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#### TOPICS OF THE WEEK

THE Secretary of State for India Kenya at the Imper was at pains to explain that the Vicercy had not 'challenged' the Imperial Government's decision regarding Kenya. The Viceroy himself had not used the word. Whether his expression of dissatisfaction with the decision and his saying further that" they have announced their decision and the Government of India must consider it and arrive at its conclusions. If submission must be made, then with all due respect to His Majesty's Government it can only be under protest" amounts to 'challenging 'the decision is an unprofitable quibbling in words. Everybody understands the constitutional position of the Vicercy. What is of importance is that he is seriously dissatisfied with the decision and has expressed that dissatisfaction in the manner open to him. In doing so he has faithfully represented the feelings of the people of India. The latter want the Government of India to try every means of getting the decision modified. One such means is to raise the question at the forthcoming Imperial Conference. The Government of India might instruct their representative to abstain from the Conference if this question is not admitted to the agenda paper. India has little concern with Imperial questions if the one question in which they are supremely interested and which has arrived at a critical stage is not to be allowed to come up. Anyway Dr. Sapru will not attend the Conference in such a contingency and we need not stress what authority any substitute of his, willing to attend it, would carry.

South African Coal. THE Bengal Coal trade is overtaken by a crisis, it would appear, mainly on account of the competition of South Africa, of all countries. Before the war about

half a million tons were being exported every month from Calcutta to Colombo, Singapore, Bombay and Karachi. It has now been reduced to less than a third and the markets of Bombay and Karachi are practically closed to Bengal coal, with the result that as many as 140 pits belonging to the members of the Indian Mining Federation are temporarily closed. This fall in export is partly due to the enhancement in railway freight from the pits to Calcutta and the withdrawal of a rebate of 20 per cent. in railway freight, which the mines were enjoying before the war, but mainly to a rebate given by the South African Government of 8s. 9d. per ton of coal exported from Natal. A joint deputation of the Indian Mining Federation and the Indian Merchants' Chamber is shortly to wait on the Vicercy to urge a reduction in railway freight, the restoration of the 20 per cent. pre-war rebate and the imposition of a protective duty of Rs. 5 on South African coal, to deprive it of the advantage of the rebate given by the South African Government. It is significant that the Merchants' Chamber which represents the interests of consumers should have joined hands with the Federation. There cannot be the slightest objection to the imposition of a protective duty of Rs. 5 against South African coal. Such protective duties are strongly recommended by the Fiscal Commission. And political reasons are all in favour of them. We are not sure that the Government of India in its present financial condition can afford to lower materially the railway freight or restore the pre-war rebate of 20 per cent. Those steps also appear to us unnecessary, in addition to the duty again t South African coal.

MR.RANGACHARIAR made a blunder in tactics when, instead of singling out the certification of the salt tax as a basis for refusing an otherwise legitimate demand for grant, included several other matters, big and small, among the grounds justifying refusal. It only complicated matters without adding to the weight of the dominant reason. But Sir Sivaswamy Aiyer, for whose independence and judgment we have the highest respect, did himself grave injustice in scouting the doctrine of "Grievances before Supply" as utterly impracticable. The doctrine no doubt took its rise at a time when the Barons who asserted it had at their command

force enough to dictate terms to the King in England. But this is only a historical explanation of the principle and does not mean that those who are not possessed of military power cannot put it in force. The history of the growth of British colonies belies this assumption. It was the practice of this doctrine that brought responsible government to Canada. It would be quite an intelligible argument if one were to say that the present was an inopportune time, our legislators being so utterly disorganised, or that the occasion was not serious enough to justify it. But to maintain that because we are not in a position to back up our demand by that appeal to physical force by which it was backed up in the days of the old struggles with the Kings of England, is to misread the history of constitutional struggle.

Bur what apparently Fundamentally Sivaswamy to discredit and contemptuously reject the policy, is his belief that it would infallibly land supporters of it into non-co-operation, either of the Gandhian or of the Dasite type. If in reality the assertion of the principle were a phase of non-co-operation, this should hardly, be an argument for withholding one's support from it if otherwise it is considered right. But we deny that to refuse supplies before grievances are redressed falls really under either category of nonco-operation. The Gandhian variant of it requires the tabooing of the legislature as a thing unclean, without any regard for considerations of expediency. The Dasite variant requires the indiscriminate opposition of all measures, equally without any regard for considerations of expediency. The policy of "grievances before supply" advocated in the Assembly would on the other hand have every regard for expediency and would, with a view to bringing pressure to bear upon Government, seek to embarrass them and confound their plans by rejecting even some measures which are good in themselves. It is a method followed by the Constitutionalist party in every country and differs fundamentally from the one followed by "direct actionists" of every description. An illustration of this is to be found in the fact that Col. Wedgwood, who condemned the Dasite policy of plind opposition in the salt tax debate in the Commons, yet lent his support to the plan of throwing out the supplementary estimates because of the Viceroy's action in exercising his certification powers. To class such legitimate use of the constitutional power as non-co-operation is to impose upon all "co-operators" the obligation of voting in favour of every measure which, detached from surrounding circumstances, appears right on its own merits. We for our part deny this obligation, which was in fact never respected by the constitutionalists of any country. As constitutional co-operation implies the opposition of bad measures along with the support of good ones, so also it implies, on occasion, the opposition of

good measures with the object of defeating bad ones. Indeed co-operation would be a very poor ineffective thing, if it were precluded from occasionally exerting coercive pressure by such means. And we are not prepared to forego this valuable weapon, though we agree that we must be very circumspect in using it.

