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Topics of the Week.

The Mahatma and Dr. Khare.

IN writing on the Khare episode in the *Harijan*, Mahatma Gandhi has in so many words fully admitted the force of Dr. Khare's contention that in the formation of the Congress Cabinets the Congress parties in the legislatures should be left free without being required to submit to the dictation of the Congress High Command. This admission is of course made in a different connection. Answering the charge made in certain quarters that the present Ministry in the C. P. consists of men of no character (we ourselves have nothing to say either in confirmation or refutation of the charge), Mahatma Gandhi pleads inability of the Congress Working Committee to rectify matters even if the charge be wholly true. He says: "The Working Committee has to work within the limits prescribed for it. It cannot impose Ministers on a province. After all they are elected members, and if the Party that has the power to elect them chooses to do so the Working Committee has no authority to interfere so long as they remain under discipline and are not known to be persons unworthy of public confidence."

IF the Working Committee has no right to interfere with a Ministry chosen by the Congress Party in the legislature, what conceivable objection can the Mahatma urge against Dr. Khare's action? All that Dr. Khare did was done with the single object of asserting his own authority as Premier, and through him that of the Legislative Assembly Party, to constitute the Ministry as he and they chose. The whole quarrel arose, because the

Congress High Command did not keep within the limits prescribed by Mahatma Gandhi and ordered the Premier to cancel his choice and made it impossible for the Assembly Party to select the Ministry as it wanted. Dr. Khare revolted against the excess of authority exercised by the Working Committee, and by Mahatma Gandhi's own admission the revolt was perfectly justified.

WHY did Dr. Khare go to the Governor for tendering his resignation—only to be fooled by the latter? He might have gone to the Working Committee and offered his resignation to it, says Mahatma Gandhi. In doing so, the Mahatma does not seem to have understood the purpose which Dr. Khare had in mind. Dr. Khare did not feel tired of or overburdened with responsibilities of office; he did not wish to relinquish his power. He wanted to recast his Cabinet. He felt certain that, being elected Leader by the Assembly Party and being only recently confirmed in his Leadership by it by a unanimous vote, the Governor would be compelled, even if his own inclinations were otherwise, to ask him, after accepting the resignation of the Ministry, to reform the Cabinet as he wished. Dr. Khare need not have gone to the Working Committee at all as, Mahatma Gandhi himself says, the matter was within the sole jurisdiction of the Assembly Party, about whose support to Dr. Khare there was no question.

MAHATMA GANDHI apparently thinks that Dr. Khare behaved scandalously in approaching the Governor at all. As if Dr. Khare went to the Governor to ask for any special favour! He went, on the contrary, to demand and require confirmation of the plan he had already formed of making changes in the Cabinet's personnel. And this could not be avoided in any case. Even assuming that Dr. Khare had taken the prior consent of the Working Committee, which Mahatma Gandhi says was unnecessary, for a remodelling of the Cabinet, he would have had to go all the same to the Governor for giving effect to his plan. If going to the Governor is a humiliation, it is a humiliation which Mahatma Gandhi himself has inflicted on the Congress by getting the Congress to accept office.

IN so far as the Governor is concerned, he could not have possibly either refused to accept the then Premier's resignation or to ask him to form a new Ministry. Mahatma Gandhi seems to think that the British Government has formed a special compact with the Congress. The British Government has formed an identical compact with all parties and interests in India, and that compact is embodied in the Government of India.

Act itself. The compact is that the Governor must send for a man who in his view commands the confidence of a majority in the legislature to form a Ministry and if the latter accepts the offer to leave him absolutely free in the choice of his colleagues. The C. P. Governor acted strictly in conformity to the letter and the spirit of this compact. If the Governor had said to Dr. Khare, as Mahatma Gandhi would have him do, "You seem to have incurred the displeasure of the Congress executive, and although you have the support of the Congress members in the Assembly who are in a majority I cannot let you form a new Ministry," he would have broken the conventions of all democratic government, the instructions given to him by His Majesty, and the terms of the promise which Mahatma Gandhi vainly believes he extorted from the British Government last year. Any such action on the part of the Governor would have justified and indeed demanded the recalling of the Cabinets not only by the Congress in seven provinces but by all the other parties in the other four provinces and a declaration by them all that the constitution has been deliberately broken.

WHEN the Governor accepted Dr. Khare's resignation and offered to him the formation of a new Ministry, it was only with the object, Mahatma Gandhi says, of discrediting the Congress. Well, now that the same Governor has asked one of the Ministers whom he had dismissed a few days before to form a Cabinet of his own, did he do so for the purpose of giving lustre to the Congress prestige? Indeed, Babu Subhash Chandra Bose, in impressing Mr. Fazlul Huq with the power of the Congress, said on the occasion of the peasants' and workers' rally in Calcutta, "Look, how low we brought the haughty Governor of the C. P. He dismissed one of our Ministers; we made him send for the same Minister and ask him to form his Cabinet. We can bend the Governor as we like." Both the humiliation which Mahatma Gandhi suspects in one act of the Governor and the triumph which Subhash Bose sees in another are purely imaginary. Their faulty reasoning is due to their utter ignorance of an elementary knowledge of the working of parliamentary government. The Governor conceives himself in this matter to be no more than a rubber stamp. He knows that, as a constitutional Governor, he has to sign on the dotted line. It is no business of his to look into the policy, much less the moral character (the question is referred to here only because it figures so prominently in current discussions), of the men who are to be called to power. All he has to see is that the one whom he asks to form a Ministry has the confidence of a majority in the legislature. The Governor of the C. P. bestowed his favours on Dr. Khare because the Legislative Assembly of the Province had bestowed them on him; when the Assembly or rather the majority party in the Assembly exchanged its affections to another, so did the Governor. The question of personal favour or party preference does not arise in the matter at all.

MAHATMA GANDHI seems to think that there can be no dictatorship in a non-violent party. The events have disproved this statement. In such a party fascism cannot arise in so far as violence is associated with it, but fascism minus violence there can be galore. Mahatma Gandhi himself admits that dictatorship is the very basis of the Congress

organisation and seeks to justify it by pleading that the Congress is engaged in a fight with the British Government. If the Congress had said: "We must now force a crisis. Let us give up office and resume civil disobedience," and if Dr. Khare had replied: "Pray don't do that; we are carrying on nice work here; don't interrupt it; don't pull me out of my office; let me go on with it," enforcement of military discipline from above would have been understandable. But where does a fight with the British Government come in when the Congress Working Committee insists upon throwing one man out and putting another man in? And when it does so against the declared wish of the Assembly Party, it says in effect: "The Ministry is not responsible to the legislature, but to us." This is everywhere called dictatorship, and such dictatorship is known everywhere to be fatal to parliamentary government.

Responsible Government in Cochin.

PERHAPS the best way of measuring the field of administration in Cochin State over which responsible government is operating is to compare the proportion of the expenditure that will be under the control of the non-responsible Dewan with that under the control of the responsible Minister for Rural Development. The total amount of expenditure that has been sanctioned for the current year is Rs. 1,01,56,000. Out of this we may omit the expenditure of Rs. 12,23,000 on railways, which is controlled by the S. I. Ry. and also expenses on the Palace (Rs. 6,95,000), subsidy to the British Government (Rs. 2,00,000), interest and sinking fund (Rs. 6,00,000) pension and gratuity (Rs. 3,83,000) and refunds relating to the duty on matches (Rs. 1,11,000), customs (Rs. 78,000), income-tax (Rs. 53,000), or Rs. 34,65,000 in all, which is obligatory expenditure.

THUS expenditure to the tune of Rs. 76,90,000 is under the control of the Dewan and the Minister together. (We shall leave out of account for the present an additional non-voted expenditure of about 6 lakhs of rupees, which is common to both the reserved and transferred halves of the Government.) Out of this amount of nearly Rs. 77 lakhs which is under the control of the executive, only a small portion, viz. Rs. 7,21,000 is under the control of the Minister. The share which each of the departments transferred to him gets is as follows:

Agriculture	...	Rs. 1,59,750
Ayurveda	...	Rs. 37,202
Co-operation	...	Rs. 25,000
Public Health	...	Rs. 1,49,706
Depressed Classes	...	Rs. 70,450
Panchayats	...	Rs. 1,97,088
Cottage Industries	...	Rs. 64,000
Rural Development...		Rs. 17,500

Total Rs. 7,20,696

It will be seen from the above that the Minister has under his control 9.37 per cent. of the expenditure, while the Dewan has all the rest. Education accounts for an expenditure of Rs. 19,35,000, medical for Rs. 5,50,000, forests and tramway for Rs. 3,45,000, land revenue for Rs. 3,10,000, law and justice for Rs. 2,96,000, police for Rs. 2,36,000, general administration for Rs. 2,14,000, excise for Rs. 1,21,000. These and other departments are all under the control of the Dewan. In this connexion the rules framed for the allocation of funds between the reserved and transferred

departments deserve some notice. They are as follows :

The Dewan shall frame proposals for the apportionment of funds between the reserved and transferred departments respectively, whether at the time of the preparation of the Budget or otherwise.

