

# THE Servant of India

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## TOPICS OF THE WEEK.

Dr. Sapru's Resignation.

IT is with a sense of poignant regret that we learn of the impending resignation of Dr. Sapru for reasons of health. The news of his appointment to the Law Membership of the Government of India was received by the country with mixed feelings, for the gains of responsible office were counterbalanced by a serious loss to public life, but now there is no one who will not sincerely regret his resignation. Not that the calls of public life are now less clamant than before; if anything they are more so. But there is such a great need for a man of Dr. Sapru's stamp to be in the Government of India at this moment. His ability is universally acknowledged; there is hardly ever any legal talent lacking in the holders of the office. But—and we mean no disparagement to his predecessors when we say it—that none of the Indians who preceded him in the Government of India could help in shaping the Government's policy in the liberal sense so much as he by his character and tact succeeded in doing. He admirably seconded the efforts of the Viceroy at this end and of Mr. Montagu at the other in implementing the reforms and the policy of 'conciliation' generally and performed the functions which an Indian adviser is expected to perform to the best possible advantage. We wonder if he is not influenced in taking the step he proposes to take by the feeling that, after Mr. Montagu's fall, his sphere of usefulness is circumscribed? But it is surely just at this juncture, when reactionary forces are gathering strength, that there is need for the one Executive Councillor to whom more than to any other the liberal policy was due to remain at

his post. The non-official ranks will no doubt be greatly strengthened by Dr. Sapru's relinquishment of office, and we can only hope that his successor will join to ability that sovereign quality which is required above everything else in an Indian member—character.

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IN the matter of persuading non-co-operators to enter the Councils, our good friend of the *Indian Social Reformer* is busy making the worse reason appear the better one. It is being represented to them that the abandonment of the boycott of Councils is in consonance with the Bardoli-Delhi amendments of the non-co-operation programme, and that there is no harm but much good in Congressmen forwarding the revised programme through the Councils. The worst defect of this method of persuasion lies in its utter ineffectiveness: it can never persuade those who really care for non-co-operation, and those who do not care for it are not in need of such an excuse, for they do not mind confessing that they have now wearied of non-co-operation. Mr. Rajagopalachar has no difficulty in proving in *Young India* that the "revision" of the non-co-operation programme in the direction of entry into the Councils, etc. can be "carried out (only) at the sacrifice of principle."

"Mahatmajl suspended the aggressive activities of our movement," says he, "but it would be a grave error for anyone to suppose that non-co-operation has been given up and social reform has replaced it in the non-co-operator's programme. There is a whole world of difference between social reform on the non-co-operative plan and carried out for the non-co-operator's ends, and social reform carried on and effected with the idea and by the compulsion of a system we should abstain from co-operating." "As soon as we find that the system co-operated with is an evil system, it becomes our moral duty from the moment to withdraw our co-operation. Non-co-operation in this aspect is an absolute duty, not merely a policy or method of attaining any object. This duty is imperative and does not depend on political expediency or theory."

In this view of the matter, even if persistence in the present line of action should mean "immolation on the funeral pyre of non-co-operation," non-co-operators have no choice, unless of course they abjure the underlying principle of the movement, as we wish them to do. That Mr. Rajagopalachar's interpretation is the only one possible for a non-co-operator or a Congressman can be proved by the text of the Delhi resolution itself which says that "the All-India Congress Committee wishes it to be understood that the [Bardoli] resolutions of the

Working Committee do not mean any abandonment of the original Congress programme." No one who accepts the Congress policy can enter the Councils or resume legal practice unless that bedrock position is expressly changed, and our only hope is that the Congress will do it.

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A STORM of indignation is raging in the non-co-operation camp against Messrs. Natarajan and Jayakar at present. The former has offended them by his continued tirades against the movement even after he rejoined the Congress and accepted the Vice-Presidency of one of its constituent bodies. This honour was evidently supposed to be offered to him as a reward for what seemed to them his conversion to non-co-operation. Instead they find in him as convinced an opponent as before: only he can now level his attacks from within and therefore more effectively. The cry is therefore heard from all sides: "Why is he, then, in the Congress if his attitude to non-co-operation has not changed by a hair's-breadth?" forgetting that the non-co-operators themselves addressed a general invitation to all to join the Congress, irrespectively of their opinions. Evidently the non-co-operators did not expect thus to be taken at their word. The attack against Mr. Jayakar is as undeserved as that against Mr. Natarajan. Mr. Jayakar is accused of forsaking his principles in resuming the practice of law, whereas the fact is that he has only now again begun to act upon them. On the other hand, *Swarajya* asks why he renounced practice at all if he did not believe in the Congress programme. It thinks that he should not have done so even as a tribute to the personality of Mahatma Gandhi. It says:—

No one who does not sincerely believe in the creed of non-co-operation should allow sentimental considerations to force him into its ranks. There is always the danger, as is evidenced in the case of Mr. Jayakar, that the mental conflict may unfit him for work altogether, or may even react to such an extent that he may rebel against the party which he had sought to serve. One in the position of Mr. Jayakar, who does not believe in non-co-operation, but at the same time is anxious to serve it in his own way, is often a hindrance rather than a help. We would certainly welcome it if every one, in politics as in everything else, followed the dictates of one's conscience.

It is indeed very hard to be told, after undergoing, against one's better judgment, sacrifices which few persons genuinely inspired by the faith of non-co-operation are prepared to undergo, that one is only a hindrance to the movement and that one had better follow the course approved by his judgment. The advice seems ungracious, but is nonetheless true.

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Smuts and Churchill. THE influence which any success that may attend Mr. Sastri's mission in the Dominions will have on South Africa, Kenya and Fiji is well understood in the Dominions, though it is little understood in this country; and in fact the Australian statesmen seem to be chary

of giving the franchise to the Indian settlers chiefly for the reason that it may force the hands of South Africa and Great Britain. If nothing is done in the meanwhile by these two countries, it is likely that we shall find, as Mr. Polak says in the June *Indian Review*, that Australia, New Zealand, Canada and India will be ranged on one side and South Africa and Great Britain on the other. In this connexion Mr. Polak drags into the light of day the part played by the representatives of the two countries which are now making trouble, at the Imperial Conference of last year behind the scenes. He says:—

"The Conference was at one time almost wrecked and India disastrously isolated by the combined opposition of General Smuts and Mr. Churchill. The former, on general principles, was opposed to the recognition of the doctrine of equal citizenship for the non-white peoples of the Empire. Moreover, whatever his personal views might have been, he could not, without express authority from the Union Parliament—which he would be unable to obtain save at the risk of splitting the Union from end to end—commit his Dominion to the new doctrine, since the constitutional law of two provinces of the Union [the Transvaal and the Orange River Free State] was based upon the positive and explicit denial of the doctrine. The Transvaal Grondwet, or fundamental law, expressly provides that 'there shall be no equality between white and coloured either in Church or in State.' Mr. Churchill supported General Smuts, not so much because he thought South Africa right, as because, if the new doctrine came to be adopted, it would, if honestly enforced, put an end to the career of the Colonial Office as the central bureau, at the heart for the Empire, for the exploitation of the tropical lands of the Empire in the interests of British manufacturers, capitalists, and other privileged classes."

