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Topics of the Week.

Public Protest.

To the Prime Minister of Orissa must be given the credit of being the first head of a responsible provincial Ministry to come out into the open and publicly protest against what he considers to be an encroachment on the field left exclusively to the control of the Ministers. The Land Bill relating to the Ganjam district which formerly belonged to Orissa has been reserved by the Governor, as we said last week, for the Governor-General's assent, and Mr. Biswanath Das moved a resolution in the Utkal Provincial Conference condemning the Governor's action. We have had instances of diplomatic negotiations with a view to an amicable settlement of differences between the Ministry and the Governor. In this particular instance, the Governor having acted without reference to the Ministry, there was no chance for negotiations prior to the sending of the Bill to the Governor-General. But probably another Prime Minister than Mr. Das would have preferred even afterwards to give expression to his dissatisfaction in a personal interview or a private communication awaiting further developments. Mr. Das, however, made his grievance known to the public, and acted well in so doing. The Governor has no doubt the legal right to reserve the Bill, but he has no moral right to do so, and it is just as well that the public knows that the Ministry objects to the Governor's action. The matter will assume great importance if the Governor-General withholds his assent; and it will be allowed to be forgotten if he gives his assent. But hereafter a responsible Ministry will, we guess, make a serious complaint against reservation of its Bills, even if

they receive assent in the end. There will be something to detract from provincial autonomy if the Governor uses the power given to him of reserving Bills for the Governor-General's assent, even if ultimately the assent is forthcoming.

Security from the Hilal.

If the Bombay Ministry is forging new chains for old, as is shown in an article published elsewhere, it is not backward in retaining the old chains either, though the Congress was, till it assumed power, raising its voice for the breaking of these chains. As with the Criminal Law Amendment Act, so with the Press Act. It has taken action on the former law; and now it takes action on the latter. The other day it demanded a security from the Hilal, an Urdu paper in Bombay, on the ground that it habitually indulges in writings calculated to excite communal passions. We have not the least desire to see any writings of such character go unpunished, and we would rather commend the courage of the Ministry in taking action against a Muslim paper if the paper is guilty of creating hatred of the Hindus. For it does require courage of a high order on the part of the Ministry, when the Congress leaders are engaged in bringing about a *rapprochement* with the Muslims, to take such action.

BUT for the action taken we have nothing but strong condemnation to offer. The only course open to the Ministry was to proceed against the paper in a court of law. There are provisions enough in our ordinary criminal law which permit of stringent action against papers creating communal hatred. Resort to the Press Act, which confers extraordinary powers on the executive, is unnecessary for the purpose. Judicial action is permissible; but executive action must be condemned. It is no use saying that an open trial will only aggravate the mischief that it is our aim to check. To say so is to justify not only the Press Act but all the other repressive laws which the Congress was till now loudest in condemning as immoral. If a Congress Ministry can with any moral justification punish by executive action a paper which is suspected of communal hatred, why was not the bureaucratic Government of old justified in punishing by executive action anyone suspected of propagating sedition? Only the motive is changed, but the method is the same. The bureaucracy regarded sedition as the worst of crimes; the Congress Ministries make light of it and give communal hatred pride of place. But if the guilt is not to be proved, but assumed, before inflicting punishment, the Congress Ministry deserves no less censure than the bureaucratic Government received at the hands of the Congress itself. Nor can we subscribe to the plea that special laws conferring arbitrary power upon the executive are good when they

are enforced by a responsible Ministry but bad only when they are enforced by an irresponsible Ministry. Even a responsible Ministry must keep within the bounds of the ordinary law unless an emergency arises of such gravity as to justify the suspension of the law. It cannot take into its hands powers which are and must be entrusted to the judiciary.

CIVIL liberty will lose its meaning if a Government for any purposes that it may value can encroach without impunity upon a field which does not belong to it. It is true that civil liberty can be protected more easily under a responsible than under a non-responsible government, but it is just as valuable under the one as under the other. If it were otherwise, in democratic countries no restrictions would be placed upon the executive and the legislature in this behalf, but it is precisely in democratic countries that such restrictions are found and are rigidly enforced. If the only remedy open to an individual in a democratic country for an infraction of his elementary rights of citizenship were the creation of a public opinion strong enough to drive the offending Ministry out of office, the condition would be intolerable. But the Bombay Ministry by enforcing the Press Act is really depriving the citizens of all other remedies, and however gross the offence of the *Hital* may be, we must sternly condemn the Kher Ministry for arrogating to itself powers which in all countries in which civil liberty is cherished is left in the hands of the judiciary.

WE can only marvel at the Ministry's audacity in going back on all the former declarations of the Congress and taking action which any another party, however modest its concern may be for the freedom of the press, would have been ashamed of taking against a newspaper. But the Bombay Ministry is intoxicated with power, and it thinks it can even excel the bureaucracy in suppressing civil liberty, without having to pay for it. The intoxication must not be allowed to continue for long.

The Cawnpore Strike.

THE total rejection of the Cawnpore Labour Inquiry Committee's findings by the Employer's Association of Cawnpore has again resulted in the industrial peace of that city being gravely disturbed. It will be recalled that the Committee was the outcome of a prolonged and widespread strike in the city. Hostilities were suspended to await the result of the inquiry set up by Government and the present strike marks the resumption of the struggle by the workers due to the millowners' declared determination to resist the enforcement of the Committee's findings in favour of a general wage-increase. The millowners, therefore, have to thank themselves for the chaos into which the industry has been thrown after only a short period of tranquillity.

THE strike has now spread to almost all the mills in that city involving more than forty thousand workers. Although there can be two opinions regarding the necessity of precipitating the issue so hastily, it has to be admitted that the strike presents features which should attract widespread sympathy for the strikers. In the first place the mill-owners of Cawnpore summarily rejected *in toto* the report of the Cawnpore Labour Inquiry Committee which recommended a rise in the wage level of the workers. In doing so, the employers not only questioned the accuracy of the data on which the conclu-

sions of the committee were based, but—unwisely we believe—went on to question even the bona-fides of the Committee and its impartiality.

THERE is another aspect of the strike which deserves attention. The step taken by the strikers, let it be noted, was taken spontaneously, and against the advice of their leaders; even those among them who belonged to the Mazdoor Sabha, an extreme labour organisation in Cawnpore, having advised them against a strike at the moment. The employers cannot therefore attribute the present strike to "outside" influences, as they are wont to do. It is, according to their long-standing demands, a strike conducted and brought about by leadership entirely by those who are within the ranks of the workers. No longer can the employers denounce the present strike as an outcome of evil propagandists bent upon using the workers for ulterior political motives. The strikers have so far behaved, it is necessary to note, with great restraint and self-control.

