

The Servant of India

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Office : SERVANTS OF INDIA SOCIETY, POONA 4.

VOL. XXII, No. 3. } POONA—THURSDAY, JANUARY 19, 1939. { INDIAN SUBSN. Rs. 6.
FOREIGN 15s.

CONTENTS

	Page
TOPICS OF THE WEEK	35
ARTICLES :	
The Emperor goes to Canossa	28
Ceylon Reform Proposals	29
Public Defender. By S. G. B.	32
The Future of Indian States. By Professor Gurmukh Nihal Singh	34
Current Comment... ..	36
REVIEWS :	
Lord Metcalfe. By Prof. M. V. Subrahmanyam	37
Price Policies. By Prof. V. Y. Kolhatkar	39
World Order. By Prof. R. Srinivasa Iyengar	39

Topics of the Week.

Minority Protection.

IT was expected that the Congress Working Committee which met last week at Bardoli would adopt a sort of Charter for Minorities drawn up by Mahatma Gandhi in view of the growing tension between the Congress and the Muslim League. The Committee gave consideration to Gandhiji's draft, but ultimately decided that its publication would only hamper future negotiations, since it would necessarily embody certain final decisions which may, however, have to be re-opened later. Some discussion took place between the Mahatma and the Aga Khan on the question of the treatment of the minorities. The general feeling in the country either with regard to these discussions or the Mahatma's draft is that while the Congress should of course show all due and even tender consideration to the just grievances of the minorities, it ought to refuse to be specially considerate to the Moslems for no other reason than that they are troublesome. It is felt that if the Mahomedans adopt an intransigent attitude it would be well for the Congress to take a firm stand and decline to be jockeyed into making concessions to the Muslims which can only be made at the cost of the other communities. We wish, however, that the Congress had appointed a competent and impartial committee to examine the allegations made in the Pirpur report. When the Muslim League makes itself responsible for allegations of injustice and oppression, there must be available to the public at large a detailed refutation by the Congress, if only to prevent the Muslim League's tendentious propaganda producing any injurious effect.

The Bazellgette Tragedy.

ANENT the murderous assault by a crowd in Ranpur on Major Bezellgette and his subedar, who had come from the neighbouring Nayagarh State, the following report is published:

While the Political Agent was discussing matters with the crowd and asking them to disperse, two wounded people were brought there in a bullock cart. The angry mob alleged that, while coming to Ranpur from Nayagarh, the Political Agent met these people on his way and these two persons had been injured as the result of his beating. Seeing Major Bazellgette there, the people who had brought the two injured persons in the bullock cart were reported to have exclaimed: "This Paltania (military man) has beaten." The Political Agent then ran to the wounded persons and after feeling the pulse of one of them said that nothing had happened, he had not been seriously hurt. An attempt was then made, it is said, to take the cart into a narrow lane, but the people surrounded it and did not allow it to move further.

If this report be true it would appear that there was a mitigating circumstance attending the murder which, without such an explanation, anyone would think was unbelievably horrible. Our crowds are generally very patient and do not break out into violent crime unless there is grave provocation. A searching inquiry must therefore be made into the incident and the facts as they are disclosed in the inquiry widely published. While we have no desire in the least either to defend or to palliate the crime, we cannot believe, unless there is conclusive evidence to the contrary, that the people could have murdered the Political Agent in cold blood, and we would therefore urge the authorities concerned to make an independent and impartial inquiry with a view to ascertaining whether any such accident as is related above helped to inflame the passions of the people. We find that the people of Ranpur themselves are asking for an inquiry, and no time should be lost in holding it. Whatever the result of the inquiry may be, those who wish to lead a movement in the States must always insist that the people shall remain calm even under provocation. For in mighty movements an attempt is always made by the authorities to provoke the people into violence, and if the people allow themselves to be so provoked the result can only be that the movement will come to an end, the men concerned having played into the enemies' hands.

Army Indianisation Committee.

A Press-note issued by the Government of India on the 12th inst. announces the composition and terms of reference of what is called the Sandhurst Committee. The Committee is required—

To examine the progress of Indianisation of the officer ranks of the Indian Army with a view to determining whether the results achieved justify acceleration, and, if it appears from this examination that they do not, to consider such alterations in the system of recruitment to the Indian Military Academy as may be expected to lead to an improvement in the number of suitable candidates and to make recommendations.

The Committee is apparently appointed in pursuance of a recommendation made by the Central Legislative Assembly on 2nd September last by means of a resolution which ran thus :

This Assembly recommends to the Governor-General in Council that immediate steps be taken to constitute a Committee with a majority of elected members of the Central Legislature to devise a scheme for implementing the following unanimous recommendation of the Indian Sandhurst Committee (of 1936), namely, "It is, however, unanimously agreed that, whether the slower or the more rapid rate of progression is ultimately adopted, the scheme actually in operation should be reviewed in 1938, that is to say, five years after the inauguration of the Indian Sandhurst, with a view to considering whether the success achieved is not sufficiently solid to warrant a further acceleration of the rate of progress."

It was well that the Government of India thought of appointing such a Committee if only after being reminded by the Legislative Assembly of its duty to do so. But we must say that both the personnel of the Committee as well as its terms of reference are objectionable in a number of ways. The Committee, contemplated in the resolution of the Central Assembly quoted above, should have been asked to consider "whether the success achieved is not sufficiently solid to warrant a further acceleration of the rate of progress," while the present Committee will only consider "whether the results achieved justify acceleration." It is evident that the Assembly wanted the proposed Committee to devise ways and means of making the process of Army Indianization as quick as possible. That is a demand made with one voice by all Indians. The present Committee will only look to the actual results achieved and will then say whether they "justify acceleration." There is, therefore, a possibility of the Committee's arriving at the decision that the results achieved so far do not justify any acceleration.

SPEAKING in the Central Legislative Assembly on the resolution quoted above, Mr. C. M. G. Ogilvie, the Defence Secretary of the Government of India, had stated :

I can assure the House that this matter has been under review, as recommended by the Skeen Committee for the past year and more and that it has been very intensively under review and a vast amount of labour and thought has been expended on this problem. In fact, a scheme, a new scheme, in some ways perhaps rather a revolutionary scheme, has been prepared and worked out in detail.

The "revolutionary" nature of this wonderful scheme is only betrayed by the terms of reference of the Committee, which are extremely unsatisfactory to say the least. For a long time, the unanimous Indian demand has been to secure as rapid an Indianisation of the Army as is possible under the circumstances.

THE personnel of the Committee also is very far from satisfactory. The Legislative Assembly

had recommended that the Committee should have a majority of elected members of the Central Legislature. Mr. Ogilvie had also remarked in course of the debate on the resolution that he did not find any particular fault with the amendment to the original resolution moved by the Congress Party, namely that the Committee should have, not a majority of the elected members of the Central Legislature, but the Government of India when it constituted the Committee so packed it with official and nominated members that independent-minded elected members refused to serve on the Committee, with the result that a Committee which was to have a majority of elected members has ultimately only three elected members on a Committee of thirteen. The deliberations of such a Committee and the satisfaction that it will provide to the Indian public can be well imagined.

Hyderabad Satyagraha.

It is deeply to be regretted that the policy of the Congress and of the Hindu Mahasabha towards reforms agitation in Hyderabad State is to a very large extent influenced by communal considerations. The agitation first sprang up spontaneously among the Hyderabad people, without reference to any organised body in British India. When it gathered force, some Congress leaders in British India were drawn into it, some others deprecating even the moral support given to it. As the movement developed, it was feared in Congress circles that it would tend to exacerbate feelings between Hindus and Mahomedans in British India, as Mr. Jinnah had threatened to "take on" Hindu States unless the Congress ceased to meddle with the Moslem State of Hyderabad. The people of Hyderabad State were, therefore, advised to suspend the movement, which they have done. Among the Congress leaders who insisted with the greatest amount of persistency on suspension of the movement was Maulana Abul Kalam Azad.