It may also be mentioned that General Smuts and Mr. Churchill—or rather Mr. Churchill and General Smuts—conspired with the object of excluding East Africa as well as South Africa from the scope of the resolution of the Imperial Conference, though eventually both these "statesmen" were in Mr. Polak's words, "outgeneralled and defeated by the Indian delegation." This explains Mr. Churchill's Kenya policy, which would indeed, again to use Mr. Polak's language, "evacuate the (Imperial Conference) resolution of all its virtue, both in the spirit and in the letter."

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Girls of Modern Japan. THE *Church Missionary Review* of June contains an informative article by Miss L. L. Shaw explaining

the present position of female education, etc., in Japan. For the last fifty years Japanese women have been receiving common school education, with the result that the majority of them are literate. But it must not be supposed that, because education is compulsory for six years for both boys and girls in Japan, the present generation of girls there are on the same level with boys in the matter of elementary education. Like Mr. N. C. Kelkar, who unabashedly sought to discriminate in favour of boys in Poona two years ago, the Japanese also believe the boys to have a more important future from the economic standpoint, and consequently "the percentage of boys of primary school age being sent to school by their parents is

much higher than that of girls." Proof of it is supplied by factory statistics: "of the total number of child workers under 15 years of age, 18 per cent. are boys and 82 per cent. are girls." The secondary education imparted to girls in middle schools is inferior to the one imparted to boys: "their text-books and courses are arranged on a much lower scale than those of the boys." The secondary school course of five years takes the students up to a level which would correspond roughly with the standard set up by the Oxford and Cambridge Junior Local Examination. Beyond the middle schools there are no Government institutions open to girls other than the normal schools and the Academy of Music, and the Government is reluctant to finance the advanced education of girls as compared with that of boys. Still, much progress is being achieved. The marriage age of girls is also advancing from sixteen to the early twenties, and the public sentiment is growing in favour of greater freedom in marriage. At present marriages are arranged by parents with the help of a middle-man. Usually the young couple are allowed to see each other once before the betrothal, but sometimes they do not meet until the marriage ceremony. Opinion is also becoming strong for the abolition of concubinage, the geisha, and public prostitution.

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**Railway Police.** WE would draw special attention of the reader to the important announcement in "Sitabaldi's" article which appears in this issue in respect of the Government's decision that "the assignment for Railway Police should be continued to be made to the Provinces until the expiry of the present contract with the Companies." The injustice of saddling the Provincial Governments with the expenditure on Railway Police, a considerable part of which ought in fairness to be borne by the Central Government which annexes all the receipts from Railways, was ventilated in several Councils, and in none more effectively than in the United Provinces Council by Pandit Kunzru. On the merits of the question the Finance Member of the Punjab, Sir John Maynard, explained that the Railway Police fall under three heads: one section deals with crime, another with order and a third with watch and ward; that the charge for the crime section is a proper charge against the Provincial Government and is borne by the Provincial Government; the charge for the watch and ward section guarding property which belongs to the railway or which belongs to persons who have entrusted it to the railway as a common carrier is properly a charge upon the railway, which the railway does pay; and in regard to the police required for the maintenance of order, a large portion of it is charged to the railway and the Government of India make a large allotment to the Provincial Government on this account in consideration of the police who are working on the Company's lines.

#### ANTI-ASIATIC CAMPAIGN IN S. AFRICA.

THERE is no trace of exaggeration in the description, by Messrs. Andrews and Polak, of the situation created in South Africa and East Africa by the anti-Indian racialism of the European settlers. In a previous issue we referred to several Bills directed against Indians in the Provincial Council of Natal. One of them—the Township Franchise Bill—passed through its third reading on June 1 and is now an Ordinance. It deprives Indians of the franchise—the only civic right which they possessed for nearly forty years. And the manner of the deprivation is such as to add insult to injury. They were not even given an opportunity of tendering evidence before the Select Committee; only they were given a chance of stating their case by counsel before the Bar of the House of the Natal Provincial Council. Indians availed themselves of this chance and had their case represented by Mr. William Doull, who made a most temperate and yet an exceedingly persuasive statement. The latter, however, made no impression on the Council and the obnoxious Bill has now become law. The injustice involved in it will be fully realised when all the facts of the case are taken into account. The Indian community now represents something like one-half of the population of Natal. To these Indians Natal is practically their home, and if life is made intolerable for them there, they have no country to which they can go without the most serious hardship. Does the South African Government owe any obligations to these people at all? Most emphatically, the Government owes obligations to them. For they are all descendants of the first immigrants who came over to South Africa, not of their own motion but at the express invitation of the South African Government who even went so far as to hold out inducements to them by an offer of free grants of land to settle in the country. The present descendants represent the fourth generation of Indians in Natal. It will be agreed that such a people no Government can dispossess of the franchise without a disregard of its obvious duty towards them. It is universally admitted that many of the industries that are now flourishing in Natal are built up by the Indians, and thus the present prosperity of the colony is in large measure due to the very people who are now being robbed of their franchise. Now, is there any colourable excuse which can be put forward in justification of the measure depriving a little more than a half of the whole population of their vote at one stroke? Is it alleged that the Indians have abused the right extended to them or exercised it in such a way as to be detrimental to the interests of the Europeans? No, it is not even alleged that such is the case. As a matter of fact, Indians have often neglected to register themselves as voters or to cast the vote after registration. And in no case has the exercise of the vote ever been influenced by racial prejudice. Mr. Doull cited, in this connexion, the instance of the Town-

ship Stranger, which has a population of 75 per cent. Indians and 25 per cent. Europeans and may therefore be considered an Indian centre. Here Indians have never conspired to keep out the European candidates and return only Indians. On the contrary, in that particular Township none but Europeans have ever been elected to the Local Board. And a similar state of things is found to exist everywhere. In the absence, then, of any evidence, nay, of any allegation, of the prejudicial use of the franchise, it is obviously unjust that they should be deprived of their elementary right. The Ordinance is indeed calculated, in Mr. Doull's words, to "crush them utterly and make their lives intolerable in this country."

