

# The Indian Civil Liberties Bulletin

[ A MONTHLY REVIEW ]

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## ONE-SIDED NEUTRALITY

The feeling of nationalism in India is now thoroughly aroused by the border dispute with China and has compelled the Government to take an increasingly tough position in the crisis. When at first it looked like some border nibbling Indian opinion was puzzled, but it was soon realised that there were grounds for apprehension that something far more serious might be in the offing, though even now anything like a full-scale war is dismissed as an improbability — because China is credited with realism enough not to embark upon such a foolish adventure. But anyhow the situation is disturbing enough. Even if China recognizes India's borders, of which little hope is entertained, she cannot be relied upon to refrain from attacks on the border at various points because of what Mr. Nehru himself has called China's historical assertiveness on questions of territory ; but even border skirmishes will present India with a problem that is not easy to tackle. Anyhow, the Government has reassured public opinion that the country is in a state of preparedness to meet any contingency that China's aggressive designs may create and the Indian public fully accepts this assurance.

Whatever criticism is now levelled against the Government's policy, it is against its handling of the problem in the past. The Government is blamed for being too passive in dealing with the challenge of China. It is pointed out that when China invaded Tibet India ought to have taken a firmer attitude, realising that Tibet was a buffer State, and that when that was subjugated by China the whole of India's northern border became open and the Himalayas could no longer afford the protection it did before. It is true, as Mr. Nehru says, that India could have done little militarily to save Tibet, but India's handling of the Tibetan problem at the United Nations convinces Indian opinion that the Government was not even psychologically ready to adopt towards China a position that any peace-loving country is required to adopt towards an aggressor. It could at least have created a sentiment of resentment for the aggressor among the Bandung countries, but what it actually did was to persuade these countries to take up the same suicidal position at the U. N. as it did itself. Indeed, it

did all it could to block discussion of the subject at all. If Afro-Asian countries had then been awakened to China's aggressiveness there is reason to believe that it would have put some restraint on her expansionist ambitions. But the Indian Government apparently thought that if it took a leading part in saving China from condemnation by the world organization, China would reciprocate by saving India from further Chinese depredations.

India's neutralism has all along worked in this way. Mao Tse-tung has declared that there can be no neutralism in international politics; that it must lean on one side or other. And India, professing to be truly neutral towards both the East-West blocs, has shown by her actions that she could be relied upon to lean on the side of Communist countries when these committed aggression. Even before the Tibetan tragedy was enacted this became clear in the case of Soviet aggression against Hungary. After all in the Hungarian revolution those who were fighting against the Russian army in 1956 were only claiming the right to disentangle Hungary from the Warsaw Pact and to pursue a neutral policy. India, which denounces all groupings of States and therefore all military alliances, should have been the first to welcome this effort on the part of the Hungarian patriots to get out of the pact which had been forced upon their country. It was not a question then of India affording any military aid to the revolutionaries. It was only a question of India joining its voice with the other countries of the West in denouncing Russia's aggression at the U. N., in order to show in unmistakable terms that its doctrine of neutrality did not prevent it from protesting against an aggressor country belonging to the Eastern bloc. But what it actually did was to urge every conceivable argument, if not to condone aggression, to make it clear that its sympathies were on the side of Russia. That was perhaps in requital for the Russian rulers' emphatic declaration that in the Kashmir dispute Russia was all in favour of India. Whatever be the motive either in the case of Hungary or Tibet, India has shown that its policy of neutrality inclines more to one side than to the other.

This fundamental defect in the working of neutrality is, it seems to us, at the root of all trouble, and only when we get rid of this wrong interpretation of that policy, we shall clear ourselves of all unnecessary complications in the international field. A particular military pact may be good or bad, but military pacts as such cannot be tabooed. This is clear from the fact that the whole U. N. machinery for resisting aggression and establishing peace is based upon the principle of collective security which necessarily involves an alliance of countries willing to exert themselves against aggression. And the United States, which has a number of military agreements with countries threatened with aggression, can lay greater claim to being neutralist than India, for it has shown by its action both against Russia and Britain when they committed aggression that it will not spare Britain because it belongs to the Western bloc nor Russia because it belongs to the Eastern bloc if either acts in a way contrary to the established principles of international law. It is this kind of neutralist policy that India should adopt — to be ever on the side of right and against wrong, irrespective of which bloc a particular country belongs to. Nor is India really against all military pacts, for it has already entered into such pacts with the Himalayan States. Requirements of common

defence rightly led India to make such arrangements, but it is no use saying that they are not military pacts, for defence pacts cannot be anything else.

There are signs that Indian opinion is becoming alive to the futility of the non-alignment policy as it is being put into force by the Government of India. Already suggestions are being made that the Government should declare its readiness, if an emergency arose, to take military aid from any friendly quarter. And Mr. Rajagopalachari has written :

The time has arrived for a broad pattern of defence to be devised in which the southern nations of Asia should all be brought together. Not only can Pakistan and India any longer remain apart, but there is cause for all the nations south of Chinese borders to come together. This inevitably leads to Asia being divided into two camps. But it cannot be helped as long as Communism is what it is. Our antipathy to military alliances should not lead us to a futile loneliness. Pakistan's offer (for a joint defence) is worth serious consideration. Indeed an effort should be made for the building of a broader pattern of self-defence in Asia, boldly discarding outworn antipathies and prejudices.

## SET-BACK IN ALGERIA

All over the free world there is a fervent hope that there will soon be peace in Algeria and self-determination for its people. But at the moment the progress made in advancing the Algerian problem towards a negotiated settlement appears to have bogged down.

On 10th November the French President Gen. Charles de Gaulle made another insistent appeal to the Algerian nationalists to stop fighting and join in determining their future by free voting. In this renewed appeal to the leaders of the rebellion, he said :

You can, you must participate in the transformation that will make of Algeria a country of free, dignified, proud and prosperous men. After all, it is your common share. Why not come in and join in it, though you were serving Algeria by revolt and terror? ... The war you conduct, the sombre war, no longer has a real reason. There are many better things for your ardour, your courage, your love of your native land to do. ... Now that it is understood that Algeria's destiny is in the hands of the peoples who live there, why do you not join the great stream of Algerian progress?

