

PRESIDENT ON PRESIDENT'S POWERS

6 JAN 31 1961
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NEW AGE

COMMUNIST PARTY WEEKLY

VOL. VII, NO. 49 SUNDAY, DECEMBER 4, 1960 25 nP.

Editorial

PRESIDENT RAJENDRA PRASAD on November 28 inaugurated the new building of the Indian Law Institute. It

was no ordinary ceremonial function. He called upon the assembled lawyers and jurists "to study and investigate to what extent and in respect of which matters the powers and functions of the President of the Indian Union differed from those of the British Crown".

The propriety of the President himself calling upon the lawyers of the country to investigate into the powers of his own august office is certainly very questionable, however, well-meant. The worst of it is that it cannot be assumed to have been obviously well-meant. Behind it could lie hidden the claim for more powers for the President than what our countrymen believe the Rashtrapati enjoys.

The President stated that "it was generally believed that like the Sovereign of Great Britain, the President of India was also a constitutional head and had to act according to the advice of his Council of Ministers". He called upon the country's jurists to investigate how far this was the correct position.

He hardly concealed his own view: "There is no provision in the Constitution which in so many words lays down that the President shall be bound to act in accordance with the advice of his Council of Ministers".

He further stressed the following: **FIRSTLY**, in Britain the Crown descended by heredity, in India the head of the State was elected and could be removed only "in accordance with the procedure laid down in the Constitution".

SECONDLY, "the executive power of the Union is vested in the President and shall be exercised by him either directly or through officers subordinate to him".

THIRDLY, "the supreme command of the defence forces of the Union is also vested in him".

FOURTHLY, the President referring to Articles 44 and 75 of the Constitution stated that the Article 44 lays down that "there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions".

Immediately after, the President underlined the point that Article 75 "lays down that the Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of Prime Minister".

Whether the Rashtrapati has revealed his own image of his official function and powers or not he has certainly opened a Pandora's box, out of which could emerge a whole series of stinging arrows, directed against Indian democracy.

It could be taken to mean that the President is of the opinion that he is something more than a constitutional head and very unlike the British Crown; that he is the source of all executive power and supreme commander of the nation's armed forces; that it is he who appoints the Prime Minister and is, therefore, above him; that he is not answerable to the Parliament and the Cabinet—in short, that he is the source of all power and authority in the final analysis and in the event of any crisis.

Thus, the President's speech can be interpreted to mean that he has openly challenged the major canons of parliamentary democracy as it prevails in our country, and which Indian citizens took for granted.

The President's call to the lawyers can easily be taken up by the reactionary ones among them to create juridical foundations for the claim for more powers for the Rashtrapati than those associated with a constitutional head of the State.

This claim can spell out a new and serious crisis for the future of Indian democracy. Effortlessly the mind recalls similar claims by Heads of States in other countries—the latest danger signal has come from the Congo.

The issue is important and urgent enough to demand a full-dress discussion on the floor of the Indian Parliament to clear up the doubts raised by the speech and thus advance Indian democracy. The nation expects the Prime Minister to declare that the view that the President is not a constitutional head, is not consistent with that upheld by the Constitution and the Union Government.

It is imperative that Indian public opinion makes it clear that it wants the President of India to be no more than the constitutional head of the State. No President in our country shall be allowed to emerge as a dictator in any crisis and future contingency. Our people know the difference between democracy and dictatorship and they have made their choice by giving to themselves the Constitution of India, based on the sovereign supremacy of the elected Parliament.

November-30.

Border Survey Leaks

WE are now in a position to give some more details of the story we printed last week of the leakage of border survey photographs to some foreign Powers. The story relates to the sealing of an aircraft at Bagdogra on November 7 by a security officer of the Central Government and the detention of the British pilot who was flying the plane. Bengali Communist daily Swadhinata gave first news of the incident.

The sealed DC-3 Dakota aircraft VT-AUI of Airways (India) Ltd., a non-scheduled air-operator, was chartered by the Air Survey Company of India (Private) Ltd. The person who as Director manages Airways (India) Ltd., is also the Managing Director of Air Survey Company of India (P) Ltd. The head offices of both the companies are situated in the same room of a flat at 31, Chittaranjan Avenue, Calcutta 12.

Airways (India) Ltd., has been sanctioned to operate passenger services between

though it is mandatory under Indian Aircraft Rules that properly qualified Radio Officers must be on board to maintain radio communications during hazardous flights or flights over difficult and unknown regions.

The aircraft VT-AUI is specially converted for aerial survey work and it carries a powerful camera in its belly which is operated both electrically and by hand. This aircraft is also well-equipped with oxygen for high-altitude flying.

Bagdogra was made the base for survey operations and on October 22, the aircraft was seen flying over Darjeeling, due north of Bagdogra. It flew towards Sikkim and crossed over to Bhutan.

