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TOPICS OF THE WEEK.

FURTHER papers have been published in England regarding the Burma reforms, which include the expression of opinion by the Government of India and the Government of Burma on the situation produced by the action of the House of Lords. The India Government considered "that any scheme falling short of that adopted for the provinces in India would no longer meet the aspirations of moderate Burmans. They felt that the acceptance of the Bill (establishing dyarchy) was now the only course open." The Burma Government were still more emphatic that the Bill should proceed, in view of the local political situation. Sir Reginald Craddock, the Lieutenant Governor, asked the Government of India to "request the Secretary of State to urge upon the House of Lords in the strongest possible manner the unfairness to the province of any further delay, which all politicians, both moderate and extreme, would regard as an insult to Burma."

"DOUBTLESS among the members of the Legislative Assembly who voted against Sir Sivaswamy Aiyer's third resolution asking for a civilian Member for Defence on the Viceroy's executive council in the place of the Commander-in-Chief, there must have been several who did so because they thought that by retaining the Commander-in-Chief and limiting his authority only to military matters they would secure an equality of Indian votes on the council. The immediate result, however, of the voting is that it has afforded the *Times* correspondent an opportu-

nity to telegraph to England that, as the fundamental recommendations in the Esher Report have now been jettisoned, "there is no desire to press for the substitution of a civilian Member for Defence for the Commander-in-Chief on the Viceroy's council." While thus the loss is certain, the compensating gain for which they sacrificed the principle of civilian control is still uncertain—it may come or it may not come. Even should it come, there is no security that it will remain. The addition of, say, a Minister for Transport, may yet disturb the balance. Instead of attempting to achieve this equality indirectly and without a guarantee of permanence, why not make a demand for it directly so as to leave no chance for its subsequent deprivation?

WE have no patience, however, with those other members who went out of their way to question the very principle of the resolution. How can a civilian, they argue, be put in charge of the Army Department? He can have no first-hand acquaintance with the problems that will constantly arise for decision. The objection urged by them is closely analogous to the objection of which we used to hear so much before the reforms—that the Cabinets of the Governors as well as the Viceroy must be filled by I. C. S. men who know the ins and outs of civil administration; how can outsiders, unacquainted with administrative problems, be called upon to decide them on their own responsibility. No doubt they will have the advantage of expert advice from heads of departments, but is it not unfair to thrust upon men who perhaps have never been inside the Secretariat in all their life the grave responsibility for the decision of questions to which they must be perfect strangers? Perhaps those who object to the doctrine of civilian control over the military will be the first to characterise this reasoning as unsound, but their objection is the same in another form, and it betrays ignorance of the principle on which the Cabinet system is founded. Decisions on questions of policy call for different qualities from those which are required for the conduct of daily administration.

AMID a tissue of misleading statements which Mr. Lajpat Rai has made to a representative of the *Tribune*, we deem it necessary to refer only to two—by giving unqualified denial to one and explaining another. It is not true that Mr. Sastri or the Liberal party have supported the Government

in its repressive policy. They have consistently condemned the use of repression for the purpose of putting down non-violent agitations, and if in combating certain movements which seemed to them undesirable they appeared to stand for the moment by the side of Government and the Anglo-Indian newspapers, it was for the very same reason for which Mr. Gandhi lent his support to the Indemnity Act and Mr. Lajpat Rai condemned non-co-operation at Calcutta. Both Mr. Gandhi and Lala Lajpat Rai earned the high encomiums of the bureaucracy and the Anglo-Indian Press by their respective actions—not certainly for the sake of the encomiums, but for the sake of their convictions. So with the Liberals. Again, when in his speech in Poona Mr. Sastri likened the present non-co-operation movement to Sinn Fein, he was careful to add “minus its violence,” meaning thereby that the objective of both was the establishment of an inner Government alongside of the British Government. We may add that the Lala is doing injustice to Sinn Fein if he thinks that that Irish movement was, in its original conception, founded upon violence.

THE *Bande Mataram*, a Sind paper thoroughly loyal to non-co-operation, takes exception to our remark, as not being susceptible of universal application, that among the Nationalists there is a tendency to interpret the new programme put before the country by the All-India Congress Committee as a virtual suspension of non-co-operation. It says that the remark can only be true of the Madras Nationalists.

As regards these Madras Nationalists, we do not wish to say anything unkind, but their actions from the time of the meeting of the All-India Congress Committee at Benares in June last, have been a puzzle to us. It is difficult to include them among non-co-operators without doing violence to the meaning of the word non-co-operation. We would even go so far as to say that they would welcome the suspension of the movement. In their case, the wish is evidently father to the thought. Nowhere except in the small group at Madras, does any Nationalist regard the Bezwada resolutions as suspending non-co-operation.

Evidently, the *Bande Mataram* does not know the Deccan Nationalists at close quarters. From Bengal also we hear the same report of, at any rate, a section of Nationalists.

MR. GANDHI asserts that home-spinning is part of non-co-operation, and the biggest part. What scope a *charka* affords or can afford for withdrawal of co-operation from Government, or where Government comes in at all in this, we are unable to understand. We admit, however, that if the removal of untouchability can form part of non-co-operation, spinning may as well be assigned a place in this movement. Mr. Gandhi goes further. Spinning is non-co-operation, and in the evolution of the successive stages of non-co-operation it could come only at the point where it has actually come. That is to say, the emergence of spinning could take place only when a general surrender of titles, abstention

from schools, renunciation of legal practice had been preached and practised. Why it is necessary to assume a particular attitude to Government in order to support spinning which Mr. Gandhi recommends on economic grounds, we are unable to understand. As a matter of fact Mr. Gandhi initiated the *charka* movement long before he thought of launching out into non-co-operation. “Men with faith in the spinning wheel had to rise in every province, and people had to appreciate the beauty and the use of *khaddar*.” True, but how this faith and this appreciation become invariably and exclusively possible for non-co-operators, Mr. Gandhi has not explained. The spinning movement must stand on its own legs, and its legs are certainly not those on which non-co-operation stands.

