

Ajit
LOW COST - LONG LIFE - DEPENDABLE
DELUXE JANATA FIXTURE
COMPLETE FITTED WITH
★ ROTARY INTERLOCK
★ AJIT CHOKER
★ AJIT STARTER
AJIT WIRE INDUSTRIES
PVT. LTD.
25, N. V. ROAD,
ANDHRA (H),
BOMBAY 40 008
JUST FIX THE TUBELIGHT AND SEE THE BRIGHT LIGHT
BROTHERS

REGD. NO. MH 8

Published from Bombay, Delhi and Ahmedabad

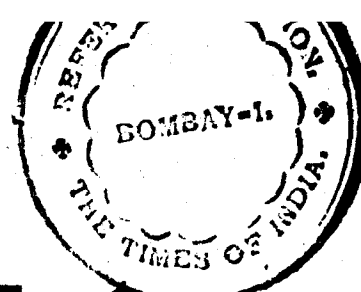


THE TIMES OF INDIA

NO. 113 VOL. CXXXV

BOMBAY: WEDNESDAY, APRIL 25, 1973

25 PAISE



SEAMLESS PIPES & TUBES
TELEX PIPE 011-3585
ISHARDAS AGGARWAL & SONS
39, Latif House,
Sant Tukaram Rd.,
Bombay-8,
Phone: 321768-338009

COURT UPHOLDS PARLIAMENT'S POWER

Fundamental rights can be amended

"The Times of India" News Service

NEW DELHI, April 24.

THE majority judgment handed down by the Supreme Court today upholds the power of Parliament to amend any part of the Constitution provided the amendment does not alter the basic structure or framework of the Constitution.

Although the precise implication of this caveat is not yet clear—the 11 judgments representing the views of the 13-man bench run to several hundred pages—the court has upheld the validity of the 24th constitutional amendment under which Parliament, acting in its constituent power, may amend, "by way of addition, variation or repeal," any provision of the Constitution.

Likewise, the 25th amendment qualifying the right to property has been upheld in substance. The court accepts that it is not now open to it to decide whether an "amount" paid for property taken over is adequate.

But the majority of the bench has taken the view that the court may still examine whether the amount offered bears a "reasonable relationship" to the property acquired or requisitioned. It will also be within the competence of courts to inquire whether the amount has been arbitrarily determined or whether it offers only an "illusory" return.

In pronouncing on this amendment, the majority has held one section of it invalid under which courts were disallowed from inquiring whether a law, claiming to give effect to the direct principles of state policy specified in two clauses of article 39, did in fact do so.

COMMON GOOD

(The specified principles require the state to secure the distribution of material resources to subserve the common good and to prevent the concentration of wealth and the means of production to the detriment of society.)

In other words, a law enacted in furtherance of these principles will be subjected to the scrutiny of courts to establish whether it really does serve these aims.

The court has upheld the 29th amendment which sought to ensure that Kerala's land reform legislation of 1969 and 1971 was not struck down for infringing the right to property. But the majority itself may be reviewed by the constitution bench of the court to decide, as the chief justice put it, whether it abrogates fundamental rights or only abridges them in a "reasonable" manner.

The court has also left it to the constitution bench to adjudicate on the validity of the amendment abolishing the right to property. Other pending writ petitions, raising issues of the same nature, will be similarly dealt with.

ONLY 9 SIGNATURES

It is interesting that the one-page summary of the court's judgment issued late this afternoon bears the signatures of only nine of the 13 judges. Competent legal experts described this as "unusual." They suggested that the other four judges have withheld their signatures because of reservations about the summary.

It is too soon tonight, for any considered reactions to the judgment. But

LIC's 'own your flat' scheme for city

By VIDYADHAR DATE

AN "own your apartment" scheme is being introduced by the Life Insurance Corporation for its policy-holders in Bombay from Tuesday.

Its significance lies in the fact that for the first time an individual can get a loan from a public agency for buying a flat in the city.

The sole lending agency at present is the Maharashtra State Co-operative Finance Society (MSCFS), but it makes no individual loans.

When the LIC introduced the "own your home" scheme it had excluded Bombay because a flat, though owned, was not in itself heritable property.

