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[A MONTHLY REVIEW]

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"RESTRICTION OF MOVEMENTS AND ACTIONS" UNDER STATES' PUBLIC SAFETY ACTS

To Orissa belongs the honour of having terminated on 1st October last the regime of Public Safety Acts under which the people of that State like those of every other State have had to live continuously for some six years, thanks to the Congress Governments. Even before this extra-legal system of administration was brought to a close, the Orissa Government had in May 1951 removed from its Public Safety Act some of the most obnoxious provisions like those conferring power to impose collective fines, to prohibit meetings and processions, to ban newspapers or control their circulation, etc. And now that the whole Act has ceased to have effect, the provision which empowered the district magistrates "to restrict the movements and actions of persons" has also become inoperative. It is this provision in the Public Safety Acts with which we propose to deal in this article.

Madhya Bharat High Court's Judgment

How far-reaching and oppressive restriction orders issued under this provision can be will best be seen from the decision of the Madhya Bharat High Court handed down on 8th November 1951 in the case of *State v. Motilal* (38 A. I. R. Madhya Bharat 114). In this case the Court outlawed the section in the Madhya Bharat Public Safety Act relating to the control of citizens' movements and actions and held it to be unconstitutional (see p. ii:149 of the BULLETIN), on the ground that the section imposed "unreasonable" restrictions on the fundamental rights conferred by Art. 19 (1) (d) and (e) and also on some other rights. The Court held that the restrictions authorized by the section had to be considered unreasonable, and therefore contrary to the limitations of Art. 19 (5), on account of two separate but connected factors, viz. (1) the "almost unlimited character of the restrictions" permitted to be imposed under the section and the "extremely wide powers" conferred by it—powers which could indeed be "as wide as conceivable," so as to allow "interference by the Government with practically every sphere of the activity of the citizen" and also (ii) the "drastic" character of the means which can be employed to enforce obedience of the restriction order passed.

We shall first call back to the mind of the reader the all-pervasive nature of the restrictions which the section allows the State Governments to impose. It empowers the Governments to make an order

"FORTY DAYS' TYRANNY"

Mr. Nehru is no doubt at bottom a patron of law and liberty. Yet he sanctions in time of peace measures like those of detention without trial, suppression of freedom of speech, abrogation of the right of public assembly, etc., which may possibly be justified only in time of war. What obviously has led him to adopt coercion is the feeling that, in the emergent circumstances which he conceives have arisen, following the attainment of independence, enforcement of extraordinary law is excusable, since repression would last for but a few years, after which there would be an unbroken reign of law for all time. In such a temporary regime of extra-legal measures he expects the people at large to acquiesce from a patriotic point of view without making too much fuss about encroachments on civil liberty. It is the notion of a *lex temporis* that has apparently influenced him in turning his back for the time being on traditional liberties.

This notion has had a similar influence on other minds too, not at all ill-disposed towards civil liberty. In 1766 it led Lord Camden to defend an illegal act of the Crown, done during the recess of Parliament, as "but forty days' tyranny at the outside," forty days being the time required to assemble Parliament. To this argument Lord Temple made the following reply :

Forty days' tyranny! My Lords, tyranny is a harsh sound. I detest the very word, because I hate the thing. . . . Forty hours', nay forty minutes' tyranny is more than Englishmen will bear . . . Forty days' tyranny over the nation by the Crown! Who can endure the thought? . . . Establish a dispensing power, and you cannot be sure of either liberty or law for forty minutes.

(i) directing that a person shall not be in a particular place;

(ii) requiring him to be in a particular place;

(iii) requiring him to notify his movements periodically;

(iv) imposing restrictions in respect of (a) his employment, (b) his association with other persons, and (c) dissemination of news or propagation of opinions;

(v) prohibiting use of an article by him; and

(vi) "otherwise regulating his conduct."

It would be difficult to imagine any movements or actions which do not come within the ambit of the section. Moreover, failure to observe the restrictions is punishable with one year's imprisonment, and even before the order is disobeyed a bond may be taken from a person in order that disobedience may become difficult.

Both in respect of the almost illimitable sweep of the restrictions and of the penalties attached to disobedience thereof (grounds which led the Madhya Bharat High Court to invalidate the section concerned), the Public Safety Acts of all the States are very similar, and by parity of reasoning these Acts also should be liable to be held invalid. Only in one respect has there been an improvement since 1950 in these Acts in some of the States. The Madhya Bharat High Court pointed out that under the Madhya Bharat Public Safety Act a person against whom a restriction order might be passed "is not given any right of representation. The authority making the order may have acted on wrong information or under a mistaken belief as to the existence of a set of circumstances which really do not exist. Yet the person against whom an order is made is without a remedy." This was an additional factor which led the Madhya Bharat High Court to hold that the restrictions permitted to be imposed under the statute fell outside the scope of "reasonable restrictions" as contemplated by Art. 19 (5) and that therefore the relevant provision in the statute was ultra vires. But latterly in some States the right of representation has been given to persons affected by a restriction order, and an amendment of the statutes to this effect may to that extent possibly save the statutes so modified from unconstitutionality.

Madhya Pradesh and Punjab

We would like to review the changes effected in this respect in the States. Before 1950 the Public Safety Acts included in the scope of the restriction order the power to detain as well as otherwise to restrict the movements of persons, and the Acts provided the right of representation only to detained persons and denied it to persons subjected to other kinds of restrictions. Thus, after the power of detention was removed from these Acts and transferred to the Preventive Detention Act passed at the centre in 1950, the position in the States was that persons who came under a restriction order did not enjoy the right of repre-

sentation at all and were without any kind of remedy in respect of the order. Some of the States probably realized how unsatisfactory the position of such persons was and proceeded to give these persons a right of representation by amending their Acts, thus giving them the advantage which detained persons had enjoyed under those Acts. In Madhya Pradesh, for instance, a consolidated Public Safety Act was passed on 13th October 1950; it cast on the State Government the obligation to communicate to the person against whom a restriction order had been passed the grounds for making that order and to afford him an opportunity of making a representation against the order. The Act also provided for the constitution of an Advisory Council, before which the State Government was directed to place the representation. The Advisory Council was however invested with purely advisory functions, for the Act said: "After considering the report of the Advisory Council, the State Government may confirm, modify or cancel the restriction order." The same was the procedure followed in respect of detention, when a detention order could be made under the Public Safety Acts. And the merit of this amendment was that it extended to persons whose movements were otherwise restricted the advantage (though slender) of being enabled to make a representation to an independent body which previously was given only to detained persons.