He asked them to apply their qualities to building a new Algeria. He said that the conditions for ending the war would be "honourable," would respect the "freedom and dignity of" everyone, and would take account of the courage deployed under arms. He seemed eager to conquer the rebel leaders' hesitation and distrust. When

referring to his plan for self-determination presented on 16th September, he stated forcefully that the Algerians' "choice will be entirely free." In saying this, he had obviously in mind the statements by civil and military officials in Paris and Algeria which had placed great emphasis on the continued pressure of the French Army and on the unilateral control of the referendum by the French authorities. He wished to dissipate the suspicion that the Algerians' free vote would be interfered with from any quarter, and here he made a new and broader appeal to win the nationalists' confidence. For the first time he stated expressly that the nationalist leaders would be able to take part in the referendum and all the preliminary phases leading to the referendum. He remarked that the choice of Algeria would be free because France wished it to be free so as to settle the long drawn-out dispute. He said :

The choice will also be free because I have made a commitment that all Algerians can participate in the consultation without undergoing any constraint and even that, whatever they may be, wherever they may come from, whatever may be their programme, they can take part not only in the voting but also in the discussions that will precede to settle the methods of voting, when the moment comes, and in the campaign preceding the vote.

Thus de Gaulle invited all the Algerians, including the F. L. N., to participate without restraint not only in the

final referendum but also in the prior consultation and help fix the conditions for the referendum.

In this speech he stated explicitly what was implied before that, so far as he was concerned, he would like the Algerians to choose their destiny in continued association with France, for, according to him, membership of the French Community such as eleven African States and Madagascar had chosen would not be inferior in content to independence in any way. He said: "France's policy towards these countries is to respect and recognize their free disposal of themselves. All the States that are part of this community are members because they wanted to be. All, at any time, can leave if they wish. In other words the Community is for everyone effective independence and guaranteed co-operation." He is vigorously pushing forward with a big social and economic development programme and appealed to the Algerian nationalists to decide to come into the Community so that they could obtain French help in furthering their development and win independence as well by peaceful means. But if the Algerians still preferred freedom to partnership in the Community they were at liberty to do so. In describing how a "new," a "transformed" Algeria was in prospect, the President appealed not only to the rebels to lend a hand but to other elements of the population. To the Europeans of Algeria who are still agitating for the lost cause of complete integration with France, he gave the counsel to abandon vain regrets and stop looking backward. He said: "If a page has been turned by the great wind of history, well then it is for you to write another. A truce to empty regrets, empty bitternesses, empty anguish. Take the future as it comes and take it united as never before." He appealed to them to recognize the nationalists' "passion for self-determination, for the right to make their own decisions and, in their eyes, independence, which moves these peoples," and cheerfully to abide by their decision.

It is known that the first reaction among the F. L. N. leaders to the appeal was favourable. They felt that the offer was a long step towards resolving the Algerian problem. What they jibbed at was the delay of as many as four years before a referendum could be held in Algeria on the question of self-determination. They felt that Gen. de Gaulle, whose good faith they no longer question, wanted to use delay to persuade the Algerians, by going on with his plan of economic and social development, that they would be better off associated with France than independent. They could not of course unreservedly accept the offer, and after long cogitation they came out with a response that on the face of it looks like a blank negative but is not really so. The nationalist leaders said they accepted the principle of self-determination but objected to the negotiation of a cease-fire as a precondition to a referendum on self-determination. "There cannot be a cease-fire," they said, "without an accord on the referendum," and appointed five envoys to

discuss with France "the conditions and guarantees of the application of self-determination," all the five persons designated being nationalist leaders imprisoned in France for over three years. It is known that France would not accept these prisoners as emissaries for negotiating a settlement, though, wisely, de Gaulle has not come out with an immediate and flat rejection. Thus an impasse has again come about. But spokesmen for the Algerians say that the list of envoys named was not final and could be altered.

The inability of the French Government to go as far as the nationalist demand and the unwillingness of the rebel leaders to accept the French offer without reservations are both understandable in the light of the opposition from the leftists that both parties have to encounter. The "Statesman" has these shrewd remarks to make on this situation:

Judged only against their distrust of the French and their fear of the hot-headed among their followers, the F. L. N.'s eagerness to score a point and reluctance to take risks is justified. Simultaneously, however, its leaders have shown little appreciation of the General's notorious difficulties with French extremists, the army and his own followers. From this aspect the manoeuvre looks like a tactical error. A more trustful gesture might have greatly strengthened the General's hand, though it might also have stolen the thunder of friends preparing for the U. N. debate on Algeria. To have done nothing at all might have been preferable.

We may however draw comfort from the fact that the Algerian reply is not completely negative and may be but a move in a bargaining process. It may well be that the Provisional Government of Algeria selected captive leaders for negotiating with the French Government, mainly with a view to conciliating Dr. Debaghine, the rebel Foreign Minister who condemns the whole idea of negotiations. It is also regarded as a clever manoeuvre to get Ben Bella, the leader of the designated delegation, out of prison. Ben Bella, who occupies a higher position among rebel leaders than any other, including M. Ferhat Abbas, is believed to be essentially a moderate and will be better able than any other leader to win rebel support for any reasonable solution that may be worked out during the talks. Therefore, as the "Times" of London says, "Ben Bella is not a man the French need reject." In any case it is to be hoped that neither side will allow a feeling of false pride or misguided prestige to prevent a common objective from being reached — the achievement of Algerian freedom by peaceful means.

### China Charged with Genocide in Tibet Dalai Lama's Evidence

Giving evidence before the Legal Committee of the International Commission of Jurists, the Dalai Lama last month repeated his charge that Communist China had

committed the crime of genocide against Tibet. He accused the Chinese of wanton killing — veritable massacres—sterilizing Tibetans and deporting nearly 10,000 Tibetan children for indoctrination. From Lhasa alone, he said, three or four thousand had been forcibly sent to Peking, of whom, according to his information, only about five hundred had returned. He declared :

With the utmost seriousness and with all the authority at my command, I say that every aspect of human rights has been violated by the Communist Chinese.

In his belief the Chinese invasion was motivated by the need to find additional space for the Chinese population. "It was clearly stated to me," he said, "while I was in Peking in 1955 that Tibet was a vast country and China had a large population with insufficient land, and so land and people should be exchanged." Such exchange was now being forcibly carried out. Large-scale Chinese settlement had taken place some time ago in eastern and north-eastern Tibet; and in the past few months this had happened on a big scale in U and Tsang provinces in central Tibet and millions of Chinese were proposed to be settled there. "Once this is achieved," the Dalai Lama remarked, "my people will become a hopeless minority in my country."

Starting almost from 1956, the Dalai Lama continued, there was virulent propaganda against the Buddhist religion. When there was resistance to this propaganda, the Chinese destroyed the monasteries. They also resorted to destruction or looting of sacred religious objects, burning of religious books, public humiliation and imprisonment or killing of venerated religious leaders and dispersal of monks, who were put to forced labour. Even Lord Buddha was not spared from vulgar propaganda, he said.

