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TOPICS OF THE WEEK.

THE chance of the Gaya Congress withdrawing the existing ban on the Council elections is daily becoming more faint. Mr. Rajagopalachariar, who is surely not given to bluffing, is positive that the Congress will, instead of relaxing the boycotts, make them much stiffer. That this is more than likely is evidenced by the recent elections to various Congress bodies in which non-co-operators of an uncompromising and absolute spirit have everywhere swept the board, apparently reducing the party favouring Council entry to nothingness. Not only have the latter suffered a wholesale displacement from positions of power, but they seem also to have lost their morale somewhat. In Poona, for instance, the no-change party is doing vigorous propaganda work by holding public meetings, without any effort being made in the contrary direction by the revisionists. In one sense the certainty of a crushing defeat which is in store for the pro-Council party at Gaya is an advantage, for it will impel them to lay out their future plans from now and give them sufficient time to prepare for a definite parting of the ways. They need not detach themselves from the Congress, but, while remaining in that body, they may, as we think they ought to, reserve to themselves freedom of action as to the course to be pursued. Mahatma Gandhi has expressed his full concurrence in such a proceeding. Anyhow driven to cast themselves adrift from the Congress, those who value the Councils only because of the opportunity they afford of doing constructive work will, we hope, set their face against indiscriminate obstruction, as we find Mr. Bepin Chandra Pal has done. In a communication published in the *Englishman* he writes that while he supports Mr. Nehru and others in their policy of removing the boycott on Councils, he

cannot "support the methods which the leaders propose after they find themselves elected to the Councils." At Virar too it would appear that the no-change party threw out a feeler to the "Councilwallas," offering to end the dispute which had already proceeded from words to blows if they would definitely pledge themselves to obstruction. It is very encouraging that the pro-Council party rejected this offer, though it promised them an escape from a position of considerable embarrassment.

* * *

A Nemesis.

AN outcry is being raised by the pro-Council party in most of the provinces against the bitter intolerance shown by several non-co-operators against them; and Mr. B. C. Pal, a consistent opponent of non-co-operation from the commencement of the movement, takes this occasion to remind those who are now clamouring against intolerance that they did not remonstrate when this intolerance was turned against the earlier critics of non-co-operation. "The spirit of intolerance," he says, "which these leaders [like Mr. Das] had tolerated all these months in their following, when it was directed against inconvenient critics of their movement, is applying itself to-day against those very leaders themselves." In Maharashtra, as is usual, the spirit of intolerance is manifesting itself in fisticuffs, lathi-play and other forms of hooliganism, and the leaders of the pro-change party, who are now rending the skies with wails that they were belaboured at Virar must have indeed suffered very badly indeed, since even they have now come to appreciate, even if in a passing mood, "the great doctrine of non-violence" (vide the *Mahratta* of last Sunday). One can but commiserate with their lot, but at the same time one cannot help remembering that, however genuine their newly-awakened respect for non-violence may be, they have in the past accounted for several broken meetings and bandaged heads. Their recent experience should help to keep before their eyes, in letters of flame, the most salutary lesson that the authors of violence to-day become the victims of violence to-morrow, and if this rule is borne in upon them violence may be said to have its own uses.

* * *

Convicted out of their Mouth.

IN order to prove how modest a measure of protection is proposed to be given to the Ruling Princes in India by the Indian States Bill, the Governor-

General in his dispatch to the Secretary of State compares the provisions of this Bill with those of Section 124A of the Indian Penal Code, which contains the law of sedition in British India. While the latter penalises seditious attacks made through either the written or the spoken word, the former concerns itself only with the written word and does not extend to the spoken word. There is no doubt that the scope of the Indian States Bill is smaller than that of section 124A, but it is an anomaly which itself makes one infer that in the treaties and agreements concluded by the British Government with Princes there can be no terms expressly requiring the Government in British India to afford to Princes the kind of protection provided for in the Bill. The terms in the treaties so far produced as calling for the enactment of the Bill make no reference to sedition at all; but if there are any treaties binding the British Government to protect Princes against seditious attacks, which we very much doubt, the obligation, one fancies, would extend to attacks of either description. It is difficult to imagine a treaty which guarantees protection against newspaper attacks but leaves Princes defenceless against platform attacks. If such a distinction is made in the treaties, it should be possible to establish it by means of documentary evidence. If no such distinction is made and the treaties bind the Government to give protection against seditious attacks in general, the present Bill surely falls short of the requirements of the undertaking, inasmuch as it provides no remedy to the Princes against sedition propagated by the spoken word. That the Government of India is, however, prepared only to afford protection against one kind of attack, thus continuing only the protection contained in the Press Act of 1911, is proof, as the Deccan States Association in its petition to Parliament very cogently and forcibly maintains, that sedition is not covered at all by any of the treaties, and that the British Government is under no contractual obligation to give any manner of protection to the Princes.

Thinking Imperially. ONCE more we would call attention to the policy of Empire Trade which has been made the keynote of the present British Government, from the very moment that Mr. Law formed it. We pointed out then that all these quasi-patriotic phrases veil, and very thinly at that, a sinister attempt at Empire exploitation. Monday's telegrams on the English unemployment problem debate in the Commons will once again arouse misgivings in India.

"There was," said Sir L. Worthington-Evans, "a very large population in the Empire, the development of which might bring work to Britain very quickly. An example was that it was possible to spend usefully anything between £30 and £50 millions in developing and improving railways in India, which would bring Britain enormous direct employment."

We quite agree that £50 millions might be spent on Indian Railways: but why should that necessarily bring employment to Britain? Is it so much

beyond all question that neither in America, nor in Germany, nor in Sweden, nor in Belgium, nor anywhere else in the world, could rails and rolling stock and what not be produced so well and so cheaply, as in Great Britain? But if that is such a foregone conclusion, how is it that these countries have proved and are still proving such serious industrial rivals of Great Britain? The thing is obvious: either this £50 millions order for Indian Railways would necessarily be placed with British firms or else there would be an open international competition for it. In the first case we would have a reversal of the principle established at last for the guidance of the Indian High Commissioner in London, that he must buy in the best market, whether British or not: in the second there is nothing more in "Empire Trade" for British Industries than there is in Foreign Trade. If then Mr. Law's expectations from "Empire Trade" mean anything at all, they can only mean that in trading imperially British industries will be guaranteed preferential treatment; in other words, that Empire Trade really means Empire Exploitation. It is certainly an ingenious plan, to try and throw the British unemployed from British rates and taxes on to Indian and Colonial taxes—and so much more pleasant too than a Capital Levy!

