

Servant of India

Editor: S. G. VAZE.

Office: SERVANTS OF INDIA SOCIETY, POONA 4.

VOL. XXI, No. 30. }

POONA—THURSDAY, AUGUST 4, 1938.

{ INDIAN SUBSN. Rs. 6.
FOREIGN SUBSN. 15s.

CONTENTS

	Page
TOPICS OF THE WEEK ...	369
ARTICLES:	
Congress Dictatorship ...	371
Extension of Occupancy Right ...	373
Race and Empire Migration.—I. ...	375
Regulated Markets for Agriculturists ...	376
Current Comment ...	377
REVIEW:	
The Kingdom of Vijayanagar.—by D. V. Apte ...	379
MISCELLANEOUS:	
Flogging in Prisons ...	380
BOOKS RECEIVED ...	380

Topics of the Week.

Unofficial Imperial Conference.

THE Hon. Dr. H. N. Kunzru, the President of the Servants of India Society, left India this week *en route* to Australia, where he will attend, as leader of the Indian Delegation, the British Commonwealth Relations Conference which is to be held at Sydney early in September next. The Conference may be said to be an unofficial Imperial Conference, for though it consists entirely of non-officials, it deals with subjects which are dealt with by the Imperial Conference. The Conference consists of nominees of the Institutes of International Affairs in Great Britain, the Dominions and India. Though the members are non-officials, several of them from England and the Dominions are persons of great knowledge of practical affairs, some of them ex-Ministers of the Crown, retired Generals and Admirals, politicians and professors of the first rank, who naturally carry great influence in the affairs of their countries.

At the Sydney session, the Conference proposes to consider many important questions, economic and political and of foreign policy and defence, trade and tariffs, emigration and race relations. The main purpose of the discussions will be to discover the national policies of each of the units of the Commonwealth as distinct from those of the Commonwealth as a whole, and examine with the utmost frankness to what extent they converge and diverge and what adjustments are necessary and possible to maximise the convergences and minimise the divergences.

In matters that come within the purview of the Conference India has no effective national policy. Foreign affairs and defence are wholly controlled by Great Britain, India having only the privilege of paying the bill. No national policies have yet had a chance to develop. India is vitally interested in matters of trade, tariffs and shipping, of emigration and race relations and rights of citizenship in India and abroad. In these matters, India has national policies but she cannot make them effective as the Dominions can. In fact, there is much in the relations between India and the other members of the Commonwealth to divide them rather than unite them. The denial of self-government to India by Great Britain and racial discrimination against Indians in the Dominions make any healthy and spontaneous growth of ardent loyalty to the British Empire practically impossible in India. And a discontented India will be a negative, if not a positive, danger to the Commonwealth when the testing time comes again. It will be the mission of Dr. Kunzru and his Indian colleagues to impress on the members of the Conference the gravity of this danger and persuade them to use their good offices to remove the legitimate discontents in India.

Bakhasht Bill Passed.

AS a result of the second Landlord-Congress agreement in Bihar, by which still greater concessions were given to the zamindars and a little more of the relief promised to the kisans was withheld from them, the zamindar members withdrew their opposition to the Bakhasht Bill when it was brought up again before the Bihar Legislative Assembly, and the Assembly passed the Bill without much discussion. Still the champions of the tenants' interests offered some amount of opposition. The attack was mainly concentrated on that clause in the Bill which denies the benefit of the restoration of lands sold in execution of rent decrees to the tenants of "petty landlords." The definition of petty landlords is so wide as to cover zamindars who have a yearly income of about Rs. 10,000.

It was pointed out that if the tenants of such so-called petty landlords were to be excluded from the purview of the Bill, the number of tenants who would have their lands restored to them would be very meagre. Sir Ganesh Dutta Singh, a landlord representative, himself admitted that there could not be more than 500 or 600 landlords in the province with an income of Rs. 10,000. This would mean that the Bill would benefit a very small proportion of the tenants. Mr. Tahir contended that in Purnea district nearly three

fourths of the landlords would come under the category of petty landlords, with the result that all their tenants who had lost their lands in the depression years would remain landless in spite of the Bill. The proper criterion in the matter of giving relief, the advocates of kisans argued, was not how big or small a landlord was but how urgently the tenant needed relief; whether such a tenant was in occupation of a big or small landlord's land made no difference and should not count with the Ministry. In fact, the tenants of petty zamindars were generally poorer than those of bigger landlords, and they were consequently in greater need of relief; but it was just these tenants who were left out of the scope of the Bill.

* * *

THE argument was brought forward on behalf of the landlords that the economic condition of the petty zamindars was nearly as bad as that of the tenants, and that, therefore, it was but proper to give relief to the tenants at the cost only of the bigger landlords able to bear the burden. To this the reply was made that landlords in an economically weak position might be exempted, but the line of exemption would then have to be drawn at a very much lower point; and in any case there was no justification for exempting landlords whose income was as much as Rs. 10,000. For as against them the tenants to be considered were such as held a bigha or two of land. It was maintained that the Government had whittled down very considerably the measure of relief which it was urgently necessary to afford. In fact, Mr. Tahir contended that "most of the tenants lived under 'petty landlords,' and that the exemption of the latter would take away the value of the relief which the Bill proposed to give."

* * *

THE Ministry accepted the force of the arguments urged on the side of the tenants. Its defence was to this effect: "This is all quite true in logic. There is nothing to distinguish between the woes of a tenant under a big landlord and the woes of another tenant under a small landlord. Left to ourselves, we would have gone much further; but we have our own limitations. Above all, we have to do quickly and without loss of time whatever is immediately possible. Who knows when we shall have to quit office? We have to take into account the restrictions imposed upon our power by the Government of India Act. We cannot, therefore, wait in the hope of doing more at a later opportunity. Apart from the limitations of the Act, we have to act in accordance with public opinion, and public opinion demanded relief for petty landlords. We had, therefore, to submit to the demands of these landlords." The other clauses in the Bill presented no difficulty.

* * *

Satyagraha in the Nilgiri State.

IT is welcome news that the people of Nilgiri, a small State in Orissa, have succeeded in impressing upon the Political Agent that unless their grievances were fully redressed, there would be no peace in the Nilgiri State. The people of this State were seething with discontent for the last two months because of the restrictions imposed by the State on their freedom of movement and association. Ever since 1931, the people had shown their strength in resisting oppression by carrying on an agitation against the imposition of forced labour. Their agitation had attract-

ed the attention of many prominent people, and the Rev. C. F. Andrews toured the State in that connection and submitted to the then Governor General a detailed report of the grievances of the people. Mainly due to his intervention, the Raja of Nilgiri had agreed to redress some of the acute grievances of the people. They were allowed to form a Prajamandal of their own to place their grievances before the State authorities and carry on agitation for their immediate redress.