THE grim determination of the strikers to fight even for six months if necessary for the redress of their grievances must be attributed to causes other than communist influences. The conditions under which the workers in Cawnpore live are in themselves sufficient justification for the strike, though one may hold that they should not have gone on strike till they knew what action the Government was going to take on the report. These conditions are heart-rending. The workers live in surroundings which are sub-human. Overcrowding, defective drainage, dwellings below the street level and scanty water-supply are not conditions which tend to make a peaceful and contented labour population. The employers in Cawnpore have thrown up their hands in holy horror at what they call a one-sided report of the Committee. But nothing in their argument can either justify or explain away the appalling neglect with which they have treated the housing and other living conditions of their employees and their present attitude towards the strikers can only result in crippling the industrial life of that great city for a long time to come.

Mr. Shareef Goes.

MR. SHAREEF has accepted the ruling of the Working Committee of the Congress and resigned from the C. P. Ministry as the report of the Manmathnath Mitra inquiry into the Jafar Hussain release affair has gone against him. The report—at least whatever of it is known to the public—only found what was obvious from the very beginning, viz., Mr. Shareef acted within his rights but acted in a manner thoroughly contrary to the spirit of justice. His resignation, it is worth noting, is the first victory of popular indignation against a grave misuse of ministerial discretion of a powerful political party and as such can be compared to the resignation of Sir Samuel Hoare over the Ethiopian partition affair. Popular will has been vindicated in spite of a strong party vote to the contrary and the incident may prove a salutary lesson to erring ministers in the future.

WE feel, however, that the sacrifice of Mr. Shreef need not blind us to the fact that the clemency powers vested in the ministers of law and order have been misused in other provinces also and a thorough exposition of such misguided use of clemency is

necessary if punishment for a crime is not to become a farce. With the transfer of complete autonomy to provinces and the assumption of power by representative ministries on the basis of joint responsibility, acts such as those committed by Mr. Shareef in the C. P. and Dr. Khan in the N. W. F. P. should not ordinarily be condoned in future by the resignation of the minister directly responsible for it. Taking into consideration the susceptibility of popular ministers to influences, it is necessary so to change the provisions governing clemency that they could be brought into operation only after cabinet consultation. Such consultation would minimise the danger of humiliating mistakes in the matter.

* * *

IN passing, we feel that we should again refer to the fact that the notorious culprit in the Shareef affair has been employed, so the report goes, in a State in its education department. It is believed that State is Bhopal. If there is any truth in the report, it brings into grave disrepute the administration which tolerates the employment of such criminals in a department like that of education. It is perhaps not easy for the subjects of the State concerned to take up the matter. We would therefore suggest that the States' Peoples Conference should institute inquiries and protest against such a mistaken use of generosity, if in fact the man has been provided with a cushy job in Bhopal or any other State.

* * *

Militarism and Social Advance.

MR. BUTLER, the Director of the I. L. O., will retire shortly from that important office and has submitted his last annual report to the ensuing 24th Conference. The report takes a survey of world conditions and deplores the diversion of enormous sums of money to purely destructive activities at the cost of social services. The sums of money sunk in armaments might otherwise have been useful in fighting sickness, prolonging and sweetening the human life, adding to the human knowledge and culture. The expenditure on armaments is sought to be justified on the ground that it constitutes the only insurance against war which would, it is argued, with the tremendous advance in destructive scientific instruments, destroy the elaborate social edifice built up through centuries of slow growth.

* * *

THE warning that Mr. Butler gives is that the expenditure on this "insurance" is so great that by choking up every activity which tends to make life sufferable and by endangering the growth and continuance of social amenities, it destroys the very reason for such an insurance, viz., a comfortable existence. If life is to be sapped of all its amenities, denied means of progress and deprived of all the instruments for it, the very purpose of safety is lost. It is like selling the family heirlooms to purchase a safe for their protection.

* * *

NOWHERE is this warning more necessary than in India where the vast sums of money spent on defence constitute a menace and a threat to national progress. India has not even the dubious consolation which other countries possess to a large extent, viz., that the expenditure on defence, being spent in the country itself, increases employment and places more money in the hands of the people of the country.

* * *

Articles.

A NEW APPROACH TO PARAMOUNTCY.

THE Deccan States' People's Conference, held last weekend in Sangli, made, under the influence of the Congress party, a startlingly new approach towards paramountcy. The attitude of most people in the States towards this question so far was that the Suzerain Power's rights of paramountcy over the States should be maintained intact except for such rights as would be surrendered to the all-India federation if and when such a federation was established. The Government of India Act does not contemplate a diminution of such rights, but the rulers of States are known to be negotiating with the Paramount Power with a view to a whittling down, if not complete elimination, of such rights. They use their voluntary entry into federation as a means of driving a bargain with the British Government. This necessarily alarmed the subjects of these rulers. They asked that the Government must not only reserve to itself its right to intervene in the internal affairs of the States in case of gross misrule, but exercise it more vigorously than it had chosen to do till now. To the States' people the exercise of this right by an external power and in such a way as not always to ensure their interest never appeared to be a satisfactory check on the autocratic rule of the Princes, but in the absence of an internal check in the form of democratic rule there was no alternative to the intervention of an outside power, spasmodic and inspired by doubtful motives as it might be.

To Congressmen, however, this position is fundamentally impossible. They hitch their wagon to the star of independence. Severance of the British connexion is their proclaimed objective. They cannot agree to a demand for the continuance, much less intensified enforcement, of the British Government's paramountcy over the States. They therefore suggest an alternative which, without leaving the people in the States wholly unprotected, would obviate the necessity of invoking the British Government's intervention. As Paramount Power, the Government has invested itself with certain powers of intervention, but the powers it has taken are merely an obverse of the duties it has undertaken for the maintenance of the integrity of the States and for the protection of the States' rulers from internal trouble. It is for the purpose of implementing its responsibilities that it has armed itself with powers. Congressmen would find a way out of the difficulty by asking that the British Government shall disown its responsibilities and renounce its powers. In all disputes arising between the Princes and their subjects the British Government should, they say, wholly disinterest itself; it should leave the people to settle their accounts with the rulers. It should afford protection neither to the people against the misgovernment of their rulers, nor to the rulers against any uprising of the people against them. The Deccan States' People's Conference passed a resolution in this sense.

