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CONTENTS

	Page
TOPICS OF THE WEEK ...	469
ARTICLES:	
Re-thinking Indian Emigration ...	472
A Contribution only in Name ...	473
Indian Currency and Exchange.—III	
By D. R. Gadgil. ...	475
Hindu Women's Divorce Bill. By V. V. Joshi. ...	476
The Hindu Monogamy Bill. By Irawati Karve. ...	478
MISCELLANEOUS:	
Mr. Parulekar Interviewed ...	479
BOOKS RECEIVED. ...	480

Topics of the Week.

The Late Sir Pheroze Sethna.

IN the rather sudden death of Sir Pheroze Sethna in Bombay on the 16th inst., India has lost an indefatigable businessman and politician, and the Liberal Party one of its past Presidents. Sir Pheroze was connected with more than a score of large business concerns, of several of which he was the moving spirit. Sir Pheroze had earned not a small place in the public life of India. He was a member of the Council of State since its formation in 1921; and he was President of the National Liberal Federation of India in 1929. He was a member of the Indian Delegation to the Round Table Conference in South Africa and a member of the Indian Sandhurst Committee and of the Indian Round Table Conferences in London, to mention only a few of his public activities. India is the poorer for his death.

Further Uncovering of Rajaji.

ON the floor of the C. P. Legislative Assembly, on the 17th instant, the ex-Premier, Dr. Khare, made a statement narrating the events culminating in his exit from the Premiership. In course of the statement he said:

The House is aware of the circumstances in which the Congress decided to accept office and combat and wreck the Constitution.

As a matter of fact British Government agreed to let the Congress Ministers work the Constitution originally in the six provinces as a result of the unauthorised and secret personal negotiations between the Hon. Mr. C. Rajagopalachariar and the Governor

of Madras. The present Premier of Madras, contrary to the orders of the then President of the Congress, had interviews with Lord Erskine and came to an understanding with him as to the lines on which the Constitution was to be worked by the Congress Party all over India.

"I can assert without fear of contradiction that Mr. Rajagopalachariar assured his future Governor that the object of the Congress was not to wreck the Government of India Act but to co-operate with the representatives of the British Government and the British Crown and that the declarations made by the Congress of combating or wrecking the Constitution were only a pose to placate the Left Wing forces in the Congress.

THE statement is obviously very revealing. When the Congress first accepted office in six provinces, very few people believed that this acceptance of office was meant for the task of effectively wrecking the Constitution. People knew that Congress—or rather the high command of the Congress—was anxious to accept office and was only in search of an excuse to do so. An assurance from Governors was, therefore, asked for and was not given. The high command, however, persuaded itself that some form of assurance was given. So the Congress accepted office.

ALL this the public knew. What it did not know is revealed in Dr. Khare's statement quoted above. If all this is true—and Mr. Rajagopalachari has not yet issued a contra-iction in spite of Dr. Khare's challenge to do so—all that we can say is that this was another Experiment in Truth perpetrated by a great fighter in Satyagraha and a devoted follower of Mahatma Gandhi, the incomparable Mr. Rajagopalachari. We are here faced with a very curious spectacle. Here is Dr. Khare victimised and declared unfit to hold any position of trust or responsibility in the Congress just because he insisted upon using his constitutional powers as a Premier and just because he had to deal with the Governor in doing so. And here is Mr. Rajagopalachari who carried on "unauthorised, secret, personal negotiations" with Lord Erskine, Governor of Madras, and informed him with characteristic frankness that "the object of the Congress was not to wreck the Government of India Act but to co-operate with the representatives of the British Government and the British Crown and that the declarations made by the Congress of combating or wrecking the Constitution were only a pose to placate the Left Wing forces in the Congress." This very same Mr. Rajagopalachari immediately after this performance becomes the Premier of a major Province, uses the Criminal Law Amendment Act and is

defended by the Mahatma under the spacious plea that "We may not make a fetish of Congress resolutions." "Look upon this picture and on that!"

* * *

IT now becomes abundantly clear that Mr. Rajagopalachari had never made any fetish of the Congress resolutions. As a trusted and devoted follower of the Mahatma, he must have carried on his negotiations with the Governor of Madras with the knowledge of his *guru*, though behind the back of the Congress and the country. If so, Mahatma Gandhi must not have regarded this, 'pact with the Governor' as in any way detrimental to the interests of the country as a whole. Perhaps one of the innumerable laws of Satyagraha demanded such secret negotiations. Be that as it may, the British Government must have been laughing in their sleeves looking at these 'wrecking' tactics of the Congress high command and the pathetic credulity of the Congress Left Wing. Britishers in the know of these things must be asking themselves the question: 'What are these gentlemen wrecking—the Constitution or the Congress?'

* * *

ALL this naturally brings to our mind the question of the impending Federation. We wonder what secret negotiations regarding Federation are in process between the British statesmen and the Congress high command, and what new formula of working the Federation with a view to wrecking it is being hatched for the benefit of the country. Mahatma Gandhi is already reported to have discussed with a Chinese visitor the question of the Congress acquiring power at the Centre. Is it now too much to suspect that the Congress high command may, for all we know, evolve a formula for the acceptance of the Federation and is it really too much to expect that the Left Wing in the Congress together with all the radical forces in the country will prepare for the coming of the formula from now, will spike it when it comes and will launch upon a determined anti-Federation struggle with or without the Congress high command?

* * *

"No Right is Absolute."

IN our issue of last but one we referred to a decision by the U.S.A. National Labour Relations Board by which it protected, in a recent case, the right of employees to self-organisation, free from interference by employers, by declaring illegal the circulation by employers of statements intended or calculated to prevent the employees from joining a specific organisation. Did the Board in upholding the workers' right to organise indirectly curtail the right of the employers to place before the workers their own point of view? Is the Board's action a violation of the employers' constitutional right of free speech? On this point the *New Republic*, the great radical review of New York, writes:

Here is one of the cases, frequent in the law, where two rights appear to come into conflict with each other. Consideration of such cases has led intelligent men to the conclusion that no right is absolute in the sense that it is primary to all others and cannot in any respect be limited. In the case of free speech itself restrictions have been enacted and upheld, on the basis of the famous question as to whether a man has a right to cry "fire" in a crowded theatre. People do not have the right to

incite to riot, when the danger that their remarks will be effective is imminent, or the right to publish or distribute works injurious to morals, or to advocate crime. In all such cases boundaries must be drawn with due respect to the circumstances and to wise public policy. It is dangerous to free speech to allow restrictions which are not absolutely necessary and we favour a liberal interpretation of the rights. But it is absurd to allege that the right is destroyed, or is due for destruction in its entirety, simply because limitations to it are recognized in specific situations.