* * *

THE activities of the Prajamandal were tolerated for some time, but two months ago, for reasons best known to them, the State authorities passed a number of regulations which banned the holding of meetings and processions if licences had not been obtained for them. Secondly, formation of associations without the express permission of the State was declared illegal by the State authorities. The people of Nilgiri were determined to resist these fresh restrictions. They, therefore, carried on a satyagraha campaign to force the State to recognise their rights. In the beginning of the campaign, the State took up a very stern attitude and imposed heavy fines on the leaders of the movement. But the movement, instead of weakening because of these oppressive measures, gained in strength. Matters came to such a head that the Political Agent of the Eastern States Agency visited the State on 22nd July and effected a compromise with the leaders of the people. As a result of this compromise, the Nilgiri Prajamandal has been asked to submit its demands to the Raja who has agreed to give every sympathetic consideration to them. Pending the announcement of the Raja's decision, fines imposed on the people have been remitted and the punitive police force with which they were saddled has been withdrawn. The people, in their turn, have agreed to suspend the satyagraha campaign. Thus an agitation which was causing considerable hardship to the people has come to a successful conclusion by the tactful intervention of the Political Agent. We hope that the authorities of the Nilgiri State will sympathetically consider the demands of the people and follow a policy by which they will enlist the support of their subjects.

* * *

'A Premier at Bay'.

UNDER this caption, the *Indian Social Reformer* writes as follows about Mr. C. Rajagopalachariar's tour in Andhra country:

At Vizagapatam, the last place which he visited in Andhra, the Prime Minister had a tougher job (than at Guntur and other places). It is evident from the reports in the press that his habitual coolness deserted him and after a four hours' contentious meeting he had to retire without satisfying his audience of medical students. The students had a good case and the Prime Minister had none. The Vizagapatam Medical College had been in existence for several years. Owing to its failure to come up to the standard of equipment and training prescribed by the Indian Medical Council, its degrees are not recognised as those of the Madras University are. The College had certainly the first claim upon any funds which the Madras Government had to spare for medical education.

The students complained that, ignoring their claim, the Madras Government recently started a second Medical College in Madras, fully equipped according to the Medical Council standard. The Prime Minister tried first the trick of denouncing the Medical Council as an officious outside intruder to whose

tyranny his Government will not submit. This kind of talk seldom misses fire when addressed to a crowd on the Triplicane beach, but the medical students were not taken in. The Indian Medical Council consists of several eminent Indian professional men, and it was started to ensure a uniform standard of medical education in the country. To denounce it as an outside body is to misconceive the functions of the Council as well as the needs of medical education. Malaria, typhoid and tuberculosis are not different in Madras from what they are in Delhi or Bombay. The science of their prevention and cure is much the same all over the world.

The Prime Minister next adduced another plea which, if anything, is even more flimsy. He said that two medical schools had been abolished, apparently in Madras, and that the funds for the Stanley Medical College were provided by the savings on their account and the sale of their buildings. But why should these savings and proceeds be used to start a new College while an existing one was starving? The Madras Premier has evidently begun to think of himself as the Prime Minister not of the whole Presidency but of the Tamil part of it only. Mr. Rajagopalaoharya, to save appearances, told his audience that the very fact that they came to meet him in large numbers showed that they had trust in him. He might have remembered Oliver Cromwell's reply to a friend who congratulated him on the vast crowds that greeted him in London on his return from his Scottish campaign. "More," he said, "will come to see me hanged."

* * *

"Buy them out".

COMMENTING upon the proposals of the Bombay Government for giving permanent rights to tenants, the *Indian Social Reformer* says of the tenants of inamdars, khots, etc.:

"As regards the privileged holders, it would seem from the provisions in the Bill that most of their tenants are in arrears for many years past as regards their rent. The Bill provides that in order to get the benefit of permanent tenure tenants should pay up two years arrears at once and the rest gradually. What advantage will it be to tenants who have not been able to pay rent for many years to be secured in the possession of their tenant right? Where will they find money to pay up two years' rent immediately and for the liquidation of the old arrears gradually? Is it not likely that the benefits promised may prove illusory and that, in fact, the tenants may instead of being grateful become discontented with their benefactors? This must happen unless Government come forward to provide tenants not only with land but also with money. Would it not be simpler to buy out the privileged owners and bestow the land so purchased on peasants who cultivate their land themselves? This will be a great incentive to effort on their part. "The magic of property turns sand into gold," we read in old text-books on economics.

Articles.

CONGRESS DICTATORSHIP.

A VITAL principle has emerged out of the ministerial disputes in the Central Provinces.

The issue has been clearly defined by Dr. Khare in his final statement, which brought on his devoted head the utmost punishment which any political organisation could inflict upon its member. Dr. Khare says:

I am fundamentally opposed to the view that there should be no joint responsibility between the

Ministers, that the Ministers should not be primarily responsible to the Prime Minister and further that they should be severally responsible to the High Command. I am opposed further to the view that the Working Committee or Parliamentary Sub-Committee should dictate to the Congress Parliamentary Party the choice of its Leader. This choice should be free and unhampered. It must also be open to the Leader to exercise his independent judgment in selecting his colleagues.

The issue was not quite so clear, at least to outsiders, in all the various stages through which what looked personal squabbles passed, but in the final stage the issue was indubitably between democracy and dictatorship in the Congress, and when it was presented in this naked form to the supreme executive of the Congress, the Working Committee made its definite choice for dictatorship. This is an issue which transcends internal politics of the Congress, and other political parties cannot possibly disinterest themselves in it.

The Congress Cabinet in the C. P. has never been a happy family; it was rent from the beginning by personal jealousies and regional rivalries. These were not hushed when the Ministry was formed, but continued unabated. The malcontents in the Cabinet carried on almost open intrigues, manoeuvrings and machinations against the Premier with a view to undermining his authority and went the length of pouring their complaints in the ears of the Governor. One would have thought, from the way in which the Working Committee ascribed to the Governor when he carried out his plain duty the deliberate intent to discredit and weaken the Congress, that this would be regarded as an offence which merited condign punishment. Documentary evidence was placed before the Congress High Command, but the latter refused to go into it and left the matter to be decided by the Ministry itself in the first instance and by the Congress Assembly Party in the second. This was as it should have been, but the freedom which it seemed to give to these bodies was short-lived and in fact unreal. Dr. Khare could have exercised at the time his undoubted constitutional right of asking for the resignation of those of his Ministers who were plotting against him, but he refrained from taking this extreme step in the hope that milder measures might suffice. A meeting of the Congress Assembly Party was convened, which with one voice voted confidence in Dr. Khare. This vote might have been expected to strengthen Dr. Khare's hands. But it proved otherwise. The Parliamentary Sub-Committee, which is only a smaller edition of the Working Committee, intervened at this stage with all the force at its command and insisted that Dr. Khare be divested of all his portfolios including that of law and order and that his function should merely be to co-ordinate the activities of the different members of his Cabinet. It was obvious to anyone that the intention of the Congress authorities was to degrade and humiliate Dr. Khare and gradually to oust him

from his position. As between him and those who were conspiring against him the Committee definitely sided with the latter. To all appearances this conclusion was not founded on any testimony and in fact went against it. But this is a point which we have no desire to stress. Assuming that the Committee was justified in putting Dr. Khare out of the way, it was faced with the problem that in this matter it was in conflict with the wishes of the Congress Assembly Party, who wanted Dr. Khare and none else to be at the head of the Government. This conflict between the Congress High Command and the Congress Assembly Party became intensified later and was finally resolved by the former by placing every other unit in the Congress in utter subordination to itself.