MRS. BESANT, in her presidential address at the first reform conference in Malabar District, surveyed the work of the Indian legislature at some length and also passed under rapid review the actual gains that have accrued to the people in the provinces. These reviews were necessarily somewhat sketchy and deserve to be amplified in the respective provinces with a view to enlightening the people on their rights and responsibilities. But even they will convince a dispassionate reader that the reformed councils are the pathway to the nation's progress. Mrs. Besant's criticism of non-co-operation is very trenchant as is to be expected from one who holds the convictions she does. She also made an impressive appeal to the Government for the repeal of repressive legislation, *i. e.* “legislation which places the life, liberty or property of a citizen at the mercy of the Executive, depriving him of the protection of the King's Courts of law,” and gave powerful support to Mr. Sastri's resolution asking for the institution of proper safeguards against an indiscriminate use of firearms.

To what different conclusions different persons are led by their different ideas of the expedient may be best seen from the following quotation from the *Citizen*: “Mr. Gandhi some time ago advised his brother non-co-operators to co-operate with Government in regard to the census. The psychology of this advice did not appeal to many ardent minds bent on non-co-operating in principle as his advice not to boycott local bodies did not also satisfy other more sincere men. Among them was the editor of *Janmabhumi* who could not rightly understand the logic of the leader who called the Government wicked, blood-stained, satanic, but at the same time desired his followers to help that thrice cursed authority in the matter of the census. Another difficulty has been created for our friend. Mr. Gandhi has now asked conscientious non-co-operators to resign their connection with the co-operative societies. Dr. Pattabhi Sitaramayya presided over a Co-operative Conference in Rajahmundry in November last, and said, if we remember right, that he was a co-operator in regard to the co-operative movement.”

CIVIL CONTROL OF THE ARMY.

THE best stroke of work done by the Legislative Assembly in its first session was, undoubtedly, in connexion with the Esher Report, which, by its implications and cool assumptions even more than by expressed recommendations, had naturally caused the utmost alarm among the thinking people of this country. If to-day the country stands relieved from the incidence of the most objectionable portions of that report, it is due in a large measure to the able advocacy of the Indian cause by Sir Sivaswami Aiyer, whose services in this matter it is hard to overestimate. Every time the acknowledged leader of the Assembly—we mean the popular part of it—spoke on this question, Sir Godfrey Fell felt compelled to eulogise in very handsome terms the "extreme ability" and the "extreme lucidity" with which Sir Sivaswamy put the non-official Indian case to the House. One cannot but acknowledge those qualities in his speeches, but, what is more to the credit of Sir Godfrey, is that he also acknowledged fully the moderation of his pleas. It is to be hoped that the Government will give due weight to this quality in Sir Sivaswamy Aiyer's utterances on this subject and will so decide the grave issues which have arisen out of the Esher Report as to give complete satisfaction to the reasonable section of Indian opinion. Sir Sivaswamy's moderation is not of the kind for which the country need blush, being born, not of infirmity of purpose or lack of ardour in claiming the people's rights, but to an easy mastery over all the facts of the case. His speeches become all the more telling because of the restraint which he habitually exercises. The alarm occasioned by the Report was to a large extent dispelled by the official pronouncement repudiating the commitments with which the Report had seemed to saddle India—that had already been done, but, on a subsequent occasion, the Assembly expressed its opinion on some other questions of army administration. By far the most important among these was the one relating to the ultimate authority over military matters, and the country cannot congratulate the Assembly on the way in which it dealt with this issue of far-reaching consequence. Sir Sivaswamy Aiyer proposed that the army administration in India should be assimilated to that in England, so that in this country the principle of civilian control over the military might be established as it is in England. This proposal was rejected by the Assembly, and, as the official report of the proceedings now shows, rejected because of a lack of just appreciation of the great constitutional principle involved in it.

The Assembly was far too much occupied with the equality of Indian and European members of the Viceroy's executive council (which for the moment would be attained by retaining the Commander-in-Chief on the council and restricting him only to his department) to give any serious thought to the doctrine, which is considered axiomatic in all constitutionally developed countries, that the

ultimate controlling authority over military policy must be civilian. We are not unmindful of the advantages which will accrue to the country by having on the supreme executive council an equal number of Indians and Europeans, but we are not prepared to achieve this equality—temporarily—at the sacrifice of a greater cause, the establishment of civil control over the army. The case for "an equality of the racial vote" in the highest Cabinet of the country was argued with great force and the utmost candour by Mr. Eardley Norton, and while we share his anxiety to have a larger proportion of the Indian element on the Viceroy's executive council, we must emphatically protest against a man of his position casting doubts upon the universally recognised principle enunciated in the resolution. It does not appeal to me," he said, "that the Commander-in-Chief's place should be filled by a civilian who is to have priority on all questions of military expenditure and policy to the Commander-in-Chief himself." Mr. T. V. Seshagiri Ayyar, less insistent on having an equal number of Indian with European members on the central executive council, was even more emphatic in his denunciation of the principle of the ultimate non-military control of the army. It would be a better plan, he declared, "to give the Commander-in-Chief, as has always been the case, a voice, a predominant voice in matters of peace and war and in all matters relating to military policy." The same line was taken by Dr. Gour who condemned Sir Sivaswamy Aiyer's proposal in even stronger terms. It is an irony of the situation that these Indian representatives should question, and a European representative, Mr. Pickford, should assert, "the principle of civil control over the army." What reason is there, Mr. Seshagiri Ayyar asked, "for initiating a departure from the existing rule?" What reason is required for rectifying an anomaly and establishing correct practice? "It is altogether unthinkable," proceeds Mr. Ayyar, that the Commander-in-Chief would remain in the Army Council, should one be set up, under a civilian president. Why, pray? Again, the members of the Army Council would all be subordinate to the Commander-in-Chief, as those of the advisory board now are. But that was not the proposal. The proposal was that the Army Council in India should correspond, in composition and functions, to the Army Council in England. To add an element of plausibility to his objections, Mr. Ayyar finally adverted to the "additional cost" it would involve. This was effectively answered by Professor Shahani, who came out strong on the right side. "I am distinctly of opinion," he said, "that this (additional) cost should be cheerfully borne by India. It will pay India in the long run to have the supremacy of the civil element in the Government of India." On the constitutional question itself, he said: "It has been made out that if he (the Commander-in-Chief) is not in the executive council, the military policy of India will not be properly shaped. If the military policy of India is to be properly shaped, he should have hardly anything to

do with it except in the shape of advice. . . . It is, I think, for the civilian members of the executive council of the Governor General to concern themselves with the (military) policy, and the execution of this policy is to be left to the Commander-in-Chief."