Now, with the passing of the Maharashtra Apartment Ownership Act, 1970, it would be possible for the LIC to advance loans to individual policy-holders.

The MAO Act provides for the ownership of an individual flat or apartment in a building, making it heritable, transferable and mortgageable property.

Flats in existing buildings, already occupied, or in those owned by co-

operative housing societies, will not be covered by the scheme.

A requirement is that at least five of the intending purchasers of flats in a building should have formed an association of apartment owners. (MSCFS gives loans to housing societies only when all the flats are sold and all the members in a building are registered.)

The building which the purchasers wish to occupy shall be new and ready for possession, with the civic authorities certifying it for occupation, according to Mr. B. H. Bhukhanwala, secretary of the legal and mortgage department of the LIC.

He told this reporter on Tuesday that the scheme would be gradually introduced in other parts of Maharashtra and in other states.

Flats in buildings under construction would not be eligible for loans, unless the builder has obtained advance recognition from the LIC, he said.

MAXIMUM LOAN

The maximum amount of loan available would be two-thirds of the value of the house subject to a minimum of Rs. 10,000 and a maximum of Rs. 1 lakh.

The rate of interest will be 10 per cent. per year. A rebate of 2.5 per cent. would be allowed if the borrower satisfied the corporation that the entire house was occupied for his use alone. Additional interest of 2.5 per cent. will be charged for defaulters.

Mr. M. V. Udani, administrative officer in the legal and mortgage department, said the loan could be repaid within a selected term of years. The repayment will be by quarterly equated instalments or by lump sum. The term being 20 years or the age of superannuation or 65 years of age, whichever is less.

Incidental expenses such as stamp duty, registration charges, valuer's fees will have to be borne by the applicant.

legislature have dispelled, firmly and decisively, by the Supreme Court.

The judges have made it clear that they were not setting themselves up as a third chamber. They defend, however, their right to challenge a law if it seems to them to be in conflict with the criteria of equity and justice laid down by the legislature itself.

As the Chief Justice said, Parliament has not power to abrogate



Chief Justice Sikri

fundamental rights, but it can amend, adjust or regulate them as long as the rights are not destroyed in this process.

RIGHT TO PROPERTY

On the highly controversial issue of compensation for property taken over, the court prohibits arbitrary or illusory payments by reference to the relevant articles in the fundamental rights chapter which debar expropriation. In other words, the prohibition remains as long as these articles stand.

It is open to Parliament, in terms of the 24th amendment, to decide as it may wish in this regard in future. But it remains to be seen whether the judges will in that case regard a change as affecting the basic structure and framework of the Constitution.

One of the objections pressed by the majority against the 25th amend-

ment is that article 31(C) enacted under its authority delegates powers to state legislatures which belong exclusively to Parliament.

It is Parliament alone that can abridge fundamental rights through an appropriate constitutional amendment, but the effect of 31(C)—as the Chief Justice put it—is to give the state legislatures the power to abrogate the right to property in certain directions.

But whether article 31(C) does in fact delegate authority in this manner is an issue on which the judges disagree. As one counsel said, the decision finally went against it because of objections on other counts.

PTI adds: The court, in the words of Mr. Justice S. N. Dwivedi, has shifted to its original position in the Gopalan case of 1950, that Parliament is "omnipotent."

The court's position in the Golaknath case of 1967 was that the Supreme Court is "omnipotent."

The Supreme Court's stand was summed up by the youngest judge on the bench, Mr. Justice V. V. Chandrachud: "Let us give to Parliament the freedom, within the framework of the Constitution, to ensure that the blessings of liberty will be shared by all."

The fundamental rights case was heard by the largest bench of 13 judges and the 69 days of arguments made hearing the longest ever in the history of the Supreme Court.

Counsel for the petitioner, Mr. N. A. Palkhivala, argued for 33 days, counsel for the Kerala government, Mr. H. M. Seervai, for 22 days, the attorney-general, Mr. Niren De, for ten days, and the solicitor-general, Mr. Lal Narain Sinha, for a day and half.

Details on Pages 10 & 11

Pindi stand on POWs resented

"The Times of India" News Service

NEW DELHI, April 24.

