

# Servant of India

Editor : S. G. VAZE.

Office : SERVANTS OF INDIA SOCIETY, POONA 4.

VOL. XXII, No. 13. }

POONA — THURSDAY, MARCH 30, 1939.

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

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## Topics of the Week.

### "The Instrument of Destruction!"

THE States' rulers' organ, *United India and Indian States*, calls the Instrument of Accession to federation which the Princes are invited to sign "an instrument of destruction." For, according to this paper, it "will only end in the crippling of their (the States') financial resources, obstruction to the development of any planned industrialisation policy, and the consequent inability to keep pace with the demand of modern needs of a self-conscious people." It further says: "The Instrument of Accession has been condemned by reputed students of constitutional theories. It is an obstacle to the industrial expansion of the States. It binds the hands and feet of the Princes." And our contemporary concludes by summing up the position thus: "If the Instrument of Accession cannot be further changed, then it is for the Princes to prove that patriotism is not the privilege of Gandhiji alone, but also of the Princes. Let them stand out and develop their man-power."

WE are glad to see the cat definitely jumping at last on the right side of the fence with all its four feet. Patriotism undoubtedly requires the Princes to decline the British Government's invitation to them to come into its parlour. But if it is true, as is to be inferred from *United India's* comments, that the Princes also consider it to be to their own interest not to be inveigled into federation, it is indeed a happy augury.

### Congress Working Committee.

THE list of the Congress Working Committee has, it is reported, been drawn up by Mahatma Gandhi in consultation with Sardar Patel, Maulana Azad, Pandit Jawaharlal and some other members of the old Working Committee. The names are not announced only because the announcement yet

requires the little formality to be gone through of the President appointing the Committee. The Congress desires the list to be drawn up by the President with the consent of the Mahatma, and the Mahatma has got it ready after consultation with his own associates. If in his opinion a consultation with the President is also desirable, such consultation apparently seems to him difficult in view of what he regards as more pressing engagements at Delhi, and Subhas Babu is marooned in Jharia on account of his illness. But in Mahatma Gandhi's view the urgency of an immediate appointment of the Committee is so great that Maulana Azad has been dispatched to Calcutta, from where it is expected that he may proceed to Jharia, to admit the President too to some kind of consultation.

THE delay in appointing the Working Committee is very much resented on account of the grave situation "in India and outside," and the delay, it is thought, could have been avoided if only Subhas Babu had asked for Gandhiji's nominations and, after endorsing them himself, announced them to the public. But the President does not seem quite to fit in with this rubber stamp conception of his duties. He is not eager to defy the Mahatma, but would prefer to have not only a formal, but an intimate, consultation with him before coming to a decision. He finds it difficult to understand the supposed urgency in appointing the Working Committee forthwith, even when he has had no chance of ascertaining the views of Mahatma Gandhi on general policy which after all must affect the composition of the Committee. Last year the Working Committee did not meet for six weeks after the Congress session, and "it amuses me to find," says Subhas Babu "that people who usually have no interest in international affairs and who have no intention whatsoever of utilising the international situation to India's advantage have suddenly developed such an international frame of mind that they are now proclaiming from housetops that, in view of what has happened in Bohemia and Slovakia, the Congress Working Committee should come into existence at once."

THIS is certainly very amusing. It would almost seem that Mahatma Gandhi wants to say to the Viceroy but is deterred from doing so by reason of the Working Committee not being yet formed: "The Empire seems to be in trouble; beware that in its hour of need it shall not receive help from India either in men or treasure; and, let me say this also, I do not refuse help because I believe that war is sin, and that there can be no just war, but because, even if I were a man of violence, I would exploit your difficulties to the utmost extent possible." It does not seem likely.

however, that the Mahatma is bursting to give such an answer, and the formation of the Working Committee may well brook a little delay for the sake of bringing the President, who has so far been left out of the Allahabad confabulations, a little into the picture. What the result of taking counsel with Subhas Bahu will be one cannot prophesy, for while he has great respect for the Mahatma, still he has made clear that "he may not always be able to accept unquestioningly all of Mahatma Gandhi's ideas and plans, as perhaps others can." So the new Working Committee remains at the present moment a big question mark.

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#### Firing on Strikers in Bombay.

IT will be recalled that on 7th November last year a general strike was organised in the Bombay Presidency as a protest against the Industrial Disputes Bill which had just been passed by the Assembly. In Bombay City the police fired on the demonstrators, and the firing was sought to be justified on the hackneyed ground that the crowd had got out of control and had committed acts of violence and that peace could not be preserved except by firing. A committee was appointed later to inquire into the circumstances surrounding firing, and the committee in its report has justified the action of the police. In the budget debate recently, Mr. Jamnadas Mehta showed clearly how the committee's findings were wholly erroneous, apart from the fact that both the composition of the committee and terms of reference given to it were open to serious objection, so serious that the labour leaders felt compelled to boycott the committee.

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BUT Dr. Ambedkar launched a frontal attack on the committee by challenging the Home Minister to prosecute the leaders of the strike (if he dared) whom the committee of inquiry had found guilty. The committee says in its report:

The attitude and actions of the crowd were solely responsible for firing. We are of opinion that the ultimate responsibility for the disturbance at the Elphinstone Mill, which resulted in firing and consequent casualties, must rest on the members of the Council of Action, who, by their intensive propaganda, invited the illiterate workers to resort to violence to make the strike a success.

Dr. Ambedkar flung a challenge to the Home Minister that if he believed in the correctness of the findings—and it is too much to expect that even Mr. Munshi can do so—he should launch a prosecution against the Council of Action for incitement to violence. Dr. Ambedkar said that as one connected with the Council of Action he was prepared to stand his trial, and that he would in fact welcome it, as a judicial trial, in which all factors could be fully considered. That would any day be better than a slipshod committee which, apart from its many other shortcomings, had to form an ex-parte judgment on the whole affair. Alternatively, let the Home Minister, said Dr. Ambedkar, put the police officials on their trial or give the requisite sanction for such trial. It is only this that can settle the question of guilt to the satisfaction of all impartial persons.

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THAT the bureaucracy, faced with disturbances of far greater magnitude and of far greater possibilities of the breach of public peace should have acted with restraint, while a popular Minister runs riot in firing on unarmed and peaceful crowds is a thing very much to marvel at. And Dr.

