position thai expansion of private refineries would be permitted only if the companies were willing to Import crude at much cheaper ra es than they did at present and the suppliers were prepared to accept payment in non-convertible rupees. What this amounts to, in effect, is that the oil companies must give up their right to choose their sources of crude supply. This, however, is one condition the private companies with their links with foreign producing companies will not accept.

So with the foreign exchange position remaining difficult and the gap between demand for oil products and indigenous supply inevitable, one of the major purposes of Shri K D Malaviyu's proposed tour of the Soviet Union, Rumania, Poland and I aly this month will be to make arrangements for larger and stable imports of petroleum products, mainly from the Soviet Union and the Eastern European countries. To persuade these countries to supply the particular products that we are short of against payment in rupees is, however, only part of the problem. The other part is to develop the public sector's capacity to receive and distribute vast quantises of oil products — both from the public sector refineries and from abroad. Thus by the end of the Plan the Indian Oil Company — the public sector distributing company — will be handling over ha^ of all oil products consumed in India. The company was set up only in 1959 and so far it has done little more than supply the not very large quantities of products imported from the Soviet Union to Government agencies and the defence services. But if in the years to come the demand for oil products 13 to be met without permitting ex pansion of the private refineries and was Ins foreign exchange by importing products from traditional spurces, the public sector oil industry will have to pay as much attention to thes distribute aspect as to exploration and refining, It is doubtful if this has been adequately realised so far.

Ship India — Indiawards

SIR Ramaswami Mudaliar's speech at the annual meeting of India Steamship Company reflects the gloom cast by the dismal results of the profit and loss account for the year ending March 1962. Pincered between the jaws of high operating costs and low freights, the Company has made a loss of about Rs 41 Lakhs each year for the last two years which has reduced its general reserves to a bare Rs. 16.77,000 and has made it impossible for the Directors to declare any dividend, As Sir Ramaswami indicated in his speech, one reason for the losses is that although the quantum of cargo rose by 8,6 per cent over the previous year, gross freight earnings rose by only 3.9 per cant; thus, the average freight earned per ton of cargo dropped from Rs 98 to about Rs 94. However, this cannot be the main reason for such heavy losses; as can be seen by the fact that the Government-owned shipping company, the Shipping Corporation of India, which also operates in the overseas liner trade and has about the same number of vessels as India Steamship made *o.* net profit of Rs 1,07,00,000 in spite of the fact that its average revenue per ton dropp ed from about Rs 112 to about Rs 82.

A comparison between these two similar companies would suggest that the cost structure of India Steamship is rather high; bare operating costs, excluding depreciation, form 86 per cent of gross freight earned in the case of India Steamship-while the corresponding figure for the Shipping Corporation is about 68 per cent. Operating expenses of shipping companies fall under two broad categories, (1) those that vary with the voyage and the type of cargo carried, under which head come port dues, stevedoring, bunkers, commissions and brokerage, etc, and (2) those that are fixed like repairs, salary, insurance, stores and victualling. While the ratio of fixed costs to gross freight earnings for India Steamship is 31 per cent against Shipping Corporation's 28 per cent, the ratio of variable costs is 40 per cent for the Corporation but as high as 55 per cent for India Steam. The persistence of a high cost structure suggests that the policy of the company is not to worry too much about costs, so long as the service is good. India Steamship pays the highest wages, has the finest — and the most expensive — ships, and probably the most expensive agents of any Indian company. Now this kind of policy is very successful in trades where the freight rates are sufficiently high to pay for the service. But the India) UK trade is not in that class; much of the cargo in this trade moves in bulk and has a low freight rate, so the service that India Steamship gives is too good for the trafic and the trade is unwilling to pay for it. Besides, the Government discourages any effort made by the Conferences to raise the freight on the grounds that it will affect export promo ion. While Sir Ramaswami is sympathetic to the Government, he is constrained to remark "it is necessary to set up agencies which will really find out whether the shipper can afford the freight charges or not , . . and the profit which the shipper is making has also to be carefully considered".

Sir Ramaswami is more cheerful about the future; he feels that a solution has been found through the agreement for pooling arrived at among the three principal Indian lines and their British counterparts in the India| U *K* trade. How far the pooling arrangements will go to solve the problems facing Indian shipping is a matter of conjecture as so far the pool has not come effectively into operation; but it should certainly go a long way in eliminating the malpractices of refcating and unfair competition. Pooling will also help to reduce costs by rationalising the number of sailings and avoiding unnecessary ports of call. The revised agreement that has been finally arrived at with the British lines is very reasonable. The quota for Indian lines is raised to 39 per cent from the original 30.5 with an escalation of 1 per pent per annum, until India achieves parity with the British lines. There is also an internal agreement between the Indian lines fixing the share of each individual line. The main feature of this internal agreement is that the Shipping Corpora ion will start off with a lower share but the entire increase of 1 per cent will go to them. It is a; measure of the degree of power the Corporation enjoys that, al hough it joined the Conference only in August 1961, it has been able to achieve in the short span of six to nine months what would have taken any ordinary company at least five years ! The advantages of being a Government Corporation are many.

but so far they have never been used. The Managing Director of the Shipping Corporation is therefore to be congratulated that, like Thomas of Becket, he has learnt " to beat the barons at their own game ''.