WHILE confirming the receipt of a formal communication from the Pakistan foreign office on the subject of POWs and other related matters, the external affairs minister, Mr. Swaran Singh, said in the Lok Sabha today that it would be possible for India and Bangladesh to evolve "a joint and common attitude while dealing with this matter."

Mr. Swaran Singh added: "We do not take a completely negative attitude in this matter. Despite some of the unsatisfactory features in the statement of the government of Pakistan (of April 21), I cannot help expressing the hope that Pakistan will still review its position and recognise that the humanitarian issues have to be settled and separated from political considerations."

If this principle were accepted by Pakistan he was quite certain that the position could be cleared and the repatriation of the POWs and civilian internees of Pakistan as also the stranded civilians of Bangladesh in Pakistan could begin.

TRIAL OF BENGALIS
Mr. Swaran Singh, however, expressed "regret and disappointment" over the Pakistan government's statement of Saturday. He recalled that at one time Pakistan had said that it would be reconciled to the trial in Bangladesh of 1,000 Pakistani POWs. But now, Islamabad was saying that even the 195 POWs should not be tried.

Moreover, Islamabad had declared its intention to try the Bengalis held in Pakistan.

"This is a new and crude form of judicial reprisal," Mr. Swaran Singh declared. "This is our reaction to the statement."

There were in all 600,000 non-Bengali Muslims in Bangladesh, two-thirds of whom had opted to stay on and had been accommodated. But Pakistan did not wish to fulfil its obligation towards those of its nationals who wished to return to that country, he said.

Details on Page 13

The Danish intelligence service has been mobilised to thwart an alleged Arab guerrilla plan to kidnap the young Danish prince, Frederik and Joachim, the Copenhagen newspaper, "Ekstra-Bladet," reported on Tuesday.

Self-immolation by Margi

"The Times of India" News Service

NEW DELHI, April 24.

ACHARYA Dineshanand Avadhoot, an Anand Margi monk, immolated himself inside a dry stone tank in the Purana Quila here this evening.

Two other Anand Margi monks, Gunadishanand and Punyanand, who had accompanied Dineshanand, were held by the police for interrogation.

Acharya Pranwanand Avadhoot, another Anand Margi monk, who said he was the personal assistant of the Anand Margi chief, Anandmurti, later confirmed that he had received information that Dineshanand Avadhoot immolated himself at 5.5 p.m.

Spokesmen of the Anand Margi in Delhi later said, at a press confer-

ence that they did not have previous information about the monk's decision to immolate himself. He had presided at a rally of the Anand Margis at Parade Ground here on Sunday.

According to information given by Acharya Nirmohanand Avadhoot, Dineshanand was a graduate of Patna University and was the chief organiser of the marg in Maharashtra.

He said that the immolation was the monk's final protest to draw the attention of the people and the government to the demand of the marg for a judicial probe into the allegation that their spiritual leader, now lodged in the Bankipur jail in Patna, was the victim of a poisoning attempt by the CBI on February 12.

He said that though the Anand Margi organisation did not want its monks to immolate themselves, it could not be said whether others

NEW DELHI, April 24.

THE Supreme Court's final order today in the fundamental rights case did not set out any views as to what the court has decided in the case.

The order, signed by the 13 judges, merely said: "The constitution bench will determine the validity of the constitution (26th amendment Act) 1971 in accordance with law. The cases are remitted to the constitution bench for disposal in accordance with law. There will be no order as to costs incurred up to this stage."

As in the Delhi law case, the 13 judges have expressed varying views on the issues before the court. It would now be for the constitution bench to determine what the law of the land is, as laid down by the majority, on each issue, in the various judgments.

The document signed by the nine judges said the view of the majority was:

1. Golaknath's case is overruled.
2. Art. 368 does not enable parliament to alter the basic structure or framework of the constitution.
3. The constitution (24th amendment) Act, 1971, is valid.
4. Sec. 2(a) and 2(b) of the constitution (25th amendment) act, 1971, is valid.
5. The first part of Sec. 3 of the constitution (25th amendment) act, 1971, is valid. The second part, namely, "and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy" is invalid.
6. The constitution (29th amendment) Act, 1971, is valid.
7. The signatories to the above—what was called "view of the majority"—were Justices S. M. Sikri, J. M. Shelat, K. S. Hegde, A. N. Grover, B. Jagannathan, R. L. G. Palekar, H. R. Khanna, A. K. Mukherjee and Y. V. Chandrachud.
8. Four of the 13 justices, A. N. Ray, K. K. Mathew, M. H. Beg and S. N. Dwivedi, were not signatories to the above.—P.T.I.