ACCORDINGLY, the movement came to be suspended—for a month. On what terms? That those who had been gaoled should be released; that those who were under trial should have the prosecutions withdrawn; and that the State authorities should remove restrictions on freedom of speech and association. The release of prisoners that was required was limited, even in the demand, to those who had suffered loss of liberty in fighting under the Congress banner, the A. League and the Hindu Mahasabha who carrying on a parallel agitation being left sev in the cold. The same was true of the demand for withdrawal of prosecutions. Seeing an ending presented by this schism in the ranks of agitators, the State authorities offered these concessions only to those British Indians who belonged to the Congress, keeping the State Congressmen still in gaol and under the threat of prosecution! The third condition which naturally could discriminate between Congressmen and Congressmen has remained unfulfilled for all

NOW the first two conditions, even if fulfilled to the fullest extent, would only re-establish the *status quo ante*. Does any one normally start a movement only to call it off if the movement position is restored? Such a step may be occasionally necessary if the workers are tired and require a little respite or if some other con

considerations of expediency demand it. The only consideration that appears to have weighed with the Congress leaders is the inappropriateness of carrying on what might be dubbed as an anti-Moslem movement in a Muslim State when the Muslim community in British India is on a rampage. If our analysis is correct, then it follows that the Congress, in getting the movement suspended was actuated by communal feeling.

ON the Hindu Mahasabha these events had just the contrary effect. Probably, it selected Hyderabad of all the States for agitation just because it is a State peopled for the most part by Hindus. In making this selection it cannot be blamed. One may deplore the existence of an organisation on communal lines, but a body which has for its avowed object the redemption of the Hindu community cannot be blamed if it concerns itself particularly with a State which has a preponderatingly Hindu population in it. And the suspension of the satyagraha movement by the Congress on account of communal considerations was just the signal for the Hindu Mahasabha to continue and intensify the struggle that it was carrying on. The President of this organisation, Mr. Vinayak Savarkar, is a dynamic personality, and the appeal he has issued will certainly attract a number of volunteers, even though the suspension of the movement by the Congress will draw upon their devoted heads the thunderbolts of the Nizam's Government in all their fury.

IN the ultimatum issued by Mr. Savarkar to the Government of Hyderabad there is no demand to which exception can be taken. He wants constitutional government, in which fair treatment is given to all communities and special favour shown to none. Any movement for popular liberties started in Hyderabad cannot but be, at any rate for the present, largely Hindu in personnel. In the initial stage no one can expect Moslems, who are the privileged community in the State, to participate to any appreciable extent in a movement for popular liberties and for strict justice to all—any more than one can expect any except a few stray Englishmen joining in our nationalist agitation in British India. All those, therefore, who realise the urgent necessity of reforming Hyderabad State can only express sympathy with the Hindu Mahasabha's movement. They cannot withhold such sympathy only because the Hindu Mahasabha itself is a communal organisation. All one can do is to use all the influence at one's command to see that it shall not be deflected at any time by communal bias from the aims it has at present set before itself in its campaign in Hyderabad, assuming that there is a possibility of its being so deflected.

THE complicated and involved tactics of the Congress have helped to rupture a movement which must remain united if it is to be successful against the powerful forces arrayed against it. The fissure has not gone too deep yet, and it is time that the two organisations which are active in the State made up their differences and presented a united front. If one of them withdraws from the field without consultation with the other, it becomes instrumental in exposing all the more the rest who choose to remain in the field to sufferings at hands of the State. The two organisations may be independent of each other, but that should not

prevent mutual consultation and collaboration to the largest extent possible. An open and well-advertised rivalry between them will only be helpful to their common opponent.

The Alleged Grievances of the Muslim League.

THE Bombay Government has done the right thing in issuing a communique answering the charges levelled against it by the Muslim League. The grievances of the Muslim League against the Bombay Government relate mainly to the difficulty of the Muslim members in raising an adjournment motion in the Bombay Assembly, to the preference shown by District Officers to Congress Committees, to the difficulties of Muslim officers under Government employment, to the suppression of Muslim papers, and to the inadequate representation of Muslims in local bodies. With regard to adjournment motions the Muslim League complains that the minimum number of members whose support is required for the discussion of such motions is almost as large as the total number of Muslim members in the legislature. Clearly if considerations of this kind should weigh with the Bombay Government, then the minimum required would have to be reduced to one, so that the smallest party can raise an adjournment motion.

WITH regard to the second charge, the Bombay Government has made it clear that Congress Committees are not the only bodies who are consulted by the District officers. So long, because of the opposition of the Congress to the Government in power, the District authorities used to neglect the views of the Congress Committees. Now that a Congress Government is in power, it is but natural that it should try to ascertain the opinion of its constituencies. Of course the Government must also ascertain the opinion of other public organisations of importance. Unless it refuses to consult the Muslim League, the latter can be hardly justified in attributing partiality to the Bombay Government. Thirdly, the Muslim League has alleged that some Government officers have been punished for upholding the just rights of the Muslims. The Bombay Government has categorically denied the charge. With regard to the suppression of Muslim papers, the Bombay Government says that it suppressed those papers which were inflaming communal passions during the recent riots in Bombay. Two Hindu papers were also included in the group. So it cannot be said with any semblance of justice that the Bombay Government suppressed the Muslim papers alone. As regards representation in local bodies, it is true that Muslim representation in these bodies has decreased because of the abolition of the system of nomination. The Muslim League members of the Assembly supported the Government's decision to do away with nomination, and therefore they cannot complain now that the system of election with due weightage to small minorities is injurious to their interests.

ON the whole, we have reason to believe that most of the charges of the Muslim League cannot bear scrutiny. The Muslims form a small minority of the population of Bombay, only 16,00,000 in a total population of 2,00,00,000. The Bombay Government has shown that they have been employed in Government service to a larger

extent than their proportion to their population would justify. If the Muslims of Bombay depend on their efficiency alone and demand "fair field

and no favour," then no Government on earth can resist their demands, and the Bombay Government has certainly no desire to do so.

THE EMPEROR GOES TO CANOSSA.

THE British Premier is now busily engaged in throwing burnt offerings to Molochs. To the Nazi Moloch he offered up Czechoslovakia. What remains of this little gallant country, which was till the sacrifice was made the last outpost of liberty and democracy in Eastern and Central Europe, has become a completely vassal State of the Third German Reich. The results of this Munich policy were accurately summarised by Mr. Cocks in the recent debate in the House of Commons on 19th December.

The State itself, having lost one-third of its population and nearly one-third of its territory, has been divided into three parts, two of which, Slovakia and Ruthenia, are practically under the directing hand of German control and are being used as a base for a new attack on the Ukraine. The alliances with Russia and France have been abandoned. Second, 1,000,000 Czechs and 500,000 German democrats have been handed over to Nazi rule against their will, and important industrial centres, which contain practically no Germans, have been handed over to Germany for economic and strategic reasons. Third, the strength of the German Army has been increased by the equivalent of 30 divisions and 1,000 aeroplanes. I saw the other day that 1,200 or 1,300 heavy guns are being moved from Czechoslovakian fortifications to the Rhine. Three hundred thousand men trained in the Czechoslovakian Army are now available to increase the German reserves, apart from the annual intake of 60,000 or 70,000 men. We have been told to-night that the armament works of Czechoslovakia are now being employed to increase the armaments of Germany.

Apart from these losses inflicted on Czechoslovakia itself, the virtual removal of this barrier throws open the smaller nations of South-Eastern Europe to Germany's push towards the East. These countries are already to a large extent in economic subservience to Germany. They will now be subject to Hitler in foreign policy, thus establishing the hegemony of Nazi Germany over the vast extent of territory from the Baltic to the Black Sea. The German dictator is already stirring up agitation in Memelland, the Ukraine and Poland, and, thanks to the policy of Mr. Chamberlain of doing everything to destroy the system of collective security, there is no chance of the Soviet Union, Poland, Rumania, Jugoslavia, Turkey and Greece being welded together for organised resistance to Nazi might. In pursuit of a policy of appeasement the British Government has sacrificed all this—at the cost of other nations and yet the Fuhrer remains unappeased, so much so that Mr. Chamberlain is reduced to a confession that he is still waiting for a sign from Hitler that he desires and will contribute to peace. The only sign he has received till now is that Germany wants her colonies back, and she will have to be

paid now not in Czechoslovakian, but in British currency!