In framing such proposals the Dewan shall duly consider any suggestion which the Minister may make with respect to the Budget of the transferred departments and may consult the Minister upon such matters, at such times and in such manner as he thinks fit.

When a matter appears to affect substantially the administration both of a reserved and of a transferred subject and there is disagreement between the Dewan and the Minister as to the action to be taken, such matter shall be submitted to His Highness for final decision.

If, in cases of disagreement between the Dewan and the Minister on expenditure to be incurred on subjects falling within the purview of both, the matter is to be referred to His Highness for decision, it is obvious that, if on a subject entrusted solely to the Minister the Dewan gives the Minister less than he insists upon, the Dewan's cannot be the final voice; but the rules do not make this point clear.

WE have not the least desire to belittle the forward step taken by H. H. the Maharaja of Cochin in introducing responsible government in his State; he is a pioneer among the rulers of States in this respect, and as such he deserves the highest praise. But it cannot be gainsaid that the measure of responsibility is very limited. Judging by the amount of expenditure on reserved as compared to that on transferred departments, the sphere of government entrusted to the control of the Minister is less than one-tenth. We cannot believe that the Maharaja will wait for long at this transitional stage. Knowing his zeal for reform, we are firmly persuaded that he will press forward at no very distant date to full responsible government.

Dr. Kunzru on the Wardha Scheme.

SPEAKING at the Gokhale Hall, Madras, under the auspices of the Young Men's Indian Association, Dr. Hirdayanath Kunzru subjected the Wardha Scheme to a detailed examination and criticised some of its salient features. Dealing with education through a basic craft, Dr. Kunzru emphasised that the basic crafts should be such as would leave a wide field of choice to the students. They should not be confined to spinning and weaving alone. Referring to the seven years' period of training contemplated by the framers of the Wardha Scheme, Dr. Kunzru said, the course would be extremely insufficient for finishing both primary and secondary education. Though the elimination of English as medium of instruction would greatly relieve the strain on the students, still he knew of no other country where both primary and secondary education were finished in less than twelve years' time.

REGARDING the self-supporting aspect of the Wardha Scheme of education, Dr. Kunzru said that if the things turned out by the boys were to be put on the market, some restrictions would have to be placed on the production of the mills; otherwise the goods produced by the boys could not be sold. While placing any restrictions, he said, Indians would do well to make up their mind whether

they would prop up a primitive method of production or encourage a system which would take advantage of the latest scientific developments and be equipped with up-to-date means of production. Regarding the medium of instruction of the students, Dr. Kunzru was entirely in favour of the mother tongue. But he thought that English should be given an important place in the curriculum. English is learnt even in independent countries because of its utility, and because of the fact that millions of people speak English to-day.

Educational Reorganisation in U. P.

IT would be interesting to compare the opinions expressed by Dr. Kunzru with regard to the recommendations of the U. P. Education Reorganisation Committee which has recently published its interim report. The Committee recommends seven years as the period during which education will be imparted through a basic craft. But five years of this period will be devoted to primary education alone. The secondary stage will begin thereafter and will last for a period of six years more. Institutions catering for secondary education will be called colleges and will have a standard higher than the present intermediate one. After finishing five years' training in the Basic School, a student will join the secondary course and will finish his or her secondary training at the age of eighteen, having begun education at the age of seven. Students who undergo the full seven years' training in the Basic School will be required to make up for their deficiency in English and will be permitted to leave the secondary institutions when they attain the third grade of these institutions. Thus, according to the recommendations of the U. P. Committee, completion of both primary and secondary education will require a period of eleven years which is very much nearer Dr. Kunzru's suggestion than the suggestion of the Zakir Hussain Committee.

AS regards the basic craft, the U. P. Committee recommends eight crafts which will serve as alternatives in the Basic Schools. The curricula in basic schools should be the same for boys and girls except for home crafts. Thus the selection of crafts has been such as will leave a wide field of choice to the students. Again, it seems that education in all subjects will not be imparted through the crafts alone. There are subjects other than the basic crafts which form a part of the curriculum for primary education. English does not form a part of the curriculum from the primary stage, but it is made a compulsory subject in the secondary institutions. Again boys coming from Basic Schools will have special arrangements to make up for any deficiency in English. This shows that U. P. Committee is not oblivious of the beneficial effects of English education.

LAST comes the self-supporting aspect of the Wardha Scheme. It is interesting to note that the U. P. Committee has nothing to say with regard to this. Obviously, the Committee found that the self-supporting aspect of the Wardha scheme was both indefensible in theory and unrealisable in practice. Its silence on a matter which was emphasised so much by Mahatma Gandhi could not be otherwise explained. The self-supporting aspect being thus out of the picture, the Wardha Scheme boils down to compulsory primary education with a bias towards manual training.

To this neither Dr. Kunzru nor any other educationist of India can have any objection.

Bhor State.

THE Rajasaheb of Bhor has in the celebration of his 61st birth-day which falls next month a splendid opportunity of doing voluntarily what several other States in the Deccan have had to do in response to the pressure of public opinion. Among these latter States is now to be included Mudhol, whose Regent Saheba has announced an annual reduction amounting to Rs. 60,000 in land revenue and is considering, in consultation with the leaders of the people, some other reforms in administration. The people of Bhor have not shown any special activity with a view to securing reforms at this time when there is a general movement everywhere in Maharashtra States for wringing economic concessions and constitutional advance. Nevertheless this movement cannot but have stimulated their aspirations, and it will not do for their ruler to punish the present inactivity of his usually active subjects by doing nothing for them. On the contrary, we hope that he will magnanimously offer them liberal reforms on the auspicious occasion of his 61st birth-day and thus dissipate the causes of tension which have recently marked the relations between him and his subjects.

IT must be made clear that if this desired end is to be attained, the reforms must really be generous. There is no reason why Bhor should not go at least as far as Cochin has gone and introduce responsible government. But, as a preliminary to this, it must establish the system of direct election, which is now wanting in the State, on the basis of a wide franchise and increase the proportion of elected representatives to three-fourths. It is only on such a foundation that even a dyarchical government can be maintained. We understand that this is all that the people desire at present in the way of constitutional reforms. This is a modest ambition, and we hope the Rajasaheb will take steps for its complete fulfilment. The alienation of feeling that subsists at present between him and his subjects must be removed, and it can be removed only in this way. Repression will not succeed in putting down agitation; agitation can be killed only with kindness.

Responsible Government in the Mysore State.

MR. RAM RAO, sometime Secretary to the Government of Mysore, has prepared a constitution of full responsible government for the Mysore State which is published in the July number of the *Hindustan Review*. This is a scheme drawn up not for academical discussion but for immediate practical application, and the importance of it is derived from the fact that the author of the scheme is not an irresponsible agitator, but an official who once held a responsible post under the Government. Mr. Ram Rao thinks that full responsible government is not only practicable, but highly expedient and necessary since the continuance of the present system will lead to an outburst of popular discontent and anything short of full responsible government will not entirely allay discontent but keep it simmering. Briefly put, his scheme contemplates the establishment of a bi-cameral legislature in Mysore, the Re-

presentative Assembly and the State Council. The former is to be elected on a population basis each member of it representing a certain percentage of the population and the latter is to be composed of the representatives of the various interests in the State, which by reason of their importance deserve a place in the legislative body. It should consist of Ministers, appointed by His Highness the Maharaja by calling upon a member of either House who enjoys the confidence of the Lower House to form a Ministry.

THE reasons that the writer gives for the immediate establishment of responsible government in Mysore and other States also are cogent and incontrovertible. He says: "A federation of incompatible and conflicting elements, democratic provinces and autocratic States, will never be a sound structure, as it is certain to develop internal stresses and strains destructive of stability. There can never be a really United India, fit to play its rightful role in human history if its constituent parts represent diverse and conflicting ideals. A contented and happy Mysore is only possible in a great prosperous and contented India, and State and National interests are in truth identical."

IT is high time that the authorities of the Indian States listened to the passionate pleadings of this former State officer. It is a sad commentary on the affairs of the Indian States that except in Cochin, where dyarchy has been introduced, no State in India enjoys any degree of responsible government. The States cannot afford to stagnate in autocracy when the British Indian Provinces have made a big jump towards responsible government. By sticking to their old traditions, they will succeed only in augmenting the discontent and distress of their people and will stiffen the opposition of British India to federation.