The people in the States have no very great reason to be dissatisfied with this solution if it could be made effective. Disorganised and weak as they are, they were persuaded that they would be strong enough to resist the oppression of their rulers if the British Government disappeared from the scene and did not throw its shield, as it often did in effect, over the tyrannical Princes. The Princes appear mighty in the reflected might of the British Government; so long as matters do not reach a crisis the British Government holds its hands; it neither inquires into the grievances of the people nor restrains the Princes from suppressing the agitation in the States; when a crisis occurs it considers it to be its primary duty to restore order; this is often done by reinforcing the physical force at the disposal of the States by its own force; in doing so, however, it occasionally makes an inquiry into the merits of the agitation and puts pressure upon the rulers for reform when it considers such action desirable; at any rate it reserves to itself this power. Here is a chance of paramountcy enuring to the good of the people, and this is why the States' people asked for the retention and rigorous execution of paramountcy powers. If paramountcy over the States in internal matters is to be abrogated, the British Government would not intervene in the States' internal administration and would not exert any pressure on the rulers to correct abuses, but at the same time it would not place its forces at the service of the rulers either, when the upheaval in the States arrives at a critical stage. This is the position now accepted by the Deccan States' People's Conference. If the States' people, under the resolution passed in Sangli, would be denied the help of the British Government's intervention, which after all is uncertain, when matters assume a grave complexion,

they would also be assured that the forces they have to fight are the forces which the rulers command and not those of the British Government, which would in any case overwhelm them. The issue rests ultimately upon their own strength; and they feel that, if the British Government withdraws its support from the Princes at the same time that it gives up its power of intervention, they would be no worse off on balance; that they would be able to carry their agitation, if based on substantial and just grievances and conducted on proper lines, to success in spite of any measures of repression that the Princes may adopt, provided that the sanctions that the Princes can enforce are only those which are within their own means. Remove from the Princes all external help that they now count upon getting; remove from the people also all external help that there is now a possibility of their getting; leave both parties to fight it out among themselves—and there is no reason why the people should not have the best of such a contest.

The States' people thus appear to be willing to agree to the demand which the Princes make for the abrogation of paramountcy, but we wonder whether the States' rulers would like paramountcy to be abolished on the conditions that the people lay down. If the Paramount Power is to follow a policy of non-intervention, it must be non-intervention all round. It must not be like the non-intervention that is being observed in Spain, the Republic being deprived of all arms and men and the insurgents being left free to draw on the supplies from fascist countries. If the British Government is not to intervene on the side of the people, it must not intervene on the side of the rulers either. Let it be a straight fight between the two, and let that party win which will.

CAWNPORE TEXTILE LABOUR.

I.

Employers, if they are wise in their day, and if they are not so many human ostriches, must not be slow to appreciate the necessity of concessions to labour, perhaps too long delayed. If they are not to lose their all, they must not act as mere money-grabbers. They must look upon their workmen not as so many instruments wherewith to make profits for themselves, but as sentient human beings with feelings, wants, requirements, desires and aspirations like any other section of humanity including themselves. They ought to be quick to remove hard conditions of life as far as this may be possible and uniformly to act not merely with justice but in a spirit of generous human sympathy.—*Leader*, April 2.

NOBLE sentiments these and admirably expressed. Their translation into action might not perhaps be an adequate solution of the labour problem; but it would certainly go a long way in easing the acute tension between capital and labour. The fact, however, that the expression of a sentiment and action in terms thereof are two distinct things and that the latter does not necessarily flow from the former is once more brought home by the criticism made in certain quarters on the report of the Cawnpore Labour Enquiry Committee. It was expected that the Employers' Association of Northern India which con-

trols most of the Cawnpore mills, would exhaust all its powder and shot in condemning the Committee's recommendations. What was not expected and what was, therefore, a painful surprise was the downright vehemence and ridicule which the *Leader* of Allahabad has chosen to pour on the Committee and its report. Balanced, though strong, and informed criticism and sound judgment on public questions of the day are what the public are accustomed to associate with the *Leader*. Indiscriminate denunciation and prejudice were not in its line and, as an exception many a time proves the rule, will not, it is hoped, be its strong point in future. The spirit embodied in the above quotation which the *Leader* asked the employers, workers and Government to observe in examining the Committee's recommendations and which it promised to observe itself has unfortunately remained with it a vain hope throughout the eight articles of its yet unconcluded series. Views on labour questions, particularly on wages, are bound to differ; but whether radical or conservative, they would be entitled to weight and even respect if they are formed on the merits of the case and after examining the available data. However, creating a smoke-

screen, magnifying comparatively minor points or side issues and importing extraneous or irrelevant matter in examining a document, are hardly a method calculated to breathe the spirit of impartiality and fairness. It is painful to find that in reviewing the Committee's report, the *Leader* has adopted the method of giving the dog a bad name and hanging it. Indeed, if the articles of the *Leader* and the memorandum on the Committee's report of the Employers' Association of Northern India are compared, the impression left on the mind is that one has crossed the t's and dotted the i's of the other. Such an identity or similarity of views is, it must be confessed, highly intriguing.

The events that led to the appointment of the Committee are conclusive on one point, namely, that, however wide the terms of reference, the issue that bulked prominently before it was that of wages. Ordinarily one would have proceeded straightaway with the examination of the data and the findings of the Committee on wages. But the Committee's critics have so obscured the issue of wages by introducing into their criticism matters which are either extraneous or trivial that it has become necessary to deal with such criticism in order that the question of wages can be discussed and examined in its true perspective. In doing so, it is not suggested that the whole of the criticism was destructive, partial, one-sided or beside the point. But there cannot be much doubt that the sum total of the criticism borders on unbalanced condemnation of the report, which is unwarranted.

It may be readily admitted that no Government in India have in recent times bungled so badly as the U. P. Government did over the composition of the Cawnpore Committee. The Committee was only partially formed on August 30, 1937, and started work on September 10; but the official announcement of its full personnel and terms of reference was made on November 11. Subsequent events showed that the selection of the Chairman, Babu Rajendra Prasad, was a tragedy. His only qualification for that responsible position was that he was a Congressman and the Mahatma's trusted lieutenant to boot. His high character and status in the Congress hierarchy made the public acquiesce in his appointment. His rare presence and continued absence at the Committee meetings and the consequent loss of opportunities to acquire first-hand knowledge and experience of the textile industry and its problems—all these fully justify the *Leader's* disappointment "at the weak sense of responsibility he betrayed in signing the report". Side by side with this tragedy, the U. P. Government enacted a comedy by offering the Committee's membership, firstly, to Mr. Gulzarilal Nanda, a Parliamentary Secretary to the Bombay Government and, secondly, on his refusal, to Mr. V. V. Giri, Minister for Labour and Industries in the Madras Government. Any comment, however brief, is superfluous to prove the absurdity of the offer. Capital and labour were represented by men of their own choice, Sir Gavin Jones and Mr. Harihar Nath Shastri. This was as it should have been. That

they subsequently withdrew from the Committee is a different story. The selection of Prof. S. K. Rudra of the Allahabad University was hailed as satisfactory in all quarters, including the employers. His industry, patience and impartiality have been acknowledged, though his report has been equally enthusiastically condemned by some.