It is now the turn of the Fascist Moloch to ask for offerings. He has no doubt made his way into Abyssinia, and this addition to the Italian Empire has been recognised by Great Britain and other nations who pretended for a time to impose sanctions on him. But this cannot satisfy II Duce. He has set up the cry of Tunis, Corsica, Nice. There is no reason why, if the policy of appeasement is consistently followed, it should not succeed. If there were only 22 per cent. Germans in Czechoslovakia, there are more people of Italian blood than of French blood in Tunis, and the absorption of Tunis will help very much to strengthen Italy's strategic position in the Mediterranean. No doubt France seems resolved not to cede any of these territories, but so was Czechoslovakia resolved not to cede Sudetenland. France may, however, avert the fate of Czechoslovakia, because it is as much to the immediate interest of Great Britain not to allow Italy to capture Tunis as to that of France. A coup on Tunis may therefore not be equally easy, but if Great Britain takes a firm stand on this issue it will not be because of her declaration that the Italian claim would be a contravention of the Anglo-Italian Agreement—she has found enough excuses in the past to go back upon her declarations—but because her own interests demand it. If it were not the case that British interests in this case coincide with French interests, France's betrayal of Czechoslovakia might have been promptly rewarded with Great Britain's betrayal of France. Even so, the French Government is not quite certain that she could implicitly rely upon British support even from the point of view of Britain's self-interest. This is plain from the fact that when Mr. Chamberlain set out on his pilgrimage to Rome to find out what more the Italian Moloch wants, as the Emperor went to Canossa to find out the views of the Pope, the French Government gave a broad hint to Mr. Chamberlain that his mediation in the Franco-Italian dispute would not be accepted. The British and Italian Premiers still talked about the Italian claims, without any decisive result. Anyhow this formed a minor subject of discussion. Indeed, it has been suggested that these claims were put forward only with a view to distracting British and French attention from Mussolini's main objective, viz., Franco's victory in Spain, and that no doubt was the principal subject discussed in the Chamberlain-Mussolini conversations in Rome.

Mussolini has now repeated what he said at Genoa on 14th. May: "We desire the victory of General Franco and will do everything to achieve this." All that is required for this achievement is that Great Britain should content herself with the Italian withdrawal of 10,000 war-weary infantrymen and should not press for the evacuation of Italian air legions, and that Franco should be given belligerent rights. For in the remaining months of war it is the Italian aeroplanes that will play the decisive role, and Franco will concentrate his efforts on starving out the Republican forces by establishing an effective air blockade with the help of Italian aeroplanes and technicians. Mr. Chamberlain is evidently willing to go as far as he decently can to meet the wishes of Mussolini. He has already declared that the withdrawal of 10,000 infantry is "a considerable contribution to the elimination of the Spanish question as a menace to peace," which was a condition precedent to the coming into force of the Anglo-Italian Agreement. But on this point the pitch was queered by Republican Spain. The latter evacuated all foreigners from her side, and that too under international control. Under the Anglo-Italian Agreement Italy has pledged herself to the policy of "proportional evacuation of the foreign volunteers from Spain" and has agreed "to give practical and real application" to such evacuation. Since Republican Spain has sent away all the foreign volunteers, the so-called Nationalist Spain must do likewise, which means that all Italian technicians must come away with all the armaments they command. But Italy has withdrawn only a quarter of her infantry, and even this withdrawal was not carried out under the supervision of the Non-Intervention Committee. Yet the Anglo-Italian Agreement has been ratified without the pre-condition being fulfilled. This is the opinion not only of the Opposition parties, but of some prominent Tories. For instance, Viscount Wolmer said:

What is worrying some supporters of the Government is the fact that the Government fixed a certain condition to which the Anglo-Italian agreement was made subject, and that condition has most certainly not been fulfilled; yet that Agreement is to be implemented.... The Anglo-Italian Agreement contains two essential features: one, that we should recognise Italian sovereignty in Abyssinia, and, second, that Italy should remove her forces from Spain. The Prime Minister proposed to carry out his part of the

bargain, but it is quite impossible for any body to say that the Italian Government have carried out their part of the bargain.... I do not see how we are going to get a policy of appeasement on those lines, nor can I believe that we shall command respect in Europe by taking that line. Therefore, while on this occasion I am prepared to support the Government, I do want to say that I feel that we are getting very near the breaking point on the line of continually giving way on the part of Great Britain, and I want to know where it is going to stop.

Now Mussolini says that the question of withdrawing all Italian forces will be discussable only after the grant of belligerent rights to Franco. In the absence of such a grant, Franco has been compelled to bomb the ports with Italian aeroplanes as an alternative method of blockade open to him. But, as Capt. McEwen said, "Owing to the foolish and irresponsible behaviour of the Italian Government, they have made it extremely difficult for us to effect this recognition" of Franco's belligerent rights. The air attacks on British ships carrying food to the Republican forces must continue till belligerent rights are given, and Great Britain finds it difficult to give these rights so long as the attacks continue. That is the dilemma for Great Britain. For the present Mr. Chamberlain appears to have stuck to the formula that belligerent rights will be given to Nationalist Spain only after all foreign volunteers are removed; but if Franco is to succeed, air blockade in the way in which it is being carried out must be permitted. Mr. Chamberlain will, therefore, not take very severe notice of, if not tolerate, attacks on British shipping. That appears to be the extent to which he has been able to carry his appeasement policy. He is willing, it is obvious, to pay a very high price for a few months of peace; a great part of the price will be paid by other nations and a little by Great Britain herself. A supporter of Government, Capt. Sir Derrick Gunston, quoted a passage from William Pitt to show how great was the contrast between Chamberlain's devotion to peace and Pitt's. The latter Tory statesman said:

This country has always been desirous of peace. We desire it still, but such as may be real and solid and consistent with the interests and dignity of Britain and with the general security of Europe. War, whenever it comes, will be preferable to peace without honour, without security, and which is incompatible with the external safety or the internal happiness of this country.

CEYLON REFORM PROPOSALS.

NOW the text of the reforms dispatch forwarded by the Governor of Ceylon, Sir Andrew Caldecott, to the Colonial Secretary in June last has been published, it would be possible to give a more detailed examination to his proposals than could be done when a cabled summary alone was available. It may be said at once that

the dispatch breathes a progressive spirit and represents a conscientious attempt on the Governor's part to present a report which would both be thoroughly practicable and meet the aspirations of the people of Ceylon to a large extent. Sir Andrew had the great advantage in this respect of having the Donoughmore Commission's Report, itself a very

competent piece of work, to go upon; and he generally adheres to the recommendations of the Report and departs from them only where he considers it absolutely necessary. The most notable feature in respect of which he, departs from the Commission's recommendations consists in his proposals to abolish the "cumbrous and unsatisfactory" system of Executive Committees and to replace it by a system of Cabinet government. Not only does the present system lead to a dispersion of responsibility, which is undesirable, but it has actually led to an intensification of communalism against which the Donoughmore Commission set its face. In the absence of any political parties the electors could vote only on communal lines. This, of course, was inevitable in the beginning; but the Donoughmore scheme in fact created "obstructions to the emergence and growth of a party system." It is mainly with a view to the ultimate evolution of parties based on political issues that Sir Andrew Caldecott has recommended the establishment of a Cabinet system. He is not sanguine that Ceylon will divide itself immediately into two major political parties, which is necessary for the successful working of responsible government. He is conscious that "for years to come parties might be many and some of them wear a communal complexion, so that Cabinets would probably be coalition Cabinets." Nevertheless he expects that even the coalitions will in course of time come to have a political basis, which the Executive Committees under the present constitution lack and will necessarily lack.