Similarly, the President's Punjab Security of the State Act enacted on 12th September 1951 provided for an Advisory Council to investigate cases of persons placed under a restriction order, and in this State also the Advisory Council had limited powers, the State Government being given authority "to confirm, modify or cancel the restriction order" after considering the Council's report. The Council was to consist of three members (one of them a chairman), "all of whom shall be persons who are or have been, or are qualified to be appointed as, judges of a High Court." The Madhya Pradesh Act prescribed no such qualification for persons to be appointed to the Council. In the case of both these States the maximum period for which the restriction order could remain in operation was fixed in the Acts at one year if made by the State Government and at one month if made by a district magistrate.

Bihar, Orissa and West Bengal

Some other Governments went further in providing for safeguards. If a tribunal is to be constituted to examine cases of men under a restriction order, as it was constituted to examine cases of men under a detention order, why should not the tribunal (they thought, and quite rightly,) have the same powers in one case as in the other? If the Preventive Detention Act makes the opinion of the tribunal binding on the Government where it is favourable to a detenu, why should not a similar provision apply to a person who is subjected to a restriction order, giving the same powers to the tribunal to be appointed for the consider-

ation of such cases? Detention involves putting a stop to all movements and is thus a much more serious matter than just a restriction of movements, and the latter power can therefore be safely subjected to all those safeguards to which the former is subjected. Proceeding on this line of reasoning, some States provided in their Public Safety Acts for the constitution of, not an Advisory Council with power merely to advise, but an Advisory Board whose recommendations have to be given effect to. Thus Bihar passed an amending Act on 13th May 1951, providing for an Advisory Board to consider cases of persons placed under a restriction order. The Act laid down: "In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the making of the order (restricting movements or actions) against the person concerned, the State Government may confirm the order," precisely on the lines of sec. 11 of the Preventive Detention Act of 1950. This section meant that unless the Advisory Board's opinion was adverse to the detained person, he had to be released. And this was made more explicit in the Preventive Detention Act of 1951 by adding a clause which said: "In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released."

Orissa, in amending its Public Safety Act on 25th May 1951, added such a clause, expressly providing for the revocation of a restriction order if the Advisory Board reported that in its opinion there was no sufficient cause for making the order. (Now, of course, no such restriction order can be issued at all, since the Act has ceased to have effect since 1st October this year.) West Bengal amended its Security Act on 13th November 1951, and it provides: "If the Advisory Board is of opinion that sufficient cause does not exist for the (restriction) order, the State Government shall forthwith cancel the order." It may be noted in passing that this Act provides for a compulsory continuation of the order if the report of the Advisory Board is unfavourable to the person affected, unlike what is provided in the Detention Act. In the case of Orissa and Bihar all the three members of the Board, and in that of West Bengal two of the three, are to be persons "who are or have been, or are qualified to be appointed as, judges of a High Court." The maximum duration of a restriction order against a person was one year in Orissa and is six months in Bihar and three months in West Bengal. Bihar further provided in its amending Act passed on 31st March 1952 that the restrictions to be imposed on the movements or actions of persons have to be "reasonable."

Bombay

Bombay is, however, among those States which have made no improvement in this respect. It does not provide for any kind of investigation by an independent tribunal,

whether an Advisory Council with power to advise or an Advisory Board with power to decide cases of persons placed under a restriction order. The State Government is not under an obligation to state any reasons why such an order is made against a person. No right of representation is given to him. The Public Safety Act of this State is in all respects similar to the Madhya Bharat Act: it is comprehensive in its scope; it provides for the same "drastic" punishment; and it affords no remedy to the aggrieved. For this reason the Bombay Act would appear to be equally voidable with the Madhya Bharat Act as permitting imposition of restrictions which cannot be held to be reasonable within the meaning of Art. 19 (5) of the Constitution. It may be noted that the Act provides that, in prosecutions for contravention of orders made thereunder, the validity of the orders shall be presumed until the contrary is proved and that the burden of proving this shall lie on the accused. The requirement that the accused shall prove himself innocent is a kind of provision which only the Morarji Desai Government can be capable of adopting. The Act is thus even more reactionary than the Madhya Bharat Act which was nullified by the Madhya Bharat High Court.

The Public Safety Acts in all the States deserve to be repealed in toto, but if the section in them which relates to the restriction of movements and actions is not to be repealed at once, all the States should at least provide for an Advisory Board, with all the improvements that have been embodied in the Preventive Detention Act of August last.

CANADA'S TREASON AND SEDITION LAW

The Government of Canada amended the law of treason in June 1951 in a very important particular. Before this amendment was introduced, "assisting an enemy" could be treated as treason and punished with death only after Parliament had taken the serious step of a declaration of war, for the words in the law, derived from the English law of 1351, which thus has been in force for no less than six hundred years, were: "assisting any public enemy at war with His Majesty." But the amendment introduced the words "whether or not a state of war exists," which means, as the Minister of Justice explained, that "under this new provision it is not necessary to show that we are at war with any country." Thus, the amendment wiped out the difference between war-time and peace, and the Minister of Justice fully admitted that this "is a new departure in principle."

But further changes of a reactionary kind are proposed to be introduced in the law of treason by Bill H-8, which seeks to make a complete revision of Canada's Criminal Code and which has already been given first and second readings by the Senate. Sec. 46 of the Bill defines "treason" not only as "levying war against Canada," but includes in it such offences as espionage. Whoever "conspires with an agent of a State other than Canada to communicate information or to do an act that is likely to be prejudicial

to the safety or interests of Canada' will, under the Bill if it passes, be treated as a person guilty of treason and will be liable to be sentenced to death or to imprisonment for life. Thus the definition of "treason" is being extended far beyond its proper limits. As the National Council for Civil Liberties in the United Kingdom has put it, "To punish by death in peace-time the mere forming of an intention (manifested by the doing of an overt act) to conspire with a foreign agent to communicate secret information is a completely novel departure from English standards." Indeed, the Bill "in effect extends the law of treason to cover all those offences, usually considered under the heads of sedition or official secrets." It is to be hoped that the Canadian Parliament will succeed in removing this sec. 46 out of the Bill.

TREASON IN U. S.