IF one ought to be thankful for The Bombay Pro-stitution Bill. small mercies, one certainly will have to feel very grateful for the passing of the curiously named "Prevention of Prostitution Act" for the city of Bombay, which does anything really but prevent prostitution. Rao Bahadur Kale gallantly tried to get the Bill so amended, as to render its title somewhat less of a misnomer, but what with the presidential steamrollerflattening out every such attempt as extending the principle of the Bill and as therefore out of order, the attempt failed signally. Mr. Rothfeld tried to impress on the Council that the Bill merely aimed at commercalized prostitution, such as follows regularly in the wake of all industrialism, and that therefore its scope must not be widened. But, as it happens, to a complaint, that no definition of " complaint, that no definition of "prostitution" was given, Mr. Rothfeld himself replied that this was impossible, as a woman had only to prove that she had once refused one man, to prove that she was not a prostitute: from which one would conclude that on the face of it the whole Act will necessarily become a dead letter, unless Mr. Kale's amendments were adopted, viz. to substitute "immorality" (extramarital sexual intercourse) for "prostitution" throughout the Bill. But the House seemed to be in an almost indecent hurry to push the the Bill through all its stages and Mr. Trivedi's appeal to drop it and substitute a stronger one, fell on deaf ears. Mr. Kale's endeavour to substitute "anywhere" for "Bombay City" was cavalierly brushed aside; his suggestion to insert a clause for the removal of minors from brothels was declared to be "valuable" by Sir Maurice Hayward but to be already covered by the Caildren's Protection Act. Mr. Kanji Dwarkadas again and again assured the House that this was only a first instalment and that the Government was commit (?) ted to bring in an Amendment Bill: and so, with that promise and only a few, mostly mere verbal, alterations, the Bill was finally passed.

FREEDOM from arrest and freedom

Privileges of the of debate are the two great privileges of members of the Legislature. Only a few months ago the Bombay Legislative Council had occasion to assert the first; and in the session just concluded it sought to assert the second, though in an unwarrantably exaggerated form. If, in the heat of debate, a member is drawn into statements of a defamatory character, he is protected by his privilege from the consequences which defamation would entail

on others. He cannot be sued for damages in a court of law. But a well-established custom has given a sort of remedy to the person slandered. He inserts a letter in the public press calling upon him to repeat the statement in question outside the privileged walls of the Legislature. If the statement is repeated he has a remedy at law; if he does not, the public draws its own inference. In the particular case that came up for discussion in the Council it was a Government servant who felt aggrieved and took with Government's permission the only remedy open to him. And the contention of nonofficial members of the Council was that, however free private individuals might be to issue a challenge to a member, Government should not give permission to their servants to do so. Put thus broadly, the doctrine can obviously. command no support, as there is no reason why Government servants should not be put in a position to defend themselves as members of the public are free to do. But the resolution received such wide support in the Council only because of the general feeling that prevailed among members that, in the particular case which gave rise to the resolution, Government was going out of its way to shelter an officer. whose punishment the Council had demanded, for molesting a respectable person without any justification. If the Government had awarded adequate punishment to the officer concerned, the Council would assuredly not have stretched its privilege to such an unjustifiable extent, as to trench upon the rights of the public.

THE Bombay Legislative Council Wanted a Civil carried on Tuesday week, notwithstanding the Government's oppositior, a resolution challenging the withholding of a special pension from an Indian office, who retired recently as Collector. The Government members quoted freely, in support of their action, from confidential documents alleging failure on his part to reach the requisite standard of efficiency. The suspicion in the minds of the non-official members, on the other hand, was that he was being unjustly treated simply because he was an Indian. We confess we are unable, on the material that is available to us, to judge of the matter. Indeed this is a question which from its very nature is incapable of being correctly appraised on the basis of a desultory debate on the floor of a Legislative Chamber. This question, like all questions relating to the recruitment, promotion. degradation, retirement or dismissal of members of the public service, must be entrusted to a body to whom it belongs to decide them. In England and every other civilized country there is for the decision of these questions, a standing civil service commission composed of members free from all political influence and there is a provision in the Government of India Act for the constitution of such a commission in India, but for some unaccountable reason effect is not yet given to this most necessary step. We can but |

hope that their defeat in the Council will lead the Bombay Government to press upon the Government of India the urgent need of taking the only measure known to constitutionally governed countries of dealing justly with the services—and, what is equally important—of satisfying the public that they are being justly dealt with.

IT is a matter of great satisfaction Grants to Secondary to us that, owing to the pressure exerted by the non-official members of the Bombay Legislative Council, the Minister of Education has been enabled to restore the grants-in-aid to secondary education to the old scale. The reason for the reduction of grants, which has been in force for two years, was that, in cutting down the expenses of administration, all departments were called upon to make a pro rata retrenchment in their expenditure. It will be recalled that we animadverted strongly on the vicious principle of requiring nation-building departments which are awaiting considerable development to undergo the same amount of pruning as other departments which have reached their limit of normal growth. The Education Department is now freed from the consequences of this wrong-headed policy and the non-official members have rescued secondary education from the retrogression which would necessarily have followed upon its pursuit. The Education Minister must no doubt have unwillingly agreed to this temporary check, in the conviction that primary education has prior claims on the finances of the province and that he has already committed the Government to a high progressive rise in the monies to be applied to that object. That primary education must rank first has to be admitted, but we feel sure that the Minister of Education himself will be glad of the help non-official members have given him in increasing the subsidy for secondary education; for those who receive elementary education under his compulsory scheme will themselves clamour very soon for increased facilities for secondary education.

A SON of the late Mr. Tilak who Spiritualisation of Politics during his father's life-time, did not scruple to criticise him publicly for his anti-social reform ideas has now written to the press chastising Mr. N. C. Kelkar for having offered himself as a candidate for the Legislative Assembly. Mr. Tilak is not in favour of the boycott of Councils; his complaint rather is that Mr. Kelkar allowed himself to be carried away by the Gaudhian non-co-operation and proved disloyal to the memory of him whom he had always professed to regard as his political guru. Mr. Kelkar, when the fever of non-co-operation was on him, had given a pledge, it would appear, that he would never in his life stand for any constituency candidate for any of the Legislatures. And Mr. Tilak, though he would like to see Mr. Kelkar in the Council, would far rather have him redeem his pledge, for, he says, politics must first be spritualised, whatever the consequences. Mr. Kelkar is no doubt guilty of opportunism, but we think Mr. Tilak is unnecessarily hard upon him: for not only he but the whole Maharashtra party, it should be rememberd, had given a solemn undertaking in writing that they would not contest elections for the Councils till Swaraj had been attained. When the whole party, owing to the onrush of non-co-operation, has lost its moorings, why should Mr. Kelkar be singled out for attack when he, after all, has now merely/reverted to his true convictions?