It is, therefore, proposed that a Cabinet system of government should be installed, the Governor sending for the man who in his opinion is most likely to command the confidence of the State Council as Chief Minister and the latter choosing his own colleagues, bound to him and to each other by collective responsibility. In order that minorities should obtain a fair share of representation in the Government, it is proposed that the Governor should receive a Royal instruction, such as finds place in the Indian Instrument of Instructions, that the Ministers to be appointed by the Chief Minister should include, "so far as practicable, members of important minority communities who will be best in a position to command the confidence of the legislature." In the present Executive Committee system Sir Andrew Caldecott does not perceive even "the germs of true responsibility;" he wishes, therefore, by the institution of the Cabinet system, to devolve upon the Ceylonese real responsibility, subject, however, to a measure of gubernatorial control. Sir Andrew does not recommend any curtailment of the special powers vested under the Donoughmore constitution in the Governor. A pledge was given at the time the constitution was framed that these special powers would be invoked only in matters of "paramount importance;" but in actual practice the powers came to be used on a

number of trivial occasions. All that Sir Andrew is willing to do in the new constitution, in order to prevent such misuse in future, is that he would have these powers "better and more exactly defined," somewhat on the lines of the Government of India Act which, he says, exhibits "a much finer precision of definition and clarity of intention." (Parenthetically, it may be said that the Governor's misuse of power was not due to the vagueness of phraseology employed in the Royal instruction). But Sir Andrew does not envisage a substantial relaxation of the Governor's powers at present; such relaxation might in his opinion be rendered possible some time in future by the creation of a bi-cameral legislature. As matters stand at present, he sees no justification for the formation of a second chamber, so long as the Governor continues to be endowed with special powers. One may ask, in passing, what then was the justification for the setting up of bi-cameral legislatures in various provinces in India, when here the Governors enjoy no less power than the Governor enjoys at present or will enjoy in future under the proposed constitution in Ceylon?

In a Cabinet of the normal type the three Officers of State—the Chief Secretary, Legal Secretary and Financial Secretary—can have no place. As Sir Andrew himself says, "The presence of non-elected and permanent Officers of State in the State Council would become an impossible anomaly. They would be set upon from all sides." Their abolition is, therefore, recommended; but they are proposed to be reconstituted under another *avatar*, though on a "definitely unministerial" basis. The Chief Secretary would be converted into the Principal Secretary to the Governor (who is to be selected from abroad as he is intended to act for the Governor in the latter's absence); the Legal Secretary into the Legal Adviser; and the Financial Secretary into the Financial Secretary and Adviser. This Trinity is to be retained, though all the functions which so far required their presence in the Council of State, where they would now be out of place, are to be assigned to the Ministers. The functions to be retained to them do not appear to be so big as to require three Secretaries to carry them out; nor is it necessary to assign to them all the functions that are proposed to be retained. For instance, the Legal Adviser is meant (1) to give independent advice on constitutional questions; (2) to advise the Governor regarding the exercise of Royal clemency and his assent to legislation; (3) to serve on the Public Services Commission and to preside over the Judicial Appointments Board; (4) to act as the authority responsible for the organisation of elections to the State Council; (5) to preside over Commissions of Inquiry and Disciplinary Proceedings. This looks quite a formidable list, and Sir Andrew states that the Legal Adviser "would be a very busy officer and not in the event found to be dispensable." As a matter of fact, if the list is scrutinised, the

officer would be found to be wholly dispensable. Most of the functions to be assigned to him are the proper functions of the Attorney-General, if the latter officer is restored to the status he enjoyed before the Donoughmore constitution came into force. The others can be equally well performed by other officials or non-officials. Similar objection can be taken to the position of the Financial Secretary and Adviser, but we have no space to develop it here.

Sir Andrew Caldecott has emphatically rejected the suggestion put forward either of fixing a proportion of seats in the State Council for different races or of restricting the adult franchise now in force by the re-imposition of literacy and property qualifications. The former suggestion is rejected on the ground that "any concession to the principle of communal representation would perpetuate sectionalism and would preclude the emergence of true political parties on true political issues." This contains an animadversion on the British Government's policy in India which is much weightier than the Indian people can ever put forward. Sir Andrew admits, however, that it is necessary to reconstitute the electoral areas so as "to afford a chance of more seats for members of minority communities" and suggests that a committee may be appointed for the purpose. He feels that ten more elective seats may be created (at present they are 50), so that the total number of elective seats may be 60, with six nominative seats (four for Europeans and two for the Burghers), besides two more nominable seats held in reserve for the benefit of those minority communities who, even with the addition of ten elective seats, may not obtain adequate representation in the election. What affects the Indian community in Ceylon in the matter of redistribution of electoral areas is this passage in Sir Andrew's dispatch: "Re-delimitation is also necessary in the Kandyan area in order that the Kandyan interest, which is that of an agricultural peasantry, may not be swamped by the Indian interest, which is that of plantation labour." What precisely the effect of this will be we do not know, but we are glad that communal representation, not only in the shape of communal electorates but in that of reservation of certain quotas for different communities, has been turned down, and adult suffrage retained in spite of the attacks made on it by Europeans. Ceylon is very fortunate in having first the Donoughmore Commission and now the Governor as advisers in this matter, and India has been consistently unlucky. The British Government has, in constructing a democratic form of government for this country, imposed upon the people a thoroughly anti-democratic system of election.

The relationship between Ministers and Heads of Departments has been properly defined in the dispatch. The passage dealing with it may be quoted here:

The Minister is responsible to the State Council and so to the country for the policy and programme

of each department under his charge; the Head of the Department is responsible to the Minister for the carrying out of both policy and programme and also for furnishing him with the necessary professional or technical advice when policy is being shaped or a programme drawn up. Such advice should be fully recorded, and if the Minister should disregard it he does so on his own responsibility.

The Head of the Department must unreservedly carry out the Minister's directions on programme and policy even if he considers them wrong; the Minister, not he, is answerable to the country.

On the other hand, the Minister should not interfere in matters of departmental personnel or internal working; the departmental engine can be efficiently driven only if there is a single hand on the regulator. Conversely, the lines along which it shall run are determined by the Minister; the engine-driver must not attempt to be his own pointsman.

It is assumed that the permission accorded at present to the Heads of Departments to address the Governor or Secretary of State without reference to their immediate Ministers will be withdrawn. To the Public Services Commission which at present consists of the three Officers of State would be added three unofficials. The Principal Secretary to the Governor will continue to be its Chairman, and in his charge will be "all the routine concerning postings, etc., of other than the most senior officers." The dispatch further says: "The only appointments and transfers that should be referred for the views of the Cabinet are those of the Head or Deputy Head of a Department or of a Government Agency." The Donoughmore constitution, while it leaves the final decision in matters affecting the pay, pensions and other conditions of service to the Secretary of State, allows the State Council to criticise and vote upon all such proposals. Mr. Ormsby-Gore, now Lord Marlech, had suggested in his dispatch of 18th December, 1937, as Secretary of State for the Colonies that "provision for essential public services should be made non-votable." Sir Andrew Caldecott dissents from this suggestion. He says: "Differentiations within a public service might be bad for the service, leading to complexes of superiority and inferiority and to the loss of a common *esprit de corps*."

While there are several proposals in the dispatch which the Ceylonese would like the British Government to subject to further consideration, the dispatch, upon the whole, is informed by a sincere desire to advance the constitutional position of the inhabitants of Ceylon by a generous measure. The Donoughmore constitution was intended to devolve upon the people "responsibility for the management of the internal affairs of the Island." This avowed aim was not achieved on account of the clumsy and freakish device of the committee system that was adopted. The system has utterly failed, and the Cabinet system, if now established, will remove many of the grievances of the Ceylonese people. It is true that the old Officers of State will remain, but they are to be divested of all their parliamentary functions, and if the Governor not only uses his special powers spar-

ingly but keeps them in abeyance on all possible occasions, there would be considerable progress in democratic government in Ceylon. The really decisive factor, as Indian experience has proved, is

the strength behind the Ministers, and if political parties develop on right lines in Ceylon one need feel no misgiving that Ceylon's political progress will be rapid.

PUBLIC DEFENDER.

THERE is one small point in the new constitution of Aundh State which merits the attention of all interested in the welfare of our country, but which, conceivably, may escape public notice. In the village panchayats which are to be invested with criminal and civil jurisdiction, administration of justice is to be free of all charge to the litigants and the State is going to appoint a Public Defender as well as a Public Prosecutor. I do not know if the principle is extended to the higher courts of law; but even if it is not the innovation is full of immense significance and deserves to be critically examined.