Public Instruction
as to Compensation
Act.

IN the ensuing Delhi session of the central Legislature probably a first-class measure of social welfare will be enacted—the Workmen's Compensation Act. Those who have a hand in framing it must have often been assailed with doubts as to how the benefits secured to the working classes by it can be made known to the illiterate people for whom the Act is meant. Of course it is a most difficult problem; how difficult one can understand when one realises that even in America (largely owing to the great number of foreign immigrants) those in charge of the administration of the law of Compensation have encountered serious difficulties in making the provisions of the statute generally known. The Government of India will perhaps find the remedy suggested by the Industrial Commission of Virginia useful. It is as follows:—

"After our Commission had been in operation for very nearly four years and despite persistent efforts to familiarise the public with the existence and the provisions of the compensation statute, we find instances where an injured man was altogether oblivious to the benefits conferred and sometimes suffered in consequence, ignorance of the law being no excuse for lack of knowledge. We took the matter up with the governor of Virginia and the superintendent of public instruction and secured their co-operation. We then endeavoured to prepare a brief catechism that will be taught in the public schools, feeling that the children would very likely, in case of an accident to a relative, make him aware of his rights. The superintendent of public instruction will place this document in the hands of all teachers with instructions that the same be taught as a part of the curriculum.

The catechism is a pamphlet of eight pages, written in a simple style so as to be easily within the mental grasp of school children.

THE SHAME OF ASSAM.—I.

THE tragedy of Chandpur in May of last year cannot yet have been forgotten—that climax to a wholesale flight of labourers from the Assam tea gardens, coincident as it was with non-co-operationist propaganda at its height. The Government of Assam were at the time pressed for an official enquiry, but (in a *communiqué* of June 1921) sheltered themselves behind the plea that the time was not opportune and that they would hold one only "when the present excitement has subsided." The excitement, however, did not subside; on the contrary, it led up to a series of riots in October 1921 and Government agreed that "the political outlook showed distinct signs of further deterioration." But what had been a reason for not making an inquiry in June, in October became the reason for making one: and so a "Committee to enquire into the conditions of tea garden labour in Assam" was appointed by the Governor of Assam in Council on November 1921. The report of this Committee was signed on August 19th 1922 by the majority, on September 7th 1922 by the minority, and on October 9th 1922 the Governor of Assam in Council passed a resolution on the Report—all of which documents are now available to the public on payment of Rs. 2-10 to the Government Press at Shillong.

It is devoutly to be wished, that all public minded Indians will take the opportunity of studying these papers: though they may be sick and tired of the ever recurring problems "relating to the supply of labour for the Tea Industry in Assam, the condition of the labourers on the estates, and the enactment and working of special labour laws, which have for the past fifty years attracted so much public attention and have formed the subject of voluminous correspondence and of several detailed investigations by specially appointed Committees."*

Indeed, what then was 50 years, must now be called 70; but no other change in the wording need be made. The very tea industry owes its origin to the findings of a Committee, appointed in 1834 "to report on the possibility of introducing the cultivation of tea into India", and when the first experimental stage had led to the great tea boom of 1859, one finds immediately, within two years, a Committee appointed "to enquire into the system of emigration of labourers to Assam and Cachar" (1861). This craving for Commissions of Enquiry was by no means thereby stilled: on the contrary, like the drug habit, it fed on itself. A Commission of 1868 was followed by one appointed in 1881; the latter by one in 1895; that again by the one of 1895; that by the one of 1906; and, last of all, (at the time of writing!) that one by the Committee whose report is now under review. When one adds to this in all conscience large enough number the famous Report of Sir Henry Cotton on "Labour Immigration into Assam" (1900) and Mr. Arbuthnot's

* Report of the Assam Labour Enquiry Committee, 1906, p. 1.

Report on "Conditions in the Tea Districts of the Duars, Ceylon and Madras" (1903), one must agree that the subject should not be one requiring still further elucidation.

For it is not, as if conditions in these Assam gardens were radically changing every few years: on the contrary, we shall soon be able to prove that the real cause of appointing all these Commissions has been the fact that, although all other conditions throughout the world have radically changed during these last 70 years, conditions in Assam have not changed similarly. In fact, we have only to remember that the prime subject of inquiry today is the working of an Act of 1859 (the Workmen's Breach of Contract Act) to realize that if there is a problem, it is due to the fact that Assam planters seem to have learnt nothing and forgotten nothing since then and are apparently able to prevent their Government from advancing beyond the era of the Mutiny. In fact, the plethora of reports compels one to the conclusion that the appointment of Committee after Committee is not so much due to a desire for knowledge, but to a desire of getting rid of inconvenient critics, by appearing to do something. As a matter of fact nothing radical has ever come out of all these bulky reports: and if a dozen Labour Acts and amendments have been passed and repealed during that period, it is only too evident that *plus ça change, plus ça reste la même chose*: since we are still talking about an 1859 Act.

PENAL CLAUSES.

But let us consider the points raised, one by one; and we shall soon realize that all that can be said has already been said long ago, but that nothing has been done.

"The first essential is freedom", rightly says the 1906 Report on page 77. The Commissioners there discuss, how to make Assam attractive to the would-be emigrant, and, brushing aside all secondary tit-bits and flourishes, they reach the elementary conclusion quoted. But what has happened? The 1868 Committee already had recommended sardar (Tam. "kangany") recruiting of free coolies in batches of not more than 20: but the planters definitely refused to resort to this method, and from that early time to the present moment they protest and write minority reports that the industry will be wrecked, if the labourer is not kept under a bond enforceable by Criminal Procedure. They refuse to give the labourer his freedom, and the Government weakly assents and tries to salve its conscience by advising the grant of *more* freedom; as if there could be such a thing: as if a labourer was not either free or not free.