Ambedkar, while touching on this aspect of the question, ventured the hypothesis that perhaps the British Government conferred provincial autonomy upon India with the confident expectation that Indians themselves would be more ruthless in dealing with popular movements than foreigners could ever be. Sir John Thompson's evidence before the Joint Select Committee, which Dr. Ambedkar quoted with great effect, lent colour to this inner motive. If the Britishers proceeded on this expectation, Mr. Munshi has realised it in full.

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#### A Common High Court for States.

MR. K. S. FITZE, Resident for the Central India States, has suggested a scheme for the establishment of a common High Court for these States. The scheme contemplates the appointment of a committee which will be entrusted with the task of selecting the judges of the High Court. The committee will also be competent to "super-vice" the work of the judges and will have the "authority to dismiss them if necessary." The duties of the judges will be to hear appeals and to tender advice to the rulers of the States on questions regarding judicial administration.

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THE idea of setting up a common High Court for several small States, not one of which can singly afford the luxury of a High Court, will be welcomed by all. A really independent High Court will serve the very useful purpose of giving a tone to the judicial administration in the smaller States. Unfortunately, however, the scheme as outlined by Mr. Fitze, is not calculated to invest the proposed High Court with the independence that is the very substance of its real utility. We have nothing to say against the proposed method of appointing the judges of the High Court by a committee of the rulers of the States. But the idea of reserving for this committee the power to dismiss these judges "if necessary" is highly objectionable in principle. This will, in effect, render the judges subservient to the wishes of the committee, a circumstance which, for all we know, may thwart the ends of justice. It may be permissible, as it is elsewhere, to allow the committee the power to remove a particular judge of the High Court in case he is guilty of manifest misconduct. But to arm the committee with absolute powers of dismissal, if only it thinks such a course "necessary", is to prepare a sure way for defeating the very ends for which the High Court is sought to be established.

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#### Salaries.

IN a highly interesting publication, "The Present Condition of India," Mr. Leonard Schiff, gives some telling figures to show how unconscionably high are the salaries of the public servants in India. By instituting a comparison between the salaries of the public officials of India and those of other countries, Mr. Schiff comes to the conclusion that in India there is a "Rolls-Royce administration in a bullock-cart country." Let us quote some of his telling figures:

The Prime Minister of Japan receives Rs. 622 per month; the Premier of Bengal, which has less than half of the population of the Japanese Empire, gets Rs. 3,000.

Other Japanese Ministers receive Rs. 400 and Secretaries Rs. 375; the Chief Secretary of Orissa, in India, receives Rs. 2,150, and of Bengal Rs. 5,333.

The Governor-General of Korea gets Rs. 440; the Governor of the Punjab Rs. 8,333. A Japanese official may receive Rs. 334; a district magistrate of Bombay, Rs. 1,150. ... Whatever may be said of Japanese imperialism, I have not heard that corruption and bribery are more prevalent there than elsewhere.

The author then gives another example, this time from Europe.

Poland is far richer than the Indian province of Bihar and its population is considerably less. Yet, the President of the Republic receives only Rs. 1,560 monthly, while the Governor of Bihar gets Rs. 8,333. Even district magistrates in India may receive a higher salary than the President of Poland. In Poland not more than thirteen officers receive a salary of over Rs. 1,000, while in Bihar and Orissa there are as many as 156 officers with a salary of over Rs. 1000."

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THE author turns next to the United States of America.

Still more amazing is a contrast between India and U. S. A. America is enormously rich. The *per capita* income is more than twenty-two times that of India and the cost of living is notoriously high. If the income of the officials should be proportionate to that of the people, Indian salaries should be about one twenty-third that of American officials; but what are the facts? Skilled workers in America can demand Rs. 300-450 a month, according to 1935-36 statistics. ... Again, the population of U. S. A. is smaller than that of India, while the revenues are many times as great. It would not be unfair to compare a person so important as the

President of the United States with the Viceroy of India. The President draws as salary Rs. 7,062 per month; the Viceroy Rs. 21,333. An American Cabinet Minister receives Rs. 3,412; a member of the Viceroy's Council Rs. 6,667.

Lastly, the author treats of England. He says:

To clinch these comparisons, let us turn to England. The Prime Minister receives half the salary of the Viceroy. Out of every Rs. 1,000 collected, the Viceroy draws one rupee. Out of every Rs. 100,000 collected in England, the Prime Minister gets one rupee. ... The highest salary of an English civil servant is Rs. 3,333 (a very few) and the majority will be satisfied with Rs. 777-1,000. A cabinet minister receives Rs. 5,555. Compare these figures to those from India given above. Of course to-day many of these salaries are received by Indians who form about 50 per cent. of the I. C. S.

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THE officialdom is raising a hue and cry in U. P. over the imposition of the employment tax. The vested interests, the props of the old order, have joined with the officials in condemning the tax vociferously. The die-hard Conservative members of the British Parliament have urged on the Secretary of State for India to interfere so that they pay and the emoluments of the I. C. S. and other high-paid officials should remain intact. We wish every one of those self-centred people who oppose the imposition of the employment tax had gone through the book of Mr. Schiff. It is only then that they would realise the enormity of their offence in opposing a small tax on what may be called the most unconscionably high salaries of the Indian civil servants.

## INDO-BRITISH TRADE: A NEW PACT.

INDIAN public opinion has always been critical about Britain's trade in India. This has not been due primarily to the instinctive hostility entertained by the uninstructed towards the ingress of everything foreign. The special advantages that British goods enjoy in India have been the principal bane of what would otherwise have been normal relationship. The adoption of a policy of so-called free trade against the unanimous opinion of the Indian public, the excessively pro-British policy followed by public and semi-public authorities in the purchase of stores and the support to a policy of indiscriminate and widespread preference to British goods given against the judgment of the majority of elected members of the Central Legislature are all particular manifestations of the general economic policy of the British Government in India. This policy is none other than "grasp as much advantage as your political domination allows you to do."

The increasing strength of Indian public opinion and the advance made by Indian industries have latterly helped to emphasise the situation. The report on Indo-British trade that Sir Thomas Ainscough, British Trade Commissioner in India, recently submitted to the Board of Trade indi-

cates the nature of the problem. To take the case of cotton piece-goods, whereas before the World War of 1914-18 as much as 36% of the total imports into India were in this category, the present share of cotton piece-goods is no more than 14%. Even more interesting is the change in Britain's position. In the pre-War period England supplied almost the whole of the Indian market, whereas its present share even of the much reduced imports is less than half. Under a regime of national protection the Indian cotton textile industry is rapidly exploiting the natural advantages that it clearly possesses.

