture while keeping other Arab or Muslim elements that he felt could be synthesized with enriching Indic and Pharaonic spirituality. But he also applied Indic and Pharaonic spirituality to mount a constructive critique of Western civilization, much of which, he charged, was dogged by a materialism that ran parallel to the materialism that he perceived limited the classical Arab sensibility.

The totalistic Westernizers such as Taha Husayn wanted to implant the whole Western culture in Egypt, including the literature and philosophies of the ancient Greeks who launched Western civilization. In his 1933 open letter to Dr. Taha Husayn Tawfiq, al-Hakim also treated Western civilization as a continuity, the base of which was the ancient Greeks. Accordingly, Tawfiq directed most of his analysis to the ancient Greek literature and religion. His tone was generous and sympathetic as he applied the sharp compassion of the healing surgeon to the sick Western civilization. Al-Hakim no more wanted to eliminate Western culture *in toto* than he did classical Arab culture, but he was intent to discover where early Western civilization had taken its wrong turning towards materialism after its reasonably promising beginnings. The important thing for Arabic-speaking Egyptians was that they accept from the West only those more creative elements that fitted in with Indic and Pharaonic spirituality. They had to cut away any materialistic Western elements they had borrowed, ruthlessly.

For a culture has a development because of the stimulation of philosophy in the direction of the spirit of the Pharaohs. This is a glimpse beyond, but this is generally possible noted from memories derived from the Greeks and Indians and barbaric the Northerners and Dorians the Greeks and the and Apollo and the Spirit of intellectness. God was become the Greeks, al-Farabi Arab mind but individual intellect Arab's understand

For al-Hakim, early Greek life and culture had the potential to develop into a developed spiritual civilization later because Vedic insights coming from India stimulated it strongly; only later Greek philosophers sent Western thought in a direction that made much of it desiccating and sterile. Examination of the art of the Parthenon brought home to al-Hakim that some Greeks had caught glimpses of the spiritual dimension beyond, but binding the material world. This intermittent spirituality in the generally materialistic Greek culture was possible because some Greeks had originated from India or from near India. "I remembered that the origin of the Greeks derived from two different races: the Greeks coming from Asia known to the Indians as 'the Yavanas' and the martial barbaric Dorians who came down from the North (of Europe). The God of the Ionians was Dionysius and that of the Dorians, Apollo. [This dichotomy] explains the Greeks; this struggle between Dionysius the symbol of the spirit and Ecstasy, and Apollo, the symbol of individualism and consciousness, the struggle between Spirit and Matter, between heart and intellect, between ecstasy and consciousness. I fancy Dionysius to be an Asiatic God undoubtedly brought from India. He became the source of Music among the Greeks. Thus I appreciated the failure of al-Farabi to develop Arab music, for Arab music is the product of a conscious mind because the Arabs are the nation of individualism and consciousness and intellectual logic and the palpable visible." Arabs and Westerners alike could never understand the early Greek and Indic

ability to achieve unity with "the spiritual light" (*al-nur al-ruhi*) binding man and nature and all time-periods together.

How could Arab-speaking Egyptians (whom al-Hakim would define as essentially non-Arab) recover union with the spirituality in nature? Western civilization offered no guidelines because Socrates' logic had destroyed the spirit Homer articulated, extinguishing real Greek civilization and engulfing the world in materialism. The best hope for Egyptians, Tawfiq al-Hakim mused in 1933, was for them to seize the guidance offered by Rabindranath Tagore, the thinker who now most highlighted the unity between Man and Nature, the possibility of raising the barrier separating private individuals from the larger life that transcended the Universe. Tagore had hammered far beyond India the "love" that can bind man to seemingly inanimate things.

Tawfiq al-Hakim closed this 1933 article with the observation that "Greece, then, did not succeed to the required extent in synthesizing Spirit with the Material. Can Egypt hope to reach this aim one day?" The Greek failure had sentenced all succeeding Western civilization to sterility: rationalistic perception had overcome the spiritual sensibility and "all modern Europe inherited from Greece were her treasures of intellect and logic," leaving the spiritual treasures of Dionysius shrouded in darkness.

Hence the spiritual incapacity of Europe from the Greeks to the predatory twentieth-century imperialists. Al-

*European civilization impoverished  
by the neglect of Dionysius*

## *Egypt can rediscover itself only with the help of India*

Hakim in 1933 placed the responsibility for articulating a spiritual alternative on neo-Pharaonist (although Arabic-speaking) Egypt and Hindu India. Common Easternism was the frame for Egypt, and India's collaboration to save humanity. However, al-Hakim did not take into much account either Islam or Europe-based Christianity as contributors to a new spirituality.

Tawfiq al-Hakim's 1933 critique of the materialist West was reminiscent of the Cairo-based "Eastern League" and Muhammad Husayn Haykal's *al-Siyasah* in the 1920s. The Eastern League and *al-Siyasah* then had tried to synthesize Vedic teachings and almost lost Pharaonic spirituality as the answer to the plight in which the West had placed humanity.

Al-Hakim's speculation that the Ionian Greeks could have been a conduit through which Vedic spirituality could have reached Greece prior to its formative period is not to be dismissed out of hand. Iranian inscriptions had used the word "Yauna" in reference to the Ionians of Asia Minor, whom Cyrus the Great conquered in 545 B.C. Its earliest attested use in India is by the grammarian Panini (c. 5th century B.C.) in the form of Yavanani, taken by commentators to mean Greek script. At that date the name probably referred to communities of Greeks settled in the Eastern Achaemenidian provinces. Thus, Greek-speaking Ionians based in West Asia were in direct contact with Sanskrit India from which they could take religious elements and transmit them to the Greek heartlands. India probably was the

source of the areas of creativity to Greek civilization and subsequent European thought and civilization descended from it.

