

# The Servant of India

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## Topics of the Week.

### Reason and the Mahatma.

IN the August issue of *Reason* an account is given of a speech made by Mr. M. C. Chagla at a lunch given to him by the Rationalist Association of India on 25th July. In the course of his speech on "Rationalism and Civil Liberties in India," Mr. Chagla said:

Some of the most important decisions in recent years have been arrived at by considerations which completely leave reason out of the picture. Take, for instance, the Poona Pact. No man has greater respect and admiration for Gandhi than I have. That wonderful old man is one of the greatest men living in the world to-day, but still as rationalists we must not forego the luxury of criticising even him, and when we find that an important political pact is arrived at more by fasting than by ratiocination we are entitled to say that whatever you might think of the conclusion the method is all wrong, and in this case, as it happens, even the conclusion was wholly wrong. It is difficult to conceive of a worse mess than was made by this pact. I am not here to consider its various provisions, but it is sufficient only to remind you of the great and grave injustice that was done to the Bengal Hindus under this pact.

If Mr. Chagla had spoken on 25th September instead of on 25th July, we have no doubt that he would have had some strong words to say about the way in which the Kher Ministry in Bombay is respecting civil liberties of men and institutions suspected of carrying on communistic propaganda or activities.

### Restoration of Confiscated Properties.

"REWARDING friends and punishing enemies" is the course which every new Government tries to follow on assumption of power. But it is a dangerous course which, if not kept within legitimate bounds, will lead to the weakening of the moral fibre

on which every State in the last resort rests. The Bombay Ministry proposes to restore to the owners, at State cost, the lands which, being forfeited in the last no-tax campaign, have passed into other private hands. The benefit will go to Congressmen and will be denied to others who earlier suffered in property for similar reasons. That is why Mr. Jamnadas Mehta characterised the move as partisan and worse.

WHAT is the principle that lies behind this proposed restoration policy? The men suffered because they were engaged in a patriotic cause. The particular methods adopted by them may not appeal to all, but the motive must appeal. No one should hereafter be made to undergo suffering, whose action is based upon an impulse to do good to the country. The State must come to the help of such men, whatever opinion one may hold of the actions taken by them in carrying on their movement.

WILL the Congress follow the same policy in all cases? Let us assume that the workers declare a general strike in Bombay. Their action will be illegal, but still inspired by unselfish motives. They will suffer in person and property. Will the State first impose penalties and next withdraw them? Or will it refrain from imposing them altogether? We assume that the Bombay Ministry has no sympathy with a general strike. What will it do? Or is a Ministry to be guided by its own opinion of a movement? Is the Congress Ministry to impose penalties, leaving it to a Labour Ministry when it comes into power to quash them? It is an inclined plane on which one must walk warily.

### Governors and Cabinet Meetings.

WE believe that it has become the invariable practice in all provinces, including Congress provinces, for the Governors to preside over Cabinet meetings, and we are not aware of any attempts made by Congress Premiers to get this practice altered. It cannot be that they do not realise the advantage of a convention established whereby ordinarily Ministers would be left untrammelled to discuss matters among themselves and arrive at decisions, leaving the Governors out of the picture at that stage. For in the Punjab the Congress party raised the question frequently in the Legislative Assembly and, having elicited the information that the Governor presides over Cabinet meetings, charged the non-Congress Ministry with want of courage in not resisting this gubernatorial onslaught upon their own privileges. But at that time the Congress party had not accepted office in other provinces. Now, however, the same practice is followed in Congress provinces as in others without demur on the part of the Congress Ministries.

WRITING on this subject, the *Indian Nation* observes :

It is not our contention that there is anything illegal or repugnant to the Government of India Act in the Governor presiding over Cabinet meetings. But it cannot be forgotten that one of the essential conditions for the successful functioning of the Cabinet system and for the establishment of the supremacy of the legislature is that the Prime Minister should preside over the Cabinet meetings. The Prime Minister is not only the leader of the majority party, but he should become more and more the channel of communication between the legislature and the Cabinet on the one hand and the Governor as the constitutional representative of the King on the other. It is well-known that the evolution of the Cabinet system as it is functioning to-day in England was rendered possible by the accident of a particular King absenting himself from Cabinet meetings on account of his ignorance of the English language. But whatever it is, the consequence has been that it accentuated the importance of the Prime Minister and made Cabinet and responsible Government more and more a reality. From so many other standpoints the same process of evolution should be considered as very desirable and indispensable in India also ; and for this it becomes essential for the Governor more and more to absent himself from the Cabinet meetings and allow the Prime Minister to preside over them.

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#### "The Clearest Somersault."

IN a debate raised by a cut motion in the Madras Legislative Assembly the Premier of Madras, Mr. Rajagopalachari, gave expression to certain views which, we are sure, will not be received with favour in the country. The motion raised the question of the separation of the judiciary and the executive and the Madras Premier gave a rude shock to the Assembly by his opposition to it, not only because, let it be noticed, there are economic difficulties in the way at present, but because now "the old idea that the State is an enemy of the individual and that the judiciary is an arbitrator between enemies is an exploded doctrine of social or political organisation." The State is, C. R. maintained, one indivisible whole. The argument echoes, strangely enough, the sentiments expressed by dictators all over the world and bodes little good to the development of democracy in our country if its destinies are to be shaped by men of similar views.

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IN urging the separation of the two functions of the State, the main concern of those who did so was with the administration of criminal justice and not civil justice. And in the case of a majority of criminal cases the State itself is one of the parties involved. In such cases separation is demanded not only because the judiciary should not be liable to be influenced by the executive, but because none of the parties should have the slightest doubt about the impartiality of Justice. Mr. Rajagopalachari advanced another argument for the postponement of the question in support of his views and that is the popular nature of the Governments under autonomy. Even a paper like the *Hindu* could not help protesting against the attitude of the Premier and observed :

Nobody will deny that under a democratic government based on the suffrage of the people many of the abuses of the old system are bound to disappear. But the fact that we have a popular government does not make the need any the less for ensuring that the judiciary will be, as far as is humanly possible, immune from extraneous influence.

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MR. RAJAGOPALACHARI gave these views as his personal views and took the precaution to say that his Government was not committed to them. But he declar-

ed that he wished "to induce the Government to come to the same view." We are afraid, however, that this is a policy arrived at by the Congress High Command. The Minister of Justice in the U. P., Dr. K. N. Katju, gave expression to almost identical views on a similar cut motion in the U. P. Assembly and it cannot be a mere coincidence that the views of two Congress Government spokesmen in two different provinces coincide to such a remarkable degree. The *Guardian* terms this attitude as "the clearest somersault" on the part of the Congress Ministries over the "unanimous popular demand as old as the Congress, that is over half a century." The *Indian Social Reformer* also has some pointed observations to offer on this point. It remarks :

The combination of executive and judicial functions in the Indian administration, was a grievance which the Congress from its very beginning sought to get remedied. The resolution on the separation of executive from judicial functions was spoken of as a hardy annual. Latterly the Congress has disdained to demand improvements in the administration, as it wanted the whole system to go. Nevertheless, it was startling to see a Congress Minister stand up in the Legislature and blandly argue that since the Congress has assumed office, and as the Congress represents the country and can do no wrong the separation of the two functions was no longer necessary. According to this reasoning, countries which have representative parliamentary institutions may forthwith abolish the distinction between the two sides of government. The existence of popular government, if anything, is a special reason for keeping the two functions separate in the interest of freedom of thought and speech. Executive Governments relying on popular support are apt to deal with dissent more high-handedly than autocracies which have the spectre of revolution always before their eyes. You cannot dispense justice through public meetings. Politics is a science and political theory does not change with changing circumstances.