While such distinguished Indian members of the Assembly as Mr. Seshagiri Aiyar and Dr. Gour busied themselves with picking imaginary holes in a constitutional maxim accepted all over the world, the Government spokesman himself informed the House that the proposal "is at present under the consideration of his Majesty's Government. . . . They will welcome an expression of the Assembly" on it. And this was the opinion expressed by the leading representatives of the people, that the executive council cannot be "denuded" of the Commander-in-Chief! The position of those members who condemned the principle of the resolution must be distinguished from that of those others, like Munshi Iawar Saran and Mr. Harchandrai Vishindas, who accepted the principle but thought it expedient not to press for its application till the equality of Indian and European members had been actually attained. We do not sympathise with this attitude either, though it is intelligible. Our view is the one expressed by Sir Sivswamy Aiyer that the parity between the English and the Indian elements of the executive council "is an issue which ought to be pressed by itself, independently and on its own merits, at the earliest possible opportunity." But to surrender a great principle in the attempt to get this equality established, so to say, by a side-wind, is a proceeding which deserves strong reprobation.

What is the position at the present time in England in regard to this question? Not that the Army Council has been abolished, as Mr. Harchandrai Vishindas wrongly informed the Assembly, but that the military majority on it has been replaced by civilian majority. As originally composed, the Army Council consisted of four military and three civilian members, but at present it contains eleven members, of whom six are civilians and five are soldiers. Thus, in England, not only is the minister responsible to Parliament for the Army a civilian, but he is surrounded by an advisory council, which is also predominantly civilian. This has naturally given rise to much soreness of feeling among the military; they complain that in the Council, as now made up, questions of military policy are likely to be decided by a purely civilian vote. It is believed that the present "civilian domination" was established in the interest of economy, and the military officers are now urging the question of the reconstitution of the Army Council on the attention of Parliament. Thus only on March 15 last a proposal was made in the House of Commons for the appointment of a committee for this purpose, but there was no disposition in any quarter of the House to question the principle embodied in Sir Sivswamy Aiyer's resolution. Thus Sir Reginald Blair, who made the proposal, said in the course

of his remarks, "I do not question for a moment the sound constitutional doctrine that in the last resort you must have civilian control." Even if the military members should again be placed in a position to outvote the civilian members on the Army Council, it would not violate the principle of the ultimate supremacy of the civil element. For the Army Council is a purely advisory body where, as Mr. Acland who was himself a member of the Army Council for three years explained, "things are very rarely, if ever, voted upon at all," and if a Secretary of State found that the military members of the Army Council were on one side and the civilian members on the other side, "he would withdraw the matter—as he is entitled to do—and settle it as the Secretary for War on his own responsibility." Any way the decision of policy rests exclusively with him, and that secures civilian control of the army. Why should not that principle be established in India as well?

FISCAL AUTONOMY UNDER THE REFORMS.

THE Hon'ble Mr. Lalubhai Samaldas has done well to write to the *Times of India* to correct its statement that in the Council of State Mr. Sastri opposed his resolution on fiscal autonomy as unnecessary. But Mr. Lalubhai is hardly fair in his suggestion that Mr. Sastri was moved to accept Sir George Barnes's amendment by the Home Member's cry of "reforms in danger." The fiscal autonomy granted to India under the reforms is subject to one main limitation, that it is only when the Government of India agree with the Indian legislature that the Secretary of State's interference is to be removed. It is not provided that the Government of India shall agree with its legislature in the fiscal arrangements the latter body may desire. Such a provision will be possible only when India attains full responsible government, and it is only when the Government of India's freedom to differ from its legislature is sought to be taken away that the question of an amendment of the Government of India Act will arise. Mr. Lalubhai, however, did not address himself to this aspect of the question at all in his resolution. The limitation which he wished to see deleted was not the one mentioned above, but the comparatively minor limitations implied in the provisos which permit of the Secretary of State's interference in certain circumstances even when the Government of India and its legislature concur. Now, when people speak of the restricted autonomy which India has received under the reforms in fiscal matters, the restriction they have in mind is, not that the Secretary of State's power of interference is not entirely abrogated, but that the Government of India is allowed to have a will of its own apart from that of the legislature. But, as we have said above, Mr. Lalubhai in moving his resolution had in mind the former and not the latter restriction. He has faith in the Government of India's desire to give effect to popular wishes; what he dreads is that the Secretary of State may yet manage to intervene

to foil both the Government of India and its legislature. So he expressed himself in the Council. What he wanted to secure really was fiscal autonomy for the Government of India. Lest we should leave any room for misunderstanding we quote his exact words: "My resolution merely asks that His Majesty's Government should be addressed through the Secretary of State to grant full fiscal autonomy to the Government of India." That being Mr. Lalubhai's standpoint, the question of the amendment of the Government of India Act need not have been raised. For the removal of the Secretary of State's power of interference was to be effected by convention and if the convention that was proposed in the Joint Committee's Report was defective, the defect could be cured, not by amending the statute but by modifying the convention in the desired direction. Mr. Lalubhai himself had never so much as hinted that to grant what he understood by full fiscal autonomy the Government of India Act required to be modified. The question was needlessly brought in by Dr. Sapru, but it having been raised, Mr. Lalubhai took fright and thought that to be confined within the four corners of the Government of India Act was really to continue the *status quo ante*. It was not so. Even within the limits of the Act the Secretary of State's control could be reduced, and that was the only thing at which Mr. Lalubhai aimed. Mr. Sastri agreed with the rider suggested by Sir George Barnes "subject to the provisions of the Government of India Act," not because of anything the Home Member said, as Mr. Lalubhai has somewhat uncharitably suggested, but because he felt, as indeed he had expressed, before Sir William Vincent had an occasion to speak, that the concrete things Mr. Lalubhai asked for under the term "full fiscal autonomy" were quite possible of realisation within the limits of the Act. Mr. Sastri himself suggested two matters in which, consistently with the provisions of the Government of India Act, the Secretary of State could be asked to divest himself of his existing power, and in regard to which the Joint Committee's report has not yet divested him of that power. Mr. Lalubhai himself fell in with that suggestion and informed the Council that he would be satisfied if the Government of India would agree to carry it out. Only this purpose was declared at a late stage in the discussion. Even so, the Government of India ought to have accepted the proposal, and when they seemed unwilling Mr. Lalubhai ought to have amended his original proposition in the sense of this suggestion, to which he wished the Government of India to give effect. But the fact remains that Sir George Barnes's amendment made no difference whatever to Mr. Lalubhai's resolution. For he had never desired an amendment of the Government of India Act; nor, to judge from his communication to the *Times of India*, does he desire it now.