The feelings of sorrow and despair that Lancashire must entertain in this situation can be easily understood. We cannot, however, understand, much less can we condone, the attempt made by responsible Britishers, such as the Senior British Trade Commissioner, to make a grievance of the policy of Indian industrialisation, or to show it up as an indefensible measure. It is absolutely clear that for national security as well as for the relief of our poverty an intensive industrialisation of the country is urgently needed. That industrialisation is no panacea; that national resources must be most economically dispensed to achieve the given objective; and that a killing of

The import trade as such is no measure of national prosperity are all truisms which are well understood by those who would be directing the new industrial policy of India.

If foreign observers of the progress of our industries confine their remarks to such well-worn truths there would perhaps be no harm done, though even then the propriety of the step might need justification. But when men like Sir Thomas Ainscough go on to raise non-existent bogies their action deserves the strongest condemnation. The continued existence of an export surplus in our foreign trade is not a prime object of our national policy. It is needed primarily to facilitate the transfer of Britain's "tribute" from India. The so-called invisible imports, which are counterbalanced by the export surplus, are for the most part services and goods forced by Britain on the Indian people without genuine demand and at unconscionably high prices. If the pursuit of a legitimate policy of Indian industrialisation leads to difficulties for the transfer of funds to Great Britain, so much the worse for that nation. The time is more than ripe to think of energetic and concerted action to reduce to a minimum these obligatory payments for financial and administrative items.

When this is done exports will remain a means to pay for imports and *vice versa*. If India follows an economic policy which results in a contraction of imports, *ipso facto*, the need for exports vanishes. The agricultural producer will sell in the home-market, instead of hanging on to a precarious foreign market. Sir Thomas Ainscough's fears that industrialisation by reducing imports will harm the financial solvency of the Government of India, which draws about 60% of its income from customs duties, is scarcely worthy of a person in his exalted position. The imports of consumable staples are already being replaced by producers' goods and by a variety of consumption articles needed to satisfy the improving standard of the people. The improvement in the yield of Income-tax and Railways, not to mention the growing item of internal excises, is by no means accidental. If there is any virtue in industrialisation it must increase the total national dividend. Though one tax may, if necessary, replace another, the essential solvency of the financial system is in no way impaired. In fact, it ought to improve.

Lancashire and other British interests who have in the past made easy profits in the sheltered Indian market must now see that the process both of industrialisation and of self-government has definitely begun in India. If they produce the goods that we need and cannot ourselves produce at an economic price they are free to supply them to us in fair competition with other foreign suppliers. Next to legitimate protectionism, our general policy must be of non-discrimination. If, owing to the existence of discriminating policies either in U. K. or in other countries, it becomes

necessary for us to enter into trade agreements we ought to be prepared to frame them on a strictly commercial basis. In a trade deal there is ample room for mutual good-will but none at all for coercion. The ultimate solution of Britain's difficulties will be found in a more efficient system of production and marketing. It is here that such countries as Japan, Germany, Holland and others are outpacing England. It is not by opposing industrialisation and democracy in India, but by putting their own house in order that British industries can consolidate their due position in the radically altered state of the world's economy.

That the real significance of the altered situation has not yet fully dawned upon the British people is clear from the contents of the new Trade Pact between the Governments of U. K. and India. All the criticisms made in this paper against the Ottawa Agreement have been thoroughly substantiated by the new pact. It was then held by Indian publicists and businessmen that those who were chosen by the Government of India to speak on their behalf had not made the best of their case and that they were too yielding. The new pact which considerably reduces the range of preferences to be granted by India is a proof of the validity of this charge. Another criticism aimed at the indiscriminate nature of the preference granted by India, which produced the maximum possible ill-will among the non-British customers of India. The new arrangements confine Indian preference to a select list of twenty tariff items, thus reducing to a minimum the inevitable danger of retaliation. It was also suggested, while contrasting the provisions of the Ottawa Agreement and the Indo-Japanese Trade Pact, that the preferences to be granted to British imports of piece-goods should be correlated with the British off-take of Indian raw cotton. This also has been achieved in principle by the new pact.

The majority of non-official advisers of the Government of India, which included Sir Purshotamdas Thakurdas, Nawab Liaquat Ali Khan, Mr. G. D. Birla, Seth Kasturbhai Lalbhai and the Maharaja of Parlakemedi, who stood out for a fair deal for India against considerable opposition from British interests, deserve well of their countrymen. They rightly distinguished between the effective preference value granted by U. K. to Indian imports of raw materials, which are either free or subject to very low tariff, and that granted by India to British manufactures which directly compete with Indian and foreign produce. They have thus been able to secure for as much as about 82% of Indian exports to U. K. either free entry or preferential tariff. The degree of preference is not, however, in all cases suited to the needs of Indian exports. Castor seed, coir and cotton yarn, goat skins, and used leather, groundnut, linseed, oil cake, magnesite and spices are among articles entitled to a 10% preference in the British market. A 15% preference

is to be granted to vegetable oils, dressed leather and certain jute manufactures, e. g., cordage and cables. Matting, cotton manufactures and jute bags are entitled to a 20% preference. A preferential rate based on a schedule of specific duties is prescribed in the case of magnesium chloride, tea, coffee, rice and carpets. The preference of 9s. 4d. per cwt. granted to Indian coffee is altogether inadequate. The exclusion of tobacco manufactures from the preferential list is also an unjustifiable feature of the proposed arrangements. The total value of Indian imports into U. K. which are entitled to some rate of preference is over 30 crores of rupees. Considering the nature of our exports, however, the net value of these preferences is considerably less, not much more than ten crores of rupees.

On the Indian side, the number of preferred items has been reduced from 106 to 20. The total value of the preferred trade has in consequence been lowered from nearly 20 to 8 crores. Only 16 per cent. of British imports into India will now be in the preferred list. Motor cars will continue to be imported at a preference of 7½%. Cement, chemicals, drugs, paints, fents, woolen carpets, iron and steel hoops, refrigerators, sewing machines, cycles, electrical and wireless apparatus—these will get a preference of 10%. In each one of these classes items which are thought to be competing with Indian products receiving protection are excluded from preference. The degree of preference granted does not in any way commit the Indian Government to a fixed scale of duties, which might be freely varied so as to suit the revenue and the tariff policy of India, leaving the margin of preference intact. Even as it is, however, imports to the extent of over 8 crores are to be in the preferred list. The non-official advisers of the Government of India are convinced that this is far in excess of the just value of the real concessions received by India, viz., 3 crores of rupees.