The present practice all over the world, at any rate in the capitalistic countries, is that, in civil as well as criminal courts, parties, normally speaking, have to engage their own counsel at their own expense. The legal profession being based on the principle of competition and private enterprise, the more competent lawyers have heavier fees, and therefore in effect the ability with which your case is argued depends on the length of your purse. It is probably this aspect of the situation that critics of capitalism have in mind when they say that in capitalist democracies justice is only for the rich. Capitalistic democracies slave their conscience by telling themselves all the time that everyone, high and low, is at any rate the same before the law of the land. In theory that is so indeed, but in truth the inequality is startling. The rich man can purchase the best forensic talent on sale to defend him against a charge of culpable and rash negligence and prove that the poor victim of his reckless driving was in fact on the wrong side of the road and more or less deserved what he got; whereas the poor man cannot engage legal talent of the meanest order to defend himself against a false charge, say, of dacoity or theft. The law indeed does provide in our country to some small extent provision for the defence of the indigent against very serious charges such as murder. But anybody familiar with the administration of justice in this country knows that the provisions are extremely meagre. As they are, they amount to little more than a confession of the palpable iniquity of the system. On the criminal side these provisions apply to very severe charges only and that too in the appeal courts and on the civil side they do not apply at all. This means that if you are going to be hanged and finished with, though innocent, the State would, at any rate tardily, move to help you, but if you are going to be merely morally

crippled and rendered unemployable ever after by a long term of penal imprisonment, and your wife and children rendered destitute and possibly reduced to a life of vice as the only means of livelihood, the State would not turn a hair!

It is no argument to say that after all, whatever the lawyer says, the court is there to arrive at an impartial judgment, and that it should be no great hardship to be not able to engage a lawyer; and that indeed it should merely save you all the money you haven't got with you to spend. This argument is easy to rebut. Either lawyers are or are not able to assist their clients in attaining the decision they desire. If they are not able, it is strange that such a vast number of us should be paying such large sums of money for the imaginary services of these professional humbugs; and if they are able to assist by any length the achievement of a favourable decision, then precisely to that extent the law is not the same for the rich and the poor. Of course, lawyers do in fact assist their clients to an appreciable extent to secure from the court of law a decision favourable to them. The complicated law of evidence and the still more complicated law of procedure alone, apart from the difficulty of the substantive law itself, make the assistance of a lawyer highly material to the case. Then there is that vast number of touts and 'professional witnesses' who are openly on sale, not to speak of the police, who weigh the dice still more against the poor. With the law of evidence and procedure as we have it, and in view of the fact that cases are decided not on the spot but in the court room where the scene of offence or the property in dispute has to be 'reconstructed,' justice must inevitably depend to a large extent on the evidence you are able to purchase and the legal talent you can hire to marshal it effectively.

The system of numerous tiers of appeals heightens the iniquity. If you are rich, you can go on appealing till the last rung of the ladder in the hope of a favourable decision; but if you are not so rich, you would rather be content with the decision you get. Appeal in theory is the right of getting a mistake corrected. This right can be exercised in our existing legal system directly in proportion to your ability to spend.

There is another and an additional bad effect of the competitive system in the legal profession. There is an enormous misapplication of national resources. The practitioners of law in principle ought to be performing a social service: the service of assisting justice by representing to the court the rights of the parties engaging them.

To the extent to which they perform this service to that extent the money they receive is well spent, so far as the community is concerned. But when in fact lawyers are engaged in clouding and obscuring the real issues and making them difficult for the court to discern, the lawyers' fees are in effect paid by the community just in order to hamper the process of law and cost more to the tax-payer in point of the salaries of judges and magistrates. It is as ludicrous as paying one set of people to dig pits and another set to fill them up as expeditiously as they are dug. To the extent to which this is true of the legal profession, it is a highly expensive business to the State.

Furthermore, the employment of one lawyer creates room for another. Suppose in a place where there are no lawyers, or the lawyers are of a low level of ability, generally a new highly competent counsel goes and settles down. If decisions generally speaking the same as those that would have been arrived at in his absence are now to be reached by the courts, the parties must engage an equally competent lawyer to oppose him. One good lawyer creates room for another good lawyer. Justice, as it should have been in the absence of both the lawyers in most of the cases, is not in any way improved. I say "in most of the cases" because there may be a case or two where the points arising would have been beyond the comprehension of the local practitioners, and were brought out by our hypothetical new settlers. But such cases will be rare. What merely happens in most cases is that merely a big chunk of the property in dispute is lost by the litigants. If Ovaltine puts up blaring giant advertisements, then Sanatogen must do so too. In a community where the merits of both were generally known all its expenditure will be a net social loss due to misapplication of resources. In most cities in India, we have many times the lawyers we need to assist the process of justice. If we merely had a public defence service and a public prosecution service, we should achieve the same results with a tenth as many lawyers. It is as if we engaged an army of doctors to spoil our health and another army to restore it nullifying and cancelling each other's activities exactly.

The analogy of the medical profession can be carried further. To the extent to which, I said above, lawyers do assist the attainment of justice through the courts of law, to that extent the community's man-power is not wasted in the legal profession. But even here the fact that forensic ability is on sale results in loss to the nation. Where the medical profession is competitively organised and not as a national service, we give, as Bernard Shaw has said, people an interest in our illness rather than an interest in our health: we go further and see that even where the resources of the country in the form of medical talent are usefully employed, there is

gross misapplication of resources in detail as between individual cases. The ablest surgeon can be hired by the rich man to pull out his tooth, whereas the poor man even for operations requiring the utmost skill and delicacy must be content with the cheap and therefore (in a competitive profession) incompetent doctor. Similarly, even when usefully employed in assisting the promotion of justice, the lawyers are engaged not with reference to the difficulty or complication of the brief, but with reference to the ability of the plaintiff to pay. In law you pay the piper and call the tune accordingly.

At a time when we all appear concerned and talk incessantly about promoting the welfare of the dumb starving millions of the land, I will not be accused of triviality if I invite the attention of our leaders to the incalculable loss to our country by the competitive organisation of the profession of law. The competitive organisation of the medical profession works as much havoc, but not quite so much. In our country where not more than 9 p. c. can read or write, where the level of consciousness and intelligence in the caste-layers of the community is by no means uniform, where (territorially speaking) there are such patches as represented by the aboriginal and partially excluded areas, nothing is calculated to work more havoc than our present legal system, consisting as it does of a highly complicated legal procedure, a supremely sophisticated law of evidence, a difficult enough substantive law, and on the top of it all, all this conducted and written in a foreign language. In such circumstances the doctrine that ignorance of law is no defence, is unconscionably cruel and ludicrous. In the old days of the Marathas and Moguls they may have been lustily savage in their punishments and disastrously quick in their adjudication of disputes. But there was nothing like the systematic, long-drawn-out agony and economic exploitation applying to a large portion of the population, which the present volume of our litigation, directly and resulting from our legal system, involves. India may forgive the Britishers everything else: it will be difficult to forgive them for the law they brought to us from their country and gave us with the best of intentions.

What is the remedy? Of course, extension of the Public Defender system throughout the series of courts and appellate authorities. I imagine the reformed legal profession to consist of a cadre of lawyers working as public servants on a fixed salary from the State, arguing cases merely to assist in the process of justice, and having no pecuniary interest in the deliberate misrepresentation of fact or law, or in the clouding of issues so as to secure a favourable decision. Furthermore, according to the importance or complication or difficulty of the case, the senior or junior public defenders or prosecutors will be given to the

parties. It will not be difficult to arrange for a system of promotions and monetary incentives to make them do the best with their cases.