* * *

Muzzling of the Press in C. P.

WE were only recently compelled to criticise the Government of the Central Provinces for the issue of a communique drawing the attention of the public to certain articles in some newspapers in the province, which, according to Government, tend to encourage violence. The Government had in that communique also administered a threat that action would be taken against such papers. Government have very quickly acted up to their words at least in this matter if in no other, and a security of Rs. 4000/- in all has been now demanded from a Marathi paper called *Savadhan*. Anyone who is conversant with the precarious conditions of newspapers in Central Provinces will at once realise that the demand of such heavy security from the *Savadhan* means practically putting a stop to its publication.

* * *

IT is noteworthy that the C. P. Government, which is a Congress Government, is demanding this security from *Savadhan* which happens to be a non-Congress paper under the obnoxious provisions of the Indian Press (Emergency Powers) Act of 1931, which has been described by the Indian Civil Liberties Union as a "thorough-going effort to throttle the Press", and which was vehemently opposed by the Congress while it was on the anvil of the Central Legislative Assembly. The Act is meant to "provide against the publication of matter inciting to or encouraging murder or violence." Times without number eminent Indians, including Congressmen, have condemned the Act as "deliberately loosely worded so as to net every conceivable crime." In fact, the Working Committee of the Congress which met at Ahmedabad in September 1931 pointed out in a resolution that the provisions of the Press Act are "so wide and vague that 'violence' may be made to comprise any act or activity on the part of the public." It further described the Act to be "a drastic and wholly unwarranted measure in that it constitutes an extension of the penal law and an attack upon property and the liberty of the Press." Little did the Working Committee know then that these very provisions would in future be of great use to their own nominees in charge of Provincial Governments for the laudable purpose of muzzling the anti-Congress Press under the spacious plea that it tends to encourage violence.

* * *

MAHATMA GANDHI recently justified the use of the Criminal Law Amendment Act in Madras on the ground that some of its provisions "suit the new situation that the Congress is facing" and also under the excuse that "we may not make a fetish of Congress resolutions." The C. P. Government can very well take their stand behind these new truths recently discovered by the Mahatma and say that they do not propose to make a fetish of the old resolutions of the Working Committee

and that some provisions of the Indian Press (Emergency Powers) Act "suit the new situation that the Congress is facing" in C. P. In this connection we may only observe that there is no "new situation" which has to be faced to-day by the new Provincial Governments. If anything, the situation has changed for the better. What is really significant and revealing is the fact that during the former regime the interests of British Imperialism were jealously and violently guarded by an irresponsible bureaucracy with the help of all manner of repressive legislation, while under the new dispensation that task is undertaken and is being successfully carried out by elected representatives of the people most of whom are Congressmen. Those who fondly describe the Congress as a "revolutionary" organization of the Indian masses meant to fight British Imperialism may do well to study these developments and if necessary to revise their thesis.

IN commenting upon the threatening communique of the C. P. Government referred to above, we had quoted Laski to substantiate our contention that it is neither just nor wise for the State to curtail the liberty of the Press. We may draw upon another author to-day in our support. Chafee as quoted by Dr. K. B. Menon of the Indian Civil Liberties Union, in his "Press Laws of India" points out the grave dangers of Press Acts of a sweeping nature, and observes:

Men assume that such a law affects only a speech or a book which devotes itself entirely to the advocacy of violence. This is not so. For instance, any small conservative group in the community which wants to prevent radical agitators from bringing disagreeable facts to public attention will be enabled by such a statute to go through their speeches and pamphlets with a fine tooth-comb and probably find a sentence here or there which can be interpreted... as advocating revolution.... During the excitement of a great strike or some other wide-spread unrest, the partisans of law and order will hardly be able to resist the temptation to make use of this law to bottle up labour leaders and other agitators whom they fear and dislike.

Political Prisoners in Bombay.

THE Government of Bombay appear to be impervious to public opinion in their steadfast refusal to recognize the Sholapur comrades who are now in jail as political prisoners. All of them were sentenced to various terms of imprisonment because of their activities at Sholapur on the 14th of February last, in connection with the observance of the All-India Political Prisoners' Release Day. It is true that they were not sent to jail just because they participated in the observance of the Day. Their offences were duly brought under one section or other of the Indian Penal Code. But this is no reason why they should not be classed as political prisoners. Even the Government of Bombay will admit that all the political prisoners, for whose release they claim credit, were sent to jail after being convicted of one offence or other to be found in the Penal Code. It cannot, therefore, be said that a man who is sentenced to imprisonment by an ordinary Court of Law after going through the usual form of trial under an ordinary provision of the penal law, is not, for these reasons only, a political prisoner. Government, however, seem to adopt this view though they openly do not declare it.

WE hope the Government will agree with us if we say that it is extremely difficult to find an objective test by means of which a crime could be classified as 'political' or otherwise. The range of crimes which have been regarded as 'political' in the past is wide enough to comprise murders and robberies as well as peaceful picketing and the symbolical breaking of the Salt Act. The only possible test of the 'political' nature of a crime is to see whether it was committed by the offender, not with the idea of personal gain, but under the impression that it would help the nation's cause. Perhaps it was in view of these considerations that the Madgaonkar Committee, appointed by Government to enquire into the Bijapur jail flogging, made a recommendation that Government should have some definite canons by which to judge whether a particular crime is of a political nature or not. Government have not yet taken heed of this piece of advice and so, the definition of a political prisoner is all in a flux. But problems do not wait till Government are properly equipped to tackle them. In Bombay the question as to who should be regarded as a political prisoner has come up for Government's consideration and Government are answering it in a haphazard, piecemeal manner without going at the root of the matter. Is it pure accident or indifference or inefficiency on the part of Government or is there any further factor which determines the obstinate and callous attitude of Government in this respect?