Promotion of Adult Education.

AN attempt is being made by the Education Minister of Bihar to promote adult education in his province by a voluntary agency. Bihar is one of the populous provinces of India having a population of 32.4 millions. But its financial resources are extremely meagre. It has a revenue of 4.70 crores which is a bit more than one-third the revenue of Bombay, whereas its population is nearly double that of the Bombay Presidency. It is no wonder, therefore, that among all the provinces of India, excepting Orissa which was so long a part of it, Bihar has the lowest standard of expenditure per head. Education in Bihar is woefully neglected and the wide prevalence of the purdah makes it impossible for girls to receive even secondary education. According to the calculation of the Education Minister, 70 lakhs of adult males are illiterate in Bihar and the number of illiterate adult women is of course much greater than the number of men. No doubt a voluntary agency, however well organised, cannot compete in efficiency with a whole-time, regular and well-paid agency. But the latter being out of the question in view of the meagre resources of the province, there is no other way left than to get things done through a voluntary agency. We hope that this attempt will be successful to the fullest possible extent.

Articles.

RACE AND EMPIRE MIGRATION.

II

IN the last article we saw how the Oversea Settlement Board advocates the stimulation of immigration into the British Dominions primarily from Great Britain and as supplementary thereto from other European countries, but not from India, notwithstanding that India is part of the British Commonwealth. The Board gives first preference to British nationals from Britain and second to non-British Europeans, but excludes British Indians, not to speak of non-British Asiatics like the Japanese. The discrimination coincides with differences of race, and not of nationality. The Board justifies this policy on various grounds which may be briefly examined. In favour of immigrants from British stock, the Board says that the "Dominions share with the United Kingdom a parliamentary form of government, wholly British in origin and characteristic of the British peoples"; that the "nations" of the British Commonwealth have a "common outlook" and a "community of ideals and aims founded in the main upon a common origin" and "ties of kinship," and that from the point of view of the defence of the Commonwealth "the importance of adequate and homogeneous populations in the oversea Dominions is manifest" (para. 14). Some questions may legitimately be asked in this connexion. Has a parliamentary form of government, whatever it may mean, been always characteristic of the British people, and cannot non-British peoples acquire it? Were the people of Great Britain "British", say, during the last ten centuries, and was a parliamentary form of government characteristic of them during all this period? Or, were the people of Great Britain non-British before they adopted this form of government and have only recently become British? If a parliamentary form of government is wholly British in origin and characteristic of the British people, are the Boers in South Africa and the French Canadians in Canada competent to participate in such government? Again, if a parliamentary form of government is any criterion for immigration into the Dominions, can it be said of the Japanese that they have a parliamentary form of government, and if so, are they eligible for immigration into the Dominions? *Per contra*, do Germany, Italy and Russia, for instance, have a parliamentary form of government; and if not, are the people of these countries ineligible for immigration to the British Dominions? Under the new Government of India Act, the Indian Provinces have a parliamentary form of government, fashioned by Great Britain herself. Does that not render Indians eligible for migration to the British Dominions? The Board, while making a parliamen-

tary form of government a criterion for eligibility for immigration into the Dominions, approves of immigration from Germany and Italy, but not from India, notwithstanding the fact that the former have dictatorships and the latter has a parliamentary form of government.

The Board presumes that the peoples of Great Britain and the Dominions have a common origin and therefore a common outlook and community of ideals. It may be asked if the peoples of Great Britain and the Dominions have a common origin. The great majority of the peoples in South Africa are Negro; a goodly proportion in New Zealand are Maori. It is obvious that in postulating common origin, the Board was thinking only of the so-called "white" peoples. In fact, when discussing population trends, the Board mentions only the birth-rate, etc. of the white peoples, and completely ignores the non-white, as if the latter did not exist, or, if they did exist, were of no relevance to the question of the populations of the Dominions.

But taking into account only the white peoples, is it true that the white peoples in the Dominions are of common origin and of British stock? Are the Boers in South Africa and the French Canadians in Canada of common origin and British stock? Besides, the white peoples in the Dominions, particularly in Canada, come from several European stocks, and not merely the Dutch, French and British. If the British, the Dutch, the French, the Jews and a number of others from Eastern Europe can be said to have a common origin, is it too much of a strain to include Indians also in that large group?

If, in spite of the great diversity of origin, it is possible for the peoples of the Dominions, albeit only the white ones among them, to have a community of outlook, ideals and purposes, is it inconceivable that Indians too, notwithstanding a diversity of origin, may have a community of ideals and interests with the other peoples of the Commonwealth? The *Times of India*, a British journal, said in its leading article on the 3rd inst. as follows:—

The British Commonwealth, whatever internal differences may occur, constitutes an association of democratically-minded peoples who cherish common ideals of peace, freedom and representative self-government. India has not yet reached full and independent membership of the brotherhood, but this country's feet are well set on the path, and whatever may be felt as to the pace and method of progress, Indians cannot fail to recognise the community of interest in maintaining around the Commonwealth a bulwark against the rising tide of forces which would, with selfish cynicism, destroy democracy and independence.

If India is not yet a full and independent member of the association it is not India's fault. But whatever that may be, the *Times of India* bears testimony to the common ideals that India, along with the British peoples, cherishes, namely, democracy and independence. If, then, a parliamentary form of government, fashioned by Great Britain

herself, and a community of ideals are good enough qualifications for eligibility for immigration into the Dominions, there is no reason why Indians should be considered ineligible.

The Board advances another reason for preference to immigrants of British stock as distinguished from those of other European stocks. This reason is the need to develop adequate and homogeneous populations in the oversea Dominions for the sake of the defence of the Commonwealth. It will be interesting to speculate if, considering only the white peoples in the Dominions as the Board does, the Boers and the French Canadians would admit the superiority of immigrants of British stock and admit the inferiority of immigrants from Holland and Germany and France, and whether it will ever be possible to attain homogeneity of stock in South Africa and Canada? The claim for superiority of British over non-British European stock might help to disrupt and not to draw together even the white peoples of the Commonwealth.

The Board's second preference is for immigrants of European, though non-British, origin. It observes: "We cannot help feeling that in addition to the encouragement of migration from the United Kingdom, the admission of a carefully regulated flow of foreign immigrants of assimilable types, preferably from those countries whose inhabitants are sprung originally from the same stock as ourselves and who share our outlook in many directions, has much to commend it" (para. 48). Here the emphasis is on assimilability, which is presumed to be due to origin from a common stock, though comparatively more remote. The Board gives no indication of how far remote the common origin might be so as to make the members of the stocks assimilable, nor does it define what is meant by assimilability. If a Dominion Government is to act on the recommendations of the Board it will have to give legislative form to them and devise administrative instruments to give effect to them. Hitherto the Dominions have presumed that race defined assimilability and fitness, and the Board has, by implication, acquiesced in it. The white peoples are assimilable, and the non-white not.

The Board admits, however, that not all the whites are assimilable. It notes that in Western Canada "a considerable foreign population, from Eastern Europe is growing up" (para. 32) and adds in a footnote that, out of some 10,000 immigrants into Canada during the year ending 31st March 1938, only 2,972, or less than a third, were of British stock, and that "some at least of the foreigners tend to settle in isolated groups and do not readily assimilate with the rest of the community." The Board, by avoiding a definition of assimilability, has rendered an examination of it impossible. But those who are familiar with conditions in the Dominions cannot be unaware of the differences and conflicts based on race, language, religion and past history. The Board itself admits that some of the foreign im-

migrants are not assimilated with the rest of the community in Canada. In which case, is there any justification for an *a priori* presumption that the people of India are too far removed in common origin to be assimilable, or that, granting that Indians are unassimilable, they should not be tolerated even as the unassimilable Europeans are? Would it not be wiser to apply the same tests of assimilability to immigrants of British, European and Indian origin and admit only the assimilable? If immigrants from Europe and even from Great Britain are to be carefully selected, would it not be wiser to define the criteria of selection and apply them to all prospective immigrants, even those who may come from India? Assimilability is not a function of race or a biological inheritance; it is a matter of training and adaptation. It is a matter of environment, the most important factor of which is psychological. The Board recognises the importance of this factor of environment. It quotes with approval the observation of the Inter-Departmental Committee:

It is, in our view, of great importance that the migrant should, from the earliest possible moment after his arrival in his new country, regard himself as a citizen of that country, with all the rights and obligations of such citizens. It is equally desirable that the Government and people of that country should regard the migrant from the first, in practice if not in law, as a full citizen of that country and responsible to his new Government and his new fellow-citizens alone for the rights and obligations of a citizen and a neighbour.