Clearly, though Greek thought early took a wrong turning that doomed most of Western civilization to materialist obtuseness in spiritual matters, al-Hakim argued in 1933 that the classical Muslim Arabs had similarly suffocated Egypt's Pharaonic spirituality for a millennium. "No doubt the Egyptian mentality has in some measure changed today...but how far has it changed, that is the topic for discussion...Until a little before the appearance of the present generation, intellectual concerns in Egypt were confined and restricted to imitation and tradition—the imitation of Arab thought and restriction to its model... We were in a kind of coma; we were unfeeling of our real being...We could never perceive ourselves, all we saw was the long departed Arabs...we had no sense that we existed, all we could feel was their existence... The word "I" used to be unknown to the Egyptian mind, and the concept of Egyptian personality had yet to be born. Then came the new generation and behold it spearheaded a new spirit and a new course of action. No more was literature the mere observance of a tradition or continuance of ancient Arabic literature in its spirit and form but instead an act of original creativity."

By 1933, then, the Egyptians, led by thinkers like Tawfiq al-Hakim, had detonated their struggle for cultural and spiritual liberation from the Arab conquest. □

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Association, in his reply, of Feb. 1904 to the query of the government, expressed the opposition of his association to the partition and said that it was neither necessary nor desirable. If, however, the Government was determined upon it, the province of Assam might be reconstituted with a Lt. Governor and a Council. On the other hand, a predominantly Hindu Association, called the Jorhat Sarbajanik Sabha, with Shri Jagan Nath Barua as president, welcomed the idea of partition on Feb. 10, 1904, "provided that certain rights for the Assamese were definitely reserved".

The fourth feature was the birth of "real awakening" in India. A new spirit of self-assertion permeated the political atmosphere. The age of prayers and petitions was over and now they were backed up by the will of the people. The Press fearlessly exercised its right to the freedom of expression, and the people got over their fear of the British and the British jails.

The Swadeshi movement abated, after the partition of Bengal was annulled in 1911. But Gandhiji revived it under his leadership. Ideas underlying the movement were already there; he invested them with a spiritual fervour. Swadeshi became the creed of the new movement. The two Brahmastras of Mahatma Gandhi—Non-Cooperation and Passive Resistance—were the legacies of the Swadeshi movement. For Gandhiji,

Swadeshi was not a political expediency or a punitive measure, but a way of life, embracing the total personality of Indians as a whole. From the economic point of view, it meant economic self-reliance, economic independence and reconstruction of rural economy. For Gandhiji, India was its villages; therefore his first priority was the village—and the Kisan.

R.C. Mujumdar, historian, writes that the confidential Reports of Intelligence Branch of the Government of India clearly reveal that the "Boycott-Swadeshi Movement assumed an all-India character even towards the end of 1905. The progress of the movement was reported from 23 districts in the United Provinces, 15 towns in the Central Provinces, 24 towns in the Punjab and 13 districts in the Madras Presidency. The movement bore special fruit in the Bombay Presidency. Here the tremendous increase in the demand of indigenous goods gave good impetus to production in the Mills of Bombay and Ahmedabad, which sold about 1,00,000 bales of cloth to the Calcutta merchants during August-September, 1905—a sale six months ahead! Like B.C. Pal, Gandhiji also believed that "there can be no economics divorced from politics."

Gandhiji named his Swadeshi movement as the "New Swadeshi". The new Swadeshi derived sustenance from the 'old Swadeshi'; ideas were the same, only the emphasis was different. R.C. Majumdar wrote: "Not only this, but a closer examination will reveal the fact that

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the cities and also the outside world. The corner-stone of Khadi mentality was *Charkha*, which was "a plea for recognising the dignity of labour", and creating work opportunity for the unemployed, through spinning and weaving. The Khadi mentality meant decentralisation of the production and distribution of the necessities of life through the villages, which would save the exploitation of 7,00,000 villages by Britain. In 1918, India spent Rs. 60 crores on importing foreign cloth. Gandhiji deplored this waste, as the Indian weaver and spinner had been deprived of that amount every year without giving him any work in exchange and it was also an outrage against a people, 1/10 of whom are cruelly half-starved, and the majority, under-fed. He wanted to utilise hand-weaving and hand-spinning as supplementary employment, and to be practiced not only in the off-season of agriculture but during the season also. For him the bread and freedom of the masses had priority over political freedom. "The real reform that India needs is Swadeshi. The immediate problem before us is not how to run the government but how to feed and clothe ourselves."

The revival of the cottage industry was a must for India. It would provide employment for the masses. Gandhiji's problem was to find work for the people, so as to lessen the pressure on land, and give wages to the people to purchase their living. The people have been forced to become lazy, and thus formed a habit of it. "Our real malady", Gandhiji once said,

"is not destitution but laziness." Nothing, he thought, more corroding than enforced laziness. Spinning is the easiest, cheapest and the best. Gandhiji said that the way to Swaraj lies through Swadeshi. He was not against machinery as such, but against the craze for machinery which meant retrenchment of labour. It is in this context that he recommended *Charkha*, to enable people to earn their living and be self-reliant. For America, he thought, machinery was useful as there was shortage of manpower, but not for developing countries where employment is the main problem. He was in favour of using scientific research for more production.

