

# THE Servant of India

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## TOPICS OF THE WEEK.

BEING ever anxious that an escape should be found out of the present impasse in order that the country may settle down to constructive work, we can have nothing but sympathy with the proposal to have a conference of all parties in Bombay to find a way out. But we must realise at the same time that all attempts at reconciliation do not have an equal chance of success, and we therefore deeply deplore the miscarriage of the earlier attempt which had decidedly a better chance of success if only because it was made just at the psychological moment. The momentum which was then available is now dwindling every day, and moreover the present Conference will not have official representatives on it as the former one would have had. Still we wish it all the success that the high position of the conveners in public life demands. We cannot say, however, that the reasoning on which they base their expectation is quite convincing. They say, "The Ahmedabad Congress, by rejecting the motion for independence and by relaxing the mandatory character of the non-co-operation resolution, has gone some way towards conciliating the large section of the public, which is opposed to forced marches in politics." The non-co-operation resolution of the Congress was really never mandatory, and we do not know what happened at the last Congress which emphasised its precatory character. That the Congress, instead of finally adopting independence for its ideal, has made its adoption contingent upon certain circumstances, will not satisfy even advanced Nationalists like Mr. Jinnah who felt constrained to

sever his connection with the Home Rule League merely because it contemplated such a far-reaching change in its creed. It is true that last Christmas the Congress did not go further in its unreason with regard to this matter than it has already done. But that is small comfort to those who feel that the Congress is already led too far astray.

\* \* \*

Or in a Mood of Exaltation?

THE rejection of the independence resolution is really neither here nor there; but the unanimous rejection by the Congress delegates of Pandit Malaviya's appeal for a reconsideration of the Round Table Conference idea—an appeal which the Panditji enforced in a speech of two hours' duration—does not signify that the non-co-operators are yet in a conciliatory frame of mind, rather the reverse. The present Conference too will succeed only if those who attend it bring to their deliberations a spirit of sweet reasonableness and a desire to arrive at a settlement if it could be reached without sacrificing principles. If non-co-operators are in a mood of exaltation, believing that they will win in the twinkling of an eye what must be laboriously built up, there is not much hope of success. There is another point on which we wish to lay stress. To be useful, the Conference must really be representative of all the interests in the country. It is not enough that the Conference is intended to be thoroughly representative, it must in fact be so. It is only in the presence of the diversity of views which exists on the questions to be considered by the Conference that one is brought to one's bearings. But it is just such a representative Conference that some of the leading non-co-operators do not want. For instance, the *Janmabhumi* says that since the present struggle is between the Government on the one side and non-co-operators on the other, no one who is not a non-co-operator has *locus standi* in the Conference. For our part we hope that the Conference will be of a representative character and will consider the present situation in a practical spirit and with a single eye to the public good.

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Indian States' Troops.

AS a reward for the services rendered by the Indian States in the great war, the Government of India now propose to bring the local military forces and the Imperial Service troops, which were admitted to have been rather ineffective till now, to a high pitch of efficiency. It would appear that the matter

was considered in a committee of the Chamber of Princes and that as a result some dispatches have passed between the Secretary of State and the Viceroy; and now evidently it is assumed that British India must regard highly trained armies of Indian States as a settled fact. We wonder if the Government of India at all suspect that this decision cannot but have important consequences for British India. Already the incongruity of the unredeemed autocracy which exists in the Indian States with the spirit of reform which prevails in British India presents a difficulty which almost seems to baffle statesmanship; if to these petty autocracies is further given the power of the sword which they have so far lacked, the menace which they would become can readily be imagined. The Imperial Service troops number some 20,000 and the local military troops border on a lakh; so altogether they do not form an inconsiderable force. If this force is to be supplied with plentiful and up-to-date arms and to be at the disposition of the Indian Princes who are in no way amenable to public opinion, the liberties of British India are certainly in peril. Whenever a reform in the administration of Indian States is suggested, the Government of India plead inability to do anything in the matter, being pledged to non-interference. This non-interference policy, however, does not prevent them from conferring new rights on the States. Nor do the Government ever think at the time of conferring such rights of imposing upon the Princes the obligation of introducing representative government in their States. Here the Government have the means, if only they have the will, to urge the Indian States to pursue the path of progress which British India herself is now treading. In any case the reward which the Government of India wish to give to the States must not take the shape of improving the military organization of the latter so long as the States remain autocratic as at present. We do not desire, however, that the Princes should be made to go unnecessarily to the expense of maintaining troops which have not much military value—they should be relieved of the burden. But if they are to have effective forces they must be under the control and at the disposition of the British Government.

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A PUBLIC meeting of the citizens of Bombay was held on Friday last, Sir Jamsetji Jejeebhoy presiding.

The Malabar Distress and Bombay.

After describing the misery which the Malabar are undergoing as a result of the Moplah rebellion, the president expressed regret that Bombay had been able to give only one lakh against ten lakhs needed for relief and reconstruction. He quoted from a letter written to the *Hindu* of Madras by several relief workers of the Congress party protesting against the praise given by Moulana Hasrat Mohani and others for the bravery of the Moplahs and appealed for funds for the helpless men, suffering women and starving children of devastated Malabar. Mr. Devadhar who had just return-

ed from his second tour of inspection described the various measures of relief being carried on there and outlined the scheme of starting the temporarily expropriated people in life again. Taking all collections, the Central Relief Committee, he said, has secured a sum of merely two lakhs. The relief it is estimated, has still to be carried on for two months more and when the people return home, or whatever is left of it, small sums in cash will have to be given like the valedictory doles on famine relief works. Regarding the large number of forcibly converted Hindus—men and women—we are happy to learn that the religious heads of the two faiths have made liberal and definite pronouncements to help them in being freely readmitted to their forefathers' faith. The work done by the refugees in the camps in Calicut and other places exhibited at the meeting, also photographs showing scenes of life in the camps. Now that one of the famous leaders of the rebels has been secured and the back of the rebellion broken, we hope it will not take long for the people to return home without any fear of further trouble and to resume their normal life.

\* \* \*

"White Australia."