As has been pointed out before, the Board does not advocate indiscriminate migration even from Great Britain, much less from Europe. It takes note of the argument, to which prominence is given by organized Labour in the Dominions, that immigration should have relation to standards of living and that, therefore, immigration of Asiatics should be prohibited and of Europeans carefully regulated. The "white labour" policy is sought to be justified on the ground of standards of living. It will be noticed that a *racial* remedy is being applied to an *economic* problem. And this is sought to be justified on the presumption that a race has a standard, and that a certain standard could be kept out by keeping out a certain race. It is relevant to question this presumption. Is it true that the members of a race have the same standard of living? Have all or most Britishers a certain standard, and all or most Indians a certain other standard? Or, does each race consist of peoples of various standards, from millionaires to paupers? Certainly, the three hundred and fifty millions of people in India do not have a single uniform standard of life, even as all the millions in Great Britain or Europe have not. Moreover, standards of life are dynamic even with reference to the same individual; they can change and do often change in a competitive world. There is no justification for the exclusion of all Indians, simply because they are Indians

and on the presumption that all Indians have a lower standard of living; nor for the admittance of Europeans, simply because they are Europeans and on the presumption that all Europeans have a higher standard of living. There is no economic justification for excluding even professional Indians while admitting coolies from Great Britain and Europe. It would be more sensible, in so far as the problem is economic, to lay down economic tests for immigration and apply them uniformly to all immigrants. *Economic ills need economic remedies and not racial ones.*

The economic status of immigrants approved by the Board can be gauged by the chief recommendation made by it, viz. that emigration from Great Britain should be encouraged by the offer of reduced third class passages! Third class passages are cheap enough compared to higher classes; they are to be reduced in order to enable intending emigrants to emigrate. The saving would be small, a few pounds. But if such a small difference, in absolute figures, should make such a comparatively large difference to the prospective emigrants, their economic status may be easily estimated. The type of immigrants desired are of the coolie or labouring class, "boys for farm work," "women for household work" and "workers in certain industrial occupations." It is only in South Africa that the immigrants have to be "skilled or semi-skilled workers," again for racial reasons and not economic. If the bulk of the immigrants needed in the Dominions are coolies, there is no justification

for preferring, on economic grounds, white coolies to brown ones.

Most, if not all, migration is from a lower standard to a higher one. Those migrate who have a lower standard at home and who hope for a higher standard in the new country. Therefore, all immigration tends to lower the existing standards of a country. This applies to migration from Europe to the Dominions. But there is no valid justification why the lower standards of the immigrants, say, from Central and Eastern Europe, should be acceptable while the lower standards of immigrants from India should be unacceptable, particularly when the standard of the immigrants will, if not kept down, soon tend to rise to that of the local population, for that is the chief motive of the immigrants.

It is thus clear that the policy, advocated by the Oversea Settlement Board, that the Dominions should be peopled by immigrants from the British stock by first preference, and from Europe by second preference, but not from India on any account, is hardly justified on grounds of assimilability, origin or standards of living. It is just racial, and rankly so. The superior importance attributed to the people of British stock is not likely to be flattering to even the white peoples of non-British stock in the Commonwealth. Nor will the preference given to non-British Europeans invoke the goodwill and loyalty of non-European British citizens in the Commonwealth. Nor will such discrimination based solely on race prejudice contribute to the solidarity and strength of the Commonwealth.

THE BOMBAY INDUSTRIAL DISPUTES BILL.

I.

THE Government of Bombay has for several months been contemplating legislation adequately to deal with industrial disputes whose number and gravity have been gradually increasing since the present Government assumed office. A provisional draft was circulated in February last, but it met with such vehement and widespread opposition in Trade Union circles that Government wisely undertook its revision. A new comprehensive measure has now been published and will be considered by the Bombay Legislative Assembly during its forthcoming session. The chief object of the Bill is to "make it obligatory on the parties to a trade dispute to endeavour to obtain a settlement of it by conciliation before resorting to a strike or lock-out."

It is provided in the Bill that, immediately on the passage of this new measure, the existing Bombay Trade Disputes Conciliation Act, 1934, "shall cease to apply to any area in which all or any of the provisions of this Act have been brought into force." Government will have thus at least partially done away with a very objectionable piece of legislation. The Trade Disputes

Act, 1929, of the Central Legislature, however, remains unaffected.

The new Bill contains 84 clauses divided into 11 chapters in all. The important subjects dealt with in the chapters are registration of Trade Unions, conciliation proceedings, arbitration and the setting up of an Industrial Court, illegal strikes and lock-outs and penalties for breaches of various clauses of the Bill.

REGISTRATION OF TRADE UNIONS.

The existing law regarding the registration of Trade Unions is sought to be considerably modified by the Bill. Unions whose membership is less than five per cent. of the total number of persons employed in any particular industry or occupation in a local area are not entitled to registration at all. Unions which have a membership of not less than five per cent. and which have been recognised by the employer or employers concerned are entitled to registration. Unions which can substantiate their claim to the membership of not less than fifty per cent. of the total number of workers in an industry in a particular local area are entitled to registration, whether

they are recognised by the employers or not. Again, not more than one Union can be registered in respect of any particular industry in any one area, and it is obligatory on the Registrar of Unions to cancel the registration of an already registered Union if another Union can prove its claim to a larger membership. If this applicant Union is recognised, it is entitled to be registered in the place of the Union which it displaces. Registration of Unions will be cancelled on any one of the grounds, among others, that their membership has fallen below the prescribed minimum; that their recognition has been withdrawn by the employers (in those cases in which registration was dependent upon recognition, i. e., in the case of Unions having a membership of less than fifty per cent. of the total number of workers); or that the Industrial Court, which will be established under the Bill, has ordered the cancellation of registration.

Unions which have a membership of not less than five per cent. of the workers but which have not been recognised by the employers will not be registered, but will be notified by the Registrar as "qualified Unions." Again any registered Union which has a membership of not less than twenty per cent. of workers can apply to the Registrar for being declared as a "representative Union."

NEW AUTHORITIES.

The Bill provides for the constitution of several new authorities for the purpose of conciliation or arbitration of industrial disputes. The Commissioner of Labour will be the Chief Conciliator with jurisdiction throughout the Province. The Provincial Government will be empowered to appoint for local areas, as occasions arise, Labour Officers, Conciliators and Special Conciliators. When an industrial dispute arises Government may appoint a Board of Conciliation consisting of a Chairman and an equal number of members drawn from panels representing the interests of the employers and employees respectively. Government may constitute a Court of Industrial Arbitration for determining industrial disputes and for dealing with various other matters also. The Court will consist of two or more members, one of whom will be the President. He will be either a High Court Judge or a person eligible to be appointed a Judge of a High Court.

STANDING ORDERS.

Every employer will be required to submit to the Commissioner of Labour Standing Orders regulating the relations between himself and his employees with regard to conditions of work such as wage rates, hours of work, leave, holidays with pay, dismissal for misconduct, termination of employment, etc. The Commissioner of Labour will settle the Standing Orders "after consulting all interests concerned," and after such settlement they will remain in force for a period of one year.

CONCILIATION PROCEEDINGS.

If an employer desires to effect a change in the Standing Orders or if he wants to bring about certain other changes such as introduction of rationalisation, reduction in the number of persons employed, withdrawal of the recognition of a Trade Union or of a customary concession or privilege he will be required to give notice of his intention to do so to the representative of the employees, the Commissioner of Labour, the Registrar and the Labour Officer. The rule will also be binding upon the employees who want a change in above respects. If within fifteen days of such a notice an agreement is reached between the parties a memorandum of such an agreement is to be drawn up and registered. If no such agreement is reached the party desiring change will send a full statement of the case to the Registrar and the Chief Conciliator within a period of three weeks and then the conciliation proceedings will be deemed to have begun. The Chief Conciliator or a Special Conciliator appointed by him will try to bring about a settlement. If the Chief Conciliator or the Special Conciliator fails in this attempt Government will refer the dispute to a Board of Conciliators. Government will be bound to set up such a Board even at an earlier stage if both the parties require it to do so. The Board will again endeavour to bring about a settlement. The time limit for each stage of the conciliation proceedings will be fixed by Government, for all provided that the total period of time limit fixed for stages taken together shall not exceed two months, and "provided further that the Provincial Government may extend the said period of two months by a further period of one month at a time not exceeding, in any case, two months in the aggregate." In case no agreement is reached even at the end of all these proceedings the conciliation machinery will be deemed to have failed. After the failure of the conciliation machinery the workers will be free to go on strike within a period of two months after the failure of the conciliation machinery. If they do not do so within that period they forfeit their right of strike. After the expiry of two months a strike will become illegal. Fresh notice of desired changes will then have to be given and the whole proceedings will have to begin anew.