The Dalai Lama also touched on the political aspect of the Tibetan problem. Repudiating the Chinese claim of suzerainty over Tibet, he asserted that his country was independent at least from 1912 to the Chinese invasion of 1950. He said :

There was no vestige of Chinese authority during this period. How long does it take a country to be accepted as independent? Were not 40 years enough?

This view of the political status of Tibet was confirmed by Dr. A. K. Majumdar, Secretary of the Delhi Historical Society, in a paper read by him at the Bharatiya Vidya Bhavan. He described the Chinese claim of suzerainty over Tibet as a "political figment." The sovereignty of the ruling Lama, he said, was confirmed in 1650, and since then China had seldom claimed suzerainty over that country. Tibet always had its own constitution, its own administration, its own currency and its own laws. Its right to manage its internal affairs was never challenged by China. As proof of this he said early in this century the British alleged that Russia was secretly

intriguing with Tibet, but it never occurred to them to hold the Chinese responsible in any way.

When the British sent a military expedition against Tibet in 1904 there was no reference to China, and the hostilities were terminated by a treaty directly concluded with Tibet. It is true that later Britain and Russia recognized the suzerainty of China over that country, but this happened because neither of them wanted the other to have a foothold in Tibet. They thought that it was safe to recognize Chinese suzerainty as China was weak. But their previous conduct clearly shows that they did not regard this suzerainty as incompatible with the right of Tibet to carry on diplomatic intercourse with foreign powers without any reference to China, which is generally looked upon as the most essential attribute of a sovereign power. There are other recorded instances of Tibet and China participating as separate political units with the British even after they had recognized the suzerainty of China.

The almost mechanical adoption by the Republic of India of the former rulers' acceptance of Chinese suzerainty over Tibet gave a wrong turn to the present Government's policy towards Tibet and made it adopt a wrong-headed attitude to China's invasion of Tibet at the United Nations. Referring to this aspect of the matter, the well-known and independent-minded editor of "Public Affairs," the journal of the Gokhale Institute of Public Affairs, was prompted to comment as follows in the journal :

India has not strengthened the cause of Panch Shil by denying support to the plea on behalf of Tibet before the United Nations. It was left to Ireland and Malaya to move the resolution which it should have been for India to initiate. And at the time of voting India stood aloof. India's non-participation may well be construed as tactics inspired by timidity and fear of displeasing China. Why should India so anxiously propitiate China? Why should India devour her own principles, endorsing China's claim of suzerainty over Tibet? While India for herself denounced all pretences of suzerainty and all vestiges of colonialism on her own soil and in every other part of the world, why should she make an exception of China? Does Mr. Nehru hold China to be "celestial"?

#### India's Vote on Korea

As on the problem of Tibet, so on that of Korea India played a part in the United Nations which can only be described as disgraceful. The Political Committee of the U. N. on 27th November passed a resolution reaffirming the aim of the world organization to bring about by peaceful means a united, independent and democratic Korea under a representative form of government and calling for genuinely free elec-

tions in North and South Korea at an early date. The Communist bloc of countries naturally voted against the resolution, and members of the Afro-Asian group abstained. India conspicuously joined this group. The Communist bloc insisted that the existence of two permanent regimes north and south of the 38th parallel should first be recognized and then representatives of North and South Korea should be brought together in friendly talk on reunification; and as a preliminary the last U. N. troops should be withdrawn from South Korea. If such a new approach is not embarked upon but if North Korea was presented with ultimatum-like demands, members of this bloc declared, Korea would never agree to elections foisted upon it by the votes of nations that fought against her (in obedience to the call of the U. N. itself).

The Afro-Asian bloc was not so forthright in its objections to the adoption of the resolution. India, for instance, said, "no solution is likely to come out of a simple reiteration of previous resolutions of the General Assembly," but a new approach must be sought. What is the "new approach" that it would like the U. N. to adopt? The same as that proposed by the Communist countries—the withdrawal of the remaining United Nations forces from South Korea! The Communist countries of course favour this step because that would freeze the present division of Korea and leave North Korea, through Communist China's help, to remain in uncontrolled possession of what it holds. But India withheld its support from the proposal before the Political Committee asking for reunification of Korea on the ground that the proposal, if carried out, would bring about the freezing of the existing division! What a twist in its reasoning.

It is clear that on the Korean as well as the Tibetan question, India's attitude is dictated by its anxiety not to offend China. Previously to the coming up of the question before the Assembly, India proposed the admission of Communist China as a member of the United Nations. This is understandable in view of its position that a regime which is in effective control of a country should be admitted to the U. N., whether the regime acts in conformity or in opposition to the United Nations Charter, and after having proposed the admission of Red China in previous years on this basis, to refrain from doing so after Communist China's aggressive ambitions had manifested themselves on India's own border would have amounted to acceptance of the United States' position, viz., that a nation qualifies for membership of the U. N. not merely by the fact that it is in undisputed control of its territory but that it also lives up to the U. N.'s basic principle of non-aggression and that if it goes on committing aggression, as China has done in Korea, Tibet and India, it proves itself to be unworthy of the great privilege of United Nations membership, till the aggression is purged. But one cannot understand why India should not join with other nations which are striving to get Communist China

to vacate what India itself has recognized as aggression against Korea. This would not have been contrary to her professed policy of non-alignment; indeed, truly interpreted, the policy requires it to raise its voice against aggression, whether committed by a non-Communist or a Communist country. But, as India interprets it, its non-alignment doctrine leads it to connive at every act of aggression committed by Communist countries.

#### A Fresh Debate on Hungary

The U. N. General Assembly is to debate anew the situation in Hungary. It will then take into consideration the report submitted by Sir Leslie Munro, who was appointed last year to act as the U. N.'s watch-dog on the Hungarian problem. Soviet Russia naturally opposed the inclusion of the subject on the Assembly's agenda, and when India will have a chance to express its opinion, it too like Russia will probably deplore "the fuss in the United Nations around the so-called Hungarian question," for it will be recalled that India had opposed the very setting up of the Special Committee which in its report roundly denounced Russia for aggression. To keep on debating this brutal aggression would, India thought, only help promote the cold war, so allergic it is to any controversy between East-West power blocs.