INDIAN MUSIC.

(Concluded from last issue.)

IN the West the "melody-mould" or "leit-motif" was first used by Wagner in the 19th century and was hailed as a kind of apex of musical invention, but it has been known to India for thousands of years and has been fully explored and developed centuries ago by Indians. As a ragam theme it is the subject of a musical examination. It is first glanced at, then one note is subjected to a little change, then others similarly, till the general flexibility of the material is known to the musician. Then he begins to draw out his melodic form, time after time he mounts, ever soaring a note higher, ever dipping deeper, until we listen breathlessly for the climax which comes finally in a poise of peace in mid-air on a long drawn quiet note with perhaps a quiver in it reminiscent of the former effort. But this is only its first Entrance examination; it must also go through its Intermediate and its Final courses in the Anupallavi and Charanam so that it may be fully tested and that all that it contains may be made manifest. A good musician's power to develop and demonstrate the measures hidden in a simple melody-mould is a lesson in concentration and one-pointedness badly needed by the restless West. If only the West would tarry, and if only the East would move!

The Indian musical system has endowed its exponents with a perfectly trained ear for consecutive sounds, with a brain and memory for the most intricate and sustained talams, with the most inspiring subject-matter for his expression, namely the praise and nature of God, with an unequalled power of concentration on a single theme, with sweet accompanying instruments, and with the Gods and Goddesses, Siva, Saraswati and Krishna, themselves leaders of the art, and yet—it brings a blush of shame to the cheeks of a Western lover of music to see how music is dishonoured in India by Indians themselves, to learn of the pittance that is offered to teachers of music, of the low fees offered to professional musicians for a whole evening's entertainment, of the contempt with which the whole profession of music is regarded in certain parts of India, to find the art of Saraswati looked upon as a temptress, an effeminising and degrading influence rather than as an inspirer and an ennobling and purifying force. People blame music when they should blame themselves. The people of the West, though far more materialistic and with not half of the noble science of music revealed yet to them, honour music in every possible way, giving high and noble titles to their greatest singers and players, paying their professors of music salaries equal to those given to their professors of science, literature or classics, gladly giving a Tetravini Rs. 15,000 per concert for singing at forty concerts in one tour in America, compelling boys and girls to learn the elements of music as part of their school curriculum, and encouraging pride in their national music individually and collectively.

It is deplorably true that the British Government has not given to Indian music the patronage and endowment it ought, but it has put no barriers in the way of the foundation of Indian Musical Academies and schools being founded by wealthy zemindars and rajahs, or by any enthusiastic lovers of the art. It is still within the power of these to revive widespread interest in this art and to extend knowledge in it. The rulers of the Native States of Travancore, Mysore, Baroda, Indore, and Gwalior are all noted for the way they delight to honour the music and musicians of their native land. What they have done could be done throughout any part of British India if only Indians themselves cared enough. I do not think the present generation can grow a new heart in this matter, but now that Indian education has come under Indian control some of us who have the interests of music at heart must urge with all our power that Indian music shall be taught in all primary, secondary and high schools just as Western music is being taught in all Western schools. It is within our power to train the new generation in the scientific elements of their own great system of music by means of class-singing taught with the help of notation on the blackboard and depending only on Indian instruments such as the tambura for giving the sruti and keeping the voice in tune, and on the vina, sitar, sarangi, or dilruba for rectifying any mistakes made by the students in reading the notation direct. These instruments should accompany the voices, not lead them as is so often mistakenly done, or drown them as is the case when a harmonium is resorted to.

In thus educationally establishing musical knowledge all over India the harmonium must be rigorously excluded, in the interests of both Eastern and Western systems. One might travel the length and breadth of Great Britain and France and never see an instrument resembling the harmonium which Indians mistakenly think is an honourable part of Western music. It is only the equipment of Central European beggars. It has no place as an Indian instrument. It is unworthy of both East and West. It is the most sinister influence in Eastern music to-day. It is tuned falsely and contrary to the natural tuning employed for countless centuries in India. It prohibits all use of quarter tones. Its harsh, over-loud tone is quite unsuitable for accompanying the human voice which is strained in trying to hold its own against its protagonist. It is sapping all musical self-reliance in the voice so that even a good singer feels helpless unless he is propped up by the harmonium. It is no wonder it is called the harmonium, for it works "harm" wherever it goes.

The beautiful instruments that India possesses of her own which sufficed far greater musicians than are now amongst us are among the assets of the system, and their introduction to other parts of the world will go far towards removing the ignorance that exists concerning the musical culture of the East. The West needs a new stock of musical

material. Who but the East is the storekeeping Mother? Will she not nourish her child? When she gives she will also receive. A new vitality will appear in her own art, experiments will be made along the line of its own genius to suit modern conditions of race and personal expression, for an art that stands still is an art that is preparing for its funeral. Life means movement, change, progress, expansion. There are unlimited vistas to the development of Indian music once it extends its instrumental range of execution to the seven octaves which the ear can easily respond to and break its present barriers of the three octaves which limit the human voice only. The attitude of mind which denies the legitimacy of harmony as an accompaniment to melody will also need to be changed, but it will come naturally, by expansion from within and not from imitation of the West, and then it will find its own methods of soul-stirring expression.