THE advocacy by the South Australian Premier of a policy of settling —with full citizen rights—"selected Asiatics" on empty lands crying out for development, will cause wonder in the minds of many. This surprise is due to a very general misconception, which sees in the "White Australia" policy an anti-racial policy, when as a matter of fact it is a Trade Union policy pure and simple. The inhabitants of Australia are as a whole more prosperous, better fed and better instructed than the great bulk of any other nation: they have reached a standard of life far above that of the workers of any other land. "Labour", i. e. the 90% of every country, is in power there and determined to maintain this high standard of life. Hence the rigid exclusion of any immigrants whose presence may tend to lower this hardly-won standard, and hence the exclusion of Chinese and Indians—not because of their race, but because they are thought of as "blacklegs" likely to be used by capitalists for breaking organized labour and lowering wages and standards of comfort all round. For instance, Mr. W. Francis Ahern, an Australian Labour contributor to the *Federated Press*, describes the cry even for British immigration as a dodge of Australian employers to reduce wages. "An inundation of unemployed from Britain," he says, "could wash the trade unions out of their trenches, and almost utterly destroy their effective value as defenders of the standard of living. That is why the 'more people' cry is so popular with employers." On the other hand, and as a matter of fact, Indians and Chinese are settled in Australia: not very many, still, they exist and they are treated as equals in every way; not merely in the eye of the law, or even politically, but socially, since they intermarry freely with the rest of the

population. We know of one Chinese gentleman, for instance, who is vicar of a purely "white" parish of South Adelaide—just imagine an Indian priest being appointed Chaplain of Poona Cantonment!

**Discharge Tickets.** WE draw the attention of our own Legislature at Delhi to a Labour Bill recently introduced in the Ceylon Legislature by their Attorney General, Sir Henry Gollan. This Bill provides for "Discharge Tickets"—a system, which has ever been urged by planters who depend on imported "free" labour, with a view of doing away with "crimping", i. e. with the ever-recurring loss of one's own labour through the blandishments of a fellow-planter. Now discharge tickets either stop the local engaging of labour or they do not. If they do, it means that labour going to Ceylon, though nominally free, will be indentured, since without the concurrence of their first employer estate labourers would—*ex hypothesi*—be unable to get another job. If on the other hand the law, though sanctioning "discharge tickets", hedges them about with so many safeguards, as to maintain the complete freedom of labour, their very introduction will no longer be wanted. The insidious way "discharge tickets" would effect their purpose would be largely social: i. e. a planter, who takes on labourers who have left their employment on another estate, will be bound under the discharge ticket system to get these "tickets" from the former employer. Legally, the latter cannot withhold the issue of these tickets, but knowing the place his former employees have gone to, he can pay a visit to their new employer and reproach him for want of neighbourliness, of "playing the game", etc. If notorious for crimping, such a planter would incur a social boycott at European Clubs, in the Planters' Associations, etc. Of course, a man may not care for any of these things and pursue his course all the same: but we believe their number would be extraordinarily small and that the majority of managers of European estates would prefer to save themselves all unpleasantness, by sending a chit round first re some would-be labourers, as to whether their previous employer has any objection to his taking them on? If he has, these labourers will either have to go back to him (their old employer) and their reception will hardly be a very cordial one, or else they will have to quit the Island or starve. In any case, the "freedom" of the labourer to labour would be gone completely. It is well, that the true inwardness of this innocent-looking system should be fully realized by public opinion in India.

**Repressive Measures in Assembly.** WE are glad that Munshi Iswar Saran is raising a discussion in the Assembly on the repressive measures and still more that the Government of India, far from burking the discussion on what is regarded as a censure resolution, welcomed it and gave it a Government day, the very first business day of this session. The discussion has, however, been postponed at the desire of the Assembly itself.

## WASHINGTON.

### V.

WITH the departure of Monsieur Briand, the Washington Conference was finished.

We do not mean that it came to an end: it has not come to an end yet, as a matter of fact, nor is it ever likely to do so. It is just petering out. France's contribution to the much advertized Conference has been the wrecking of it. Well, perhaps that is after all something to be thankful for and the results of the Conference may yet turn out to be important ones, however unintended they may be.

For of that which was intended, of course, nothing, literally, n-o-t-h-i-n-g, has been achieved. Take first the Reduction of Armaments. Did America really think that Peace would be brought nearer, if there were 66 "capital" ships less in the world? Well, if she did so, she knows now, as we pointed out as long ago as in our issue of September 8th (p. 381), that "capital" ships are as antiquated after Jutland as body armour became after Agincourt. Future naval warfare is clearly going to be an affair of submersibles and aeroplane-carriers: the matter is obvious if once one looks the problem straight in the face. Therefore to go on building new capital ships just for "prestige" is so silly that people who are on the verge of bankruptcy anyhow are not likely to go on doing it for very long. But scrapping even 1,878,000 tons of battleships all round does not mean any reduction of armaments, if you immediately go and substitute other arms for the ones discarded. Therefore the real crux of Mr. Hughes' proposals was that the three great naval powers (Great Britain, U.S.A. and Japan) should agree to limit also their submersibles and aeroplane-carriers to 90,000, 90,000, 40,000 and to 80,000, 80,000, 48,000 tons respectively. That assumed that there would be no other navies in the world beyond some petty local ones. For the whole idea of fixing an Anglo-American-Japanese ratio was to eliminate the possibility of anyone of these partners going to war against any of the other two, by eliminating any margin of superiority whereby one could have hoped to overwhelm the other. But of course, the moment there are other equally big submersible fleets in the world, that security goes. If France also is going to have her 90,000 and 80,000 tons, a Franco-American combined fleet would have every chance of defeating a numerically inferior and hopelessly divided Anglo-Japanese combination. The whole point of Mr. Hughes' plan consists in the delicate poisoning of three antagonists and the permanent ruling out of any other. But, as we know, France refused to be ruled out and by that very fact, the whole house of cards came down.

Battleships will still be scrapped, as they are not wanted; but there will be no true Reduction of Armaments at all, let alone Disarmament. The pathetic spectacle of Commissions of understrappers, still busy formulating self-denying ordinances

about the use to which submarines may or may not be put, will deceive nobody. If war breaks out, submarines will be used so as to hurt the enemy most, not so as to conform to an old "Washington Convention"—of that nobody need have the slightest doubt. Fourteen years ago a similar Hague Convention was signed by all the principal Powers—with what result? The obvious one that, when war broke out in 1914 and nations were struggling for their very life, every single clause was being contavened. As long as boxing is a sport, you will observe Londonderry Rules: when you are facing an assassin, you will think of forestalling his designs, not of the niceties of a game. You say, only the Hun did that? Even if that was so, it should be remembered that it was also the Hun who made the whole purport of the Hague Conference of no effect by refusing at that time to join in the Reduction of Armaments chorus and by insisting on his huge army—for security—and on adding a navy to match. After the Hague, Washington; after the Kaiser, Monsieur Briand. If to-day a sabre-rattling France with its mercenaries of Poles and Senegalese and its vision of a big navy is playing the part which Germany played fourteen years ago, who is there to guarantee that she will not fourteen years hence emulate the German "Kriegsgebrauch" of 1914?