How far has the labourer got with his "freedom"? The 1922 Report is full of the most glaring instances of men, having worked 229 days out of 313 covenanted, sentenced to three months' hard labour for "absconding" (p. 76); of a girl certified only 14 years old kept in jail for 17 days awaiting trial (p. 78); of a woman,

having worked off 286 days out of 313, preferring six weeks' hard labour to going back to the estate (p. 80); of a man in a similar case preferring two months' hard labour to working off 46 days on the estate (p. 81); of a manager suing a labourer because he had agreed to work out the agreement of another labourer and now refused to do so (p. 79); of agreements for 939 days being entered into without any money consideration whatsoever (p. 84) or against the labourer's will (p. 79), or as punishment for overstaying leave "as a matter of discipline" according to the manager (p. 85), the last case being further aggravated by the wife being also "punished" by having to enter into a one year's contract. Again if a man in garden A wishes to marry a girl in garden B, A and B have to exchange "coolies" or else pay Rs. 150 for loss of coolie (p. 86). We need not multiply illustrations any further to bring home to our readers the "freedom" which the labourer enjoys in Assam under the 1859 Act. In the face of these absolutely damning facts a Commissioner (of the Assam Valley) can report that "the Act is worked in a humane and lenient manner" (p. 90): on which the Committee drily remark, that "after a careful examination of records, they venture to think that there is some room for a difference of opinion" (p. 90).

But has this sarcasm or anything else that any Committee has ever said on the subject, ever led to free the labourer? Of course not. "Most planters are opposed to the withdrawal of the Act" (p. 89) and so the Government is content to go on issuing reports. The Government of Assam themselves in their comments on this latest report have the assurance to "accept the inference of the two minority members that on the whole the Act has been worked considerably and has not borne heavily on the labourer. And grave as are the instances of abuse which the special enquiry has now disclosed; these must still be viewed in their right numerical proportion. The number of complaints of non-fulfilment of contracts is only a minute proportion of the total number executed and the percentage of persons under contracts sentenced to imprisonment is infinitesimal." One really does not know what is greater—the callousness displayed or the lack of logic. Because, forsooth, 95% of the labour force is too frightened to run away, or prefers slavery to the uncertainties of outlawry, or prefers rioting to absconding (in which case of course their punishment would not be under the 1859 Act): therefore it is implied, we may conclude, that the 1859 Act is only 5% bad; Yet rioting is notorious on Assam gardens and as to this the Committee bluntly state the obvious fact that a whilst in the Duars under a free labour system disturbances of the kind have been conspicuous by their absence, it seems impossible to resist the conclusion that the Assam labour system is to a large extent responsible for the frequent occurrence of these regrettable incidents on Assam tea gardens" (p. 89). Yet the Assam Government do not

brush aside this argument also, on the plea, that during the last 17 years there have been only (1) 210 cases of assault and rioting, which out of a garden population of a million adults is "infinitesimal". But if assaults are an indication of a serious economic malady, why not absconding?

When Mr. N. M. Joshi on September 10th 1921 moved—on general grounds—the repeal of the 1859 Act in the Legislative Assembly, Sir William Vincent said that "we have had no complaints of its being unfair in its application and I noticed the Hon'ble Member, while he talked about slavery and the demoralizing effects of the Act, did not cite to this Assembly a single case in which the Act, since its amendment, has been improperly used." At this truly colossal ignorance on the part of the Central Government, one can only gasp. Anyhow, within a year of that speech of the Home Member the present Report had been drawn up and the Assam Government in reply to an enquiry from the Central Government had committed themselves to the acceptance of "the recommendation of the majority of the Committee that the time has come when in the interest of the Industry and of the labourers alike the Act should cease to apply to tea gardens in Assam." Perhaps, therefore, when the Central Government has collected all its provincial replies, that the 1859 Act will be repealed. But in that case, the reader may ask, is not something substantial being done? Surely to give the labourer his freedom would be a tremendous change for the good? True enough; unfortunately, however, the 1859 Act does not stand alone. When last year Mr. Joshi tried to get contractual slavery abolished in India, he did not only move for the repeal of the 1853 Act, but also for that of section 429 of the Indian Penal Code, which punished with imprisonment of either description for a term of not exceeding one month or with a fine or with both any labourer who "being bound by lawful contract in writing . . . deserts . . . or refuses to perform the service which he has contracted to perform." Now, with the record of the Assam Government for the past 70 years before one's eyes, with the weak halting manner in which it again approaches this subject to-day, is it reasonable to believe that the repeal of the 1859 Act would set the garden labourer free? We at least cannot believe it, but rather foresee that the same old Assam system will go on flourishing under the Penal Code, as it did under the 1859 Act; and that under an exterior of varying Acts—now enacted, now amended, now repealed—the bad old system will continue as it has done for the last 70 years.

WRITTEN CONTRACTS.

Only then could we believe in the possibility of any *real* change, if we saw in the Government of Assam any indication of a willingness to place the inhabitants of Assam before the tea of Assam. If once the Government did that, it would recognise that the root of the labourer's slavery, out of which all other evils grow of necessity, is the indenture system, and that penal clauses only follow out of

it. As long as an ignorant labourer may be bullied or coaxed into a written agreement, is the labourer's freedom impossible. He may be bribed for a mess of pottage to sell himself into slavery. The remedy is not merely to abolish the penal consequences of a breach of that sales contract, but to make the sales contract itself illegal. No "artificer, workman or labourer" should be allowed to enter into any written agreement of any sort or for any length of time—because this class of people are really not free agents at the time they enter into any such agreement, but are compelled by pressing debts or whatever cause to take the advance and let their freedom go. A person of that class lives from hand to mouth from day to day: how is it possible for him to foresee the bearing of engagements running into years? The system of written contracts expects a man voluntarily to bind himself to work for a master he has never seen in a place he has never seen on conditions the lucrativeness of which he is quite unable to gauge: in what possible sense can such an agreement be truly called "free"? Even if all the penal clauses went, there would remain the awe in which the illiterate holds documents especially when they see a fine big revenue stamp; there would remain besides the possibility of plenty of chicanery under the Civil Law, not to mention other provisions of the Penal Code which might be dragged in (for fraud, cheating or what not). No, the only safeguard of the labourer's freedom is to render the written agreement itself illegal and to substitute the so-called *parole* agreement for not more than one month, at the end of which the labourer is at perfect liberty to stay or to go as he jolly well pleases.