I do not believe that it is the fate of India only to have prepared the ground for others to reap its harvest. I believe Indians themselves have it in them to produce modern music out of the great heritage of their ancestors that will ravish the world and draw all music lovers to this Motherland of the Arts.

MARGARET E. COUSINS.

TRADE UNION LEGISLATION.—IV.*

PRACTICAL EXPERIENCE.

I HAVE given in the two preceding articles an exposition of the provisions of the Trade Disputes Act and defended them against the attacks which are usually made on them. Each individual objection could be separately answered and has, I hope, been satisfactorily answered in the portions that have gone so far. But I would particularly appeal to the actual experience obtained in the past of labour legislation. Anyone who goes through the vast literature that exists on the subject cannot but be impressed by one fact—that whenever any law was passed in the interest of labour, there was great exultation among the labour ranks and a corresponding alarm was aroused among the employers and yet, after a few years' experience of the law, the excessive hopes of the men were invariably found to have been moderated and the fears of the masters nearly dispelled. That is the uniform experience the student of trade unions comes up against in his researches into this subject, which shows conclusively that the privileges given to labour, if they can be so called, are not without countervailing obligations and are not always at the cost of the employer. At every step in the evolution of trade union legislation we meet with this fact. It will not be amiss to give a few illustrations. First, see how the complete abrogation of the law of conspiracy was received on both sides and what is the universal opinion about it now.

"The right of workmen to do in combination that which they might do legally as individuals, feared by the em-

* Previous articles in this series appeared in the issues of April 7, 14, and 21.

employers at the time of the passage of the Act, and hailed by the workmen as placing a powerful weapon in their hands, has in practice not been either so dangerous or as beneficial as was imagined at the time. That men can strike, either as individuals or in combination, and do other things in combination which would have been illegal under previous laws, does not apparently cause the employers much concern. So long as the men go on strike and do not by intimidation or violence prevent other men from taking their places, employers feel able to cope with the situation."

Now take the judgment of the House of Lords in the case of *Allen v. Flood*, which was regarded by the workmen as a sweeping victory won by them. The principle secured by this case is: where an act is lawful in itself the motive with which it is done is immaterial. To induce a master to discharge a servant, if the discharge does not involve a breach of contract, or to induce a person not to employ a servant, though done maliciously, and resulting in injury to the servant, does not give him any cause of action. By this judgment the workmen

considered that their position had been immensely strengthened and that by being legally permitted to hold over an employer the threat of a strike, unless men obnoxious to them were discharged, they had a powerful weapon in their hands which could not fail to be effective. But the employers were not slow to perceive that the decision also put a weapon into their hands, which as used by them might become equally effective. If the law permitted officials or members of trade unions to threaten non-unionists or others with loss of employment or to threaten employers with suspension of work unless they discharged objectionable men, so also employers could legally refuse to employ members of a trade union in case of molestation of non-unionists by their fellow-workmen. In other words both threats to strike and threats to lock out had been legalised, and the threat might be converted into an act without subjecting the doer of the act to civil or criminal prosecution.

The same is the case of the Trade Union Act of 1875. When passed, it was welcomed by the labouring classes as a charter of liberties and was in fact described by Justice Cave as "the charter of the working man," and was regarded by the employers with the utmost alarm. The event however has proved that neither the hopes nor the fears have been realised. "*The law which the employers dreaded twenty-five years ago they would not to-day repeal had they the power.*" This is not the opinion of a single employer." Mr. A. Maurice Low says in the Washington "Bulletin of the Department of Labour" (No. 33, March 1901):—"Perhaps the answer to the question as to the effect of the law on the relations between capital and labour can be best given in the words of two men, one entitled to speak as the representative of federated capital, the other as the representative of federated labour. The representative of capital said:—

"We are satisfied with the law. We should not change it if we could, except to make clearer the definition of intimidation and coercion. Before the law came into effect we were harassed by picketing and besetting and it was extremely difficult to secure a conviction. Now, we are far less troubled by those forms of violence, and when it becomes necessary to appeal to the protection of the law it is quickly given us and where the case is a just one we can rely on securing a conviction. But there is another reason why we think the law is a good thing and why it

is mutually advantageous, both to capital and labour. Prior to 1875 the relations between masters and men were vague, indefinite, barbaric, archaic. The men were denied the right to improve their condition to obtain an increase of wages, to reduce their hours of labour; I mean, they were denied the right to attempt to do these things by peaceful means, a right which certainly belonged to them. These restrictions have been removed. We are often, I admit, dictated to by trade unions, often severe and burdensome restrictions are imposed upon us in the conduct of our business; still I concede that the men have a right to try and obtain an amelioration of their condition provided they do not resort to illegal methods. Nor can it be denied that what we now recognize as legitimate was in the old days regarded as illegal; prosecutions were frequently instituted on frivolous grounds. The law has removed this cause of complaint. It has brought the relations between capital and labour into greater harmony.

From the standpoint of the representative of labour the following:—

Speaking broadly, I have no hesitation in saying that the relations between capital and labour are better to-day than they were 25 years ago. I do not attribute all of this improvement to the passage of the law of 1875. I attribute part of that improvement to the law of that year, part to the better understanding which now exists between employer and employed, to the recognition that both have equal rights, to the recognition that both are mutually dependent on each other, that nothing can be to the advantage of the one without being to the advantage of the other and, conversely, if one side is dissatisfied the other is sure to be, with the result that the consequences are injurious to both. Referring more directly to the law of 1875, its advantages to labour have been these: It has permitted us to do in combination what we were permitted to do as individuals, but which we were prohibited from doing in association before that law came into effect; it has more particularly established our rights; it has given us certain privileges and restrictions, and at the same time laid equal privileges and restrictions upon employers; it has made us feel that we are not in a class by ourselves but stand equal in the eye of the law with other men, which has had the effect of removing much of the bitterness, much of the feeling of injustice and inequality which formerly existed between capital and labour. The law is not to be regarded as perfect. It has not quite fulfilled all of our expectations. The courts, in the opinion of labour have been too prone to construe the law in favour of capital. Some of the convictions under section 7 we regard as unwarranted by the law and the facts. The decision in *Allen v. Flood* was a great victory for us, but the limitation of the power to picket, the restrictions which are imposed upon us, the restraint under which we are held, the fact that we can only do certain negative things, and have no power to act affirmatively have weakened instead of strengthened us when we are engaged in a conflict with capital. We should like to see the law amended; its amendment has often been discussed by us, but I am frank to say I do not see any prospect of the law being modified to make it more acceptable to the workmen. Still if the question were put to a vote, if we were asked whether we would have the law repealed or let it stand as it now is, faulty although we know it to be, I have no hesitation in saying that a majority of the intelligent workmen of Great Britain would vote in favour of the law being retained on the statute book."