With the refusal—there is reason to believe that he never accepted the membership—of Mr. Nanda to serve on the Committee, a wild hunt was made to secure a substitute. With the withdrawal of the employers' and labour representatives, the U. P. Government announced on January 16 the reconstitution of the Committee. The Chairman and Prof. Rudra continued and Mr. B. Shiva Rao was added. The accumulated wrath of the employers resulting from the cavalier fashion with which the U. P. Government treated the Cawnpore dispute, was poured on the devoted head of Mr. Shiva Rao and his appointment was denounced as one more proof of Government's partiality towards labour. It is true that Mr. Shiva Rao is one of the foremost labour men in India and knows the labour problem. But it is also true that he has not been connected with the Cawnpore labour and that, if the employers' charge that the Cawnpore Mazdoor Sabha is a communist organisation is true, there is nothing common, in ideology and in the method of work, between the Sabha and him. His selection, therefore, should have been acclaimed by the employers. But accustomed as they had been in the bureaucratic days to dictate to the Government, they could not possibly contain themselves, with the result that not only did they furiously attack Mr. Shiva Rao's appointment and attribute motives of partiality to him but they also practically withheld their co-operation from the Committee. To say, as the *Leader* does, that Prof. Rudra, on whom praise continues to be showered, could be impartial if he was not overborne by his one-sided colleague and that he laboured continuously from beginning to end and laboured the hardest but failed to pull his weight, is to reduce Prof. Rudra to the absurd position of a dummy and to invest Mr. Shiva Rao with an overbearing and masterful personality of which he himself may not be conscious. Everybody knows that Prof. Rudra, was about the only member of the Committee who attended almost every meeting of the Committee, examined almost every witness that appeared before it, visited mills and acquired practical knowledge of the industry. And he was the *de-facto* Chairman of the Committee. If, therefore, there was anybody who could influence the Committee by his knowledge and experience and who could be trusted to sign a report based on the material that came before the Committee, it was Prof. Rudra. In every respect he had an advantage over his colleague, Mr. Shiva Rao, who could attend the meetings only at a later stage and that too for not more than a fortnight. If Mr. Shiva Rao had proved to be so overpowering, dictatorial or prejudiced, it was open to Prof. Rudra to write his own report. It would have carried more weight than

Mr. Shiva Rao's report or dissenting minute because the former was the Acting Chairman and was the only member of the Committee who could serve on it from first to last. The fact that the report is unanimous shows that Prof. Rudra is as much a party to it as Mr. Shiva Rao. And yet to acquit the former and convict the latter, as has been done by the employers and the *Leader* is the limit of partiality and prejudice.

The textile industry is one of the highly technical industries and, therefore, any enquiry connected with it should be conducted by a person or persons possessing adequate technical knowledge. The representation originally given to capital and labour complied to a large extent with this provision. With the withdrawal of that representation, the deficiency was made good by the appointment, as an adviser, of the Government's technical expert. It is regrettable that the gap between the withdrawal of the original members and the new appointment was a little too long; but having regard to the fact that the real and serious work of the Committee began only after the new appointment was made, it is unfair to dub

the Committee as incompetent. Similarly it is unfair to charge the U. P. Government, as the *Leader* has done, with partiality because they provided the Mazdoor Sabha with the assistance of a technical expert to prepare its case. This is neither a new nor a novel procedure. Instances can be cited from countries outside India where trade unionism is more advanced than in this country where such assistance is given to trade unions. Take the delegations to the International Labour Conferences at Geneva. Are not the employers many times represented by professional men such as K. C.'s and Bar-at-Laws on these conferences and their committees? The Mazdoor Sabha may not as yet be able to develop a staff of its own possessing the requisite technical knowledge; and there is nothing partial in its being provided with an expert by Government. If this is partiality, how does the *Leader* view the Government action when the employers are provided with a police force during industrial disputes not only for maintaining law and order but also for the safety of the employer's property?

R. R. BAKHALE.

NEW CHAINS FOR OLD.

THE Bombay Legislature recently amended section 27 of the city of Bombay Police Act, 1902.

Before discussing this measure it would be interesting to look into the history of the original section. In the statement of objects and reasons of the original Act published in the Bombay Government Gazette of January 31, 1902, it is stated that in section 27, the provisions of section 46 of Bombay Act IV of 1890 have been modified, "so as to give the Commissioner of Police power to control the influx of famine refugees or other immigrants whose presence may involve risk to health or property." Under the provisions of section 27 the Commissioner of Police is authorised to direct "members of a gang or body of immigrants so to conduct themselves as shall seem necessary to prevent violence and alarm or the outbreak or spread of (epidemic) disease," if he is satisfied that "the movement or encampment of such a gang or body of persons in the city is causing or calculated to cause danger or alarm or that an outbreak of epidemic disease is likely to result from the continued residence in the city of large numbers of pauper immigrants." Under the same section the Commissioner of Police could arrest and remove or deport from the city of Bombay any member of such a gang if he refused to obey the Commissioner's order within a specified time. It is thus clear that the powers given to the Commissioner of Police by section 27 were very limited in their scope inasmuch as they could be exercised only against the members of immigrant gangs or bodies. In the statement of objects and reasons of the new amending Bill we are, however, told that "since the section was enacted in 1902, it was being used for the purpose of removing any one whom the Commissioner regarded as a dangerous or undesirable character."

The scope of these powers of the Commissioner of Police was discussed by a Division Bench of the Bombay High Court in Revisional Application No. 504 of 1934 and it was there pointed out that "the section is of very limited application." Still the Commissioner went on using his assumed powers under this section against anybody who was, in his opinion, an "undesirable or dangerous character." On November, 2, 1936, the Commissioner, purporting to act under section 27 of the City of Bombay Police Act, ordered the deportation of one Yarmahamad Ahemadkhan. This man actually broke the order later and entered the city of Bombay before the prescribed time limit had expired. He also challenged the legality of the order of deportation. The High Court of Bombay ultimately upheld his contention and ruled that "the Commissioner has no power under the section to deport any one whom he regards as a dangerous or undesirable character apart from his actions as a member of a gang or body of persons moving or encamping in the city." Thus this judgment of the Bombay High Court deprived the Commissioner of Police of his assumed powers of deporting under this section any man whom he thought to be "undesirable". The powers in the opinion of the High Court were, in fact, never given by the legislature to the Commissioner of Police. It was this judgment of the High Court that was the immediate cause of the introduction of this Bill in the Bombay Legislature. In the statement of objects and reasons of the Bill we are, therefore, told that "the object of this Bill is to amend the section for this purpose and to enable the Commissioner to direct any person to remove himself from the city of Bombay if, in the opinion of the Commissioner, his presence, movements or acts is or are causing or calculated to cause danger or alarm."

or a reasonable suspicion that unlawful designs are entertained by such person."

The Bill, as it was first introduced in the Bombay Legislative Assembly, was very sweeping in its nature inasmuch as it was intended to give to the Commissioner of Police all the powers referred to above. It also deprived the aggrieved person of his right to call into question in a court of law the validity of the order passed by the Commissioner of Police under the amended section.