WE are afraid the latter question has to be answered in the affirmative. The Government of Bombay as well as other Congress Governments have up to now very rightly adopted the policy of treating a prisoner as 'political' if he has been convicted of an offence committed by him in furtherance of what he conceived to be the good of the country. The Bombay Government recently released Mr. Gogate who had even attempted to shoot an ex-Governor of Bombay, at point blank range. Other Congress Governments have released, even after creating a successful constitutional deadlock, 'political prisoners' who were convicted of robbery and dacoity. What are the special disqualifications of the Sholapur prisoners that they should not be treated as political prisoners? As we said above, all of them were convicted in connection with their activities on the Political Prisoners Release Day. Most of them had previously undergone various terms of imprisonment on account of their participation in the C. D. Movement. And still the Bombay Government refuse to treat them as political prisoners—much less release them altogether.

WE wonder whether this otherwise inexplicable attitude of Government is due to the fact that the Sholapur prisoners are, most of them, labour leaders with some influence on the Sholapur workers, that they are very radical in their outlook on the labour problems, that they are also actively sympathetic towards the sufferings of the criminal tribes settlers at Sholapur and that they are devotees of the Red Flag which has recently become a red rag to the Congress Government in Bombay. We may admit that their activities at Sholapur might have been very embarrassing to Government but we fail to see how any of these things can legitimately stand in their way of being regarded as political prisoners. Do the Congress Government think that the activities of Congressmen during the C. D. Movement were very agreeable to the former bureaucratic Government?

And yet did they not have the courtesy of treating them as political prisoners? The Bombay Congress Government are showing considerably greater intolerance and even vindictiveness in the treatment of persons whose activities are unpalatable to them than did the bureaucratic British Government themselves. The bureaucracy has only changed its colour.

* * *

If Government do not plead guilty to charges levelled above, let them declare their criterion by means of which they judge the 'political' nature of a crime. As long as they do not do so and as long as they continue to judge individual cases in a haphazard manner, the public would be perfectly justified in tracing their strange attitude to political intolerance and vindictiveness. The best course for the Bombay Government would be to release without delay all the Sholapur prisoners convicted for what they did on the Political Prisoners' Release Day.

Articles.

RE-THINKING INDIAN EMIGRATION.

ON the 17th inst. the Central Legislative Assembly passed, with the cordial support of all parties and interests, the bill introduced by the Government of India to control unassisted or free emigration of unskilled Indian labour. It will be recalled that in 1922 when the Government introduced a bill to control assisted emigration, they shrank from seeking to control free emigration also for the reason that such interference with the liberty of the citizen was unwarranted. What they shrank from in 1922, they proposed in 1938. It is even more significant that members representing labour interests, who were opposed to the more restricted measure of 1922 cordially supported the more extensive one of 1938.

It is not necessary to go into the merits of the bill again, as we have already referred to them in our issue of 18th August last. Now that the bill had such a smooth passage in the Assembly, its smoother passage in the Council of State may safely be anticipated.

The bill is merely a permissive measure: it empowers Government to control free emigration. It now remains for Government, in consultation with the Legislature, to take suitable action in accordance with the powers conferred by the bill when enacted. And we hope that Government will not lose any time in putting a moratorium on Indian labour emigration, pending a review and reconsideration of the whole subject of Indian emigration.

The time has arrived when this broader question of the future of Indian emigration should be carefully considered. Indian emigration during the last hundred years has created so many difficult problems, some of which seem to be almost insoluble, that it is worth while to consider what may and should be done to avoid similar situations

arising in future. There can also be no doubt that in the past Indian emigration was primarily concerned with the needs and convenience of foreign employers in countries abroad rather with the status and well-being of Indian labourers. The class of Indians assisted to emigrate was the least able to defend its rights or enhance the status and prestige of India, and India as a whole has suffered in the estimation of others and, in consequence, of herself. At the same time there can equally be no doubt that some at least of the Indian emigrants, particularly those who chose to settle down abroad, have had a better life than they would, in all probability, have had if they had remained in India. Even the returned emigrant brings back with him a wider outlook and a better appreciation of a higher standard of life than he had before he went abroad. These are assets which may not be overlooked or under-estimated. The problem is thus somewhat involved, and the best solution is one which maximises the advantages to the individual emigrants as well to India as a whole. The interests, sentiments and even the prejudices of the peoples of immigrant countries must also be considered, and Indian emigration permitted only to such countries where it is welcome.

The question of Indian emigration in the larger sense was considered in 1922, when, for the first time Indian public opinion, as represented in the Legislative Assembly, was given the deciding voice. The Act of 1922 was the result. Under it emigration to Malaya and Ceylon was permitted after conferences between the Governments and other parties concerned. Since then there has been no general review of the problem of Indian emigration. Much has happened since that day which calls for consideration. Indian public opinion is much more aware to the problem today than in 1922 and much more sensitive. The sentiment has greatly grown in strength that India should no longer serve as a reservoir of coolies for the world; that Indian emigration should predominantly be for colonization rather than hired labour; and that the control, escort and supervision of emigration should be exercised by the Government of India and not by foreign Governments or private agents from abroad. India, and not foreign employers, should select the emigrants. India should formulate a national policy in the interests primarily of herself and her nationals.

The policy followed by Japan in this respect may well be examined with a view to its possible adaptation to India. The policy of Japan is thus described in the *Migration of Workers*, published by the International Labour Office, Geneva:

"In Japan for some years the Government either directly or by subsidizing certain organisations, has been carrying out a scheme for encouraging emigration by various forms of training and cultivating public interest in emigration. This scheme is remarkable not only for the relative high expenditure involved (fixed at 4.8 million yen in 1929), but also for the

originality of the methods employed. This establishment of an 'overseas museum' was decided upon in 1929-30; and emigration inspectors in various organisations have been instructed to provide or help to provide emigrants, either at home or at the ports of embarkation, with the necessary linguistic and vocational guidance and training. In particular, the purpose of the 'overseas museum' was to show collections of objects and documents relating to the geography, life and customs of the countries to which Japanese subjects are encouraged to go, and also the life and work awaiting them there. In 1928 the Japanese Government announced that it would pay special attention to the vocational training of emigrants, on the ground that in *emigration quality should come before quantity*. The training scheme hitherto in force having given good results, the Government decided to continue it, subject to certain improvements, so that emigrants might adapt themselves more easily to the customs prevailing in overseas countries, and settle permanently in them." (p. 71) (Italics ours.)