Sir Leslie Munro, who was President of the General Assembly in 1957, made an attempt both, with the Hungarian and Soviet Governments to gain admittance to Hungary so that he might observe the situation on the spot, but failed. He had therefore no access to the Hungarian regime, but still he collected from various sources "authoritative information and evidence, the cumulative force of which commands the most serious attention," and his conclusion is that there has been no change in the Hungarian situation "which would warrant relaxation by the United Nations of its continued attention" to the Hungarian problem. He reports that though the U. N. has not since 1956 been "faced with the continuance of military operations on Hungarian soil," Soviet forces have remained in Hungary in spite of the Soviet Government's declaration in October 1958 that they would be withdrawn. That is to say, Soviet aggression against the Hungarian nation is still continuing.

The other basic fact Sir Leslie records is that trials and executions of those who participated in the rebellion continue as before. "It was possible to entertain the hope," he remarks, "that time itself had set a term to the repeated instances of repressive action against Hungarian patriots for their participation in the uprising in 1956," but the hope has not been realized. An amnesty was proclaimed by the Hungarian authorities on 2nd April 1959, but the law itself made it clear that in the main it applied only to those whose prison sentences were for less than four years and that it deliberately excluded from its benefit the greater number of those sentenced for their participation in the uprising. Indeed, on 17th

October 1959 a Hungarian spokesman "conceded that sentences of death had recently been carried out in connection with alleged crimes committed during the uprising in 1956." It would appear that these sentences were the outcome of the trial of a group of people from Ujpest, an industrial suburb of Budapest. It was also reported that 31 persons had been executed and that a number of young men were in prison and due to be hanged on reaching the age of 18. The Hungarian regime denies the truth of this report, but, as Sir Leslie has said, since the authorities do not allow the true facts to be known, the denial in itself does not go far. In any case reports such as this have rightly "aroused widespread concern regarding the imminent possibility of further executions."

The system of People's Chambers, described by the International Commission of Jurists as "violating human rights in failing to provide the minimum safeguards of justice in criminal trials which are recognized by civilized nations," still continues and, moreover, under a new law the powers of the prosecutors have been greatly reinforced. Sir Leslie says:

This system of People's Chambers is characterized by such features as the absence of obligation for the prosecution to present a written accusation; the holding of trials without advance fixing of a date; and provisions relating to the power of the People's Chamber of the Supreme Court to convict or sentence accused persons previously acquitted.

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## COMMENTS

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### Ban on Chinese Publications

The Government of India has issued a notification banning the entry into India of "any book, periodical, pamphlet, leaflet or other document containing any words, signs or visible representations which directly or indirectly question the frontiers of India as declared by the Government of India or the territorial integrity of the country."

Literally interpreted, the order would include within its scope even literature published in foreign countries discussing in an objective way the legal aspects of, say, the McMahon Line if the writer in the course of his treatment of the subject happens, quite honestly and without any ulterior motive, to cast a doubt on India's claim to regard the Line as an internationally recognized boundary between India and China or Tibet. Such a doubt would naturally be inevitable where, as in the Ladakh area, on the Government's own admission, the frontier is not properly defined.

We are sure the Government would not apply the order to any such publication if it is not intended to serve as propaganda in favour of Chinese claims. The ban, it is said, would be limited in its application to Chinese maps and publications showing large areas of India as part of China. Even so, the necessity of such a ban is far

from obvious. Indian opinion is now thoroughly roused against Chinese incursions into the Indian territory, so much so that it is wrathful that the Government of India put too much trust in China's professions of friendship and was not sufficiently watchful to guard the country against Chinese expansionist designs. In this state of public feeling no harm is likely to come if Chinese maps and propagandist publications are distributed broadcast in India; they will only serve to harden Indian opinion. We therefore fail to see any justification for the banning order. The present ban only shows how the Government is apt to rush to take extraordinary measures even if these militate against the fundamental rights of citizenship without waiting to see whether there was really any need for them. Or does the Government wish the Indian public to regard the order as another piece of evidence that it is no longer remiss in any way in taking all the necessary precautions to ward off Chinese attacks on our frontiers? But, if so, this particular action cannot obviously go far in reassuring the people that the Government is in a state of full preparedness to meet all dangers from that quarter.

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### Banning of the Communist Party

Another suggestion of a like nature was apparently mooted in some quarters, viz., that the Communist Party of India be declared an illegal party. But it is well that the Government does not favour it. The Prime Minister, in answer to a question put to him at a press conference, declared, very much to his credit, that he was "constitutionally opposed to the business of banning parties or groups," and that the Government would not contemplate any such action until "the circumstances became terribly abnormal."

On the Government's own showing, to impose a ban on the Indian Communists would lack justification. Any objectionable activities carried on by them, whether in Kerala or in the present Sino-Indian dispute, the Government insists upon treating as unconnected with the Communist ideology as such, and it also keeps on saying that China's aggression should not be regarded as aggression committed by a Communist country against a non-Communist country. This studied dissociation of Communist actions, whether of the Indian Communist group or the Chinese Communist Government, inhibits the Government of India from banning the Communist Party, even if the situation assumes a more threatening aspect than at present.

Apart from this consideration, the thinking section of the people in all countries is agreed that such a ban is self-defeating; it only drives the Communists underground. And it is always easier to take action against those who act in the open than against those who are compelled to act secretly as fifth columnists. We are confident that Mr. Nehru is fully aware of all these dangers and will not be stampeded into imposing a

ban upon any political group. The witch hunt in the United States by requiring non-Communist affidavits and by such other milder measures is denounced by right-thinking people as both unnecessary and inexpedient, but even in that country where anti-Communist feeling runs so high no responsible person dares suggest that the Communist Party itself be banned. We should take a lesson from this and keep clear from any such course. However, there need be no fear that Mr. Nehru will ever approve it.

### India's Non-Involvement Policy

#### HOW IT WORKS IN PRACTICE

The "Times of India" has done a useful service in pointing out that evidence of the soundness of the criticism levelled against India's non-alignment policy being wrongly interpreted by the Government of India is afforded by the "unreasonable reluctance of New Delhi to establish diplomatic relations with Israel," even though India has recognised that State. "New Delhi's contention appears to be," the "Times" says, "that India's capacity to mediate between Israel and the Arab States will be diminished if diplomatic relations are negotiated with Tel Aviv." On this the paper's comment is:

The implication is that such relations which are a normal and essential part of international intercourse will provoke the Arabs into a greater degree of intransigence. Yet this is a point of view which is surely inconsistent with everything that New Delhi has said on the subject of recognising Communist China. Recognition and the diplomatic relations by which it is usually followed have no implication of approval or disapproval and are in no sense a policy decision with undertones of partiality for one party or another. It is puerile in the extreme to maintain that the presence in the Israeli capital of an Indian ambassador denotes any particular hostility towards the Arabs or special friendship for Israel. If, as has been maintained, Communist China is a reality which must be accepted for what it is irrespective of the merits or otherwise of Peking's policies, the same surely applies to Israel. If Indo-Arab friendship about which much is said is as dependable a factor as it is supposed to be it will surely survive so simple and normal an expedient as the appointment of an Indian ambassador to Tel Aviv.