The achievement of so far-reaching a reform is probably far too much to expect to materialise within the lifetime of many of us. But there is one thing that can very easily be done to alleviate the iniquity somewhat. The law to-day is so complicated that, except to the professional student, it is, in its details, quite unknown and unintelligible. We could at little expense have what I should call public dispensaries of law and tone down the enormity and cruelty of the doctrine that everybody knows the law. It little behoves a State, which cannot boast of even a 10 p. c. standard of literacy and does not provide schooling for more than about a quarter of the population of school-going age in the country, to have on its statutes the ludicrous doctrine that the law is known to everybody. The State must in the circumstances make some effort at least to make it easy for the ignorant ryot to find out the law if he does not know it. The actual organisation of the 'public dispensaries' of law should be somewhat as under. There should be a public information officer at every taluka-town to serve for the taluka. It should be possible for anybody on written application or orally to obtain from him elucidation regarding any point of law or procedure relating, say, to the land revenue administration, or the forest rules and regulations, or the rights of the police during investigation of crime, or any of the other points of contact between the modern State and the man-in-the-street. The service should be completely free, if possible; if experience shows that there are many futile or frivolous inquiries, a small fee of say four-annas per application may be kept. This public information officer can also incidentally render the invaluable service of writing out applications in cases of grievances and addressing them to the proper authority, a service now inadequately performed and at high or even prohibitive cost by the petition-writer or the stamp-vendor or the tout. An additional clerk in the Mamlatdar's office under the Mamlatdar's supervision should be able to perform the duties herein contemplated to be done by the public information officer. In complicated cases, other officers or higher authorities can be consulted and information given. This should not cost so very much and would undoubtedly facilitate the work of the adminis-

tration also, as applications will be made to the proper authorities and will contain the necessary particulars. This arrangement should redress several grievances not likely to be brought to light otherwise and also save some money to the ryot and give him an opportunity of knowing how he stands exactly vis-a-vis the several officers of the Sarkar, what their rights and obligations are and the remedies against their orders. In backward tracts this will perhaps result in a wholesome check on the darker pursuits of the money-lender. Where judicial matters are concerned, it shall be the duty of the information officer merely to direct the persons to the proper courts. When this service becomes sufficiently well-known, the public will undoubtedly learn to use it. The information officer will be somewhat like the Inquiry Office at a first-class Railway station.

This will of course be merely scratching the surface. Radical measures to provide early solution to petty civil and criminal disputes by panchayats or similar rough and ready and on-the-spot methods must come in and reduce the volume of litigation. Litigation should no longer be permitted to be the play of the spiteful and the idle in the countryside. Then, lastly, might come some approximation to be nationalisation of the legal profession envisaged above. To start with, we may have on the criminal side a large extension of the principle of pauper defence at State expense. Until the situation is adequately remedied, we shall not have the moral right to say that in our land the law is the same for the rich and the poor.

The Aundh constitution, on which I have made these my thoughts hang, was drafted under the direct inspiration of Mahatma Gandhi. Mahatma Gandhi has always talked of the drain from the villages to the cities. There can be no better illustration of it than the one provided by the legal profession in our country. The lawyers make excellent politicians and in an independence movement inevitably form the vanguard. But when the battle of freedom is nearly won and we at last apply ourselves to the task of making two blades of grass grow where there was only one, lawyers as a crowd may be a very expensive luxury for the country. It would be very interesting to know to what extent the Public Defender is Mahatma Gandhi's own idea. If it is his, then surely it may not be unreasonable to expect some lightening of the present iniquity.

S. G. B.

THE FUTURE OF INDIAN STATES. *a review*

I

THE book under review* is an important contribution by the heir-apparent of Sitamau State to the problem of the Indian States. The Maharaj-Kumar has carefully examined the

* "Indian States and the New Regime" by Maharaj-Kumar Raghbir Singh. (Taraporevala.) 1938. 32cm. 469p. Rs. 10.

history of relationship between the Indian States and the British Government in India, has ably analysed the position of Indian States in the All-India Federation projected by the Government of India Act, 1935, and has shown great foresight statesmanship and courage in forecasting the future. If all Indian Princes could foresee the future so clearly as the Maharaj-Kumar of

Sitamau and could prepare themselves for it, the Indian problem could become very much simpler and easier of solution. But that would be going against the teachings of history and wishing human nature to cease to be human and become divine. Moreover, is it not a fact that there are very few Indian Princes who possess the knowledge of history and of public affairs as does Maharaj-Kumar Raghbir Singh? In any case, as the Maharaj-Kumar himself realises, the consummation cannot be reached without struggle and suffering.

II.

In the epilogue entitled "The Future" the Maharaj-Kumar gives us the vision of "things to come". He writes: "It can be definitely asserted that the majority of the States, if not all, will accede to the Federation in the near future". In the Federation the centripetal forces will continue to gain ground and affect the position of the States. The desire for self-government within the States is bound to grow and lead to struggles in which "the British Government can hardly help and side with the rulers".

The case of Kashmir is cited and opinion is expressed that although the Federal Government will have no voice "its sympathy will be with the subjects rather than with the ruler". Writes the Maharaj-Kumar: "It would perhaps be too imaginative a flight into the future to talk of a time when democratic institutions will have been established within all the States. But, whenever that day might come, one possible result will be a movement among the different States for geographical readjustment of the territories of the various States, or even for an amalgamation of a couple of co-terminous States into one State." The Maharaj-Kumar gives the example of the unification of Italy, states the fact that the vast majority of States have no roots in the past, and that the Princes have failed utterly in creating local patriotism "by means of political histories of their States and their dynasties". He then refers to the scheme of confederation of the States suggested by His late Highness, the Maharaja of Patiala, and concludes: "But the union that will result in future will not be simply a combination of many States, but will lead to a complete effacement of many small States to give place to one great State."

III.

It need hardly be stated that the vision of the future presented by the Maharaj-Kumar will make an appeal to every patriotic Indian. As I have pointed out several times, it is impossible to have a true federation of British Indian

Provinces and autocratic States and to maintain units in a federation which are so small as the vast majority of the Indian States are. The example of Germany is very instructive in this connection. A federation is a union both of States and of the peoples of the States. The federal legislature symbolises this double union—with an upper chamber representing units as units and the lower houses representing the people as a whole. Unless there is a common citizenship and direct allegiance of the subjects of the units to the common government there can be no federation.

It is very refreshing to find that there is at least one Maharaj-Kumar who realises some of the implications of the "Federal" system of government and who has the courage to face the future, which may not be so very pleasant to personages of his own order but is of good augury to millions of his countrymen. But it is difficult to reconcile with such a patriotic and progressive outlook the insistence upon the acceptance of direct relations with the Crown and the desire to bring about the re-organisation of the Chamber of Princes with a view to the evolution of a common policy for the Princes' nominees in the two chambers of the Federal legislature.

IV.

The Maharaj-Kumar has traced the origin and evolution of the theory of direct relations with the Crown from the letter of the ex-Maharaja of Indore written in 1918, through the speech of Sir Malcolm Hailey (now Lord Hailey) in 1924, Keith's enunciation of it and its strong advocacy by Sir Leslie Scott and the other counsel of the Princes in their "Joint Opinion" and its acceptance by the Butler Committee, the Simon Commission, the Joint Parliamentary Committee and the British Parliament in 1935. It is clear that the Maharaj-Kumar is fully aware of the motives which both the Princes and the British Government had in putting the theory forward and in forcing it into practice. It is not necessary to discuss them at this place; it is sufficient here to state that the main object was to keep the two Indias separate and distinct and that no real union between Indian States and British Indian Provinces can take place until both come on the same level and have the same relationship with the British Government in the United Kingdom, euphemistically called the Crown. It may also be added that the theory of direct relations is the main weapon tightening the chains of Paramountcy round the necks of the Princes and no amount of clamour on their part or unity in their ranks will avail them to delimit the boundaries of Paramountcy. Self-government within the States and equality with the Pre-

vinces and a true federal union alone will end British insistence upon "Paramountcy being paramount."

As to the role which the re-organised Chamber of Princes should play in the Federation, it is not necessary to say much except that if the strengthening of the Chamber materialises and the Princes can overcome their personal jealousies and rivalries and ideas of precedence and order and form a solid phalanx within the federal legislative chambers, the worst fears of the British Indian leaders would come true and the Princes would succeed in blocking the road to Indian progress and freedom. The steps that the Princes have recently taken to re-organise the Chamber of Princes have thus an ominous aspect which the Indian public would do well to notice.

V.

In any case, the book which Maharaj-Kumar Raghbir Singh has written is well worth serious study. It is well-arranged, clearly and forcefully written, and is patriotic and progressive in outlook. It deserves wide circulation and careful study, particularly by the Princes.

GURMUKH NIHAL SINGH.

CURRENT COMMENT.

NO TENANT RIGHT IN MADRAS!