ARBITRATION.

Any employer and a registered Union are permitted under the Bill to enter into an agreement to submit any present or future dispute to private arbitration or to the arbitration of the Industrial Court. Such an agreement is to be called a "submission." In the absence of an agreement to the contrary every submission shall be irrevocable provided, however, that any submission to refer future disputes to arbitration may be revoked by either party after giving six months' notice to the other party. It is also provided that before the expiry of this period of

six months, the parties may agree to continue the submission for a further period agreed upon between them. The conciliation proceedings described earlier will not apply to disputes in which the parties concerned have agreed, by a registered submission, to refer all disputes to arbitration. The arbitration proceedings under the Bill are also to be in accordance with the provisions relating to arbitration made in the Code of Civil Procedure. The arbitrator may refer any matter on which a decision on any question of law is required to the Industrial Court for its decision. The award must be in accordance with the decision of the Court.

All agreements, settlements, submissions and awards are made binding on all persons who are parties to them. In cases in which a "representative Union" or at least twenty per cent. of the

total number of employees in an industry are parties to a settlement or award, the Provincial Government is to be empowered to direct that the settlement or award shall be binding upon other employees in the industry also.

ILLEGAL STRIKES AND LOCK-OUTS AND PENALTIES.

The Bill enumerates seven cases in which all strikes or lock-outs are to be regarded as illegal. For instance, strikes will be illegal if they are commenced without giving required notice; or before the completion of the conciliation proceedings; or after the expiry of two months after the conciliation proceedings have failed or in contravention of the terms of a registered agreement, settlement or award. The Bill devotes as many as eight clauses to deal with penalties for the contravention of any of its provisions, especially those regarding illegal strikes and lock-outs.

ADULT EDUCATION.

THE report of the Adult Education Committee appointed by the Government of Bombay in January last with Dr. Clifford Manshardt as Chairman expounds at length the nature and scope of adult education, as also its various aspects. It suggests an elaborate organisation for the work of adult education and endeavours to indicate how the programme may be carried out. It advises that, for the present, literacy education should be aimed at and the work should be conducted on the voluntary principle though the driving force should be mainly that of the State.

Though the Committee envisages adult education as nothing short of adequate equipment for all possible enrichment of life, for the present it limits its range to literacy education generally, in view of the appalling illiteracy among adults and the peculiar conditions of this country. The minimum definition of literacy adopted in the Census Report of 1931 is ability to write a letter to a friend and read his reply. The Committee is prepared to accept this definition as a minimum standard of literacy provided that there is provision made for follow-up work after this bare minimum is secured. For such practical purposes an adult is taken to mean a person whose age exceeds 14 and is less than 50.

Regarding the aspects of adult education, the Committee particularly emphasizes (and rightly too) the difference in the condition of agriculturists of the rural area and workers in urban industrial concerns. The Committee, in dwelling on the rural problem, gives a very graphic description of the fast increasing deterioration of land and the growing depression of the villager and notes that what the villager needs is guidance from a sincere and sympathetic worker who would say a soothing word and give the villager needed relief. It would have adult education work linked up with a general pro-

gramme of rural reconstruction work and suggests that promotion of literacy should be regarded as a "spiritual adventure" under an enthusiastic and capable leadership. As regards practical suggestions for securing necessary guidance for the villager, what the Committee apparently suggests is that areas with certain natural boundaries (comprising 40 to 50 villages and an area of 100 to 200 miles) may, so far as possible, be selected and surveys made to enable the workers to determine the available resources, both natural and human, that can be harnessed for the benefit of villagers in the area. When confidence is thus secured and "preparation of soil" made, then (it is said) is the time to begin classes for the effective education of adults as regards literacy and cultural subjects.

All this sounds very well. How sincere and self-sacrificing workers for the "spiritual adventure" are to be secured to educate the villagers in harnessing available resources, how they are to be trained for the work, and when the time for the actual humble literacy work will come, it is difficult to imagine. The Committee observes that the major problem of village reconstruction is not economic but psychological and spiritual. It recognises that there is growing economic deterioration in villages and a general atmosphere of dejection and apathy. The question for practical consideration is whether immediate efforts directed towards improvement of the economic condition of the villager or towards his spiritual uplift are well calculated to bear some tangible fruit and serve as a check to the villagers' growing dejection and apathy. The Committee has made no specific recommendations for the immediate initiation of literacy work in rural areas. It must be admitted that no useful purpose is likely to be served by the starting of

regular literacy classes in the rural area without considerable previous preparation for better awakening among villagers. All the same it may be conceded that available teachers, workers and organisers may be encouraged to move in the direction of liquidation of illiteracy by the provision of suitable grants-in-aid, say Rs. 8 to Rs. 10, for the attainment of literacy by an illiterate adult in the rural area, suitable arrangements being of course made for the maintenance of certified lists of illiterate adults in each village and also for adequate tests of progress made.

As regards urban industrial conditions, the scheme of literacy education in the Deccan Paper Mills at Mundhava is distinctly noteworthy. Under the scheme the illiterate workers are allowed by the management to attend literacy classes held on the Mill premises on company time. The management supply premises, share in the direct expenses of the classes and assume the indirect cost resulting from the loss of labour. The Committee, however, finds that it is not practicable to extend the scheme to larger industrial establishments. While the primary responsibility for the education of the adult worker rests with Government, the Committee feels that the employers should also share in this responsibility. It is noted that in urban areas, the preparation of ground work is less difficult and it is suggested that Government and Local Authorities, as large employers of labour, should start with arranging for the education of all illiterate adults in their employ. Beyond some recommendations for financing workers' classes, there is no concrete or specific plan of work suggested for the initiation and development of literacy work in urban areas where the work is beyond doubt comparatively easy. One cannot but wish that the Committee had at least recommended a definite scheme for the initiation of literacy work in a place like the City of Bombay where conditions are specially favourable.

Regarding the education of adult women, the Committee rightly suggests special arrangements and also courses of studies. It is suggested that the latter should bear generally on maternity and child welfare movements and particularly on simple cottage industries of a local character in the rural area.

The Committee expresses grave doubts with respect to an effective programme of visual instruction. Though in the present state of the country it may not be easy to arrange satisfactorily for the preparation and use of suitable educational films as also for the use of the radio for educational purposes, it is certainly time that special measures should be devised for the full use of these modern aids to the spread of knowledge and education. While agreeing with the Committee that the Visual Education Department might with advantage first turn its attention to securing more effective use of the existing material, one cannot help suggesting that it may

also devise plans as to how best the film and the radio could be used for the wide propagation of useful knowledge among the masses as also for the popularization and spread of literacy work. Both the film and the radio should, if rightly used, serve as powerful aids to shake off the lethargy and apathy of the isolated villager and to arouse in him more interest in life, work that is rightly considered as an essential preliminary to all useful literacy work.

The Committee would have a special organisation for the work of adult education and proposes an elaborate machinery to carry it out. The Central Education Board which the Committee proposes is to consist of three salaried members, one of whom is to be styled the Deputy Director of Adult Education and one of the members is to be a woman. In appointing these members, Government are advised to select best men who will be ideal "Social Servants", thoroughly imbued with enthusiasm for their work and with a vision to see the significance of the movement. Below this Board are to be four Divisional Committees of three members each and District Committees of five members each and Taluka and Local Education Committees. The membership of the Committees is to be honorary. It is not clear what connection the proposed organisation is to bear with the Department of Education. What the Committee is apparently keen about is that there should be whole-time officers who are definitely responsible for matters connected with adult education and who can devote their whole attention to that work and ensure its progress with the help and co-operation of voluntary effort in the province. If so, the object may as well be gained by the constitution of a special branch for adult education under the general control of the Department of Education. In its proposals for carrying out the programme of adult education, the Committee naturally attaches the greatest importance to the teacher. Sympathy and sincerity coupled with a knowledge of local conditions and the needs of the villagers are put down as essential qualities for a rural worker who will not only tender advice but go into the field and lend a helping hand. How persons are to be trained to acquire the qualifications of sincerity and sympathy is not easy to grasp, and the report is naturally silent on the point.

The suggestions of the Committee regarding methods of teaching, books and reading matter to be used, psychology of adults and village libraries are helpful for workers in the field.

The suggestions contained in the body of the report that involve definite financial liability are the elaborate machinery adumbrated in Chapter IV for the organisation of adult education work in the province. The cost of the entire machinery for the first year is estimated at Rs. 50,000. It is worth noting that efforts at this

stage will be mostly restricted to the preparation of the soil. So far as one can judge from the financial statement given in Appendix V, the first year's cost of the contemplated programme of 10 years will be Rs. 20 lakhs and the total bill for the whole programme will be rupees five crores and a little more. This is indeed formidable, and special care ought to be taken to see that such costly schemes do not stand in the way of adequate provision for other vital needs. What is essential is that all plans of reconstruction or reorganisation should be co-ordinated according

to the funds available for the expansion of nation-building activities.