Short of advocating the complete liquidation of Israel as a State there can be no restoration of stability in West Asia unless the fact and reality of Israel are accepted by the Arab States. It is more than likely that a decision in favour of establishing diplomatic relations with Israel will help forward this process of persuading Arab opinion into a more reasonable frame of mind.

## HABEAS CORPUS

### Order for Detention Upheld

Mr. Puran Lal Lakhanpal, who had been taken into custody on 4th May last in Delhi by an order of the Home Ministry of the Union Government under the Preventive Detention Act with a view to preventing him from acting in any manner prejudicial to the security of India, challenged the validity of the order through a writ petition in the Punjab High Court.

The petitioner was served with grounds of his detention on 7th May. The substance of the grounds was that the petitioner had been engaged in carrying on propaganda against the Government of India and the State of Jammu and Kashmir in a manner calculated to bring the Governments into hatred and contempt.

It was further alleged that he was closely associated with certain people whose activities were aimed at harming India's relations with foreign powers. The Central Government withheld the facts and the particulars from the petitioner on the ground that their disclosure was against public interest. The petitioner was produced before the advisory board constituted under the Act, which confirmed his detention.

The petitioner urged that the grounds supplied to him were vague and, therefore, he could not make any proper representation to the advisory board. He claimed that under the Indian Constitution the Government could withhold only the facts and not the particulars. The facts constituted the evidence in the case and therefore, the Government should have mentioned the names of the people with whom he was alleged to have been associating.

The respondents contended that the cumulative effect of the grounds should be taken into consideration. The Government was entitled to withhold the facts and it was for the Government to choose the facts the disclosure of which would prejudice public interest.

The petition was heard by Mr. Justice Grover on 23rd November. His Lordship while rejecting the arguments of the petitioner observed that the vagueness of the grounds should be judged in the circumstances of each case. The order of detention containing vague grounds could be upheld in certain circumstances. His Lordship, therefore, held that the order of detention could not be set aside on this ground in this case.

The petitioner challenged the validity of the order also on the ground that the Press reports of the speeches made by him had no relation with the object of his detention. He submitted that he had a right to propagate his views on the Kashmir question even though they were contrary to the policy of the Government of India. His speeches had not adversely affected India's diplomatic relations with foreign powers.

His Lordship did not accept the plea of the petitioner and observed that the relations of one country could be

affected in various ways. The speeches made by the petitioner could have a prejudicial effect on India's relations with other countries.

Consequently the writ petition against the Union Government was dismissed.

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## CENTRAL POLICE ACT, 1922

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### Validity Upheld by Bombay High Court

#### MR. INDULAL YAGNIK'S PETITION DISMISSED

Proceedings were instituted against Mr. Indulal Yagnik, Member of Parliament and President of the Mahagujarat Janata Parishad, before the Judicial Magistrate of Ahmedabad under sec. 3 of the Police (Incitement to Disaffection) Act, 1922. This section provides:

Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause, disaffection towards the Government established by law in India amongst the members of a police-force, or induces or attempts to induce, or does any act which he knows is likely to induce, any member of a police-force to withhold his services or to commit a breach of discipline shall be punished with imprisonment which may extend to six months or with fine which may extend to two hundred rupees or with both.

The case against Mr. Yagnik was in respect of a speech made by him on March 18, 1959, at a meeting held under the auspices of the Parishad at Gandhi Chowk, Saraspur. In that speech, Mr. Yagnik was alleged to have addressed policemen in a manner which was likely to cause amongst members of the police force dissatisfaction with the Government and was likely to induce them to withhold their services or commit breach of discipline.

Mr. Yagnik moved the Bombay High Court challenging the validity of sec. 3 of the Act. His contention was that the section was so wide in its scope that it could not be said to be a reasonable restriction on the freedom of speech and that therefore it was void as it militated against the fundamental right conferred by Art. 19 (1) of the Constitution.

Mr. Justice Shelat and Mr. Justice Patwardhan on 18th November rejected this contention. The Court referred to the Explanation in sec. 3, which runs as follows:

Expressions of disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, or of disapprobation of the administration or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or are likely to cause disaffection.

The Court also referred to sec. 4 of the Act, which says: "Nothing shall be deemed an offence under this Act which is done in good faith for the purpose of promoting the welfare or interests of any member of a police-force

by inducing him to withhold his services in any manner authorized by law."

Their Lordships said that in the light of the circumscribed scope of sec. 3 it was not possible to sustain the argument that the restriction imposed under the section was unrestricted or that it would include within its purview even an innocent expression of disapprobation against the Government, its measures, or the conditions of service of the constabulary. They held therefore that the restriction imposed under the section on the freedom of speech and expression was not unreasonable and was protected by the provisions of Art. 19 (2).

Referring to the other argument urged by Mr. Yagnik, that sec. 3 of the Act was void as it had nothing to do with or was not concerned with public order, the High Court said that it was true that there must be a nexus between the restriction in the section and public order. But disaffection or incitement of a member of the police force to withhold his service or commit breach of discipline must be held to have connection with public order. It was impossible to say that public order could be maintained or it would be consistent with the interests of public order if members of the police force were permitted to be disaffected or incited to withdraw their service or to commit breach of rules of discipline.

The High Court also pointed out that withholding of services or committing breach of discipline by members of the police force would be an offence under the Bombay Police Act. Inducing them to withhold services or commit breach of discipline would, therefore, amount to incitement to commit an offence under the Police Act.

In the result the petition was dismissed. Their Lordships directed that the case pending against Mr. Yagnik be disposed of according to law in the light of the High Court's judgment.

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## INDUSTRIAL DISPUTES ACT

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### Incitement to Join Illegal Strike

#### WORKERS' CONVICTION UPHELD

The Indian Iron and Steel Co., after obtaining the permission of the Government, filed a complaint against Feroz Din and four other workmen that there had been illegal strikes at the Burnpur factory belonging to it and that they had incited and instigated other workmen to take part in these strikes. On this charge the workmen were convicted and sentenced under sec. 29 of the Industrial Disputes Act, according to which participation and instigation and incitement of others to take part in an illegal strike is an offence punishable with six months' imprisonment or fine. The workmen thereafter appealed against the conviction, urging that sec. 27 provides that a strike which is otherwise illegal "shall not be deemed illegal if it is declared in consequence of an illegal lock-out" and that although there had been a strike at the



Burnpur factory, it had been brought about by an illegal lock-out declared by the management.