In the United States Constitution treason has been given a more restricted definition than in any other. The purpose of so tightly defining treason was to make it impossible to give to treason a loose and expansive meaning such as, it was felt, was possible under the English law; in the words of Willoughby, the purpose was "to exclude the possibility of the Federal Government, through either its judicial or legislative branches, following the precedents of English law and practice, and declaring a great variety of acts to constitute treason and punishable as such." But the Canadian Bill proposes to include in treason a large number of acts which even the English law excludes! By the definition of the Constitution of the United States, as set forth in Article III(3), treason against the United States may be charged only in cases where the accused has levied war against the United States, or rendered aid and comfort to its enemy by adhering to the enemy's cause (individual states having the power to determine what acts shall be held to constitute treason, subject however to the limitations placed upon them by the Federal Constitution). And it is provided that, for conviction of the crime of treason, there must have been an overt act, testified to by two witnesses. Because of the exceedingly serious nature of the crime, very rigid standards of scrutiny are applied in testing overt acts. As Mr. Justice Murphy said in *Haupt v. United States* (1947) 330 U. S. 631:

Treason is different from ordinary crimes, possessing unique and difficult standards of proof which confine it within narrow spheres. It has such serious connotations that it cannot be left to conjecture. Only when the alleged overt act manifests treason beyond all reasonable doubt can we be certain that the traitor's stigma will be limited to those whose actions constitute a real threat to the safety of the nation.

This will help to show how dangerously wide the definition of treason is in the Canadian Bill and how extremely illiberal the measure is.

SENTENCE FOR SEDITION ENHANCED

The Canadian law of sedition was already amended in June 1951. Whereas by sec. 134 of the Criminal Code, 1892, as it existed previously, a person "who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy" could be sentenced to a maximum term of two years, the Act passed last year increased the sentence to seven years, and now Bill H-8 proposes to increase it still further to fourteen years!

STRIKES MADE ILLEGAL?

Sec. 49 of the Bill is capable of being interpreted as conferring power to ban strikes. The section says: "Every one who does a prohibited act for a purpose prejudicial to the safety or interests of Canada is guilty of an indictable offence and is liable to imprisonment for ten years." And "prohibited act" is given a very wide connotation. It is defined as meaning "an act or omission that impairs the efficiency or impedes the working of any ... machinery, apparatus or other thing." It is feared that under the Bill any strike may be outlawed, and the section was therefore condemned in the Senate by one member as "terrible and drastic."

SEARCH WITHOUT WARRANT

The Act of June 1951 has made a substantial, and in fact a revolutionary, change in sec. 127(1) relating to searches and seizures. As amended by the Act, the section reads:

Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of secs. 115 to 123, he may search, without warrant, a person or vehicle or premises other than a dwelling-house, and may seize anything by means of or in relation to which he reasonably believes the offence is being committed or has been committed.

On this the comment of the League of Democratic Rights of Toronto is:

This newly worded section was ostensibly designed to help any police officer discover "offensive weapons." Be that as it may, it also provides almost unlimited and certainly unwarranted power to any policeman to search persons, automobiles, offices, union halls, etc. After such a search has been conducted—for whatever purpose—who is to prove that the said peace officer did not have "reasonable grounds"? He does not have to produce any "offensive weapons" to prove that he had "reasonable grounds": all he needs is his "belief". As Mr. Angus MacInnis said in the House of Commons debate last June: "This section goes altogether too far."

HARRY BRIDGES' CASE

The story of the U. S. Government's attempt to deport through court action Mr. Harry Bridges on account of his subversive activities has reached a semi-final stage. It is a story worth telling.

Bridges, a native-born Australian, went and settled in the United States in 1920 and has not returned to Australia since that time. After his arrival in the United States, he devoted himself to the cause of longshoremen and did much to improve the lot of the workingmen on the water front. He has since become president of the International Longshoremen's and Warehousemen's Union. For nearly twenty years, after he successfully led the maritime strike on the Pacific Coast in 1934, unremitting efforts were made to deport him on the ground that he was connected with organizations dedicated to the forcible overthrow of the Government of the United States. The first attempt failed because the Immigration Service, after a thorough investigation of the charges, was unable to find any evidence warranting his deportation. However, later the Immigration Service issued a warrant of deportation in 1938, but when the case went to a special examiner, a Dean of the Harvard Law School, he was given "a clean bill of health," and the matter had to be dropped again. Then the law of deportation was itself amended. It was no longer necessary to prove that an alien to be deported was a member or affiliate of an organization advocating the overthrow of the Government by force or violence at the time of deportation. Under the amended law an alien could be deported if, at the time of entering the United States or at any time thereafter, he was or had been thus connected with an organization of the above character. This new provision of law (in the Alien Registration Act of 1940) was availed of to issue a warrant for Bridges' arrest and deportation in 1941. This time the examiner recommended his deportation, and though the Board of Immigration Appeals unanimously rejected this recommendation, the Attorney General reversed the Board and ordered the deportation of Bridges.

Bridges challenged the legality of his detention by a petition for a writ of habeas corpus, and though the federal district court and Circuit Court of Appeals rejected the petition, the Supreme Court, in *Bridges v. Nixon* (1945) 326 U. S. 135, reversed this judgment on a writ of certiorari, holding that Bridges' detention under the warrant of deportation was illegal. The decision turned on what "affiliation" with the Communist Party meant. And the Court came to the conclusion that though Bridges had used the Communist organization in furtherance of his labour union activities, this co-operation did not amount to "affiliation" with the organization within the prohibition of the statute. It said:

Whether intermittent or repeated, the act or acts tending to prove "affiliation" must be of that quality which indicates an adherence to or a furtherance of the purposes or objectives of the proscribed organiza-

tion as distinguished from mere co-operation with it in lawful activities. The act or acts must evidence a working alliance to bring the programme (of the violent overthrow of the Government) to fruition.

But when we turn to the facts of this case we have little more than a course of conduct which reveals co-operation with Communist groups for the attainment of wholly lawful objectives. The associations which Harry Bridges had with various Communist groups seem to indicate no more than co-operative measures to attain objectives which were wholly legitimate. The link by which it is sought to tie him to subversive activities is an exceedingly tenuous one, if it may be said to exist at all.

Though the Court held that Bridges could not be deported under the terms of the statute, it did not consider the larger question of whether the statute was constitutional in itself and how far the power of deportation was limited by the Constitution. Mr. Justice Murphy, however, discussed this question in his concurring opinion. He observed that the assumption underlying the statute was "obnoxious and intolerable," the assumption, viz., that "the 'plenary' power of Congress to deport resident aliens is unaffected by the guarantee of substantive freedoms contained in the Bill of Rights." And he laid down two propositions on the basic issues:

(1) The deportation statute completely ignores the traditional American doctrine requiring personal guilt rather than guilt by association or imputation before a penalty or punishment is inflicted.