The only thing possible for Dr. Khare in this situation, if he was not wholly to efface himself and make the Congress Assembly Party to efface itself, was to take the matter completely out of the hands of the Congress High Command and to reconstitute the Ministry according to his own wishes. This he did by tendering the resignation of the Ministry to the Governor. He asked for the resignation of his colleagues, but three of them declined to do so, writing besides insulting letters to him. The inevitable followed. The Governor dismissed the Ministers who had refused to resign at the Premier's request and accepted the Premier's resignation, asking him again to form a new Ministry. In all this the Premier was certainly within his rights, and the Governor could not do anything else than what he actually did unless he was prepared to act against the accepted conventions of the constitution. Dr. Khare's action was of course deliberate. He knew that the Working Committee was about to meet within three days, but his avowed intention was not to bring it into the picture but to confront it with a *fait accompli*. This enraged the Working Committee beyond measure. According to its conception, the Prime Minister, the Cabinet, the Congress members returned to the legislature and all else are only its own agents, who must not do anything of importance without its prior consent. This was the very doctrine which Dr. Khare wished publicly to challenge. He wanted to assert his own authority and, what is more, the authority of the Congress Assembly Party to manage the internal affairs in the Province in their own way, without regard to what the Working Committee might think about it. The Premier could have been set aside if the Working Committee had the backing of a majority of the Assembly members, but the Assembly members could not be set aside even if it had the backing of the Premier which in the nature of things it could not have since the Premier's tenure of office depended upon the support he received from the members of the Assembly. Thus the stumbling-block in the way of the Working Committee was not so much

Dr. Khare, but the Assembly Party who swore by him.

Not realising this, the Working Committee began to harry Dr. Khare. He was called to Wardha, persuaded to own that he acted in a hurry and betrayed an error of judgment in so doing and made to send the resignation of his office as Prime Minister of the newly formed Ministry to the Governor in these terms. Dr. Khare should have remained firm at this point, but he allowed himself to be overpersuaded, particularly we suppose because he was given to understand that after this formal expression of regret the whole affair would be regarded as closed and he would be given a free hand to take future action in consultation with the Assembly Party. But if any assurances were given to him on this score, it soon became plain that they were not to be respected. He was pressed to tender a statement to the Committee offering practically to retire from all active politics. If he himself did so, the Assembly Party would be compelled, so felt the Working Committee, to agree to whatever arrangements it would make for the leadership of the Party and thus for the Premiership. Dr. Khare's surrender in such a situation would have involved his being an accomplice in the Working Committee's coercion of the Assembly Party. Dr. Khare firmly refused to agree to his own political suicide and the Assembly Party's forced submission to the Congress High Command, though the invitation to do so came from the very highest in the Congress hierarchy. The fat was now in the fire. The Working Committee felt thereafter that it must not only deal harshly with Dr. Khare, but see to it that the Congress Assembly Party did not foolishly continue to give its support to him. It therefore passed a resolution declaring Dr. Khare to be unworthy of holding any position of responsibility in the Congress organisation, which implied not only an injunction to Dr. Khare to relinquish his leadership of the Assembly Party but also an injunction to the Assembly Party not to re-elect him. The Committee was not, however, sure that the mere passing of the resolution would be enough. What if the Assembly Party proved obdurate? Dr. Khare had threatened to offer himself again for election. His hold on the Party was a matter to reckon with. Stronger measures were needed to wean it from Dr. Khare's influence. It was, therefore, arranged that the Party should meet at Wardha under the nose of the Mahatma, under the presidentship of the Congress President, and under the constraining influence of the members of the Working Committee. The Party was duly apprised of the Working Committee's decision that Dr. Khare is unfit to hold positions of trust in the Congress, and the election was then allowed to go forward. The Working Committee had as it were said to the Party: "You of course are legally free to elect your own Leader, but you shall elect Dr. Khare at your peril." Even so one-third of

the Party's vote was either neutral or against the new Leader. The whole proceedings show clearly that the Congress High Command is all in all and that the Premier, his colleagues and members of the legislature count for nothing. Clearer proof of the instalment of unabashed dictatorship

in the Congress is not possible, and it is because such fascism is fatal to the growth of parliamentary government that the development appears so ominous to all political parties which stand for democracy.

EXTENSION OF OCCUPANCY RIGHT.

THE proposed scheme of the Bombay Government for conferring occupancy right on tenants suffers, as we have shown, from needless restrictions which will limit the application of the Act, when passed, to but a small proportion of tenants who require protection. To cure this grave defect completely, the scheme will have to be radically altered. But, apart from such a bold measure, to which the Ministry may not feel equal, we have suggested two minor modifications in the present Bill which, if adopted, will extend to no small extent the scope of the Act, bringing several tenants under protection who would otherwise be left without any kind of security. One of them is that all such tenants as could prove that the landlords of whom they hold are habitually mere rent-receivers should be given occupancy right, irrespective of how long they have been holding and whatever be the extent of total holding of the landlords of whom they hold. Such a provision exists in the C. P. Tenancy Act, and we have given in our last issue its full details and past history. The other suggestion is that those occupants who, having disposed of their lands to moneylenders, continue to cultivate them as tenants-at-will should also be given occupancy right, whether they do or do not fulfil the conditions envisaged by the Government's scheme for the bestowal of occupancy right. Since the onset of the depression many landholders have lost their lands and are reduced to the position of tenants without protection. The Deccan Agriculturists Relief Act also has accelerated the passing of lands into the hands of moneylenders, for as a rule they do not at present lend money without a formal deed of outright sale. The original owners of land are often retained as tenants, but they are in a sort of vassalage to their savkars. To such ex-proprietary tenants protection should immediately be extended.

Here, again, as we have said before, the C. P. Tenancy Act and the Punjab Land Alienation Act furnish us with examples which we may do well to follow, and it is our intention in this article to describe at some length the relevant provisions in these two statutes. The Punjab Land Alienation Act, 1900, permits of two kinds of usufructuary mortgages, one for a limited period not exceeding twenty years and the other for an unlimited period. The terminable usufructuary mortgage, which is by far the more common, is one in which the usufruct is supposed to extinguish the debt completely by the end of the

term, and the mortgagor is put back in possession of the land. In the other kind of mortgage, in which no statutory limit is put to the term, the mortgagor has reserved to him the right of occupancy at an agreed rent subject to a legal maximum, which is double the land revenue. This rent is taken as equivalent to interest. The mortgagor tenant cannot be displaced; he becomes an occupancy tenant and can only be ejected on some ground which would justify the ejection of an occupancy tenant. But, what is more, he cannot even himself alienate his own right of cultivation. Section 6 (1) (c) of the Land Alienation Act provides for this form of a written usufructuary mortgage,—

by which the mortgagor recognises the mortgagee as a landlord and himself remains in cultivating occupancy of the land as a tenant subject to the payment of rent at such rate as may be agreed upon not exceeding sixteen annas per rupee of the amount of the land revenue of the tenancy and the rates and the cesses chargeable thereon and for such term as may be agreed on, the mortgagor having no right to alienate his right of cultivating occupancy and the mortgagee having no right to eject the mortgagor unless on the grounds mentioned in section 39 of the Punjab Tenancy Act, 1887.