On the whole, the report is a distinct contribution to the exposition of general considerations bearing on the whole problem of adult education. That sympathetic, sincere and selfless workers are an absolute necessity is very nearly the summing up of the definite practical suggestions contained in the report for the man in the street. One searches in vain for any cut and dried scheme to train workers of the contemplated type to initiate an effective attack on the baffling problem of the illiteracy of the masses.

BIHAR TENANCY BILL.

THE supplementary Tenancy Bill of Bihar had a smooth passage through the Legislative Assembly last week after the recent Landlord-Congress agreement. This is not to say that there was no opposition on behalf of the tenants. The zamindars were supremely happy; but the representatives of the raiyats gave vent to serious, though futile, resentment. The resentment showed itself in adverse votes in the Assembly only in a few cases. The champions of the tenants in the Congress ranks often spoke against particular clauses of the Bill, but either voted for them or remained neutral. Party discipline required this, for just at this time the Bihar Provincial Congress Committee met and ratified by a vote of 136 to 47 the two agreements which the members of the Parliamentary Sub-Committee of the Congress had entered into with the landlords, one in December last year and the other last month.

At the meeting of the Provincial Congress Committee the critics of the agreements were fierce in their opposition, while those who defended the agreements were apologetic. The latter frankly admitted that the relief sought to be given to the raiyats was inadequate and that it ought to have been much larger; but they pleaded that in the existing circumstances the Congress could not do more. The difficulty was stated to lie in the second chamber. The Congress had no doubt an overwhelming majority in the Assembly and was thus in a position to initiate all the far-reaching measures that it desired to see passed in the interest of the peasants; but it had to reckon with the Legislative Council in which the landlords were in a majority. If the measures passed by the Assembly were turned down by the zamindars in the Council, the Congress members would again be able, it was true, to obtain a majority in the joint session of the legislature and thus carry the measures to the statute book. But this would involve "inordinate delay" in passing the legislation, and it would be more to the interests of the raiyats to have a smaller measure of relief passed immediately than a larger one which would take a good deal of time in passing. This was the line

of reasoning of those who pleaded for endorsement of the agreements, while the opponents of the agreements contended, in the first place, that there need not be much delay in having wider measures of relief passed by a joint session, and, that in the second place, the peasants would patiently wait if the waiting was due to the fact that the Congress had unalterably resolved to relieve their distress in an effectual way. For instance, Thakur Ramnandan Singh said: "I do not agree that the tenants rather want minor concessions in the immediate present than a stiff fight with the zamindars resulting in no immediate concessions. I think that the Congress can well retain its hold on the kisans if it should bring about a breakdown of the constitution by insisting on a radical amendment of the tenancy laws." The Provincial Congress Committee was reminded of the Maskrak Conference which had gone so far as to adopt a resolution favouring the abolition of the zamindari system, and in face of such wide promises it was maintained that the Congress party must adopt a bolder policy than it was apparently prepared to do. The oppositionists, were, however, in a minority. A member of the Working Committee of the Provincial Congress organisation, Babu Ramnarayan Singh, offered to resign his membership of the Committee in order that he might regain his freedom to give expression to his anti-agreement views, but he was told that it would be contrary to rules on his part as much to resign for the sake of speaking against the agreement as to speak against the agreement while remaining a member of the Working Committee. A lid was thus put on him.

The debate on the Bill centred on provisions relating to distraint, combination of suit and execution of rent decrees into a continuous procedure and the creation of a class of habitual defaulters of rent for drastic treatment. The clause in the Bill dealing with distraint of standing or harvested crops provides that the civil court's order for distraint be handed over to the Collector for execution. A complaint was generally voiced that, instead of abolishing the distraint

procedure which had proved superfluous by experience, the Ministry had made harsher than before. Mr. Tahir moved for the deletion of the whole of Chapter XII in the Bihar Tenancy Act of 1885 dealing with distraint. He remarked that the provisions were never required to be utilised by the landlords as the raiyats usually paid their rents without the application of these provisions. But still the provisions hung on the heads of the raiyats like the sword of Damocles, and, instead of the Ministry withdrawing the sword, Mr. Shyamnandan Singh observed, the Ministry was engaged only in sharpening it. The Government agreed with the contention that the law of distraint was for all practical purposes a dead letter. At least 85 per cent. of the rent was being realised without recourse to distraint. Mr. Tahir therefore pleaded that the procedure, which had proved unnecessary, should be done away with. In Bengal the Government had abolished the system of distraint, and what the Bengal Government had done should not be beyond the capacity of the Bihar Government. The Ministry opposed the amendment, but only promised that it would see to it that the system would be so operated as not to harass the kisans, and in fact this was the object of the executive Government taking over from the civil courts the task of executing distraint levied by the civil court. Thereupon Mr. Mahammad Shafi moved an amendment providing that the crop shall not be sold at a price lower than the price mentioned in section 39 of the Bihar Tenancy Act. His object, he said, only was to ensure that the tenant got a fair price for his crop that would be sold after attachment. This amendment too the Ministry expressed its inability to accept; the Ministry only gave an assurance that the distraining officer would try to sell the crop at a reasonable price. Both the amendments were heavily defeated, the Congress-Kisan members remaining neutral. The Bill also provides, in conformity with the recent Landlord-Congress agreement, for a continuous procedure for the recovery of rent by suits by combining Chapters XIII and XIV and by making certain changes in the arrangements.

The clause concerning habitual defaulters aroused the most vigorous opposition of all. Messrs. Tahir, Jamuna Karjee and Shafi pointed out how the Government were retreating from one position after other which they had taken up. First, they provided for the land of a defaulting tenant to be put in occupation of the landlord for a maximum period of seven years and the tenant declared discharged of all obligations. This provision was later removed in favour of part sale of land and now even the benefit of this clause was being denied to a certain class of tenants. The opposition to this clause was based on several grounds. First, wilful defaulters were very rare, in spite of the fact that, as the Government of India had itself said, that the rents in Bihar were heavier than those in any other permanently

settled province. Second, those who passed, as defaulters were often not defaulters at all. The tenants in a large proportion of cases did not get receipts for rent; and it was only their non-possession of these receipts that made them defaulters. Third, even if they were wilful defaulters, it was not necessary to sell them completely out when sale of a part of the holding would be enough to pay off the rent arrears. The sale of the entire holding is made obligatory under the Bill, for the clause provides that in the case of a tenant found to be a habitual defaulter by a court, "the whole of his holding shall, if the decree-holder so desires, be sold." Nor is a habitual defaulter entitled to receive the benefit of the provision, newly introduced, viz., that the court may sell the land of the tenant for an amount less than the decretal amount if the landlord foregoes the remaining amount of the decree. The benefit to be received by the tenant in this case depends entirely on the goodwill of the landlord; it is, therefore, difficult to understand why the Legislature should step in to prohibit a landlord from obliging a tenant if the latter so likes in any particular class of cases. The clause was, however, passed in spite of the opposition, Congress-Kisan members again remaining neutral.

CURRENT COMMENT.

THE BENGAL TENANCY BILL.

THE Bengal Tenancy (Amendment) Bill introduced by the Huq Ministry passed the lower chamber of the legislature on 30th September, 1937, and the upper chamber on 1st April, 1938. It was widely feared, during the intervening four months that have elapsed after the Bill's passage in the second chamber, that the Governor would withhold his assent from the Bill on the ground that it would deprive the landlords of something of their inherent proprietary rights. The zamindars made no secret of their desire that the Governor should intervene in their behalf and veto the Bill, thus saving them from the doom that they conceived would overtake them if the Bill were given the force of law. Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh, for instance, after reciting the objections of the landlord class against the Bill, said in the Legislative Council:

We feel that we cannot have any justice here and that we must seek protection elsewhere; if need be we should seek the protection of the Governor or of the Governor-General and, if necessary, of the Federal Court or of the British Parliament through the Right Hon'ble the Secretary of State. Above all, we shall take our stand upon the Instrument of Instructions created by His Imperial Majesty the King-Emperor for the vindication of the Permanent Settlement, which is the bulwark of the economic structure of Bengal, so far as it relates to agriculture.

After this declaration the Maharaja and his brother landlords staged a walk-out from the chamber in protest.