To his critics, Gandhiji replied in 1920; "These friends forget that the needle has not given place to sewing-machine, nor has the hand lost its cunning, in spite of the type-writer. There is not the slightest reason why hand spinning may not co-exist with the spinning mill, even as the domestic kitchen co-exists with hotels ....The spinning wheel is national necessity."

In 1921 Tagore also questioned the relevance of "spinning-weaving". Gandhiji's reply, one of the classic examples of retorts in the history of journalism, was: "Hunger is the argument that is driving India to spinning wheel." He added: "To a people famished and idle, the only acceptable form in which God can appear is work and promise of food. Those who ate without work were thieves. Eighty per cent of India are compulsorily thieves

*Lord Irwin said 'Buy Indian'  
is as legitimate as 'Buy British'*

half the year. Is it any wonder if India has become one vast prison. I do indeed ask the poet to spin the wheel as a sacrament." (Young India, Oct. 13, 1921)

During the Civil Disobedience movement of 1932, the government issued an ordinance on boycott of British goods. A brilliant idea emanated from a delegate at the Karachi session of the Congress that instead of 'boycott' they would say "Buy Indian". "If in Great Britain 'Buy British' could be the watchword and hallmark, duly stamped by Royalty, of every patriot.....how could in India to 'Buy Indian' become a punishable offence?"

Ironically enough the same sentiments were expressed by Lord Irwin, the Governor-General of India, before relinquishing his office in 1931. He said: "No Englishman can, without being false to his own history and to his own pledges, take objection, to the pursuit by others, of their own political liberty. Nor have I ever been able to appreciate the attitude of those who might be the first

in Great Britain to exhort their countrymen only to buy British goods, and yet regard Swadeshi as something disloyal."

The Swadeshi movement played a historic role in the national evolution of India. It was a social, moral and economic revolution. Swadeshi gave India self-confidence by eliminating its inferiority complex and tendency of dependence. It prepared the Indians to take the reins of administration into their own hands. Gandhiji had prophetically said, "Swadeshi is Swaraj." On the one side it saved India from being a poor imitation of the West, on the other it reinvigorated itself by absorbing western learning and culture. The resurgence of the Swadeshi spirit awakened a new psychology in Indians and gave rise to a new dignity and a new feeling of self-respect. Gandhiji was able to transform the Congress from a middle-class association into a mass organisation with the help of Swadeshi. And it is this Swadeshi that we have given the go-by in 'Swatantra' Bharat!

## Swadeshi is Hindu Economics

*One of the best ways of preventing manufacture of goods without limit, then dumping them on other people, upsetting economic equilibrium and producing unemployment among them, is to inculcate in people the ideal of Swadeshi, i.e., their duty to purchase goods produced by their immediate neighbours rather than goods imported from elsewhere. This means that in economic reconstruction the aim should be to make the village or a group of four or five villages, self-sufficient for their primary requirements so that all the fundamental wants of the people can be adequately met by the group itself.*

*Our land is eminently suited to putting into effect this principle of Swadeshi in consumption, as Swadeshi is only an expression of the spirit of Hinduism in the economic sphere.*

—Bharatan Kumarappa

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His record of judgments in sheer number surpasses Subba Rao's statistics. Subba Rao in his term of little over eight years in the Supreme Court, participated in over five hundred and sixty cases in which judgments were delivered, himself delivering two hundred and fifty-four.

During a shorter period on the Bench—a little over seven years, from July 1973 to November 1980—Justice Krishna Iyer participated in over seven hundred cases in which decisions were rendered, he himself delivering judgments in more than half of them. His preoccupation for quick justice is apparent in his judgments. So is his helplessness at the Court not being able to administer it. He starts a judgment in one case with these words (AIR 1974 SC 396):

"Instant or early justice seems impossible without radical reorientation and systematic changes in the judicial process as these two appeals, which have survived two decades, sadly illustrate."

Chief Justice Latham of the High Court of Australia used to say that when he died they would find engraved on his heart "Section 92"—the trade and commerce clause of the Australian Constitution, which inspired so much litigation at the time—all of which he had to deal with during his tenure as Chief Justice. Despite the fantastic progress of science in the last decade, there has not yet been invented a cardiac machine which can read what is written in the heart of Justice Krishna Iyer. If there was such an instrument, one would read the words:

'Legal Aid.' In fact, it was he who gave new meaning to the Equality Clause in our Constitution. He ruled that if an indigent litigant is not afforded legal aid, he does not receive the equal protection of the law guaranteed by Art. 14.

When Justice William Douglas retired from the Supreme Court of the United States after a long tenure spread over three decades, a widely-read magazine described him as "the Court's grandest maverick, a rugged liberal with a shock of white hair, piercing eyes and a luminous regard for the First Amendment". For "First Amendment" substitute "Poor"—and the description aptly fits Justice Krishna Iyer.

It has been sometimes said that Subba Rao (and the Subba Rao Court) was 'rightist', and Justice Krishna Iyer and those of his school 'leftist'. This is a superficial characterisation indulged in by those who are obsessed with isms; besides, it is not even correct. Each had many similar and abiding major concerns.