It is true that this form of mortgage has not met with the vogue that was expected of it, but as a safeguard against the moneylenders being converted into land-grabbers it deserves the close attention of the student of agrarian legislation. Mr. Rivaz, who was in charge of the Punjab Land Alienation Bill in the Viceroy's Legislative Council, expounded this provision in the Bill as follows:

We also propose, in adoption of a valuable suggestion made by Mr. Doule, the present Chief Secretary to the Punjab Government, and supported by the Lieutenant-Governor, to allow a third form of mortgage, whereby the mortgagor will retain an inalienable right of cultivating occupancy of the mortgaged land as the mortgagee's tenant on payment of a fair rent which will be determined, in case of dispute, by a Revenue Court under the provisions of the Punjab Tenancy Act. A mortgage in this form may be made for any such term as may be agreed on, but the mortgagor will only be liable to ejection from his cultivating occupancy if he uses the land in an improper manner, or, if his rent is payable in kind, if he wilfully fails to cultivate the land, or if a decree for an arrear of rent has been passed against him and remains unsatisfied; but even if so ejected from his cultivating occupancy as a tenant, the mortgagor will retain the equity of redemption of his proprietary right on payment at any time of the original mortgage-debt.

It was still feared that if the mortgagor was ejected from his cultivating occupancy on any of

the specified grounds or voluntarily abandoned the land in collusion with the mortgagee, he would in most cases never be able to redeem the proprietary right. It has, therefore, been provided that, "although the mortgage under this form may be for an unlimited period so long as the mortgagor retains the cultivating occupancy, yet if he is ejected therefrom or relinquishes or abandons it, the mortgage shall thereupon be converted into a self-redeeming usufructuary mortgage for a term not exceeding twenty years." It will thus be seen how care is taken, in provinces where not only voluntary sales but involuntary sales of land in execution of a decree or order of a civil or revenue court are forbidden, to see that even in cases of temporary alienation the right of cultivating occupancy remains with the landowner.

A provision of like tenor, intended to preserve to the landowner the right of cultivating occupancy in his home farm which he may sell to others, is embodied in the C. P. Tenancy Act. In the Central Provinces, as in other zamindari provinces, the malguzars are entitled to hold a certain extent of *sir* land over which they have absolute control. Whether these home farm areas allowed to them are excessive or otherwise is a question with which we are not concerned for the present; nor are we concerned with the moral question whether it would be just to make any concession to a landlord in respect of land on which he does not allow tenant right of any character to grow. We are concerned only with the question of giving to occupying tenants security of tenure. The C. P. Tenancy Act confers occupancy right on tenants of raiyati lands and on the other hand provides that landlords, when they part with their proprietary rights in their home farm, should automatically become occupancy tenants thereof, thus securing fixity of tenure in the case of both kinds of land. A landlord may sell away or otherwise dispose of his *sir* land; but whatever he may do to his proprietary rights he is forbidden under the Act to divest himself of his right of remaining in possession of the land as an occupancy tenant, except when specially permitted to do so. The right of cultivating occupancy is made inalienable or is placed under severe restrictions. The Acts of 1883, 1898, 1920—all contain provisions in this respect; the alterations that were introduced in subsequent laws are matters of detail; they were introduced merely for the purpose of plugging up some loopholes that were discovered in actual administration. We are not concerned with them here, but we shall quote the sections below to show how from the first an attempt was made to prevent the total severance of the landlord from his home farm by securing to him the cultivating occupancy right therein when he transfers, either voluntarily or involuntarily, his proprietary interest in it. Section 42 of the 1883 Act ran thus :

Every person whose proprietary rights in land comprising *sir* land are, after this Act comes into

force, transferred in any of the following cases namely :

- (a) when he sells those rights without expressly agreeing to transfer his right to cultivate the *sir* land,
- (b) when those rights are sold for an arrear of land revenue,
- (c) when those rights are sold in execution of any decree which does not expressly direct the sale of his rights in the *sir* land,

shall become an occupancy tenant of that *sir* land and the rent payable by him as such shall be fixed by a Revenue Officer on application made by him or by his landlord.

Section 45 of the 1898 Act, which dealt with this matter, was as follows :

(1) Notwithstanding any agreement to the contrary and save where sanction has been given under sub-section (2) a proprietor who after the commencement of this Act, temporarily or permanently loses (whether under decree or order of a Civil Court or a Revenue Officer or otherwise) or transfers his right to occupy *sir* land as a proprietor, shall, at the date of such loss or transfer, become an occupancy tenant of that *sir* land, and the rent payable by him as such shall be the sum determined at the current settlement as the rental value of such land, unless and until, on the application of either landlord or tenant, the rent is fixed by a Revenue Officer.

(2) An application by a proprietor for sanction to transfer his *sir* land without reservation of the right of occupancy provided for in sub-section (1) may be made to such Revenue Officer, not being below the class of Deputy Commissioner, as the Local Government may appoint for this purpose. Such Officer shall sanction transfer in cases in which he is satisfied that the transferor is not wholly or mainly an agriculturist or that the property is self-acquired or has been acquired otherwise than by inheritance within twenty years last preceding. In other cases he shall transmit the application to the Local Government, which may sanction the transfer, in whole or in part, on the ground that—

- (a) the transferor, though wholly or mainly an agriculturist, will have other permanent means of subsistence after transferring the right to occupy his *sir* land; or
- (b) that the area of the *sir* land is too large for the transferor to manage after he has transferred his proprietary rights; or
- (c) that for any other reason the transfer ought to be permitted.

Sections 49 and 50 of the 1920 Act, which reproduce the same provisions of the 1898 Act with slight modifications are given below :

49 (1) Notwithstanding any contract to the contrary and, save where sanction has been given in accordance with the provisions of this Act, a proprietor, who temporarily or permanently loses, whether under a decree or order of a civil court or a transfer or otherwise, his right to occupy any portion of his *sir* land as a proprietor, shall, at the date of such loss, become an occupancy tenant of such *sir* land, and any tenancy right granted by him in such *sir* land for a period exceeding five years, without the sanction of a Revenue Officer, shall thereupon lapse.

50 (1) If a proprietor desires to transfer the proprietary rights in any portion of his *sir* land without reservation of the right of occupancy specified in section 49, he may apply to a Revenue Officer, and, if such Revenue Officer is satisfied that the transferor is not wholly or mainly an agriculturist, or that the property is self-acquired or has been acquired within the twenty years last preceding, he shall sanction the transfer.

(2) If a Revenue Officer is not so satisfied, he shall inquire into the application, and may either reject the application or forward it for the orders of the Deputy Commissioner.

(3) The Financial Commissioner may, by rules made under section 109, prescribe the form of application to be made and the procedure to be followed under this section.