No, the Disarmament idea is dead: it is France that has killed it and it will take something better than another Hague or Washington Conference to make it work.

Let us then turn now to the other problem which the Washington Conference was to settle: the Pacific question; and the Pacific question really means—China. There was lots of talk about the Anglo-Japanese Alliance, certainly: but after all, the British Empire really could not afford to keep this Alliance and incur thereby American suspicion. England had to get out of it and Japan knew it: small wonder that Japan really placed little value any longer on so unwilling an ally. The only question was, how to let down Japan gently? Mr. Hughes' plan was ready: Let us enlarge the Alliance; let the U. S. A. also come in and France also—France and U. S. A. on the one hand, England and Japan on the other will balance each other perfectly; and again America, England and France together should be ample to keep the acquisitive propensities of Japan in proper check. An excellent plan: and so the Quadruple Agreement was promptly signed. It was a first class funeral for the Anglo-Japanese Alliance, that is agreed and is obvious to the meanest intelligence; *du reste*, it contained copy-book maxims like the following, *viz.* that "If there should develop between any of the parties a controversy arising out of any Pacific question involving these said rights which is not satisfactorily settled diplomatically and is likely to affect the harmonious accord, now happily subsisting between them, they shall invite the parties to a joint conference to which the whole subject will be

referred for consideration and adjustment." Nothing very drastic? No, but even so, Mr. Hughes had to explain promptly to a jealous and suspicious Senate that of course this Agreement was not really an Agreement, but, er, hm,—well, a Pact—merely a Pact, and no Agreement at all, let alone an entangling Alliance!

Well, you may say, it is not very much to be sure; still, Washington has killed the Anglo-Japanese Alliance and so it has done something anyhow, which it set out to do. But again, it has only scrapped what already everybody had made up its mind to scrap, even before he went to Washington, and for the scrapped article another one, only more sinister, has been substituted. For to-day the world has learnt already that if the Anglo-Japanese Alliance is dead, it only is so because the Japanese have substituted the more congenial French for the no longer satisfactory British.

"What a woman, this *Marianne*, what a woman! She has deceived us both!" may "hubby" John and Jonathan, the co-respondent, well exclaim, as they see her in the arms of her latest lover, Japan.

And the Pacific Problem? With French and Japanese militarism backing each other in China, Japan is safely ensconced in the north and France will not be slow to press her claims in Canton and Yunnan. Together they will make war on Soviet Russia via Siberia; together they will develop their "spheres" in the Pacific, with Tahiti as the French and the Ladrões as the Japanese focus of the ellipse. Here is a *dénouement* indeed! And well may poor old John and Jonathan scratch their head.

## VI.

We have said already that, if the Washington Conference achieved nothing that it set out to do, it yet has succeeded in some very unexpected respects.

First and foremost one hopes that it has brought home to American folks, that Peace is not got the Washington way. The pitiful suggestion of President Harding, to have a succession of Washington Conferences means to have a succession of failures and one cannot believe that he takes his own dream seriously, that out of such failures there will eventually emerge an Association of Nations. One feels that the one great lesson of the Washington Conference will be to make Americans realize that World Peace will only come when the world is organized as a whole; and that such organization is only possible when fragments of the whole no longer claim an independence and sovereignty which only belong to the whole, *i. e.* to Humanity, as such and not to any section of Humanity, such as all these *soi disants* "sovereign" Nations to-day still claim with the United States as their spokesman.

In the second place, the crystallization of a Franco-American *entente*, such as was confidently expected, has failed to come about. America and France, with very much in, common whether his-

torically, temperamentally or politically, have discovered their incompatibility after all. That France coquetted as hard as she could with America, is clear; that America was not insensible to her advances, is clear too: but, after a closer companionship at Washington, after Monsieur Briand's antics and, especially, after the little Japanese "incident", American infatuation is not quite what it was. It was all very nicely planned: President Harding and Monsieur Briand had the whole field to themselves with no tiresome Lloyd George to spoil the *tête-à-tête*: and yet—somehow, she got on Jonathan's nerves, did Marianne. Somehow, *perfidie Albion* did not seem to be so bad after all—and then, suddenly the news of the Irish Peace, *such* an Anglo-Irish Peace!

America has had two object lessons during these Washington days, and they can obviously not have been wasted on her. After all, she is no longer the naïve America who entered so gaily, so confidently on her Washington Conference. True, none of the benefits that so grandiloquently were promised to the world at the outset by the pick of the world's great advertizing artists, have come to pass. Yet if the world has not benefited by Washington, it remains true that at least Washington itself cannot have failed to have benefited enormously by its own Conference—wiser, if sadder, folks.

And who can gauge the full significance of that for the future?

### THE POLITICAL SITUATION.

BY ANNIE BESANT, D. L.

EVENTS move quickly in these days, so quickly that the later ones bury out of sight all the failed hopes and the broken promises which are all that remain of events only a few months old. A few dates may be useful. The first Khilafat Committee was formed early in 1920, and on March 9 it held a meeting in Madras, at which the fourfold programme was announced, and Moulana Shaukat Ali declared that the fifth step would be Independence. At that time Mr. Gandhi denounced the boycott of British goods as a form of violence, said that the moment violence was "actually done, advised or countenanced," he would leave the movement and advise all Hindus to leave it, and said that no other questions should be mixed up with the Khilafat. The boycott of British goods was adopted by the Calcutta Special Congress in September of the same year, and through the next year (1921) the ashes of the bonfires of foreign goods covered over the promises of 1920. In May 1920, the Punjab atrocities were linked to the Khilafat and Swaraj was later added. Through 1921 repeated cases of violence occurred; at the first, he said he would retire at the next; at the next, he said nothing about retiring, and after Malabar, Malegaon and Bombay, so far from retiring, he passes a resolution at the Congress, making himself Dictator. Swaraj was promised a year after August 1, 1920, but only the Muslims of Malabar remembered it on August 1, 1921,

and believed that the British Raj was dead. It was put off till Oct. 1, Oct. 31, Dec. 31, but on the last-named date it was quietly ignored. No further date has been fixed.