The abiding concerns of Subba Rao Court were underlined (coincidentally but characteristically) by the first and the last case in which he presided as Chief Justice:

In the first, he firmly upheld the independence of the judiciary by ensuring that the subordinate judiciary should not be selected except from the judicial service. In *Chandramohan Vs. State of U.P.*, AIR 1966 SC 1987, it was contended for

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## The Great Passport Case of Satwant Singh

the State that it was permissible to the Governor (which meant the State Government) to frame rules permitting recruitment of judges in the subordinate judiciary not only from advocates and pleaders of requisite standing but also from members of the executive departments discharging revenue or ministerial functions. Chief Justice Subba Rao (in this first case in which he presided as Chief Justice) rejected the contention saying that it was unreasonable to attribute to the makers of the Constitution who had so completely provided for the independence of the judiciary, an intention to destroy it by an indirect method. "What can be more deleterious for the good name of the judiciary than to permit at the level of district judges, recruitment from the executive department?", he asked, and then declared the Uttar Pradesh Higher Judicial Service Rules framed by the State Government as unconstitutional.

Likewise, Justice Krishna Iyer in the celebrated *Judges Transfer Case (Union of India Vs. Sakalchand : AIR 1977 SC 2329)* whilst accepting that a judge of the High Court may be transferred from one High Court to another in the public interest, read into the constitutional provision of prior consultation with the Chief Justice a virtual mandate: although the opinion of the Chief Justice of India on the proposal to transfer may not be legally binding, it would have to be accepted, he said because, otherwise, without the consent of the Head of the judiciary, an order of transfer of a High Court judge would be

per se arbitrary and capricious.

So much for their common concern, the independence of the judiciary.

In the field of human rights and freedoms, too, their view (and since their influence was considerable), the views of their colleagues and judges who succeeded them, were not dis-similar.

In the last case over which he presided, *Satwant Singh vs. Assistant Passport Officer : AIR 1967 SC 1836* (known as 'the Passport Case), Chief Justice Subba Rao, speaking for a majority in a Bench of five judges, held that the expression 'personal liberty' in Art. 21 encompassed a right of locomotion, of the right to travel abroad. Every person living in India has a fundamental right to travel even outside India, and the refusal of government to give him a passport without a valid law prescribing reasonable restrictions, was held to be an arbitrary exercise of executive power, infringing the Equality Clause of the Constitution. In this last case, Subba Rao had in fact (with the help of Justices Shelat, and Vaidialingam who concurred with him) converted his minority opinion in *Kharab Singh* <sup>38</sup> to the declared law of the land.

There is a sequel to this decision which concerns Justice Krishna Iyer.

Soon after the decision in *Satwant Singh* in 1966, Parliament passed the Passports Act 1967, regulating conditions for the grant and refusal of a passport

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and also providing for conditions on which a passport, once granted, could be impounded. Ten years later, in 1977, when the Janata Government was in power and the Congress (I) in Opposition, Mrs. Maneka Gandhi (daughter-in-law of Mrs. Indira Gandhi) received a peremptory letter from the Regional Passport Officer of Delhi, informing her that it had been decided by the Government of India to impound her passport, under the provisions of the Passport Act, and in the public interest called upon her to surrender it. She asked for the reasons why this decision was taken. The reply was that the government had decided in the interest of the general public not to furnish her a copy of the statement of reasons for making of the order. Maneka Gandhi moved a petition in the Supreme Court; and pending hearing of the petition she was required to deposit her passport with the Registrar of the Court. Justice Krishna Iyer was on the Bench of seven Judges which heard the petition. Concurring with Justice Bhagwati who wrote the judgment in what is regarded by many as a landmark case (*AIR 1978 SC 597*), Justice Krishna Iyer in a separate opinion endorsed the majority judgment of Subba Rao in *Satwant Singh's Case* decided way back in 1966. He showed his abiding concern for human freedoms and human rights. He held, along with the Court, that the right to travel abroad was not only encompassed in the right to liberty under Art. 21, but that right could only be denied if the procedural law, which governed its exercise, was fair.

The words "procedure according to law" in Art. 21, he said, means fair, not formal procedure. In characteristic Krishna Iyer prose, he said "no passport officer shall be a mini Caesar, nor a minister an incarnate Caesar, in a system where the Rule of Law reigns supreme." Under our constitutional order, he went on, "the price of daring dissent should not be passport forfeit." The laconic order of the Passport Officer, and his refusal to give reasons, were characterised as unfair and violative of Natural Justice by all judges, including Justice Krishna Iyer. In what he described as his concluding caveat, he said that we should never forget the watershed between a 'police state' and 'people's raj'. The policing of a people's right on exit or entry, he said, was fraught with grave peril to liberty.

So you see this abiding concern for human freedom too was no different than Subba Rao's.

My regret, however, is that after all this, Krishna Iyer agreed with the majority in virtually denying relief to Mrs. Maneka Gandhi. Only one judge in this Bench of seven (Chief Justice Beg) said that the order of government had to be quashed as this was the only logical conclusion to the unanimous finding of the Court that the order was contrary to natural justice and violative of Art. 21. But the other judges including Justice Krishna Iyer (as also two future Chief Justices of India—Justice Chandrachud and Justice Bhagwati), after holding that

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*When they erred in the  
Maneka Gandhi Case*

## “The hydraulic pressures of great events influence judges”

the government order was illegal and void, inconsistently and illogically maintained the order, impounding the passport on the basis of a statement made on behalf of the government by the then Attorney General that the Government would give a hearing to Maneka Gandhi, and if the decision to impound her passport was maintained, its operation would be limited to six months from the date of the government decision. Till then the passport was to remain with the Registrar of the Court. Virtually an indefinite impounding of the passport was not only tolerated but affirmed by the final Order of the Court.