The most complicated, and, in one sense, the most vital, part of the pact is that concerning cotton. The traditional policy of Lancashire is to stand in the way of the natural realisation of India's economic claims. This was in evidence during the protracted negotiations that preceded the final signing of the pact. Even under the pact as it now stands all the just demands that the non-official advisers had insisted upon have not been conceded. There is an inherent objection to granting preference in the sphere of a protected industry like the textile industry. The real causes of Lancashire's loss of trade are so fundamental that it would be useless, even if it were justifiable, to help it by tariff preference. In the light of our past relations with Lancashire there is not the slightest reason why an unsound exception should be made for indulging it. The Government memorandum admits the weakness

of Lancashire's claims. What the present Government of India for political reasons cannot achieve, the legislature certainly can. There ought to be on the merits of the case no room for Lancashire in the new pact.

The principle of the proposed cotton agreement is that a basic rate of preference to British piece-goods imported into India is granted with reference to two things: 1. the quantity of imports of piece-goods into India and 2. the quantity of exports of raw cotton to U. K. The basic rate of import duty is to be 17½% for printed and 15% for other goods. An addition to this rate will be made either if British imports of piece-goods exceed a maximum of 500 mil. yds., or if exports of Indian raw cotton to U. K. fall below 450,000 bales. On the contrary, if imports of British piece-goods into India fall below 350 mil. yds. or if exports to U. K. of Indian raw cotton exceed 750,000 bales, the import duty on British piece-goods is to be lowered by 2½%. If the exports of Indian cotton to U. K. are less than 600,000 bales, for every deficiency of 50,000 bales a reduction of 25 mil. yds. is to be made from the minimum quota of British piece-goods to be imported into India. It will be seen that this somewhat complicated scheme secures a direct interest in the Lancashire manufacturer for the purchase of Indian cotton. But, as compared with the minimum intake of Indian cotton, 600,000 bales, the quota for piece-goods imports into India is unjustifiably large. The non-official advisers had suggested a minimum quota of 200 mil. yds. and a maximum of 400 mil. yds. against a British intake of at least 650,000 bales. Even this was a great concession. The magnitude of the preference contemplated in favour of Lancashire will be gauged by its contrast with Japan. Whereas Lancashire is to be entitled to a quota of 350 mil. yds. against an intake of 600,000 bales of Indian cotton, Japan has an import quota of only 283 mil. yds. for an offtake of 1,000,000 bales. The injustice of Lancashire claims is heightened by the fact that the British piece-goods would be paying an import duty less than half of that paid by Japan.

The position of the Indian cotton industry in the face of new developments in provincial and Central Government policies is causing genuine anxiety. There is, therefore, not the least justification for the Indian Legislative Assembly to acquiesce in any but a strictly businesslike deal with U. K. Lancashire claims, in their present form, fall clearly beyond reasonable business considerations and should, therefore, find no support in India. Shorn of Lancashire excesses and of inadequate preference for coffee and tobacco, the new pact would deserve a fair trial. Judging from the inner history of the pact, now revealed in the number of non-official memoranda released for general information, it would appear to be most unlikely that a bonafide business frame of mind could be induced among British business men, so

long as they feel themselves to be masters in the political sphere. A trade pact can hardly be isolated from the general economic relations between the two countries. Discrimination against commercial interests, which the non-official advisers

desire to end, is also an incidental feature of the political subordination of the country. Until a status of political equality is attained by India a genuine trade treaty with England is out of the question.

## THE GERMAN OCTOPUS.

MR. CHAMBERLAIN must certainly rejoice that Herr Hitler has applied the principle of racial self-determination to another little part of the globe, the Memelland this time. The moral justification for the use of such force, or rather show of force, as was required in carrying out this great principle was, Mr. Chamberlain himself will be the first to admit, very much greater in this instance than when he himself compelled Dr. Benesh to agree to surrender the Sudeten districts of the Czechoslovak Republic to Germany. The Czechoslovak Republic's adherence to minority treaties was as scrupulous as the Lithuanian Republic's disregard of the Memel Convention and Statute of autonomy was flagrant. If Lord Runciman were sent to Kovno as he was sent to Prague, at any rate when Mr. Chamberlain was going full blast for appeasement, there is no doubt that his lordship would have urged immediate Anschluss of Memel to the Third Reich. In fact, no Runciman deputation was at all necessary in this case. The British Government itself was one of the guarantors of the Memellanders' autonomy, and on several occasions it had complained bitterly to Kovno and Geneva against the ill-treatment from which the inhabitants of the town and district of Memel were suffering at the hands of the Lithuanian Government. The Principal Allied Powers—Great Britain, France, Italy and Japan—stood to the Memellanders in the relation in which the League of Nations stood to the minorities in Czechoslovakia; and while the League received no complaint from these minorities, the guaranteeing Powers received several from the people of the Memelland. The Powers were convinced of the just nature of the complaints; but because the Memellanders' cause was at the time taken up by a weak Germany under Stresemann, the Powers did not feel called upon to interfere. This is a very revealing commentary on Mr. Chamberlain's apology that Herr Hitler had to take direct action against Czechoslovakia because the League had neglected to make use of the provision for peaceful change in its Covenant. Great Britain herself had undertaken an obligation in the case of the Memel Territory, and yet she had taken no steps to see that it was honoured, only because the request for justice proceeded from a Germany who was not prepared to use force to secure its compliance. Now a different Germany has arisen, and she enforces her claims, which are essentially just, by the sheer use of force (if the threat of force will not

do); and Mr. Chamberlain cannot certainly complain if Herr Hitler acted on the present occasion without reference to Great Britain who had proved herself to be unwilling or unable or both to render justice to the Memelland.