The situation now has entirely changed, the fourfold programme has disappeared, and in its place, for a time, abolition of liquor and of untouchability, boycott of foreign cloth and spectacular burnings thereof and finally the charka, reigned supreme. The loin-cloth was advocated, but only Mr. Gandhi—outside its usual wearers—was seen in it. None of these things ruffled the Satanic Government, which gazed on them with an equal and untroubled, possibly with an amused eye. They seemed unrelated to any "paralysing" of Government, or any "bringing it to its knees".

This fact seems to have at length dawned on the Non-Co-Operators, and "civil disobedience"—suggested and slightly played with in Bombay in 1919, as a protest against the Rowlatt Act—began to be discussed among the bolder spirits, and a general inclination to disobey law—not because it was bad or oppressive, but because it was law—was manifested, and rapidly spread. Hartals had been discouraged for some months, but were revived as a protest against the Prince of Wales. Bands of young men perambulated cities and mofussal towns, intimidating by their very number, and threatening dire consequences if shops were opened on the forbidden days. In Calcutta, the interference with business and private liberty became so insolent and tyrannical, that a counter-movement sprang up to protect the liberty of private citizens, and Civil Guards enrolled themselves. A similar movement is now taking place, in Madras, and the President of the Corporation is busying himself with the enrolling of private citizens to defend civic and individual liberty. In the Bengal mufussal, terrorism has been established round Midnapur, and the President of a Union Board, collecting taxes against the ukase of the N.-C.-O.s, has had his granary burnt down, and his market boycotted. At the Liberal Federation meeting, two Bengal delegates, Messrs. N. S. Sirkar and Sachindra Nath Basu, testified to the prevailing tyranny in their Presidency. In the United Provinces similar tyranny exists, and in Calcutta, idle mill-hands were brought in, at 6 annas a day, to serve as volunteers, a trick exposed by their arrest. The latest device is to send a message in Mr. Gandhi's name to the heads of caste panchayats, inducing them to threaten with caste excommunication any members who do any work on the day proclaimed for a hartal, thus reviving caste tyranny.

These growing interferences with the rightful liberty of the majority by a well-organised and tyrannical minority—ominously recalling the Bolshevik supremacy in Russia with its destruction of political liberty and its régime of massacre and persecution—caused an awakening of the indifferent and the easy-going and appeals began to be made to Government for protection, with the significant and practical resolution that, failing

Government, they would protect themselves. The reply of Government by proclaiming the volunteers to be unlawful associations and the arrest of leaders instead of small fry, necessary as the measures were in view of the growing adoption and organisation of civil disobedience—the one effective weapon of the N.-C.-O.—gave the opportunity for a hypocritical outburst of indignation against the intolerable provocation offered by Government, that misled many good but not far-sighted politicians, much to the hidden amusement to those who by their own ceaseless provocations had been striving to goad the Government into action that might be termed “repressive.” Mr. Gandhi jumped at the opportunity obtained by his crafty strategy, rejected the Conference offered him—though the Government was willing to set free all prisoners arrested since the November hartal if he would, on his side, suspend hostilities till after the Conference—pushed through the Congress a resolution vesting all powers in himself and now stands out as Dictator. In this new tamasha, the promise to proclaim swaraj on December 31st, has been lost and though he had alleged that his heart would break in agony if Swaraj was not obtained on that day, his supreme power has given him a new lease of life.

Now, “offensive civil disobedience” is proclaimed, and is explained as the breaking of any non-moral law with a view to overthrow the Government. This movement has always been a veiled rebellion; now it is in open revolt, out specifically to overthrow the Government. Its avowed object is really the same as that of Mr. Hazrat Mohani, for an overthrow of our present Indo-British Government, with nothing to replace it, means anarchy. Mr. Mohani has the straightforwardness to say that he means violence; overthrowing the Government must, in fact, be accompanied with violence, with “the rivers of blood and mountains of corpses” Mr. Gandhi spoke of a year ago, and with the anarchy that he told us he could “contemplate with equanimity”.

Under these circumstances, in this situation, I frankly say that I stand by our Indo-British Government, until an end is put by an awakened Nation to this farce of Non-Co-Operation which now threatens to become a tragedy.

### THE PRINCIPLE OF SWARAJ.

#### AN EIRENICON.

TO THE MEMBERS OF THE ALL-PARTY  
CONFERENCE, TO BE HELD AT BOMBAY ON  
JANUARY 14th 1922.

FRIENDS,

In submitting to you the following lines, embodying a proposal which I believe may be of use to you in your coming deliberations, I feel of course a sense of presumption for obtruding myself in this manner. Yet it has come to me that in all that has been said, whether on the side of Mr. Gandhi, or of the Liberals, or of the Government, there has hitherto been lacking the expression, in clear and explicit terms, of a fundamental principle. This principle per-

haps is being held implicitly by all: but unless it is expressed and formulated and deliberately accepted and recognized by all parties, there seems to me to be every ground for fear that no agreement will be reached, just as there seems to me every hope of agreement, once this basic idea is enounced.

Since, then, I attach such importance to the expression of this principle and since nobody so far has actually expressed it, I beg your forbearance for my rushing in where angels and my betters—perhaps wisely—have refused to tread.

The point I wish to make is that Swaraj is not a boon, but a right: a right inherent in India as a nation, as it is inherent in every nation; a natural right based on the law of nature that government depends on the consent of the governed. Swaraj therefore does not mean to extort by coaxing or bullying from an outsider a boon which it is his to grant or to withhold. Swaraj is not something which depends on any extraneous assent to come into being; it exists already, it always has existed, objectively, whatever, subjectively, ruler or ruled may have thought about it.

The denial of this natural right of a nation implies as its only alternative the theory that might is right and that government depends not on the consent of the governed but on the physical strength of the governing. I have no doubt that many cynics in the Anglo-Indian camp do indeed hold this latter theory and the good old maxim of a “strong rule” (“and when I say ‘rule’ I mean ‘shoot’”); but I do not believe that in the present British bureaucracy in India there is left a single representative who would avow his faith in this theory itself, apart from its practical application. What the modern bureaucrats says is: “I am here with the consent of those I govern—not of course with the consent of a few noisy agitators and their dupes: they only form a small minority. I am here because the great bulk of these people would rather have me than anybody else.” Tacitly they likewise therefore base their rule on the concurrent consent of those they govern: in fact, no other basis is possible.