The subject of migration, both for wage-labour and settlement, has received much detailed consideration since the Versailles Treaty. The International Labour Office has gathered and sifted a vast amount of information and submitted it to the security and advice of experts. There is thus ample material for a comparative study of emigration all over the world which was not available in 1922.

The recent change in the constitution of India and the keener appreciation by the other members of the British Commonwealth of the new status of India and the need for her cordial cooperation in matters affecting the safety and solidarity of the Commonwealth are new factors which must influence Indian emigration.

And the time has arrived when a fresh review should be undertaken and a national policy of emigration should be formulated and followed.

A CONTRIBUTION ONLY IN NAME.

A QUESTION of primary importance with regard to India's cost of defence was discussed recently by the Central Assembly when Mr. Raizada Hans Raj moved a resolution for the appointment of a committee to enquire and report on financial control of Indian military expenditure and on the reduction in the cost of Indian defence. The resolution evoked a long and interesting discussion and was adopted by the House by a large majority though the Finance Member opposed it. The resolution was slightly modified by an amendment of Mr. Avinashlingam Chetty who proposed that the committee to be appointed should consist of a majority of elected members.

In the course of the discussion of the above resolution, the Finance Member made an important announcement. He informed the House about the *ad interim* proposals made by England towards contributing a portion of the Indian military expenditure. The proposals made by England can be summarised as follows:—

(1) The annual grant made by England under the Garran Tribunal scheme would be increased by a sum of half a million pounds, thus bringing the total annual grant to £2,000,000;

(2) £5,000,000 would be offered for the re-equipment of certain British and Indian units in India and, in addition to this, provision would be made for the re-equipment of certain squadrons of the Royal Air Force,

(3) Four British battalions would be transferred from Indian to Imperial establishment;

(4) An expert committee would be appointed by His Majesty's Government to investigate the military and financial aspects of the problem of

Indian defence on the spot which would submit its report before discussion between the two Governments are carried to their conclusion.

Dealing with the proposals seriatim, we are constrained to observe that the proposal to increase England's contribution towards India's military expenditure by half a million pounds will not in the least satisfy public opinion in India. India maintains a British element in its army, whose total cost is £16,000,000. If this British element is replaced by an Indian force of equal strength, the total savings in army expenditure will be £10,000,000. Besides, the British element in the Indian Army has been frequently utilised for Imperial purposes. So, in all fairness, England ought to bear the total expenditure of the British element in the army. The India Office had put forth exactly this claim before the Garran Tribunal, though unfortunately the Tribunal did not agree to it. But even the Garran Tribunal felt that India was justified in claiming a contribution from England towards her military expenditure and on the following grounds:—

"(1) That the Army in India is a force, ready in an emergency to take the field at once, which does not exist elsewhere in the empire, which is specially available for immediate use in the East, and which has on occasion been so used.

(2) That India is a training ground for active service such as does not exist elsewhere in the Empire."

Sir Shadi Lal and Sir Shah Sulaiman, the two Indian members of the Garran Tribunal, strongly emphasised the fact that the British troops in India protected and promoted *inter alia* British commercial and financial interests and they also maintained the British supremacy in India. Again

the frontiers of India are, as admitted by the War Office, not only the frontiers of India, but also Imperial frontiers of the first importance. Therefore, England is bound by all principles of equity and justice to bear a substantial portion of the military expenditure of India. But, evidently England is not impressed by these just and equitable considerations. She uses her contribution as a face-saving device, not to meet the just demands of India but to proclaim it to the world that she is making a contribution and therefore can justifiably use the Indian Army for Imperial purposes. What otherwise can be the idea in offering a contribution to India which is only $\frac{1}{8}$ of her total defence expenditure? Nay, we are, justified in thinking that what England gave with one hand, she has taken away with the other, for it is a fact that the proposals of Mr. Hore-Belisha for the democratisation of the army are going to cost the Indian exchequer an additional sum of about Rs. 2½ crores a year. The contribution proposed to be made by England will be a little more than Rs. 2½ crores, and the whole of it will be paid back to the British soldiers in shape of higher pays, pensions and amenities.

Secondly, it is proposed that England should pay £5,000,000 for the re-equipment of certain British and Indian units in India. We do not know what the total cost of re-equipment would be, nor do we know how the Government of India proposes to meet this cost of re-equipment. It is very much to be deplored that the Government of India did not take the legislature into confidence with regard to these matters.

The Government of India, we presume, is interested in hatching up every thing in secret and in presenting the legislature with a *fait accompli*. The present Central Legislature being what it is, it cannot lift its little finger against the Government and rightly therefore it should denounce strongly any effort to saddle India with additional expenditure. Mr. Bhulabhai Desai has made it clear that India would refuse to join a war carried on for promoting England's interests. If, therefore, the re-equipment scheme is meant to prepare the Indian army for an Imperial war, Indian taxpayer will refuse to bear a single farthing of the expenses for it. Nay, Indian politicians should protest against their people being killed for the benefit of England. India cannot spare her men and money for being utilised for the interests of the Empire.

Thirdly, we are told that four British battalions would be transferred from Indian to Imperial establishment. Each British battalion costs about 16½ lakhs of rupees. So, the transfer of four British battalions will mean a saving of Rs. 66 lakhs only. This is too small a sum to be of real relief to India. We are of opinion that all British battalions, British regiments, British batteries and British squadrons should at once be transferred from Indian to Imperial establish-

ment, in view of the authoritative evidence that the British element in the Indian Army is maintained for protecting imperial interests and therefore, in all fairness, its cost should be borne by the British Exchequer. Again there is another point to which we should like to advert. India pays two crores of rupees as capitation charges. This expenditure is charged to India by the War Office for the recruiting and training of officers and soldiers for India. At present, India is charged for the training of the recruits for a period of nine months. But, it is a well-known fact that the various committees and commissions which were asked to examine the matter had expressed themselves in favour of a shorter period. Not only that. Even the War Office for many years calculated the capitation charge on the basis of a training period of 6 months only. Under the circumstances, we see no reason why the capitation charges should be extracted from India on the basis of a training period spread over nine months. We hope that the expert committee which will shortly be appointed by the British Government will go carefully into the matter and give to India the relief which we consider is her legitimate due.