The same day, on return to Bagdogra, the aircraft was grounded after Captain Long had declared that the Auto-Pilot unit was unserviceable. The pilot may require this unit for smooth flying for purposes of photography, but it is not mandatory under Indian Aircraft Rules, particularly for hazardous flights.

This was not the only suspicious grounding of the air-

craft that took place. The engineering staff from Calcutta went to Bagdogra and repaired the defective Auto-Pilot unit.

Again after a day or two, Captain Long grounded the aircraft—the reason this time was some defect with the Magnetic Compass.

Later when the engineering staff examined the Magnetic Compass they found that it was not defective or faulty and it was fully serviceable. In fact, experience is that a Magnetic Compass seldom goes wrong unless very roughly handled.

Also, there is in the aircraft a Radio Transmission Compass in addition, fitted in front of the pilot. With the help of this Compass, the position of the aircraft could easily have been detected, provided Captain Long was flying inside India or he could contact any Radio Transmission Station on the borders of India.

Why then was the aircraft grounded—both times on such flimsy grounds?

Was it because Captain Long was scheduled to contact "somebody" at Bagdogra or Siliguri and needed the time to make the contact and pass on whatever material he had?

Force intercepted Captain Long over prohibited areas and forced him to Bagdogra and escorted by the four IAF fighters the aircraft was landed there.

Immediately on landing, the aircraft was sealed, and Captain Long and other members of the crew were taken to their hotel and placed under house arrest.

Three days later, the aircraft was brought to Calcutta, as we reported earlier.

Now something about this Captain Long which raises some more serious questions.

Among his close friends are the foreigners John Briannand, Joe Kosjarik and Captain Quin about whom nothing needs to be said here except that their names have been mentioned in connection with plenty of shady deals of which the Government of India itself is not unaware.

The Government of India knew about it. Trade union leaders had placed plenty of information with the Government. Still Captain Long continued to enjoy his stay in India and what is more criminal, he was allowed to fly over strategic areas; collect information and hand it over to foreign contacts.

THE DAMNING FACTS

From OUR SPECIAL CORRESPONDENT

Jamshedpur and Calcutta; it has no other services while the Air Survey Company carries out aerial surveys on behalf of both the Government and private enterprises.

It is the only air survey establishment in India. The Indian Air Force also does aerial survey—but for military purposes though not always for security.

Here comes the first question: Why does the Government of India allow private companies to do strategic air survey work? Why is it not being entrusted to the Air Force?

This question becomes all the more relevant when details of what happened in the particular flight are revealed.

The Government of Bhutan had engaged the Air Survey Company of India (P) Ltd., to do aerial survey work for some projects which it intends to undertake.

On October 21 last, the DC-3 aircraft VT-AUI of Airways (India) Ltd., left for Bagdogra with a crew of three and other persons required for the survey.

The crew members were the British Pilot-Captain F. H. Long, Co-Pilot D. K. Choudhuri and Radio Officer Sethna. The Radio Officer was sent back to Calcutta after the aircraft reached Bagdogra,

craft that took place. The engineering staff from Calcutta went to Bagdogra and repaired the defective Auto-Pilot unit.

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FOR THE P.M.'S BENEFIT!

Dy. Commissioner Of Border District Says: Nothing Against Communists

FROM OUR SPECIAL CORRESPONDENT

THE Gauchar Mela is an eventful annual feature of Garhwal. It is en route to Badri Nath. This year, it was inaugurated on November 14 and began with the celebration of Pandit Nehru's birthday and concluded on November 20.

The heads of all Government departments were there—the Superintendent of Police, the Session Judge, the Civil Surgeon, the Health Officer, various development officers and, of course, the Deputy Commissioner.

Leaders of all political parties were there and so were ours.

On November 18, the Deputy Commissioner held a press conference and distributed publicity material on the progress of development work in the district and before concluding his statement, he poured cold water over the newsmen who manufacture news and publish them without ascertaining their authenticity from the official sources.

For instance, he stated that there was no sense in writing that the Police Armed Constabulary or the Army units were being rushed to the border to protect them. Such news, he stressed, did not help the country in knowing the real facts about the border situation.

Everybody in Garhwal knows that such news only creates unnecessary panic and makes the task of the local officials difficult.

At this point, your correspondent asked him a straight question: "Pandit Nehru has charged the Communists of doing anti-national activities on the border areas including Garhwal. What do you say to that?"

No Problem

For a moment the Deputy Commissioner, Saraswati Prakash Vatal hesitated and began thinking within himself. And then in slow measured words, he said, "Such a problem has never come before me in this form. This problem has no such shape in my district."

I pressed the next question, "Does it mean that the Prime Minister has been basing his information upon the news manufactured in Lucknow and Delhi, that is outside your District?"

There was no answer to this question but the very silence was significant. It needs somebody much bolder than any Deputy Commissioner to answer it positively!