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Dr. PATTABHISITARAMAYYA goes one further. He does not agree with Mr. Rajagopalachari that it is unnecessary to take criminal justice out of the hands of the revenue officials, but his disagreement arises only because he is not confident that the Congress party will remain in office for all time ! The Congress of course can allow a combination of all kinds of contradictory functions to remain in the same set of officials without any harm coming to anyone. Under the Congress regime a totalitarian State might be the best, but unfortunately for the country there is no guarantee that the Congress will always be in the seat of power, and for this purpose it would be desirable even for the Congress to observe the constitutional conventions of other countries, though for the Congress they are superfluous !

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#### Indian Agents Abroad.

THE Council of State unanimously carried the other day a resolution moved by Pandit Hirday Nath Kunzru urging the protection of the interests of Indians in Fiji, British Guiana and Trinidad. Mr. Kunzru pointed out that the economic and educational condition of Indians there was by no means satisfactory. In British Guiana and Trinidad education was largely controlled by missionaries and Indians were naturally unwilling to send their children to proselytising institutions. The result has been a general backwardness of education among them. The educational facilities for Indians in Fiji were, he observed, no better. While the Indians formed 43 per cent. of the population in Fiji and contributed £17,000 out of £20,000 in direct taxes to the State and even though they had expressed their

willingness to pay an education cess, the Fijian Government had not done enough to meet their demand in this respect. The economic condition of Indians also was none too satisfactory. In British Guiana the labour protection laws had been abolished with the abolition of the indentured labour system, which has resulted in making Indian labour despair of getting rid of exploitation. Mr. Kunzru therefore urged that the appointment of Indian Agents in these colonies was essential both in the interest of Indians and the colonial Governments.

THE reply of the Government, given by Sir Jagdish Prasad, was extremely courteous. The need for the appointment of Agents wherever Indians have gone in large numbers was at once admitted by him. The work done by Agents in South Africa and Ceylon has proved the beneficial results of such appointments. Sir Jagdish supplied figures which go to prove the very unsatisfactory provision made by the Fiji Government for the education of Indian children. While the expenditure on an Indian child, he said, from the Colonial revenue was only 8s. 6d., that on a Fijian was 14s. 7d.; and on the Indian boy it was 34s., that on a Fijian boy was 74s. The disparity in the education of girls was still greater. The Government accepted the resolution without reservation and it is to be hoped that it heralds an era of greater attention to the interests of Indians abroad on the part of the Government.

#### Indianisation ?

THE offer of the post of Economic Adviser to the Government of India to a European evoked interesting questions and answers in the Council of State. To a question by a member the Commerce Secretary replied that the job was offered to an European economist who has as yet to give his reply. It was revealed during the interpellations that followed that the post was not even advertised. Nor could Government give any reply why the post was not offered to an Indian economist. It is difficult to believe that there is no Indian economist available, eminent enough to hold the office with credit.

THE replies from the Government side showed a spirit of evasion which is hardly creditable and which gave the impression that the whole affair was done in a hole and corner manner and that Government felt uneasy about the replies. All that the Commerce Secretary could say was that the post was offered to the best candidate available. Who decided the qualifications of the candidate and who examined the respective merits of the possible economists fit to fill the office, Government did not state. Nor were they willing to take the Council into confidence as to the tenure of office of the new incumbent. To a direct question seeking this information the vague reply was given that the appointment was for "a number of years." The post was not advertised, we are told, because Government were not sure that it would bring in the best qualified candidate. These replies hardly give any information worth the trouble of asking.

THE recent retrograde policy of the Government of India in connection with the recruitment of Europeans for offices which ordinarily should have gone to Indians has come in for severe castigation in the press of the country. We have referred to it more than once. It was felt that the advent of the new constitution would at least result in liberalising the attitude of the Lalthgow regime in this matter. It seems, however,

that Government are impervious to all popular protests. Time has now come for severe censure in both the Houses and for an expression of indignation felt in the country over this reversal of a declared policy.

#### Physical Culture for Students.

THE Bombay Government have announced that they have decided to appoint a Physical Culture Committee to enquire into the present physical conditions of the students and to suggest ways and means to improve them. The chairman of the Committee will be the wellknown exponent of Yoga, Swami Kunalayananda. The appointment of Swami Kunalayananda at the head of the Committee should be a guarantee of its success and augurs well for its conclusions. In this connection we wish to bring to the notice of the Committee the excellent report recently published by the Physical Culture Board of the Nagpur University.

THIS report makes instructive reading and should prove of great help to other universities and schools where physical culture instruction is being imparted as a matter of regular routine. Interesting tables are attached to the report regarding the health, weight, height and general fitness of the students in the University. The diseases table reveals the fact that the percentage of students suffering from eye trouble is high and that about 43.2 per cent. of students suffer from some ailment or other. A table giving the comparative measurements of students from some other universities shows that the average height, weight, and chest measurement of the Nagpur student are much below those of other foreign universities. In the opinion of the medical officers appointed to examine the students, the poor physique of the student is due to want of exercise and out-door activities, ignorance of ordinary rules for keeping fit, perpetual fear and worry of examinations, breakdown in early days due to heavy school work and malnutrition.

THE students of the University were offered some curative instruction by the physical instructors under the direction of Dr. Kokardekar, the Director of Physical Education in the University, and a progress card of each student was kept for observation and reference. The report says that the common deformities and complaints of the students under observation were digestive troubles, exaggerated curve of the spine, poor chest and under-weight—all complaints, it will be seen, susceptible to curative treatment and proper exercise. An experiment on a miniature scale was conducted by providing milk and eggs to a few very poor students, and it showed an all-round average gain of 1.7" in height and 16 lbs. in weight during the course of seven months. This is a result which should make guardians and school administrators pause and think how much waste of human material is due to negligence and malnutrition in younger days.

THE Director observes that the experience of the year has satisfied him that the results obtained by regular and compulsory physical training justify the experiment undertaken by the University. The record gain of a few students during the period was an increase of 2" in height, 16 to 20 lbs. in weight and 2.5 inches in the chest measurement. It is interesting to note that the students who received their training in the morning showed better progress than those who received it immediately after the college hours. This report is a proof of the need for careful planning for

physical culture in our universities and the usefulness of having a well-qualified person in charge of it.

THERE is, however, a serious lacuna in the report. The girl students of the University seem to have been left out of the scheme altogether. The necessity of physical culture training for girls on somewhat different lines than that for the boys, is patent. In fact, their health is the foundation of the health of future generations and the difficulties in the way of organising such training for them must not deter any college authority from making a determined attempt to provide it. The Nagpur University, being a recent development in the province, is uncluttered by many of the difficulties which face older universities in the way of innovations and it can make good use of its comparative freedom by being one of the leaders in compulsory physical training in colleges even for girls. We commend the results of its efforts embodied in this report to everyone interested in this vital problem.