#### RETALIATION.

THANKS to the Kenya decision of His Majesty's Government in England and the certification of the salt tax by the Viceroy here, the whole country is ringing with the cry of retaliation. The "settlement" of the Kenya question definitely establishes, in fact if not in name, the principle of a White Empire, admitting Indians only to an inferior status under European domination. This central fact must not be missed in the midst of many minor details, in the discussion of which an apolo gist of Government may conceivably point to one or two gains made by us and one or two losses sustained by our opponents. The whole controversy, broadly stated, was : which of the two conflicting theories of Empire is to govern Imperial policy in future? As a writer puts it in the Young Men of India, "One is the theory that the Empire is to be a Commonwealth of free nations, existing for the common good and advancement of all its subjects, of whatever race and colour, and having a special responsibility towards the backward races. The other is the theory that the colonies and dependencies of the Empire are the praedia populi anglici, that the white race is born to rule, and that the Empire should be a White Empire." The Imperial Government's decision can only mean, for India, that the latter theory has prevailed, despite the formal contradiction of this doctrine in the White Paper.

Lord Reading, making a faint effort to justify the decision, points out that India has won in several directions and tries to persuade himself that, if on other points she has not won, it is due to the sudden emergence in this conflict of native interests as a supreme factor, to which the interests of all immigrant races have to be subordinated. Indians will have no moral ground to complain, and will not complain, if the several points in regard to which trey stand at a disadvantage as compared to Europeans, can be demonstrated to have been dictated by the study of the welfare of the natives. to which the Government in England has all of a sudden awakened. For instance, both the Churchill plan and the Wood-Winterton scheme proposed a common electoral roll. Can it be contended that that proposal was turned down and that of separate communal elections, demanded by the whites, was adopted, because regard to the prior interests of the natives demanded it ? Whatever Imperial statesmen may say, it is obvious that the many serious deductions from the Wood-Winterton project were the result of putting, not natives before Indians or Europeans, but the whites' threats of violence before solemn Imperial pledges made to Indians. "In the neighbouring territory of Tanganyika," as the article above quoted says. "which is a British mandate under the League of Nations, by an article of the mandate, all the nationals of all States which are members of the League are to enjoy the same rights as are enjoyed by the nationals of the mandatory, i.e.

rights of entry into and residence in the territory. In this case, the principles of the League of Nations and of the British Commonwealth as expressed in the Imperial Conference Resolution of 1921 are identical. India is both a member of the League and a member of the British Commonwealth. There is, therefore, left no reasonable argument for discrimination." And our complaint is, let us repeat, not that any rights likely to be prejudicial to the interests of the natives are not conferred upon us, but that the whites are placed in a position of superiority over Indians, the promise of equality made to us notwithstanding.

The plain meaning of the Kanya decision being, in practice, that the whites will be in an ascendancy in the Empire because they are whites, the country is naturally casting about for impressive forms of protests and effectual means of reta-Several such have been tentatively sugliation. gested, and though their value as reprisals may be doubted and though they must be given mature consideration before adoption, they will surely all have their use as an indication of the scalding indignation aroused in the breasts of Indians at the spectacle, as Mr. Sastri described it, of India being made "the betrayed victim of numerous pledges." The withdrawal of India from the Imperial Exhibition and the Imperial Conference ( unless India's representatives are allowed to reopen the Kenya decision at the Conference), the refusal to be represented at the League of Nations Assembly unless her representative has a perfectly free vote, the putting into operation of the provisions of Dr. Gour's Reciprocity Bill, and the creation of deadlocks in the Indian Legislature on striking occasions, are some of these measures of retaliation or protest. That these or suchlike measures will now we feel little doubt, and have to be adopted public will be well advised now the Indian to considering seriously what measures will be Dr. Tej Bahadur Sapru is very most effective. happily inspired in asking the Government of India's permission, as he has done, to raise the Kenya question at the Imperial Conference and in plainly intimating to them ( so we read Reuter's message regarding this) that he would deciine to represent India in the event of this question of being burked. The incident is significant of the feeling prevailing throughout the country, that if there is no place for India in the Empire on a footing of equality, she can have no part or lot in any of the Imperial gatherings and demonstrations, and that every opportunity must be taken to draw the attention of Imperial statesmen, by her abstention from those gatherings, to this grisly skeleton in the Imperial cupboard. That we have at hand such an opportunity and that it will be immediately seized by one on whom the Government of India's choice has happily fallen, is a piece of India's good fortune. This will be a very important step in the

direction of India's withdrawal from the White Empire, and, we can assure all concerned that it will be quickly and unvaryingly followed by others till the principle of equal status is recognised in practice.

#### A DEMOCRATIC CIVIL SERVICE.

In a resolution which he moved in the Bombay Legislative Council on Friday last, Mr. Chunilal M. Gandbi, who presided over the Provincial Liberal Conference of last May, expressed the Liberal view on the question of the extended employment of backward classes in the public service. The resolution ran thus:

This Council recommends to H.E. the Governor in Council that, in order to bring the educationally backward classes such as the Marathas, Mahomedaus, depressed classes and the like in a line with the advanced classes, greater facilities should be provided for them to get education of all kinds, and that in the recruitment to public services preference should be given to persons of the aforesaid classes possessing the necessary minimum educational qualification for the same.

There is no doubt that many branches of the public service are at present monopolised by a few advanced classes, and it is inconsistent with the spirit of reforms that, with such an infusion of the popular element in the government of the country, the executive should still be a close oligarchy. The process of popularising the administration must keep pace with the popularisation of Government, and measures must be devised to admit into the various services members of the backward communities, who, because of their backwardness in education, are denied access to them.