Details on Pages 10 & 11

M.P.s fear worst is not yet over

"The Times of India" News Service

NEW DELHI, April 24.

OPPOSITION members in the Lok Sabha today doubted the government claim that the worst of scarcity, particularly in Maharashtra, was over and maintained that the situation continued to be grave.

The house was informed that the government had arranged 12 special trains for carrying grain from Punjab for Maharashtra in the next seven days. The first one was already on its way.

The minister of state for agriculture, Mr. A. P. Shinde, assured the house that from May onwards it should be possible to meet the reasonable requirements of the state governments, particularly of the drought-affected states.

DANDAVATE'S WARNING

The minister accepted the suggestion by some members that people's committees, including elected representatives, should be set up in the states and associated with the programme of wholesale trade take-over and distribution of food grains.

The issue came up through a calling-attention motion tabled by Mr. Madhu Dandavate (Soc.) on the agitation in parts of Maharashtra over the non-availability of food supplies and firing by the police on agitators.

Explosive gas envelopes U.S. town

WILLIAMSBURG, (Michigan), April 24: Gas and mud spewing from mysterious holes in the ground have turned this community of about 400 people into a ghost town.

Only police, geologists and civil defence workers stayed behind when the township's population fled yesterday after being warned that the striking of a single match could trigger a giant explosion.

Natural gas geysers have erupted daily since last Wednesday. Between 100 and 150 new eruptions have occurred in a seven-sq km area around this town.

No injuries or fires have been reported, but the foundations of many buildings have been shaken by the appearance of the gas holes.

City officials said it will take at least three weeks to seal off a 1,800-metre deep natural gas well suspected of causing the geysers.—Reuters.

By A Staff Reporter

A FOOD special with 1,600 tonnes of wheat from Punjab is expected to arrive in Bombay on Sunday, according to Maharashtra government sources on Tuesday.

This stock is proposed to be used to meet the urgent needs of the Bombay rationing area.

Another wheat special is to reach Nagpur on Saturday. This will help cater to the requirements of Nagpur and the neighbouring areas.

Seven more food specials are expected to arrive in Maharashtra next week, according to state government sources. The details about the dispatch of these specials were yet to be received from the inspector of the state government in Punjab.

The Maharashtra government expected that the state would get in all 14 food specials.

A government spokesman said two shipments of imported wheat—52,000 tonnes—were being unloaded in Bombay. If all the stocks arrived according to expectations, it should help improve the supply position in the state to some extent, he added.

The U.P. government has also agreed to supply 1,000 tonnes of bajra and an equal quantity of jowar to Maharashtra.

Plans are ready with the state government for distribution of the arrivals. The supplies will be moved to regions of acute shortage, giving priority to the ten scarcity-hit districts.

The allotment for the state for May is yet to be finalised. It is not known whether these supplies were against the April allotment or May.

The state government has been asking for allotment from the Centre so as to ensure a uniform supply of at least eight kilos of food grains per head throughout the state. The government had similarly asked for an allotment of about 300,000 tonnes for May.

The state has a network of 27,000 fair-price shops and ready machinery

for distributing food grains to the people. As stocks arrive, they will be diverted to various distribution centres, taking into consideration the urgent needs of the scarcity-affected areas, he added.

Plea to governor

By A Staff Reporter

Dr. V. R. Pandit and Mr. R. F. Chaudhari, both Jana Sangh members of the Maharashtra legislative council, have in a letter on Tuesday, urged the governor, Mr. Ali Yavar Jung, to convene an emergency session of the state legislature to consider the "explosive situation" created by the acute food shortage in the state.

Nanded Bandh is total

AURANGABAD, April 24: All shops in Nanded town downed their shutters today in observance of "Nanded Bandh" in protest against alleged inadequate supplies of food grains.

According to reports received here the bandh was total.

Mr. V. V. Chaudhary, deputy inspector-general of police who is camping at Nanded, told PTI that the situation in the town was peaceful.