Mr. Doull reminded the Natal Provincial Council that this was a matter of far-reaching consequence, and that the Council ought to take note of these consequences before giving their sanction to this Bill. He said:—"At the present time the question of Township franchise is of comparatively small importance to the European, but if taken from the Indian, you may be fully satisfied that the matter will not rest there. They are bound to bring this as a further grievance before the Government of India. That they will have a grievance will certainly be considered by the Government of India, and what is to-day a comparatively trivial and unimportant matter may lead to grave complications between the Imperial, Home and possibly the Union Governments. The removal of this right, practically the last right of the Indians in Natal, will be keenly felt by the Indians. If it is reported to India the matter is bound to be taken up there. We should know the conditions with which the Imperial Government has to contend. Here we will have a further cause for genuine grievance, and I would urge upon you that no valid reason has been given for the taking away of a right which will probably *cause grave Imperial complications*." The Council has now in its unwisdom passed the Ordinance and has given an additional cause for grievance to the Indian community. If the Governor-General of the Union withholds his assent, then nothing further need be done; but if he gives his assent, then the Government of India must come to the rescue of the Indian settlers in Natal and, although the Colonial Office may offer opposition, press the question home even if it should "cause grave Imperial complications" and thus bring the Natal Government to a realization of its Imperial obligations and of its obligations in the name of honour. The Township Franchise Ordinance is not the only Ordinance against which the Government of India will have to combat. Three or four other Ordinances inflicting like disabilities upon Indians will follow close on the heels of this Ordinance. Together they will surely form a big enough question to justify the intervention of the Government of India, for they amount practically to the squeezing out of the Indians from South Africa. We trust Lord Reading's Government will

move at once and with an unalterable determination to obtain justice for Indians.

### HINDU WIDOW'S POWER OF ADOPTION.

AMONG the various schools of Hindu Law there has always existed a very wide divergence of opinion in the matter of interpreting the single text of Vasishtha on which the whole law of adoption is primarily based. The question has been also made more difficult by the inroads which have been made into this branch of Hindu Law by various judicial decisions, which have more often than not put an unnatural interpretation upon it, partly owing to the Judges' ignorance of the Sanskrit language, and Hindu traditions and partly due to their disinclination to make a bold departure from the existing local or provincial usage, for fear of rousing public opinion against it. The law on this point has, therefore, been always in a state of uncertainty, and nowhere more so than in Western India, where it has been generally interpreted in a progressive and liberal spirit. Whenever judicial pronouncements have been made involving some reference to questions about the law of adoption, they have been watched with acute interest by the public. The Privy Council's judgment in the case of *Yadav v. Namdev* which has been fully reported in Vol. XXIV, pp. 609 to 623 of the Bombay Law Reporter is a decision of this character and makes a distinct, though welcome, change in the existing law relating to a widow's power of adoption in a joint Hindu family. The views expressed by their Lordships in this case are bound to give rise to a feeling of discontent among the orthodox community, which upholds the rights of members of the joint Hindu family, though such rights may be detrimental to the deceased person's spiritual benefit and the poor widow's material interest.

The facts of the case are briefly these. Pundlik, a member of a joint Hindu family living in the district of Akola in Berar, died leaving two widows behind him. The joint family consisted of Pundlik, his cousin Namdev, and his two sons Pandurang and Rambhau. In accordance with the instructions left by Pundlik the elder widow, with the concurrence of the younger widow, adopted Pandurang as a son to her deceased husband. In the deed of adoption, according to the construction put on it by their Lordships of the Privy Council, Namdev had declared that he had separated from Pandurang, though actual partition had not taken place. Pandurang died unmarried after a few years and his adoptive mother adopted Yadav, the plaintiff in this case, without the consent of Namdev. The original Court held that Yadav's adoption was valid and gave a decree for partition. In the appeal, the learned Judges of the Court of the Judicial Commissioner came to the conclusion that there had been no separation of the joint Hindu family, and that Pundlik intended that Pandurang alone should be adopted, meaning

thereby that no general permission for adoption was given to the widow. They, therefore, held that the plaintiff's adoption was invalid in law and that the defendant Namdev and his son Rambhau were entitled to the whole of the property by survivorship.

Their Lordships of the Privy Council have reversed the decision of the Appellate Court and, in doing so, have very exhaustively reviewed almost all the important decisions of the Bombay High Court that have any bearing on the law of adoption as it is interpreted by the western school of Hindu Law which prevails in the Mahratta country of the Bombay Presidency and in Gujarat. Their Lordships' findings on questions of facts are that the adoption deed contained an unequivocal intention to separate by a member of the joint family and did operate as a severance of the joint status. They also held that the evidence suggestive of a prohibition by Pundlik for making an adoption to him was insufficient to prove that his instructions were either exhaustive or mandatory. Therefore, the only point for their consideration was as to whether "a Hindu widow, in the Mahratta country of this Presidency or in Gujarat, who has not her husband's estate vested in her and whose husband was not separated at the time of his death, is not competent to adopt a son to her husband without his authority" or without the authority of his undivided coparceners. In the present case Pundlik was not separated when he died and hence the estate which had vested in the widow, when she adopted Yadav, the plaintiff, as a son to her husband was not his interest in the joint family, but that of her first adopted son's. In deciding this point their Lordships have reviewed the long array of decisions of the Bombay High Court dating as far back as the year 1866 when the case of *Bayabai v. Bala Venkatesh* was decided by Justices Westropp, Tucker and Warden. The cases of *Ramji v. Ghamau*, and *Rakhmabai v. Radhabai* have also been critically examined and distinguished. In deciding the points in the appeal before them, their Lordships have tried to find out the original law of adoption applicable to the western school and have attempted to put a logical and natural construction upon it. The whole controversy turns upon the pivot of the text of *Yadnyavalkya*: "Nor let a woman give or take a son in adoption unless with the consent of her lord." According to the western school of Hindu Law, this injunction operates only during the lifetime of the husband. After his death the widow, who is considered to be the surviving half of her husband's body, steps into his shoes and is competent to exercise the power of adoption in the same way as her husband. The widow's power of adoption, according to the western school, is an interest right, which she possesses by her wifehood and is not derived from anybody else. The Privy Council's decision in the present case has emphasised once more the inherent character of the widow's power as opposed

to the theory of delegation. If this view is carried to its logical conclusion, justice and equity require that the power of the widow should be made quite co-extensive with that of her husband in the matter of adoption. This principle has been affirmed by the Bombay High Court on more than one occasion, but it has felt unable to deviate from local usage. The theory of inherent right in the widow is of more than academic interest, and the present decision of the Privy Council will embolden the judiciary to interpret it in the proper perspective and make its application more rational, logical and equitable than hitherto.

In the present case, their Lordships, after affirming the nature of the widow's right to adopt, go to determine as to whether her claim rests upon the vesting of her husband's property in her. In the case under decision the property that was vested in the widow of Pundlik was not her husband's but her son's property. Under these circumstances could she have legally adopted a son without the consent of the other coparceners? According to the decisions of the Bombay High Court in the cases of *Ramji v. Ghamau* and *Dinkar Sitaram v. Ganesh Shivram*, she could not have done so. Their Lordships have, however, relied upon other decisions which were much earlier than the ones mentioned above.