#### Recognition of Italian Conquest.

THE *Headway*, organ of the British League of Nations Union, is afraid that the insidious, assiduous campaign for the recognition of the Italian conquest of Ethiopia by the League might succeed. The issues involved in the recognition or non-recognition, it says, range wide and reach deep into the whole question of the progress of civilization. True, the League is not likely to help the Ethiopians now, but what would a formal recognition mean? *Headway* replies:

One point against recognition of the Italian conquest of Abyssinia is being most strangely ignored. It should be driven home at every opportunity. It is the parallel with Manchuria. By general admission, bad as was Japan's conduct in Northern China it was not at the start so wholly lacking in all excuse, so flagrantly aggressive as has been Italy's in Abyssinia. Yet the members of the League in 1933 refused to recognise the puppet state set up by Japan in Chinese territory, and in 1937 are persisting in their refusal. In February over four and a half years ago the League Assembly voted by 42 members to 2 the recommendation of the Committee of Nineteen. "They will," ran their pledge, "continue not to recognise this regime either *de jure* or *de facto*." Japan's repeated efforts to bribe or coerce them into breaking that pledge have failed, with an insignificant exception in Central America. The United States also declines to accept a situation brought about by armed force in defiance of international law. Why cannot the precedent of Eastern Asia be followed in East Africa? The story of Manchuria and of the League's weakness when faced with the first major challenge to the Covenant is a world tragedy whose gloom thickens with each succeeding chapter. A solitary ray of light is kept shining by the League's persistence in its considered, cautious, regretful judgment upon the crime of Japan. In a time of many bad examples a good example is doubly precious. It should be not only remembered but imitated. China, north and centre, to-day shows the devastating consequences to which bad examples lead when they are often repeated and never resisted.

## Articles.

### KHER SUPPORTS FEDERATION!

THE moving of a resolution on the Constituent Assembly has become with all Congress Ministries a matter of unmeaning ritual. They have received orders from above, which

they carry out mechanically, without knowing what the real purpose of the move is in the mind of those from whom the orders issued. Mr. Rajagopalchari knew the purpose well, and he stated it in clear terms. Although the Congress is opposed to the whole of the new constitution, the fact that it has accepted office and is in no hurry to quit it is likely to produce the impression that the Congress will similarly work the federal part of the constitution loyally when by an act of coercion Government will bring it into effect. In order to counter this impression and to make it plain that the Congress stands by its resolution, thrice repeated, which enjoins on all Congressmen the duty of preventing the inauguration of federation, the Ministries were asked to offer the Constituent Assembly resolution. In no province was the federal issue directly mentioned in the resolution, which was a great mistake. But Mr. Rajagopalachari laid great stress on it in his speech, and Dr. Khare in the C. P. incorporated in the resolution itself an expression of opinion that acceptance of office in the provinces must not be understood to mean acceptance of the constitution, which was the motive behind the resolution.

WHILE in Madras and C. P. the purpose of the resolution was understood, in Bombay it was not, with the result that not only was Mr. Kher's contribution to the debate unintelligent and slovenly, but he drove the whole Congress members into opposing an amendment moved by Mr. Parulekar in the Legislative Assembly which had merely sought to register the opinion of the Presidency that Government should not proceed with federation. It is well-known—Pandit Jawaharlal Nehru has himself emphasised it—that a Constituent Assembly will not come today, nor tomorrow, nor the day after by passing resolutions in favour of it. It will come (if it does come) when conditions have completely altered in the country, and the passing of an academic resolution now is going to help the least bit in altering the existing conditions. A practical advantage could have been extorted from such a resolution if it had asked the British Government, in the name of the Presidency, not to bring federation into operation as the people were totally opposed to it.

MR. PARULEKAR moved an amendment to this effect. Mr. Kher, however, instead of accepting it with alacrity, ordered his cohorts to march into the No lobby. The result is that the Congress party is on record that it is against the proposition that His Majesty's Government should not give effect to the federal part of the constitution. What right had Mr. Kher to make Congress members of the Legislative Assembly betray the Congress? The Congress has made it its principal job now to prevent the establishment of federation. In its plenary session the Congress has passed a resolution to this effect. The Working Committee and the All-India Congress Committee have endorsed it several times. Mr. Kher might himself have well made opposition to federation part of his Constituent Assembly resolution; but when the deficiency left by his ignorance

is sought to be made good by Mr. Parulekar he issues a command to all his followers to defeat an amendment hostile to federation and thus to show that the Congress would like the Government to proceed with federation! For this he surely must be called to account.

It must be made clear here that this amendment was put to the vote separately; it was not linked up with any other amendment which, being unacceptable to the Congress, might have made Mr. Kher's position difficult. The whole Muslim League block and the whole Independent Labour Party block and several other individual members like Mr. Jamnadas Mahta would have voted for the amendment, and if only the Congress had fallen in with it, the amendment would have been carried with the largest approach to unanimity that is possible in the present legislature. But Mr. Kher, having taken a perverse attitude to the matter, caused a defeat of the amendment and has given an appearance to the world as if the Congress is friendly to the federal scheme.

WE know that this is not the real attitude of the Congress, but none the less Mr. Kher's blundering is inexcusable. He seems to have thought that his task was to get the resolution passed, as moved, without the change of a comma. Probably the terms of the resolution were supplied to him by Sardar Vallabhbhai Patel, for on no other assumption could its uncouth phrasing be accounted for. To emend this Holy Script would be a sacrilege, of which the devout Mr. Kher could not be guilty. If an identical resolution were moved in all the legislatures of the Congress provinces, one might have felt some difficulty in taking liberties with it in one legislature. But the form of the resolution in every legislature and even the substance in most are different. Nor were the resolutions passed in every legislature in the same form in which they were moved. Indeed, in Bihar the Premier accepted an amendment providing for separate electorates in the constituencies to be formed for electing a Constituent Assembly. If he could accept a reactionary amendment, why could not Mr. Kher accept a progressive one?

ANYHOW, the Congress authorities must ask Mr. Kher to explain why he made all the Congress members in the Bombay Assembly, not only look foolish by the way they were required to cast their votes, but take up an attitude which is in flat contradiction to the repeated declaration of the Congress that it is out to make federation still-born. Mr. Nariman, who thundered against federation, was certainly made to look foolish; and so is Mr. Kher too if he has written in to the Governor-General (as all the Congress Party Premiers are supposed to have been asked to) that Bombay does not want federation. But his or anybody else's looking foolish is not a thing we are very much concerned with. But his own voluntary apostasy and the compulsory apostasy of his followers for which he is responsible is a more serious matter, for which he deserves condign punishment.