The trouble is, that this point seems never to have been formulated in so many words on either side. On the one part we hear advice to behave nicely, so that the British Parliament may be kept in good humour and feel disposed for generous concessions. On the other we are exhorted to earn Swaraj by suffering, etc. Both look upon Swaraj as “coming,” neither apparently realize that it not only has come already, but that it cannot go away or be taken away. One or the other party may fail to recognise that fact, but such failure does not obliterate the objective fact itself.

This is not an empty play with words. It is a principle of the utmost psychological importance. For what does its recognition mean? It means that the present Government would agree in so many words that India has Swaraj, the inalienable right of self-determination; that they are not intending to rule

India against its will, but with its free consent. Let them say clearly that this is the only principle on which they rest British rule in India, that India in itself is a Free State. It goes of course without saying that such a frank recognition of fact should satisfy Mahatma Gandhi's demand for Swaraj in 1922; he would have gained his point and thereupon not only could, but ought to, liquidate the whole policy of "non-co-operation." Thus a calm atmosphere would have been created; a common basis for mutual understanding discovered.

Yet let nobody imagine that thereby Mr. Gandhi would have secured unconditional surrender on the part of the British Government in India. The latter—*ex hypothesi*—admit a fact. There yet remains the application of the principle. What do the thirty odd crores of India really want? The *status quo*? A dictatorship? A gradual, if accelerated, Indianisation? Does anybody imagine that any Indian (except perhaps a few Pan-Islamists) really desires to see every European quit India by the next P. and O. mail—with the whole of their army, police and administrative machinery? Indians are really not such utter fools as some Anglo-Indians seem to think as not to see that this would mean chaos and anarchy on a staggering scale. On the other hand, both sides being agreed upon the principle of Swaraj, the *modus vivendi* would become a matter for true deliberation.

For no longer would a Round Table (or any other) Conference resolve itself into a company of hucksters, each of whom is trying to beat down his neighbour and gain most by giving least—as must necessarily be the case, as long as the principle is not conceded that India can only be governed with India's consent. But once that is conceded, a Conference will concern itself with the discovery of what India really does want. The present administrators will hear what Liberals and Nationalists, Brahmins and non-Brahmins, Caste and Out-caste, Capitalists and Labour, Zemindars and Tenants will each of them maintain is India's desire to-day; they may point out to them certain, perhaps disagreeable, consequences of fulfilling too literally such desire on any one point; they certainly will try to inform that Indian desire to the best of their ability—but in the end of course, it is agreed beforehand, that if it can really be shown on any one point that the bulk of India cannot consent to it, that point will have to go. The subject matter of such a conference would be, "What does all India really want?" and not merely, "What do I believe would be good for India?" Such a Conference would depend on persuasion, not threats; it would generate light, and not heat; its guiding star would be reason, not interest.

Above all, the negotiators would really meet as *equals*. This Mr. Gandhi had very definitely in his mind, when he stated at Ahmedabad that a Round Table Conference, to be real, had to be one "where only equals are to sit and there is not a single beggar"; but he failed to go back to the underlying principle of an inalienable right being

theirs already. The Montford Reform Act similarly implies such an inherent right residing in the nation, but also never explicitly formulates it. Both sides are talking about the practical aspect, of how much British aid India exactly does want, without having yet formally agreed to the theory of which such practical considerations are but the outcome.

What to my mind is most urgently needed now is, I repeat, mutual recognition of the fundamental principle at stake; recognition, that Swaraj is not a boon, a gift bestowed or bestowable by a generous outsider, but a right inherent in India itself, as in every nation. Let Britain acknowledge that fact, that India is inherently a Free State of an individuality of its own, let it acknowledge that this freedom of ordering its own individuality is a Natural Right, which can never be extinguished. India, on her part, I feel sure, will exercise that freedom by wisely consenting to further extraneous help: and how much of that help there is to be at varying times, is a true matter for negotiation. But in any case no negotiation will to my mind hold the smallest promise of success, unless it starts from the principle that India is essentially free; and only because free, also free to limit her freedom.

In that faith and with the fervent prayer that your present Conference may show the true path to Peace,

Believe me,

Yours sincerely in the service of India,  
H. C. E. ZACHARIAS.

## WORKMEN'S COMPENSATION FOR ACCIDENTS.

### I.—EARLY HISTORY IN ENGLAND.

THE Government of India propose to pass a law providing for compensation for accidents occurring to workmen in the course of their employment, and as the proposed legislation is closely modelled on that of England, it would be best, before the proposals are examined in detail, to review briefly the stages through which the English legislation has passed. In this article I deal with the common law as it was in force in that country before there was any legislation on the subject and also with the Employers' Liability Act of 1880.

#### THE COMMON LAW.

At common law a man is liable in damages for injuries to another that result from his own personal negligence; and so an employer is liable for the results of his negligence both to his own workmen and to the outside public. This common law liability is considerably extended in the case of the employer by the rule *respondeat superior*, which says that a master or principal is responsible for the acts of his agents or servants in the course and within the scope of their duty: and, accordingly, an employer is also liable for injuries inflicted upon a third party by a man in his employment in the course of that employment. "It is immaterial that the employer knows nothing of the circumstances of the accident, or that he has not expressly

directed or authorised the conduct which led to the accident. Indeed, that conduct may be in direct opposition to the employer's orders. If a coachman was directed to drive to the City by the Thames Embankment and, in disobedience to his orders, drove by the Strand, and there through negligence caused an accident, his employer would be liable, because his coachman was acting within the general scope of his employment, which was to drive his master's carriage."\* This rule of law, it is clear, extended the master's legal liability much beyond his moral responsibility, the principle underlying it being as follows: "If a man chooses to carry on the operations of his life and business by hiring others to do the work for him, he can only be allowed to do so on the terms of guaranteeing the capacity of his servants to answer for acts and defaults committed by them in the course of the work he has ordered them to do."†