It will be seen that the principle underlying these laws, whether in the Punjab or in the C. P., is that the Government should take measures to insure that the landholder is not altogether sold out and left absolutely without the means of subsistence. It should be the endeavour of the Bombay Ministry also to embody in its Bill provisions which will preserve to the landholder, when he loses on account of misfortune his proprietary right in his land, the right of cultivating occupancy as a means of subsistence. In the Bombay Presidency there appears to have set in a rapid descent down the agricultural ladder. From the position of independent owners the agriculturists come down first to that of insecure tenants, and then to that of farm servants and in some cases of serfs. It behooves the Bombay Government to provide in its Bill that those who have dropped down from the top rung should at least stay at the second rung. That is to say, ex-proprietors should have occupancy right conferred upon them, without regard to any other limiting conditions that may be attached to the accrual of occupancy right.

RACE AND EMPIRE MIGRATION.

I.

IN view of the forthcoming session in Sydney of the British Commonwealth Relations Conference which seeks to strengthen the interests and sentiments which draw together the members of the Commonwealth and mitigate those that drive them apart, it is interesting to note the contribution to the subject of the British Overseas Settlement Board which presented to the British Parliament its final Report as recently as in June last. The Report (Cmd. 5766) is yet another indication of the unreasoning and insolent racialism which is in the ascendant in the counsels of British statesmen and which makes co-operation between India and England increasingly difficult and which is perhaps the largest single contributory factor to the weakening of the Commonwealth. The Report is a combination of ideas represented by greedy grab, dog-in-the-manger policy and race arrogance.

"The problem before us," observes the Board, "is how to strengthen the Empire as a whole by means of migration from the United Kingdom to the oversea Dominions" of Canada, Australia, New Zealand and South Africa. If the Board had restricted its vision to the narrow confines of this particular issue, it would have done less harm. But the Board realises, and rightly emphasises,

that the problem has wider significance and suggests that it should be regarded from "a wide international aspect as well as from the domestic interests of the British Commonwealth of Nations" (para. 12). A report which completely ignores the interests and sentiments of India, and which, in addition, gratuitously insults India, cannot pay due heed to the international or the Empire aspect of the problem.

The Board recommends that the immigrants to the Dominions should as far as possible be of "British stock." To supplement this source, it recommends that "non-British European immigrants" should be welcomed by the Dominions. The Board, by unmistakable implication, supports the immigration of *non-British Europeans but not of British non-Europeans*. Considering that the British Commonwealth consists of a majority of non-Europeans, it is not clear how the Empire is going to be strengthened by welcoming non-British European immigrants and excluding British non-Europeans. It may thereby strengthen the European as distinguished from the non-European but not the British as distinguished from the non-British. Indeed, it would go far to weaken the Empire.

The full extent of the racialism involved in the Report of the Board will be clear when the conditions of the problem as envisaged by the Board as well as its objectives and recommendations are examined. In international discussions, particularly at Geneva, as the Board notes, the conditions of the problem are that, on account of restrictions on free migration between countries, there are some countries with high pressure of population and others with low pressure; and the problem is how to promote an even pressure. Generally speaking, emigration proceeds from countries of high population pressure to countries of low pressure.

The emigrants themselves are very largely those who, if they do not actually seek to escape from bad conditions at home, hope for better opportunities abroad than they have at home, in the economic, political and cultural fields. Thus migration is generally from a country of high population pressure to one of low pressure, but of people of lower standards in their own country to higher standards in the new one.

The relation between Great Britain and the Dominions in this respect, according to the Board, is different. Though the density of population is higher in the former than in the latter, it does not mean that the pressure of population on the economic means of existence is in proportion. If the free movement of peoples between the Dominions and Great Britain is any index to the economic opportunities in either, Britain offers better opportunities than the Dominions, since the balance of migration is in favour of Britain since 1930. Moreover, the birth-rate in Britain is falling; the proportion of old people is increasing; and the total population is expected to decline. Emigration, by depleting the younger generation, will further

reduce the population of Britain. England could thus ill afford to promote emigration. Furthermore, on account of the greater development of social insurance in Britain, social security is greater there than in the Dominions. The Dominions are thus less attractive than Britain. Thus the two main incentives of migration mentioned above are not operative as from Britain to the Dominions. Nonetheless, the British and Dominions Governments are asked to stimulate by every possible means the emigration of Britishers from Britain to the Dominions!

On the other hand, the density or pressure of population in India is high; the birth-rate is high; and the population is growing by a million a year. There are millions in India who suffer from the low standards of life and from political and cultural disabilities and who would have better opportunities in the Dominions. They are of British nationality. Nonetheless, the Board has nothing to say about inviting or even permitting Indians to emigrate to the Dominions. A European is to be preferred even if he be a non-Britisher! A Britisher must be excluded if he is a non-European! And all this with a view to strengthening the bonds of the Empire!!!

REGULATED MARKETS FOR AGRICULTURISTS.

AMONG the measures which the Punjab Ministry is introducing for the benefit of agriculturists is a Bill to provide regulated markets for agricultural produce. It is a well-known fact that the agriculturists in India labour under many handicaps in trying to market the produce of their farms. The Royal Commission on Agriculture which devoted particular attention to this subject describes the difficulties of the agriculturists in the following words:

The cultivator is an infinitely small unit as compared with distributors and with the consumers of his produce who, in their respective fields, become every year more highly organised and more strongly consolidated. It is their interest to secure from the producer the raw material they handle or acquire at the lowest possible price. Marketing is the sole business of the distributor whereas, from the point of view of the cultivator, it is apt to be regarded as subsidiary to production. The circumstances of the average cultivator in India favour this attitude. His farming is largely of the subsistence type. His sales of produce are intermittent. His day to day concern is with production and upon this his attention must in the main be fixed. . . . Until, therefore, he realises that, as a seller of produce, he must study the art of sale, either as an individual or through combination with other producers, it is inevitable that he should come off second best in his contest with the highly specialised knowledge and the vastly superior resources of those who purchase his produce.

After mentioning that the agriculturists nowhere obtain a fair share of the value of their produce, the Commission goes on to show why the circumstances in India are specially such as to make it difficult for the Indian agricul-

turists to get a square deal. The cultivators in India labour under many handicaps. In the words of the Commission, "Prominent among these handicaps are heavy indebtedness, the low standard of literacy, unsatisfactory communications, the absence of properly regulated markets and the lack of combination among the producers". The Commission therefore expressed the desire that regulated markets for the agriculturists of India should be set up by provincial legislation as soon as possible. In pursuance of its wishes, regulated markets for the agriculturists have been set up in Bombay, Madras, C. P. and Hyderabad, and the Punjab Ministry is doing the right thing in trying to implement the recommendations of the Commission.