The High Court rejected the contention and the workmen thereupon preferred an appeal to the Supreme Court. It was urged by the workmen before the Supreme Court that the effect of the notices issued by the Company before the commencement of the strike amounted to a refusal to give them work and since it was a public utility concern it amounted to a "lock-out" as defined in the Industrial Disputes Act. It was further urged that even if the said notices were to be construed as having terminated the services of the workmen, such termination also amounted to a "lock-out."

The Supreme Court construed the terms of the notices and observed that the wording did not indicate that there was a refusal on the part of the Company to continue to employ the workmen concerned as contemplated by the definition of a lock-out in the Industrial Disputes Act. According to this definition, a "lock-out means... the refusal by an employer to continue to employ any number of persons employed by him." The Court held that on a proper construction of the notices there was no such refusal but merely a discharge of the workmen.

Dealing with the second contention that even a discharge of the workmen fell within the definition of the term "lock-out," the Court observed that a lock-out by the management is the counterpart of a strike by the workmen. During a strike the relation of employer and employee subsists between the parties and the position is the same during a lock-out. The Court held that the words "refusal by an employer to continue to employ any number of persons employed by him" do not include the discharge of an employee.

On these findings the Court held that the discharge of the workmen did not amount to a lock-out, construing the term "lock-out" to mean "a refusal by the employer to allow any number of persons employed by him to attend to their duties without effecting a termination of their service."

Accordingly, the Court dismissed the appeal (25th November).

#### **Workers' Demand for Pay Scales REJECTED BY INDUSTRIAL TRIBUNAL**

The workmen in Messrs. John Tinson and Co., New Delhi, submitted a charter of demands in November 1958 to the company. On the company's failure to accept these demands, the Government referred the dispute between the company and its workers to the Industrial Tribunal for adjudication.

The workers submitted that the company was paying dearness allowance and conveyance allowance to some of the workers but was denying these benefits to others. They further demanded that pay scales for all categories of workmen should be introduced.

In regard to the first demand, the company submitted that it was paying dearness allowance and conveyance allowance under a contract to some of the workers, and in regard to the second demand, it contended that its profits had been reduced and it could not bear the additional burden. Moreover, it was urged that pay scales were not prevalent in the industry, particularly for daily rate employees.

On 26th November the Industrial Tribunal held that the workers were entitled to an increase in the dearness allowance and conveyance allowance but rejected the workers' demand for the introduction of pay scales, observing that for the introduction of pay scales a company should be financially stable. The Tribunal found that the profits of the Company had dwindled as compared to earlier years and therefore the Company could not bear the additional burden of pay scales.

## **BIHAR SALES TAX ACT**

### **Power to Forfeit Sales Tax STATE APPEAL DISMISSED**

On 26th November the Supreme Court dismissed an appeal filed by the State of Bihar against Rai Bahadur Nurdut Roy, holding that the Bihar Sales Tax Act does not authorize the Government to forfeit the sale tax recovered by a dealer from buyers on goods sold outside the State of Bihar.

The respondent in the appeal was a registered "dealer" under the Bihar Sales Tax Act and was manufacturing jute products at Kathiawar in Purnea district. During the period April 1, 1950 to March 31, 1951, the respondent, in addition to his sales in the State of Bihar, sold goods worth over Rs. 92 lakhs to people outside Bihar and recovered Rs. 211,222 as sales tax from them. The respondent was issued a notice by the sales tax authorities to file his return for the relevant period.

The respondent filed his returns but claimed that no tax was payable by him to the Government on the sales outside the State of Bihar. In support of his claim he relied on the decision of the Supreme Court in the case of the State of Bombay versus United Motors Ltd., in which it had been held that Art. 286 of the Constitution "prohibits the taxation of sales or purchases involving inter-State elements by all States except the State in which the goods are delivered for the purpose of consumption therein."

The sales tax authorities overruled the objection and issued a notice to him to deposit the amount in the treasury. The respondent filed a petition against this order before the High Court, Patna, which upheld his contention and quashed the order of forfeiture by the Government. The State of Bihar thereupon obtained leave to appeal to the Supreme Court.

It was urged by the State of Bihar that under sec. 14-A of the Bihar Sales Tax Act they had a right to forfeit any amount collected by a dealer by way of sales tax provided such a collection was contrary to the provisions of the Act or the rules made thereunder. The appellant contended that the amount collected by the respondents was covered by this provision and hence the State could forfeit it. The respondent's case was that the levy of sales tax by him from the purchasers could not be forfeited under the above provision.

The Supreme Court examined the provision and observed that only contravention of the statutory provisions contained in sec. 14-A or of the rules prescribing conditions and restrictions in that behalf can form the basis of the imposition of the penalty of forfeiture. In the present case the Court held that sec. 14-A could not be invoked against the respondent and hence the order of forfeiture was illegal. The appeal was accordingly liable to dismissal.

## ESSENTIAL COMMODITIES ACT

### Power to Restrict Includes Power to Prohibit

#### PRINCIPLES FOR ISSUING PERMITS MUST BE FRAMED

The Constitution Bench of the Supreme Court on 3rd December, delivering judgment in the petition filed by Narindra Kumar and others against the Union of India in the matter of the Non-Ferrous Metal Control Order, held that the Constitution permitted the enactment of laws wholly inconsistent with the exercise of the fundamental rights of property and business provided that restrictions imposed were reasonable and in public interest.

The petitioners had challenged the constitutional validity of the Non-Ferrous Metal Control Order promulgated under the provisions of the Essential Commodities Act, 1955. It was alleged that the effect of the order was to prohibit completely the right of the middleman to do business in imported copper. This, it was argued, was violative of Art. 19 (1) (f) and (g), which guarantees the fundamental right to acquire and dispose property and to carry on any business or trade. It was submitted that the Constitution, no doubt, had permitted the imposition of reasonable restrictions on such rights in the public interest, but the power to restrict did not include the authority to prohibit totally.

This question arose from the refusal by the Controller, acting under the Order, to give permits to the petitioners to buy copper for which they had entered into contracts in the market. The Order had been promulgated by the Government on April 2, 1958, to control the movement and prices of copper and other metals. Under cl. 3 "no person could sell or offer to sell any non-ferrous metal at a price which exceeded the amount represented by an addition of 3½% to its landed cost."