Nor were zamindars the only section which desired to see the Governor's veto applied to the Bill. The Congress members would not have been sad at heart if the Governor had scotched the Bill. They would not have regarded the Governor's action as a national insult to grieve at and to avenge but as a punishment of a non-Congress Ministry to gloat over. They did not dare to oppose the passage of the Bill by vote. In fact, Dr. Radha Kumud Mookerji, the Leader of the Opposition, expressly disavowed the intention of the Congress party to oppose, "for the simple reason," as he said, "that this Bill does contain some elements of good for the peasantry." And though the Congress members affected to look upon the Bill as not sufficiently progressive, it was obvious that some of them at least felt happy whenever landlords or Europeans attacked it as going too far. Mr. W. C. Woodsworth of the European group said in the Legislative Assembly: "Some of our Congress friends have been giving a stately demonstration of a number of Bengal zamindars high-mindedly but reluctantly preparing to commit political suicide out of political affection for their tenants and at the same time desperately looking round for some one to deliver them from their painful purpose." This well brings out the unreality of the general attitude of the Congress. But apart from this, the Congress members would not have been disconsolate over the Governor's veto if thereby the Huq Ministry were humiliated and discredited.

However, the Governor has not vetoed the Bill. The fear of its promoters and the hope of its open and concealed opponents have not materialised. The Governor has only sent the Bill back to the legislature for reconsideration on two minor points which do not affect the principles of the Bill to the slightest extent. These two points are easily explained. The Bill as it finally left the legislature puts the latest date of the commencement of its operation at 31st May, 1938. Lapse of two months after it was passed by the second chamber was supposed to be ample time for obtaining the Governor's assent; but it was not. The Governor now asks that the commencement date be postponed. Nothing is lost by the slight postponement that would be required. In fact, the Bill as originally drawn did not mention a date in its commencement clause, which merely said: "It (the Act) shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint." The postponement would make a difference only in the case of transfer of holdings of occupancy raiyats under section 26C newly added, but this has already been obviated by the Ministry issuing the Bengal Tenancy Ordinance which ensures, as the Governor says in his message, "that the persons concerned shall obtain the benefit of the new law" even if passed after some delay.

The second point which the Governor has referred to the legislature for reconsideration is both more substantial and interesting, but it is one with which the Ministry at any rate can have no quarrel. The Bill by clause 21 adds a new section to the Tenancy Act—section 75 A—providing for suspension of enhancements in rent for a period of ten years, in view of a comprehensive inquiry in rent rates to be made by the Tenancy Commission. Curiously enough, this clause as passed by the legislature made a reference to section 52 which relates to a different matter altogether. The clause in its final form was as follows:

75A (1) All the provisions of this Act (including section 52) relating to enhancement of rent are hereby suspended for a period of ten years with effect from the 27th day of August, 1937.

(2) (a) All decrees and orders enhancing rent passed under any of the provisions of this Act (including section 52) on or after the 27th day of August, 1937, and before the commencement of the Bengal Tenancy (Amendment) Act, 1938, are hereby declared to be inoperative from the date of such decree or order under the expiry of the ten years referred to in sub-section (1)

(b)

(3)

But section 52, which is here declared to be suspended, does not relate to enhancement of rent at all. It relates to alteration of rent in cases of alteration of area. It sometimes happens that land is wrongly measured or that a tenant is in occupation of land which was not supposed to be let out to him. In such cases the section provides that, even when a higher rate of rent is not charged for the land that the tenant lawfully occupies, rent at the prevailing rent can be charged for any excess of land that a tenant may be discovered to have been occupying. To include section 52 in section 75A would mean that not only enhancement of existing rates of rent is to be stopped, but that the tenant will be allowed to hold land of which he is in occupation by mistake free of rent even after the mistake is discovered. This was pointed out by many members in the course of the debate. For instance, one member said in the Legislative Council: "When a tenant has by some means encroached on the lands of the landlord or gained lands by accretion and has included it within his *jote*, without a semblance of title to it, it is but natural justice that he should pay rent for the area thus included. To allow a man—be he a raiyat, an under-raiyat or a tenure-holder—to possess another's land without any liability to pay rent or to be exempted from such liability, is not only unfair but extremely improper, inequitable and illegal."

The legal aspect of the question was explained in a note circulated by the Director of Land Records on the subject, which said:

A piece of land which is added to a tenancy is liable to such assessment of rent as may be con-

sidered fair. This is an inherent right of the zamindars. Persons who have derived their title from the zamindars are entitled to exercise that right in view of the terms of the Permanent Settlement. I would draw their attention in this connection to section 52 of Regulation VIII of 1793 in which definite power "to let remaining lands as they thought proper" has been categorically conceded to the zamindars, and the concession was included in the terms of the Permanent Settlement and specifically explained without equivocation in section 31st of Regulation II of 1819. I would submit for your consideration if an embargo on the exercise of that right thus will not infringe the provisions of the Permanent Settlement and convert the Bill to one of the type referred to in paragraph XVII (d) of Instructions to the Governor issued under the Government of India Act of 1935. Equitably it seems to me that this is a fundamental conception never questioned, that for an area not included in the tenancy of a tenant, the latter is liable to pay fair rent to the landlord. Conversely, a tenant is entitled to reduction of rent for reduction in area that goes out of the tenancy. It will be unfair to deny him this right and hold him responsible for rent of an area he no longer possesses.

There is no doubt, however, that section 52 was deliberately included in the proposed section 75A after the inappropriateness and even illegality were pointed out. It was meant as an additional relief to the hard-pressed tenant. For instance, Khan Bahadur Saiyed Muzzamuddin Hosain said on this question :

The inclusion of section 52 in the proposed section has been very adversely criticised, but it is really meant to protect the raiyat from harassment of all kinds incidental to enhancement proceedings. It is meant to leave him undisturbed and to give him complete respite for a period of ten years only for recovering his position, after the period of depression. If section 52 were permanently abolished, the objection of the Opposition Party would be fully justified, but it would be only a temporary measure for tiding over an abnormal crisis, and no one who has any concern for the agricultural community should grudge it. Actual trespass into *khas* land may be prevented by the vigilance of the landlords' staff, and so the suspension of the operation of the section is not likely to affect the landlord to an appreciable extent ... The net effect of inclusion of section 52 will, therefore, be that raiyats will be saved from the harassment of measurement and fresh revisional proceedings, on the plea of assessment of any supposed increase in area. It is only a modest concession in favour of the raiyats which is not likely to affect the landlords to an appreciable extent if their agents are sufficiently vigilant. It is only a temporary concession for economic recovery and it cannot be reasonably withheld.

BUT it is equally clear that the Ministry did not favour the inclusion of section 52 in section 75A; it was forced on the Ministry by non-official members of the Legislature. In fact in the Ministry's original bill the clause making provision for putting a stop to enhancement of rent expressly excluded section 52 from its purview. The clause stated: "The Provincial Government may ... suspend ... any or all of the provisions of this Act, except section 52, relating

to either the enhancement or reduction of rent or both." Later, however, the Ministry acquiesced in the proposal made by some private members to include section 52. When objections to the inclusion were pointed out, the Revenue Minister, Sir Bijoy Prasad Singh Roy, said in the Legislative Council on 1st April :

Sir, as regards the wording of this section, I do not take full responsibility. The responsibility is of the legislature. In fact, I was responsible for the section of the Bill as introduced in the Assembly, but certainly the legislature had the full right to redraft it, and it was so redrafted, not at my instance, but at the instance of the representatives of the people. So Government have naturally to bow down to that.

Mr. Humayun Kabir: Were you not a mouthpiece of the committee which redrafted it?

Sir B. P. Singh Roy: Yes, but there are cases where the tail wags the dog, and it was a case like that. So I am not responsible for the wording, and I am afraid when it will be taken before the High Court or any other judiciary, the whole thing will be torn to pieces. That is my apprehension, and so I will not try to justify the wording as it is on merits.

Again, he observed :

Section 52, in my opinion, should not have been included at least in this clause. This is my personal view. But the Assembly did accept a private member's amendment, and it was included in it and it stands there. Now, the select committee did not consider it necessary to bring about any change. So it finds its place in that clause.