Lastly, we come to the question of the expert committee. The committee, so far as we understand, will be an all-British committee appointed by the British Government where perhaps an Indian army officer will be called upon to serve. We must say that we can have no confidence in the *bonafides* of such a committee. We are sure that the Britishers will look to their own interests as the Garran Tribunal did; and even the Indian army officer, if he at all differs from his British colleagues, will find himself in the minority of one. We know how Sir Shadi Lal and Sir Shah Sulaiman, the two Indian members of the Garran Tribunal, differed on all vital matters from the majority of their colleagues and how their protestations were all in vain. Under the circumstances, we do not think that Indian claims will be fairly treated by an all-British committee. We fear that there will be none in the proposed committee, to represent correctly the Indian standpoint, not to speak of emphasising and pressing it forward. We, therefore heartily endorse the suggestion made by the "Leader" that people like Sir Sivaswami Ayyer should be included in the Committee.

In fact, we feel sincerely that the Government of India would be doing the wisest thing if they act on the resolution of Mr. Raizada Hans Raj. Whatever proposals are made by the nominees of the Central Legislature would be more acceptable to the people of India than the proposals of an outside body. We hope, therefore, that the Government of India would do the wise thing by taking the legislature into confidence in this respect.

INDIAN CURRENCY AND EXCHANGE.

III.

THE comparison of Indian experience with the course of events in Australia shows the picture in its proper perspective. Australia suspended the gold standard as early as December 1929. It then went about in the most systematic manner to evolve a plan for restoring the balance to its economy. It maintained its pound throughout these years at a discount with the sterling. The gold value of the Australian pound was already 76.6 per cent. of the par in September 1931. The lowest value reached by the Indian rupee was 58.4 per cent. of the old gold value. This was in March 1935. The Australian pound reached its lowest point in the same month. This was 46.0 per cent. of the old gold value. Australia further scaled down the internal obligations of government and did everything else in its power to attain the main aim of adjusting its balance of international payments. This effort was, perhaps, even more difficult in the case of Australia than in the case of India. The Australian balance of payments was normally a deficit balance on current account and was usually made up by capital imports. It was the cessation of capital imports immediately on the first signs of the depression that brought about the crisis in Australia. Efforts had, therefore, to be directed towards converting a normal adverse balance on current account to a favourable balance. By systematic and strenuous efforts this was achieved within two years and Australia had already a positive balance on account of current trade in 1931-32. The effort meant an enormous curtailment in purchases abroad. The value of the imports of Australia which was £131 millions in 1929-30 had been brought down to £44 millions in 1931-32. A similar fall in the imports of India, those in control of our currency and exchange policy were perhaps most anxious to avoid. At least it is only by presuming this that their policy can be explained adequately.

A word is necessary about the character of India's exports of gold. It has been urged that the gold exported out of India during these years came out of private hoards and hence the significance of these exports is not the same as that of the movements of gold stocks held by Governments or Central Banks. Some have gone so far as to compare this export of gold from India to exports of gold from gold-mining countries like South Africa. The latter suggestion is, of course, wholly absurd. Gold exports form a natural feature of the foreign trade of gold mining countries. This gold being the product of a national extractive industry, should be counted properly as a part of the merchandise balance of trade. Gold in India, whether in private or public hands, as gold in all other non-mining countries,

is a part of a hoard or a reserve. From the national point of view this gold whoever holds it is a national capital asset. Its loss means a loss of capital assets. If India as a whole was able to balance its current imports only by exporting gold for any period of years, it obviously means that the country was living partly on its capital assets for that period. Whether the exported gold was public or private makes no difference to national account. It made a difference only for the operation of exchange policy. As the gold came out of private hands, Government was in a position to maintain the fixed parity. If this flow had been absent, Government would have been forced to change the policy. What happened was merely that the overvaluation of the rupee led to a premium in favour of gold exports. This premium led people to sell out gold and started a movement of gold to other countries. This movement made it possible for the country to balance the account even though the balance of merchandise trade had fallen very low and made it possible for Government to maintain the exchange at the overvalued point. Some have maintained that as this brought gold out of private hoards where it was sterile, the movement was beneficial. It is pertinent to ask, however, for what purpose the hoards were emptied out. If the hoards had been brought out to be invested in productive capital forms, the movement would be counted all to the good. But if the hoards were depleted for buying foreign consumption goods when we could not as a nation afford to buy them, it involved a definite loss of a capital asset. There are a variety of reasons which have led to the formation of hoards of gold in private hands in India. It might be advantageous to remove these and diminish the extent of these hoards, releasing thereby fresh capital for productive investment; but there is nothing virtuous in the mere fact of the lessening of the hoards. These hoards are after all the results of previous capital savings, and we would rather have the capital savings in hoards than not have them at all.

Another important consideration which needs to be emphasized is that an elastic exchange and currency policy is for India an indispensable weapon for combating a depression of any considerable magnitude. The main problem created by a depression in India is not that of unemployment. In the industrialised countries of the world growing unemployment and consequent fall in the purchasing power of consumers are the main evils towards which attention of State policy is directed. Direct relief of the unemployed and an ambitious public works policy thus play a leading part in the campaign for recovery. An agricultural country like India which mostly

exports raw materials feels the depression primarily through the slump in the prices of agricultural products. The agricultural classes do not in the depression suffer from unemployment as they would in a widespread famine. They are as fully employed as before; only they find that the margin of profitability in agriculture is reduced to a vanishing point or even becomes negative. The comparative rigidity of agricultural costs makes the position specially difficult. The agriculturists' purchasing power falls greatly and this in turn affects rural artisan industry which depends primarily on the demand from the agricultural population. Under these circumstances the technique of dealing with the depression developed in the industrial countries cannot adequately meet the situation. The numbers of our industrial labour are comparatively small; so that even a liberal relief policy with regard to these classes could make little impression on the national situation as a whole. A public works policy would, for similar reasons, not prove very helpful. The measures most required are those that will support the tottering position of the agriculturist—that will finance him in difficulties and will stop the continuous fall of, at least, internal prices. Deflation, agricultural finance and a drastic diminution in the imports—which the nation can no longer afford at the normal level—these must be in the forefront in the Indian programme for recovery. None of these can, however, be even attempted if Indian currency and exchange policy is tied up with any external currency system. These considerations will explain the reasons for the dismal failure of government policy during the last depression; they will also make clear the importance to the country of an independent currency and exchange policy.