The opinion held by competent judges of the Trade Disputes Act is not dissimilar. Lord Asquith observes: "This Act is now regarded as a charter of liberty by some trade unionists, and is denounced as a charter of license by some employers. It is

neither the one nor the other." The law is thus not unduly strained either on the side of labour, or on the side of capital. What the law really does is "to allow both sides a free hand for a fair fight," and to this no one should object. I have attempted to show above that there is nothing unjust in the incidence of the trade union law, but even if it be held that, in the abstract, labour is placed in a peculiarly privileged position in its conflict with capital, practical experience shows that this position has resulted in the good of the whole industrial community, capital as well as labour. This point was well brought out by the Solicitor-General in speaking on the Trade Disputes Act. He said:—

If trade unions have been more privileged here, which I deny, than they have been in other countries, then their privileges have had a most beneficent effect. The record of England in respect of industrial disorder is marvellous. I remember when I was Recorder for New Castle, a great industrial district, having within my jurisdiction 250,000 people, that over 20,000 men connected with the engineering trades were on strike for about six months. I need not ask the House to try to consider what that meant in prolonged suffering and struggle and hardship to the men and their families. It meant scores of thousands of human beings placed in the direst straits for the means of their subsistence. I held two sessions during the period. In the first session there was no case at all connected with this strike. In the second session, at the end of the Strike, I had before me one prisoner only whose offence had nothing whatever to do with the industrial conflict that had been going on. I thought it must be surely that cases concerned with the strike had been dealt with by the magistrates without reference to sessions, but I was informed that there had been only one, and that a very doubtful case, as to which one of the magistrates who adjudicated on it told me that they had serious doubts about the propriety of punishing the defendant. That was the only case in that great struggle throughout a period of six months and with merely 100,000 people involved. As Englishmen we are entitled to be proud of that. I do not think that in France, Germany, or any other country in Europe or in America is such an experience as that possible. I therefore do not share the fears that are so generally expressed as to what will happen if the immunity from action which trade unions have so long enjoyed should be continued."

(Concluded.)

A LABOUR ADVOCATE.

A LETTER FROM LONDON.

(FROM OUR OWN CORRESPONDENT.)

LONDON, APRIL 7.

THE COAL CRISIS.

THE British public is in the midst of yet another great industrial crisis. Strangely enough, there is very little excitement about the matter, and I imagine the reason for this is that we have become somewhat callous under the constant shock of repeated industrial disputes. The shouts and threats of the contending parties, and especially those of the labour unions, leave us in an increasing degree unmoved. We are tired of being consigned to perdition unless without further ado we hand over our purses to the particular highwayman that demands them of us at the end of a pistol. There is not only a great deal of bluff about these matters,

but we are becoming accustomed to industrial threats and are hardening our hearts, for we are beginning to recognise more clearly that demands made ostensibly in the name of humanity are really in the interests of certain labour interests only and that they are quite indifferent to the general welfare. The latest occasion is a particularly outrageous attempt to blackmail the public.

It may be conceded that the Government have blundered badly in removing the coal control hastily, and without giving adequate opportunities to this presently insolvent major industry to adapt itself to conditions less artificial than those created by the control. The handling by the Government of the coal controversy has throughout, been clumsy and uneconomical. It may also be conceded that the miners would have been prepared to accept a reduction of wages had this been made possible by some kind of sliding scale arrangement. It may further be conceded that they have a just cause for disappointment and resentment when they find themselves faced with a sudden cut in their wages of anything from 30 to 50 per cent. It may yet again be conceded that the mine-owners exercised very little tact in practically throwing to the miners what they claimed to be their irreducible minimum wage rate on a district basis. But there, it seems to many not unsympathetic people, concession must end. There was no justification for the miners to demand as a *sine qua non* national wage rates, regardless of the paying capacity of a particular mine or district. There was no justification for the demand that the coal control should remain indefinitely. There was no justification for the demand that the industry should be subsidised at the expense of the rest of the country and of other workers whose rates of pay are less than those of the miners, some of whom indeed have only recently agreed to a considerable reduction in wages. There was no justification for the absolute refusal of the miners even to consider the mine-owners' proposals. There was no justification for the sudden stoppage of work by the miners, the Federation headquarters even ordering pump and engine men to cease work, regardless of the ruin threatened to the mines themselves and the means of livelihood of large numbers of the miners. There was no justification for the miners in leaving to starve or drown by slow degrees a number of unfortunate pitponies. It is admitted by the miners themselves that the stoppage of pumping even to the extent, in some cases, of letting the pits become useless for ever, thus permanently depriving thousands of men of either means of livelihood and in other cases, creating unemployment for months to come, as well as threats of violence to voluntary pumpers and enginemmen—has been ordered with the object of bringing pressure to bear upon the colliery owners to concede the miners' demands, whether right or wrong. This blackmail of the owners and of the general public, which sees the prospects of reviving trade rapidly receding into the background, is likely to have exactly the opposite effect upon

public opinion from that anticipated by the miners. It is true that the other members of the Triple Alliance are likely to give them sympathetic support, but public opinion is on the whole strongly opposed to the miners' demands and to the methods they have adopted to secure them. That the rates of wages must come down is clear, if industry and trade are to make any advance. At the present time, the price of commodities is much higher than the consumer, and especially the foreign consumer, can afford to pay. Moreover, the cost of living has gone down considerably during the last three months, and the rates offered are not appreciably lower than what most other people of the same class are accepting, having regard to the decrease in the cost of prime necessities. It has also to be remembered that whilst the rest of the country has to pay enormously high prices for coal, for household consumption, the miners get theirs, and a great deal more of it than they can legitimately use, at practically nominal cost, whilst their average hours of work weekly are at the rate, on the average, of four days' work a week. The country is therefore not particularly inclined to welcome what it regards as a deliberate attempt to holding to ransom, and it is accordingly taking the situation as philosophically as possible. Of course, attempts are being made to spread the belief in labour and other circles that the owners and masters generally have decided to make an attack upon the workers' wages. But the employers are, after all, not such fools as not to know that, with so much capital locked up, and with the prospect of dwindling markets, it is essential that they should keep factories going and try to revive old markets and find new ones.