In *Rakhmabai v. Radhabai* the learned judges of the High Court of Bombay had remarked thus:

Upon the review which we have made of the authorities applicable in this part of India, we are of opinion that in the Mahratta country, wherein the property in question in the suit is situate, a Hindu widow may, without the permission of her husband, and without the consent of his kindred, adopt a son to him, if the act is done by her in the proper and *bona fide* performance of a religious duty, and neither capriciously nor from a corrupt motive.

This decision has been held to be applicable to the present appeal and their Lordships regarded that in the Mahratta country of the province of Bombay, a Hindu widow can adopt a son to her husband, whether at the time of his death he was joint or separate, and whether his property was or was not vested in her as his heir at the time of the adoption. This decision of the Privy Council has thus finally overruled the decision of the Bombay High Court in *Ramji v. Ghamau* and *Dinkar Sitaram v. Ganesh Shivram*, where it was held that a widow who has not her husband's estate vested in her and whose husband was not separated at the time of his death was incompetent to adopt a son to him without his authority or without his kinsmen's consent.

The other point, which has been discussed at great length in their decision, though it was not directly a point in issue, related to the question as to when the consent of the husband's coparceners is necessary to make the adoption of a son by his widow in particular circumstances valid. The case of *Bayabai v. Bala Venkatesh* has been minutely examined and the observations of Justice Westropp have been quoted *in extenso* to prove that the widow, governed by the Mahratta

school may, without the express permission of her husband and without the concurrence of his kinsmen, adopt a son. Their Lordships consider that the observations of Westropp J. in that case are not confined to the cases in which the widow was a widow of a separated husband, or to the cases in which the widow was the widow of an unseparated husband. "His observations appear to their Lordships to have been general and apply to either class of cases."

This decision, therefore, constitutes a fresh departure from the existing case law on the question of a widow's power to adopt in a joint Hindu family. It establishes three main principles, viz. that the power of adoption is inherent in the widow and is not extinguished unless by a mandatory prohibition; that a widow can adopt to her deceased husband even though his estate might not have vested in her at the time of making the adoption; and lastly, the consent of the other coparceners is not necessary to make such an adoption valid. The decision undoubtedly increases the power of a Hindu widow in Western India to adopt. It reaffirms the theory of a widow's inherent right to adopt a son for the spiritual benefit of her husband which if carried to its logical conclusion, is bound to establish a very sound and just principle that the widow may adopt, wherever the husband could have done so.

K. G. LIMAYE.

#### THE C. P. LEGISLATIVE COUNCIL.

##### LAST BUDGET SESSION.—VI.

THE only matter now left over for consideration in this last article of the series is the discussion of demands in detail. By a coincidence H. E. the Governor has just passed final orders under Sec. 72 D of the Government of India Act on the reductions made by the Council in the Budget at the last session. The cuts made by the Council as well as the degree of effect proposed to be given to them can now be advantageously discussed together.

Before proceeding with the debate on demands, it is necessary to make one observation here. Out of the total number of demands to be discussed and voted upon by the Council only 14 were disposed of within the allotted days. The rest of the demands, including such important heads of expenditure as Public Health, Industries, Agriculture, P.W.D., were voted upon without any discussion under the presidential guillotine in the space of about half an hour after 5 o'clock. It cannot be doubted that the non-official criticism would have been turned to much better account if there had been a sense of proportion amongst members of Council who took part in the debate. But there are members—some of them wise and some otherwise—who are obsessed with the idea that no discussion can be complete unless they have had their own say in the matter. The necessary result is of course prolongation of debate over unimportant trifles to the

manifest detriment of more important matters that have to come after.

Under Land Revenue the most determined onslaught was made on every section of the Land Records staff. Deputy Directors, District Superintendents and Assistant Superintendents of Land Records and Revenue Inspectors—none were spared. Deputy Directors, now only two in number, were abolished, the number of Superintendents was reduced by half, even the Revenue Inspectors were thought unnecessary and their number was sought to be reduced from 418 to 162, though this last proposal was withdrawn after some discussion. Was there any one common idea at the back of the minds of members in seeking such sweeping reductions in the Land Records as well as the Survey and Settlement staff? It may be surmised that there was, and this none else than the belief that they were all merely accessories to the periodical revisions of assessment on land, and as such were an unmitigated nuisance causing harassment all round when the settlement period came. Another idea that influenced the minds of members was that there was too much supervising work done at present with a resultant increment year after year in touring charges. It is alleged that, in spite of the supervision that is exercised at present, a good deal of corruption still prevails. The preservation of boundary marks, maintenance of proper records and even revision of settlements, etc., it is maintained, should be managed by the District authorities with some little extra assistance if necessary, either temporary or permanent. The net result was the reduction of nearly 2¼ lacs out of a total demand for 49 lacs, of which a reduction of about 30,000 is now allowed to stand. Some reduction in settlement staff is allowed, while the retention of one Deputy Director is considered essential. As regards the district Land Records staff, H. E. the Governor has now passed the following order:—

"The work of Tahsildars and Sub-Divisional Officers is increasing and their control of land record work becomes proportionately weaker; on the other hand, the public is always demanding better control of the field staff and a higher standard of accuracy in the records. Unless the superior supervising staff is maintained, at full strength, it will be impossible even to maintain the existing standard. The control by a single officer of the Land Records staff of more than one district, as suggested by some members of the Legislative Council who supported this reduction is a physical impossibility, and would lead to serious deterioration in the accuracy of records on which security of tenure and the smooth administration of the Tenancy Act in large measure depends; the present staff is not more than is necessary for the proper supervision of the Patwaris and Revenue Inspectors, and it is not possible to accept any part of this reduction."

Passing over other matters which are not of much general importance to the outside public, we come to the consideration of items included under the heads General Administration and the Police. Alone amongst all the Commissioners, the Commissioner of Berar enjoyed hitherto the privilege of having a personal assistant on a salary of Rs. 1000 per month. Speaking generally, the Council as a

whole has conceived a deep and even violent prejudice against the clan of personal assistants and deputies attached to various heads of departments. They may be necessary in some rare cases, but in most cases the general belief is that they are not needed. The attack against them was accordingly renewed this year and, in spite of some passionate pleadings for the retention of the post of the Berar Commissioner's personal assistant it was reduced, and what is more, the reduction is not allowed to stand. Similarly Rs. 75,000 were reduced under the head of Extra-Assistant Commissioners who correspond to Deputy Collectors in the Bombay Presidency. Here also there is a general belief that there are too many of these intermediate officers between the District officer and the Tahasildar and the motion was carried to give concrete expression to that belief. There are some members of Council who are prepared even to go to the length that the Deputy Collectors as a class should be abolished—just in the same way as in the Police department Circle Inspectors as a class are sought to be abolished. This is likely to be one of the proposals which will soon come under investigation when the Retrenchment Committee begins its work. It is only necessary to mention here that the reduction of 9 temporary Extra-Assistant Commissioners' posts has been for the time being accepted. "It is impossible," says H. E. the Governor's recent order, "to determine without careful examination how far it is possible to decrease the number of posts without loss of administrative efficiency. Government has, however, decided provisionally to accept the reduction and, if necessary, to prevent supplementary demand under this head at the August session of the Council."