Contrast *Satawant Singh* and *Maneka Gandhi*. In 1967 citizen Satwant Singh as a result of Subba Rao's judgment got back his passport on the ground that the refusal to permit him to go abroad was violative of his fundamental right and there was no law which prevented him from obtaining it. In 1977, citizen Maneka Gandhi, as a result of Justice Krishna Iyer's judgment and the judgment of six of his other colleagues, all of whom held that the order impounding her passport was illegal and void, did not get back her passport to enable her to exercise her fundamental right to go abroad, which fundamental right the Court had upheld. She won the case but was denied ultimate relief. The underlying message of all this was not lost on discriminating members of the bar and public—the wave of popularity of the Janata Government. The case was heard in the second half of 1977, and the judg-

ment was delivered in January 1978, and the then public unpopularity of the Indira Gandhi family did not fail to have their impact on the Court. There was after all much truth in Justice Cardozo's confession made in a different country and in a different century that the hydraulic pressures of great events also influence judges; “they do not idly pass them by”.

If this is seen as a criticism of Justice Krishna Iyer, it is meant to be.

But Subba Rao too had his “Achilles' heel”. The man who had spoken a great deal about the dangers of politicians' influencing judges and insulating the Judiciary from them, was himself seen to be hobnobbing with them whilst still Chief Justice of India. The day after he retired, he was nominated by the Leader of the Opposition in Parliament, Mr. Minoo Masani, as the Opposition Party's nominee for the Office of President. It was obvious then that he had been meeting with leaders and members of political parties whilst still head of the Judiciary and whilst still sitting in Court, deciding cases of citizen against State. The manner of his going did little credit to his outstanding career as a great judge.

All of this in the end goes to show that Judges are human-beings, and that human-beings, like stars in the firmament have their blemishes; despite such blemishes, they shine. It is to the credit of these two great men, that after taking into account their frailties, they shine, and shine brightly, like the two Pointers in the Northern Sky. □

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Rs. 15 per month". This, writes Wali Khan, was unfair, for the Mullahs of Satang and Doaba were paid only Rs. 10 per month.

Cunningham's next concern was that having spent the money to court the Mullahs, it must now be ascertained whether or not they were actively engaged in anti-Congress propaganda. He wrote that several spies were despatched to various mosques to observe and report back whether or not the Mullahs were working for their allowances, or absconding from the assigned job! The reports pleased him, since they stated that the Mullahs were working hard for their money and happily trafficking in Islam for a monthly sum of fifteen rupees. The progress made by Hazrat Ali of Swat was a special source of satisfaction. "Hazrat Ali, Wazir-i-Azam of Swat is doing excellently in Swat and Buner. He uses Pir Baba Ziarat. Hazrat Ali now covers the whole of Swat, Buner and Mardan border."

In Khyber the Political Agent entrusted his work to Maulana Abdul Baqi. He placed implicit trust in him and claimed to have given him Rs. 1000.

Cunningham wrote: "Jamiat-ul Ulema toured in Kohat District in June of 1942, and in Peshawar and Mardan in July, doing intensive propaganda; anti-Axis, on the Islamic theme, generally, and anti-Congress on the Pakistan theme. Mullahs in Peshawar and Mardan intensified their anti-Congress propaganda in July-August 1942."

The British now decided to infiltrate the families of ranking nationalist Muslims. Writes Wali Khan: "The British strategy was to befriend those families whose heads were involved in the freedom struggle. The two most important persons fighting the Jihad against the British were Faqir Ipi and Mullah Pawandah. Another crucial link was Haji Sahib Turangzai of Mohmand. The British were most interested in ingratiating themselves with these three individuals. And their greatest triumph was to win over the sons of these valiant patriots, Mullah Pawandah's son Fazal Din and Haji Turangzai's son, Padsha Gul. If one were to assess the state of things it becomes apparent that there were very few influential persons in the districts and tribes whom the British had not obtained for a price. After the death of Haji Sahib Turangzai and Mullah Pawandah, Faqir was the only stalwart whom they could not buy. The Secretary of State asked the Viceroy to make a deal with Faqir of Ipiq but the Viceroy wrote of him: "He is not only implacable, but also completely incorruptible. Who would rid me of this turbulent priest?"

Notes Wali Khan sardonically: "The British did Islam a good turn, by recording the names and addresses of these Mullahs."

The ground having been prepared with massive bribing, Jinnah and the British now set about the task of producing a League Ministry in a province that had not elected a single League MLA!

*The names and addresses of  
British agents are all there*

## The mysterious role of Iskander Mirza in Partition

In 1943 Iskander Mirza, DC of Peshawar, was invited by the Nawab of Bhopal for a tiger hunt. After the hunting excuse was over, he was put in contact with Jinnah. Mirza says in his autobiography that first Jinnah asked him whether he was a Muslim. He said, "Since the days of the Prophet." Then he asked, "Do you consider me the leader of the Indian Muslims?" He said, "Yes". Jinnah averred that the League had not formed the Government in a single province in the country. "But if you tried, a Muslim League Government could be formed in the Frontier Province." Iskander Mirza said that he was only a Deputy Commissioner. This task could be accomplished by none other than the Governor. He added that the Muslim League did not exist in that province, and its leader, Sardar Aurangzeb Khan was a very corrupt individual. Jinnah asked him to leave aside Aurangzeb's strength and weakness. No matter what the organisational condition of the Muslim League, it was imperative that it form the Government. As a Muslim, it was his duty to make it happen.