The Duars Committee in their report state, "that one of the chief merits of the Duars system of free labour is that a coolie is able to leave a garden when he finds that it does not suit his health or wishes to leave it for any other reason such as a marriage, or the desire to join relatives or friends on another garden, and that they have no doubt that this freedom of movement makes for the happiness of the labourer." (Para. 46.) Compare this with the state of a labourer under agreement, who literally cannot call his soul his own, but is chained to his employer! The horrors of the indentured system have made excellent "copy" for all would-be tribunes of the Indian people, as long as indentures in South Africa were meant, or in Guiana or in Fiji. Why do they cease to be horrible, when committed inside India? "Under this Act of 1859," said Mr. B. S. Kamat championing the cause of the poor contractor against Mr. Joshi's motion in the Legislative Assembly last year, "these workmen are not certainly treated in the same manner as in Africa... They are absolutely free to go anywhere they like... It is only when they try to evade performance of contract that they are brought under the scope of this Act. There is absolutely no question of coercing or torturing them." We only hope that Mr. Kamat for one will read the Assam Report and

convince himself how the very opposite of his conclusions has been established in fact, as indeed could have been already deduced from the very nature of an indenture.

As regards Governments, it is interesting to remember that it is they who originally insisted on an indenture (as the Dutch Indies' Government still does) under the mistaken idea that without an agreement a labourer could not be protected. That idea of course originated in the mid-Victorian principle of *laissez faire*, when factory legislation was still not thought of and the only possibility of getting round the sacred "law" of demand and supply was deemed to be an agreement. The Assam Government is no exception to that rule and the history of Assam labour for the last 70 years is the history of the Assam Government's failure to protect labour by a system of written agreements. That failure is inevitable in the very nature of things, as we have tried to show and there is no hope, until the very thing itself, the indenture, is made impossible. That employers do not lose in the long run, is proved by the example of the Duars, already quoted; and if another illustration was needed, it would suffice to refer to the premier tropical plantation industry of the world—that of the rubber estates of British Malaya—which has been built up and is entirely maintained on a system of one month "parole" agreements and on a system of free recruiting, which lands the labourer in Malaya free, not only from any kind of debt, but from any kind of obligation to work anywhere.

When one considers the meticulous scrutiny with which our legislatures investigate methods of emigration from India even to such countries as Malaya, and when on the other hand one looks at labour conditions tolerated in India itself, as witness this Assam Report, one can but ask, as Mr. Joshi did last year, "why we with open eyes allow this system to remain in existence in our country? It is like preaching a homily to others and doing the thing ourselves. In the name of the country, in the name of humanity, let us rise above selfish feelings."

SQUARING THE CIRCLE.

To a section of non-co-operators, in their present perplexity, nothing would be more welcome at this juncture than a scheme for a new orientation of policy, which, while still appearing to retain the character of non-co-operation, would secure the removal of the existing ban on the contesting of Council elections, without imposing on the successful candidates the necessity of either leaving the seats empty or pledging themselves to the use of obstructionist tactics indiscriminately on all occasions. No one had so far volunteered to perform this heroic task of squaring the circle, but the adventure seems well within the capabilities of Mr. Stokes, who has recently elaborated a scheme of the above description, which naturally has been welcomed with a transport of joy by the

pro-Council faction. For non-co-operators not to take seats after being returned to the Council or to do destructive work therein appears to Mr. Stokes, as to most other men of reflection, to detract very much from the high moral plane on which, under Mr. Gandhi's auspices, the movement of non-co-operation was being conducted. If both these courses, which may be held to square with the non-co-operation policy, are ruled out by a sense of dignity or good feeling, what other possible line is open to non-co-operators? In order to avoid a breach of the non-co-operation principle, Mr. Stokes would put an absolute prohibition upon the Congress-Khilafat representatives in the Council to accept office as Ministers, etc., to receive titles or other marks of official regard, and to participate in garden parties and other social functions, which have any savour of politics. It is nothing difficult to frame quite a respectable list of "don'ts" for the benefit of non-co-operators; the difficulty comes in when the policy of negation is abandoned, and an attempt is made to put something positive in its place. By way of a constructive programme, Mr. Stokes suggests that non-co-operationist members who go into the Councils should, in concert with Vigilance Committees specially formed in villages and districts and provinces for the purpose of detecting any excesses committed by officials, etc., ventilate peoples' grievances in the Councils and compel their redress. The work would be of two kinds: negative, *i. e.* abolition of abuses and removal of injustice; and positive, *i. e.* the enactment of some measure of reform. The distinction is not quite perfect, but anyhow a representative of the Congress is "to bring pressure to bear" upon the Government "for the passage of some needed measure."