What we wish to see is that all appointments in the civil service are thrown open to everybody, whatever his origin, whether poor or rich, whether belonging to the so-called lower or higher castes. But such a democratisation of the service is not possible unless we first democratise our educational system, under which any boy and any girl who felt they had it in them should be able. without effort, to go on from the elementary school to the secondary school and to the university. It is only when we establish an equality of opportunity in education that there can be a corresponding equality of opportunity (which is the foundation of democracy) in the services; and therefore any one who desires to break down the barrier between class and class in the matter of appointment to the civil service must direct his thought to the broadening of education. This is the reason why, in Mr. Gandhi's resolution on the public services, mention is first made of an extended provision of educational facilities to backward classes. We now have in this Presidency, or shall soon have, a compulsory system of elementary education; but what determines the filling of administration posts is secondary and higher-education, and therefore the progress of a backward class pupil from the elementary school to the high school and then to the university must be acilitated. At present it can be done by an exten-

sive use of scholarships for the promotion of the exceptionally able students. It is very gratifying that the Education Minister, Dr. Paranjpye, in replying to the resolution, announced that he was at present engaged in preparing a scheme for the award of scholarships and bursaries to students of the backward classes, which would involve an additional annual expenditure of 3½ lakhs of, rupees on scholarships. When full effect is given to this scheme it will be found, he declared, that no boy or girl coming from backward classes, who is qualified to go on to the high school or the university will be debarred from doing so by reason of poverty. Dr. Paranjpye also promised the extension of the free-studentship system. This is a very big step: indeed a step which would redound to the lasting benefit of the backward classes to a greater extent than a mere restriction of the play of competition which their leaders always press for. Even so, by picking out clever boys of backward classes and giving them scholarships of a sufficiently large amount and of a sufficiently long tenure, we can enable only a very small fraction of them to get the university training, and to fill superior posts in the service. For the present nothing more is possible, but our ultimate object must be to give equal opportunity of higher education to everybody.

We are, however, very far from that perfect educational system, and in the meanwhile we must be willing to soften the incidence of competition on the backward classes. Theoretically, without a doubt, the best system of recruitment for the civil service is that of open competition, but since unrestricted competition is sure, at present to shut out the backward classes almost as a whole, the system must be qualified in practice, and the qualifications that are necessary are indicated in the latter part of the resolution given above. Education is at present so unevenly diffused in this country that if the backward classes are unable to produce even an appreciable number of candidates possessing mininum qualifications required in the various branches of the service, the advanced classes are often able to produce a large number of candidates having more. than these minimum qualifications. In these circumstances, it is clear that under the régime of absolute competition, the backward classes must go to the wall. In order to give them a chance. we must give a preference to backward classes' candidates of lower, though ex hypothesi sufficient. qualifications. It is not necessary, for the performance of routine and mechanical duties, to appoint men with a wide range of knowledge and with an originality of mind, as they are often appointed at present, merely because they are available for the same rate of pay. In order to equalise somewhat the distribution of Government patronage, preference has to be given to men of inferior qualifications. This will necessarily mean alowering of efficiency, but it will be only for a time and with a view, as Dr. Paranjpye said, to obtaining a higher

standard of efficiency for the country as a whole. The Government accepted this part of the resolution, and it must be a source of great satisfaction to the Education Minister personally that the general principle which he advocated in his election manifesto with regard to the filling of posts in the public service has thus received a formal recognition at the hand of the whole Government.

There is now only one final word to be said on this question. Though we are willing, and indeed we deem it necessary, to restrict, temporarily, the operation of competition, we would not on that account favour the principle of nomination. Undoubtedly a competitive examination, wherever it is practicable, is far better than the old system of patronage, and it is not inconsistent with the qualifications to which we wish to see competition subjected to have competitive examination as a general avenue of appointment to the civil service. If, for instance, we constitue a standing civil service commission, to whom will then be transferred the task of recruitment, we can issue an instruction to the commission first to prescribe a certain mark in a particular examination as the minimum qualification for a particular post and then to give a preference to backward class candidates obtaining that mark. Thus we can reconcile, in the transitional stage, the somewhat conflicting claims of efficiency and social justice. We feel, what we hope will be considered a pardonable pride, that a member of the Liberal party has enunciated and succeeded in getting the Government to adopt a policy calculated to open in reality the subordinate and provincial services to the backward classes, as they were hitherto open merely in theory.

### MALABAR LAND TENURES. V.—SOCIAL CONDITIONS.

Diffusion of Property by Inheritance very rare.-Certain social conditions of Malabar are unique to the district and are not without their influence on the relation between landlords and tenants. The majority of the big landowners are Brahmins (Nambudiris), Rajahs and Nairs. Among them, the estates are impartible except under circumstances which are of extremely rare occurrence. Under the joint family system that prevails among them, the consent of all the partners is necessary, before a partition can be made. This seldom happens and the traditions are dead against the process. It follows from this that the natural process of the wider diffusion of landed property through division is here greatly restricted, so that the monopoly of land in the hands of a few individuals has no natural scope for abatement.

Landownership a Caste.—The landowners are greatly averse to sell or part with their allodial rights of even a small piece of their lands. It is next to impossible to purchase outright sites for houses or for other purposes. Only leases can be had with all their uncertainties and insecurities.

Thus in Malabar not only is there no frequent division of property among the members of the joint family itself, but there is not much possibility of the land passing out of the hands of the family. With pardonable exaggeration it may be said that landownership is a caste in Malabar, membership of which is determined by birth.

Frequent Changes of Karnavans.-Among the Rajahs and Nairs, property descends along the female line. The property of the joint family, the taravad, is managed for the time being by the seniormost male member, as karnavan, with very wide powers. This seniormost member, by the time he becomes the manager, is generally advanced in age, with no optimistic expectations to enjoy a long period of managership before death takes him off. As often as a new karnavan is installed with due ceremony, the tenants are laid under contribution towards the expenses of the installation ceremony. In former times the tenants made voluntary gifts and offerings on such occasions, but now they are compelled to do so on pain of heavy fines. This imposition is resented by some tenants as humiliating. But this is a comparatively small matter.