Coming to the province of the Punjab itself, we find it mentioned in the statement of objects and reasons of the Bill that things in the Punjab are in no way better. The statement details a number of grievances which are common throughout the whole of India and adds that all or most of these abuses are found to flourish in each part of the province with the result that the agriculturist does not get a fair price for his produce. The actual return which he gets is further depressed as a result of the use of inaccurate weights and scales. The report of the Punjab Banking Enquiry Committee summarises the results obtained by extensive investigations. It is apparent from the summary contained in this report that 69 per cent. of the scales tested and 42 per cent. of the weights checked were found to be incorrect. Further, some of the shop-keepers are reported to keep two sets of scales and weights, one for buying and the other for selling. As a result of all these various deductions, the cultivator is mulcted in a good bit of his dues. Enquiries conducted under the guidance of the Marketing Adviser to the Government of India have brought to light that out of a rupee which the consumer pays for his wheat or rice, the producer gets only nine annas and a half. Similarly the grower of linseed gets about 60 per cent., while the grower of tobacco in Guntur gets only about 44 per cent. of the price paid for these commodities in the United Kingdom. The producer of ghee gets between 60 and 70 per cent. of the final price. The position as regards fruit is worse. The grower of grapes in Nasik gets less than half the price paid by the consumer in Bombay. The producer of Kashmir apples has to be content with only about 20 per cent. of what the consumer pays. For bananas and oranges 30 to 40 per cent. is about the most the producer can expect.

The above paragraph is sufficient to show how the cultivators stand in need of urgent protection. It is true that they cannot get the whole price paid by the consumer, for the cost of carriage and a fair return for the services of the

middleman must necessarily be allowed for under any calculation. But it is equally true that if the malpractices to which the producer is subjected and the numerous charges which are levied from him under one pretext or another are abolished or properly regulated, appreciably higher prices can be secured for the producer.

Coming to the detailed provisions of the Bill, we find that, save in one important respect, the Bill conforms to the recommendations of the Agriculture Commission. The Commission wanted, for example, that the establishment of markets should not be optional, and that they should not be controlled by the local board, or the municipal authorities but should be controlled by *ad hoc* bodies set up for that purpose by provincial legislation. (The retail markets would be controlled, as now, by the local bodies.) The Market Committee should settle disputes arising between the seller and purchaser. It should place at the disposal of those using the market information on such matters as the prices ruling in the principal marketing centres. Brokers acting for both the buyer and the seller should be prohibited from doing so by marketing legislation. Weights and measures should be standardised. Attempts should also be made by the Marketing Committee to provide as far as possible for storage accommodation.

All these recommendations of the Agricultural Commission have been embodied in the Marketing Bill of the Punjab Ministry. But, in one important respect, the Bill makes a serious departure from its recommendations. As regards the constitution of the Marketing Committees, the Agricultural Commission recommended that the Marketing Committees should be elected bodies representing both the growers' and the traders' interests. It desired that not less than half the members of these Committees would be elected by the growers of the area served by the markets. Even this, it thought, might not secure entirely satisfactory representation of the growers' interests. In case it would not, the Commission recommended that an officer of the Agricultural Department should be nominated to each of these Market Committees to keep watch over the growers' interests. It did not recommend the inclusion of any nominated members in the Committee, besides this official where necessary. Again, the Commission further recommended that the Market Committees should elect their own Chairmen. But the Punjab Bill makes a serious departure from the recommendations of the Commission in all these matters. Instead of providing for elected bodies, it provides that the Marketing Committees be wholly nominated by the Government. This, surely, is a highly undesirable departure. The Government will lose the sympathy of the public if it insists upon nomination. No doubt, the Bill provides that out of the people so nominated not less than two-thirds should be from the growers. But the very fact that the Govern-

ment will nominate these growers will deprive them of their representative capacity. Again, with regard to the nomination of officials on these Committees, the Punjab Bill provides for their over-representation. We have seen that the Agricultural Commission thought it permissible to have one official under certain circumstances. But the Punjab Bill says that the Government may appoint not more than three persons by office to be the members of any Marketing Committee. It is thus permissible to have as many as three officials. Thirdly, the Bill does not provide for the election of the Chairman of the Marketing Committee as suggested by the Agricultural Commission, but lays down that the place shall be filled by nomination by the Provincial Government. The Punjab Government has not adduced any reasons as to why it thought fit to depart from the recommendations of the Commission. The departure has caused serious dissatisfaction among the public and we hope that the Government will remove this defect in an otherwise desirable measure.

CURRENT COMMENT.

AGRICULTURIST MONEYLENDERS.

AS we said last week, the Punjab Legislative Assembly has passed the Bill depriving the agriculturist moneylender of the special privilege he had enjoyed till now of acquiring the lands of agriculturist debtors. The Land Alienation Act, as it stood before it was amended by this Bill, permitted free sales of land by members of agricultural tribes to other members of such tribes in the same district. The Bill now provides that for such sales the Deputy Commissioner's sanction would be required if the vendee is a creditor to the vendor, just as now it is required in the case of land sales by agriculturists of one district to agriculturists of another district, even if the vendor and vendee are not also a debtor and his creditor. As the Bill was originally drawn up, the sale of land was absolutely forbidden by an agriculturist to any other agriculturist if he was his creditor, and even with the Deputy Commissioner's sanction such sale could not be effected. But, as altered by the select committee and passed by the Assembly, the Bill permits, with the Deputy Commissioner's sanction, an agriculturist debtor to sell his land to his creditor. Sales of land to agriculturist moneylenders are not therefore totally prohibited, but they are put under restrictions, the restrictions being the same as in the case of sales to non-agriculturist moneylenders.

In order to prevent evasion of these restrictions it is provided that the debtor shall not alienate his land in favour of the creditor until the debt has been repaid and three years have elapsed after repayment. In the original Bill lapse of five years after the debt is repaid was provided for, but the period has now been shortened.

to three years. Provision has also been made in the Bill as passed for preventing benami sales of land. The Deputy Commissioner has been given the power of cancelling such benami transactions and restoring the land to the alienor. The proviso added to the new section requiring the Deputy Commissioner's sanction to sales of agricultural land by an agriculturist debtor to an agriculturist creditor reads thus:

Provided that if the Deputy Commissioner, after making such enquiries from the parties concerned as may be prescribed in this behalf by the Provincial Government, finds that an alienation has been made by a debtor to a person other than his creditor the effect of which is to pass the beneficial interest to such creditor in evasion of the provisions of this section, he shall, after recording his reasons by order in writing, declare the alienation void and shall eject any person in occupation of the land by virtue of such alienation and shall place the alienor in possession thereof.

One would have thought that such a proviso would effectually stop all benami sales of land, but Mr. Mukand Lal Puri is not satisfied with its effectiveness. In his minute of dissent from the select committee's report, he says:

An agriculturist moneylender would under the Act continue to be able to purchase the land from all the members of agricultural tribes except the person to whom he has actually lent the money. Those who are familiar with the customary law of the province know that a vendee usually does not buy from his debtors, but from those persons who owe debts to others so as to make it a sale for necessity under customary law. No proof of necessity has to be proved for debts due to the alienee himself. Therefore, an alienee from an agriculturist governed by customary law invariably buys not from his own debtor, but the debtor of a brother or friend moneylender. Thus, in practice, the restrictions imposed upon agriculturist moneylenders with respect to purchase of land are no restrictions at all.