(2) The deportation statute is further invalid under the "clear and present danger" test enunciated in *Schenck v. United States* (1919) 249 U. S. 47.

Foiled in the attempt to remove Bridges directly, the Government seems intent on securing its objective by an indirect route. For there is a provision of law, in sec. 338 of the Nationality Act of 1940, which empowers the Government to set aside the naturalization decree under which an alien is admitted to United States citizenship and to cancel the certificate of naturalization that has been granted to him if it be proved in a court of law that his citizenship was illegally or fraudulently procured. And after his citizenship is thus revoked by judicial action, the Government becomes free to deport a man who is once more reduced to the status of an alien. The Government is now taking denaturalization proceedings against Bridges under this provision and seeking to prove that when Bridges acquired citizenship in 1945 he swore allegiance to the United States with mental reservations which made his oath fraudulent. Here it may be said that it is established that in such proceedings the Government must present solid proof that the citizenship was disloyally acquired; that the setting aside of the grant of a certificate of citizenship "cannot be done upon a bare preponderance of evidence which leaves the issue in doubt," but only on

evidence which is "clear, unequivocal, and convincing." Such rigid standards of proof are required because rights once conferred should not be lightly revoked. Thus when the Government sought to cancel the naturalization certificate of William Schneiderman on the ground that he had acquired the certificate when he was a member of and subscriber to the principles of the Communist Party, and of Baumgartner on the ground that he was an admirer of Hitler and Hitlerism, the Supreme Court, in *Schneiderman v. United States* (1943) 320 U. S. 118 and *Baumgartner v. United States* (1944) 322 U. S. 665, put its foot down, holding that the proof offered by the Government did not warrant cancellation of the naturalization certificate.

In the present case it is the plea of the Government that Bridges, when applying for United States citizenship, had sworn falsely that he was not a member of the Communist Party. The federal district court in 1950 convicted him of fraud and awarded a five-year prison sentence. And now, on 6th September, the Circuit Court of Appeals affirmed the conviction and sentence in a unanimous opinion. Judge Pope stated there was "a substantial amount of evidence that Bridges, in fact, joined and became a member of the Communist party." He observed that possessing membership in the party had not been a crime but that there was a bar against naturalization of one who adhered to the belief that the Government should be changed by force or violence and that such adherence was a legal ground for deportation.

On behalf of Mr. Bridges it was announced that a re-hearing of the case would first be sought in the Appellate Court and that if that was denied an appeal would be taken to the United States Supreme Court.

NOTES

Freedom of Travel

A NOTABLE VICTORY IN A FEDERAL COURT

A campaign is on foot in the United States to get the Secretary of State to revise the standards and procedures governing the issuance of passports so as to bring them into full accord with the guarantees of the Bill of Rights (see the BULLETIN, p. ii:165). A major victory was recently scored in this campaign.

When the passport granted to Anne Bauer, a free-lance writer residing in Paris, was revoked by the State Department because the Department thought her "activities were contrary to the best interests of the United States," offering no evidence for its charge and granting no hearing, the American Civil Liberties Union instituted a test case in a federal court in Washington, and this court ruled by a 2 to 1 vote that the State Department's failure to provide hearings was a violation of the guarantees of due process of law accorded to citizens under the Constitution.

In the opinion handed down by federal district judges Keech and Curran, the court said:

This court is not willing to subscribe to the view that the executive power includes any absolute discre-

tion which may encroach on the individual's constitutional rights, or that the Congress has the power to confer such absolute discretion. We hold that, like other curtailments of personal liberty for the public good, the regulation of passports must be administered, not arbitrarily or capriciously, but fairly, applying the law equally to all citizens without discrimination and with due process adapted to the exigencies of the situation. We hold further that such administration is possible under the existing statute and regulations.

The State Department did not appeal against the ruling, but instead announced on 2nd September the creation of a Board of Passport Appeals and issued new regulations which provide for hearings, etc., in compliance with the court's decisions.

CONDEMNATION OF U. S. VISA POLICY

In the last month's issue of the "Bulletin of the Atomic Scientists" thirty-four of the world's leading scientists including such men as Albert Einstein, Arthur H. Compton and Harold C. Urey issued a statement vigorously attacking the visa and passport policies of the United States Government. These policies were initiated by the Immigration Act and the Internal Security Act, both passed over the veto of President Truman. These laws provide that persons may be refused admission to the U. S. if a consular officer or the Attorney General "knows or has reason to believe" that their activities "would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States." The laws bar Communists or members of any other "totalitarian party."

In their protest against the application of this legislation to men of their profession, these scientists say that the legislation has made it possible for the Government to prevent, at will, admission to or egress from the U. S. of scientists and teachers on the basis of mere suspicion that they may be Communists or sympathetic towards Communists and have cited twenty-six cases of men in which scientists of undoubted loyalty to American principles have been excluded, "which is stifling to scientific and intellectual freedom and destructive of civil liberties." The policy, they say, has resulted in "hampering the progress of American science, alienating our allies, comforting our enemies, and traducing the principles of liberty."

Dr. Einstein remarks that the laws have a wider result than "the obstruction of the travels of American scientists and scholars abroad and of foreign scientists seeking to come to this country." He says:

Interference with the freedom of the oral and written communication of scientific results, the widespread attitude of political distrust which is supported by an immense police organization, the timidity and the anxiety of individuals to avoid everything which might cause suspicion and which could threaten their economic positions—all these are only symptoms, even though they reveal more clearly the threatening character of the illness.

Special Loyalty Oath Outlawed

In 1949 the University of California imposed upon all its professors a special declaration, in addition to the general loyalty oath which was prescribed by the legislature of California, that they are "not members of the Communist party or any other organization which advocates the overthrow of the Government by force or violence." Eighteen professors who had refused to sign this declaration and who had lost their teaching posts as a result filed a suit for reinstatement in the courts on the ground that the declaration required by the University as a condition of employment was unconstitutional since it applied only to teachers and not to other state employees. The suit was decided by the supreme court of the state in their favour on 17th October, the court holding by a unanimous decision that the declaration imposed by the University was unconstitutional and ordered reinstatement of the dismissed professors. Chief Justice Gibson wrote:

The loyalty of state employees is not a matter as to which there may be reasonably different standards and different tests, but it is without doubt a subject requiring uniform treatment throughout the state.