It is well-known that this Territory was torn from Germany, to whom it had belonged since the Middle Ages, at the end of the Great War, without a plebiscite or anything like it. If a plebiscite had been taken, such as Mr. Chamberlain has now come very much to fancy, there is not the least doubt that the people of the town and district of Memel would have voted for remaining what they were, citizens of the Reich. The town of Memel, with a population of 25,000, was almost wholly German; and while nearly half of the population of about 120,000 in the district of Memel used the Lithuanian language it is conceded that in cultural outlook and sympathies they were more German than Lithuanian. And while the Memelland was detached from Germany without being attached to Lithuania or Poland, Lithuania by a *coup de main* siezed it, and the Principal Allied Powers had to acquiesce in this putsch. Ultimately, the Memel Territory was handed over to Lithuania, but under a Convention safeguarding the just rights of racial minorities. The League Commission which went into the question declared itself unable to "recommend to the Council any project for the transfer of sovereignty over the Memel Territory to Lithuania which did not offer the fullest protection to the non-Lithuanian population of the Territory and autonomy to the peoples in the Territory who had for several centuries lived under laws and customs different from those of the rest of Lithuania." Accordingly, a statute was adopted "stipulating that the Territory shall constitute, under the sovereignty of Lithuania, a unit enjoying legislative, judicial, administrative and financial autonomy. The Governor is to be appointed by the President of the Lithuanian Republic, and legislative power is to be exercised by a Chamber of Representatives (a Landtag) elected by universal and secret suffrage. Lithuanian and German are recognised as the official languages." The administration of the Territory was entrusted to a Directorate of five persons, of whom the President was nominated by the Governor and his colleagues by the President. Thus, while the Directorate might be said to be composed of the nominees of the Lithuanian Government, it was provided that they were to retain office only so long as they could

command the confidence of a majority in the Landtag. This provision rendered the position of the President of the Directorate analogous to that of the Prime Minister and the position of the members of the Directorate to that of the Cabinet under a system of responsible government. If the statute were honestly enforced, the Memellanders would have nothing to complain of in the way of oppression; but it is an admitted fact that the statute was never honestly applied, with the result that the Germans of this small territory were one of the worst sufferers among the racial communities in Europe, though they formed the bulk of the population.

Herr Hitler was determined to put an end to this oppression, and he was powerful enough to do so unlike Stressemann. In his famous speech in the Reichstag on May 21, 1935, he devoted a passage to the Memelland. He said that Lithuania, which he called "a State which ignores the most primitive laws of human society," was persecuting, torturing and maltreating the people of the Memel Territory and denying them "the primitive right that is allowed to every beast of the field. By this I mean the right of remaining devoted to the old master and the community in which it was born." "Their feeling of allegiance to their motherland is treated as a punishable crime," referring to the notorious treason case of the time. Hitler is known to speak a language of fantastic exaggeration and to work up the grievances of Germans in order to destroy the authority of the State whose subjects they happen to be. But while there was absolutely no truth in such allegations against the Czechoslovak Republic, there was a great deal of truth in his allegations against the Lithuanian Republic. The latter was all the time engaged in destroying the Memel Statute embodied in the Convention of 1924. The first elections to the Landtag were held in October 1935, which resulted in the return of 27 Germans and 2 Lithuanians among its 29 members. Within 14 months after the election the Directorate, mainly Lithuanian in its composition, had to be changed thrice, having received votes of no confidence from the Landtag. The personal differences between the executive and the legislature could really have been resolved only by appointing a Directorate acceptable to the Landtag. But this the Lithuanian Government was determined not to do. It, therefore, tried to resolve the conflict between a predominantly Lithuanian Directorate and a predominantly German Landtag either by trying to reduce the number of German members of the Landtag or by dissolving the Landtag and postponing the elections, although under the terms of the Memel Statute elections could not be postponed for more than six weeks from the date of dissolution. Thus the Lithuanian Government was all along guilty of serious infringements of the statute, and there was a constant friction between the legislature and the executive. In the second general elections held

in 1927, 25 Germans were returned to the Landtag and 4 Lithuanians, and in the third held in October 1930 Germans won 24 seats and Lithuanians 5. This time a German was appointed President of the Directorate, but only to be dismissed later on some pretext. He was replaced by a Lithuanian President, who appointed other members without the approval of the Landtag. The guaranteeing Powers, signatory to the Memel Convention, thereupon dispatched a note to Lithuania drawing attention to the fact that the promotion of a Directorate which did not possess the confidence of the Landtag was not in accordance with the statute which formed part of the Convention. The Permanent Court of International Justice to whom the dispute was referred found against the Lithuanian Government on this count. In the elections that followed in May 1932 the Government could not secure more than five seats for the Lithuanians, in spite of some 10,000 votes that it had created for them in an illegal manner. Then the Lithuanian Government changed its tactics. It appointed as the Governor of Memel a man of liberal sympathies, who in his turn appointed a German to be the President of the Directorate, and the Directorate on that account worked for some time in harmony with the Landtag.

This improvement in the political situation was, however, to last only for about a year and half. The Lithuanian Government found that the activities of the Memellanders who were in league with Nazi Germany were not consonant with that loyalty to the Lithuanian State which was required of them. That Hitler was making use of the Memellanders' genuine grievances to weaken the Lithuanian Government's authority and thus to make way for his march towards the north-east cannot be doubted, as we know only too well from his activities in Czechoslovakia. But whereas Czechoslovakia afforded no ground for such intrigues, Lithuania afforded many. Martial law was proclaimed. A huge treason trial was instituted and leaders of the Memel Territory sentenced to long terms; these sentences were afterwards remitted under an amnesty, but the political struggle still continued. Many restrictions were imposed upon the franchise rights of the Memellanders and everything was done to shake German predominance in the Landtag. The latest elections were held only in December last, and the Germans again secured 25 seats, polling as many as 87.3 per cent. of the total votes. The conflict with the Directorate showed no sign of abating, and it was evident even then that very soon Hitler would demand restoration of the Memel Territory to the Reich, offering at the same time facilities for the continued use, by Lithuania, of the Port of Memel, which was the sole reason why the Territory was ceded to Lithuania by the treaty makers. If Hitler were not the gangster that he is, trying to bring the whole of Europe under the heel of Nazism, on reasonable objection could be taken to the Memelland's

reunion with Germany. But the reunion, unexceptionable in itself, cannot but have dangerous consequences for Europe. As the *Economist* said, as early as December 17 last, "Just as Czecho-Slovakia provided Germany, in Carpatho-Ruthenia, with a base of operations for launching a Ukrainian national movement under German auspices, so, across Lithuania, Germany will be able to work upon the nationalism of the White Russians in the Vilna district and in the adjoining parts of the Soviet Union.

The tentacles of the German octopus are working their way round Poland now from the north as well as from the south." But as Mr. Chamberlain is himself responsible for making it easy for Hitler to engineer a nationalist movement in Ukraina, so he cannot now object if Hitler, without Mr. Chamberlain's active help, secures for himself opportunities for a similar movement in another sphere. We do not know yet all that we have to thank Mr. Chamberlain for.

