

which on October 3 rejected the petition for special leave.

The arguments in the petition before the Supreme Court were based on socio-legal grounds: the petitioners had acted in the manner they did because they were appalled by the injustice of the massive suffering and suppression of the poor and they wanted to shock and shake the custodians of the *status quo*: their act therefore stood on a separate footing from the common run of crimes; further, there has been a growing trend against the death penalty as legal barbarity discernible in the pronouncements of the Supreme Court and the penal reform currently before Parliament. The President had not taken these factors into account when he rejected the mercy petitions.

It was argued on behalf of the petitioners that the President's mercy power is subject to the paramount obligation to take into account all relevant and reject all irrelevant factors in reaching his decision. The Court's position on this point was this: "What is powerful as pre-legislative campaign or post-legislative reform, which is high ethics and noble humanism on Sunday pulpit and political platform and what is sure to be born today — all these are on the law-moulding matrix but not law now and here." And again: "As judges we cannot rewrite the law whatever our views on urgent reforms, as citizens, may be."

As for the surviving point about the exercise of the "clemency" power of the President, the Court underlined two limitations that exist in our constitutional system. The court cannot intervene everywhere. "... when the Constitution, as here, has empowered the nation's highest executive, excluding by implication, judicial review, it is officious encroachment, at once procedurally *ultra vires* and upsetting the comity of high instrumentalities for this court to be a super-power unlimited." The second limitation conditions all public power, whether a court overseas it or not. "All power, however majestic the dignitary wielding it, shall be exercised in good faith, with intelligent and informed care and honesty for the public weal."

It had also been contended on behalf of the petitioners that some got the benefit of clemency while others did not. But the court thought that a lower court had deliberately awarded the death sentence. The President was expected to consider all facts and circumstances in deciding the issue. "When the President is the custodian of the power, the

Court makes an almost extreme presumption in favour of bonafide exercise. We have not been shown any demonstrable reason or glaring ground to consider the refusal of commutation in the present case motivated by malignity or degraded by abuse of power. We therefore cannot find out a way to interfere with what the President has done."

However, while rejecting the petition, the Supreme Court visualised the contingency of the petitioners appealing once again for clemency setting out various factors which the court may not

be concerned with while imposing the sentence but which may still have persuasive value before the concerned Executive. "The rejection of one clemency petition does not exhaust the power of the President or the Governor", the Supreme Court said.

The last-chance-to-live for the two condemned political workers thus once again lies in the area of Presidential clemency. Over 130 Supreme Court lawyers, including several former chief justices and judges of high courts, have appealed to the President to commute the death sentences.

LETTER TO EDITOR

T. H. P. C.

Portugal

THE points made by your correspondent on Portugal ("Playing into the Hands of the Right", September 27, pp 1520-21) are basically correct. There are, however, some weaknesses in his text as well as some absences, the result of which is to make his article appear rather one-sided.

Now, while it is true that the Portuguese Communist Party (PCP) embarked on a sectarian course which isolated it from the masses and also provided the objective basis for the counter-revolutionary assaults on it by the Catholic Church and the Right-wing parties, it is nonetheless necessary to study the mistakes of the PCP in detail and relate them to the policies of the other working class organisations in Portugal.

Before the elections the PCP was on a Right-wing line. It attacked strikes and helped to break them. The PCP Minister for Labour actually organised a mass rally against all strikes in general and the legendary Postal Workers' strike in particular. This was in line with the PCP's strategy of seeing the socialist revolution as the "music of the future". In contrast the Socialist Party leadership in the same period indulged in the most fancy Leftist rhetoric: they supported strikes, said they were in favour of workers' control and claimed that they would overthrow capitalism in Portugal. In brief the PCP line in the pre-elections period was Right-wing and upheld "law and order", whereas the SP line was the exact opposite. The election results proved to be a slap in the face of the PCP, whereas the SP got the majority of working

class votes and the far-Left groups collectively gained over 10 per cent of the vote. Your correspondent argues that it was wrong to allow an early general election. This smacks to me of having a confused and bureaucratic attitude to the revolutionary process. It is worth remembering that for 50 years Portugal was under the jackboots of a fascist dictatorship, the overthrow of which unleashed all the latent democratic yearnings of the masses. To deny a *bourgeois* election on the grounds that the left would be defeated is sectarianism of the most infantile variety. On the contrary, allowing Soares and his allies to take governmental power would have created the most favourable conditions for winning over the masses to the idea of an alternative power and finally to socialist revolution.

This alternative workers' power exists today in an embryonic form in Portugal. It can be seen in the workers' commissions, the neighbourhood committees and the recently formed rank-and-file soldiers organisation. But this is a relatively recent development and still in a process of formation and while revolutionaries have to struggle ceaselessly to generalise this soviet power, there is no question of it becoming the dominant power until it is seen by the masses as a real and living alternative. Once that happens it is then irrelevant whether the combined left has 20 per cent or 30 per cent of the seats in the Constituent Assembly as the struggle becomes transformed to win over the soviet-type bodies to revolution and thus to democratically displace the institutions of the bourgeoisie.