This is indeed an admirable plan, but one wonders how it differs from that which is already being carried into operation by the constitutionalist party. The distinction, according to Mr. Stokes, is that the present members are free to indulge in representations and pleadings, while a Congress representative is debarred from begging. Is the difference then between the constitutionalist party and a section of the non-co-operationist party so attenuated that the contentions of one man are to be called by the opprobrious name of "mendicancy" and those of the other by the commendatory title of "assertion of rights"? In speaking of non-co-operators, Mr. Stokes employs words like "forcing the just settlement of every injustice," "compelling the abotition" of a wrong, and so forth, but these words have reference only to the intention of the member, and it is not known that the intention of a member of any other party is very different from this. Mr. Das, it would seem, has an idea, before resorting to obstruction, to make a formal demand for Swaraj. Is there anything to prevent the Government spokesman from characterising this ultimatum as a "petition for the gift of Swaraj"? Does the

character of a thing depend upon what one's opponent calls it? It is perfectly clear that the policy recommended by Mr. Stokes for non-co-operators is absolutely indistinguishable from that which is already being practised by the so-called co-operators. Why then, one would ask, should Mr. Stokes have the non-co operators refuse office? (Titles and garden parties count for little with any but those who are stern non-co-operators, in whose eyes of course they loom very large.) If a non-co-operator is free, by using his position as a member of Council, to "bring pressure to bear" upon a Minister for the extension of education, why is he to be prevented from acquiring the power of shaping the policy of educational extension himself? That non-co-operators are bidden to forego a position of decisive power and to accept by preference a position in which one can only hope to influence is a clear proof that the mendicant spirit can have no more congenial abode than in a non-co-operator. But if the constitutional machinery is to be used honestly and no attempt to be made to wreck it, how can any party go into the Council, which is working under a system of responsible government in the case of some departments of administration, pledged not to accept office? For the system throws upon the Opposition an obligation to assume responsibility, as a Government, for the policy urged when in opposition. "Wreckers" may disregard this obligation; but Mr. Stokes who reprobates the wrecking policy cannot impose upon any party in the Council a prohibition which will in certain circumstances produce a deadlock. If non-co-operators are in a majority, the government will be brought to a standstill on their refusing to take office; if they are in a minority, the prohibition is absolutely unnecessary, because then they will obtain no chance of forming a Ministry. So in the only circumstances in which the ban on office can at all have any scope, it will produce the same result as the destructive policy of Messrs. Nehru and Das (which Mr. Stokes deprecates) is intended to produce.

The scheme of policy therefore which Mr. Stokes propounds really offers nothing else to non-co-operators than what the "co-operators" are already using. The only point of difference is that under Mr. Stokes' scheme the non-co-operators will be placed under certain disabilities from which the "co-operators" are free. While therefore the scheme has no special advantages, it has certain grave disadvantages. Then, why is such a scheme to be put forward in competition with the constitutional method now being followed? Apparently only to maintain the gulf that separates Liberals from Non-Co-operators, and to give the revised policy of the Congress an appearance of non-co-operation. To forbid Congressmen to accept office can only give an appearance of non-co-operation to this policy, for it is substantially one of co-operation, if it allows Congressmen to promote measures of their own and support beneficent measures of Government in the Council. Indeed,

the entry of non-co-operators into the Council will surely kill non-co-operation. The last question one likes to put to Mr. Stokes is, why is any gulf to be deliberately placed between Liberals and Council-going non-co-operators, who are in substantial agreement with each other on the broad policy? Mr. Stokes answers the question at the outset in setting forth the governing considerations of his scheme. According to him, the difference between these two classes of politicians may be described as follows: the Liberals believe that the administrators genuinely desire to raise India to the status of a self-governing Dominion, they also think that the Reforms Act will by gradual stages lead to Swaraj, and all that is necessary on their part is to offer co-operation; the Non-Co-operators on the contrary are profoundly sceptical of the benevolent intentions of the rulers, they have no faith in the capability of the Reforms Act being developed into something big and firmly believe that the Act offers them no scope for honest co-operation. It need hardly be said that the Liberal view as presented here is worse than a caricature. The Liberals surely believe that there is a fund of good-will on the part of the British people (*not* the administrators) upon which they may usefully draw in their political struggle. But they are constitutionalists as distinguished from direct actionists not because they have faith in the good intentions of the rulers, but because they have the confidence that the power now obtained is capable of being utilised to scatch power not yet obtained, whether the bureaucracy is inspired by good intentions or evil. They accept the Reforms Act not as a final settlement of the Indian question, but only as a stage in the struggle which makes further stages easier. Mr. Stokes too has no objection to "a process of progressive acquisition" of Swaraj. It is just this process which is now in progress in the Legislative Councils. But, quite illogically, Mr. Stokes says in another place that to accept the reforms as they stand is to waive one's objection to the limitations in the Act. Nothing of the kind; the Liberal objection to the limitations persists, but they are willing to work the reforms under a protest, because they think that anyhow it is better to fight with these reforms than without them. Does Mr. Stokes himself waive his objection to the racial bias with which courts in India are often infected when he advises non-co-operators to take full advantage of the law courts in political cases? The underlying ideas on which this superstructure of a scheme of policy is reared have thus no foundation in fact, and the natural result is that a scheme is produced which really answers neither to the doctrine of non-co-operation nor to that of constitutionalism, and in so far as it differs at all from the policy now in force in the Councils it only differs in this, that it disables non-co-operators from using reforms to their full extent and thus places them at a serious disadvantage in comparison with constitutionalists.

ONLOOKER.

RAILWAYS AND THE BUDGET.—VI. DIVIDENDS NOT HONESTLY EARNED.

THE Budget for 1922-23 proposes to distribute Rs. 60 lakhs as surplus profits to companies working State railways. This is the smallest amount ever paid to companies as surplus profits during the last eleven years. The wonder, however, is not that the amount is so small, but that anything should at all be held to be payable to companies as surplus profits for the year 1922-23. During the six or seven years succeeding the outbreak of the war, the railways were not able to spend money on ordinary maintenance and renewals owing, principally, to the great difficulty or impossibility of obtaining the necessary material from England. In consequence, the nett earnings were swollen to a very much larger figure than would otherwise have been the case (para. 6468 of the minutes of evidence given before the Indian Railway Committee of 1920-21). The whole of this windfall profit was appropriated by the Government and the companies in proportion to their respective shares and interests in the capital of the undertaking without deducting or making any the least allowance for deferred renewals and other upkeep (para. 5606 *ibid*). It is the invariable practice with all honest promoters of every commercial undertaking before starting a concern to estimate, first, its gross earning capacity, then the cost of actual operation, the amount of interest on borrowed capital, and the cost of making good the depreciation of the asset put into service, and with these two estimates to assess the remunerativeness of the business. Similarly, when the concern is actually going every sensible Board of Directors, in addition to paying all the current expenses, necessarily makes a certain money allowance on account of depreciation of the asset, put this money in a reserve fund to meet outlay on making good the depreciation which it is impossible to incur *de anno in annum* and then distribute the balance as profits. Commercially speaking, therefore, the appropriation of the windfall profit by the Government and the companies between themselves was a wholly illegitimate transaction. In so far as the moneys that are received by the Government in this manner are concerned, the transaction, although highly irregular, does not involve a loss to the country; in the case, however, of the monies paid to the companies, the amount has already left the country and gone past the Government and into the pockets of the shareholders or the reserve funds of the companies, almost all of whom, moreover, neither belong to, nor are resident in this country. A few of the companies had, no doubt, made proposals in the direction of obviating such a result, and it must be said to their credit that their conduct was highly moral. What, however, we do not understand is why these proposals were rejected by the Government in spite of their profuse protestations of solicitude for the interests of the taxpayer and of the necessity of running their railways on commercial principles. Our Government, in