Nasik: The situation in Nasik city improved on Tuesday afternoon with traders opening their shops. Earlier, there were some stray cases of stone-throwing.

Mr. Vilas Lonari, a Congress legislator, appealed to the people to be peaceful.

The Bhagur town, about 15 km from here, where a bandh call was given, was reported calm.

Meanwhile, the collector of Nasik, Mr. S. M. Kelkar, has authorised certain co-operative societies to purchase wheat and jowar from the cultivators who have paid their levy and to sell it to the consumers, subject to the prescribed price limit.

Nagpur: More than 1,000 people have so far been arrested here in connection with the recent looting incidents.

Mr. A. L. Kripalani, a shop-keeper in the medical college area who was stabbed on April 22 during the disturbances, died in hospital on Tuesday.

Meanwhile, the prices of essential commodities moved up as Nagpur returned to normal after week-long food riots.

Food crisis in Bihar

PATNA, April 24: Serious food crisis prevails throughout Bihar, according to reports reaching here from various parts of the state.

Most of the 27,000 fair-price shops have been going without wheat for weeks together and traders have stopped dealing in wheat following government take-over of wholesale trade. The situation is further aggravated due to the phenomenal price-rise of other essential commodities.

The reports indicated that not

only curtailment in the supply to fair-price shops was still continuing but, mostly due to the poor stock position in the Food Corporation of India godowns.—U.N.I.

You Said It

By LAXMAN



It's from your daddy — Says he is safe and will be back from the ration shop in a couple of days!

Heaviest B-52 raids around Pnom Penh

PNOM PENH, April 24: Government forces today moved from the small town of Siem Reap, some 20 km. south of the capital, to Kompong Kantoal, retaking the 10 km. dirt road linking the two townships, apparently with no opposition.

Last night the Pnom Penh region sustained the heaviest bombing raids yet by B-52 planes. The heavy bombers were used after bad weather grounded the tactical fighter-bombers.—AFP.

Saigon: The South Viet Namese government and the provisional revolutionary government (PRG) agreed on Tuesday to release several hundred civilian prisoners each this week in the first break of their deadlock over political prisoners.—UPI.

Another Afghan jet crash in Pakistan

NEW DELHI, April 24: Another MiG 21 of the Royal Afghan air force crashed near Bannu in Pakistan yesterday.

Radio Pakistan, quoting official sources, said today that the pilot, who parachuted to safety, was taken to Peshawar this morning in a Pakistan air force plane.

The pilot was identified as Capt. Hissam Ud Din.

The pilot would stay with the Afghan consul in Peshawar, the radio said.—U.N.I.

A total of 125 people were killed on French roads over the Easter weekend, according to provisional figures released on Monday.

Varsha PRODUCE A NEW COMPACT BOILER

What are you going to get out of it?
30000 TO 1000000 Kcal/Hr

300°C

NOT REALLY, JUST THE BASIC PERFORMANCE FROM A VBP INSTALLATION. CUT INSTALLATION COSTS, INCLUDING PIPE WORK AND FITTINGS, BY INSTALLING THIS FULLY AUTOMATIC LOW PRESSURE INDIRECT LIQUID HEATING SYSTEM. FULLY AUTOMATIC, MAINTAINING HIGH THERMAL EFFICIENCY IN COMPLETE SAFETY—KEEPS OPERATING COSTS DOWN. SIMPLE CONTROL CIRCUITRY, THE ABSENCE OF CORROSION AND EASE OF CLEANING MACHINERY ENSURES LOW MAINTENANCE COSTS. TOO GOOD TO BE TRUE? NOT REALLY, IT IS AN EVERYDAY OCCURRENCE AT M/S VARSHA BOILERS PVT. LTD. — THE "HOT" COMPANY IN A HIGH TEMPERATURE INDUSTRY.

MANUFACTURERS VARSHA BOILERS PRIVATE LTD.
Green House, Green Street, Post Box No. 1509, Bombay-1 (India)
Tel. Office: 266078, 264201, Factory: 662188, Grams: 'AECBOILER'
Telex: 011-3714

IN COLLABORATION WITH
M/S HANWA CO. LIMITED-JAPAN