Iskander Mirza writes that, later when Sir George Cunningham returned from his tour of Kabul, he sent for him. No sooner had he sat down, than Cunningham started speaking about the tremendous pressure he was under, to form a new Government in the Frontier Province. He said that the Government of India wanted to prove that the Frontier was not with the Congress. Those were the times when, as a result of the Quit India Movement, several members of the

Assembly had been thrown into prison without the benefit of a trial. The Governor was having a field day. He invited Aurangzeb Khan to form the Government. Iskander Mirza wrote that he did not have any faith in Aurangzeb Khan. There was only one individual worthy of trust. Sardar Abdul Rab Nishtar of Peshawar. At that time, he was opposed to the Muslim League and was close to the Congress. Iskander Mirza wrote that Nishtar was not very partial to Jinnah Sahib either. He was a witness to Jinnah being cursed by Nishtar at the Mahabat Khan Mosque. Iskander Mirza called Nishtar and appealed to him in the name of Islam. Upon his insistence Nishtar joined the Muslim League. In this manner he became a Minister in the Aurangzeb Cabinet. Iskander Mirza wrote, "This Aurangzeb who used to grovel at my feet became the Chief Minister due to my efforts." It was for services like these that Iskander Mirza was eventually made President of Pakistan!

On the subject of Aurangzeb, Cunningham wrote: Aurangzeb is extremely amenable and anxious to do what I want. He seems to have forgotten that the function of a Minister is to advise the Governor. Nearly every file comes from him with a note, 'I solicit the advice of H.E. the Governor' (Cunningham's diary, 19 July 1943).

Notes Wali Khan: "Aurangzeb and his companions knew where the real seat of power was located. To have enabled the Muslim League to form the Government from an Assembly where there was

not even a single party, was an accomplished feat. Their Deputy C

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not even a single person elected from their party, was a task that could have been accomplished only by the British and their Deputy Commissioners."

Soon the name of the League Ministry in NWFP was, in the words of Cunningham (27 May, 1944), "simply mud." But the Governor still had no intention of cashiering such a bogus ministry. "The Governor was making every effort to keep the Government alive. For that reason he did not call the 1944 Budget Session. His excuse was that there was no work for the Assembly." The Secretary of the Congress Parliamentary Party presented the Governor with a memorandum containing twenty signatures, requesting that the Assembly be called to debate the no-confidence motion against Aurangzeb and his Cabinet. The Governor rejected the memorandum".

The 1946 elections gave 33 seats to Congress and 17 to Muslim League in a House of 50. The Congress ministry became a thorn in the side of the League and the British. The new Governor, Olaf Caroe, was, if anything, even worse than Cunningham. Notes Wali Khan: "The British were hell bent on handing over this province to the Muslim League. So far, nothing had produced desirable results. Neither the elections nor the communal rioting gave any foothold to the League. Therefore, Jinnah hatched a dangerous plot, the details of which Iskander Mirza has written in his autobiography.

Iskandar Mirza had been transferred

from the Frontier to Delhi, where he was Joint Secretary, Ministry of Defence. He wrote that in February 1947, Jinnah telephoned, inviting him to a meeting. During this meeting the first thing he asked was, "Do you consider me the leader of the Indian Muslims? Would you obey my orders? Iskander Mirza had no choice but to say, "Yes." Jinnah then said that he was afraid he was not going to get Pakistan unless some serious trouble was created and the best place to do this was NWFP and the adjacent tribal areas. In his view it was important to tell the British that the Muslims were seething with anger at their decision to hand over the country to the Congress. Jinnah explained that if Pakistan cannot be won by negotiations, he would achieve it by combat. Iskander Mirza wrote that Jinnah wanted him to resign from service, go into the tribal territory and start a Jihad! (108)

Iskander Mirza wrote: "He (Jinnah) said according to his information I could achieve this if I really tried." This proves that Jinnah had maintained his contact with Government officials and knew how to create trouble in the tribal area. It also shows how cleverly British officials could arrange a Jihad. Iskander Mirza reflected on various aspects of this problem and wrote:

"This could only take the form of raids on the border villages in the settled area—yet I decided to fall in with Quid-i-Azam's Plan. I had no desire to be branded as a man who was found wanting when the time for action came. With

*Rs. 1 crore given for  
bloodbath in NWFP*

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## Agent paid Rs. 200 to shoot at Nehru

the liberal expenditure of money I would be able to cause some trouble in Waziristan, Tirah and Mohamand country. I gave my estimate for the sum of money as one crore." (109)

He asked that a plausible excuse be found for his disappearance from Delhi. "Mr Jinnah had already anticipated these requirements; he had the cover and the money ready. The cover was an appointment with His Highness the Khan of Kalat, and the treasure was provided by His Highness, the Nawab of Bhopal." On the very same day Iskander Mirza met the Nawab of Bhopal, who gave him Rs. 20,000 for out of pocket expenses. Jinnah assured him that if he was killed during the mission, he would see to it that his family members were well provided for.

Iskander Mirza started work immediately. He collected a few faithful friends from Dera Ismail Khan and Peshawar, as well as from the tribal area. After several discussions, a plan was drawn up. According to it he would form liaison with certain loyal supporters in Waziristan, Tirah and Mohamand. "But early in May, the Qaid-i-Azam sent for me again and told me that, as Pakistan would be conceded, the plan should be abandoned." (109)

In Peshawar itself, the League led a raging and tearing campaign, forcing the Government to open fire. That is what they wanted. British agent Major Khurshed Anwar gloated: "The mission is completed. He (Pir of Manki Sharif, a

British agent), wanted Muslim blood to be shed; now it has been done."