A Lawyer on *Right* to *Legal* Defence

IT might interest readers to know the reaction of practising lawyers to the appeal by the Union Minister of Health not to defend drug-fakers. Shri Ashok Desai, Bar-at-Law, of the Bombay High Court writes:

You were right in taking strong exception to the speech of Dr Sushila Nayar appealing to lawyers not to defend those accused of contraventions of the Drugs Act. It is grossly improper for a Minister to promote social pressures discouraging lawyers from taking up cases and discharging the duties of their profession.

But more surprising is the reaction of the press to your editorial. In his comment on September 29. 1962, "Econoclast" of the *Financial Express* goes on to say:

> ''The *Weekly* is certainly right in saying that to condemn a man unheard and to deprive him of legal assistance for defence is the hallmark of a system of tyranny. It may nevertheless be pointed out that most lawyers- in most cases know whether their client is guilty or not. It is also to be doubted whether the doctrine 'Let ten guilty persons escape punishment but let not a single innocent person be punished' is to be treated as an inalienable dogma. Can circumstances not arise in a particular country where it can be said: "Let a few innocent persons suffer if this is unavoidable, but let no guilty individual go unpunished?' "

The assumption underlying this comment is that lawyers can and should embark on a private enquiry to ascertain the guilt of their client and should defend only those persons whom they find to be innocent The principle suggested by the comment is that the approach of giving the benefit of a reasonable doubt to the accused should be reversed. The assumption is false and the principle uncivilised. It is desirable to make a rejoinder to the comment if only because there is a growing tendency to regard the traditions of our jurisprudence as impediments to progress in a Welfare State.

It is naive to assume that most lawyers can or do know the guilt or innocence of their clients. As most lawyers in practice would be aware, most accused protest their innocence and rationalise their acts to such an extent that without sifting the evidence by a judicial process, it is difficult for even a trained legal mind to decide whether a particular person is guilty of the offence charged. And how is a lawyer who is very much in the arena of the conflict to decide whether a particular person is guilty or not?

The best answer on the subject was the one offered by Erskine, perhaps the greatest English lawyer, when he was being dissuaded from defending Thomas Paine for treasonable pamphleteering :

> "from the moment that any advocate can be permitted to say that he will or will not stand between the Crown and the subject arraigned in the Court where he sits daily to practice, from that moment the liberties of England are at an end If the advocate refuses to defend from what he may think of the charge or of the defence, he assumes the character of the judge, nay, he assumes it before the hour of judgment."

There is no doctrine much less a dogma in law affording escape to ten guilty persons before *an* innocent person is punished. What the commentator has in mind is perhaps that approach of criminal jurisprudence which gives the benefit of any reasonable doubt to the accused. The State chooses to levy the accusation and there is nothing dogmatic in an approach which insists that the State must prove its case beyond all reasonable doubt. In certain types of offences, the burden of proof may shift to the accused after the State discharges its initial onus (for instance, in offences under the Prevention of Corruption Act). But this is far different from advocating that the whole approach *on* which our criminal jurisprudence is founded, namely that a citizen is presumed to be innocent until proved guilty should be given up.

So far as one knows, the principle of guilt by accusation finds a place only in totalitarian States and even there, in practice and not in principle. To suggest that our notions of criminal jurisprudence are inconsistent with the Welfare State is both false and dangerous. In England in more difficult times during the last War, Lord Atkins was proud to declare that "Amidst the clash of arms the laws are not silent. They may be changed, but they speak the same language in war as in peace.''

Surely the conditions emergent in a Welfare State are no graver than those during a war?

A Correction

In Table 3 of the article, "The Secular Trend in the Indian Economy, 1881-1951" by Alice Thorner (Special Number, July 1962, p 1160), the figures for male labourers in 1881 were incorrectly printed. The numeral "7" was inadvertently substituted for "7" in typing the manuscript. The corrected Table is printed below.

While requesting us to make the correction, Mrs Thorner writes : "The revised figures make clear the inverse relation from census to census between the number of workers counted as agricultural labourers and the number counted as general labourers."

Table 3: Variations in Agricultural Labour and General Labour India, Burma and Pakistan 1881-1921

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	1881	1901	1911	1921
			Males	
Agricultural labour	7.437	10.674	13.159	11.743
General labour	7,248	5,397	2.689	2,894
			Females	
Agricultural labour	n a	9.455	12.721	9.933
General labour	5,244	3,841	1,991	2,257