The Revenue Minister of Madras, the Hon. Mr. T. Prakasam, made an astounding statement in the Legislative Assembly on 3rd December in reply to a question by Mr. H. S. Hussain. The statement was to the following effect:

The Government have received representations from Congress Committees and others with regard to the necessity of passing tenancy laws in this province. The giving of fixity of tenure to lessees under rayatwari owners of lands means taking away from the full ownership of the pattadar, and such a step is not under consideration.

Knowing the antecedents of Mr. Prakasam, one can well believe that he is personally averse to giving tenant rights to rayats. We have a vivid recollection of how lugubrious he was when the Karachi Congress passed a resolution on Fundamental Rights, one of such rights being the right of permanent occupancy in the land for the cultivating tenant. He went about at the time saying that the Congress would be in ruins if any attempt was made to implement this resolution and crying Wolf! Wolf! wherever he went.

But we had not thought that he would be so foolish as to plead that there was a bar in law

against a measure which the Congress had enjoined upon him to take and to which from his class prejudice he was strongly opposed. In the reply that he gives in the Legislative Assembly he speaks as if to secure the tenant in a holding amounts to depriving the rayat of his proprietary rights over the holding. That is to say, he takes up the very cry which the landlords everywhere have started, both in rayatwari and zamindari areas, that they are the absolute owners of the land; that they can change their tenants or enhance the rent, just as it suits their fancy or convenience; that the tenants themselves have no kind of equitable or rightful interest in the land; that if any restrictions are placed upon the landlords' power of eviction of their tenants or of augmentation of rent, it would be a measure of expropriation; and that in any case, even if such expropriatory measure be imperatively demanded by the requirements of social peace and social justice, it cannot be taken without giving them full compensation.

With this statement before us we can now understand better the Estates Land Act Committee's view that the Inams Act of 1936 was confiscatory and that the compensation that it was decided to pay to the inamdars was derisory and that no less compensation should be paid to them than what was paid to landlords in land acquisition proceedings. We are also better able to assess at its proper worth the paragraph in which the Committee says that the question of sub-tenants is not finally decided against the latter, but only left over for future consideration, on account of sufficient material not having been placed before the Committee. The fact is that the Committee had enough material and more to consider the question if it were so minded, and if the Committee has postponed it, the only reason for it is (Mr. Prakasam's reply in the Assembly drives one irresistibly to this conclusion) that it did not want to do anything for the actual cultivator, if he happens to be a sub-tenant. The postponement of the question means that the sub-tenant will be left high and dry, without any protection—so long at any rate as Mr. Prakasam continues to hold the position that he is occupying at present.

For the rayats in the zamindari areas are declared by Mr. Prakasam's Committee to be the owners of the soil, with no lesser rights of proprietorship than the pattadars in rayatwari areas. And if the tenants under the pattadars in these latter areas cannot be given occupancy rights without infringing the proprietary rights of the pattadars, it follows naturally that the tenants of

the new-found proprietors in the former areas also cannot be given occupancy rights without nibbling the proprietary rights of these proprietors. Compensation will have to be paid, and that in no niggardly spirit but on a generous scale. Which means that sub-tenants in zamindari areas have no more chance of acquiring occupancy right or the right of fixity of tenure at a fair rent than those in rayatwari areas. For the sake of Mr. Prakasam's reputation one would wish that he had refrained from disclosing his line of action in respect to rayatwari areas as discreetly as he did in respect of the zamindari areas. But in the public interest it is certainly better that we know where exactly we stand in relation to Mr. Prakasam or the Madras Government. There will be no protection for the tenants or the tillers of the soil, either in rayatwari or zamindari areas.

We would like to ask Mr. Prakasam — and also Rajaji, for the latter is bound to the former under collective responsibility—whether, in any province in India or in any country where occupancy rights have been bestowed upon the tenants, the proprietary rights of the landlords are considered so absolute or unqualified as to preclude the possibility of a tenancy law when one is considered necessary in the interest of the tenants or of the general community. Are not restrictions placed upon the landlords on their disposal of tenancies in the tenants' interest more or less of the same nature as those placed on the employers in the interest of the workers? If a landlord cannot be prevented from raising the rent indefinitely and from arbitrarily ousting a tenant who is willing to pay the rent regularly, why should a factory-owner be prevented from employing children below a certain age, or from keeping them at work for more than a certain period, or from giving them less than a certain minimum wage? If society has the power, morally and legally, of interfering with the natural working of industrial economy, so has it the power of interfering with the working of agricultural economy. If compensation is not required in one case it is not required in the other. Competition cannot be allowed to run its free course either in agriculture or industry. That Congress Ministers have to be instructed in these elementary truths is only our misfortune, but it is the fault of the Congress.

RECORD OF PRIVATE LANDS.

REPORTS from Monghyr and Gaya districts of Bihar indicate assaults and quarrels between zamindars' men and the tenants. The cause of these seems to be disputed claims over the ownership of lands. At Tal in Monghyr district the zamindars' men claim the right to cut grass in the lands of tenants, which is disputed by the

latter. In Gaya it is about harvesting the crops in lands, which the zamindar claims as his private lands and the tenants as rayati land. The total number of arrests of kisan workers is twenty-two. The seeds of these quarrels have been well laid in the absence of a record of private lands. While there are enough grievances to provoke quarrels in zamin areas, it is not necessary to add to them by reason of want of a proper record of private lands. We hope that Government will lose no time in looking into this matter and arranging for a survey of private lands.

THE PRINCES' VETO.

IN a speech delivered by him on federation at the Gokhale Hall in Madras on the 10th inst., Dr. Radha Kumud Mukherjea stressed the fact that the federal constitution, if enforced as passed, would give to the Princes a *liberum veto*, which would block all future advance. The point has been repeatedly made, but it would be worth while to record the opinion of a publicist of such eminence expressed in the most unambiguous terms:

One of the most fundamental defects of the proposed federation was (Dr. Mukherjea said) that if it was once allowed to make a start with all its defects and deficiencies it would not be easy afterwards to effect any substantial changes in its constitution. This point had not been adequately appreciated by critics of federation. In the first place, the power to change the constitution did not rest with India. It lay with the Imperial Parliament. Even if the Imperial Parliament agreed to any change, it would not have the power to effect it without the consent of the States to such changes. Federation was a kind of contract between the constituent units, and the terms of the contract could not be changed except with the consent of all the parties, including everyone of the federating States. Thus, the future constitutional growth of India not only towards full responsible government but in the direction of any relaxation of the existing reservations was placed at the mercy of the States jointly and severally. The federal constitution was unduly rigid and lacked the flexibility required for its further growth.

Reviews.

LORD METCALFE.

THE LIFE OF CHARLES, LORD METCALFE.
By EDWARD THOMPSON. (Faber and Faber.)
1937. 23cm. 439p. 21/-

THIS is a courageous attempt to vindicate the reputation of Lord Metcalfe, a great Pro-Consul whose official biographer has done him less than justice. Kaye's 'Life of Metcalfe' is thoroughly

unsatisfactory partly because he bears no goodwill towards his subject and partly because he has deliberately suppressed facts. Edward Thompson, on the other hand, collected all available material relating to the subject and has placed before the reading public a masterly biography of Metcalfe which does justice to the greatness of the subject as well as to the scholarship of the author.

The career of Metcalfe is a very important and interesting one in the history of the British Empire. For 37 years in the first half of the 19th century he was in India making his influence felt in every crisis. He came to India as a boy and left her shores after having acted as Governor-General. His education was completed in India in a scene of shifting and dissolving empires. Apart from his own ability, circumstances were favourable to Metcalfe's rise. Soon after his arrival in India, he was marked out as a rising man by Lord Wellesley who gave him every possible encouragement. Among the Anglo-Indian Governors, he proved himself to be one of the most brilliant, his achievements comparing favourably with those of Elphinstone, Malcolm and Munro. In his long record of excellent work three events deserve special mention. The first was his mission to Ranjit Singh, as a result of which he forced the tide of Sikh prowess to shrink behind the walls as he had indicated, and was responsible for preserving peace between Ranjit Singh and the Company. The learned author says that a few years after the death of Ranjit Singh, when the Sikh State fell, Metcalfe's portrait was discovered among the inner treasures of the great Rajah's household, with an inscription on its back "indicating the interest and affection" which Ranjit Singh had cherished for the man who had worsted him in diplomacy. Another remarkable achievement of Metcalfe—an achievement which increased his prestige but which also created a number of enemies for him including the Governor-General, Lord Hastings—was his exposure of the financial scandals of Palmer & Co., in Hyderabad. As Resident of Hyderabad he set his face definitely against the notorious financiers and cleansed the Augean stables of financial mismanagement. In Chapter XIII the author gives a full account of Metcalfe's work in Hyderabad and through his letters shows how he was fighting single-handed against vice and corruption. We would especially commend the reader to Metcalfe's letter to the Governor-General quoted at pp. 210-213, which is an amazing one characterised by frankness and fearlessness.