### MORATORIUM IN MADRAS.

THE Bombay Ministry was noted, during the proceedings of the last sessions of the legislature, above everything else, for emitting an insufferably strong odour of smugness about its progressive mind whenever any change in its policy was recommended to it. Be the change ever so simple, the Ministry at once struck up an attitude of virtuosity and said: "We are earnestly considering everything possible to better the condition of the people. You do not know the snags in these schemes. No one would be more ready to accept proposals, however far-reaching, provided they were feasible, than ourselves. But we see the dangers, and we assure you that we shall, out of the abounding concern that we feel for the lot of the poor, hammer out proposals which will be at once radical and safe." A suggestion was made to the Ministry, both in the legislature and outside, for the declaration of a moratorium on the debts of the agriculturists. The need for such a declaration became imperative when the Government announced their determination to enact a law in the next budget session which would result in a drastic scaling down of the agriculturists' debts. "If you are really serious about this, does it not rather follow as a logical consequence," they were asked, "that you should forestall the feverish activities of the money-lenders that would necessarily be in evidence for the recovery of the debts by declaring a moratorium? If debts are to be reduced within a few months, steps should first be taken that they are not recovered immediately by filing suits, obtaining decrees, seizing property and so forth. In any case the money-lenders would not incur much loss if payments are suspended pending revision. The suspension will not be for an indefinitely long period, but for a definitely short period." One would have thought that this was a reasonable suggestion, but somehow the Bombay Ministry looked upon it as a sort of blot on its escutcheon and in order to justify its impossibilist attitude, said: "A moratorium will pave the way to utter chaos. The whole credit structure of the Presidency will crash. The farmer will find his second state very much worse than his first. It is not only a foolish but a mischievous idea. We cannot give any kind of countenance to it." The Revenue Minister said it; the Finance Minister said it; the Prime Minister said it.

However, the scheme from which the Bombay Ministry drew back in holy horror has been announced by the Madras Ministry and a Bill has been introduced which will soon be given the form of law. The statement of objects and reasons attached to the Bill says: "The object of the Bill is to give temporary relief to indebted agriculturists in the Province pending the formulation of comprehensive measures for dealing with the problem of such indebtedness"—the very same object for which the Bombay Ministry was pressed to take an identical measure. "After the Bill has come into force and so long as it remains in operation, no suit or proceeding can be instituted against an agriculturist and all pending suits and proceedings will be stayed." An agriculturist is defined as one who derives not less than three-fourths

of his annual income from land and whose liabilities under the heads of land revenue, rents and taxes and cesses payable to local authorities do not exceed Rs. 400 per annum. Special provision is made for giving relief to persons, the major portion of whose assets consist of debts due from agriculturists, and which cannot be recovered while the Bill remains in operation. Certain classes of debts are exempted from the operation of a moratorium, viz. revenue due to Government, income tax, loans granted by Govern-

ment and loans granted by a co-operative society, land mortgage bank or joint stock bank. It was this last provision in the Bill which made the Bombay Ministry fear that the Government's credit would collapse. Mr. Rajagopalachari has no such fear, nor has one yet seen any signs of its weakening. The Bombay Ministry will do well not to close its mind to new ideas in self-righteousness. It knows a good deal, but it is still far from being omniscient.

## FORTUNES OF FEDERATION.

**T**HE present state of the negotiations carried on by the British Government with the rulers of Indian States is thus described by the Bombay correspondent of the *Hindu* :

Regarding certain demands made by the majority of Indian Princes as a condition precedent to their joining the federation, I learn from reliable quarters that the Princes urged certain amendments to the Act, but the India Office, after carefully considering the representations, has replied that modification of the Act was not necessary and their objects could best be gained by alterations to the Instruments of Accession. The India Office, I understand, will be issuing an amended Instrument of Accession which, it is stated, will constitute the last word on the subject so far as His Majesty's Government is concerned. It will be left to the Indian States either to take it or leave it. It is also mentioned that while the amended Instrument will go a great way to satisfy the demands of the States not all their demands will be conceded.

The correspondent adds that the final decision of the Princes will be known by the end of November, and we have no doubt that their decision will be favourable. For, still more concessions are to be made to them. The fact that no amendment of the Government of India Act will be required to make these concessions, but only an amendment of the proposed Instrument of Accession makes no difference to the reality of the concessions. As the Maharaja of Patiala recently remarked, in the case of the States, "it is the Instrument that governs the Act," and if the desired concessions are made by amending the Instrument rather than by amending the Act, so much the better for them.

In all these negotiations the people in British India have been left completely in the cold. They make no complaint of it; for if, even without the concessions, they object to "the federal scheme embodied in the Act of 1935 as enthroning Princely reaction in the seat of power" (to use the *Hindu's* words), it goes without saying that their objection to the scheme with more concessions thrown in to the Princes will be very much strengthened. British India's objection to federation has been stated times without number. Mr. Satyamurti, however, had occasion to state it again in the Central Legislative Assembly recently, while moving his resolution on the Constituent Assembly. He said:

This federation which is being hatched for us in absolute secrecy is an unheard-of federation. I have not got the time to go into it at length, but I may refer my Honourable friends very briefly to section 6 of the Government of India Act, 1935, under which, according to sub-section (1) (a), the Ruler "declares that he accedes to the Federation as established under this Act," etc. But his accession shall

always be subject to the terms of the Instrument of Accession, and he will "be subject always to the terms thereof, and for the purposes only of the federation, exercise in relation to his State such functions as may be vested in them by or under this Act." Therefore, the Instrument of Accession is far more important and binding on the State than the Government of India Act, 1935. Similarly, the ruler is free to accept only such laws as he chooses to accept and accept the administration of those laws only to the extent to which he chooses to accept it. But the sting is in sub-section (5) :

"It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the Second Schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the ruler in a supplementary Instrument, be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any federal authority in relation to the State."

It comes to this. Once a State accedes to the federation, it gets a voice with regard to the amendment of this Act. Although the section says, you can amend the Act in very many matters, if Honourable Members will turn to the Second Schedule they will find that the qualifications there are much bigger than the subjects on which the Government can legislate by way of amending this Act. On every matter—Governor's safeguards, discretionary powers, qualifications of members, way of election—all those safeguards to which we are now objecting cannot be changed even by the British Parliament, so far as the States are concerned, without the consent of the ruler of the State concerned.

So far as these Indian States are concerned, our objections to their joining the federation on the present terms are briefly these. We believe that with rare exceptions, in most of these States there is no rule of law, not even so much rule of law as there is in British India, that people are detained or deported or interned or property confiscated—anything happens without any recourse to any law or courts of law. Secondly, we want the representatives of these States on our Legislature to be elected by the people of those States, we do not want the nominees of these States. Thirdly, we want that there should be a body of fundamental rights and of citizenship for the people of these States, and they should have ready access to the Federal Court in cases of breach of these rights by their rulers. It seems to me that that is the minimum on which we can look upon the Indian States joining this federation. But, Sir, while British India is being coerced, more or less, into the federation, morning after morning I tried my best with the Leader of the House, but I drew a blank. Every time there is an organised conspiracy of silence on his part and on that of his colleagues to tell British India: "We shall go on with any negotiations with the Indian States, sacrifice Indian revenues, give up sovereignty, we will do anything we like, but we will not say a word to Legislature or the consult British India opinion." It is going back on the principle behind the Round Table Conferences; at least

there they pretended to consult British Indian opinion. But today you want to go on with your federation without so much as by leave of British India. How do you expect British Indian opinion to acquiesce in the experiment? The other day the Maharaja of Patiala, the Chancellor of the Chamber of Princes, said that they were not eager to come into the federation, but they were confronted with a situation wherein the extension of responsibility at the centre was made contingent on the States' adherence to the principles of an all-India federation. No, thanks. We neither want this federation nor this so-called central responsibility; we do not want either. And our position is this. By all means make a federation of the eleven self-governing provinces. Keep the door open for Indian States to come in on agreed honourable conditions. Good States will come in sooner or later; bad States may not come in. It is best that they do not come in.