Mr. Puri himself wanted the provisions of the Bill to be strengthened so as to forbid all land sales by an agriculturist moneylender to all other agriculturists, whether they happen to be his actual debtors or not. He suggested a comprehensive proviso to be added to the section dealing with land sales, viz. "Provided that a member of a notified agricultural tribe who is a creditor within the meaning of the Act shall be treated as a person belonging to a tribe not notified under the Act." But this suggestion was not accepted. He remarks in his minute:

I do not see any reason why a registered moneylender, with his ample financial resources, whether agriculturist or non-agriculturist, should be permitted to purchase land from agriculturists, without the sanction of the Deputy Commissioner. It is necessary that the peasant proprietor should be saved from the land-grabbing tactics of a moneylender, whether he is agriculturist or non-agriculturist and whether the alienor is the debtor of the particular moneylender alienee or his friend.

Whether this sympathy with agriculturist debtors in the shape of wider protection against agriculturist moneylenders is due to the fact that

non-agriculturist moneylenders are very much hampered in their dealings with agriculturist debtors, we do not know. It is quite possible for one to feel that if restrictions on non-agriculturist moneylenders are not relaxed they should be clamped with the same rigour on agriculturist moneylenders too. But in any case Mr. Puri here shows concern at loss of land by agriculturists to both kinds of moneylenders, agriculturist and non-agriculturist.

CANCELLATION OF LICENCES.

In the Panjab Moneylenders Bill, as our readers are aware, provision is made for the cancellation of a moneylender's licence if after the enforcement of the Bill, he commits an act or is guilty of an omission contrary to the provisions of the Regulation of Accounts or Relief of Indebtedness Act. The circumstances in which a moneylender is liable to have his licence cancelled are described as under in the Director of Public Information's press communique on the subject:

- (1) He is found by a court, in respect of more than two suits, to have failed to keep regular accounts in the form prescribed by the Punjab Regulation of Accounts Act of 1930 or to have failed to furnish his debtors with six-monthly statements of accounts as prescribed by that Act.
- (2) He is found by a court, in respect of more than one suit, to have charged a higher rate of interest than the maximum laid down in the Punjab Relief of Indebtedness Act of 1934. This maximum is, in the case of secured loans, 12 per cent. per annum simple interest or 9 per cent. per annum compound interest and, in the case of unsecured loans, 18½ per cent. per annum simple interest or 14 per cent. per annum compound interest.
- (3) He is found by a court, in respect of any suit, to have shown in any document the sum of a loan to be higher than he actually advanced.
- (4) Any suit by him is dismissed by a court with a finding that he has dishonestly or fraudulently made a material alteration in any document relating to a loan or with a finding that the suit is in any way fraudulent.
- (5) He is found guilty of forgery or cheating in respect of a money transaction.

What will be the effect of the cancellation of a moneylender's licence on the recovery of his outstanding loans till the licence is renewed? The press communique says:

It is conceivable that the moneylender may actually lose nothing at all through the cancellation of his licence. He may only have to wait until the period of cancellation has expired, when he can obtain a fresh licence and file suits for the recovery of outstanding loans or apply for the execution of outstanding decrees. The cancellation of his licence may thus only mean some delay in his programme of litigation.

On the other hand, it is also conceivable that some or all of his outstanding loans may become time-barred during the period for which he has been "non-suited"—that is rendered incapable of suing successfully, owing to the cancellation of his licence. The Bill, however, provides that a moneylender whose licence has been cancelled may apply to the

Commissioner to grant him a special "certificate" in respect of his outstanding loans. The Commissioner will have the power of granting such a certificate in respect of all or some of the outstanding loans and the "certified" loans will not be affected by the cancellation of the moneylender's licence.

In this respect the Commissioner is given wide discretion; he will not automatically give a certificate in respect of all past loans in regard to which no offence is committed, but may withhold it in respect of some of these loans.

Review.

THE KINGDOM OF VIJAYANAGAR.

VIJAYANAGAR COMMEMORATION VOLUME (in Marathi). Ed. by D. P. KARMARKAR and R. V. OTURKAR. (The Bharat Itihasa Sanshodhak Mandal, Poona.) 1937. 402p. Rs. 4.

THIS is the Marathi edition of the Vijayanagar sex-centenary commemoration volume published by the Karnatak Research Society at Dharwar. In May 1936, when the idea of the Commemoration volume received definite shape, letters of request to scholars in Karnataka, Andhra and Maharashtra were sent for inviting contributions. The response was prompt and encouraging, and when arrangements for the publication of the volume were nearing completion Mr. D. P. Karmarkar, secretary in charge of the English edition, requested the Bharat Itihasa Sanshodhak Mandal of Poona to co-operate in the anniversary celebrations of Vijayanagar by undertaking to bring out simultaneously the Marathi edition also. The Mandal gladly accepted the proposal and it was expected that the work would be published in December 1936. But Prof. R. V. Oturkar, who was in charge of the publication, soon realized that he would be able to add substantially to the value and utility of the Marathi edition by postponing the date of publication by a few months. He knew that several important contributions specially written for the English edition could not be included in it, simply because they were not received in time. Besides these, Prof. Oturkar felt sure of securing some original articles that would interest Marathi readers, for whom the work under review is meant.

In short out of the 45 articles appearing in this volume, 32 are from the English edition while the remaining which form about a third part are entirely new. Part of this additional matter pointedly draws the attention of readers to points of cultural contact between Vijayanagar and Maharashtra. A short survey of Vijayanagar history by Mr. M. H. Ramasarma and the appendices containing chronology and geneologies will be found very helpful by Marathi readers. Regarding the major portion of the work it must be admitted that many of the articles evince a high standard of scholarship, and the reader cannot but be impressed by the evidence marshalled by writers in support of their views. It must be remarked, however, that since the present volume is a collection of articles written by a number of specialists who have independently studied particular problems in Vijayanagar history, one must

expect not only diversity of treatment but even sharp differences of opinion.

The scheme of the original volume was so devised as to include articles connected with the political, literary, religious, social and artistic aspects of Vijayanagar history. The reader can, therefore, study articles on particular subjects in which he may be interested; but he must not expect unanimity of conclusions in a work written by different writers. In fact, the very diversity of opinions held by different scholars on one and the same topic is sure to make readers think for themselves and form their own conclusions. Dr. S. Krishnaswami Aiyangar, for example, maintains that the empire of Vijayanagar came into existence under the stress of circumstances which united the resources of all South India in a common cause against the advance of Muslim authority in the South; but ultimately the disloyalty of the great viceroys made it impossible for her to maintain her position, and the empire in consequence passed out of existence. But Mr. T. Achyuta Rao is not prepared to take into consideration the disloyalty of viceroys in discussing the rise and fall of the empire. He is of opinion that the Vijayanagar empire was brought into existence by the united efforts of Karnataka and Andhra, that it could defy enemies so long as it had the support of the two provinces and that the empire disappeared with the disappearance of this unity. The same diversity of views is seen regarding the origin of the founders. While some maintain that the brothers who founded the Vijayanagar empire were originally employed in the Kakatiya Kingdom at Warangal, other writers confidently assert that the brothers were generals of the Kannada king, Vira Ballala.