For a third reason the name of Metcalfe will go down in the annals of India as a great one and that is because he along with Ochterlony was the maker of the doctrine of Paramountcy. The present day doctrine of Paramountcy was set up a century ago by Metcalfe in his *Bharatpur Minute*.

The author rightly points out that Metcalfe's work was appreciated by the Board of Directors and he was raised to the Supreme Council and then to the Governor-Generalship, but his Pro-Consulship was not confirmed because Parliament felt that the Governor-Generalship was a prize-appointment intended for the scions of aristocratic families in England. In fact after Metcalfe the only exception was the civilian Viceroy, Sir John Lawrence.

Metcalfe was, however, appointed Governor of Jamaica and the Governor-General of Canada, and the author frankly admits that in Canada his administration was a failure, because Canada was not India. It was easy to rule India because obedience was the badge of the Indian tribe, but in Canada this Pro-Consul who wanted to keep power and patronage in his hands found himself opposed by parties which desired to have real responsible government. The author points out how Metcalfe was incapable of seeing that Parliamentary government inevitably meant party government and that party government meant that the dominant group would put its own supporters in office wherever it could.

The learned author is not an indiscriminate panegyrist; nor is he unsympathetic towards his subject. He has all the qualifications of a biographer and the result is a true life of Lord Metcalfe. While Kaye, the official biographer, shut his eyes to a discreditable episode in Metcalfe's career, namely, his Indian mistress and his illegitimate children, Edward Thompson admits that Metcalfe had three illegitimate sons, that he acknowledged them as *his* sons, sent them to England for education, left them in charge of his sister, and finally left property amounting to £50,000 to the surviving son. This episode, while throwing a lucid light on the morals of some of the Company's servants, takes away the sting so far as the case of Metcalfe is concerned. For Metcalfe acknowledged his sin and treated the fruits of his sin as if they were his legitimate children.

The author makes Metcalfe speak on men and things by quoting his letters, and it is interesting to see that this Acting Governor-General of India and the Governor-General of Canada until his elevation to the Supreme Council at Calcutta spell 'independent' as '*independant*'!

We congratulate the author on this sterling work. We cannot help admiring its high standard, its accuracy, and its impartial judgment. Our only criticism is that it is too costly. It is priced at one guinea.

M. V. SUBRAHMANYAM.

PRICE POLICIES.

INDUSTRIAL PRICE POLICIES AND ECONOMIC PROGRESS. By EDWIN G. NOURSE AND HORACE B. DRURY. (The Brookings Institution, Washington, D. C.) 1938. 21cm. 314p. \$2-50.

THIS volume is fifth in a series of publications of the Brookings Institution, Washington, dealing with the distribution of income and wealth in relation to economic progress in the U. S. A. The choice of subjects for research undertaken by the Institution seems to be guided by a desire to ascertain the rate of progress in the production of capital goods and consumption goods and to compare the same with the capacity and willingness of the Americans to consume and save. It must be stated at once that this inquiry is of vital significance in the analysis of cyclical fluctuations in economic activity. The plan so far adopted, seems, however, to be roaming on the circumference of the problem without any serious attempt to clinch the issue.

The present volume attempts to get down to cases with a view to discern the ultimate implications of what businessmen do in forming their price policies and how they react to changes in objective data. It inquires also into the changes in business structure resulting from constructive price policies. And then it tries to judge the extent to which the real incomes of consumers have undergone a change as a result of the attempts of business magnates to reduce prices by lowering costs. Unfortunately this chapter which ought to appear in the later stages of the work occurs in the very early parts.

But the authors of the book seem to have a much more ambitious plan in mind and that is of developing a positive theory of the pricing process in the real and dynamic world evolving about us. In this task the authors have not been quite successful. Beyond drawing attention to the fact that reaction of businessmen to prices has nowadays been much more intelligent and that conscious attempts are made to influence prices to expand market sales, the authors do not seem to have laid bare any significant factor in the pricing process which would materially help the construction of the dynamic theory of prices.

The facts revealed in the book suggest to me—though they have not done so, to the authors—an important problem to which serious attention should be paid. There seem to be three types of divergent influences working on the prices in U. S. A. While some business concerns attempted to raise them, many others were engaged in consciously planning to lower them, while, as is well-known, the authorities of the Federal Reserve System were all along planning to stabilise the general price-level. Amidst these conflicting welter of attempts—naturally unco-ordinated in a competitive system—at influencing the prices, the significant problem of reconciling the rate of capital

formation and consumption goods production to the rate of saving and consumption of the income-earners was lost sight of. Violent fluctuations in the American economic activity could not be avoided in this manner. It is, therefore, necessary to find whether the experience of businessmen about the rate of expansion of consumption goods market could be made available to the Federal Reserve System in its policy of regulating the rate of investment in the country by the exercise of its old and new devices of monetary control.

V. Y. KOLHATKAR.

WORLD ORDER.

THE HUMAN FAMILY AND INDIA. By G. H. MEES. (Taraporevala, Bombay.) 1938. 20cm. 171p. Re. 1-2.

THIS book by Dr. G. H. Mees, who has already won a reputation for sympathetic study of Indian sociology by his book "Dharma and Society" attempts to diagnose the symptoms of the ills troubling the human family at present, and to suggest a solution for the re-shaping of the world-order. The author at the outset established the fact that the ancient Hindu theory of the four natural classes is a universal class-theory applicable to all countries, all races, and civilizations at all periods of time. The troubles of the present-day world are due to one class usurping the functions of the other classes, and the consequent confusion in the functioning of the natural classes. It is unnatural that persons of the producing and distributing classes should lead, direct or even criticize Government policy or measures. It is illogical that the voice of an unskilled labourer should be listened to as regards the affairs of the State and that his vote should be of equal weight to that of a Professor of Politics. Parliamentarianism founded upon the equality of vote and the supremacy of views of the greatest number does not agree with the fact of the cultural hierarchy. Equality is a spiritual and heart-factor, and can never be a social one. All social and political ideas and ideals aiming at bringing about social or political equality are, according to the author, unscientific to that degree of stupidity, for they are against the natural trend of society, against the tendency to cultural-hierarchical and organic division. Fascism and National Socialism are, therefore, conscious experiments to remedy this inconsistency. But here the ideals of human freedom are lightly brushed aside; and the ruling class in its assumed supremacy dictates to the conscience of the people. The remedy for these ills lies in the establishment of a World-State, functioning in four departments. Firstly, the Department of Production will be an international institution

for regulating the production in all parts of the world in accordance with climate, resources, psychological suitability, and least cost. The Department of Distribution will supervise the distribution of raw materials and products in accordance with the needs. An International Bank for centralising the finance of the world will be connected with this Department of Distribution. Thirdly, a College of Rulers or Regents should be established as the supreme authority over the first two departments and settle international disputes, in addition to solving problems of overpopulation and emigration. The fourth Department in World-State should be an international parliament of leading personalities from all countries in all fields of human activity, playing the role of a Rotary centre on a large scale. However Utopian the idea of the World-State as propounded by the author may appear to be in the present state of the world's affairs, the author's appeal will find an echo in the hearts of the real leaders of society in every country to bring about such a mental revolution as will in course of time cause a readjustment of the present unbalanced class-relations. It is the fond hope of the author that Chaturvarnya, freed from its caste-associations and heredity in the mind of the people, but based upon principles of character and responsibility, will guide the social destiny of India and the world. Then truly humanity may be said to have realized the mystic meaning of its being, and to have found Divinity within the depths of its heart. This is the message of this little interesting book of 159 pages.

R. SRINIVASA IYENGAR.

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