## THE BOMBAY TENANCY BILL.

THE provisions of the Bombay Tenancy Bill have been commented on often in these columns during the last six months\*. I have no desire to repeat these comments, and it is my intention in what follows mainly to suggest a few definite amendments to the Bill in the light of the experience of other provinces. In doing this I shall confine myself to important points regarding the fundamental structure of the proposed enactment.

The Bombay Tenancy Bill which has now been referred to a Select Committee has two main chapters. Chapter II deals with the rights of a class of tenants to be newly created called "protected tenants," and Chapter III deals with the rights of tenants generally. In the creation of the class of protected tenants, Government seems to have followed the general principles evolved in the creation of the class of occupancy tenants. The period of continuous occupation required by the Bombay Bill—six years—is shorter than the usual period. But a much more remarkable departure from the usual practice is that the rights of protected tenancy will be created only against certain specified sections amongst landowners and not against all of them. The statement of objects and reasons justifies this step by stating that it is particularly the tenants of large landowners who suffer from the disadvantages of being tenants-at-will. The main disadvantages of the tenant-at-will are described in the following terms in the same statement: "Tenants-at-will have no incentive to improve the land, and, if they venture to make improvements are liable to be charged increased rent or to be evicted in consequence of their enterprise". Surely, this is applicable as much to the tenant of the small landlord as to that of the large landlord. If any difference exists at all it is in favour of the large absentee landlord who may be less immediately exacting. It is not also as if the class of smaller landowners did not contain a very large element of the class of rent receivers. The number of permanent absentee land-

lords amongst the smaller landholders is large, particularly in areas surrounding urban centres of population. This limitation, therefore, on the creation of protected tenant rights is both unusual and illogical. It is also positively harmful, because as a direct result of this legislation the exempted landholders will be led to change their tenants continuously. As everybody knows, this particular exemption has been put in on grounds of political expediency. The need for removing this anomalous distinction is obvious. This means that clause 3 (iii) in the Bill should be deleted.

There is another important respect in which clause 3 requires to be modified. Though exact information on the point is not available, it is generally believed that a considerable extent of land has changed hands during and since the depression, i. e., during the last decade. In the case of many of these transfers the old owner, though he loses ownership of the farm, does not cease to be its cultivator. This class of ex-proprietary tenants is specially deserving of being placed in the class of protected tenants. According to the provision of the Bill, however, they would not be so included if the transfer of their land has taken place after 1st January 1932. The difficulty can be met by providing in clause 3 (i) that the tenant shall also be protected if he has held land continuously for six years previously in the capacities of landlord and of tenant.

So much for the extent of the class of protected tenants. A consideration of the nature of the privileges granted to this class takes us on to clauses 5 and 6 of the Bill. In both these clauses are to be found novel restrictions on the rights of protected tenants not met with anywhere else. There are firstly the provisions contained in 5 (iii) (a) and (b) regarding the payment of rent and ejection. These sub-clauses provide that the tenancy of a protected tenant shall be terminated if he fails to pay the rent or its instalment on a certain date. All tenancy laws include provisions for ejection of protected classes of tenants for non-payment of rent; but in no case does the protection terminate automatically because of non-payment of rent on a certain date. Let us

\* See specially issues of 21st July, 18th and 25th August, 1st and 8th September and 29th December, 1938, and 26th January and 17th February (p. 92), 1939.



for example, refer to the provisions approved by the select committee on the U. P. Tenancy Bill, 1938. (It may be parenthetically noted that the report of this select committee is signed among others by Messrs. G. B. Pant, R. A. Kidwai and Sampurnanand). The proposals of the select committee in respect of ex-proprietary, occupancy and hereditary tenants are as follows:

When a tenant is in arrears with his rent at the end of the agricultural year the landholder may, between the 1st July and the 31st August, cause a notice to be issued to the tenant by the tahsildar. If in response to the notice the tenant does not appear or appears and admits the claim, the tahsildar shall pass an order requiring him to pay the arrears of the previous kharif and rabi and also the rent of the kharif and rabi of the agricultural year in which the notice is issued by the end of that year on pain of being ejected from half his holding. If the tenant does not so pay and is ejected from half his holding and if he defaults again the following year, the same process may be gone through for his ejection from the other half of his holding. If the tenant contests the arrear, the case will proceed as a suit for arrears of rent. If the suit is decided in favour of the landholder, the court will pass the same order as it would have passed if the arrear had not been contested. This will in future be the only method of ejecting a tenant for arrears of rent. Ejection will not be one of the methods of execution of a decree of arrears of rent against ex-proprietary, occupancy or hereditary tenants.

We do not necessarily suggest the adoption of the U. P. provision of ejection in two instalments. But we definitely feel it necessary to provide for a proper notice and the grant of a suitable time limit for the payment to be made. It will, therefore, be necessary to delete 5 (s) (a) and (b) and to provide for a suitable method of recovery and ejection in a separate clause.

Sub-clauses 5 (s) (d) and (f) are put in terms that are far too wide. "Any act injurious to land" could be so interpreted as to bring within its scope even a slight unconscious act of neglect. In the same manner the provision regarding breach of any conditions of tenancy is likely to be abused unless the nature of such conditions of tenancy is also strictly defined. 5 (s) (e) which prevents sub-letting raises a very important problem. We have already pointed out previously how this problem has had to be dealt with in all tenancy laws. Sub-letting has been most severely regulated in the C. P. Tenancy Act. But even here sub-letting is allowed for a single year. The absolute prohibition contained in the Bombay Bill appears to us, therefore, to be too severe. We suggest the deletion of this sub-clause 5 (s) (e) and the substitution therefor of a separate clause regulating sub-letting on the model of section 12 of the C. P. Tenancy Act.