The Act as it has been finally passed by both the houses of the legislature is modified and its scope is restricted to some small extent in some respects but widened in others. In the Bill even the "presence" of persons causing "danger or alarm" was enough to enable the Commissioner of Police to exercise his powers of deportation, but in the Act the word "presence" is dropped from the amendment of the original section, though not from sub-section (2) (c) dealing with the proclamation of emergency. The vague description of the movements or acts of persons as "causing danger or alarm" that appears in the Bill is not only retained in the Act, but is also added to by the words "harm to person or property," which make the scope of the provision wider. The scope of the provisions describing offenders is also widened by including in it offences involving "force or violence" and also offences punishable under certain chapters of the Indian Penal Code. Under the provisions of the original Bill the Commissioner or his deputy was required only to explain to the person whom he wanted to deport the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. He might also have examined witnesses, if any, produced by the accused person who, however, was not entitled to have his witnesses examined. According to the Act, as it is passed, the Commissioner of Police, before passing an order of deportation must be of the "opinion" that "witnesses are not willing to come forward to give evidence in public against such (accused) person by reason of apprehension on their part as regards the safety of their person or property." Apart from the consideration that it is improper to make the "fact" of witnesses coming or not coming forward dependent upon the "opinion" of the Commissioner of Police, it may be generally admitted that this proviso about witnesses gives at least some small protection to the prospective victim of this piece of legislation.

But unfortunately this is not all. The Act contains another sub-section (2) (c) which had no place in the original Bill. This sub-section deals with what is called "Proclamation of Emergency". It empowers the Local Government to proclaim a "state of emergency" if the Government is satisfied "that public peace or tranquillity in the city of Bombay or any part thereof is disturbed or is likely to be disturbed in consequence of a conflict between different communities or sections thereof or gangs or factions." As soon as this "state of emergency" is declared, the Commissioner of Police can deport any person if it appears to him that "the presence, movements or acts

of such person is or are "causing or calculated to cause danger or alarm." There is no provision about witnesses and the Commissioner gets all the powers that were sought to be given to him by the Bill as originally introduced.

If the whole of the original Bill had been substituted by provisions regarding the state of emergency the application of the proposed wide powers would have been restricted to communal riots and similar grave occasions. The Commissioner of Police could have then exercised his powers of deporting "undesirables" only during the continuance of emergency which, under the Act, lasts for one month unless it is renewed by Government. Government, however, insisted upon amending section 27 of the City of Bombay Police Act according to their original plan restricting the powers originally proposed only by the proviso regarding witnesses. By virtue of this amendment of section 27, besides securing wider emergency powers, Government also got practically everything that they had originally wanted. The nature of the persons to be dealt with under the section is defined to some extent, thereby only widening the scope of the operation of the section.

The net result is that the Commissioner of Police is now empowered to deal with "undesirables" exactly as he wanted, and, moreover, he can exercise similar powers against other persons also (undesirable and dangerous or otherwise) during the state of emergency. That is to say, the Commissioner of Police got powers wider than he was ever accustomed to have.

During the discussion of this piece of legislation it was contended on behalf of Government that it is necessary to equip the Commissioner of Police with these wide powers in order to enable him to cope efficiently mainly with communal disturbances which frequently mar the peace of Bombay. Everybody will be willing to co-operate with Government in their welcome endeavours to put down communal riots with promptitude and efficiency. It may, however, be pertinent in this connection to point out two facts. The communal riots that took place before the present Government came into power could not be effectively and quickly checked in spite of the fact that the Commissioner of Police had, under the Act of 1902, assumed, though wrongly, all the powers that are now being given to him. The other fact is that the last riots were quickly and effectively checked, though the Commissioner was recently deprived of his powers of indiscriminate deportation by a ruling of the Bombay High Court. In view of these two considerations the Government's plea that these wide powers are necessary to check communal riots is without rational justification.

Moreover, it is very significant that in section 27, as it stands finally amended, there is absolutely no mention of communal disturbances though such a reference is made in the provisions regarding the proclamation of emergency. It is, therefore, very difficult to believe that the powers given by this section to the Commissioner of Police would be used by him only to check communal riots. The preamble of the Act, it is true, contains reference to "conflicts

between communities or sections thereof or gangs or factions," but it also says that it is necessary to amend the original section for "other purposes hereinafter appearing." In the first place a preamble is not a substantive part of the Act, and the Court will not take notice of it even though it is competent to hear an appeal which it is not in this particular case. Secondly, conflicts referred to even in the preamble are not necessarily between people belonging to different religions or races or castes. In fact an amendment proposed by Mr. S. V. Parulekar to make it clear that this section would be used only in cases of conflicts between communities belonging to different religions or races was opposed and thrown out by Government. The word "factions" may mean any groups of persons engaged in a conflict even of a political or economic nature. In the third place, there is the wide term, "other purposes hereinafter appearing." These "other purposes" are bound to be what the Commissioner of Police thinks them to be. The amendment of section 27, cannot therefore, be claimed to have been made to meet the evil of communal disturbances. The original section was never intended to be used for this purpose as is very clear from its wording, and the amended section is so vague and wide in its scope that it can be used almost for any purpose even by a very conscientious Commissioner of Police whose interpretation of it can be challenged not by a court of law but only by the Provincial Government.

Apart from this consideration, the powers given to the Commissioner of Police by this new piece of legislation are too wide to be given to any executive officer. The Bombay High Court, in the judgment mentioned above, observes: "We need hardly point out that power to banish a person who has committed an offence from the city where he has been residing for many years, to break up his home and destroy his business, without any trial and solely at the discretion of an executive officer is one which no civilized legislature can grant." Such was the power which the Commissioner of Police was exercising since 1902 though it was not granted to him by the then legislature, and such is the power which is now given to him by amending the existing law. The High Court does not approve of such power being given even to deal with a person "who has committed an offence," and the present legislature gives that power to be used against persons who are only suspected to "entertain unlawful designs." But the High Court says, no "civilized" legislature can grant such powers to an executive officer. That explains. Even in Bengal the Police authorities place all the available evidence against a political terrorist before a judicial officer, and it is only after he is convinced that there is sufficient evidence that they pass orders for his deportation or externment. But here in Bombay the Commissioner of Police can now deport almost any person on his own initiative and authority during the state of emergency. The only safeguard to the person concerned is the Commissioner's sense of responsibility. Not only that, but the Commissioner, as a matter of routine and necessity, has to

depend upon the data supplied by his inferior officers, the correctness of which again depends upon their sense of responsibility.

Another striking thing about this new Act is that the victim of the orders of the Commissioner of Police cannot get his grievance redressed from an ordinary court of law. His only remedy is to prefer an appeal to the Provincial Government. This is a very serious and indefensible encroachment upon the legitimate rights of citizens. Further, to deprive the ordinary courts of law of their power to hear appeals against the order of the Commissioner of Police betrays, on the part of Government, lack of confidence in their own law courts. Executive authorities are only too willing to assume powers wider than are given to them by the legislature. This is amply proved by the fact that the Commissioner of Police did actually assume powers under the Act of 1902 which were not legally his. This wrong was made good only by the judgment of a court of law and that also after a large number of years. In view of this consideration the powers of the Commissioner of Police should have been strictly subjected to the control of the law courts.

Again the passage of such a piece of legislation has created well founded fears even in the minds of citizens who are not likely to be regarded as "dangerous characters". There is no guarantee that the present Government will not be "satisfied" that the peace and tranquillity of the city of Bombay is in danger. In that case a "state of emergency" may at once be proclaimed, and the Commissioner of Police may be the temporary Sultan of Bombay.

