

## POLITICAL DECENCY

R.V.

WITHOUT COMMENTING on the judgment in the election petition filed by Mr Raj Narain against Mrs Indira Gandhi, it behoves us to examine the democratic proprieties arising from the decision setting aside the election of a Prime Minister. The issue is not a legal but a moral one. The edifice of modern democracy rests on the pillars of conventions and traditions and if they are shaken, the edifice is bound to fall and crumble into dust. The Allahabad High Court has found Mrs Gandhi guilty of corrupt practice and set aside her election to the Lok Sabha from the Rae Bareilly constituency and has disqualified her from standing for election to the Lok Sabha or the State Assembly for a period of six years. On this finding, any person with a sense of dignity, should vacate office and pursue the legal remedies open to him and resume office only if cleared by the superior judiciary of the country. That was precisely what Dr Chenna Reddi did and the Prime Minister, by accepting Dr Chenna Reddi's resignation, created a precedent for the country. The principle cannot be different because the Prime Minister is involved in this instance. The fact that the High Court has granted stay of operation of its order for 30 days or that under the Constitution, a person may hold ministerial office without electoral sanction for a period of six months is irrelevant in the consideration of the morality of sticking to a public office in the face of adverse findings by the judiciary. The constitutional provision enabling a non-member of the legislature to be appointed a Minister implies that such person is eligible for election to the legislature and is not disqualified in any way. It is not a licence to appoint ineligible persons as Ministers for six months without reference to the spirit of the Constitution.

It may be recalled that when the Andhra High Court passed adverse remarks on Mr N. Sanjeeva Reddi in respect of certain transport notification largely on the basis of the absence of an affi-

davit denying the complainant's allegation (an omission arising from legal advice), Mr Sanjeeva Reddi stepped down from office in the best traditions of democracy. When a series of railway accidents, with which the Railway Minister was not even remotely connected, occurred in our country, Lal Bahadur Shastri set a magnificent example of owning the ultimate responsibility of the Minister and of vacating his office. The lapses in those cases pale into insignificance when compared with the finding of corrupt practice made by the Allahabad High Court in Mrs Gandhi's case. Attempts to belittle the electoral offence by the Prime Minister will not be slow or lacking in a country where the worship of a person in authority is an unwritten article of faith. The Representation of People Act, which prohibits participation by persons in the service of Government in furtherance of the prospects of any candidate is not a technicality but a sound rule of law for ensuring free elections. In a country where the Government is held in awe by the rural masses, this salutary provision is all the more necessary if they are not to be intimidated by Government servants. We have a habit of changing laws whenever they irked the Executive, but we hope that the simple right to vote free from official pressure will not be destroyed by an amendment to the Representation of the People Act with retrospective effect.

That massive rallies (usually paid for) and eminent personages in authority (largely beneficiaries of the Prime Minister) have urged her to continue in office regardless of democratic proprieties, is too thin a fig leaf cover for sticking to office against better judgment. Counter-rallies and opposition to the Prime Minister's continuance which are inevitable reactions to the support rallies will only trigger off unhappy disturbances and violence in the country. Here is a historic opportunity for the Prime Minister to establish a noble parliamentary tradition which, if she seizes, will give her an honoured place in the nation's democratic history, but if she fails, will expose her to the perpetual ridicule of posterity.

## D. P DHAR

THE DESIRE of Durga Prasad Dhar, popularly known as D.P. among his friends, removes from Indian public life a charming, brilliant and versatile personality. Born in an aristocratic family, Dhar participated in the "Quit Kashmir Movement" in 1946 and had remained in public life since then. He served as Home Secretary and later as Home Minister of Kashmir and played a very distinguished role during the Pakistani incursions into Kashmir in 1955 and 1965. But it is as a great diplomat that Dhar will be remembered. Endowed with pleasing manners, soft speech, a clear, quick and alert mind, Dhar proved a striking success as our Ambassador to Moscow. He found in the Soviet system an echo of his own radicalism seeking revolutionary changes in society and economy. He helped to strengthen the bonds of friendship between the two countries to the extent of signing the Indo-Soviet Friendship Treaty in 1971. He excelled at negotiations, his unflinching smile covering his quick grasp of any sinister move from the other side and forestalled it in advance. Between 1948 and 1952, when he assisted the Indian delegation to the United Nations on the Kashmir issue, he showed a mastery of detail and a ready wit and won the admiration of eminent men like Sir B. N. Rau. Dhar, as a Planning Minister, was a square peg in a round hole. He was impatient with the inexorable laws of economics. He mistook the desirable for the data and erred on the side of over-optimism. Thus he had to leave the Planning Commission without finalizing the Fifth Plan. This is no reflection on Dhar's ability but it is yet another proof that playing musical chairs with Cabinet Ministers seldom pays dividend to the nation. Dhar was friendly to everyone and had the capacity to put others at ease. A man of fine culture, he approximated to Cardinal Newman's definition of a gentleman. He leaves behind an aroma of dedicated service to the country.

—R.V.