If the provision for termination of tenancy on the non-payment of rent on a certain date is unusual and unfair, the provision in clause 6 of the Bill for landlords' right to determine tenancy is even worse. The statement

of objects and reasons gives no justification for this clause. The *raison d'être* of tenancy legislation is the provision of security to the tenant class; this sense of security is for the most part nullified if the landlord can resume cultivation at any time because he wants to cultivate the land himself. There is no parallel to clause 6 of the Bombay Bill in any other Indian tenancy law. The only provisions in other tenancy laws regarding land for the personal cultivation of the landlord are those in respect of "khudkast" and "sir" lands. Originally "khudkast" and "sir" were the same thing; they just meant land cultivated by the landlord himself. The prevention of any tenancy rights accruing on these lands amounted to nothing more than allowing for the occasional sub-letting of such lands on the part of the landlord. Gradually, however, with the development of tenancy legislation "sir" came to mean in certain provinces not lands personally cultivated, but only lands on which tenancy rights could not accrue. We have pointed out above how landlords attempted everywhere to increase the area of such "sir" land and how in some cases they succeeded. The original and justifiable idea behind the exemption is the exemption of personally cultivated land. Now, so far as the province of Bombay is concerned, no rights under the proposed Bill can accrue on lands which a holder is to-day cultivating personally or has cultivated for any period subsequent to 1st January 1932. The exemption of what may be called "khudkast" proper is thus automatically secured. Is there any justification for creating a special class of "sir" lands in this province? We do not see any. Indian tenancy history shows how unnecessary complications arise from such a step and how it leads to many abuses.

There is, however, one special aspect of this question which deserves some consideration. The Bombay Province is in origin a rayatwari province and a very large number of the holders are still small men. Among those, therefore, who let their lands to-day and who may hence let them continually since 1932 will be included rent-receivers proper as well as some who may be cultivators. A minority, a long illness, temporary migration to an urban centre and such other causes may lead to fairly long periods of letting out by cultivators themselves. It would certainly be unfair if such people were denied all opportunity of resuming cultivation of their lands. Obviously such opportunity could not be kept open indefinitely for all times and generations. If an ex-cultivator has for some reason or other not cultivated personally during this period he should make up his mind in the near future whether he desires to resume the cultivators' occupation or not. A limited time may be allowed for making the choice. We suggest tentatively a period of five years. This would take us on to 1944. It is not unfair to suggest

that a protected tenant may be established on land the owner of which has not found it possible or desirable to take up its personal cultivation during a period of twelve years, i. e., from 1932 to 1944.

Such a transitory provision for resumption of lands by landlords must be severely limited in its scope. For, otherwise, the absentee landlords and the rent-receiver class will take advantage of it to defeat the object of tenancy legislation. If the bigger landlords are allowed even a temporary option of resumption they will make it impossible for a protected tenant class to arise by resuming cultivation and turning their present tenants nominally into servants. It is, therefore, necessary that the option be restricted. It is impossible to devise a way in which all possible abuses of the option are prevented. The best way of dealing with the difficulty seems, however, that of restricting the option to small holders. It may be safely assumed that there will be almost no cultivators proper among holders beyond a certain limit. We would suggest the adoption of the dividing line suggested in clause 3 of the present Bill. The right of resumption should not be given to talukdars, inamdars or khots, for these are hereditary rent-receivers. It also need not be given to those who hold 100 or more acres of dry land or its equivalent. These are large holders in whose case personal cultivation can only mean cultivation through hired labour. There is, even so, some danger that rent-receivers in the class of holders below the 100 acre limit may take an unfair advantage of the option; but there seems to be no suitable way of stopping this. We suggest, therefore, that clause 6 as it stands be deleted and that it should be replaced by a clause which as a transitory provision gives the right of terminating protected tenancy to a restricted class of small holders for a period of, say, five years.

We would also suggest one important change in the clause regarding the continuation of tenancy on the death of a protected tenant. As it stands the clause 9 (2) allows the landlord to select the heir in the absence of a mutual agreement. The grant of this choice to the landlord is likely to be abused and the choice should, therefore, rest, not with the landlord, but with the revenue authorities.

I shall now turn to the provisions of chapter III relating to Tenants generally. The existing provisions are extremely meagre; they provide only for the abolition of extra cesses, for receipts for rent, and for suspension or remission of rent under certain circumstances. The chapter thus leaves out the most important need, i. e., the determination of fair rent. In any case the new classes of protected tenants will be very small, and little protection will thus be afforded to the vast majority of tenants. We have pointed out how elsewhere the rents of non-occupancy

tenants are also independently determined and how in some provinces like Bengal even the under-rayats are protected against arbitrary enhancement. If rack-renting is an admitted evil, there is no reason why it should be tolerated in any case. There is no justification for confining the operation of the clause regarding reasonable rent to the class of protected tenants, and we suggest that clause 11 of the Bill should be transferred to chap. III and made applicable to all tenants generally. On similar grounds clause 8, which provides for compensation for improvement made by a tenant, should also be generalised in its application. It is true that usually some difference is made in the rights in this connection of occupancy and non-occupancy tenants; but, looking to the small extent of the protected tenant class in Bombay, it would be desirable to concede the right of receiving compensation for improvements to the general body of tenants in Bombay Province. The addition of these two clauses (11 and 8) providing for the determination of reasonable rent and for compensation for improvements to chapter III is necessary to improve substantially the position of tenants in general in this province.

We may in passing comment on one sub-clause of clause 11. In sub-clause 11 (5) are enumerated the factors to which regard shall be had in determining reasonable rent. The first among the factors mentioned is "the rental values of lands used for similar purposes in the locality." If this factor is made the determinant of reasonable rent it will not be possible to lower rents in an area where they are all at a high pitch already. It is only on the profits of agriculture that rents should depend, and it would in our opinion be desirable to delete (a) from sub-clause 11 (5).

Finally, there remains a very important consideration, that of increasing the extent of the protected tenant class in the future. We have already pointed out above how in each province tenancy privileges were initially bestowed on a small class and how this had to be steadily widened in each case. We have also indicated how the continuous period's occupancy fails to widen, after the initial legislation, the extent of occupancy tenants. Once it is known that six years' continuous occupancy creates privileged tenancy, landlords will not allow such continuous occupation. We have indicated above the various ways in which this difficulty has been overcome in the other provinces. The best way of doing this in Bombay appears to be to allow for the creation of protected tenancy rights on the lands of all habitual rent-receivers. An adaptation of sec. 40 of the C. P. Tenancy Act will be most suitable for the purpose. This would mean an additional clause in the chapter on "Tenants generally" which should run somewhat as follows: "A tenant holding land from a landlord or a tenant may, if it is proved to

the satisfaction of a Revenue Officer that the land is habitually sub-let or managed solely with a view to obtaining rent, be declared by such Revenue Officer to have all the rights of a protected tenant."