Mr. Satyamurti deserves the thanks of nationalist India by telling the Government of India bluntly that, small as central responsibility is that is provided for in the new constitution, if it is to come as a part of federation, India would do just as well without central responsibility, even if it were more; and that India wants neither this federation nor this central responsibility.

Mr. K. Santhanam, another Congress member of the Central Assembly, has also exposed some of the more glaring defects of federation for the enlightenment of "the right wing of the Congress" which has latterly betrayed a tendency, he says, "to view the inauguration of federation as inevitable and mentally to prepare itself to make the best use of it." He points out how any experimentation with the federal part of the constitution such as the Congress is carrying on with the provincial part, will be fatal. He remarks:

It may be expedient to work or submit to an imperfect plan temporarily, if that plan can be easily changed by normal constitutional agitation. In my opinion, the most dangerous part of the Government of India Act is the Second Schedule. It is a pity that it has not attracted the attention of Indian politicians and jurists which it deserves.

This schedule relates to the provisions of the Government of India Act which cannot be changed even by the British Parliament without the unanimous consent of every federating State. If any amendment by the British Parliament is made to these provisions, the Instrument of Accession of a State which does not consent to such amendment ceases to be binding and the whole federation will fall into pieces.

What then are the provisions which are thus made almost unchangeable? They include among other things the functions of the Governor-General with respect to external affairs and defence; the special responsibilities of the Governor-General; the discharge of his functions at discretion or by exercise of his individual judgment; the Instrument of Instructions, the constitution, functions and procedure of the Federal Legislature, the constitution and functions of the Federal Railway Authority, Federal and High Courts. In fact, the entire Central Government is made altogether rigid and unchangeable except in the most unlikely event of complete agreement between British India, British Government and every single federated State.

Thus, the dyarchy which is proposed to be set up at the centre will be permanent and will admit of no further step forward to full responsible government at the centre. His Excellency would have advanced the chances of willing submission to the federation in the Act if he had explained how it is possible that it will lead to complete responsibility. *He knows more than others that the entire plan is to enthrone a triangular structure which will for ever be immovable and of which the imperialistic interests of Britain, archaic forces of the States and the vested interests in British India will be the corner-stones.*

The amount and manner of representation to the States, the co-ordinate powers of the two legislatures, the provisions regarding discrimination and other matters are bound to make the legislature and executive of the federation incapable of functioning usefully or effectively. These matters have been so often explained that it is needless to dilate upon them here.

An immovable triangle of imperialism, feudalism and reactionaryism—this is the best description of federation we have seen.

## AGRICULTURAL INCOME TAX.

**A**FTER a heated controversy for four days the Legislative Assembly of Bihar passed by a handsome majority of 97 to 26 votes a resolution accepting the principle of assessing agricultural income to income tax. No province can for long maintain the present exemption from income tax of income derivable from land, not merely because the financial needs of every province are great, but because it is necessary to introduce the principle of graduation in our system of land revenue assessment. But in no province is the withdrawal of the exemption more urgent than in Bihar. The financial pinch is felt in that province far more acutely than in others, and the imposition of an income tax on agricultural income in the permanently settled provinces will yield far more revenue than in provinces where the land assessment is subject to periodical revisions. There is greater moral reason too to impose this tax in provinces where huge sums are intercepted by landholders from the monies realised by them from the cultivators. In Bihar the zamindars pay a revenue only of 1.70 crores to the State, but collect as rental from the cultivators something between 12 to 14

crores. As the Prime Minister said in winding up the debate, ethically there should be no objection even if the State were to demand from these zamindars who did not toil on the land but were mere parasites "even a major portion of this unearned increment." The actual proposal which the Bihar Government intends to adopt will be very much simpler, for the rate of income tax which they will apply to agricultural incomes that are above a certain minimum limit will be very low.

But the very reason which makes the levying of income tax on agricultural incomes particularly justifiable and even imperative in Bihar from the moral point of view, makes the legal objection to such a course the more powerful, at least apparently so. For the Permanent Settlement has fixed once and for all the annual charge on the land that the State can make, and this charge cannot be increased in any circumstances. Members like Sir Ganesh Dutt Singh urged this objection for all its worth, but it can easily be shown, as indeed it has been shown on numerous occasions in the past, that there is no substance in this objection even from the purely legal point of view.

The so-called pledge of the Permanent Settlement to zamindars in Bengal was that "no demand would ever be made upon them or their heirs or successors by any future Government for an augmentation upon the public assessment in consequence of the improvement of their respective estates." The very wording of the pledge shows that only an enhancement of the assessment is barred by it, but not imposition of any other form of tax. Indeed, this general power was specifically reserved when the pledge was given. In his Minute of 1790, previous to the pledge and thus revealing the meaning and purpose of the pledge, Lord Cornwallis said: "The supreme power in every State must possess the right of taxing the subject, agreeably to certain general rules." This very question arose in an acute form in 1871 when the Local Rates Bill was under discussion. The zamindars then claimed exemption from all cesses on the ground of the letter of the Permanent Settlement, but the claim was not admitted. Sir James Fitzjames Stephen then said how such a law must be construed. He observed:

A great public act like the Permanent Settlement is not to be interpreted, and can never have been meant to be interpreted, merely by reference to the terms of the document in which it is contained. Its meaning must be collected from a consideration of the circumstances under which, and of the objects for which, it was made; and, in considering what is, and what is not, consistent with its terms, we must look at the gradual changes which have occurred in the condition of the country since it was enacted. This is the only way in which it is possible to understand fully transactions of this kind, and it is peculiarly necessary in the case of a transaction which, however important, neither is or professes to be, a complete and exhaustive statement of the relations between the Government and its subjects.

Sir James not only emphasised the need for allowing a great deal of latitude in interpreting a State document which makes a seemingly irrevocable decision on a particular question, but also admitted the possibility in certain circumstances of the State altering even such a decision with perfect moral justice. He pointed out that the Permanent Settlement was made by an unrepresentative Government, and said: "*A really representative Government may deal with the pledges of their predecessors in a very different way from a Government like ours.*"

In the final analysis this is the position: A representative Government has now come into power. In its hands the pledges of the old Government about perpetuating an arrangement cannot be sacrosanct. No Government of course will treat, or should treat, such pledges lightheartedly, but no Government can or will be prevented by the dead hand of the past from dealing with national questions with which it is confronted in a broad, national way. Unfair privileges obtained in the past must give way when circumstances demand it. If zamindari requires to be abolished, no covenant will avail the zamindars. No such far-reaching question has arisen, though the Prime Minister in his speech indicated his own tendency. The proposal to levy an income tax on agricultural incomes, he said, "was just an attempt by the Government to right the wrong done by the Government of Lord Cornwallis." Cornwallis, however, used careful words

in drafting the Permanent Settlement Regulations. These Regulations do not forbid levy of an income tax on the zamindars' income from land, if the tax is not confined to the zamindars but is of a general nature. Mr. James Wilson, the first Finance Member of India, included the incomes from permanently settled tracts in the first income tax levy in this country, and in justifying his proposal he said: "I hold him (the zamindar) to be exempt from any special charge upon his land, but to be liable to any general tax that applies to all others." The Taxation Inquiry Committee has given a history of this question at great length, and its conclusion is:

It will thus be seen that, in the first instance, agricultural incomes were assessed to income tax, and that when the income tax was replaced by a licence tax, they were assessed to a corresponding burden in the shape of a cess. It was the continuing existence of this corresponding burden that was responsible for their exemption in the Act of 1886. The corresponding burden has now been removed under a system under which there is no charge on the land except the land revenue and the local rate. Consequently, there is nothing in the history of the case to justify continued exemption of this class of income from the income tax.