Change in the Interests of the Modern Karnavan.-For however short a period he may expect to be the manager, the karnavan of a few decades ago identified himself with family taravad and had no separate interests or affections. Now, under modern influences, the Malyalees have their affections transferred to their wives and children; at any rate they divide their affections and interests between their wives and children on the one hand, and the tharavad of their sisters and sisters' children on the other. A word of explanation may be necessary here. Among the Nairs, including the Rajahs, a typical family does not consist of a husband, his wife, their sons, and daughters-in-law, the daugthers going to their husbands' houses, as is the case elsewhere; but consists of the sister and her brothers, her children, male and female, by her husband who, however, does not live with her in the same family house, but lives in another taravad with his sister. It is therefore only the sister's children that live in the taravad and not the brother's children. The latter live in the taravad of his wife. As mentioned above, the karnavan of not long ago identified himself with his sister and her children and not with his wife and her children, who belonged to a different family. But things are now changing. The karnavan now likes to live with his wife and not with his sister. His natural affection for his wife outweighs his legal duties to his sister. And he gets possessed with the desire to accumulate property for the benefit of his wife and her children. He is not infrequently obliged to sacrifice the interests of his sister's taravad to benefit his wife and her children. Since the property is the joint property: of his sister's taravad, of which he is only a trustee and manager, he cannot legally and openly transfor the taravad property to his wife. Hence, he is compelled to obtain money in indirect ways and practise systematic fraud on the taravad. He is not very keen on raising rents from the tenants, since these rents must be accounted for on collection. He falls back on renewal fees and perquisites, which he can escape accounting for, and for which he does not issue receipts to the tenants.

And since he does not expect to enjoy a long spell of managership, and since all the money he wishes to accumulate can be got only during his managership, he is compelled to exact money from his tenants as drastically and as speedily as he can. The tenants are the victims of this change in the affections and interests of the karnavan. Thus as often as a karnavan comes to power, he puts forth a maximum effort to collect a maximum amount of money, unaccounted for and unaccountable, and as often are the tenants victimised on pain of eviction.

It is not the purpose of this study to enquire if any changes in the law of property and marriage in Malabar are necessary or not. But in so far as these institutions affect the relation between the dandlords and tenants, it may be said that reforms in these laws, to encourage partibility of estates and to promote the patriarchal system of married life, are likely to improve the position of the tenants, but the improvement can only be indirect and not immediate, nor adequate either.

Janmies Interference with the Tenants' Social Life -The conservative people of Malabar have not yet outgrown the social incidents of the feudal times of long ago. The landed magnates -a good number of whom happen to be Nambudiri Brahmins, with their priestly power and influence—assert their traditional right to control and regulate the lives of their tenants to an extraordinary degree. I have not had an opportunity to find out how things stand now and cannot therefore bear personal testimony. But there is no doubt that until very recently, and perhaps even to-day in the interior of the district, the landowners attempt an interference with the tenants' lives, which will not be tolerated elsewhere, and which is being resented even in Malabar itself. To put it rather emphatically, it may be said that the landowners consider themselves kings and the tenants slaves. Without the consent of the landlord, the tenant may not celebrate marriages, play music on ceremonial occasions, use a rope and pulley to draw water from wells, tile their houses, put up gate-houses, or use bell-metal vessels The landlord will decide how the tenant may cook his food, and what delicacies he may be permitted to eat. The East India Company had to obtain special permission of the then Zamorin to tile their factories in Tellicherry, the tiling of houses being a prerogative of the Zamorin. Mr. K. Chantan, who was a Deputy Collector in Malabar for over 13 years and has now retired, gives an instance of how, when he was Sub-Magistrate in Quilandy, a landlord demolished a beautiful gate-house that a well-to-do Nair had built without the landlord's permission, and how the landlord was subsequently fined Rs. 3,000 (The West Coast Spectator, 27-2-19). The same paper (4-3-19) refers to a Sub-judge who was given notice of eviction for tiling his house without the permission of the landlord and how the Sub-judge paid a heavy fine and secured the landlord's grace.

Allegations of a more serious nature involving the personal honour of the womenfolk of the tenants are also made, though it is hard to substantiate them.

Wherever there is great power, there is always a possibility of some misuse of it. But what makes it peculiarly painful in Malabar is that many of these restrictions and interferences on the part of the landlords were in former times quietly acquiesced in by the tenants as their preordained lot and have passed into traditions. Now, with the spread of modern ideas, these interferences are being increasingly resented by the tenants. while the landlords claim these by tradition. Modern education has but aggravated the tenants' sense of the disabilities they suffer under, without assisting them to throw them off. It seems, therefore, that without economic freedom from the landlords the tenants will not be able to obtain social. freedom.

Conclusion.—In conclusion, it appears that, considered from an extra-legal point of view, the tenants are much too weak to make a square bargain with the landlords, and that the special social and economic conditions of Malabar place the tenants in a peculiarly helpless position. There seems to be, therefore, a pressing call in Malabar for legislation in the interests of the tenants.

P. KODANDA RAO.

## IS IT A PROPER FUNCTION OF THE RAILWAY BOARD!

I.

In paragraph 12 at page 65 of its report, the Indian Retrenchment Committee says:—

It was represented to us by one of the Agents that a considerable portion of the expenditure on his Railway was for renewals which were in his opinion absolutely unnecessary and that 60 miles of line to be renewed in 1923-24 and a similar milage in 1924-25 could easily be strengthered at about one-third of the cost to last a further 15 or 20 years... We consider that the control exercised by the Railway Board should ensure that adequate financial provision is made for renewals, and that it is not a proper function of the Board to insist on expenditure against the advice of the Manager and Engineer.

No business man would quarrel with this proposition. If, as in the particular case cited by the Committee, the divergence of opinion as to the proper time for renewal is so wide as between the immediate present and 15 or 20 years hence, the prima facie conclusion would be that the difference represented the difference between professional

capacity and professional incapacity to judge correctly, and that the possessor of this incapacity must go. But as a matter of fact owing to the abnormal relations set up by the peculiar terms of the contracts subsisting between Government and the companies which are employed to manage our property, the difference is due to a conflict of interests. The G. I. P. Railway Company did not get a pie beyond its guaranteed interest from the working of the railway during 1920-21, 1921-22, and 1922-23; owing apparently to the heavy expenditure on renewals, leaving no profits in which it could share according to the terms of its contract; nor is the Company going to get any profits from the working of the railway during 1923-24, 1924-25, and 1st April to 30th June 1925, when its contract expires, if the contemplated scale of expenditure on renewals is maintained. ("History of Indian Railways," and page 65 of the Railway Revenue Budget for 1923-24.) In order best to illustrate how the conflict of interests arises, we shall take the concrete figures of the working of the railway during the years 1919-20 and 1920-21, one of gain and the other of loss to the State. The net earnings during the two years were respectively Rs. 4,70,91,731 and Rs. 2,91,33,269, as shown below:

	191 <b>9-</b> 20.	1920-21.
	Rs.	Ŕs.
(1) Gross Earnings		
("History of Indian		
Railways")	12,63,46,982	12,81,81,819
(2) Ordinary Expenses	Not known ·	9,23,5 ,613 ך
(3) Programme (renewal) Charges	Not known	{ لـ 66,89,937
(4) Working Expenses (Account No. 52, Finance & Revenue		
Accounts, )	7,92,55,251	9,90,48,550
(5) Net earnings. Item 1		
minus item 4	4,70,91,731	2,91,33,269

According to the contractual terms relating to the distribution of profits, as given in the "History of Railways," the net earnings (item 5 above) are applied:

- (a) in payment to the Secretary of State of the sum of Rs. 2 crores;
- (b) in repayment to the Secretary of State of all interest on money raised after 30th June 1900 by the Company or provided by the Secretary of State.