The SP is clearly opposed to this process. It has in its post-electoral phase moved sharply to the Right and Soares represents the hopes and aspirations of the ruling social-democratic parties of capitalist Europe. The PCP after flirting in a sectarian way with putchism has changed course once again and has now a seat in the Sixth Government (a government of law and order) which is dominated by SP ministers while at the same time keeping a foot in the revolutionary camp. It vacillates between class-struggle and class-collaborationist forces. The immediate next step is for revolutionaries to win over a bulk of the workers at the base of the SP and thus isolate the leadership. In other words what is needed is an audacious struggle for a workers' united front, it is here that the sectarian course of the PCP during the summer period or rather the period of summer madnesses has been totally counter-productive. It has driven SP workers firmly behind Soares. However there is still time to reverse the process.

Portugal today is a laboratory of socialist revolution. There are a whole number of groups to the left of the PCP. The most significant non-Maoist groups have formed a Revolutionary United Front which has mobilised hundreds of thousands of workers and soldiers throughout the country. It is these groups which will ensure that there is not a repetition of Chile in Portugal. The main groups in the RUF are the LCI (Internationalist Communist League — Portuguese section of the Fourth International), the PRP-BR (Revolutionary Party of the Proletariat-Revolutionary Brigades), the MES (Movement of the Socialist Left), the LUAR (League for Revolutionary Unity and Action) and the FSP (Socialist People's Front). The PCP was in the Front for two days, but was expelled because of its failure to define its strategy in relation to social-democracy. The initiative to launch the soldiers group SUV (Soldiers United Will Win) was taken by the LCI and the MES and it has already transformed the situation in a number of regions. Soldiers have refused to carry out reactionary instructions, even when they are ordered to do so by General Carvalho!

The main group of the Maoist left is the MRPP, which distinguishes itself from the other Maoist groups such as the MDP by its virulent sectarianism and its open alliance with the SP

leadership and its public support for the burning of PCP headquarters by pro-fascist elements. Its reasoning is simple: the main danger in Portugal is 'Soviet social-imperialism' and therefore you can ally with the devil if need be to fight this danger. Except that the MRPP has allied not so much with the devil as with the Catholic church. This is the ultimate logic of the Peking line when applied in Portugal. You end up in the camp of counter-revolution. There is no other way of looking at it. The propaganda published in the MRPP press has a startling similarity to the propaganda which appears in the Right-wing newspapers throughout Europe and it is important that EPW readers are aware of this or else criticisms of the PCP can appear as being dishonestly one-sided.

Your correspondent also mentions that the "cause of popular democratic revolutions elsewhere in Southern Europe" could be harmed. What is this strange monstrosity which goes by the name of a "popular democratic revolution". What is its class nature? What is its political form? Surely we

deserve an explanation. Does your correspondent mean what exists in Eastern Europe today? Lenin forbid! In fact what is on the agenda today in Southern and other parts of capitalist Europe is *socialist* revolution i.e. the overthrow of capitalism and the establishment of a proletarian dictatorship. Today we have to explain to Portuguese workers that by the dictatorship of the proletariat we do not mean a Stalinist model. We mean institutionalised organs of popular power such as Soviets. We mean the right of all working class tendencies to be allowed the right to exist and produce their own literature. We mean the complete freedom of cultural and artistic expression and the broadest possible debates within the workers' movement. If this does not take place, then indeed the cause of the socialist revolution will be gravely threatened. That is why winning over the masses remains the key next step in Portugal and all attempt to short-cut the problems could open the way to disaster.

London,
October 8.

TARIQ ALI

FROM OUR CORRESPONDENTS

NEW DELHI

Clamour for Excise Relief

B M

THE Finance Ministry is really caught on the horns of a dilemma. It had been preening itself on its great achievement of arresting inflation, repeatedly suggesting that this was a miracle which even countries with much stronger economies had not been able to achieve. On the strength of this supposed achievement, the Ministry proclaimed that an era of economic expansion had begun and that the economy would now surge forward. But instead the government is now faced with a hue and cry about a recession in industry and with demands for extensive excise reliefs and other fiscal and financial concessions to stimulate demand and prevent cutbacks in industrial production, closures and unemployment.

The lobbies working for relief in excise duties have acquired extraordinary strength and prestige. The Federation of Indian Chambers of Commerce and

Industry, which currently enjoys the most cordial relations with the government, has come out in the open with a demand for adjustments in excise duties without making "a semantic dichotomy" between luxuries and necessities. However, it must have come as a pleasant surprise even to the FICCI when ministers in the Union government backed its demand in public without mincing words.

The Minister of Information and Broadcasting joined forces with the advocates of excise relief when he called for excise relief to TV manufacturers. But the case for excise relief was earlier articulated most effectively by the Minister of State for Industry, A C George. He pleaded forcefully for stimulating demand for consumer goods by reducing excise duties and summarily dismissed the philosophy of heavy taxation of luxury goods. Making spe-