A tendency therefore set in to circumscribe the scope of the formula *respondet superior* whereby an enormous extension had taken place in the law of negligence in its application to the employer, and judges came to hold that a master was liable for his servant's negligence or misconduct only if the servant caused injury to a member of the general public who was not himself a fellow servant. Where the third party who sustained injury was also a man in his employment, the employer was held by the judges to be not responsible. This limitation on the application of the common law was founded on two assumptions. "One was that a man working with another had opportunities of knowing the qualifications and disposition of his fellow-workmen, and therefore of protecting himself against any negligence on his part. Another reason assigned was that a workman accepted the risks naturally incident to the employment entered upon among which must be taken to be the incompetence of his fellow-workmen."‡ In fact, the Courts held that there was an implied contract on the part of the workman whereby, on entering into the service of an employer, he abandoned the right which a third person would possess against that employer in respect of compensation for accidental injury.§ Such a contract is of course a pure invention of the judges, perhaps due to a desire on their part to restore the limits of legal liability, which had been excessively widened by the principle *respondet superior*, to those of moral responsibility. This doctrine of "common employment" or "fellow-service" was first definitely enunciated in 1837 in an oft-quoted case *Priestley v. Fowler*, wherein

Doctrine of Common Employment.

\* Report of the Departmental Committee on Workmen's Compensation, 1904.

† "Law of Employers' Liability" by Augustine Birrell, p. 11.

‡ Mr. Dodson (Home Secretary) in moving the Employers' Liability Bill in the House of Commons on June 3, 1880.

§ Cf. Sir William Earle, Judge: "A servant, when he engages to serve a master, undertakes as between himself and his master to run all the ordinary risks of the service, including the risk of negligence upon the part of a fellow-servant when he is acting in the discharge of his duty as servant of him who is the common master of both."

the two co-employees concerned were nearly in the same grade of employment. Subsequently the doctrine was applied from the top to the bottom of the industrial scale, and it came to be held that every man in the employment of a particular master was the fellow-workman of every other man in the same employment, no matter what their respective positions or their respective functions might be. The result of those decisions by the judges was that the law had been brought to this state—that a workman occupying the lowest position in a factory or mine could not recover damages from his employer for injury sustained by him through the negligence of a foreman or manager at the other end of the scale, and his claim for compensation was now absolutely reduced to cases in which he could prove personal negligence against the master. Thus, in the case of large industries where the master stood altogether remote from the workmen, or where the master did not himself exercise the functions of an employer at all, the workman was left without any one against whom, even in cases of negligence, he could enforce a claim for compensation. And as the proportion of industrial accidents which can be traced to the laches or wrongful acts of the employer himself is very slight, it followed that, in most of the accidents entailing injuries upon working-men, the latter were practically left without remedy under the provisions of the common law.

There are two other qualifications to which the common law doctrine of liability is subject, and they are expressed by the formulæ: "contributory negligence" and "voluntary acquiescence" or *volenti non fit injuria*. The former means, that if the workman, by his own act or omission, is a contributory cause to the injury he sustained, and if without that act or omission the accident would not have occurred or would not have been attended by the injurious consequences which followed it, then the master is not to be held liable. In practice it barred a workman from compensation, however little he might have contributed to the accident, and it was only in those cases in which the injury arose solely through the negligence of the employer that the injured workman could recover. Thus it happened that even the doctrine of common employment did not operate, a defence founded on the doctrine of contributory negligence could be successfully raised against a large proportion of claims for compensation which on other grounds would have to be allowed. The doctrine of "acquiescence or consent" "protects the employer if it be established that the injury to the workman was caused by a risk which it is inferred the workman must have known of and calculated on when he took the employment." In *Thomas v. Quartermain* it was held by the Court of Appeal that the continuance by a workman in the service of his employer, with the knowledge of defective plant or machinery involving risk, was evidence of voluntary acquiescence on the part of that servant in

Contributory Negligence and Voluntary Acquiescence.



that state of things and, therefore, disentitled him to recover damages for an injury arising from such defect. The doctrine thus meant that a workman taking service in a dangerous employment himself took the risk of that employment and that in such case no liability attached to the employer.

The combined result of these qualifications was practically to leave the injured workman without any remedy against his employer. "There was not one case in a thousand where he could claim successfully."\* The Committee of 1904 gave it as their considered opinion that the common law remedy was "in practice of little or no value to the workman."

#### THE EMPLOYERS' LIABILITY ACT.

Because "the fellow-servant" doctrine made considerable inroads upon the rule of common law, the Employers' Liability Act was passed in 1880, which did not abolish the doctrine but made a large exception to it, attempting thereby to make the employer liable when he could be regarded as guilty of negligence. It enumerated the cases in which the employer was to be held liable, and the general effect of the measure may be described as follows. Under it the master is, in the first place, liable to his workman for injuries caused by negligence just as he would be liable for them to a stranger, if the injuries were caused by defects in the plant or machinery due to the negligence of persons entrusted with the duty of keeping such machinery in proper condition; and in the next place, the master is liable for any injury caused to a servant by the negligence of a superior in the same employment entrusted by the master with the duty of superintendence or the power of giving orders. Special provisions were made in the Act as regards railways, further restricting the doctrine of common employment in respect of them, in view of the hazardous nature of railway service. The amount recoverable was limited so as not to exceed the equivalent of the estimated earnings for three years preceding the receipt of the injury of a person in the same grade in like employment in the district where the injured employee was at work at the time of the injury.

After all, the Act had a very limited operation; it is calculated that of all the accidents that take place in all trades only 20 per cent. are due to the neglect of the employers; thus the law may be held to provide at best for one-fifth of the total accidents. The heavy cost† and the uncertainties of legislation rendered the remedy even in many of such cases unavailing. The effect of the Employers' Liability Act was thus described by the Committee of 1904:—The Act "cannot be said to have been

\* Mr. C. E. Troup, an assistant Under Secretary of State for the Home Department in his evidence before the Committee of 1904.

† Lord Belper: The amount of compensation recovered in the County Courts of England and Wales in 1895 under the Employers' Liability Act was £8,300 odd and in the recovery of that amount no less a sum than £2,944 or over 35 per cent. of the amount recovered was expended in costs, only the cost of solicitors actually allowed being included in these costs. (House of Lords, July 30, 1897.)

successful. The proof of negligence has been found extremely difficult, and in a vast proportion of cases of accident no negligence of the nature required by the Act in fact existed, or at all events could be proved, and if even there was *prima facie* evidence of negligence, the risks of litigation were most serious both for the employer and employed. The Act, in fact, never had any very large or extensive operation. Compared with the number of accidents, the number of actions brought was exceedingly small, and in a large proportion of them the workman failed. Regarded, therefore, as a means of obtaining compensation for injury by accident with a reasonable degree of certainty, the Employers' Liability Act of 1880 must be considered to have been a failure."