The year of the foundation of Vijayanagar also is still a matter of controversy, but it seems that it must be between 1336 and 1346 A. D. When did the empire cease to exist? While older historians think that the battle of Talikota in 1565 A. D. destroyed the empire, modern research workers seem to be unanimous in rejecting the date. They admit that the battle of Talikota was damaging in its results, but they insist that the empire of Vijayanagar did manage to maintain its existence for one more century and can be said to have ceased only after 1674 A. D. One Andhra writer refers to the Maratha origin of Saluva Narasimharaj, the founder of the second dynasty (p. 286), but no other writer seems to support the statement. Mr. G. H. Khare discusses the possibility of the image at Pandharpur being removed by Krishnadeo Raya. Prof. D. V. Potdar puts together evidence that seems to prove that Southern Konkan was under the direct rule of Vijayanagar for some time. The hypothesis put forward by Mr. T. S. Shejawalkar regarding Shivaji's ideal of Hindu independence being formed in the shadow of Vijayanagar at Bangalore in his two years' stay there in his impressionable period, must receive serious attention at the hands of future historians, not because this idea is novel and interesting, but because the evidence put forward by the writer is worthy of consideration. The volume before us, therefore, is undoubtedly a good addition to the historical literature in Marathi and deserves to be studied carefully by serious readers.

D. V. APTE.

Miscellaneous.

FLOGGING IN PRISONS.

THE flogging of Gangaram Chavan, a political prisoner in the Bijapur District Prison, led some time ago to a furore that impelled the Bombay Government to appoint a committee of enquiry to find out whether the flogging of the prisoner was justifiable; in fact whether flogging itself should be retained as a jail punishment. The Committee was presided over by Sir Govind Madgaonkar, ex-Judge of the Bombay High Court, and consisted of two other members, one the Inspector-General of Prisons and the other a District and Sessions Judge. Chavan's offence was that when put to grinding work, he refused to grind more than 15 lbs. despite warnings of jail officials. It was alleged that he also incited other prisoners, mostly from the criminal tribes to revolt against jail authority.

With Sir Govind dissenting, the Committee has issued a report, holding that the flogging of Chavan was within the law and not improper, "being limited to nine stripes and inflicted only on the leader, who had been caught in the act and was defiant to the last and medically classed good-hard." The parenthetical clause offered in explanation of the Committee's conclusion is a jumble of irrelevancies whose sole value seems to lie in the enlightenment it affords of the rather unhappy mentalities of its authors. When the question is one of justification, the quantum of punishment falls beyond the pale of consideration; and the Committee's satisfaction at the limitation of flogging to nine stripes betokens a judgment already formed, reducing the whole enquiry to a purposeless superfluity. And then, when they speak of flogging being inflicted only on the leader, they betray a mental state with a decided though implied preference for a considerable extension of the punishment to others. The reference to physical fitness is even more interesting. One would think that prisoners medically classed "good-hard" are only being called upon to discharge a legitimate responsibility pertaining to their condition when subjected to an adequate quota of corporal punishment.

Pending a decision on the Committee's main finding, the Government of Bombay have passed orders to the effect that no flogging should be awarded without the previous sanction of Mr. K. M. Munshi. But why Mr. Munshi? Home Member though he be, Mr. Munshi is just like other administrators, and we are aware of no magic flowing from his authoritarian pen such as can do away with the need for clarifying disputed issues or guarantee infallibility in the midst of doubt and controversy. The policies of a Government should run on the basis of defined principles and not of unlimited latitude for this or that member for the exercise of undefined discretion. The dissenting minute of Sir Govind Madgaonkar makes up for the pre-conceived notions of his two colleagues with a disquisition on the entire science of flogging in the scheme of penology that at once arrests attention both for the humanity of spirit actuating it and its ready recognition of the administrative and other difficulties that those in charge of the prisons

have daily to reckon with. Were flogging an instrument for reformation of the recalcitrant, wielded without exception by saintly mentors of exemplary restraint and rectitude, there need have been no demand at all for its abolition. What makes it a questionable punishment is the character of the authorities administering it, and it may be assumed in general that the jails where flogging is most rampant are ruled by superintendents of harsh make and short tempers.

It is just those who delight in the deliberate production of humiliation as a befitting expression of their own power that are tempted to fall back most frequently on flogging and it is just they that are the least qualified to resort to it. Sir Govind wants an end of the hateful motto, *Orderint dum metuant* (Let them hate me, so long as they fear me) in all prison precincts. He would have prison life reconstituted to combine the maximum of the reformatory with the minimum of the deterrent element, so that, consistent with discipline, prisoners might feel that they have in the jailor not a bully, or tyrant or enemy but a friend ever ready and glad to help them on the ground of their common humanity. This is the only civilised basis on which prison government can be run, but it assumes a governing personnel of a far higher culture and calibre than we possess to-day. Eventually there can be no bully-proof rules on flogging, and even downright prohibition can be circumvented within closed cells. Improvement and relief can come only through the improved character of jail officials. Flogging is safe only in the hands of those who have a constitutional aversion to it and dread its brutalising influence as much on themselves as on its victims.—*The Indian Express*.

BOOKS RECEIVED.

- THE INCOME STRUCTURE OF THE UNITED STATES. By MAURICE LEVEN. Assisted by KATHRYN ROBERTSON WRIGHT. (Brookings Institution.) 1938. 21cm. 177p. \$1.50.
- MALNUTRITION OF THE MEDICAL OCTOPUS. By JOHN PRESTON SUTHERLAND. (Meador Publishing Co., Boston.) 1937. 21cm. 361p. \$3.00.
- THE INDIVIDUAL IN EAST AND WEST. Ed. By E. R. HUGES. (Oxford University Press.) 1937. 20cm. 197p. 7/6.
- THE GANDHIAN WAY. By J. B. KRIPALIN. (Vora & Co., Bombay.) 1938. 20cm. 183p. Rs. 2.
- SELF-EXPRESSION AND THE INDIAN SOCIAL REFORM. By SATYA DASS. (Author, Sharma Niwas, Chatterji Road, Lahore.) 1937. 20cm. 227p. Rs. 2-8.
- THE TURNOVER OF FACTORY LABOUR. By SUMNER H. SLICHTER. (D. Appleton.) 1921. 22cm. 460p. 18/-
- JAPANESE EXPANSION ON THE ASIATIC CONTINENT. Vol. 1. By YOSHI S. KUNO. (Cambridge University Press.) 1937. 24cm. 373p. \$4.00.
- WAGES AND INCOME IN THE UNITED KINGDOM SINCE 1860. By A. L. BOWLEY. (Cambridge University Press.) 1937. 22cm. 151p. 8/6.
- THE CITIZEN'S CHOICE. By ERNEST BARKER. (Cambridge University Press.) 1937. 21cm. 185p. 7/6.
- WHAT SCIENCE REALLY MEANS. By JULIUS W. FRIEND and JAMES FEIBLEMAN. (Allen & Unwin.) 1937. 20cm. 222p. 7/6.
- MANU. A STUDY IN HINDU SOCIAL THEORY. By KEWAL MOTWANI. (Ganesh & Co., Madras.) 1937. 20cm. 261p. Rs. 3.