D. R. GADGIL.

## Reviews.

### A STUDY OF FAMILY BUDGETS.

**FAMILY BUDGETS, (1935-36) OF SIX TENANT CULTIVATORS IN THE LYALLPUR DISTRICT. LABH SINGH AND AJAIB SINGH.** (Board of Economic Inquiry, Punjab, Lahore.) 1938. 24cm. 38p. As. 6.

THIS is the fourth year's account of six tenant-cultivators on a Government farm. It is admitted by the authors that these tenants do not represent the tenant class of that part of the Punjab. As accommodation is provided by Government they are not required to spend anything on that account. This may be taken to be a supplementary study of the tenant accounts in the study of the farm accounts.

As regards the method, it may be noted that cotton sticks are valued on the income side in the farm accounts while their value as fuel is not taken into consideration in the study of family budgets. Though separate accounts of these Government farm tenants are not available in the farm accounts, in the case of other farms these facts are observed.

The value of umbrellas does not seem to have been included in the family requirements; perhaps it may not be a practice to use them in the Punjab.

As regards social functions, the expenses of marriages and death do not occur every year. Such expenses by an average family, during its life-time should be calculated and distributed per year to provide for its liability on that account.

It is found that on the item of food alone there is a variation of Rs. 29-05 to Rs. 79-12. The reasons for such a great variation are not traceable in the report.

It should be noted that the family business is more or less self-sufficing. 77.5 per cent. of the food requirements of the farmers are supplied by the farm and the item of food covers more than half the total expenditure for the family. All the fuel requirements are supplied by the farm. The farmers are not required to purchase fuel.

In the details of food items, it is interesting to note that milk and milk-products form the item of largest expenditure, to be followed by wheat; the former claiming 40 per cent., the latter 38 per cent., and the two together 78 per cent. of the total expenditure.

A careful perusal of the income and expenditure of the six families shows that the expenditure on different items is not governed by Engel's law of family expenditure or domestic consumption, but it is more or less determined by custom.

As regards the cost of production of milk, though details are not available, it appears that the cost of shaving the buffalo and the expenses on account of the source of the bull, are not taken into account.

In connection with the utilization of available home human labour, it may be noted that 57.1 per cent. of the man-labour is utilized for farm work, 41.1 per cent for livestock and 1.8 for other purposes.

It seems that women do not work on their farms. Of the woman labour 70.9% is utilized for the household, 15.2% for livestock and 13.9% on day-labour.

Thus it appears that though they do not work on their own farms, they do work as day-labourers somewhere else.

The study of family budgets in continuity with the study of farm accounts fills a long-felt need and enables the reader to judge to some extent the economic conditions of a peasant proprietor.

K. M. SHAH.

### THE LIFE OF SOCRATES.

**SOCRATES.** By NAOMI MITCHISON and R. H. S. CROSSMAN. (Hogarth Press.) 1937. 20cm. 80p. 1/6.

THE authors of this beautiful little sketch have given us not only a graphic and faithful account of Socrates' career and teachings, but have also furnished the necessary historical background, without the proper understanding of which a modern reader would be unable to understand how and why Socrates was tried and sentenced to death. The authors who have a good word to spare even for the much-maligned Xantippe have shown how the little democracy of Athens, torn by internal dissensions and exhausted by a devastating war, was almost forced to wish for the banishment of Socrates, whose incessant questionings had irritated politicians, whose iconoclastic fervour had annoyed the tin Gods of Athens and whose refusal to fall in with the panicky methods of Athenian leaders had brought upon him their displeasure. Socrates was not the man to consult the convenience of his opponents by flying for safety. Our respect for Socrates develops into something akin to reverence by his heroic conduct during and after the trial. Those of the disciples of Socrates who, like Xenophon and Plato, devoted themselves to philosophy pure and simple have immortalized their own names as well as that of Socrates. It is, however, melancholy to reflect that almost all of his disciples who, like Alcibiades, Critias and Charmides, figured prominently in politics failed miserably after a chequered career. We unhesitatingly recommend this sketch to all those who seek to understand Socrates and his philosophy.

A.

### SHORT NOTICES.

**ELEMENTS OF CIVICS.** By R. P. PATWARDHANI (Oxford University Press.) 1938. 18cm. 102p. Ra. 1-4-0.

THIS is a very welcome addition to the number of hand-books on Civics, presenting in its five chapters the Meaning of Citizenship, Rights and Duties, the State and its Machinery, Local Self-Government and Social Institutions (Family, Property, Social Divisions) closely reasoned expositions of the fundamental principles of civics with apt quotations. The language is as simple, lucid and precise as it can be. Every chapter is compre-

bensive in outlook and rich with condensed thought. The author has more than realised his attempt "to explain some of the general principles of the subject with special reference to conditions in the Bombay Presidency" and has provided an excellent manual for university students.

In addition to being precise and concise, discussion of topics occasionally reveals boldness of a refreshing type. The discussion on passive resistance (P. 19) and on the future of caste (P. 94) is very stimulating but, though comprehensive, it may not be taken as the last word. Arguments for and against a complicated question cannot be well presented in such limited space as the book affords with the result that the discussion is very sketchy and almost bordering on the unfair (e. g. Gandhiji's medievalism, P. 80). However trite the subject may appear to be, a text on citizenship cannot ignore the play of ethical and spiritual ideals, and hence a chapter on the ethical values of citizenship might have been added with advantage. A description of the Provincial and Federal Governments under the Act of 1935 would have been welcome to the student.

K. K. I.

**DARWIN.** By L. B. PEKIN. (Hogarth Press.)  
1937. 20cm. 78p. 1/6.

IN this 'non-scientific' biographical sketch of Darwin, the author has not only given an extremely readable and interesting account of Darwin's life and career but also has, within the limits set by himself, explained in easy and popular style the nature of Darwin's theories and discoveries. He has rightly stressed the importance of remembering the two sides of Darwin's work :

(1) establishing beyond doubt for the first time in the history of human thought the fact of evolution; and (2) putting forward a theory to account for that fact. While Darwin by his patient collection of the evidence settled the question of evolution for good, the theory of natural selection which was his own invention has not yet been fully accepted. The author's running comments on other publications of Darwin are also interesting and thought-provoking. As we read the book, we come gradually to understand how Darwin has changed the course of thought in half a dozen sciences. Practically the whole of Darwin's life-work was done after he had lost his health and vigour at the early age of thirty-two. The book gives numerous interesting anecdotes of Darwin. Though necessarily sketchy and in many ways incomplete, the book is a fine introduction to the life and books of Darwin.

A.

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