A LABOUR ADVOCATE.

### A LETTER FROM LONDON.

(FROM OUR OWN CORRESPONDENT.)

LONDON, DECEMBER 22.

#### PLANS OF THE BRITISH GUIANA DELEGATION.

IT is a matter of regret that Mr. N. M. Joshi has not been able to come to London during his present European visit. I understand that he will go direct from Paris by the outgoing mail to India. Among his travelling companions will be Sir Thomas Bennett, who had delayed his journey by a week, owing to the sudden summoning of Parliament to deal with the Irish Treaty. Mr. Joshi will have a great deal of valuable information to give his countrymen upon his return to India in connexion with the International Labour Conference and the prospects of the admission of India to the Governing Body of the International Labour Organization. But though we shall miss him and his description of the work done by the Indian representatives at the Conference which we shall now have to await from the formal report to the Government of India when published, we are glad to welcome one of his colleagues, Mr. Tiwary, who has reached London to-day, and who looks very well, after his journey and a stay of a few days in Paris. He has come at a time when Dewan Bahadur P. Kesave Pillai, who has been somewhat unwell since his arrival in London a week or so ago, is we hope, well on the way to recovery. The delegation to British Guiana is not likely to leave here for some time—probably not until the middle of January, in fact, so that there will be ample opportunities for studying the problem in the light of the information available here. It is a pity that, in all probability, the delegates will not meet Mr. Sastri, who is unexpectedly being detained in Washington with the rest of the Empire Delegation, owing to the new developments arising out of the French naval demands. The British Empire Delegation had provisionally taken passages back here for the 1st January, but the latest news is that the passages have been cancelled.

#### INDIAN AFFAIRS IN SOUTH AFRICA.

The news from South Africa is not very encouraging. It would seem that, with that singular

disinterestedness with which the Union Government are so often to be credited, they have been endeavouring to induce the Natal Indian community to appoint a delegation to proceed to British Guiana with a view to the expatriation to that Colony of a substantial number of unwanted Indians in South Africa. Vain, however, is the attempt to spread the net in the sight of the bird. After their unenviable experiences of official goodwill in respect of the ill-fated repatriation experiment, the Indians of South Africa were not to be caught again so readily, and they declined the kindly invitation of the Union Government, especially since being readers of Indian papers, they were aware that a delegation was proceeding to Guiana from India, and that it would in due time report to the Government and people of India as to the "colonisation" scheme about which we have heard so much and which is so very shadowy. But two things are quite clear. The first is that the British Guiana planters are anxious to get a good and cheap labour supply, and are angling for it in South Africa and in Fiji. The second is that this process of expatriation and repatriation is part of a very well-defined policy on the part of the Union Government. General Smuts in a recent speech to the Natal South African Party Congress has described it as being the main hope of the Europeans and as fundamentally sound. All that does not look well for the South African Indians. It would seem that what General Smuts fears is an outrageous demand on the part of the Indians for equality of citizenship and on that of the Europeans for a more drastic anti-Asiatic policy. He will not grant either demand. But he will endeavour to assist to mollify European sentiment by adopting the policy of squeezing out by a process of "inducements." A pleasant prospect for the Indian community, is it not?

#### EAST AFRICAN INDIAN SETTLEMENT.

As for East Africa, we must now await the arrival of the European deputation from Kenya that is coming here via South Africa, after taking counsel with General Smuts. It is a little difficult to see what good counsel he can give Lord Delamere and Colonel Griffiths. Anyway, Mr. Churchill has promised not to take final action until after he has received the deputation, and the India Office people are lying in wait for them with every appearance of eagerness and the possession of a good cause. That will postpone a settlement until the end of January at the earliest. But if there is to be an early General Election, it is possible that Mr. Churchill will attempt to manoeuvre things so as to carry over the matter until the dissolution. He is a very 'oute politician, is Mr. Churchill, and when he finds difficulty in settling a matter to his liking, he has many other preoccupations of a convenient character.

#### IRISH PEACE TREATY.

Nevertheless, At would not do to class him with the diabolical characters of political history. He has many statesmanlike qualities, and to him

must be credited a large share of the successful negotiation of the Irish Treaty. The Treaty has been adopted by the British Parliament by thumping majorities in both Houses, to the undisguised dismay of the irreconcilables, who are composed of extreme Tories and a handful of Irish Unionists from the North. They are now hoping that the Dail may throw away the substance for the shadow by preferring de Valera's vague alternative proposals to the concrete results that are obtained by the Treaty. De Valera has been trying to show that he has all along stood out for a separate and independent Republic, but in the Dail this week Mr. Milroy, one of his foremost opponents, showed that Mr. de Valera's sole difference from his opponents was that he wanted a different form of oath, which, nevertheless, contemplated the recognition of the British Sovereign as the head of the British Confederation, and which, by the largest stretch of imagination, did not suggest an independent Republic. This, too, Dr. McCartan emphasised, in a pungent speech. So Mr. de Valera is seeking to involve his countrymen once again in bloody warfare for the sake of a nebulous difference, which he himself admits is shadowy. These fanatical purists are deserving of all admiration for their fidelity to the faith that is in them, but they are most dangerous persons to have in the midst of a community in this work-a-day world. They never know the right time for compromise. It is still early to say whether the Dail will vote for de Valera or for Arthur Griffiths and Michael Collins. Even if the Treaty is rejected by the Dail, it must be submitted to the country, and well-informed observers have no doubt that in that event the Irish nation will vote for ratification of the Treaty and rejection of de Valerism by a huge majority. So mote it be!