The legislature has enacted a general and detailed scheme requiring all state employees to execute a prescribed oath. . . . A multiplicity of oaths and declarations would not only reflect seriously upon the dignity of state employment but would make a travesty of the effort to secure loyal and suitable persons for government service.

A suit testing the validity of the law prescribing a general oath from all state employees was also filed, but the supreme court upheld, by a vote of 6 to 1, the constitutionality of this law.

The decision voiding the additional oath prescribed by the University has thus a limited significance; what it condemns is only a special and discriminatory oath. But it is hailed in the whole educational world in the U. S. A. The dismissal of professors refusing to take the oath had created consternation in all the states. The "New York Times" thus pointed out the moral of the decision:

The point raised by those faculty members who refused to make the required declaration was not that a professor or any other state employee had a right to belong to an organization upholding forcible overthrow of the Government. It was that there should not be discrimination against professors or other teachers as such.

The soundness of this point is manifest. To ask a professor to say that he does not want to overthrow the Government when other office-holders and other citizens are exempt from such a declaration is belittling and absurd. It is about the same as asking a professor, and not other office-holders, to declare that he is not in favour of burning barns or robbing banks. It is like treating the high and responsible task of education as something with a criminal undertone.

HABEAS CORPUS PETITIONS

Woman Journalist Released

CRITICISM OF GOVERNMENT NO GROUND FOR DETENTION

Saadat Jahan Begam, managing editor of "Iqdam," an Urdu daily, was arrested and detained under the Preventive Detention Act on 9th September, following disturbances in Hyderabad City on 3rd and 4th September as an aftermath of the Mulki agitation. In the grounds of detention it was stated that the editorials of the paper of which she was the managing editor were "prejudicial," and that, at a meeting convened on 4th September at Victory playgrounds in connection with the agitation started on behalf of the students against the appointment of non-domiciled persons in Government offices in the State, she made a speech in which she severely criticised the Government for opening fire on students at a gathering of 3000, remarking that the police should have disobeyed the order to open fire.

Mrs. Saadat Jahan made a habeas corpus petition against the order of detention, stating that she was not the editor of "Iqdam," but only its managing editor and as such she was not responsible for what was published in the paper. The petition was heard by a division bench of the Hyderabad High Court consisting of Mr. Justice A. Srinivasachari and Mr. Justice M. A. Ansari. Their Lordships allowed the petition (21st October) and passed orders for the release of the petitioner.

In the course of his judgment, Mr. Justice Srinivasachari observed: The Government Advocate was not able to satisfy them as to whether Mrs. Jahan had made the required declaration and under the circumstances, it could not be said she was the editor and as such could be held responsible for the alleged objectionable articles. So far as the ground of detention which related to Mrs. Saadat Jahan contributing objectionable articles to "Iqdam" was concerned, he was of the opinion that she could not be held responsible and if any action could be taken by the Government under the Press (Objectionable Matters) Act of 1951, action could be taken only against the editor who was admittedly her husband. As regards the alleged inflammatory speech made by her at Victory playgrounds on September 4, even granting that she made the speech in identical terms in which the police officer who was present at the meeting had reported, he must say that such a speech could not be regarded as one calculated to create disaffection in the minds of the people as against the Government so as to create disturbance of public peace. Speeches of the kind attributed to the petitioner could never be regarded as likely to affect maintenance of public order within the meaning of section 3(1) of the Preventive Detention Act. His Lordship said:

Criticism of the Government, however strong it may be or deprecating the action of the Government

is not to be regarded as a justifying ground for taking action under the Preventive Detention Act unless it is such as to undermine the security or would tend to overthrow the Government.

Freedom of speech and of the press lies at the foundation of all democracy. Disapprobation and criticism of any policy or administrative action of the Government with a view to obtaining redress by lawful means cannot be regarded as an act which is likely to create dissatisfaction in the minds of the people so as to result in the disturbance of public safety and maintenance of public order.

It is now well established that the courts must lean in favour of fundamental rights, and surely freedom of speech and expression is a fundamental right conferred by the Constitution. In the present day, meetings and processions are held lawful which about 50 years ago would have been unlawful. Times have changed.

These are not the days when mere criticism of the Government is sufficient to constitute sedition. The right to utter reasonable criticism is a privilege and source of strength to a community. Acts or utterances of a person ought not to be inimical to public welfare, tending to incite people to crime or disturb public peace.

Applying the above test, His Lordship said, he was of the opinion that utterances attributed to the petitioner did not satisfy the test and could not justify any action under the Preventive Detention Act.

Concurring with His Lordship Justice Srinivasachari, Justice Ansari said the petitioner had, during her cross-examination before the division bench which admitted the bail application, denied any responsibility for either publishing or editing the paper, offending articles from which had been incorporated in the grounds of detention, and the denial was unchallenged. Therefore, the articles mentioned in the grounds did not, in his opinion, constitute a relevant basis for the conclusion by the Commissioner of Police that the conduct of the petitioner was such as to be deemed prejudicial to the security of the State or maintenance of public order. Security of the State or maintenance of public order was not synonymous with the offence of sedition as defined by section 124-A of the Indian Penal Code. The legislature had not authorized any particular official to preventively detain a person for bringing or for attempting to bring into hatred or contempt or exciting or attempting to excite disaffection towards the Government. Obviously, therefore, "security or maintenance of public order" meant some effort or intention on the part of the detenu to incite violence. A mere expression of opinion disapproving any administrative action of the Government would not, in his opinion, constitute the conduct covered by the aforesaid sub-clause. Judged by this, the speech mentioned was not capable of that interpretation.

Mr. Parulekar Released

Mr. Shamrao Vishnu Parulekar, a communist from Bombay, who was arrested by the Bombay police on 15th November 1951 and detained under the Preventive Detention Act, made a habeas corpus petition against his detention to the Supreme Court. The main ground of detention was that the detenu instigated a "no-rent campaign." A division bench of the Supreme Court, after hearing the petition, ordered his release on 5th November, holding that they were satisfied that the grounds furnished to the detenu were so vague and general that they could not enable him to exercise his right of making a representation to the Advisory Board.

Mr. Parulekar and his wife Mrs. Godavari Parulekar had also contended that their continued detention after the expiry of the specified period was bad in law for want of an order for the extension of their period of detention. The continuation of their detention, it was urged, was bad in view of sub-section 2 of section 10 of the Preventive Detention (Second Amendment) Act of 1952, which provided that only those detentions could be continued where the order of detention did not specify the period of detention. But it is not known how this contention was disposed of by the Court. Probably it remains to be decided as a separate issue.