Under Police the deadset made against Circle Inspectors has been already mentioned, but no notable reduction was carried. Only information regarding one important point of detail was elicited in the course of debate to the effect that the Local Government was asking the Central Government to make over to the former the contribution which Railway Companies were at present making towards the cost of the Police supplied for service on the railways. The Police having been now provincialized, the whole cost of Police is thrown on the Provinces; but the contribution which Railway Companies used to make towards their maintenance was retained by the Central Government. The arrangement was obviously unfair; but it is now satisfactory to note that at the recent conference of the Finance Members at Simla "it was decided that the assignment for Railway Police (about a lak and a quarter) should be continued to be made to the Provinces until the expiry of the present contract with the Companies." The arrears for the last year 1921-22 were also agreed to be thus surrendered by the Central Government.

In introducing the demand under Education (Transferred) the Minister mentioned a number of items indicating a new departure in the policy

of his Department. To meet the objection so frequently urged that the administration was top-heavy, the number of Inspectors was proposed to be reduced from 7 to 4. Local bodies would soon have the control of the inspecting staff both for inspection and administrative work. If the lower inspecting staff is thus transferred to local bodies, Assistant Inspectors will have to be retained for supervising and controlling their work. The C. P. University Bill and the Secondary Education Board Bill would be introduced at the next session of the Council. The Primary and Secondary School Curricula Committee had already made its report and their recommendations had in the main been accepted by Government, the most notable departure now initiated being that, for purpose of instruction as well as examination, the two vernaculars of the Province, namely Marathi and Hindi, shall be allowed to be used at the option of the candidates along with English.

The discussion of this and one or two more grants had just finished when the clock struck 5 p.m. on 16th March and the remaining motions were disposed of in the space of half an hour more. One unfortunate result of this procedure was that the demand under Agriculture was cut by Rs. 18,000. "And thereby hangs a tale." Mr. Jayawant has just begun writing a series of articles in your columns on Co-operative Finance in the C. P. Some sweeping suggestions have been made by a Committee, of which he was Secretary, for the reorganization of the system of co-operative finance in this Province. Some members of Council, who happen to be connected with the Provincial Branch, consider that their recommendations are a slur on themselves. There is no necessity to enter into these matters just now. It is sufficient to say here that the reduction under Agriculture was really aimed at this unfortunate report, which has yet to be considered by Government and no action has been taken on it yet. But the Province has to pay for the precipitancy of the Council and the reduction has been allowed to stand, as it relates to a transferred subject.

The net result of the voting on the budget was a total reduction of nearly 11 lacs of which about  $4\frac{1}{2}$  lacs have been restored under the Governor's certificate. Owing to the large suspended arrears of land revenue which are expected to be collected this year, some small increase of receipts here and there and recoveries under Provincial Loans, the current year's budget may somehow be balanced and proposals for additional taxation may be withheld for a time. But the normal revenue position continues to be that of a heavy recurring deficit. The Retrenchment Committee asked for by the Council has been appointed. If this Committee does its work thoroughly and satisfactorily it will make the way smooth for any further measures that may be later on devised for bringing in additional revenue, not only for meeting the deficit but for undertaking various schemes of public utility.

SITABALDI

## REVIEW.

## INDIAN LABOUR IN MALAYA.

The Plasters' Association of Malaya: ANNUAL REPORT PRESENTED AT THE 15TH ANNUAL GENERAL MEETING HELD ON JUNE 21st, 1922. Kuala Lumpur. 1922, 7 x 5. pp. 95.

THE little volume just issued is of a general importance, not least to us here in India, altogether disproportionate to its size. It is extremely well got up, replete with general information of an agricultural, economic and political nature, and—best of all—most readable: a great credit both to the Association and to its author-secretary, Mr. C. Ward-Jackson. The Association is only concerned with plantations, i. e. estates of 100 acres or more, but even on these alone there was in 1920 an Indian population of 2,36,045 out of a total of 3,28,018 employed directly—which means excluding any labour working under contractors. It is significant that of the total number of Indians so employed, 65% are males, 25% females and 10% children—a proportion which but reflects the abnormal conditions under which the *whole* population of Malaya (excluding the indigenous Malays) labours. As regards Indians, it must be borne in mind, though, that on an average no labourer remains for longer than two years at a stretch in Malaya, when he goes for a holiday back to his native country. Between 1906 and 1921 there has been a maximum annual emigration to the Straits of 1,18,583 (in 1913) and a minimum of 45,673 (in 1921)—but departures from the Straits back to India have fluctuated between 21,879 in 1906 and 70,090 in 1913: with the result that whilst on the balance Malaya gained a surplus of as many as 60,368 in 1911, it lost 15,878 in 1921—a loss, which is continuing into the present year (nett loss for the first quarter 4,760).

The last-mentioned phenomenon is of course due to the violent slump in the staple industry of Malayan agriculture—rubber, of which 1,78,310 tons were exported during 1921, out of a total world production of rubber estimated at 2,55,000 tons. The present price of about nine annas per pound is unremunerative to all but the financially strong and technically most efficient concerns and scheme after scheme is being considered how to force up prices by restricting production. None of them promise much success unless made compulsory by statute, but any such policy has hitherto been vetoed by the Colonial Office.

Nearly five pages of the Report are devoted to what is called "the outstanding feature of the year", viz. the Indian Emigration Act, under which emigration to Malaya will no longer be permitted from March 5th, 1923, unless by that time both Houses of our legislature have approved by resolution of its continuance. This "sinistar act", the report continues, thus seems to "toll the death knell of the Kangani system so patiently built up."

Mr. N. M. Joshi is quoted as disapproving of certain tendencies of the Act as obviously restricting the legitimate freedom of action of labourers, but though the political nature of the Act is animadverted upon, no indication is given that our foremost Labour member in the Assembly objected to the bill for that very reason, i. e. that the individual interests of the labourer are subordinated to political considerations, and those of doubtful validity.

There is little doubt, that if the plantation system of agriculture in itself is legitimate, Malaya has certainly "established an honourable and unsullied record in the matter of the treatment of immigrant labourers" in the words of the Report, and it is certainly "gratifying to record that the suggestion to abolish the obsolete penal clauses (from the Malayan Labour Code) emanated from the rubber industry itself." Thus by Enactment 24 of 1921 the section providing for the punishment of labourers who refuse to work for at least 20 days p. m. is repealed; disobedience to orders is no longer punishable with imprisonment; and, most important of all, "absconders" may no longer be arrested.

The Malayan rubber industry, it is worth remembering, has been entirely built up on *free* labour; the only Indian indentured labourers that ever came to Malaya were intended for the now altogether extinct sugar estates, which, it is interesting to note, were run almost exclusively by Scotsmen from the sugar estates of British Guiana. Even apart from this, it is of course in the nature of a hyperbole to speak of Malaya's Indian record as "unsullied"—but as matters sublimary go, the system as worked in Malaya is probably better than anywhere else, not excluding Ceylon.