Under cl. 4 of the same Order no person could acquire any non-ferrous metal without a permit issued by the Controller "in accordance with such principles as the Central Government may from time to time specify." The Central Government by a communication to the Chief Industrial Adviser, Government of India, specified the principles upon which permits were to be granted. The petitioners applied for permits for acquiring copper, but these were refused. Thereupon, they filed petitions in the Supreme Court challenging the validity of the Order on the ground that it violated their fundamental right to acquire property and do business.

The first contention of the petitioners that the margin of 3½% permitted under cl. 3 above would have the effect of completely removing the dealers from the trade and would thus be violative of Art. 19 (1) (f) was negated by the Court. It held that the Constitution permitted the imposition of "restrictions" on certain fundamental rights in public interest and the term "restriction" must be construed to include the power to prohibit completely.

The petitioners further contended that cl. 4 contemplated that the Central Government would frame principles for the issue of permits. This, according to the petitioners, meant that the principles would be adopted in accordance with the procedure prescribed in the Essential Commodities Act, which was that they should be published in the Official Gazette and also laid before both the Houses of Parliament. In the present case, this

course had not been followed and hence the principles could not be enforced.

The Supreme Court upheld this contention and observed that without framing principles as provided for by law, cl. 4 of the Order could not be made effective. Since the existing principles were not validly made and there were no other valid principles, it followed that cl. 4 could not be applied. In the circumstances the Court issued a direction to the Union of India to forbear from applying cl. 4 until such time as proper principles were framed. The petitioners, therefore, succeeded in part, but their prayer for declaring cl. 3 invalid was rejected.

## RIGHTS OF GOVERNMENT SERVANTS

### Art. 311 (2) Interpreted

#### PRESIDENT'S POWERS UNRESTRICTED

On 3rd December Mr. Justice Grover of the Punjab High Court dismissed a writ petition filed by Mr. Umrao Singh and held that the order removing him from service was valid.

The petitioner was a permanent employee in the Western Railway. In February 1956 he was informed that he was engaged in subversive activities against the State and, therefore, it was decided to terminate his services. He was called upon to show cause against the proposed decision. On 15th October 1956 proceedings started against him were dropped but on the next day he was removed from the service.

He was also informed that the President was satisfied that in the interest of the security of the State he was not to be given any opportunity to show cause against the order removing him from service.

Against that order the petitioner filed a writ petition in the High Court. He contended that the order was mala-fide as in the earlier inquiry charges against him had not been proved.

His Lordship, while dismissing the petition, observed that the petitioner was holding the office during the pleasure of the President. Cl. 2 of Art. 311 conferred unrestricted powers on the President in the interest of the security of the State to deprive any employee of the protection provided by that Article. As the petitioner was deprived of the benefit of Art. 311, no ground was left for impugning the order of his removal.

## A. I. C. L. COUNCIL NEWS

### Working Committee Meeting

An emergent meeting of the Working Committee of the All-India Civil Liberties Council was held on 18th November in New Delhi. The meeting was presided over by Mr. N. C. Chatterjee, Council's Working President, and attended by Messrs. R. V. S. Mani, Malik Arjun Das, N. S. Mani, Janardhan Sharma and T. R. Bhasin.

Messrs. S. M. Banerjee, Jagdish Awasthi, Amjad Ali, Brij Narain Brijesh, Members of Parliament, Mr. Sib Nath Banerjee, Mr. I. M. Lal, Advocate, Mr. Teja Singh, ex-Chief Justice of the Punjab High Court, Mr. Krishna Pillay, Advocate, Mr. S. D. Sekri, Advocate, Mr. Ganpat Rai, Advocate, Professor Ram Singh, Professor Balraj Madhok and Mr. Malik Kishorilal, Advocate, were present by invitation.

The Working Committee considered a memorandum submitted by Mr. Jagdish Awasthi on the police firings in Kanpur on 3rd and 4th November and the judgment of the Sessions Judge in the Karnal Murder trial and passed the following resolutions unanimously :

[The disturbances in Kanpur started with reports of the alleged rape of a woman by a head constable. Nineteen people were killed and a large number of others were injured in police firing.

The U. P. Government announced on 19th November the appointment of Syed Siddiq Hasan, Administrative Member of the Board of Revenue, as commission to inquire into the incidents that occurred on 3rd and 4th November, ascertain their causes and report on the conduct of the police and the magistracy in the handling of the situation and on the quantum of force used.]

#### Kanpur Firing

In view of the deplorable loss of human lives and the alleged violation of civil liberties as well as the alleged destruction of public property and subversion of law and order, the Working Committee of the All-India Civil Liberties Council strongly urges upon the Government to appoint immediately a judicial Commission of Inquiry presided over by a Judge of the Supreme Court or of a High Court.

Failing the announcement of the appointment of such a Commission of Inquiry within a week, the President of the Council is authorised to appoint a non-official Committee to make the necessary inquiry and report.

#### Karnal Case Judgment

The Working Committee of the All-India Civil Liberties Council draws the attention of the Prime Minister to the disquieting disclosures made against the Punjab Administration in the judgment of the learned Sessions Judge in the Karnal murder trial. That judgment contains serious reflections against the administrative standards prevailing in the State of Punjab.

This Committee is not concerned with the merits of the case; but it feels it to be its duty to point out that the judgment of the Sessions Judge has made considered pronouncements against the administration and highly placed officials have been found guilty of fabrication of records, dereliction of duty and active misfeasance. The Rule of Law demands both impartiality and objectivity in the investigation of crime as well as in the trial of offences. Effective steps should be taken to ensure that there would be no political interference in the administrative and judicial process. There is an immediate and imperative necessity for a thorough overhaul of the police administration in the State.

The Committee is further of opinion that suitable steps should be taken against the police officers and others against whom adverse comments have been made by the learned Sessions Judge and adequate punishment awarded to them.