Before ending the press conference, the District Informa-

tion Officer made a concluding speech in which he again reminded the pressmen on behalf of the Deputy Commissioner that they should not publish anything without ascertaining the facts from the District authorities.

With obvious discomfort in his voice, he stressed that some papers especially the dailies published from the plains had been publishing news of all sorts about the border situation which had no tint of truth in them.

Just two days after this press conference where the Deputy Commissioner himself gave a responsible official estimate of Communist activities in the district, the Prime Minister repeated his baseless charges on the floor of the Lok Sabha.

His own Deputy Commissioner of Chamoli, the border district of Garhwal, had stated in an open press conference, where Communists, Congressmen and non-Party publicists were also present that he was not aware of any anti-national activities by the Communists and hence the question of taking any steps against them has not arisen.

Nehru Suffers

I held back my despatch to New Age to compare it with the story of the Mela and this press conference as it appears in the most influential nationalist weekly of our district, the Karma-Bhoomi. If the officials of the Home Ministry in New Delhi have any doubts left they can look up the Karma-Bhoomi issue of November 26 and I can strengthen the story by sending press cuttings from other local weeklies!

The question that was widely discussed in the Gauchar Mela among the wide political circles was that the Communist-phobia seems to have taken on an epidemic form in New Delhi, to have infected Pandit Nehru himself!

After reading the report of the Lok Sabha debate, the people are commenting what will happen to our country if the sources of information to the Prime Minister are tainted and if the top District official makes one statement about the local situation and the Prime Minister a completely different one.

Of course, the prestige of ruling party has suffered a lot and Pandit Nehru's, too, in the bargain. But the more serious people ask, what is going to happen to the country when such is the crazy state of affairs?

Nehru's Bhatt

IN our last issue, we published a contradiction from a leading Communist of Garhwal that no Krishna Bhatt was a member of the Communist Party. The Secretary of the District Committee, S. P. Dhoundiyal was out on tour and when he came back to the District Headquarters and read the Prime Minister statement, he looked up the new and old registers of the Party membership and issued the following press statement:

"No person bearing the name of Krishna Bhatt in our districts of Garhwal and Chamoli is a member of the Communist Party now nor these was one ever before. Again, no meeting either public or private was held in April 1960 anywhere in Garhwal by the Communist Party." The sources that supply information to the Prime Minister seem to deal with fiction rather than facts.

We, however, persisted in doing some research on this favourite of the Prime Minister's informants and discovered the following in the pages of the Karma-Bhoomi, the oldest nationalist weekly of Garhwal. In its April 20, 1954 issue on page 7 the following item was published:

"The Communist Party Communicate: The public are hereby informed that Sarvasbri Shrikrishna Bhatt Maheshnand Pujari and

Sardar Barkawar Singh, all residents of Karnaprayag are not connected with the Communist Party in any way and these three gentlemen were never members of the Communist Party, Secretary, Communist Party, Garhwal".

STORY OF A FIASCO

TEHRI has come into the news with all the talk about Communists and the border. After our successful Party Conference and P. C. Joshi's visit here, the P.S.Pers (not of Tehri, however,) got panicky. Their U. P. leader, Narain Dutt Tiwari, himself a Pahari and MLA from Nainital and deputy leader of his party group in the Assembly recently visited Dehradun and decided to "mobilise" his party men, to "invade" Tehri, "smash" the Communists.

About 20 local P.S.Pers volunteered but when it came to starting, only 3 actually went and Tiwari went in a police jeep which first surprised the people of Tehri and then earned him their contempt. The PSP Chiefs visit in the police jeep became a popular joke all over the place. Tiwari is a member of U.P. Police Committee. He, however, went to Tehri on his Party and not Police work. Thus what was to be a crusade ended as a fiasco!

GARHWAL CONGRESS LEADER REPORTS ON BORDER —REFUTES SLANDER

THE Vice-Chairman of the Interim District Council, Garhwal, Shridhar Azad, recently went out on tour right up to the border villages of Mana and Niti. The press correspondents met him when he came back to Shrinagar. We are publishing the version from the respectable nationalist weekly, Karma - Bhoomi, November 19.

"He did not see any danger from the Chinese on the border. On the contrary, he stated that the traders of the Niti Valley, this year have made bigger profits than last year. He had talked to the tradesmen who had come back from Tibet and found to his own sur-

prise that this year our Bhotia tradesmen are quite satisfied".

"Your correspondent told him that the newspapers published from the plains and some leaders talk about Chinese entering Garhwal and simultaneously broadcast news about hectic Communist activities. He answered that all this was incorrect".

Now, let Pandit Nehru compare this statement from an old leading partyman of his, who is also the Vice-Chairman of the local body there, with the reports of his own informants and see for himself how false reports for his briefs are manufactured.



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