Nor did they stop there. When Nehru visited NWFP, the League-British alliance organised a violent campaign against him. The propaganda line was that Nehru was coming to destroy their freedom and enslave them to Hindu. Masood Malik Gulab Khan told Erland Jansson, author of 'India, Pakistan or Pakhtoonistan': "The Assistant Political Officer, one Abdul Mannan, was particularly helpful and would encourage and guide them secretly." Malik Gulab Khan also admitted that he paid Rs. 200 to snipe at Nehru's plane when it landed at Razmak. (119)

Comments Wali Khan: "The attack upon Jawaharlal was supposed to prove that the Khudai Khidmatgar popularity had taken a down-turn, and that the Pakhtoons accepted the political leadership of the League. It did neither. It only proved that the British had temporarily taken leave of their senses. They did not even remember that the Khudai Khidmatgar Movement was confined to the Frontier (Province), and that its leaders were not even allowed to step into the tribal areas".

The British and the League being determined to partition India, and the Congress being tired of endless disputes and unending violence, it was decided to divide the country. But even so, it was decided to stage the farce of Referendum in NWFP. Writes Wali Khan:

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"The first objection of the Khudai Khidmatgars to the referendum was that when both the political parties, the Congress and the Muslim League, had agreed on Partition (ratified by the Central Working Committee of the Congress) it was binding on them in view of their representation in the Congress through Khan Abdul Ghaffar Khan. What was the need of holding a referendum when they had accepted the plan of partition, with NWFP being a part of Pakistan? It was an exercise in futility, the result of which would be confrontation between anti and pro-Pakistan elements at a time when the situation was highly explosive.

"But the Muslim League and the British had their vested interests in this referendum. The first objective of the Muslim League was to create an impression that Pakistan was established on the demand and insistence of the people of NWFP. In this process they wanted to prove that Khudai Khidmatgars had all along opposed the establishment of an Islamic State, with the result that referendum was the only recourse.

"The NWFP was treated differently from the other provinces. When the partition plan was presented before the Legislative Assemblies of Bengal and Punjab, they ratified it. Similarly the matter was referred to the Sind Assembly. The question arises why was it not placed before the Legislative Assembly of the NWFP? There was an excellent reason for this. If the Khudai Khidmatgars decided in favour of Pakistan, the decision would have to be credited to

them. This was unacceptable to the Muslim League and to the British.

"The Muslim League knew that the Khudai Khidmatgars would refuse to participate in the referendum, and it would go in favour of Pakistan. Therefore, their second objective was to make an issue of the referendum result, by saying that the people of NWFP had no faith in the Khudai Khidmatgars. This may become a turning point in the politics of NWFP, and a revolutionary change would occur in its political scenario. The Muslim League would then demand a vote of no-confidence in the light of the referendum. Then there would be no alternative for the Government but to accept the verdict of the people and submit its resignation. If the Government did not resign, it may be possible for the Governor General to dismiss it. The Government of NWFP would be taken away from Khudai Khidmatgars and be presented on a platter to the Muslim League."

Adds Wali Khan: "At that time the leaders of Khudai Khidmatgars believed that the Muslim League would not create any disturbances, once Pakistan was established. Had they known otherwise, nobody could have prevented them from continuing to oppose them. As a matter of fact, I had personally shown them this path of confrontation. The Khudai Khidmatgars wanted Pakhtoonistan and the British would not concede them this right of self-determination. Therefore, the only way out of this predicament would have been to pass a resolution in the Legislative

*The farce and fraud of  
Referendum in NWFP*

Assembly, establishing Pakhtoonistan. They would have been assured of the support of the Constituent Assembly of India which was controlled by the Congress Party. If the NWFP people had used the referendum to announce their accession to India, instead of refraining from voting, they would certainly have got complete independence, and also a promise of protection from the Congress Government. We should have explained to our people that if they wanted Pakhtoonistan, they should cast their vote in favour of accession to India. When I look back in retrospect, I feel that we were fooled by what then seemed like human consideration and Islamic fervour of the leaders of the Muslim League." (129)

The Khudai Khidmatgars having boycotted the Referendum, out of 5,72,799 voters, 292,118 cast their votes, 2,89,244 (i.e.50.5%) were for Pakistan. However, this result was achieved with record rigging: "Bogus votes were cast including some in the names of our leaders! Two interesting incidents occurred. One was narrated to me by Iskander Mirza who, in turn, was told by the then Deputy Commissioner of Hazara District. While inspecting different polling stations, he went to one in Gilyat. When he asked how the polling was going on, the staff proudly said that this being a hilly tract, the total number of votes was 200 and all the 200 votes had been cast. He shouted at them and said that if some one raised an objection there would be no answer to the charge of booth capturing. Another incident was related to me during the 1970 elections when the National People's Party had formed the Government. A lady MLA of the Muslim League told me that she had cast fifty-one votes in the referendum."

That is how Pakistan came into being —the unholy offspring of communalism and imperialism. (KRM)

### Jinnah Tempts USA

The American factor in Pakistan has been operative since *before* the birth of that state, writes Wali Khan.

"On May 1, 1947 two Americans, Ronald A. Hare, Head of the Division of South Asian Affairs, and Thomas E. Weil, Second Secretary of U.S. Embassy in India, visited Jinnah. A detailed account of this visit was sent by the American Charge D'Affaires to Marshall, the Secretary of State. According to this account, Jinnah stated that under no condition was he prepared to accept the scheme for a united and federated India. The Muslim League had decided to insist upon the creation of Pakistan.