The issues raised in these articles threaten to assume immediate practical importance. We are already in the beginning of what has been called a "recession"; we do not yet know whether it will develop into a full depression. Already, however, India's merchandise balance, which had almost righted itself during 1936-37, shows signs of a rapid fall. The extent to which the position worsened during the year 1937-38 is made clear by the following extracts from the latest report on Currency and Finance of the Reserve Bank of India. "As a result of the substantial increase in imports and the slight decline in exports the balance of trade in merchandise for India and Burma combined decreased from Rs. 79,51 lakhs in 1936-37 to Rs. 43,54 lakhs in 1937-38. There was also a decrease in net exports of gold from Rs. 27,85 lakhs to Rs. 16,33 lakhs, but this was more than balanced by a decrease in net imports of silver from Rs. 13,59 lakhs to Rs. 1,50 lakhs. The decrease in the favourable balance of trade necessarily involved a decrease in the amount of sterling available for purchase by the Reserve Bank. Such purchases amounted to only Rs. 33,29

lakhs in 1937-38 as compared with Rs. 70,87 lakhs in 1936-37..... The amount purchased in 1937-38 fell short of the total requirements, of the various Governments by about £12 million but in view of the large sterling resources which had been built up in previous years the Bank had no difficulty in meeting this deficit."

The Government is, again, in no mood to listen to Indian interests. It has declared its intention to maintain the fixed ratio at all costs, i. e., of course costs to India and her people. In the new constitution the exchange policy is put specifically under the protecting wing of the Governor-General, and Indians have been definitely told that their interests and opinions count as for nothing. This fanatical belief of the Secretary of State and the Government of India in the fixed sterling ratio would have appeared even more absurd than the fanatical belief of its adherents to the gold standard, if it could not have been explained by reference to solid British interests.

D. R. GADGIL

(concluded)

HINDU WOMEN'S DIVORCE BILL.

A marriage institution, which does not allow divorce under any conditions, will strain the faith of any modern jurist in the wisdom, justice and propriety of the principle on which that institution is built. If worldly happiness of men and women is what the marriage institution stands for achieving, divorce, the remedy to unhappy wedlocks, must be one of its chief incidents. The ancient Hindu Law was more humane and just in its recognition of the principle of divorce. Hindu Law of today not only does not allow divorce, but allows polygamy, and the combined effect of these two principles has been most disastrous to Hindu women. The man is free to marry as many women as his purse or fancy permits, but the woman can neither obtain divorce nor can marry again. It is to remove this injustice and anomaly, that Dr. Deshmukh has introduced in the Central Legislative Assembly a Bill to give Hindu women the right of divorce.

The ancient Hindu Law contained two provisions to avoid and remedy matrimonial maladjustments. Persons suffering from mental or physical defects and diseases were disqualified from entering into marriage. Sage Vishnu says that the disfigured, the dwarf, the blind, the impotent, the maimed and those suffering from diseases should remain unmarried till their death. Divorce was allowed under certain circumstances. Sages Yajnavalkya, Narada, Parashara, Vashistha, Deval and Katyana, all enjoin, in unequivocal terms, a general rule that a girl married to a boy who is impotent, or suffering from some loathsome disease, or a

lunatic, or an outcaste, or who has disappeared, or become a recluse, or a convert to another religion, should be given in marriage again to a deserving bridegroom. The all round degeneration of the Hindu society that followed its downfall in the political sphere robbed it of many a noble and basic principle. If antiquity of a law invests it with sanctity, the principle of divorce is sanctified as it is sanctioned in ancient Hindu Law. But ultimately, the sense of justice, equality and morality ought to transcend all other considerations, including ancient laws, and the ultimate good of society must dictate the course of conduct in social legislation. It neither needs argument nor proof for asserting that married life in recent times and in some cases is all but happy and smooth.

The Bill under consideration gives to a woman the right to claim divorce from her husband if her husband (1) acquires incurable impotency, or (2) changes his religion, or (3) marries another woman, or (4) deserts her for three years.

The Bill, however, is incomplete, as it leaves out many more important causes of divorce and does not lay down the procedure to be followed in divorce cases. Cruelty, in its milder or serious form, is certainly more serious than desertion. Adultery and the habit of committing unnatural offences are more repulsive than marrying another woman. One would like to complete the list of causes by adding the following ones. The wife should have the right to claim divorce if her husband has (5) disappeared and is not heard of for more than seven years, or (6) becomes a recluse or has taken a vow of life-long celibacy, or (7) is guilty of cruelty, meaning thereby conduct of such a nature as to cause danger to her life or limb or bodily or mental health or the apprehension of such a danger, or (8) commits adultery, meaning sexual intercourse with any woman other than his wife, or (9) is in the habit of committing unnatural offence, or (10) is suffering from some loathsome disease, or (11) is a lunatic, or (12) is undergoing sentence of life imprisonment, or (13) if her marriage is invalid or illegal according to Hindu Law, or (14) was brought about by force or fraud.

Thus, there are these fourteen difficult situations that call for relief through divorce. The Bill ought to mention clearly that the woman, after obtaining a divorce, will be entitled to marry again as if her marriage has been dissolved by the death of her former husband. There is no mention as regards alimony. Adequate provision shall have to be made for her maintenance both during the pendency of the proceedings, and even after the dissolution till she marries again. A like provision will have to be made for the custody and maintenance of the children of the marriage. It is also necessary that the proceedings should be conducted *in camera* and with the help of a jury consisting of persons of the same caste to which the parties belong,

If these defects are removed the proposed divorce Bill will be a more perfect and comprehensive piece of legislation in this difficult branch of Hindu law and will enlist wider support.

The successful working of a similar Hindu Divorce Act in Baroda will dispel all the fears raised by the orthodox section. The Hindu society in Baroda has continued unshattered, and its morality has remained unshaken, and the Sanatanist has to admit that all his fears were unfounded.