season and out of season, make so much of the railways having to be run on commercial principles, e. g., when they have to propose increase in railway rates and fares (para. 24 of the Hon'ble the Finance Member's budget speech of the 1st March, 1922); when they have to put up a defence for the large employment and maintenance of the European staff and for the higher rates of their salaries (p. 3109 of the Leg. Assembly Debates, Vol. II); when they have to uphold the practice of employing the revenues of the country to write off a valuable asset (p. 3129 *ibid.*); when they find it convenient to deprecate discussion in the Legislature regarding the losses inflicted on railways by the failure to end economic strikes by prompt and sympathetic action) (pp. 2983-4 *ibid.*), when they want to rebuke a Legislature who, in a discussion on the proposal to spend Rs. 150 crores as railway capital expenditure in five years, ventures to refer to the policy hitherto pursued by the Government in regard to railway finance (p. 3761 *ibid.*). But when it comes to doing any real solid good to the taxpayer or the railway traveller, whether by economising expenditure or by securing larger profits, or by improving the conditions of travel, the commercial principles vanish into thin air.

An idea, though inadequate, of the extent of the loss inflicted on the country by the uncommercial procedure adopted by the Government may be obtained when it is realised that the gross receipts of the State railways for the years 1901-2 to 1913-14 amounted to Rs. 529,27,70,000 out of which Rs. 7,92,32,000 was paid to companies as surplus profits, while during the period 1914-15 to 1921-22 the gross receipts amounted to Rs. 562,59,98,000 and the companies' share of the surplus profits to no less than Rs. 11,26,10,000. On the basis of the figures of the earlier period the surplus profits for the later period should have been only Rs. 8,42,20,000 against the Rs. 11,26,10,000 actually paid—a difference of as much as Rs. 2,83,90,000. It is, however, wrong to conclude that Rs. 2,83,90,000 represents the whole extent of the gains thus irregularly put by the Government in the pockets of these English companies. This figure is arrived at on the assumption that what was paid as surplus profits in the earlier period taken for the purposes of our comparison was wholly legitimate. As admitted by the Government, the policy of undue postponement of revenue renewals is of long standing and the situation was only accentuated during the war period (answer given in the Legislative Assembly on 20 September, 1922, to starred question No. 342). Evidently this system of overpayments has been going on for a long series of years, and the actual amount overpaid in this manner to date may total up to anything from 300 lakhs to Rs. 2500 lakhs. The Government are, therefore, clearly entitled to demand on behalf of the taxpayer a refund from the companies of at least Rs. 300 lakhs. We do not know how far a refund is within the sphere of practical politics from the point of view of the contractual or legal

obligations of the companies, but there certainly is a strong case for such a refund from the point of view of business morality. In this connection we notice from the History of Indian Railways that the South Indian Railway Company could obtain from the Government a refund by the revision of the surplus profit statements from 31st March, 1915, to 31st March, 1919, and that the East Indian Railway Company also could obtain from the same Government, for their deferred annuitants, compensation on account of income tax. This being so, we take it that a refund from companies of the profits paid to them in excess of their actual dues is possible for the Government to obtain.

We have so far dealt with the past transactions only. The immediate future still remains to be dealt with. It is always to the interest of the companies, more especially towards the expiry of their working contracts, to spend as little as possible on maintenance and renewals, and to inflate the net earnings, so that they may earn larger profits (Cf. para. 626 of the minutes of evidence given before the Indian Railway Committee of 1920-21). The contract with the East Indian Railway Company expires on 31st December, 1924, and taking this railway as an instance, we shall try to see what a heavy legacy of undischarged liabilities will come to be quietly transferred to the shoulder of the Government. According to the figures given by the Agent, East Indian Railway Company, at page 67 of Vol. IV of the Report of the Indian Railway Committee of 1920-21, the Railway was on 31st March, 1920, in arrears with regard to renewals to the extent of 403 miles of permanent way, 81 engines, 2431 waggons and 123 bogie coaches, involving an expenditure of at least Rs. 628.13 lakhs. These figures are, for the most part, based on the normal annual programme of renewals as given by the Company; and if, as is probable, this programme was drawn up more with reference to the amount held, in 1912, to be normally available, and the capacity of the Railway to spend it, than with reference to the renewals actually falling due, these figures will, if anything, turn out to be a serious understatement. As already stated, the East Indian Railway Company's contract expires on 31st December, 1924, *i. e.* 4½ years after the above arrears, even such as they are estimated, accrued, involving a further expenditure of Rs. 820.80 lakhs or a total of Rs. 1448.93 lakhs. Against this all that will, even if all goes well, have been spent by the time the East Indian Railway Company are, according to the present contract, due to retire from the office of Managing Agents of the Government, will be:—