Finally, the Advocate General of Bihar, Babu Baldeva Sahay, clinched the legal issue by citing the decision of the Privy Council in the Gauripur case. Even under the existing Income Tax law, Mr. Sahay observed, the income of the zamindars from the salami and the sayars was subject to an income tax levy. This point was, however, disputed by the Gauripur Estate, when income tax was levied for the first time on those proceeds. A Full Bench of the Calcutta High Court unanimously rejected the contention, and on appeal by the Estate the Privy Council upheld the decision of the High Court. In the face of such a clear finding of the highest Judicial Tribunal it was wrong to argue that an income tax on the yield of land was inconsistent with the Permanent Settlement.

The economic and moral justification for the proposal is complete. The zamindars were only farmers of land revenue; but ownership of the land was vested in them without imposing on them any obligations that real owners have to accept. Originally they paid nine-tenths of the rents to the State, retaining for themselves the remaining one-tenth as their commission for collection. The proportion of what they kept to what they paid has now nearly been reversed. The whole conception of the duties of the State have been altered since then; it is no longer merely a police State but has to undertake innumerable social services which were unheard of in the days of Cornwallis. The cost of administration has on that account gone up; and yet the land revenue demand as such cannot be increased, which is the sheet-anchor of all provinces in India. If land revenue cannot be increased, it follows that the zamindars must be got at in other ways. The whole increase in the burden is at present borne by the poor people in indirect ways and by those whose income is derived otherwise than from land. There is no reason at all why agricultural incomes should be free from direct taxation and those derived from other sources should be liable to it. The zamindars who, without doing anything tangible for the



land, have come into possession of vast quantities of wealth and have escaped their share of taxation so long, must at last be made to bear at least a part of this share. They have enjoyed a privileged position much too long. No one wishes to penalise them now for their having been in a favoured position for nearly a century and a half. What is now being attempted is only to subject them in future to a part of the burden, which they should have borne all the while. If the condition of the cultivating raiyat had been better on account of the immunities which the zamindars enjoyed it would have been a different matter. But these immunities have made the position of the raiyat worse. He is rack-rented in Bihar as he is nowhere else. Even so the zamindars are not being subjected

to a tax from which others, including raiyats, are free. The income tax will be applicable to every one. If zamindars' contributions to income tax are larger, it will only be because they have more wealth. If, as they urge, they are as poor as the raiyats, most of them will escape as most of the raiyats will escape, and they will have no cause for complaint. The zamindars should prepare themselves for this small measure of agricultural income tax and similar other measures, perhaps far more drastic, not by organising a campaign of passive resistance, but by getting ready to drop one after another the privileges of which they have been in enjoyment. These privileges cannot continue for long.

## REDUCTION OF RENTS.

### I

It has been suggested in a previous article\* that the major burdens of the cultivator are interest on debts and, in case he is a tenant, the rents he pays, and that a reduction in these charges would afford him much greater relief and would have much greater justification than any reduction in land revenue that any Government could under the present circumstances afford to give.

On the basis of the broad division of landholding in India into zamindari and ryotwari, the present law presumes that "ryots" or pattadars under the ryotwari system have no tenants and that zamindars have them. And tenancy legislation is, in consequence, limited to the zamindari system. And it proceeds on the basis of the legal, rather than the economic, status of the tenant. The law to regulate tenancy rights recognises only the rent-payer and the rent-receiver, the tenant and the landlord, but not the cultivator and the rent-receiver. The tenant to be protected is not necessarily the cultivator, but the one who pays rent to the landlord. The ideology behind much of tenancy legislation in India is that the landlord is too powerful and his tenant too weak for an equitable bargain and hence the powers of the landlord should be limited in favour of his tenant. When it was discovered, as in Bengal, that the protected tenant exacted a higher rent than he paid from an unprotected sub-tenant, the tenant was treated as a sub-landlord, and his powers were limited in favour of the sub-tenant. The last protected tenant became in turn a rent-receiver from his unprotected tenant. Thus the series lengthened, and in every case the last of the series, the actual tiller of the land, went without protection, and was rack-rented more than ever.

In ryotwari areas the legal presumption was that there were no tenants who needed to be protected from rent-receivers. But it is now common knowledge that this presumption is incorrect. An increasing number of "ryots" are rent-receivers and not cultivators; they are either absentee landlords or professional people living in towns, collecting rents from cultivating tenants. And the tenants pay the

"ryots" rents averaging over five times the land-revenue assessment, while the "ryots" pass on to the Government just the land revenue assessment and keep the rest for themselves. The actual cultivator in this case also pays the competitive rent and is rack-rented.

If the heavy burden of rents of cultivators is to be reduced, a wholly new concept must replace the present one. It must be recognised that there are cultivating tenants paying rents, not only under the zamindari system, but under the ryotwari system as well, and that it is the rents that they pay that need to be limited. *The present concept of starting from the top as it were, i.e. from the landlord, and restricting his claims to rent, must give place to the concept of starting from the bottom, as it were, i.e. from the cultivator on the land, and restricting his liability to pay rent.* The law should recognise, not the rent-payer and the rent-receiver, as it does today, but the cultivator and the rent-receiver, and seek to limit, not what the rent-receiver shall receive, but what the cultivator shall pay.

### II

If the level of current rents is to be reduced, to what level should it be reduced? It is difficult, if not impossible, to suggest absolute standards of fair rent. Certainly, competitive rents are not fair rents. It may be considered whether the principles underlying the Government land revenue assessment in ryotwari areas will offer a suitable basis; and whether some definite relation between assessment and rent can be established. It is a fairly well-established custom, whatever be its absolute merits, for landlords to claim half the net assets as rent when the tenant bears the costs of cultivation, and half the gross assets when the landlord shares in the expenses, though, of course, there is no uniformity about it throughout India or even a single Province. In the absence of a better test, half the net assets may be considered fair rent.

The land revenue assessment of the State is also based on the principle of half net assets. In which

Vide "Reduction of Land Revenue" in the SERVANT OF INDIA of the 26th August 1937.

case, rents will be equal to land revenue assessment. Whatever criticisms are now directed against the methods of computing the half-net-assets by the State will apply equally to the computation of rents. Whatever be the pitch of assessment, it will also determine the pitch of rent legitimately due.

If this principle were applied fully and if each cultivator were liable to pay only the amount due as land assessment and the State appropriated it, there would be no rent left for the intermediary landlord. He will be eliminated. The proposal that the cultivator should pay the assessment as well as a similar amount again as rent, may sound illogical inasmuch as it means that the cultivator is asked to pay all his net assets as assessment and rent. But even so, it will mean a considerable reduction in his present rents.

It will also be true that the cultivator who holds direct from the State will pay only the land assessment while the cultivator who is a tenant will pay twice that amount. It may be unfair, but considering what he is now paying as rent, the relief will still be very considerable.

Those who now complain that the current land revenue assessment is too heavy a burden on the cultivator cannot legitimately defend the present system under which the same cultivator pays some five to ten times that amount to an intermediary as rent. *Either the assessment is too low or the rent too high.* They cannot have it both ways. If the present land assessment is already too heavy, a similar amount cannot on their own showing be too light as rent.