Grounds "Far Too Vague"

The Supreme Court on 21st October allowed the habeas corpus petition of Mr. Prabhat Chandra Roy, detained under the orders of the Government of Tripura, and ordered his release forthwith. Their Lordships held that "the grounds supplied to the detenu in the present case are far too vague to afford him any opportunity of making a proper representation."

HIGH COURTS' POWERS

They can Substitute their own Order

By a majority judgment of three to two, a full bench of the Nagpur High Court on 16th October held that the High Court could substitute its own order after quashing the decision of a lower tribunal and thus protect the fundamental rights of citizens when relief is asked for under Articles 226 and 227 of the Constitution for a writ of certiorari.

The opinions of the five judges were given in connection with a petition made by Bhayyalal Jagadish, of Akola, who had leased out a plot of land to Ramlal Balgovind for five years. The petitioner wanted the permission of the Rent Controller under the C. P. and Berar Rent Control Order to give notice to his tenant and terminate his tenancy, but his application was rejected by the Rent Controller and also by the Additional District Magistrate of Akola on the ground that he could use other accommodation for his business.

The petitioner moved the High Court, and a divisional bench of the Court consisting of Mr. Justice J. R. Mudholkar and the Chief Justice Mr. B. P. Singh, held that neither the Rent Controller nor the Magistrate was justified in withholding permission to the landlord. The judges held that the order was "liable to be quashed," but they differed on the question whether, after quashing the order, they should grant permission themselves or make a direction to the lower authorities.

Because of the conflicting views on the extent of the powers of the High Court under Article 226 of the Constitution, the case was referred to a special bench of five judges with Mr. Justice C. R. Haemeon, Mr. Justice P. P. Deo and Mr. Justice M. Hidayatulla in addition. The question for decision was whether the High Court could merely quash the order and direct the case to be heard again or whether, going further, it could substitute its own order or direct the tribunal under the law to act in a particular way.

In the majority judgment, Mr. Justice Mudholkar observed, and the other two agreed, that making a direction to the lower tribunal or substituting the order of the High Court for that of the inferior tribunal was permissible under the Article when such an order was of consequential nature.

Reviewing the history and scope of the various writs which High Courts are authorized to issue for the protection of the fundamental rights of citizens, Mr. Mudholkar observed that, when so high a duty was placed on the High Courts, it could not be supposed that it was within the contemplation of the Constituent Assembly that due and adequate discharge of that duty should be liable to be thwarted by obstacles in the shape of technicalities. It must be deemed to have conferred plenary powers on High Courts for doing justice as the occasion demanded.

He further said that Article 226 was over and above the ordinary law because it was contained in the supreme law of the land and no act of Parliament or a State legislature could limit or fetter the powers conferred by that Article. All existing laws must be deemed to be subject to the provisions of Part III of the Constitution and any legal provisions inconsistent with the fundamental rights became void. There was nothing in Article 226 which limited the powers of High Courts to give only one kind of relief and it would be nothing more than blind adherence to the English practice if the High Court merely quashed the order of the lower tribunal and left the matter there.

The majority judgment ordered the grant of permission to serve notice on the tenant. It was signed by Mr. Justice C. R. Haemeon, Mr. Justice J. R. Mudholkar and Mr. Justice P. P. Deo, while the dissenting opinion of the Chief Justice and Mr. Justice M. Hidayatulla held that power to issue writs like certiorari or mandamus under Art. 226 did not contemplate exercise of appellate or revisional jurisdiction by the High Court, and therefore the

High Court could not pass any order except to quash the order of the lower tribunal.

The Court accordingly quashed the order of the Rent Controller and Additional Deputy Commissioner and also accorded permission to the petitioner to serve notice on the respondent to terminate his tenancy.

Permission to appeal to the Supreme Court was granted.

STATES' POWER TO LEVY SALES TAX

Export Goods Exempted from the Tax

The Constitution Bench of the Supreme Court consisting of the Chief Justice, Mr. Patanjali Sastri, and Their Lordships B. K. Mukherjee, S. R. Das, Vivian Bose and Ghulam Hassan on 16th October dismissed by a unanimous judgment three appeals by the State of Travancore-Cochin arising out of the levy of sales tax by the State on three respondent firms doing export business in coir products, lemongrass oil and tea.

The appeals by the State were directed against the judgment of the State High Court quashing proceedings of the levy of sales tax on the commodities by the State authorities. The High Court had been moved by the respondents herein for a writ under Article 226 of the Constitution.

The respondents had contended before the sales tax authorities in the State that the goods in question were meant for export and were thus exempt from the levy of sales tax under Article 286 (1) (b) of the Constitution. Article 286 (1) (b) reads as follows :

No law of a State shall impose, or authorize the imposition of, a tax on the sale or purchase of goods where such sale or purchase takes place in the course of the import of the goods into, or export of the goods out of, the territory of India.

The respondents' contention was rejected by the State authorities who held that since the sales of the commodities were completed in the State much before they were shipped for export the protection of the above Article could not be had in the case of that sale. The High Court, however, accepted the contention and hence the appeal.

Delivering the judgment of the Court, the Chief Justice observed :

They were clearly of opinion that the sales here in question, which occasioned the export in each case, fell within the scope of the exemption under Article 286(1)(b) of the Constitution. Such sales would of necessity be put through by transporting the goods by rail or ship or both out of the territory of India. Export thus involved a series of integrated activities commencing from the agreement of sale with a foreign buyer and ending with the delivery of the goods to a common carrier for transport out of the country by

land or sea. Such sale could not be disassociated from the export without which it could not be effectuated, and the sale and resultant export formed parts of a single transaction.

Of these two integrated activities which together constituted an export sale, whichever first occurred, could well be regarded as taking place in the course of the other. Assuming without deciding that the property in the goods in the present cases passed to the foreign buyers and sales were thus completed within the State before the goods commenced their journey as found by the sales tax authorities, the sales should, nevertheless, be regarded as having taken place in the course of the export and were, therefore, exempt under Article 286 (1)(b). That clause, indeed, assumed that the sale had taken place within the limits of the State and exempted it if it took place in the course of export of the goods concerned.