Thus the Governor's action in asking the Bengal legislature to take all references to section 52 out of section 75A proposed to be added by the Bill is in any case no interference with the Ministry, and in fact when the question came up before the Legislative Assembly the clause was altered, without discussion, according to the Governor's wishes, even Babu Sarat Chandra Bose not taking objection to it. Babu Subhash Chandra Bose must, however, have been terribly disappointed. He was apparently looking forward very eagerly to condemning the Bengal Ministry for being so submissive as to let the Governor veto its Bill. Just as the Governor's assent to the Bill except for the two above-mentioned points which are of no importance was being issued, he was presiding over a Peasant Day meeting twitting the Huq Ministry with keeping quiet about the Governor not yet having given his assent to the Bill. Why does not the Ministry resign in protest? When he shouted this question to the audience he forgot that a Tenancy Bill sponsored by the Orissa Ministry was passed by the legislature about the same time and is still hanging fire; the Orissa Ministry is not known to have tendered its resignation in order to bring pressure on the Governor to give his assent quickly. Subhash Babu also censured the Huq Ministry for resorting to section 144 of the Cr. P. Code, but we wonder whether he had not yet heard of the free use of this section and also of the Criminal Law Amendment Act by the Congress Ministries? We have

discussed the Bengal Governor's message in connexion with the Tenancy Bill at such great length in order to show that it cannot by any stretch of interpretation be regarded as interference by the Governor. We will add only one word. The main purpose for which section 52 was added, viz. prevention of possible harassment of the peasants by its use, will be achieved in a different way. The Governor's message says: "My Government are aware that section 52 is liable to abuse and they intend to take the necessary steps to amend its provisions at an early date by separate legislation."

Reviews.

TENANCY IN BOMBAY.

THE BOMBAY TENANCY PROBLEM. By K. S. GUPTA. (Western India Law Printing Press, Poona.) 1938. 43p. As. 4.

THE public must be thankful to the author for this timely publication on the position of tenants in the Bombay Presidency and the need for a tenancy law. Mr. Gupta combines in himself a close study of the various Acts relating to agriculturists and a long experience of their working due to his practice at the bar. He is already well-known as the author of the Bombay Land Revenue Code, Deccan Agriculturists Relief Act and such other publications. The lines of reform which he has suggested in this brochure indicate bold thinking in the interest of the depressed cultivators. Coming as the suggestions do from a lawyer of experience who could hardly be expected to propose legislation of an expropriatory character, they should be doubly welcome to the reader.

His booklet shows the existence of two sets of tenancy conditions. The tenants in zamindari areas have not received even as much protection as the tenants in other provinces did long before the advent of the Congress Ministries. The Khoti tenure, the Inam tenure and the tenures in Broach, Kaira, Kanara and Satara have to be reformed by granting sufficient protection to tenants in the shape of occupancy rights and fair rents. The author gives a number of extracts from resettlement reports indicating the growth of rent-receivers in the northern and central divisions in rayatwari areas and the existence of rack-renting by absentee landlords. He also shows the increase in the number and variety of leases to moneylenders as the latter avoid loans on mortgage with possession as the terms of such loans may be revised by the courts under the Deccan Agriculturists Relief Act.

The author concludes with a number of definite suggestions for a tenancy law for rayatwari areas. He would grant occupancy rights to tenants who have been in six years' continuous occupation of their lands. Another suggestion is that the conditions and terms of leases should be legalised and their period should be sufficiently long to permit the tenant to realise his investments from the land. It is not possible, owing to the variations in the land revenue assessment in different districts, to take the rate of assessment as the basis for the calculation of fair rents.

He, therefore, recommends the fixation of rent rates for different areas. He also suggests that some restrictions should be placed on sub-divisions of holdings by succession, when heritable rights are being granted to tenants. Prevention of transfers with restrictions on subletting and mortgages and facilities for the purchase of occupancy rights when the landlord wants to cultivate the land himself are other suggestions made in the pamphlet. Members of the legislature will find it a useful publication, particularly when they will shortly be discussing a Tenancy Bill.

K. G. S.

THE SATYAGRAHA MOVEMENT.

INDIA'S FIGHT FOR FREEDOM. By SARDUL SINGH CAVEESHAR. (The National Publications, Lahore.) 1936. 20cm. 480p. Rs. 2-14-0.

TO write a history of India's non-violent struggle during the past twenty years is a fairly easy task for any contemporary historian, and if the contemporary historian has the advantage of having been in the thick of the non-violent fight, to make a critical survey of the struggle will be easier still. But unfortunately the fascinating subject of India's satyagraha has been written by one who has the advantage of having been in the forefront of the fight, but who is not a historian. We started reading the book with great hopes, but when we closed the last page we felt that a very interesting subject had not been adequately handled. We feel that one is not qualified to write a history of nationalism by the mere fact that one is a nationalist. To write even a small book on history requires training and we are sorry to say that the book before us looks like the production of an omnivorous collector rather than of a discriminating historian.

It suffers from several defects. First is the lack of proportion of the incidents narrated. While the author gives a long account of the second and third Round Table Conference proceedings, he first mentions the achievements of the Swaraj party. Again it would have been of extreme value, if the author had described at length Mahatma's historic fast which made the slow moving governmental machinery move in a short time and come to terms with him on the question of Harijan representation. Even the name 'Poona Pact' is not found in the book.

Another defect of the book is that though the author attempts to be impartial, here and there his partisanship is discernible. Throughout the book one can find his sneers and gibes at the Swarajists and Moderates. He regards President Patel's rulings as fireworks and considers Moderates as job-hunters. We may draw the attention of the author to the present programme of the Congress which is only the programme of the Moderate party, namely, to work the constitution and derive the best results from it.

We also feel that if the author had employed a more agreeable and vigorous style, the value of the book would have been considerably enhanced.

The only merit of the book is that the author who is himself a non-co-operator is alive to the limitations of the movement and frankly admits the causes for its breakdown some time after the Gandhi-Irwin Pact. He is right in pointing out that it was not Lord Willingdon's repression but the mass depression that was the main cause for the subsidence of the struggle.

We had looked forward to a brilliant treatment of a fascinating subject, but we are sadly disappoint-

ed. Of new facts which are not already known to the general reading public they are few.

There are several errors in printing and the get-up of the book too is not satisfactory.

M. V. SUBRAHMANYAM.

Miscellaneous.

MR. KUNZRU IN MADRAS.

PANDIT HIRDAY NATH KUNZRU, while on his way to Ceylon, *en route* to Australia, was interviewed in Madras by the *Indian Express* on 30th July on the C. P. ministerial crisis and on the application of the Criminal Law Amendment Act by the Congress Ministry of Madras against the anti-Hindi agitation. On the latter question he said:

I can express no view regarding the anti-Hindusthani agitation as I do not know the facts connected with it. But it does seem strange to me that a law, the abolition of which was insistently demanded by every Indian and for the use of which the British Government was always strongly condemned, should be resorted to by an Indian Ministry in power. It should be a matter of serious concern to everybody that the Criminal Law Amendment Act has been used even at a time when the people of the Province—even the smallest portion of it—have not been threatened in any way.

On the former question he observed:

The action of the Governor of the Central Provinces in accepting the resignation of Dr. Khare and two of his colleagues without waiting for the meeting of the Congress Working Committee does not appear to me to be open to objection on constitutional grounds.

Requested to express his views on the constitutional aspect of the relations between the Provincial Ministry in the Central Provinces and the Congress High Command, Pandit Kunzru said that

he was not in possession of all the details regarding the developments inside the Congress Legislative Party in C. P. in connection with the recent ministerial crisis and, therefore, he could not express any opinion on the action taken by the Congress Working Committee on the Party's affairs.

Pressed to state his views on the constitutional propriety of the Governor's action, Mr. Kunzru said:

The relations between Dr. Khare and the Congress Working Committee may have been a matter of serious domestic concern to Congressmen. But the Governor, according to the constitution, is to be guided by the advice tendered by the Prime Minister on behalf of the Ministry and not to use his individual judgment by taking extraneous considerations into account.

If Dr. Khare, notwithstanding the circumstances in which he was placed, insisted on tendering his resignation, the responsibility was his; but, in doing so, Dr. Khare was within his constitutional rights. It was not the function of the Governor to compel him to be guided by the wishes of the Working Committee.

BOOKS RECEIVED.

- ELEMENTS OF CIVICS. By G. N. BOSE MULLICK (Gaya Prasad & Sons, Agra.) 20cm. 188p. Rs. 2.
- THE EMPIRE OF THE NABOBS. By LESTER HUTCHINSON. (Allen & Unwin.) 1937. 20cm. 277p. 7/6.
- KUNDALINI, OR UNIVERSAL LOVE REFOUNDED. By T. S. RAMANUJAM. (All India Tutorial College, Madras.) 1938. 19cm. 110p. Rs. 2.
- UNTOUCHABLE WORKERS OF BOMBAY CITY. By G. R. PRADHAN. (Karnatak Publishing House, Bombay.) 1938. 19cm. 170p. Rs. 2-8-0.
- HINDU SCRIPTURES. Edited by DR. NICOL MACNICOL. (Dent.) 1938. 17cm. 293p. 2/-.
- BETTER VILLAGES. By F. L. BRAYNE. (Oxford University Press.) 1937. 19cm. 304p. Rs. 2.

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