If therefore it can be shown that the labourer himself benefits by emigration to the Straits, it would certainly be wrong to stop him from doing so; and the best way of convincing the Indian public of the satisfactory conditions of their compatriots in Malaya would surely be the introduction there of a genuinely Indian Consular service, to which most of the functions of the present Labour Department of Malaya would have to be transferred.

There is no doubt, that once the slump is got over, the rubber plantations of Malaya will strain every nerve to attract once more the labour necessary for full time production, and already "having regard to the fact that apparently insuperable difficulties will in future be encountered by Malayan employers in securing a sufficiency of Indian labourers, an increase of Chinese labour" is by the Report described as "imperative, as the demand for labour of any kind will be enormous when market conditions become more or less normal."

In this connection it should be borne in mind that this "Malay" Peninsula is already inhabited to the extent of 45% of the total population by Chinese and that little short of two lakhs of Chinese immigrants arrived in Singapore even in 1921. On estates of course their numbers hitherto

have been in a distinct minority—51,650 out of a total 3,28,018, i. e. 16% Chinese of the total estate labour, as against 72% Indians. Hitherto the main objection to Chinese estate labour has been their absolutely, though perhaps not relatively, high rate of pay: but if the Indian supply dries up, there can be little doubt that the Chinese will necessarily fill the vacuum thus created. Since there is little prospect of the Peninsula becoming truly Malay, it thus seems to be only a question whether this close neighbour of ours should in future become overwhelmingly Indian or should be allowed to drift away definitively into the Chinese sphere of influence.

One hopes sincerely that this aspect of the matter will not be lost sight of by our legislatures when considering rules for emigration to Malaya under the new Act.

H. C. E. ZACHARIAS.

### THE WORLD OUTSIDE.

*Chinese  
Columbia.*

*The East and the West* of April is an exceptionally interesting number of that Missionary Quarterly and amongst its articles there are no less than three on the racial clash—in South Africa, British Guiana and British Columbia. The latter article is a survey of the Chinese problem in Canada by an Anglican clergyman working amongst the Chinese of Vancouver. The Chinese in the eighties practically cleared the whole of the land in those parts and were the true pioneers of British Columbia. The first Canadian-born Chinese is 61 years old to-day, but if the province has a population of less than a million, it is not because it could not carry the two or three crores which such a district of this size would carry in China or India, but because the only people sufficiently industrious and numerous to people these undeveloped areas, are not allowed to come in. And the Canadians are not merely bent on keeping the Chinese out, as the Australians do: they deny to those actually there every citizenship right, they crowd them into impossible ghettos, they close their theatres and restaurants against them, and, fearing Oriental competition, they shout wildly of Oriental crime. A head-tax of 500 is levied on every Chinese immigrant, but, although the Canadian Government made a profit of \$17,500,000 out of it during the last fifteen years, not a cent of this money has ever been used to ameliorate the condition of the Chinese community in Canada, nor to train them to observe the standards of sanitation and of living, generally accepted in Canada and with neglect of which they are always being taunted. The whites do not want to assimilate them, but merely to exploit them, as long as it suits them: that, one is afraid, is the true inwardness of the "Oriental Problem in British Columbia," and one can hardly help feeling that the people there who need conversion first and foremost are the allegedly

Christian Britishers rather than the "Heathen Chinese."

*Obregon vs.  
Standard Oil.*

THE cable news of the kidnapping and ransoming of some Americans engaged in the Mexican Petroleum Industry comes so *à propos* from the point of view of the plutocratic die-hards of the U. S. A., that one cannot but wonder whether the whole affair was really a Mexican *swadeshi* dacoity or whether it was not perhaps engineered from across the border. The possibility of the latter can unfortunately not be ruled out. President Obregon's Government of Mexico, notwithstanding its non-recognition by the United States, has completely consolidated its power. The constitution in 1917, which is now accepted as the supreme law of the land throughout the borders of Mexico, was the climax of a true and radical, because social and economic revolution, which transferred political power from the small group, feudalist, capitalist and clerical, which hitherto had had the monopoly of government, to the broad masses of the people. In particular land was nationalized, either to be specifically leased as in the case of petroleum companies, or else distributed amongst the tenantry of actual cultivators, who hitherto had been held by the great aristocratic landlords in "peonage"—a sort of territorial serfdom as found to-day, e. g. among the Pulayas of Travancore. (The system of land bonds with which the Mexican Government proposes to indemnify the expropriated owners of the former vast *haciendas*, deserves, by the way, the serious study of reformers who are face to face with our own Indian brand of Zamindari!) In industry, progressive labour and welfare legislation has completely curbed the natural power for evil of capitalism—so that, what with one thing and another, it is little wonder that the "property first" rulers of Washington have tried every means ever since, of upsetting the new regime. For, worst of all, it works! Production is reverting to the level of 1910; taxes come in regularly; the Courts function normally; Congress meets and its debates give every evidence of complete freedom of speech. Should then an almost socialistic government be calmly allowed to establish itself in the New World? What guarantee of safety for the plutocracy of the U. S. A. in such a case? Perish the thought—and long live the Counter-Revolution!

*The German  
Counter-Revolution.*

OUR capitalistic and reactionary press of course errs rarely by way of under-emphasizing any revolutionary shortcomings, but makes up for it by belittling its successes. The shocking murder of Dr. Rathenau is a reminder of the outrages of which the Counter-Revolution is capable—and not in Berlin only, nor even in Belfast. The Junkers and Big Industrialists of the Entente have consistently belittled the German Republic and done everything to humiliate its Government

—thus only playing into the hands of the German Counter-Revolution, the Prussian Junkers and their anti-semitic *confrères* in Big Business. To them the head of one of the biggest German trusts, who had turned Socialist, who was—crowning insult—a Jew, head of that Foreign Office which hitherto had been the sacrosanct preserve of junkerdom, and who, worst of all, made such a brilliant success of it all: such a man, as Walther Rathenau was, naturally incurred the concentrated hatred of all the reactionaries of the German *ancien régime*. Sabotage is the favourite weapon of a minority and the dispossessed and professional Monarchist patriots of Germany have ruthlessly wielded it ever since that memorable November day in 1918 when their star set in a Dutch swamp. News from Brunswick, a small Hanoverian Free State and former Grand Duchy, has given an insight into a typical case, where, on the Socialist Majority taking charge of the Government, the whole Civil Service deliberately sabotaged the administration of the country, leaving the Government of the day with no alternative but that of “sacking the lot” and substituting men who at least would mean well, even if they had no other qualifications. As a result the service got into the hands of a different set of scoundrels and knaves who, professing party loyalty, were out for personal loot only and brought on their part things to such a pitch that the whole Government of this little province has just had to resign. But where do we meet with any sympathy which tries to understand the inherent and often appalling difficulties of any new regime? Not in our press anyhow.