There was no force in the argument that, on the above construction, a "sale in the course of export" would become practically synonymous with "export" and would reduce clause (b) to a mere redundancy, because Article 246(1) read with entry no. 83 of List 1 of the seventh schedule vested legislative power in respect of duties of customs including export duties "exclusively in Parliament" and that would be sufficient to preclude State taxation on such transactions.

Dismissing the appeals, the Chief Justice said :

Whatever else might or might not fall within Article 286 (1)(b) of the Constitution, sales and purchases which themselves occasioned the export or the import of the goods, as the case might be, out of or into the territory of India came within the exemption, and that was enough to dispose of these appeals.

RULERS' RIGHTS AS LANDOWNERS

Nagpur High Court's Decision

A full bench of the Nagpur High Court on 16th October dismissed the application of the Maharaja of Bastar State under Arts. 226 and 227 of the Constitution, claiming that the Madhya Pradesh Abolition of Proprietary Rights Act, 1950, did not affect his proprietary rights in the villages in Bastar and that his property could not vest in the State Government.

The petitioner claimed that he was the ruler of Bastar State, which had merged in Madhya Pradesh, and that his rights had been recognized and guaranteed under the agreements entered into by him with the Government of India. He also stated that the Malguzari Abolition Act did not apply to State rulers. The definition of a proprietor in the Act mentions only an ex-ruler.

The Maharaja also claimed that under the instrument of accession and merger agreements, he was still a ruler and could not be described as a proprietor. The Chief Justice, Mr. B. P. Singh, Mr. Justice M. Hidayatulla and Mr. Justice J. R. Mudholkar, who comprised the bench, held that the definition of a Ruler as given in Article 336 of the Constitution applied only to the interpretation of the constitutional provisions, but could not be applied to the interpretation of other Acts.

Since the Malguzari Abolition Act mentions an ex-ruler as a proprietor and since under the opera-

tion of the agreements the ruler has ceased to exercise his powers in the former domains, the Maharaja was now only an ex-ruler for the purpose of the Act and a proprietor in the definition of the Act. The State Government had powers to take over his property under the Malguzari Abolition Act.

The judges also held that they could not interfere in the disputes arising out of the agreements between the rulers and the Government of India.

BOMBAY RENT CONTROL ACT,

1947

Supreme Court's Judgment

On 5th November a division bench of the Supreme Court held in a judgment that, under sec. 4 (1) of the Bombay Rents, Hotels and Lodging Houses Rates Control Act (no. 57 of 1947), premises belonging to Government or local authorities would be exempt from the operation of the Act even when they had been leased out to private parties. The judgment was given in an appeal filed by the Bhatia Co-operative Society against a judgment of the Bombay High Court. The Society were the successor-in-interest to a plot of land acquired by lease from the Bombay City Improvement Trust which later became the property of the Bombay Municipality. In 1948 they served a notice to quit on Mr. D. C. Patel, a monthly tenant of a part of the buildings built on this plot of land. Mr. Patel refused, claiming the protection of the 1947 Act, sec. 4 (1) of which says: "This Act shall not apply to any premises belonging to the Government or a local authority," etc. The Society thereupon filed a summary suit in the City Civil Court for his eviction.

The trial court held that since the ownership of the land as well as the building was, in view of the lease with Municipal Corporation to which the whole thing was to revert after 999 years, with the Corporation, the Bombay Act of 1947 was not applicable to the demised premises. On appeal the High Court reversed the trial court's judgment on the ground that all the attributes of ownership vested in the appellants.

The appellants' contention was that the premises belonged to the Trustees for the Improvement of City of Bombay and now belong to the Bombay Municipality, both of which bodies were local authorities, and therefore the Act did not apply to the demised premises.

The Supreme Court's judgment, allowing the appellants' plea, said: "The demised premises including the building belonging to a local authority are outside the operation of the Act. This Act being out of the way, the appellants were well within their rights to file the suit of ejectment in the City Civil Court and that court had jurisdiction to entertain the suit and to pass the decree that it did."

Mr. Justice Das, who delivered the judgment of the Court, dealing with the question of interpretation of sec. 4 (1) of the Act, said in part :

If the benefit of the immunity was given only to the Government or local authority and not to its lessee as was suggested, and the Act applied to the premises as against the lessee, then it would follow that under section 15 of the Act it would not be lawful for the lessee to sub-let the premises or part of it. If such were the consequences, nobody would take a building lease from the Government or a local authority and the immunity given to them would, for all practical purposes and in so far as any rate

as the building leases were concerned, be wholly illusory and worthless and the underlying purpose of bestowing such immunity would be rendered wholly ineffective.

COMMENTS

U. S. Presidential Election

The fierce campaign for the election of the United States President has resulted in a landslide for the Republican candidate, General Eisenhower. The general feeling among the electors probably was that after twenty years of Democratic office it was time for a change, though doubtless there were other factors that contributed to Republican victory. We are however concerned here only with the probable reaction that this will have on issues affecting civil liberty in the U. S. One such issue relates to the Fair Employment Practices Act, which revolves around some fourteen and half million Negroes in that country. It cannot be forgotten that Democrats championed a federal F. E. P. A. bill right after the war, and that President Truman was in the forefront of the battle to enact it. The Republicans are for this bill but only on the state level: they fear that it will bring on more governmental control. Notable progress has been achieved in this direction in states by means of local laws prohibiting unfair practices in employment, and it was expected that in some of the populous States in the north to which opportunities of securing jobs have attracted. Negroes and in which the two parties are closely balanced the Negro vote in favour of the Democrats would be almost a deciding factor. But the Negro vote has not been so heavily polled for the Democratic party as was expected, though we have not yet received details. Another civil liberty issue that was raised by the President's remark that the Republicans were for the master race theory is that of the new Immigration law, which still discriminates against people from Eastern Europe. This is a big problem, for there are in the U. S. about 13 million immigrants of the first generation and millions more of the second and third generation that came originally from East Europe. But the fact is that though President Truman vetoed the Bill, many Democrats voted for it and voted to override the President's vote. Then there are other issues like the loyalty test and the McCarthy charges (Senator Joseph R. McCarthy, known for his crusade to root Communists out of Government, who had in the primary obtained, shockingly enough, a 2½-to-1 victory over all the combined strength over all other five Republican aspirants, was a winner in the contest for a seat in Wisconsin, but that he was the third on the ticket is interpreted as a rebuke administered by the electors to the senator), but it is difficult for us to say what repercussions failure of the Democratic party to retain control of executive power will have. However, the new President is a man of broad vision, and his declaration that he will abolish discrimination in Washington is a good omen.