A short summary of the Baroda Hindu Divorce Act will be of great help in knowing what that law is and what a Hindu Divorce Act has to be. The various grounds for dissolution of marriages are picked up mostly from our old Smritis, but the modern legal connotations, which the words used therein imply, have combined conventions with convenience and revived forgotten traditions in their most modern implications. 'Desertion', as used in the Act, means abandonment against the wish of the person charging it; 'Cruelty' means conduct of such a character as to cause danger to life, limb, or bodily or mental health, or as to give rise to reasonable apprehension of such danger; 'Adultery' means sexual intercourse with any person other than one's wife or husband. These definitions are wider than those current in legal literature and are comprehensive enough to include the modern conception of the invasions of marital relations. The grounds for dissolution are as follows: if the husband or wife has disappeared for seven years; has become recluse; has been converted to another religion; is guilty of cruelty; or of desertion for more than three years; has been addicted to the use of intoxicants for more than three years and thereby is unable to fulfill his marital obligations; or commits adultery; and for a wife, if the husband is impotent, or is in the habit of committing unnatural offence; and for a husband, if the wife was pregnant at the time of the marriage by a person other than her husband, or marries a second time in his life-time. The Act does not stop there. It makes further provisions for declaring null and void such marriages as ought not to be regarded as valid at all; a matter though just and proper is unknown to the present Hindu Law. It provides that a wife or husband can get the marriage declared void if the other party was suffering from leprosy or other loathsome disease, was deaf, dumb, blind, lunatic, idiot, or converted to another religion; and if the parties were within the prohibited degree of relationship, or were of the same Gotra, or of different Varnas; or if the marriage was brought about by force or fraud. The proceedings are to be conducted with the aid of jurors, to be selected by the parties and belonging to their caste, and where necessary the inquiry to be held behind closed doors. The court can dismiss the

suit or refuse to pass a decree nisi or can vacate the decree already passed if it is satisfied that the suit is collusive, and may refuse to pass a decree if the party aggrieved has condoned the guilt, or is guilty of himself contributing to the causes. The court has power to order the husband to pay to his wife alimony during the pending of the suit as also after the final decree, either in a lump sum or in annual or monthly instalments. Likewise it has to pass orders regarding the custody and the maintenance of the children of the marriage. These salutary provisions are in themselves sufficient guarantee against the abuse of the law and are convincing replies to many unfounded objections heedlessly hurled against such legislation.

V. V. JOSHI.

THE HINDU MONOGAMY BILLS.

THREE bills making polygamy among Hindus illegal are being moved by Mrs. Subbarayan in the Legislative Assembly (Central), Mr. Motilal in the Council of State and by Mrs. Munshi in the Bombay Legislative Assembly.

In Mrs. Munshi's Bill it is stated that no Hindu man or woman be allowed to marry a second time in the life time of his or her partner without being first divorced from the latter.

This bill recognises the fact that legally enforced monogamy has necessarily to have as its concomitant some provision for divorce, whereby under exceptional circumstances a man or woman may seek another mate after dissolving the first marriage. According to Mrs. Munshi, a man or woman may successively live legally with a number of mates. What is objected to is the founding of a household, where, for example, a man has two or more wives.

At the very outset I should like to point out that there is nothing intrinsically immoral in a polygamous marriage nor anything intrinsically moral in a monogamous one. Marriage is a social action and its ethical value can be judged only through its effects on all concerned. If a polygamous union has a element of compulsion in it, if one of the parties is suffering under grave injustice by not having the option to dissolve the union, then indeed such a marriage is harmful. Hindu women at present, do, labour under such an injustice. She has to remain in the same household even if her husband brings in another wife against her will. But the remedy for this injustice is surely not compulsory monogamy. Relief can be given to such a woman either by enabling her to ask for a divorce or to demand a judicial separation coupled with a maintenance allowance. Many women advanced in years with but scanty chances of another marriage may very often prefer the second alternative to the first.

If one looked carefully into divorce cases, it would be found that neglect by the first mate is not necessarily the compelling cause for divorce. Generally it is an attachment elsewhere that is psychologically the compelling factor. Neglect or ill-treatment is bitterly resented, but the impulse to divorce is generally given by other motives, and a woman who has no attachment elsewhere may prefer merely a judicial separation which still gives her a right to a part of her husband's income. I, therefore, believe that greater relief will be given to such women by such a provision in addition to divorce as contemplated by Dr. Deshmukh's Bill.

Dr. Deshmukh's Bill, if passed, would take away the sting of polygamy. If a woman does not wish to live in a polygamous household, she would have the choice of asking for a divorce and get completely freed of the irksome marriage tie or in the alternative, get the means of living separately as I have suggested above.

One can very well imagine cases however, in which a woman may willingly share the household with a co-wife. Marriage is the chief vocation of women, but a childless marriage cannot be endured by the majority of women. It is not at all an uncommon occurrence that in the case of a childless marriage the woman herself insists on a second marriage of the husband, willingly makes place for a co-wife and finds satisfaction in the vicarious motherhood conferred on her by the co-wife's children.

Another circumstance in which co-wife is tolerated came to my notice recently. A married man was living with another woman for some time when the wife of the man herself desired that instead of this concubinage, the position of the other woman should be regularised by marriage and that all three should set up a common household and live together. There was no rancour in the wife's heart when she suggested this solution. On the contrary, it showed a generous regard for the social position of the other woman, which is found rarely in women of the higher castes. This woman also showed a simple realisation of the psychological and ethical values which unfortunately are not grasped by the sponsors of the bills referred to above. In the bigamous household mentioned above, the position of both women is equal, the children of both would be legitimate and would have a proper place in the caste and the affection of the man for both the women is something which is taken for granted by the children without resentment. If there had been no such solution, the marriage would have been monogamous no doubt but the other woman would have been a rank outsider, whose influence would have been resented both by the wife and her children. From the point of view of the other woman and her children, such a relation would have been socially humiliating. The woman would have been a social outcaste and so would have been the children especially, the girls.

A third case within my knowledge is one in which there is no bigamous marriage but here such a marriage would have been a blessing to all the people concerned. A married man made friends with a woman soon after his marriage. This woman, intellectually superior and possessing a dominant personality, very soon became the manager of the household of the man including the wife and the children, although not always living with the family, her status in the family being that of an aunt to the children. One can imagine the tension in the household and among the members of the family including the relations of both the man and his wife. As long as the children were too young to understand the situation, they completely ignored the mother and were guided by the father's friend, but when they became older they resented her influence and in their sympathy for the mother, who they felt was being neglected, they also became antagonistic to the father. The interplay of these factors played havoc with the harmonious life of the family. The husband and wife, though not estranged from each other, could not be either completely frank or happy, though they had both attachment and genuine regard for each other. The life of the children, especially of the girls, was made actually unhappy, and the worst position was that of the other woman. She had spent the best years of her life and a considerable part of her earnings on the family and could only look forward to an old age where the children she had brought up would definitely regard her as an intruder. The man could give her only a platonic friendship since both of them had to keep up their position in society. She gave so much and received so little. I believe the wife, who had shown a tolerant and humane attitude to the other woman, would not have minded her as a co-wife and the household would have been happier. The children could have loved both mothers without any mental reservations.