It is true that the Hon'ble Mr. Munshi gave an assurance on behalf of Government that the provisions of the amending Bill would never be used to put down disputes of a political or economic nature. It was only to deal with the genuine 'Mavali', he said, that the amending Bill was introduced. But it is also true that he turned down Dr. Ambedkar's suggestion to define a 'Mavali'. That is left entirely to the good sense of the Commissioner of Police—an executive authority who was accustomed illegally to deport persons for nearly thirty-five years until his orders were actually broken and consequently set aside by a ruling of the Bombay High Court. If Government had really wanted to restrict the scope of the Act only to Mavalis, they would have consented to define the word 'Mavali' in the proper manner. Instead of doing so, they have spread their net so wide that almost anybody can be caught in it if only the Commissioner of Police thinks fit to do so. It must also be remembered that assurances given on behalf of Government on the floor of the legislature do not form part of the law as it stands on the statute book. When clear provisions of law are habitually broken by police authorities for a number of years it is too much to expect that an executive officer will abide by the spirit of the law as reflected in the speeches of the Home Member on the floor of the legislature. On account of the right of appeal Government may be able to implement its assurance in cases where appeal is made. But this concession is not likely to be

used in many cases by poor and uneducated persons who may happen to be the victims of wrong orders. Moreover such assurances given by one Government may not be regarded as binding by their successors.

It was very unfortunate that a responsible Congress Government should have thought it necessary to bring forward such a repressive piece of legislation. It is always the contention of the Congress Party that they are great believers in the principle of non-violence and that they make use of repressive legislation only in order to put down force and violence. But as was seen above, by means of this Act the Commissioner of Police can put down not only force and violence but much more besides. He can put down a political and economic movement by bodily removing the leaders of the movement from the city of Bombay on the pretext that even their "presence" is "calculated to cause danger or alarm." Danger to whom and alarm of what are questions which he may or may not care to answer. The Act, in short, is a very vicious weapon and as such it is likely to tempt even a tolerant Commissioner of Police. It is all the more curious that this piece of legislation was passed just after repealing with great ceremony the Bombay Special (Emergency) Powers Act, 1932. It is true that section 4 of this Act had given wide powers to the executive to arrest, detain and control persons, but even the arrest and detention could be effected only by an officer of Government specially authorised by the Governor in Council, and only when he is satisfied that any person "*has acted, is acting or is about to act*" in a manner prejudicial to public safety or peace. Removing a person from a particular area for a specified period of time, which if not so specified would be only one month, could be effected only by an order of the Governor in Council and again only in the case of those who "*have acted or are acting or are about to act* in a manner prejudicial to public safety or peace."

Our new amending Act, however, empowers the Commissioner of Police, during a state of emergency, to deport any person who might not have acted in any dangerous manner but whose mere "*presence or movements*" "*may cause or may be calculated to cause danger or alarm.*" The fate of the man depends not on any overt acts on his part nor on demonstrable imminence of such acts but on the suspicion that he may arouse in the minds of the Commissioner of Police, of course, through the medium of his subordinates. The bureaucratic British Government itself never thought of assuming such unheard of powers even to put down an India-wide political agitation definitely harmful to its power and prestige. And here is a responsible Government of elected representatives of the people repealing with pomp a piece of former repressive legislation and rushing through the legislature an Act decidedly more repressive than the one repealed. The chains that bound the citizens of Bombay for a long time were removed for about two weeks only to be replaced by newer and stronger ones.

N. V. PHADKE.

LAND LEGISLATION IN ORISSA.

AFTER a long period of nearly eight months, the Bill sponsored by the Congress Ministry in Orissa to amend the Orissa Tenancy Act has been passed by the Orissa Assembly. The Bill, introduced first in September last, confers on the tenantry of northern Orissa the benefits which are being enjoyed by the tenantry of southern Orissa. The Bill is not a comprehensive measure embracing all aspects of tenancy law reform. Its immediate object is to enable the tenants to tide over their worst difficulties. It is, however, gratifying to learn that the Congress Ministry of Orissa does not propose to rest satisfied with the passage of this Bill, but wants to bring forward, as soon as possible, a more comprehensive measure which will give a new orientation to the tenancy laws of Orissa. For this purpose, the Orissa Government wants to set up a Committee of experts to examine the land laws of the different parts of Orissa. Once the land laws prevailing in the province are clearly understood, it will be easier for the Government to propose such modifications as would give the maximum relief to the tenantry of Orissa.

Among the provisions of the Orissa Tenancy Act Amendment Bill the first in importance is that relating to the free transfer of occupancy rights. Under the Act now in operation the tenants have a limited power of transferring their rights. But, in every case of such transfer, they are required to obtain the consent of the landlord who can legally demand 25% of the consideration money or six times the annual rental of the holdings, whichever is greater, as the price of his consent. This charging of "mutation fees", as they are called, is proposed to be stopped by the amending Bill. But this alone will not give to the tenants the right of free transfer. Sections 97, 99 and 220 of the Orissa Tenancy Act empower the zamindar to say 'no' to any transfer if he feels that the transfer is not a desirable one. When the Bill was published for public opinion the leaders of the tenantry in different parts of Orissa organised meetings and got resolutions passed to the effect that the tenantry should be given an untrammelled right to transfer their holdings. Accordingly, the select committee to which the Bill was referred, so modified the Bill that the right of free transfer would now be conferred on the tenants.

The second provision of the Bill, which provoked much discussion relates to conferring on the raiyats the right in trees and their fruits. In the Puri District, for instance, raiyats have been inducted on land with the express reservation that valuable fruit-bearing trees on their holdings will belong to the landlords. But in many cases the trees are the main source of income of the tenure-holders called *tankidars*, *lakhrajidars* and *bajyastidars*. It was argued that the taking away of these rights from the tenure-holders without sufficient compensation being paid to them would amount to an expropriation of their rights. Pandit Nilkantha Das, M. L. A. (Central), himself a prominent Congress leader of Orissa, championed the cause of these tenure-holders. It seemed

for a time that the Congress Ministry would be forced to accept his view. But the socialists and kisan workers of Orissa strongly protested against this and mainly with their backing and powerful support, the Ministry was able to retain this clause.

The third important provision of the amending Bill relates to the penalising of zamindars for exacting illegal levies. Under the provisions of the Orissa Tenancy Act, now in force, every tenant from whom illegal dues are realised, may within six months from the date of exaction institute a suit to recover from the landlord, in addition to the amount or value of what is so exacted, such sum by way of penalty as the Court thinks fit, not exceeding Rs. 200 or, when double the amount or value of what is so exacted exceeds Rs. 200, not exceeding double that amount or value. But the present Bill, instead of throwing the entire responsibility of proving illegal exactions by the zamindar on the tenant, empowers the Collector of the district or any Deputy Collector who may be specially empowered by the provincial Government in this behalf to impose penalties on the landlords by summary proceedings, if he is satisfied that any landlord or his agent exacts illegal dues from the tenants. In this case, the maximum amount of fine imposed may be Rs. 500 or double the amount or value of what is exacted illegally by the landlord, whichever is higher.