Any surplus to be divided between the Government and the Company in the proportion of 19/20ths to the former and 1/20th to the latter so long as the Company's capital remains at £2,575,000. If the Company's capital is increased, the Company's share of the surplus is to be proportionately increased, subject to a maximum of 1/10th. Out of the amount thus received, Government have to pay the guaranteed interest at 3 per cent. per annum on the Company's capital of £2,575,000, annuity charges amounting to £1,268,511 and interest on monies borrowed for the railway. When, as in 1920-21, the net earnings fall short of the total of the items (a) & (b) above, Government have to bear the loss and pay from their own pocket the interest guaranteed to the Company, their dues to the annuitants and interest to their creditors.

Thus, out of the net earnings of 1919-10 and 1920-21, Government received Rs. 4,62,26,183 and Rs. 2,91,33,269 respectively, as shown below:

		1919-20 Re.	1920–21 Rs.
(6)	Lump sum due to Govern- ment annually	. ( 2,00,00,000	2,00,00,000 }
(7)	Interest due to Government on monies advanced to the Co.	97,80,771	<b>)</b> -
(8)	Total due to Government	2,97,80,771	3,05,32,324
(9)	19/20ths of balance of Rs. 1,73,10,960 (Rs. 4,70,91,731—2,97,80,771) Item (5) minus item (8)	+1,64,45,412	
(10	Excess over net earnings not recoverable from the Co. Item (8) minus item (5)	,, ,,	<b>—13,99</b> ,055
(11	Total amount received by	4.62.26.183	2.91 33 269

Government 4,62,26,183

Against these amounts Government have tomeet liabilities to their creditors for interest on monies borrowed for the railway. These have, during 1919-20, reduced the earnings of the Government from Rs. 4,62,26,183, to Rs. 82,18,823 and during 1920-21 converted the earnings of Rs. 2,91,33,269 into a loss of Rs. 34,80,272, as shown.

1919-20.

1920-21.

	, ICO.	res.
(12) Total amount received by Government, Item (11)	4, 62, 26, 183	2,91,33,269
(13) Guaranteed interest at 3	4,02,20,103	2,01,00,203
	4	
per cent. on the Co.'s share capital of £2,575,000 (14) Interest on debt (15) Annuity payment	11,58,750 1,7·,20,960 1,90,27,650	8,97,515 } 1,69,78,057 } 1,47,37,969 }
	3,80,07,360	3,26,13,541
(16) Net gain to Government	82,18,823	
(17) Net loss to Government		34.80.272

It will be clear from the transactions explained above that the Company shares profits, if and when any, with Government, but not losses. These latter have all to be shouldered by Government. alone, presumably because at the time the contract was made (as recently as 1900) due consideration "to the market value of the money and to the value of the property which the Company was taking over and the value of the services which Government was receiving " of which the Chief Commissioner for Railways spoke at page-3334 of the Legislative Assembly Debates, Vol. III. required that the losses, if and when any, should. not be shared by the Company, but only the profits.

Secure in its guaranteed interest, secure further in not being called upon to meet its liability for interests on Government advances to the extent the liability exceeds the net earnings, the Company is not interested in reducing losses when profits. are impossible; but it is deeply interested when it can earn profits for itself—a result not inconsistent with a simultaneous net loss to Governmentany year by postponing renewals. None of the other items of expenditure lends itself to so easy The recent enhancements in a manipulation. rates and fares have rendered it easier for the companies to earn profits by postponing renewals when such renewals can be deferred without detriment to safe and reasonably efficient service. The interests of Government, on the other hand, require that when a net gain to the State from the working of a particular railway is impossible, the pace at which renewals are carried out should be slowed down so as to avoid any unshareable loss, whenever and wherever it is possible so to do. This is how the conflict of interest arises. For instance, during 1920-21 it would have been to the interest of the G. I. P. Railway Company to postpone the whole of the expenditure of Rs. 66,89,937 on renewals so as to produce profits in which it could share. while the Government's interests would have been.

served by limiting the expenditure to Rs. 44,99.183 in place of the actual expenditure of Rs. 66,89,937. This would have entirely avoided the loss of Rs. 34,80,272, to the State. There would have been neither gain nor loss to the State, although, paradoxical as it may appear, the Company would have made a clear profit of Rs. 1,09,537 over and above its guaranteed interest. The phenomenon of the Company making a profit when the State does not make a pie's gain is an incident of our contract making and we have the assurance of the Chief Commissioner for Railways at page 3334 of the Legislative Assembly Debates, Vol. III, that—

"After the most careful consideration every one of these contracts has been prepared and in no case is the Company obtaining a larger share of the profits than is its due.... We are told that we must run our railways on a commercial basis. One of the first principles of sound commerce is to honour our contracts, and we cannot avoid these demands which have been calculated, or will be calculated, on the actual net earnings received by the Companies."

In this connection it is relevant to quote a portion of paragraph 6262 at page 296 of Vol. III of the Indian Railway Committee of 1920-21:

The Chairman pointed out that the financial interests of both the State and the companies could not really be altogether identical. He instanced the case of the G. I. P. Railway Company, whose contract will expire in a few years, remarking that it is surely to the interest of the G. I. P. Railway to spend as little as possible on maintenance, and to inflate the net earnings of which they get a percentage during the short residue of their term, whereas the interest of the Government is that the line should be adequately maintained.... Mr. Bell admitted that, where there is a third party there is sure to be a divergence of interests. He explained that the Board's statement that the financial interests of both companies and State are identical was a general, but that there are special cases in which they do differ to some extent."