#### THE WASHINGTON CONFERENCE.

At Washington, things do not seem to be going too smoothly. There is already misunderstanding as to the exact interpretation of the Four Nation Pact. It is disputed whether or not the United States is bound to defend the Japanese homelands as well as her insular colonies. If the former, the Senate will possibly reject the Treaty. There are a number of influences at work in that direction. Then, too, the Chino-Japanese negotiations in regard to Shantung have been suddenly ended, and the matter in dispute has been referred back to Tokyo. That is a none too promising *dénouement*. Then, again, France has raised in a somewhat acute form the question of her naval requirements, and America is not disposed to hold the British view that the building of submarines should be prohibited. The American point of view is that the submarine is the weak nation's weapon, and American sympathies are likely to go out to France and other countries and away from Great Britain on this question, unless Great Britain agrees to some modification of her attitude on the subject of the blockade from which America, like other neutrals, suffered during the war. India

is not so much interested in these matters, but she is in the proposal by China to raise her tariff against the import of foreign goods. India may raise a formal protest against an increase in the import duty on cotton goods, which she so largely exports to China, but if China is to exercise freely her sovereign rights, she must have the same means of raising revenue as India herself, in her relations to Lancashire. If India insists that China should not raise these duties, she will lose one of her strongest arguments against Lancashire and in favour of her national independence in internal affairs.

ROUND TABLE CONFERENCE IN INDIA.

It is to be hoped that the present endeavours to bring about a conference for the hammering out of a settlement in India will prove successful and that the conference will succeed in its purpose. It is certain that modern sentiment is all in the direction of direct contact and settlement by negotiation around a table, and if India follows the prevailing fashion, we shall add yet one more to the opportunities of removing international misunderstanding.

WITHOUT COMMENT.

THE INDIAN ARMY.

BY BERNARD HOUGHTON.

THE key to Indian foreign policy is the army. Over that policy Indians have no control, direct or indirect; they may not even vote on the army estimates. The following table gives the figures in millions sterling of the army and total expenditure in recent years:—

	Army.	Total.
1913-14 (pre-war)...	21 ...	83
1919-20 ... ..	87 ...	138
1920-21 ... ..	74 ...	134
1921-22 (Budget)...	66 ...	128

Judging from past experience this last figure will certainly be exceeded, but, taking it as it stands, we have the fact that three years after the war, fifty two per cent. on the total expenditure goes to the army. Compare this with eight per cent in South Africa or fourteen per cent. in Italy, also a peninsula.

What are the reasons for this grave diversion of the revenues to military objects? Both last year and this year the officials excused it, partly by the danger in the "Middle East," partly by the example of Japan. Presumably by "Middle East" they mean Russia, for even the Indian bureaucracy would hardly dare to burden the taxpayer with a costly army in order that British oil interests may seize the oil in Mesopotamia.

Russia first comes into Indian politics with the Pendjab scare in 1884, which resulted in a big increase in the army. From 1905 secretly, and from 1907 openly, the Tsar was our ally, but—the Indian army was not reduced. Since the Revolution, Indian officials have professed alarm at the Bolshevik danger. But what has been the foreign policy of the Soviet Government? It has repudiated the secret treaty of 1915 by which Britain assigned Constantinople to the Tsar; it has given independence to the seven border States, all of which the Tsar annexed and ruled; it has this year concluded honourable treaties with Persia and Afghanistan, treating them as equals and friends. Apart altogether from the famine, is it credible that such a Government should dream of the military conquest of India?

Japan, it is true, spends as large a proportion of her revenue as India on military objects, but why? The annexations of Formosa, Korea, and Mongolia, the wanton attack of Vladivostock, the attempt to seize Shantung and to dominate China, the threat to the United States—there is the answer

for all to read. How can India, poverty-stricken, figured as anxious only to remain unmolested, be compared with this Asiatic Prussia?

Coming to the north-west frontier, for nearly a century the Indian Government has tried to control Afghanistan, partly by the wars of 1840 and 1879 and partly by subsidies. It now admits the Amir's independence. Not once has Afghanistan attacked India. As for our frontier tribes, Lord Rawlinson allowed that the last forty years—i.e., since the increase in the army—have been "one long series of expeditions." Here again Simla has followed an aggressive policy with ruinous results for our taxpayers.

Danger of attack from Russia or Afghanistan there is none. And even supposing an army advanced to our Indian frontier, it must come through a land without railways and without roads suited for motor transport. Pitted against the Indian army, resting on a system of strategic railways, well provided with all munitions, it would be as a naked man against mailed warrior.

But if no nation threatens India, India threatens other nations. Indian troops have been used to enforce British designs on Persia, on Mesopotamia, on Egypt, on Palestine and on East Africa. They have become a weapon in the hands of imperialists like Lord Curzon or Winston Churchill. This policy, which began with the Koweit affair of 1902, has become especially marked since the war. England, in fact, is using India as France uses French Africa.

When the officials talk of "defence" it may be that they are thinking of defence against the people of India. Lord Rawlinson admits that one reason for the strength of the army is non-co-operation. It was precisely from 1907, when the Russian danger ceased, that the bureaucracy became seriously alarmed at the nationalist movement. Since the war its alarm has doubled, and *so has the cost of the army.*

Here in India with a people so poor that nearly fifty per cent. must be content with one frugal meal a day, afflicted by recurring famines, with only six per cent. of her people literate, their health so bad that the duration of life is but twenty-three, so underfed that 6,000,000 died at the last influenza epidemic; this is India which must devote more than half her expenditure to the army! If the bureaucracy maintains this costly army for the defence of the north-west frontier it is mad; if it maintains it in order that it may continue to govern India against her will, it is condemned out of its own mouth. Indians have recently become alive to the evil of the foreign policy of Simla. In the manifesto of Mahatma Gandhi and forty-seven others they condemn the bureaucracy as "a system of government which . . . has used soldiery and the police for repressing the national aspirations, and which used soldiers for crushing the liberty of the Arabs, the Egyptians, the Turks, and other nations which have not harmed India." When India rules herself we shall witness a swift change in foreign policy. The Imperial Government will no longer be able to use Indian troops for its designs in South Asia or East Africa any more than it can use Australian troops. Perhaps that is one reason why it dislikes Home Rule.—*Foreign Affairs.* (Dec. 1921).

FRENCH WILL TO PEACE.

The [French] Government has refused to grant a passport to our colleague, Monsieur Gouttencire de Toury, who desired to go to Berlin.

He did not disguise the culpable designs which prompted him. He told the Government candidly that he wished to meet there pacifists of all shades of political opinion who he said "think like myself, that the best means of preventing war is to kill hatred, and that conversations between people who are thus disposed would be distinctly useful, especially in these critical times."

The Government does not think so.

Ah, if only it had been a question of allowing to cross the frontiers one of those fomentors of international hatred, or the head of one of those financial or metallurgical Internationales—but to preach Peace? Certainly not.—*Le Progres Civique* of Dec. 3rd 1921.

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