AGAIN, facts are accumulating to *Bolshevism and Guild Socialism.* prove conclusively that the present economic collapse of Russia is directly due to one thing more than any other—viz. the boycott and sabotage of the Revolution by the old bourgeois technicians. The manual workers in the factories, thus deprived of help by all the other grades of employees—draughtsmen, clerks, financial advisers, scientific experts—had naturally the greatest difficulty in keeping the factory going at all. No wonder the economic life of the country was brought so near collapse—and all the greater reason to see that mere violence, however successful, can never usher in a new world, unless its future citizens have already been trained in the assumption of power and responsibility of industrial control. And that is exactly what the Guild system does. But it achieves even more, in that it effects the indispensable fusion of hand and brain workers, without which modern civilization is impossible. The one cannot even live without the other, let alone achieve any satisfactory results. But the people who so utterly condemn the bitterness with which the Soviets are persecuting all counter-revolutionary elements, hardly allow for the depth of feeling created by this cold-blooded boycott of the Revolution not merely by the

bourgeoisie as such, but by the intelligentsia in general. To prevent such a mentality on either side, the time-honoured Anti-Bolshevik Propaganda simply won't do. A better way, the Guild way, must be demonstrated and *practised*.

AND nobody, one would fain believe, can peruse the report of the first *Conference of English Guilds.* National Guild Conference held in London on April 29th without seeing in it a further milestone on the road leading from the chaos of capitalism to a rational order of economic society. The first fact that strikes one in connection with this Conference, is that it was a Conference, not of enthusiastic theorists and propagandists, but of representatives of guilds actually existing and at work. Of the 140 persons present 80 were industrial delegates, and they had all met to consider how best to carry on and develop, co-ordinate and propagate, the guild system of industry, on which lines their own daily work is already actually organized. It is impossible to brush aside as unpractical idealists and mere theorizers the members for instance of the National Building Guild of England, which is the co-ordinating organization of 140 local building guilds up and down the country, engaged in the actual execution of work to the value of about *two and a half million sterling*. Whilst others talk about a future society of emancipated workers, these workers have already emancipated themselves, having shed the incubus of any capitalist *entrepreneur* and working, not for profits, but for service; not as wage slaves, but as members of a profession.

The Guild movement is rooted in *Guilds and Trades Unions.* the Trade Unions and a direct development of theirs. As the malignant creeper of capitalism was allowed to settle and batten on the young tree of the Machine Age, Trade Unions gradually came into being merely as a defensive measure to protect the body of industrial workers against their complete strangling by the exploitation of the capitalistic system. So far has this parasitic creeper been allowed to encroach and to intertwine itself with the original tree of machine industry, that anything more than the mere lopping off here and there of a few capitalistic branches is widely being looked upon with horror as the cutting down of all machine industry itself. The public is inclined to look upon tree and creeper as necessary to each other and even often believes that the creeper has now grown so big and strong, that it could do without the tree altogether. It is essential therefore to demonstrate that the tree itself can and must grow more healthily if at no point of its history impeded by a strangling parasite, and that a forest of trees thus growing up free from all cancerous infection must yield timber unapproachable in quantity and quality by any parasitically stunted grove. This the Guilds have done and are

doing; they show that the workers, when organized for serving the community, not merely gain for themselves a moral status and material standard unattainable as wage slaves, but also turn out work undreamt of for quality. Incidentally, as a tailoring guildsman showed at the Congress, Guilds are even good Trade Union weapons, inasmuch as they can threaten to employ men locked out or on strike!

UNDOUBTEDLY it is the Building Trade which offers the greatest field for guild organization, as the phenomenal growth of the Building Guilds proves during the four short years of their existence. There is no doubt, that its work and business methods—open to public inspection at every stage—have gained the friendship and confidence of the general public and professional man alike. But other trades are being invaded by the guild idea with a success which promises an in no way inferior future to them. Of the clothing guilds of Glasgow and London we have already spoken on a previous occasion: to-day we find the Manchester Furnishing Guild having turned out work to the value of £6000 within the 4½ months of its existence and a Herts Agricultural Guild, six months old, having acquired 800 acres of land. But the most interesting of all new guilds is undoubtedly the Coventry Engineering Guild, since engineering is the most highly specialized form of industry and will therefore provide a touchstone of the universal applicability of the guild idea. They have got their eye on the manufacture of bicycles and sewing machines first, with that of the so-much needed agricultural machinery for Russia as a second string to their bow. The progress of this guild will be anxiously watched by friends and foes alike. But the creation of a Guild Society to supersede the Capitalist State has clearly begun—not heralded by the trumpets of our advertisement-mongers nor even by the booms of revolutionary guns, but quietly and unnoticed, as the sprouting of the future harvest in the bare black earth. Good luck to them all!

## MISCELLANEA.

### INDIANS ABROAD.

#### "A CRISIS OF UNEXAMPLED MAGNITUDE."

THE following statement with reference to the position of Indians overseas has been issued over the signatures of Mr. H. S. L. Polak and Mr. O. F. Andrews:—

The news which has recently come to us both from South and East Africa and also from Fiji is of so serious a character that we venture to appeal through the Press to the people of India to take up the cause of Indians abroad with greater energy and determination in order to save them from impending disaster. A crisis now faces them of unexampled magnitude and it appears to us very largely to depend on the full and emphatic expression of public opinion in India whether the Imperial Conference resolution with regard to equal Indian status passed at London in July 1921 is to be made effective or not.

In South Africa, the key of the situation is Natal. The bulk of the South African Indian community is con-

centrated in that Province. Natal actually owes its prosperity to the Indian labourers who were brought in to save it from insolvency. The majority of Indians there are now colonial born. All fresh Indian immigration has been stopped. In a short time the whole Indian population will be South African by birth. The European population, on the other hand, is continually being reinforced by immigration from England and elsewhere. This constant stream of fresh immigration from Europe (while immigration from India is closed) makes it quite certain that the European population in Natal will soon largely outnumber the Indians. In the other provinces of South Africa, the Indian population is negligible—roughly speaking, about 21,000 as compared with nearly a million and a half, European. Even this disproportion is greater at every census because of the rapid increase of Europeans owing to immigration.

Yet in spite of the facts (1) that Indians were invited to come over in the first instance, (2) that they made Natal prosperous, (3) that the majority of them are now South African born, (4) that no further Indians are allowed to enter, in spite of all these facts, the Europeans with louder and louder voices are incessantly demanding either (i) that the Indians should be as far as possible repatriated or else (ii) that those who remain should be segregated and otherwise penalised.

Sir John Lange's Commission acknowledged these facts. Nevertheless, even this report made recommendations which, if put into practice, would have seriously curtailed the very few existing Indian rights. The South African Union Government, however, realising the importance of the issue in the larger world outside South Africa, was able to postpone any threatened anti-Indian legislation and the *status quo* has so far been with some difficulty maintained.