What is said here applies with equal force with regard to renewals being avoided when such renewals are not an absolute necessity from the point of view of safe and reasonably efficient service. We cannot, therefore, blame the Company for the attitude it took. What, however, we cannot understand is that our commercial experts of the Railway Board and the Chief Commissioner for Railways, knowing that the G. I. P. Railway has brought in losses aggregating to over Rs. 41/2 crores during the three years ending 31st March 1923, should have insisted on expenditure on this scale with the actual prospect of a net loss to the State of no less than Rs. 62,28,000 from the working of this railway vide table at page 63 of the Retrenchment Committee's report. The Agent says that in his opinion the renewals proposed by Government are absolutely unnecessary for a period of 15 to 20 years. The defence made by the Hon. Mr. Innes at page 3318 of the Legislative Assembly Debates, Vol. III, does not categorically deny the accuracy of this opinion. The only argument that has any air of plausibility is that, as contended by the Chief Commissioner for Railways, the renewals are part of a programme framed with a view to avoiding the necessity of having to renew an unduly large portion of the line in any one year, which would mean a large financial outlay and considerable interference with traffic working. But, a programme which, as pointed out by the Committee in paragraph 12 at pages 65 and 66 of its report, throws on the State additional expenditure out of

money raised at over 6 per cent. in order to avoid. 15 or 20 years hence, a possible delay to traffic-which in the opinion of those responsible would never arise, and which moreover threatens to continue the losses which the working of the particular railway has been entailing on the State when it can least afford to bear them—carries with it its own condemnation. The financial condition of the State demands that, as far as possible, expenditure on this and other railways similarly circumstanced should be so regulated as to bring in no losses to the State. In paragraph 6 at page 62 of its report the Indian Retrenchment Committee says, In view of the present financial circumstances and the large capital expenditure which is now being incurred on improving the railways, we consider that the overtaking of these arrears (of maintenance and renewal) might well be postponed on railways not able to earn sufficient receipts to pay interest and sinking fund charges." In the next paragraph it says, "The overtaking of arrears must necessarily wait until the financial position improves," the underlying principle as declared in paragraph 10 being "that the relation of working expenses to revenue should be so adjusted as to provide an adequate return on the capital invested." The interests of Government, in contradistinction to those of the companies, require that the expenditure should be so regulated as to bring in no losses to the State, unless of course full provision is consistent with an adequate return on the capital invested. And then in paragraph 12 the Committee says, "We consider that the control exercised by the Railway Board should ensure that adequate financial provision is made for renewals, (that is, the money so earmarked should be debited to working expenses even if it is not used in whole or in part ) and that ( subject of course to this condition of adequate financial provision) it is not a proper function of the Board to insist on expenditure against the advice of the Manager and Engineer." It is impossible to see how this position can really be assailed. The Hon. Mr. Innes at page 3318 of the Legislative Assembly Debates, Vol. III said, "I should like to challenge the statement that it is not the proper function of the Railway Board to insist on expenditure against the advice of the Manager and Engineer of a rail-It is clear that when he challenged this particular statement he overlooked the preceding statements of the Committee in their bearing on the statement challenged.

ECONOMY.

#### THE WORLD OUTSIDE.

THE report of the last meeting of Benevolent the "Federal Council" (as the I neptitude. legislative body of the Federated Malay States is called ) furnishes some material which those still hankering after "benevolent autocracy" would do well to ponder. The Federal Council, consisting of 11 officials and 6 unofficials ( all nominated ), meets twice a year for almost a week each time, when with a maximum of dignity and a minimum of criticism the approval of the Federated Malay States is given to whatever legislative, financial or political measures the Govern. ment chooses to submit. The Government, let us add, is of the true blue I. C.S. type, its members consisting of candidates who in those august examinations for the I.C.S. had obtained—probably

by accident—a few marks less than those who now provide the famous steel frame of our own happy country. Which means that they are superexperts at their job, supermen generally and altogether priceless. But behold, what even such Heavenly Beings let themselves in for, when they are safely removed from the nagging interference and prying criticism of the vulgar! The last meeting of the Federal Council, held a month ago "with full ceremonial," had to register supplementary votes for the following items (we quote from the Malay Mail): (1) excess expenditure of \$3,280,362 for unauthorized rail way construction work; (2) \$ 233,750 for a contractor's commission on a cancelled building contract; (3) \$ 201,580 for loss on chartering in 1919 a ship for the conveyance of European women and children to Europe; (4) \$ 146,075 for an irrecoverable loan made to a company started for making sand bricks; (5) \$ 102,000 compensation for commandeering a rice mill.

THESE five little items total up just A Seventy Lakh Extravaganza. under four million dollars—cool seventy lakhs of rupees—which has to come out of the pockets of a population of 1,324,890 by way of a little extra, quite additional to the ordinary budget! As regards the first item, no charge of malversation is made: the General Manager of the State Railway having apparently merely gone ahead, unhampered by any official or parliamentary checks, and afterwards "not done everything that was possible to make the position clear," in the words of the Chief Secretary. Item No. 2 however is as gross a case of corruption as can well be imagined: a contract for a seven million dollar hospital (1) is given out by the Director of Public Works, without tenders being called for, to his second in command (who resigns his post ad hoc) on a 15% commission basis and on the terms of a contract, so loosely worded, that, when the whole mad hospital scheme was cancelled in a passing fit of sanity, "compensation" to the gallant ex-P.W.D. contractor (he became a major in the 'Great' war apparently ) to the tune of over four lakhs of rupees remained legally due. The Director, P. W. D., conveniently away in Eagland, "has been called upon for an explanation, but his reply has not yet been received ", as the Ag. Chief Secretary informed the Council; and all the principal unofficial critic had to say, was that "he thought that somebody should have his pension cut off"! After this, the remaining three items come almost as an anti-climax, exhibiting as they do mere ineptitude, though to a colossal extent. As we said at the outset: the whole proceedings are an eloquent commentary on the business of a Government carried on without any parliamentary safeguard; and one only wonders, how much longer it will be, before these professional administrators themselves will insist on devolving their responsibility on some sort of parliament—just as nowadays all the best business administrators insist on i

passing on their responsibility to auditors elected. by the shareholders. It is mere commonsense: but, what of that, in the face of lust of power?