Rs. 1,03,98,000 during 1920-21,
 Rs. 1,17,02,000 during 1921-22,
 Rs. 1,73,06,000 during 1922-23,
 Rs. 1,73,06,000 during 1923-24, and
 Rs. 1,29,80,000 during the later nine
 months of 1924,

making a total of Rs. 696.92 lakhs. This means

that when the depreciated property reverts to the Government for management by themselves or by any other agency, the new managers will have a legacy entailing an undischarged liability amounting to at least Rs. 752.01 lakhs, after the old managers having been allowed to pocket a portion of the capital as profits, or as Sir William Acworth would put it, after the old managers having been allowed to live on the people's capital. But even this figure does not represent the whole extent of the total liability which the Government will have helped the Company to transfer unshared. The items on which the calculation has been made represent only a part of the multifarious items which constitute the railway property, such as stations, buildings, fences, machinery, plant, bridges, etc. etc. (answer given in the Legislative Assembly on 15th September, 1922, to starred question No. 328). It will, therefore, not be wide of the mark to place the total liability on account of this one Railway alone at, say, Rs. 1000 lakhs. The contract with the Great Indian Peninsula Railway Company is also due to expire on 30th June, 1925, and another Rs. 1000 lakhs may be taken on account of this Railway. It is a physical impossibility to ensure that the amount of renewals during the remaining years of the contracts shall be pushed forward to the extent of overtaking the existing arrears (answer given on 18th September, 1922, in the Legislative Assembly to starred question No. 333). The Legislature must, therefore, press urgently for the stoppage of any further division of monies as surplus profits and obtain a refund of the profits which, as Sir Lawless Hepper said in effect, were not honestly earned (para. 5607 of the minutes of evidence before the Indian Railway Committee of 1920-21).

ECONOMY.

THE PRESS IN A MODERN CONSTITUTION.

GENERALLY termed the fourth Estate by constitutional writers, the Press is in itself perhaps the most powerful organ in the modern age. The power of the Press is easily understood when one remembers that democracy rests on "the active consent" of the governed. More than any other single item, the Press is not merely the mirror but also the mentor of public opinion.

A MODERN PAPER SKETCHED.

By far the best description of the function of a paper is given by Mr. F. A. McKenzie when he describes the *Daily Mail*:—"Bound to no party, representing no class interests, it endeavours to employ the ablest brains to show our people how to best maintain peace, prosperity and efficiency at home, and peace, safety and power throughout the world." Is this description always true to facts? Party bias, irresponsible provocative tendencies, and a marked leaning to tickle the vanity of its master, the people—these and other characteristics have to be borne in mind. Mr. McKenzie's may be taken to be the ideal for an A1 newspaper.

GUARDIAN OF PUBLIC LIBERTY.

Shortcomings of the above description ought not to blind one's vision to the remarkable service the Press is doing to safeguard public liberty. In his address to the students of journalism, Mr. Wickham Steed rightly laid considerable stress on "the independence of the Press—one of the few things that stood as a bulwark of public liberty and as a guarantee to the community against secret dealings to the public detriment."* In an age when wide publicity is demanded with regard to the erstwhile secret diplomacy, the scope afforded to a bold yet responsible Press is very appreciable. It is a striking coincidence that the Editor of the *Times* should be able to courageously contradict Mr. Lloyd George when the "Welsh wizard" wanted to camouflage one of his speeches on the Anglo-French Entente at Genoa.

THE LIBERTY OF THE PRESS.

In this connection, it is essential to have a clear grasp of the historic phrase, "the Liberty of the Press." Answers Lord Mansfield, "the liberty of the Press consists in printing without any license, subject to the consequences of law." Here the distinction between the English and the French laws of the Press deserves notice. The exertion of discretionary powers by the French Government has been constantly reviewed, but the abolition of censorship was final in England, because "the exercise of discretionary power by the Crown was inconsistent with ideas of English law." (Dicey.) As appositely remarked by the famous authors of the *Federalist*,† the security of the Press must altogether depend on public opinion and on the general spirit of the people, and of the Government."

A POWER FOR MISCHIEF ALSO.

A power for greatest good may turn out to be the fomentor of unforeseen disturbances. A Kruger telegram and Fashoda incident are sufficient levers to pander to the outbursts of popular fury. The tale of Turkish atrocities so often highly exaggerated to the bursting point, and the story of Bolshevik havoc without any mention of the anti-Bolshevik campaigns—these are only a few instances where the fury of the populace has been tickled by certain sections of the Press. "The few who persist in telling the truth," adds Mr. Hobhouse fittingly, "share the traditional fate of the honest counsellor at the hands of the mob of courtiers."

DANGER OF TRUSTS.

Further, the marked tendency to form trusts and huge combines of newspapers through the purchase of losing concerns is bound to affect the tone of the Press. The move towards consolidation and integration on such a huge scale as is evident in the late Lord Northcliffe's manoeuvres has a marked tendency to make the proprietor a *dangerously big man*. The Harmsworths, Lord Dalziel, Sir Edward Hulton, Sir William Berry, Lord Riddell, and

* Address at 8, Kensington on October 18, 1921.

† The *Federalist*, Essay 84, pp. 449.

Lord Beaverbrook loom large in the activities of the Isles. The Shell's campaign of 1915 by the *Daily Mail* the formation of the Coalition Ministry and the Ministry of Munitions—this string of incidents, though helpful to the nation at that time, serves to indicate the possibilities, nay even the probabilities, of great mischief to the public by powerful pressmen. Apart from the loss to the nation of time-honoured and independent newspapers, the accumulation of vast power in one hand is an ominous indication.

THE ROLE OF THE PRESS.

When all is said, if we only have a vision of the times when the all-powerful autocrat and the proud aristocrat trampled underfoot the rights of the people, the indispensable rôle of the press is assured. The Press is *par excellence* the "guardian of the public weal."

K. R. R. SASTRY.

THE WORLD OUTSIDE.