### III

While the equation of rents to assessment will mean an immense relief to the cultivators, it will hit the rent-receivers very hard if it be effected at one stroke. Some rent-receivers will be hit harder than others, perhaps driven to destitution. It is not every rent-receiver that is rich enough to withstand the shock; some of them are poor, very poor, no better than their tenants. Some are widows, minors and charitable institutions. It is desirable, if practicable, to distinguish between the different economic levels among the rent-receivers in scaling down current rents. It may be considered if the process can be spread over a number of years, the number varying inversely with the economic status of the rent-receiver. In any event, it will cause less dislocation if the scaling down of rents is spread over a number of years.

Even this spread-over of the scaling-down of rents will hit the investors in land, particularly the small and the more recent investors among them, very hard. Those who bought land, rather the right to receive rent, had paid for it at the capitalized value of current rent and the prospect of increasing the rent as and when possible. A reduction in rent will amount to expropriation and lead to a demand for compensation.

A claim for full compensation will only amount to maintaining the *status quo* as far as the cultivator is concerned, while the very object of the proposal is

to reduce competitive rent to judicial rent in fairness to the cultivator. On the other hand, the total denial of compensation will reduce to destitution a certain proportion of investors, the poorer ones among them.

Here again, as in the case of the scaling down of rents, a compromise may be necessary—a partial compensation. The payment of compensation may be spread over a number of years and added to the annual judicial rents payable. In the absence of absolute standards, historical analogies will have to be resorted to to determine the amount of compensation. It may be about two and a half times the fair rents fixed as a maximum but scaled down in inverse proportion to the period of investment. Those who have enjoyed rents for twenty years and more may not be paid any compensation, and those who have enjoyed it for less periods may be paid compensation in inverse proportion to the periods.

It may be noted that in so far as the transition from current rents to fair rents is spread over a number of years, there is an element of compensation in it, and no specific compensation need be allowed. If, for instance, the transition should be spread over twenty years, there is hardly need for any more compensation.

Yet another alternative may be considered. The State may buy up the landlords, the intermediaries. In assessing compensation, account may be taken of the difference between the current rents collected and the fair rents newly fixed, the period during which the amount in excess of the fair rents were charged, and the economic status of the rent-receiver, so that larger compensation may be paid to the smaller rent-receiver, and smaller one to the larger rent-receiver. The State may finance the compensation by the issue of bonds to the rent-receivers and redeem them in course of time from the general revenues.

Whatever the procedure followed, if, as a result thereof, the current rents are brought down to even half of what they are today in the next few years, the relief to the cultivator will be far more than any possible reduction in land revenue assessment. Even if the immediate reduction in rent is no more than the proposed reduction in land revenue, it is preferable to the latter, for land revenue goes to the public exchequer while rents go to private persons.

### IV

#### FIXITY OF TENURE.

Fixity of tenure goes with fair rents. In fact, without the latter, the former is valueless. Perhaps it will be generally admitted that a large number of cultivators have no fixity of tenure at present. As has been already pointed out, tenancy rights are recognised only in the zamindari areas and not in the ryotwari areas, and in the former the law starts from the top or from the ultimate landlord, and proceeds downwards affording some protection or other to a succession of tenants and sub-tenants, but in almost every case leaves out the cultivator at the bottom unrecognised and unprotected. *Few cultivators who are tenants have fixity of tenure and fair rents.*

If the cultivator is to be assured fair rents and saved from rack-renting, he must be secured fixity of tenure. *The new law must proceed from the bottom upwards as it were, and give security to him who cultivates the land and pays fair rent.* This would mean that fixity of tenure and fair rents shall be the invariable incidents of every lease of land, subject to certain defined exceptions, as, for instance in the case of minority or temporary illness or temporary absence of the lessor. It may be difficult to make these exceptions absolutely fool-proof, as it were. For that matter, any law, however fool-proof, can help only up to a point; it cannot control voluntary agreements. But even so, there will be a very great improvement if the law definitely states that no cultivator shall be turned out of the land he cultivates unless one of the exceptions is proved.

This provision has other automatic advantages which at present are secured by special legislations in some cases: the control of credit and the prevention of land passing into the hands of non-cultivators. In so far as every cultivator has fixity of tenure and is liable to pay only the fair or judicial rent, the non-cultivator cannot get control of the land. For the moment he leases out the land to a tenant, the latter automatically gets fixity of tenure and liability for only judicial rent and not more. For the same reason credit gets restricted, though not extinguished.

In so far as the reduction of rents leaves a larger margin for the cultivator, his need for outside credit will diminish and his own standard of life will rise.

No special limitation on alienation is necessary as the only person who can buy land will be another cultivator and not a non-cultivator. *The control of land can pass only from one cultivator to another, but not to a non-cultivator.* The distinction will automatically be maintained between the cultivating tenant with control over the land and the non-cultivating rent-receiver with a limited right to a fair rent.

The vesting of the control over land in the cultivator will lead to improvements in cultivation as there will be no fear that the improvements which a cultivator may effect will be gathered up by the rent-receiver.

#### V

To sum up, it is suggested that the existing law regarding tenants is defective; that tenants are recognised only in zamindari areas and not in the ryotwari ones, and even so, only a minority of tenants enjoy varying degrees of protection as against their immediate landlords; that most of the cultivators of land, except those who deal directly with the State, are paying rents averaging more than five times the land revenue assessable on the area and hence are rack-rented; and that the person who needs to be protected is the *cultivator* and *not the rent-receiver*; and that, therefore, the cultivator should be protected in the sense that he may not be liable to pay more than the judicial rent and as long as he did so, he should not be disturbed from his land; and that fair rent should be equal to the land revenue assessment; and that in order to minimise the shock and dislocation caused by a sudden change in the current

distribution of incomes, the scaling down of rents should be spread over a number of years. It is further suggested that such a procedure will automatically prevent land passing into the hands of non-cultivators and that the cultivators shall still have enough credit, though the need for it will also diminish in view of the larger margin of incomes left to them.

The fundamental change in the approach to the subject lies in that, instead of proceeding from the top downwards, from the landlord to a succession of tenants and sub-tenants, thereby only adding to the burdens of the cultivator, it will be from bottom upwards, from the cultivator on the land to the landlord and that the distinction to be recognized will be cultivator vs. rent receiver, and not landlord vs. tenant, for all tenants are not necessarily cultivators.

The tentative proposals submitted above are not without precedents even in India itself. The Central Provinces Tenancy Act goes far in several of these respects, and it will be an interesting study to have a special investigation made of the effects of the Act.

P. KODANDA RAO.

## Review.

### GENERAL SMUTS.

**GREY STEEL. J. C. SMUTS. A STUDY IN ARROGANCE.** By H. C. ARMSTRONG. (Arthur Barker.) 1937. 22cm. 406p. 9/-.

THE general tendency of biographers is to exaggerate the achievements of their heroes and to make slight mention of their failings and errors. But the learned author of the book under review does not fall a victim to that tendency. He is more an historian than a biographer and his passion for accuracy is so strong that some of Smuts's admirers will regard this biography as too frank. The author's main aim is not to boost his hero with fables of virtues he does not possess or with unreal sentiment, but to make his reputation stand on the firm foundations of his *real* qualities and achievements. We are very happy to say that the author has carried out the purpose he has set before himself and in this book we have the career of a *man* and not that of a *superman*.