The "Times of India" editorially commented as follows on this case in its issue of 26th November :

"It is time the Punjab Government realised that restoration of public confidence in the administration has become an urgent necessity, particularly after the remarks

that the Special Sessions Judge, appointed by the Supreme Court, was constrained to make in his judgment in the Karnal Triple Murder Case. Acquitting Mr. D. S. Grewal, former Superintendent of Police, Karnal, and nine other police officers of the charge of murdering three persons (all notorious dacoits), the Judge found the prosecution evidence to be "very much of an inferior type and of an unreliable nature on almost every major point." The Special Sessions Judge, Mr. S. D. Singh, did not consider it necessary to record a clear finding regarding the allegation made by the chief accused, Mr. Grewal, that the case had been instituted against him on account of the personal vindictiveness of the Punjab Chief Minister, Mr. Pratp Singh Kairon. The Judge found no evidence to connect Mr. Kairon directly or indirectly with the concoction of false evidence but his subsequent remarks make grim reading: "The high police officers and others, however, appear to have believed that they would be pleasing the Chief Minister, and thereby serving their own ends, if they went out of their way and arranged false evidence, which might somehow secure the conviction of the accused, particularly Mr. Grewal." Evidence was concocted in an attempt to prove that the three men had not been killed in an encounter with the police but had been shot after tying them to a tree; the three magistrates who conducted identification proceedings failed to do what the law required, which prompted the Judge to remark that "this may well indicate that there has been the same undercurrent working behind the minds of the different magistrates"; at least one witness for the prosecution perjured himself—all this adds up to a terrible indictment of the Administration in the Punjab. The State Government must begin to set things right. Those responsible for the alarming state of affairs exposed in the Karnal case must be brought to book swiftly. Any delay would further reduce public confidence in the Kairon Ministry's capacity to provide good government."

In an interpellation in the Lok Sabha Mr. Feroz Gandhi asked the Union Home Minister whether it would be proper for the Punjab Chief Minister, Mr. Pratap Singh Kairon, to continue in office and whether the Government was considering the possibility of suspending him from the Chief Ministership on account of the strictures passed on him by the Sessions Judge in the Karnal murder case. The Home Minister said in reply that the Government of India had no power to appoint or dismiss Mr. Kairon.

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## NOTES

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### "Easy Arrests"

#### CONDEMNED BY U. S. SUPREME COURT

One John Patrick Henry of Chicago was found by the Federal Bureau of Investigations agents to carry cartons of radios in an automobile. The agents who were investigating liquor thefts became suspicious, took Henry to their office and several hours later learned that the radios had been stolen from an inter-state shipment. He was tried in a district court in Chicago on 24th January 1958, convicted of theft and sentenced to a year's imprisonment.

When the matter came before the Supreme Court, a majority of 7 to 2 of the Court declared that the actions of the F. B. I. agents in stopping the automobile without

probable cause were illegal and unconstitutional as violative of the Fourth Amendment, which prohibits "unreasonable searches and seizures." Justice Douglas, who wrote the Court's opinion, said :

It is better, so the Fourth Amendment teaches, that the guilty sometimes go free than that citizens be subject to easy arrest.

Federal agents, he wrote, cannot make felony arrests without a warrant unless offences were committed in their presence or unless they had reasonable grounds to believe that the person had committed or was committing a crime.

### Non-Communist Affidavit CONDEMNED BY UNIVERSITIES

In order to encourage higher education among the American youth a federal student loan programme was embarked upon last year in the United States and under it some 120,000 students were expected to be given loans during the current year. But, because of the opposition of several universities to participate in it on account of a loyalty oath imposed upon the student recipients of loans, the programme is in danger of being suspended.

The National Defence Education Act of last year, which initiated the programme, originally required students who sought loans to swear to support the Constitution and laws of the United States. Even this simple allegiance oath was thought by many to be unnecessary in the case of students, but in the later stages of the bill's progress through Congress Senator Mundt slipped in an amendment requiring student borrowers to sign, in addition, a so-called non-Communist affidavit disclaiming belief in the overthrow of government by force or support of any organization advocating such overthrow. In July last Senator Kennedy made an attempt at repeal of these oath requirements, but the attempt failed.

The negative affidavit has brought protests from many educational organizations. Five universities refused from the start to take part in the loan programme because of the affidavit. Eleven others have withdrawn, among them being Harvard, Yale and Princeton. Yale's president, Mr. Griswold, in announcing the withdrawal, declared that the affidavit was "contrary to the classic principles of our colleges and universities." He said :

The affidavit is reminiscent of the oppressive religious and political test oaths of history which were used as a means of exercising control over the educational process by church and state.

The affidavit is on the face of it discriminatory. While other citizens such as farmers or manufacturers to whom vast outpourings of federal aid in the form of subsidies or tariffs are given without thought of loyalty oaths, students are singled out for the oaths, suggesting that they are more suspect than other classes. Besides, the oath requirement is useless in its avowed purpose of protecting the State against real subversion. The "New York Times" characterizes it as a "relic of McCarthyism." President Eisenhower at a press conference on 2nd December said that for his

part he did not like the non-Communist vow required of students when the bill was passed and would favour its repeal. It is expected that a repeal measure would be adopted in the next session of Congress.

The Taft-Hartley Act required a similar affidavit of non-belief in forcible overthrow of the government and non-membership in the Communist Party from union officials before they could use the services of the National Labour Relations Board. This requirement was repealed by the labour bill passed last summer.

### Chinese Pressure on Indonesia THE BANDUNG SPIRIT HAS VANISHED

Like India, Indonesia too is feeling the pressure of the Chinese Communist Government's expansionist aims, though in a different sphere.

In order to break the grip of the Chinese aliens on Indonesia's rural economy and to develop indigenous trade, so as to pave the way for a socialistic guided economy, President Sukarno issued a regulation barring alien traders from engaging in business in rural areas after 1st January. It is estimated that as many as three lakhs of Chinese merchants are affected. The regulation also calls for the evacuation of aliens from rural areas in West Java, where for a decade armed insurgent activity is continuing, to larger cities. The army is empowered to order these aliens out of the rural areas on the basis of local security conditions, and the West Java army commander has ordered aliens evacuated.

However, according to the Indonesian Government, the Chinese Communist diplomats were roaming the West Java countryside and were inciting the alien Chinese there to defy the regulation and thus sabotaging Indonesian policies that affect these aliens. The Indonesian Government had first sought Peking's support in settling the alien Chinese problem, but on finding that the Chinese embassy on the other land demanded that Indonesia end her "anti-Chinese" measures, the Government published a documentary naming the Chinese diplomats and the rural areas where they had engaged in meddling in Indonesia's internal affairs. The Government has taken up a firm attitude and says it will on no account yield to Peiping's pressure to rescind the new regulation intended only to break the stranglehold of alien Chinese shopkeepers on the nation's rural economy. It is also believed that the evacuation order will result in wiping out pro-Peiping outposts scattered throughout West Java.

The significance of these events is that they have awakened among neutralist Indonesians an awareness of the dangers radiating from Peiping. The disillusionment of Indonesia is all the greater because the Asian-African conference pledging non-interference and peaceful co-existence was held in Bandung, the capital of West Java where the trouble is brewing. The feeling among Indonesians now is that the Bandung spirit was far from sacred to Peiping if Chinese interests are affected and that Peiping was making a mockery of that friendly spirit.