Recent Elections. EVERYBODY has been having elections just now. Poland has—overthrowing Marshal Pilsudski and substituting a rabidly nationalist majority. A *Manchester Guardian* correspondent describes the "almost incredible amount of vituperation and vilification in an atmosphere saturated with calumny." He speaks of "general political incompetence", "political hot-headedness and discord and lack of unity", but after all the Poles seemingly have had to do without the support of any wrestling champion. Of other elections that have recently taken place—of course in the World Outside, as this heading heralds—the partial elections in the United States are significant, in that the tide at the polls seems to have turned very definitely against Mr. Harding, who came in two years ago on the promise of "normalcy"—an American word which Mr. Law has so happily translated into English by the word "tranquillity". It is interesting in this connection to recall that it is just about a year ago that the much boomed Washington Conference was called together to prove to the world, how well international questions can be settled, without a League of Nations. Well, the "great naval pact" has not yet been ratified by France and Italy (and never will be) and now we are told that as for the scrapping of old battleships, nobody had yet started doing it! If that is so in the minor case of obsolete "Dreadnaughts"... Or does "normalcy" mean just that? Anyhow, the new era which was to have been ushered in at Washington still tarries. Burning international questions still exist, and still "burn". Of course the League of Nations being a Wilsonian creation, must remain taboo for Mr. Harding: still there is just a glimpse of the obvious in Mr. State Secretary Hughes' speech on Oct. 31st, in which he advocated formal participation by the U. S. in the International Court set up by the League of Nations "for the

determination, according to judicial standards, of justiciable international disputes." Or was it merely an electioneering speech, intended to prove to the voters that, if the Republicans did not stock the "League of Nations" plank of their Democratic competitors, at least they could supply something "just as good"?

Greek bid for Independence. WHEN last we wrote in this column we tried to show how unspeakably shabby the treatment meted out to Greece by the "Great" Powers had been. Since then further revelations seem just on the verge of being made. The court-martialing of half a dozen ex-Ministers was surprising in itself; the breaking off of diplomatic relations on the part of England, a good deal more surprising still. What does it all mean? It all seems inexplicable, and in fact it is so, except under one hypothesis—viz. that the late government was a British puppet government, much as the government of the ex-Sultan's of Turkey was. On that hypothesis, all facts become clear; clear, why England alone should break off diplomatic relations, for instance, and why no other power should have done so; why a man of the standing of M. Venizelos should not condemn the court-martialing; why the present King is a prisoner in his palace and his uncle the prisoner of a court-martial. It seems quite possible, that ex-King Constantine, when recalled to Athens, made a bargain with Great Britain and consented to take his orders from Whitehall, if Whitehall would see him through. But that was of course the last that Whitehall did; it used Greece for its own ends and then left it in the lurch. If Angora wanted to court-martial the ex-Sultan and his Grand Vizier, Athens wanted to court-martial the ex-King and his Cabinet; and both for the same reason, viz. that they had reduced their respective countries to the status of English client-States. The whole policy of Greece for the last year or two was in the interest of anybody but of Greece. In fact ever since 1914 Greece has been unable to call its soul its own: at one time, it was German interests, at another British or French interests, that were paramount—perhaps the Greeks think, that after all Greek interests might have an innings now, just for a change. And if they do, the Greeks will certainly also rid themselves of the dynastic interests, which they have to thank for most if not all their misfortunes. The proclamation of a Greek Republic is bound to come next—if our hypothesis is correct. With Mr. Venizelos as its first President?

The Superfluity of Presidents. SOUTH America, if it has emerged from the comic-opera stage of a country "where the nuts come from," is still much afflicted in European mentality as the land where the revolutions come from, the alleged instability of the Governments of South American republics having become proverbial. There is no doubt that a good deal of "shooting up"

used to be part and parcel of any political difference of opinion there; though with the lamentable condition in Ireland, with *Fascismo* in Italy, and with *putsches* and the rumour of *putsches* as the regular diet of Central Europe, Europeans can hardly afford to continue the throwing of stones at the habits of Latin America. Besides there are republics and republics in South America. Anyhow, it is only too true that personal rivalry has been rife throughout that continent and that the bloodshed to which it has periodically led has only rarely been due to any clash of principle or policy. All the more interesting to find the President of the Republic of Uruguay, Dr. Brum, making the proposal of abolishing his office and the adoption of a commission form of national government. The idea would certainly eliminate a good deal of personal ambition, and there is of course no reason whatsoever, why there should be a "Head of the State," once the basis of the State ceases to be autocratic and becomes democratic. That republics have gone in for "Presidents," when they did away with their Kings only shows the curious lack of imagination and mental inertia of mankind. For what function is a "President" needed, which the "Speaker" of the Legislature could not equally well perform? Except for circumlocution and show, what is the "Head" of a democracy for, anyhow? One wonders whether the Greeks, if they set up a republic, will be original enough, not to copy the old *cliché* of a presidential system, but evolve some such commission form as suggested by Senor Brum?

Watch Latin America.

WE have frequently taken occasion to point to the potentialities and importance of South America in the future. The recent announcement that Brazil is accepting a Naval Commission from the United States, to bring its navy up to concert pitch (just as a French Military Commission is already doing with the Brazilian army) brings home to every internationally minded person the magnitude of the interests already hard at work in that Continent, manœuvring for a place. That any nation when set upon naval reorganisation should go past the British Navy at all is a portent in itself and must open the eyes even of a Rip Van Winkle to the fact that the days are indeed passing when without a challenge it was Britannia who ruled the waves of every ocean. Another point our readers will find it useful to bear in mind is that Brazil is developing in a very disturbingly active manner towards militarism and threatens to become rapidly the menace of the whole Continent. The third point is that Brazil's megalomania is confronted more by the Argentine, the greatest of Latin American republics, than by any other power, and that hitherto the Argentine has been practically a financial client-State of England. (Mr. H. P. Rathbone has an interesting article on this "Anglo-American Rivalry in the Argentine" in the November issue of the *Labour Monthly* and computes British finan-

cial interests in that republic at £40 crores). It therefore was obvious that Brazil, on account of its rivalry with the Argentine, would call in the U. S. since the Argentine has called in the U. K. The last point to remember is that German emigration is becoming concentrated on South America, as the following table will show, which we have gleaned from the publication of the German Statistical Bureau ("Wirtschaft und Statistik") for March of this year:

<i>German Emigration</i>		
	1913	1921
to Europe	68	770
North America	20,430	9080
South America	4,954	13,310
Africa	32	391
Australia	359	0
Asia	0	0
	<hr/> 25,843	<hr/> 23,551

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