But the anti-Asiatic party in Natal has now repeatedly attempted to force the hands of the Union Government. It has captured the Provincial Council and induced it to pass legislation which would deprive Indians of several of the most important rights which they will retain. This has been done in the hope either of compelling by public pressure the assent of the Governor-General in Council, or else of obliging the Union Government, while withholding assent, to pass the desired anti-Asiatic legislation on its own account.

But section 147 of the South African Act of 1902 was passed expressly in order to prevent provincial legislation in Asiatic affairs. For it was recognised that provincial narrowness might involve South Africa in a complicated international situation. Section 147 was designed to reserve the entire control from beginning to end of all matters specially or differentially affecting Asiatics to the Governor-General in Council, that is to say, the Union Government itself.

What is the legislation which the Natal Provincial Council is trying to force through?

(1) There is an Ordinance to substitute for a licensing officer, from whom there is a right of appeal upon certain conditions, a licensing board in rural areas, whose membership will be confined to Europeans. This board would have final powers of decision in all matters relating to the issue and transfer of licenses, thereby—in substance, though not in set terms—depriving Indian traders of their former right of appeal on questions of law.

(2) There is an Ordinance which would prevent Indians in future from acquiring the municipal or urban franchise. This would mean a clear breach of an official promise made as long ago as 1896 and the disenfranchisement for all time of Indians born and bred in the province.

(3) There is an Ordinance whose object is to segregate Indians in Durban by making it legally impossible for them to buy or occupy municipal land in an area earmarked for Europeans, or to sell such land to Europeans in an area earmarked for Indians. This is the first time that compulsory segregation has been attempted in Natal.

All this is avowedly only the beginning of the campaign of the anti-Asiatic party. If it succeeds, it will certainly be followed by further legislation. This, in the end, must either

reduce the Indian population in South Africa to political, social and economic servitude, or else drive it from the country.

At the last Imperial Conference the hope was expressed that by means of direct negotiations between India and South Africa "some way can be found, as soon as may be, to reach a more satisfactory position." The fact that direct negotiations have now been opened leads one to presume that it is not the desire of the Union Government to precipitate a rupture with India. But the Indian Government will suffer greatly in making its own position clear to the South African Government, if it has not the united strength of the people of India behind it. We would venture, therefore, to urge that on this question a unity of all thinking people in India with the Indian Government is essential in order to obtain a successful end to such direct negotiation.

In East Africa, we meet with a situation which, if anything, is more dangerous even than that in Natal. Kenya is not a self-governing Dominion, but a Crown Colony. Constitutionally, the administration is nothing more than a branch of the Colonial Office in London. The Governor is a subordinate taking orders from the Secretary of State for the Colonies. Great Britain is directly responsible,

At the Imperial Conference, Great Britain accepted the Imperial Conference resolution with regard to equal Indian status. Mr. Winston Churchill was chairman of the special committee that drafted this resolution. He himself accepted the resolution on behalf of the Colonial Office. What followed is almost inconceivable. Scarcely had the ink of his signature dried upon the paper than the Governor of Kenya was sent back by Mr. Winston Churchill himself with a secret document containing proposals fundamentally opposed to the very resolution of the Imperial Conference which he himself had just signed. If this document had been accepted by the Indians in Kenya and had become law, it would have perpetuated the inferiority of Indians to Europeans in almost every particular. It would have made racial differentiation and racial segregation a part of the law of the land.

There are four primary disabilities under which Indians labour in Kenya.

(1) They may not acquire transfer of agricultural land in the Highlands.

When the Indians protested against this invidious distinction, they were told that the Colonial Office had made a pledge to the Europeans, which could not be broken. The so-called pledge referred to is that of Lord Elgin in 1909. Lord Elgin's despatch, however, needs to be read as a whole. The local officials are told to issue the original Crown grants of lands for reasons of administrative convenience, solely to Europeans. But he added that his Majesty's Government would not countenance legislation differentially affecting the Indian population. It will be seen at once that no bar was placed upon the open transfer of the original Crown grants at any future sale to any purchaser who had rights in the country. The Indians had the right of purchase. An Act of the Legislature would have been required to take these rights away. But his Majesty's Government had expressly stated that no such racial legislation would be countenanced.

The so-called pledge to Europeans has been amply fulfilled. We have been told on official authority that practically all the original Crown grants in the Highlands have now been made, and Europeans have had them all. But the actual documentary promise to Indians that legal differentiation would not be countenanced by his Majesty's Government has been callously broken. For in 1915 during the war, when the Indian community was helpless under Martial Law, an Ordinance of the Legislature was passed empowering the Governor to vote the transfer of land in any part of the then protectorate between persons of different races. This has been unfailingly exercised against Indians who may desire to acquire legal transfer of land in the Highlands.

(2) It is part of the declared policy of the European

settlers to enforce strict compulsory segregation, both residential and commercial.

(3) The European Convention of Associations is endeavouring to deny Indians equal franchise on a common electoral roll.

(4) Finally, in order to make Kenya a characteristically and distinctively British Colony, to quote Mr. Winston Churchill's phrase, and in the so-called interests of the native, the Colonial Secretary proposes to regulate strictly, in other words, to prohibit, Indian immigration.

In this last clause lies the most urgent peril to the Indian community. If further immigration can be prohibited and if Kenya can be forced to look economically towards London rather than Bombay, then the European settlers are well aware that they will be able to control permanently the unprotected Indian domiciled residents, merely granting them such minor concessions as would do no harm, from their point of view. The sinister significance to Indians of this last proposal lies in the fact that it is intended to cut India completely off from its age-long contact with East Africa, and Mr. Winston Churchill has openly declared his desire to establish a great administrative unit, consisting of Kenya, Uganda, Tanganyika and Zanzibar, and having a common policy.

When we turn to Uganda we find the same anti-Indian influence of the Colonial Office clearly at work in the recent decision about Kampala which enforces racial segregation.

In Fiji, as a recent telegram has announced, the European residents, who form less than one-fiftieth of the population, have openly declared that they are unwilling to accept and are determined to resist the local application of the Imperial Conference resolution regarding equal Indian status. There can be little doubt that this movement of revolt against the resolution will spread further.

We are of the opinion that nothing could be more disastrous in India at the present time than a widespread conviction that the Colonial Office is determined to reduce so vital a document as that embodying the Imperial Conference resolution of July 1921 with regard to equal Indian status to a mere "scrap of paper." The time appears to us to have come for the Indian Government itself to declare that there is no possibility of the people of India being willing to remain permanently within the British Commonwealth of nations except upon the terms of actual and not merely theoretical racial equality. Such a declaration would clear the air. It would show more plainly than anything else to the Colonial Office in London and to the South African Union Government that, by these perpetual humiliations and disabilities to Indians abroad, they are forcing an issue from which they themselves may well recoil.

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