Release or Prosecute

Such a demand is fast growing in connection with Khan Abdul Ghaffar Khan detained for a long time without trial by the Government of Pakistan. Badshah Khan himself declared the other day that he wanted the Government to try him publicly in a court of law to enable him to prove his innocence. The demand is warmly supported in India and also in the Muslim countries of the Middle East, the press of which calls on the Pakistani Government "to take its stand on right and justice."

This demand cannot but strike a sympathetic chord in the hearts of all lovers of civil liberty, and we particularly appreciate it when made by Indian newspapers because it proves the essential justice of the position we have taken that no detention without trial in peace time should be possible anywhere. One Indian newspaper says that the accusations against the Red Shirt leader are "fantastic" and is convinced that Pakistani authorities did not prosecute him because they know "that they themselves would be exposed if they attempted to substantiate the accusations in a court of law."

The pity of it is, however, that the papers which write in this way are oblivious of the fact that the principle they enunciate is applicable not only outside India, but in India itself. "It is an irony of fate," says the "Tribune," "that Khan Abdul Ghaffar Khan and his lieutenants, who had carried on a relentless war against the British regime and undergone innumerable sufferings in the battle of freedom, should continue to be persecuted when the country has become free." In the case of how many incarcerated persons do we not see the same kind of irony of fate at work in India! And even a greater irony of fate is that some of our most respectable newspapers see clearly where "right" and "justice" lie when the question they have to deal with is repression in other countries but appear to go blind when they deal with the repressive acts of their own Government. Obviously the innocence of the Khan Sahib is transparent to their eyes, and equally transparent to their eyes is the criminality of persons detained in India. They would judge the facts themselves instead of leaving them to be tested and judged independently as the whole civilized world has found it best to do.

Rajasthan's Public Safety Bill

The Rajasthan State Assembly has under consideration at present a Security of the State Bill, which when it comes into force will replace the Rajasthan Public Security Ordinance of 1949. Its provisions resemble those of the Public Safety Acts in the provinces. It confers powers on district magistrates

- (i) to restrict the movement of persons in order to prevent them from acting in a manner prejudicial to the security of the State;
- (ii) to ban meetings and processions considered necessary for the maintenance of public order;
- (iii) to impose collective fines on areas declared to be dangerously disturbed;
- (iv) to prohibit possession or conveyance of prescribed documents;
- (v) to prohibit drilling;
- (vi) to prohibit wearing of uniforms and displaying of flags which have been declared by the State Government to signify association with a movement prejudicial to the security of the State or the maintenance of public order;
- (vii) to ban quasi-military organizations; and
- (viii) to search and seize documents, etc., in certain conditions.

The only feature of the Bill that deserves to be particularly mentioned is the provision for the constitution of an Advisory Council to scrutinize representations from those whose movements and actions may be restricted under heading (i) above. But this Advisory Council has only an advisory status, though even this is an advance on the corresponding provisions of Acts which are in force

THE INDIAN CIVIL LIBERTIES BULLETIN

Roger Baldwin's Commendation

Mr. Roger N. Baldwin, Chairman of the International League for the Rights of Man, writes :

The INDIAN CIVIL LIBERTIES BULLETIN is the most complete coverage of national issues of any publication in the world specializing in civil rights. It combines scholarly legal research with forthright positions in the best tradition of principles now generally accepted but always highly controversial in application. To us abroad it conveys the most satisfactory interpretation of civil liberties which we get from any country. In the present formative state of Indian law and practice, and in the face of much journalistic misinformation about India here, we find the BULLETIN invaluable.

The BULLETIN deserves a far wider audience in India than it appears to have, considering the imperative need in any democracy of critical opposition to any inroads on rights presumably guaranteed by law. Liberty lives only by the courageous and persistent efforts of its champions and defenders. The BULLETIN has that spirit, as well as fidelity to fact and principle, uncompromised by partisanship of any sort.

in Bombay, for instance. The Deputy Leader of the Opposition said, in opposing the measure, that if the Bill was put on the statute book it would sound the death-knell of democracy in Rajasthan.

The "Dual System" of Legal Practice

Art. 19(g) of the Constitution conferring the right "to practise any profession," in conjunction with sec. 2 of the Supreme Court Advocates Act, 18 of 1951, was so interpreted by the Constitution Bench of the Supreme Court on 27th October as to declare in effect that advocates of the Supreme Court were entitled to plead in the original jurisdiction of High Courts even if they are not instructed by attorneys, although the rules of any High Courts may (as those of Bombay and Calcutta do) bar appearance by anybody other than attorneys. This decision which practically abolishes what is called the dual system of practice on the original side of High Courts which entailed the engaging of two lawyers for the same work, namely, an advocate to plead and an attorney to act, was delivered in the case of *Aswini Kumar Ghose v. Arabinda Bose*. Sec. 2 of the Supreme Court Advocates Act provides that notwithstanding any law regulating the practice of advocates in High Courts, an advocate of the Supreme Court could "as of right" practise in any High Court "whether or not he is an advocate of that High Court." A special bench of the Calcutta High Court had held in this case that an advocate of that Court, "who, as such advocate, is entitled to plead on the original side but not to act, does not become, on being enrolled as an advocate of the Supreme Court, entitled to act as well." When the matter went on certiorari to the Supreme Court, however, that Court by a vote of 3 to 2

decided otherwise; it decided that an advocate of the Supreme Court was entitled both to plead and act on the original side of High Courts although under the rules of these Courts only an attorney was entitled to act on the original side.

Pakistan's "Black Acts"

The All-Parties Constitutional Rights Defence Committee of the North-West Frontier Province held a public meeting at Peshawar on 5th October and passed a resolution demanding immediate release of all political prisoners detained without trial and calling for the repeal of "black Acts" like the Public Safety Act and the Frontier Crimes Regulation. The meeting is reported to have been attended by over 50,000 persons, including five thousand women wearing a veil.

Too Many Escape Clauses

IN FREEDOM OF INFORMATION CONVENTION

Strenuous opposition continues to be offered by leading democratic countries to the draft Convention on Freedom of Information, which is upheld by countries like India, Egypt, Indonesia, etc. In the United Nations Social Committee the Australian delegate stated on 27th October that his Government had serious objection to translating art. 2 of the 1948 Geneva Draft Code on Freedom of Information into action. That article, he said, allowed Governments so many escape clauses as to make the proposed Code meaningless. It is well known that Britain and the United States have attacked this controversial global pact on freedom of information as a threat to press liberty.