Attempts are, naturally, being made to bring about a speedy settlement, but Mr. Lloyd George, with general support behind him, has laid down the three conditions that control must go, that there can be no suggestion of a subsidy by the State, and that attempts must be made to prevent the flooding of the mines. It is possible that the control may be continued in a modified form for a brief period, in order that the parties may be able by amicable means to work out a satisfactory wages-scale. Or the war-bonus may be immediately dropped, and the remainder of the wage be adjusted to meet the requirements of the economic situation from time to time. But the miners are bugging at the condition that there must be an immediate resumption of pumping operations. They insist upon blackmailing the employers and the public, and in so doing they are creating a very ugly feeling against them in the country, which certainly find expression at the forthcoming by-elections necessitated by the partial reconstruction of the Ministry. If, as is suggested in ungenerous and unfriendly quarters, the Prime Minister had deliberately engineered the present situation, the miners could not more foolishly have played into his hands, immediately after he had provocatively warned the country that labour was its worst enemy, since in emergencies, it was never the Labour leaders who were to be count-

ed with, but the wild men of the rank and file. A great deal of support is given to this contention by Mr. Frank Hodges' virtual admission that the stoppage of pumping operations was practically forced upon the leaders against their will. There is a real danger that the rest of the Triple Alliance—the railwaymen and transport workers—will attempt, as Mr. Cramp has suggested, to try their luck and endeavour to "bounce" the Government into granting the demand that wages should remain at the highest war level, at the cost of the rest of the country and of industry at large, if they think they have the slightest chance of success. It is, nevertheless, to be hoped that wiser counsels will prevail, and the country spared from so vast a disaster. Meanwhile, the Government have proclaimed a condition of emergency, and have armed themselves with the utmost powers amounting, in practice, to those of war-conditions, with the object of safeguarding the food-supplies of the nation and essential services.

THE IRISH PROBLEM.

The situation in Ireland seems to grow no better; yet an ever-wider public in this country is beginning to realise how outrageously the Irish problem has been mishandled by the present Government. It would be a thousand pities if the Government persisted in its present policy, or else, on the strength of the Labour folly, challenged a general election on the Labour issue, and thereby diverted the public attention from its failures in Ireland and elsewhere. Its worst result might even be to range the country into hostile camps on industrial issues, with the consequence that the moderate Labour men might be really thrown aside by the forward element, who would not hesitate at revolutionary methods to effect their purpose. It would inevitably be a false issue and possibly an irretrievable error. But the Irish question needs a speedy solution, and several of the Bishops and the Free Church leaders have just issued a manifesto, in which, after condemning both murder and reprisals, they say—

"We cannot regard the cruel and detestable outrages which have given rise to the whole reprisals policy, authorised and unauthorised alike, as a mere outbreak of wanton criminality in the ordinary sense. Notoriously there lies behind them a long-cherished and deep-seated sense of political grievance which has been aggravated and inflamed by many untoward events, and which the concessions of the new Irish Government Act have altogether failed to appease. Hence Dail Eireann's quarrel with Great Britain and the emergence of a situation fraught with intolerable distress and humiliation to every lover of his country.

In these circumstances we join our voices with those who are appealing from many sides for the adoption of a different line of policy. We plead with the Government to arrange, if possible, a genuine truce, with a view to a deliberate effort after an agreed solution of the Irish difficulty. It may be that the attempt will fail; but until it has been seriously and patiently tried we cannot acquiesce in any alternative course of action. The present policy is causing grave unrest throughout the Empire, and exposing us to misunderstanding and the hostile criticism even of the most friendly of the nations of the world. Admittedly it affords no prospect of the speedy restoration of law and order. Nor can we believe that it leads

to the end all must desire—a peaceful and contented Ireland. On the contrary, its heaviest condemnation perhaps lies in the deepening alienation it is steadily effecting between this country and all classes of the Irish people. A method of government attended by such consequences cannot be politically or ethically right, and ought, we submit, to give place without delay to a policy of conciliation. What form this should take we do not presume to say. Various possibilities seem to be open. What the situation in our judgment requires is that the Government should take the initiative, and with resolute magnanimity pursue such a course, by the blessing of Heaven, to the end."

INDIA'S FISCAL AUTONOMY.

Yesterday Mr. Montagu received a Parliamentary deputation on the question of the fiscal autonomy of India. The proceedings have not yet been published, but they ought to be interesting. It is usually stated that the *Daily Chronicle* is one of the particular organs of the Prime Minister. If so, there is a great deal in its comment last week that in saying what he did to the Manchester deputation, "the Government is with him." The *Morning Post* pursues its congenial pastime of Montagu-baiting. It has an "Indian" correspondent, who is supposed to be Sir Michael O'Dwyer in disguise, and who pours forth a never-ending volume of malicious innuendo upon the devoted head of the Secretary of State. The correspondent cannot resist the bait of Lala Harkishen Lal's appointment, which "no-one believes for a moment" Sir Edward Maclagan would have agreed to of his own accord. "Only Mr. Montagu's insane hatred of Sir Michael O'Dwyer could have brought it about. Such an attitude of mind seems impossible to most Englishmen, but a student of Jewish history need not search for parallels." But neither Sir Michael, nor the editor of the *Morning Post*, nor his brother, Mr. Rupert Gwynne, is a Jew. How then to account for their peculiar vendetta? Another curious journalistic perversion of facts is contained in one of Mr. Perceval Landon's contributions to the *Daily Telegraph*. He says: "By this time it is admitted by all, Indians and Europeans alike, that General Dyer was not merely justified in ordering his men to fire upon the defiant mob, but was bound to do so. Even Gandhi is willing to concede this: for to him the shooting is not the grievance. Where he—and therefore the rest of malcontent India—joins issue with the Indian-born English General is that, after firing, he did not succour the wounded." Isn't it amazing? These blind leaders of the blind are a positive danger to the British connexion, which they pretend it is their sole object to maintain. The *Daily News*, which has caused some anxiety by publishing a series of three strongly anti-Indian articles by an "Anglo-Indian," makes amends with the following interesting remarks on the present situation:—