The point which I wish to make is that a woman should have the choice either to remain in or to withdraw from a polygamous marriage and that there should be no outside compulsion for everybody to be strictly monogamous. Family relations are a complicated affair and the mental reactions to them are mainly of a traditional nature and a co-wife is not in many cases such a blight on life as certain women of the educated classes believe.

Many people think that polygamy is the privilege of the rich. It may be true in a certain number of cases, but there are many very poor polygamous households where the man and all his wives work together to feed the joint household. Polygamous marriages are found among Wadars, Mangs, Mahars and poor agriculturists and surely in these cases there is no correlation between polygamy and wealth. Among the rich and middle classes, it may be that only the well-to-do can afford to marry two wives, but in the changing economic life where the middle class women are finding it necessary to earn something, where the middle class man is not sure of his ability to support a wife and children and where the incidence of unmarried women is growing, polygamy might solve the social problem of old maids.

The three bills considered here are an uncalled for and unnecessary interference in the marriage institution of the Hindus. Legislation which brings about changes in such an age-old institution, should be of a kind which would remove injustice to any of the parties entering into the marriage alliance. Once that is assured (and I have already suggested the two possibilities of divorce or legal separation), the old and traditional practice should be left undisturbed.

Sex morals and sex jealousies are a matter of cultural heritage and nobody would dare to gauge the moral worth of a people by their marriage practices, which are nothing more than social conventions. Such conventions are always changing owing to impacts with other cultures, but changes in them should be left to public opinion and not hastened or made permanent by legislation. It is clear that our impact with western ideals as represented by the Christian Church and the fact that the western races are conquering races makes us feel that monogamy as preached by the Christian Church is the only ideal of marriage. It is certainly the model adopted by the majority of the people all over the world, but polygamy and polyandry are still honoured institutions in many societies and will always find a place, as exceptions, which suit certain circumstances and certain individuals. Marriage is one of the most delicate of social relationships into which human beings enter. This relationship should be as elastic and as broad as possible and should make room for people of all temperaments. Public opinion, the great regulator of human conduct, governs the forms which this relationship should take and 99 per cent. would accept the norm of monogamy. But the remaining 1 per cent. should be allowed to follow their inclinations, if in so doing, they are not harming anybody.

IRAWATI KARVE.

MR. PARULEKAR INTERVIEWED.

Mr. S. V. Parulekar, M.A., M.L.A., Member, Servants of India Society, returned home recently after attending the International Labour Conference at Geneva as an Indian Labour Delegate. He also toured round Czechoslovakia, France, England and some other countries of Europe. Interviewed on his impressions gathered during his European tour, Mr. Parulekar stated:

"I was most profoundly impressed with the courage and indomitable determination of the people of Czechoslovakia to fight against Fascism. Two tremendous reforms were enforced

in that country after the new State was inaugurated by the Treaty of Versailles.

Firstly, the new Government confiscated the big land estates and distributed them among the

cultivating tenants and landless workers. These small peasants stand like a solid phalanx behind the State, in its fight against Hitler's aggression, more particularly because they feel that their lands would be returned to the big Zamindars in the event of a Fascist victory.

Secondly, the whole army was re-organised, placed on a most efficient footing and armed with the most modern weapons of warfare. Besides the army is actuated with the spirit of the peasantry in its inveterate hatred of Fascism as the soldiers are mostly drawn from the village people. The zealous militancy of the commanders and rank and file of the army could be judged from the fact that the extraordinary mobilisation of May 21 was carried out overnight spontaneously without the consent and even the knowledge of the Cabinet. The President Dr. Benes alone knew about it.

And it is now generally agreed that this mobilisation held up Hitler's plans of a lightning attack on the Sudetan territory.

I was also gratified to see that the people of this country were interested in Indian conditions more profoundly than any others in the whole of Europe. Nowhere else did I find common men and women so inquisitive about our economic and political struggles."

Asked about the chances of securing Russian help for this country, Mr. Parulekar said: Unless England decides to help Hitler actively, Russia and France will stand solidly with Czechoslovakia. In fact Prague takes counsel with Moscow and Paris before taking all important decisions. Of course you don't hear much about Russian mobilisation to-day but you may take it that the Russian army will march into Czechoslovakia via Roumania within 24 hours of the declaration of war.

I may add here that the exhibition of Russian strength and firmness in dealing with Japan has increased its prestige immensely and all talks of Japanese intervention in a European

conflict are heavily discounted to-day in the Chancellories of Europe.

Coming to France, Mr. Parulekar stated: "I was deeply impressed with the organization and militancy of the French working class. I attended a Railwaymen's Conference which lasted four days. Every resolution was thoroughly discussed by the workers and every militant speech was not only loudly applauded every few minutes but was interrupted by the mass singing of the 'International' from time to time. The pity is that the peasants of France are rather conservative. Otherwise you would have seen a socialist revolution in France long ago.

Lastly Mr. Parulekar dealt with England:

"Thanks to the leftist propaganda raging over many years past, the atmosphere is surcharged with an anti-war and anti-fascist spirit. Indeed the working class solidarity is getting so strong that its pressure is being felt even by Mr. Neville Chamberlain who is being denounced as the friend of Hitler.

During my visit to Glasgow which can boast of the most militant workers in the country, I was delighted to see a Labour Club which has a Cinema house for exhibiting left films including those about Chinese and Spanish wars and a theatre which presents left dramas of absorbing interest. I wonder when we shall have a similar institution in our progressive towns like Calcutta and Bombay.

BOOKS RECEIVED.

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TOWARDS DRY INDIA. By "ATREYA". (Dikshit Publishing House, Madras.) 1938. 18cm. 215p. Rs. 1-4-0.

PROSPECTS OF THE CANE SUGAR INDUSTRY IN BENGAL. By RAMANI RANJAN CHOWDHURY. (The Economic Supply Agency, Calcutta.) 1938. 21cm. 53p.

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