"Jinnah sought to impress on his visitors that the emergence of an independent, sovereign Pakistan would be in consonance with American interests. Pakistan would be a Muslim country. Muslim countries stand together against Russian aggression. In that endeavour they would look to the United States for assistance, he added." (Venkataraman; American Role in Pakistan.

"This is a variation on the old British game of hanging around the Soviet neck, the 'albatross' of Islam."

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## World Round-Up

### China's 3 Crore 'Little Emperors'

China has a population of 100 crores and 33.7 crores of them are under 14. Because of the family planning programme, 3.5 crore children have no siblings (no brother or sister). These children tend to be over-fed and pampered by their parents and grand-parents.

The 'China Youth News' recently carried a 12-part report on 'The Little Suns in our Lives', the "little emperors".

The parents of one third-grade boy, for example, bought him whatever he wanted. He dined on meat pies; his parents ate porridge. He spurned clothing that had been worn once. After his grandfather spanked him for starting a fight in school, the youngster took a pair of scissors and threatened to kill himself, until the grandfather apologized—and bought him a new toy.

The parents of a 7-year-old girl asked her to empty and clean the commode; but she only emptied half of it, because she said she was not the only one who had used it.

These single children become fat from lack of exercise and over-eating. Their parents, operating under the traditional Chinese belief that 'fatter is better', stuff them with chocolate and sugar.

Many of the children said they wanted to be prime minister; few wanted to be ordinary workers. Nearly half of the students said their parents hit them if they scored below 80 on tests.

To help parents raise their "little suns" in the proper way, about 20,000 "parents' schools" have been established throughout the country in recent years.

### Less Cancer for Vegetarians

Next only to Lung Cancer, caused mostly by smoking, Colon Cancer is the big killer in the West.

The August issue of NATURE, Britain's leading science magazine, reports that the two biggest causes of Colon Cancer are fatty foods and lack of roughage in diet.

Meats are rich in fats—and poor in roughage. Vegetarian diets are rich in roughage—cereals, lentils, salad, vegetables.

Another possible reason for Colon Cancer in the West could be that while in a vegetarian country like India, people move their bowels at least once—and even twice—a day, in non-vegetarian countries, they may not move their bowels for 2-3 days.

The roughage in vegetarian food builds up pressure in the intestines and demands to be excreted.

So much so that Air India planes have to be provided with more latrines than, say, PanAm or BOAC planes.

### Why Old Couples Look Alike

Science is lending support to the old belief that married couples eventually begin to look alike.

After 25 years of marriage, couples who bore no particular resemblance when first married, came to resemble one another, although the resemblance might be subtle.

The more marital happiness a couple reported, the greater their increase in facial resemblance.

The increase in facial similarity probably results from decades of shared emotions, according to Robert Zajonc, a psychologist at the University of Michigan, who did the research.

Dr. Robert Zajonc, in explaining the findings, holds that factors such as similar diets, and thus deposits of fatty issues, may contribute to the resemblance, but are not crucial. People often unconsciously mimic the facial expressions of their

spouses in a silent empathy, and that, over the years, sharing the same expressions, shapes the face similarly.

In an article published in 1985 in *SCIENCE*, Dr. Zajonc pointed out that carotid artery, which supplies blood to the brain, forks at the neck, sending out a major branch to the face. As the facial muscles tense and relax, they tend to act as tourniquets on the veins, draining blood from various parts of the brain, indirectly regulating blood flow and temperature in various brain areas.

"Common life experiences over years and years, can alter facial musculature and wrinkle patterns, leading to an increased resemblance, but there is no reason to believe that it has anything to do with blood flow to the brain," said Paul Ekman, a psychologist at the University of California Medical School in San Francisco.

### Rs. 50-lakhs a coat !

Thanks to Russian import of American wheat, Moscow has run up a cumulative trade deficit of \$20 billion over the last 15 years.

Russia would like to increase its exports to USA, but the latter has refused to give it the usual Most Favoured Nation treatment; it slaps a blanket import duty of 38% on Russian goods—as against only 2.8% on imports from MFNs.

The US position is that it will not give Russia MNF treatment, as long as it does not allow its citizens to freely migrate to other countries, as per Jackson-Vanik amendment.

While Russian exports are also limited by their sub-standard quality, there is one Russia item that commands a world market, and that is Furs. Russian Mink,

Sable and Ermine fur coats are the envy of international elite. For example, it takes 90 sable pelts to make just one coat, and Russia sells only about 2 lakh pelts a year.

Last month, a ranch sable coat sold for \$350,000 i.e. about Rs. 50 lakh.

### Novel Penalty for Erring Landlords

A landlord in USA has just been sentenced to live for one month with his tenants—in the tenements let out by him. This is because he had repeatedly failed to maintain the place in good repair.

The landlord is Dr. Milton Avol, 60, a neuro-surgeon from Beverly Hills, Los Angeles.

"It's great," said Raul Hernandez, a Salvadoran immigrant tenant. "Now he will see the rats come out at night. He will have to listen to the men out front at midnight, yelling at the top of their lungs."

The authorities have added to the unusual nature of Dr. Avol's case by making him the first prisoner in the country to use a special electronic surveillance bracelet. The device is set to warn them if Dr. Avol strays more than 150 feet (45 meters) from the telephone in his apartment at night. During the day, Dr. Avol is allowed to move about the building, making repairs.

"I'm not ashamed to live in my building," Dr. Avol was quoted as saying by his attorney. He insisted that the condition of his building was "a shared responsibility." "You can't live like animals and wonder why you have cockroaches."

In the colder areas of USA, a landlord can be jailed for not providing central heating to his tenants.