It may be worth while to remember in this connection that in the recent amendment to the Bihar Tenancy Act, the Bihar Ministry wanted to make the levy of illegal taxes a cognisable offence, punishable with imprisonment of either description for a maximum term of six months or fine up to Rs. 500 or both. But, later on, due to the Congress-Zamindar agreement in Bihar, the original clause was considerably diluted. The levying of illegal taxes became a non-cognisable offence and rigorous imprisonment as punishment was dropped altogether. Compared to the Bihar Tenancy Bill, the Orissa Bill is more progressive in this respect at least. But the Congress Ministry in Orissa would have done well in following the lead of the Bihar Ministry in respect of awarding imprisonment for the exaction of illegal taxes by the zamindars. Rich landlords care very little for money, and mere fine will therefore not wean them away from such illegal practices. It is necessary therefore that exemplary punishments should be meted out to the wrong-doers, so that they may have a deterrent effect on others.

Another provision of the original Bihar Tenancy Bill should have found place in the Tenancy Bill of Orissa. This provision is the one relating to the realisation of arrears of rent. The Bihar Tenancy Bill, as originally drafted, provided that a raiyat should never be made to lose his holding because of his liability to pay arrears of rent. "The entire holding may be made over to the landlord for a period not exceeding seven years, in lieu of the decretal amount, and at the end of the period the holding shall revert to the raiyat". It is true that due to the opposition of the Bihar zamindars, this clause was

eventually dropped from the Bill. But the Orissa Ministry made the fundamental mistake of not even attempting to include such a clause in their Bill.

Thus, on the whole, the Orissa Tenancy Act Amendment Bill cannot be called a radical measure. Still, even this innocuous Bill excited the bitter opposition of the landlord representatives. Fortified with the opinions of some experienced officials who considered the Bill a hasty piece of legislation, the zamindars contended that the Bill would affect prejudicially both the landlords and the tenants. They argued that the disappearance of all restrictions on the transfer of holdings would lead to the concentration of holdings in the hands of the larger raiyats and big moneylenders, for the increase in the value of land arising out of the right of unrestricted transfer may induce the cultivators to sell away their holdings. Secondly, they argued that to deprive a landlord of his right to object to a tenant was to deprive him of a very large part of his proprietary rights and thus to reduce him to the position of a mere assignee of rent. Both these objections were unfair and one-sided. The protagonists of the zamindars were not right in arguing that the zamindars exercised their right of refusing transfers only when they feared the incoming of non-cultivators at the cost of the cultivators. On the other hand, there is evidence to show that the zamindars, in many cases, exercised these rights to screw more and more money out of the helpless tenants. Secondly, if it was the desire of these people to prevent concentration of lands in the hands of the larger raiyats and big moneylenders, they could have achieved their object by asking for the insertion of a provision in the Bill preventing the transfer of land from cultivators to non-cultivators. But, instead of doing so, they wanted to vest the great power of refusing transfers in the hands of the zamindars who, by reason of their past behaviour, have proved themselves unworthy of wielding this power. Again, to argue that the abolition of "mutation fees" would lead to the diminution of the proprietary rights of the zamindars is to say that the zamindars of south Orissa or, for the matter of that, of the whole Madras Presidency, do not enjoy full proprietary rights, for under the provisions of the Madras Estates Land Act, the zamindars in Madras are entitled to no payment when their tenants transfer their occupancy rights.

It will be seen that the opposition of the landlords to the Tenancy Bill of Orissa was more a question of strategy than of conviction. The zamindars did not want to surrender any of their privileges without fighting to the last inch of ground. It is gratifying to note, however, that the zamindars signally failed to achieve their object. The Orissa Assembly passed the Bill by a large majority and nothing remains now than the Governor's assent to put the Bill on the statute book of the province.

SHYAM SUNDAR MISRA.

Review.

INDUSTRIES IN INDIA.

ORGANISATION AND FINANCE OF INDUSTRIES IN INDIA. By D. R. SAMANT and M. A. MULKY. (Longmans, Bombay,) 1937. 22cm. 362p. Rs. 5.

THE present work comprises the material of two theses originally submitted for the M.A. degree of the Bombay University but subsequently co-ordinated into one for purposes of this volume. It aims at an impartial study of organisation and finance of industries in India. The problems arising out of the structural changes in industries and those of what may in general be called internal and external economics are not referred to herein, but great stress is laid on questions of finance. What India lacks to-day, it is argued, is not industrial enterprise so much as the necessary amount of capital. Finance is the crux of the whole problem of India's industrial development. A detailed analysis of the present system of financing industries reveals a serious gap between banking and investment agencies and the industries. A haphazard link, due to certain historical causes, is created between the two by the managing agency system, a peculiar institution of India. Whatever its advantages in the earlier stages of industrial development, the system has in recent years been very harshly criticized. Its defects are now too well-known to need any detailed mention and there is a general consensus of public opinion in favour of its abolition or at least radical reform. The overwhelming importance of the managing agent in industry is mainly due to the dominant role he plays in financing both the working capital and the block capital. The terms of the agency contracts are too exacting and the system has virtually degenerated into a hereditary concern and private ownership. In the absence of any other satisfactory agency directly connecting the investing public with the industries, the personal guarantee and the name of the managing agent become the only means of obtaining the necessary finance not only from individuals but even from well organised banks. There are no specialised agencies such as the Company Promoters and Underwriters, Issue Houses and Investment Trusts, which can inspire confidence and divert the flow of capital to industries. The stock exchanges in India whose main business is to keep capital always mobile are dominated too much by speculative tendencies. The result of all this has been to increase costs and overhead charges in the industries. Indian industries to-day stand grossly *under-capitalised*. To remove this defect and other concomitant evils, what is necessary is to create an effective substitute for the managing agency system and a direct link of the investing public with the industries. The authors believe that total abolition of the managing agency system would not in any way hamper the growth of industries. The fears entertained about contraction of credit and loss of technical experience etc. are, they argue, baseless. We think however that time is not yet ripe for such a drastic remedy.