The career of Smuts is an interesting and important one. He has played such a vigorous and dominant part in the history of South Africa since the last decade of the 19th century that to read the main incidents in his career is to read the Boer Wars, the rival policies of Cecil Rhodes and Paul Kruger, the origin and growth of the Union of South Africa, the part played by South Africa in the Great War and the party politics of South Africa based upon personal loyalties. It is a very interesting account and it has been made more interesting by the admirable style of the author and his remarkable character-sketches of the dominant personalities on the South African stage.

Smuts always believed that the Boer Republics and the English Colonies of Cape Colony and Natal should be united and Englishmen and Dutchmen should shoulder the responsibility of governing South Africa. He was therefore naturally drawn towards that arch-Imperialist, Cecil Rhodes, for he also

believed in Union. But the Jameson Raid showed Rhodes in his true colour. The Raid which was organised by Rhodes made Smuts realise that the arch-Imperialist was intending to make the Englishman supreme in a united South Africa and crush the Dutchman. Hence Smuts turned away from Rhodes, but his association with the Jingo for some time made him suspect in the high circles of Johannesburg. But the brilliant Smuts had soon an opportunity of becoming an important man in the Transvaal Republic. He supported President Kruger in some of his arbitrary and tyrannical acts. Kruger found in Smuts a useful man and chose him to be his State Attorney. The author narrates in his inimitable style how he was the right hand man of Kruger, how he fought as a leader of guerilla bands in the Boer War, how he fought his way across Cape Colony, how he influenced Botha to sign the peace of Veerining, how after the Peace and the grant of freedom to South Africa, he became a Minister in Botha's Cabinet, how he was the trusted lieutenant of Botha, how he worked towards federation in spite of severe Dutch opposition, how he fought the Germans in Africa, how he served in the British War Cabinet and became the trusted lieutenant of Lloyd George, how he played an important part in the Peace negotiations by drafting a League of Nations scheme and introduced the idea of 'mandate', how on the death of Botha he became Prime Minister, and how recently he has agreed to serve in General Hertzog's Cabinet to preserve peace in South African politics.

The book serves to show how Smuts is a brilliant man and worked with indefatigable energy and how, on account of his indomitable pride and arrogance, created a host of enemies. Anyone reading the book closely will find that Smuts had not the qualities for leadership, at any rate he lacked qualities of heart. With a Kruger and a Botha to soften the rough edges of his character, he could play an important part in the political life of South Africa; but after the death of Botha he lost the support of the Dutchmen and he had to make way for Hertzog. The twenty years' friendship between Botha and Smuts is treated in such a skilful way that, without reducing the importance of his hero, the author does full justice to Botha's leadership during a difficult period.

The book is very interesting from beginning to end. Even the sections devoted to explain the military campaigns give delightful reading. The author has made use of a number of documents as well as the statements of responsible South African and British statesmen. We congratulate the author on his sense of proportion in his treatment of the life of Smuts and we have no hesitation in saying that this is one of the finest contributions to biographical literature.

M. V. SUBRAHMANYAM.

#### SHORT NOTICE.

**THE IDEA OF A WORLD ENCYCLOPÆDIA.**  
BY H. G. WELLS. (Hogarth Press.) 1936. 18cm.  
32p. 1/-

MR. WELLS is nothing if not fresh and expressive in his thoughts which have a peculiar tendency to direct themselves into generalization and synthesis. He likes his world to be coherent and consistent and has thus the temperament of a scientific man.

In his 'History of the World' and 'Science of Life' he has taken a stride comparable to that of

Bacon who regarded all knowledge as his province. His idea of a world encyclopaedia bears a family resemblance to his predecessor's central institute in his New Atlantis where all available knowledge was organized into a great directive force for the good of mankind.

At the present moment, when the affairs of mankind find themselves so ill-regulated and so ill-directed that men go wrong, knowing all the time the way they ought to go, the need for a co-ordination of knowledge is being keenly felt by individual thinkers like Keynes. What Wells would propose is an organization by such men of an international effort with, or better in the first instance without, Governments' help to put all available knowledge into a coherent whole. Such an effort is likely to be free from the pride and prejudices of a purely national effort which in many cases is spoilt by 'propagandist aims' and would serve better as 'the mental back-ground of every intelligent man in the world',—an undogmatic Bible of a world culture.

He would start by making key-bibliographies of books and pamphlets on all subjects and yet fails to refer, approvingly or otherwise, to a similar task undertaken by the Institute of Intellectual Co-operation under the auspices of the League of Nations. All the same, the idea is welcome and in choosing a gathering of scientists as his first audience he has given it a good start.

R. H. KELKAR.

#### BOOKS RECEIVED.

- THE EMPLOYERS' FEDERATION OF INDIA HELD AT CALCUTTA, ON THE 22ND DECEMBER, 1936. (The Hindustan Times press, New Delhi.) 24cm. 70p.
- NOTE ON SALES OF GOLD AND ORNAMENTS IN 120 PUNJAB VILLAGES, FROM OCTOBER 1, 1931 TO DECEMBER 31, 1933. (The Board of Economic Inquiry, Punjab, Lahore.) 1936. 26cm. 44p. As. 8.
- AN IDEAL HAPPY LIFE OF DO BUT NEVER MIND (ILLUSTRATED.) (6th Edn.) By KHUSHI RAM. (Author, New Delhi.) 1936. 18cm. 162p. Re. 1.
- I. L. O. The Unregarded Revolution. By KATHLEEN GIBBERD. (Dent.) 1937. 20cm. 252a. 2/6.
- WHAT IS AHEAD OF US? By G. D. H. COLE and Others. (Allen & Unwin.) 1937. 20cm. 192p. 5/-.
- LECTURES ON THE BHAGAVAD GITA. By D. S. SARMA. (N. Subba Rau Pantalu, Hindu Samaj, Rajahmundry.) 1937. 20cm. 213p. Re. 1-4.
- THE AGRICULTURAL LANDOWNER'S HANDBOOK ON TAXATION, ENGLAND AND WALES. By R. STRACHAN GARDINER. (5th Edn.) (Central Landowners' Association, London.) 1936. 20cm. 251p. 6/-.
- THIS ENGLAND: With a Note on the Exit of Edward VIII. By K. L. GAUBA. (The Times Publishing Co., Lahore.) 1937. 20cm. 98p. Rs. 2.
- DARWIN. By L. B. PEKIN. (Hogarth Press.) 1937. 20cm. 78p. 1/6.
- SOCRATES. By NAOMI MITCHISON and R. H. S. CROSSMAN. (Hogarth Press.) 1937. 20cm. 80p. 1/6.
- MAZZINI, GARIBALDI AND CAVOUR. By MARJORIE STRACHEY. (Hogarth Press.) 1937. 20cm. 80p. 1/6.
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- INDIA'S BALANCE OF INDEBTEDNESS, 1898-1913. By Y. S. PANDIT. (Allen & Unwin.) 1937. 22cm. 210p. 10/6.
- INTRODUCTION TO POLITICS. By SUDHIR KUMAR LAHIRI and BENOYENDRANATH BANERJEE. (The Politics Club, Calcutta.) 1937. 20cm. 177p. Rs. 2.