"India has not escaped the after-war unrest which has swept over Europe: and the attempt to repress it by bayonets has failed there as it fails everywhere. Almost everything now depends upon the success which attends the Montagu-Obelmsford reforms and the spirit in which they are applied. It is possible and even certain that time and experience will suggest modifications in these

proposals: finality is the last thing which even their authors claim for them. But the question at the moment is whether the assumption underlying them can be justified. This assumption is that the British rule in India is at the present time, at any rate, something to which both Indian and Briton can give reasonably, from their different points of view, a sincere support. In theory, we see no reason why this should not be so: it remains to be seen how far the theory can be realised in practice."

CORRESPONDENCE.

THE CONSCIENCE CLAUSE.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—I have read with much interest the letters by Dr. Zacharias and Mr. Kingsley Williams on the policy that should be adopted in future by Missionary Societies in the matter of the teaching of religion. It is important that the question should be fully and freely discussed and all uncertainties and ambiguities cleared away. The statement of the Education Board of the Representative Council of Mission has, I think, made quite plain that the missionary aim is to give an education in which religion, and in this case the Christian religion, shall be the governing and controlling influence, to all who desire such an education. It is not their desire to give it to any others, and it is perfectly proper that those who are afraid that it might be imposed on those who do not desire it should take measures to prevent that. It is important, however, that we should be quite clear, in deciding upon the policy that it is right and just to follow, as to what limits the "Conscience Clause" is likely to place upon our liberty of action. For that reason it would be of great advantage if you could declare your editorial mind in regard to one passage in Mr. Kingsley Williams' article. Do you agree with this claim that he makes? "Outside the classroom we must be free to say what is in our hearts to those who seek our help. But in the classroom necessity is laid upon us." Is that your understanding of the limits to be placed upon those institutions that receive a Government grant? Is it only exemption from the necessity of attendance at a class where the Christian religion is taught that is demanded? At all other times would the Christian Professor be at full liberty to exercise a Christian influence and to make known the message which he is bound by heart and conscience to proclaim? It will greatly assist in making plain the right and honourable course to be pursued if this question is answered frankly.—Yours, etc.

N. MACHICOL.

April 24.

[We think the principles of Christianity forbid the exercise of compulsion in any shape or form in the teaching of the Bible. But that is not for us to say. What we are entitled to demand as citizens is that in no institution in receipt of the Government grant it be made a condition of admission to it and to its benefits that one must submit to the teaching of Christianity or any other religion.—Ed.]

LETTER POSTAGE.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—Your note of 14th inst. to Dr. Gour's letter of 2nd April is not, I think, quite fair to the Assembly or to Dr. Gour. You ask, "What would have happened if the Council of State had passed the Finance Bill in the same form in which the Assembly had sent it to them?" The reply is that the country would have been dependent on Government's charity, not to exact executively the maximum letter postage allowed by law.

As a matter of fact I look on the postal muddle as the one great blunder that marred the first session of the Assembly and justified the existence and constitution of the Council of State, but for that muddle I blame Government just as much as the Assembly. And after all it was the Assembly

that finally saved the $\frac{1}{2}$ anna letter rate, if not by law, by exacting a promise from the Executive to maintain it administratively, and only on this consideration did the Assembly agree to ratify the Finance Act as amended by the Council of State. If I feel strongly on this matter, it is because the original motion to retain the $\frac{1}{2}$ anna rate (for letters not exceeding one tola) was mine, sent in on the Budget day itself, 1st March.

Government refused all proposals to deal with units of less than $\frac{1}{2}$ tolas on the ground that administratively smaller units were "impossible." Units of one tola and $\frac{2}{3}$ tolas were impossible! Were they? Look what Government is landed with now!

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" 1 tola	$\frac{3}{4}$ anna,
" $\frac{2}{3}$ tolas	1 anna.

The administrative difficulty of the above must be the sube of the difficulty they originally refused to tackle as impossible.—Yours, etc.

E. L. PRICE.

Karachi, April 19.

[The Government, we quite agree, misbanded the whole question, and we have not the least disposition in the world to exonerate them, but let us also realise—and here Mr. Price agrees—that the Assembly also bungled; and we cannot acquit Dr. Gour and others who voted against the proposal for a half-tola half-anna letter of their share in the muddle that was created.—Ed.]

A LIQUOR SHOP IN POONA.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—Some three years back, the villagers of Talegaon-Dhamdhara had sent a petition to the Collector, Poona, raising an objection as to the place where the liquor shop was located. The petition was followed up by a deputation headed by my humble self. The Collector of Poona after considering the objections decided in favour of the removal of the shop and ordered it to be removed outside the village.

At present after the sale of the license for the liquor shop, the auction-purchaser, probably taking advantage of the fact that Mr. Westropp has now been transferred from the Poona District, has located the liquor shop at the old place. The auction-purchaser in conjunction with his Gumasta has knowingly wrought this mischief and has flouted the very orders of the Collector probably thinking that his bold and defiant attitude may be backed up by the officials. This has produced a very bad impression on the masses. I have, therefore, to enter a strong protest against the present location of the liquor shop and to request the Poona Collector to make suitable inquiries. I hope the present Collector will be pleased to confirm Mr. Westropp's orders in the interest of local option.—Yours, etc.

P. N. PATWARDHAN,
President, Shirur Taluka Congress
Committee.

Talegaon-Dhamdhara,
April 20.

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