Chapters V, VI and VII are devoted to a critical survey of the various forms of issue, of the way in which initial capital is subsidised and of the various methods followed in getting working capital. The authors rightly deprecate the tendency of some industrialists to depend on public deposits even for working capital. A chapter is devoted to the

knotty problems of administration of earnings, cost of depreciation, maintenance of sinking fund, policy with regard to the distribution of dividends and profits, building of reserves, &c. The volume thus emerges from purely theoretical discussions and becomes eminently practical. A broad survey of the capital market convinces the authors that the present financial difficulties, apart from unscientific methods of estimating and rationing capital, are due to a general shyness of our people about industrial investments. The best way to remove this shyness is to make some independent authority, commanding confidence of the public, responsible for investigating the profit earning prospects of a proposed scheme. "Of course, the best authority for this purpose will be", write the authors, "some state agency as its opinion will be taken to be well considered and disinterested." We feel that more details of the nature and functions of such a state agency would have clarified the issue better. If its functions were those of a purely advisory body on technical matters, it would not be of great advantage. We think it should also be armed with powers of supervision and control in all matters in the supply of finance. The authors think that "an Industrial Bank with Government control will prove an ideal financial intermediary." It is proposed further that there should be at the apex for each province a Provincial Industrial Corporation to co-ordinate all subordinate agencies and these in turn should be co-ordinated with each other through a newly constituted Industrial Department of the Reserve Bank of India. We invite in this respect the attention of our readers to Dr. Lokanathan's criticism (his book is referred to in the preface) of the facile notion that Industrial Banks of the German type would solve the whole issue. He points out that there is a good deal of misconception about the true nature and functions of German banking. "The German banker", he stresses, "is not an industrialist". There is nothing corresponding to the German *Aufsichtsrat* which acts as a board of supervisors and confidential advisers, either here or elsewhere. One whole chapter is given to the study of the Bombay Stock Exchange. It is pointed out that this body apart from its legitimate functions shows too great a tendency to gamble in stocks and shares or to 'corner' markets. This very often involves honest investors into unexpected losses. The present rules of the Bombay Exchange are not enough to control this sort of speculation. The view of the Atlay Committee are fully quoted in this respect and it is argued that the present constitution and working of the Exchange should be regulated by an Act of the State empowering the Government to interfere as drastically as possible to protect the investing public when necessary. The extent of direct State aid to industries is considered and there is also a special chapter on the financing of small scale industries. Direct subsidies and bounties to such industries under provisions similar to those of the State Aid to Industries Act of Madras (1923) are advocated. Efforts should also be made, we are told, to organise Producers' Co-operative Societies. A very valuable appendix is added, giving a critical analysis of the Indian Companies Amendment Act, 1936. Several loopholes in this enactment are shown, but we believe that this piece of legislation would go a long way to reform the present system. We invite particular attention to it.

The volume covers a vast field of great interest and controversy. It is very suggestive and practical and its perusal will not fail to profit students of industrial finance.

S. G. PURANIK.

SHORT NOTICES.

LABOUR AND HOUSING IN BANGALORE CITY. By R. K. SRINIVASAN and C. NARASINHA MOORTHY. (The Bangalore Press, Bangalore City.) 1935. 21cm. 55p.

THE problem of housing in urban areas is assuming menacing dimensions on account of the rapid industrialization of the country. It is a happy augury that the economic departments of academic bodies like the University of Mysore are turning their attention to such practical problems as the housing of labour in Bangalore by encouraging their students to investigate into the actual housing conditions in their cities. Within a short compass of 55 pages, the authors have traced the growth of Bangalore, analysed the data collected by them relating to the overcrowding in slums and tenement houses and have proved by figures that overcrowding is the cause for many of the ills from which the labourers suffer and for the high mortality prevailing among them, not to speak of their low stamina and efficiency. It is estimated that 14,000 houses have to be provided in Bangalore city to house the middle classes and the labourers.

The authors suggest various means for solving this problem. The kind of help that the State, employers, the cooperative movement and philanthropists can render in this behalf is discussed at some length. The book is a welcome contribution to the problem of housing in India. The short introduction by Mr. V. L. D'Souza of the Department of Economics, Mysore University, adds to the value of the book.

S. R. V.

Miscellaneous.

DECCAN STATES' PEOPLE'S CONFERENCE. RESOLUTION ON FEDERATION.

Following is the text of the resolution passed by the Deccan States' People's Conference at Sangli on the 23rd inst.

(1) This Conference expresses its satisfaction that the opinion voiced by the past Conferences in Deccan States and indeed in the States Conferences all over India as to the minimum qualification that should be insisted upon for the admission of the States into an all-India federation is accepted in British India, as exemplified by the resolution adopted by the Indian National Congress at Haripura this year, which says :

The Congress is not opposed to the idea of federation ; but a real federation must, even apart from the question of responsibility, consist of free units enjoying more or less the same measure of freedom and civil liberty, and representation by the democratic process of election. The Indian States participating in the federation should approximate to the provinces in the establishment of representative institutions and responsible government, civil liberties and method of election to the federal houses. Otherwise the federation, as it is now contemplated, will, instead of building up Indian unity, encourage separatist tendencies and involve the States in internal and external conflicts.

(2) The Conference challenges the contention often put forward that the admission of a State, though unreformed, into a federation will hasten its

progress towards democratisation and that, therefore, no conditions likely to be considered as stringent by it should be attached to its joining the federation. Though a State's membership of a federation with democratic British Indian provinces will exert some influence in this direction, the Conference is convinced that the impulse for democratisation will be far greater if the door for entry into federation is left open to the States on their fulfilling certain conditions as to the establishment of a system of popular government than if they were accorded an unconditional admission into federation in the hope that they would thereafter introduce the necessary reforms in their mode of government. The Conference, therefore, welcomes the determination of British India not to federate with the States unless they satisfy conditions such as are laid down in the Congress resolution and fervently hopes that, in any negotiations that may be set on foot, these conditions will be rigidly enforced.

(3) The Conference desires particularly to point out that, in judging of the eligibility of the States for admission into federation, only the advance they have in fact made towards representative and responsible government should be taken into account and not the advance that they would give vague promises to make in future ; and that, in case lenient conditions are imposed as to the present advance, a definite undertaking should be required that the future that is desired in order that the States may be worthy members of federation would be completed within a short period of time which should be specified.

(4) The Conference also wishes to point out that in most States which are at all endowed with representative institutions such institutions have but a minority of really and even nominally elected members, and if the States' representation in the federal legislature is to be obtained through these institutions the least that should be insisted upon even as an initial qualification for admission into federation is that only the elected members of the representative institutions should enjoy the right of electing members of the federal legislature.

(5) The Conference is of the opinion that a provision for the protection of civil liberties must form a necessary part of the guarantees that should be taken from the States as a pre-requisite of federation, and, further, that the provision in this respect will not be adequate till the people in the States are enabled to seek redress for an infringement of their civil liberty at the hands of the Federal Court.

(6) The Conference attaches great importance to a liquidation of the *liberum veto* that is allowed to the States under the proposed federation, for unless this veto power which the States can singly and collectively exercise is removed further constitutional development by stages will become impossible and all the reforms that are desired will have to be insisted upon at the start.

BOOKS RECEIVED.

- LITTLE YELLOW GENTLEMAN. By HENRY JOHN MAY. (Cassell.) 1937. 20cm. 269p. 7/6.
 CONCERNING PROGRESSIVE REVELATION. By VIVIAN PHELIPS. (Watts.) 1937. 20cm. 118p. 1/-
 HINTS ON MUSEUM EDUCATION. By J. C. BASAK. (Author, 363 Upper Chitpore Road, Calcutta.) 1938. 20cm. 282p. Re. 1.