Solvitur Ambu- As mentioned already, the Federal. Council consists of 11 officials and lando. and 6 nominated unofficials (1 Chinese, 5 European ): and it goes without saying that even the latter are anything, but representatives of the people of the F.M.S. Witness the sentiments voiced by one of the five a propos of the Labour Code passed at the same meeting: "He thought", said a Mr. Kenion, "that the F. M.S. Government had been weak-kneed and had allowed the Indian Montagu politicians to imagine that they could send over their 'requirements' here under pain of stopping emigration to this country. It would have been more dignified to protest and take the matter higher up, if they could not get the Indian Government to see reason. He did not like the tendency of the Government towards socialism (and hoped the Government) would not give way to the philanthropic ideas of distant high-brow's". Well, well. Another Coun cillor fought tooth and nail a resolution, that the Planters' Association, of which he himself is a member, should have the right of nominating a member to the Federal Council—why? Because once you introduced any sort of franchise, it would not be long, before others would claim ittoo! A truly most excellent method of guaranteeing to Indians equal treatment in the Empire, by disfranchising the rest of the population as well, whilst nominating at the Government's pleasure "advisers", who all just happen to be Europeans! And seeing (from the minutes of the Indian Immigration Committee held July 4th at Kuala Lumpur) that the minimum wage nowadye guaranteed to Indians in Malaya·is 30 cents (8½ ans.) a day for aman and 25 cents (7 ans.) for a woman, one can perhaps be forgiven for not feeling too depressed on finding that, whilst 15,319, Indian emigrants arrived in Malaya during the first six months of this year 24,764 left during the same period. Which is one way of solving the problem—ambulando!

IF Malaya shows, what untram-Bxit Bureaumelled bureaucracy leads to, it is not to be wondered at that in Europe itself government by experts is in pretty bad odour. Prussia of course under the Kaiser used to be a perfect paradise of the "heaven born" -but the Revolution seems to have changed matters pretty radically, to judge by some figures given a couple of months ago at a Democratic Party Conference of Prussian Civil Servants. Until 1918 the higer administrative posts had been the close preserve of the High Tories; but now of the 12 Provincial Governors all are new men; of the 33 Lieutenant Governors, 31; of the 22 Imperial Generals of Police, 20; of the 426 Collectors, 277 The new functionaries belong to the following parties:

		Socialists.	Democrats	R, Catholies.	Nation- slists.	Others.	Total.
Governora	•••	4	3	3	2	_	12
Lieut. Governors	٠.	7	10	8	4	2	31
I. G. Police		10	1	2	1	6	20
·Collectors	٠	58	24	69	4	122	277
		79	38	82	11	130	340

Yet, how many people believe still that the only difference between the old Kaiserist and the modern Republican Government is but a name!

#### REVIEW.

#### LITERARY TASTE.

SCHUCKING, L. L.: Die Sociologie der Literarischen Geschmacksbildung. Munich. 1923. 61/2 × 4. pp. 151.

This little volume—the latest from the pen of our esteemed collaborator—deals from a sociological point of view with the development of literary taste. Dismissing the easy application of a "struggle for survival" principle to works of art, Prof. Schucking emphasizes that there can be such struggle only amongst human beings and not amonst the works they produce. Then how explain the profound change in literary taste which goes on from generation to generation? Why can we not bear even with what, say, the 18th century avidly devoured? Progress? "If to the readers of that age we are to give samples of contemporary favourites, they most decidedly would not receive them with the same sense of an advance made, as would be the case, if they were given the electric light to compare with their own oil lamp, or our railway with their stage coach" (p. 8). Our author's answer is that diterary taste itself does not change, but that, for economic reasons, the sections of society change, whose literary taste becomes decisive (p. 123), just as in the human individual the literary taste for fairy tales changes into that for adventures and love stories, as the child changes into boy and adolescent.

Thus in a society, of which we here in India have not yet lost the memory, it is the Prince, and he alone, who can keep a bard. "It is the retainer that entertains" (p. 20). What more matural than that literature of that age should look at the world through the eyes of a Prince, should have no understanding for the feeling of the small man, should despise manual labour, exalt magnificence and delight in war and chase? In an age of aristocracy it is equally obvious, that the aristocrat who has become the "patron," will become the arbiver of literature. Thus the ideal of the 18th century is the nobleman of perfect breeding and manners and it is amusing to consider how still today the older-traditioned and more conservative a journal, the more it is given over to the purely literary and historical pursuit (as for instance Blackwood's!) whilst the more "advanced" it is, the more it opens its columns to science, technology, economics, aport. In the post Reformation period, no literature could get printed, unless a noble patron guaranteed and defrayed the cost—a fact, which will explain fully the "literary taste," not of the 17th cent. etc.,

but of the classes, on whose approval the production of the books depended.

One has only got to compare with the Elizabethan drama the poems and novels of the very same time, to realize, that the one was written for the broad masses of the citizens and the others for an exclusive circle of titled friends. And why? Because the dramatist depended on the ticket office of a theatre, but the poet on the favour of a patron. And gradually there was a further "change of public taste", viz. when literature in general became independent of individual patrons through the emergence of the publisher. i. e., of a business, which depended for success on its ability to sell to the multitude. And the reading public for long remained bourgeois: whence we find a change in taste corresponding to a change from the taste of the "upper ten," for whom literature was an adornment, to that of the middle classes, who demanded from literature both scientific enlightenment and artistic inspiration.

The last phase seems to come—with Byron?—when art is declared to be above the ken of the ever blind multitude; when the artist's principal function is seen, as by Rossetti, to consist in guarding his art against the profane. "Art for art's sake" becomes the battle cry and an Oscar Wilde glories in spending days on end in the chase of an adjective. The artist poses as a specialist, as an initiate, in a realm forever closed against the philistine. And thus we reach to-day a pass, when theatrical critics (especially on the Continent of Europe) can write that a play had "an external success," when art becomes mere experimenting with new forms of expression (vide the "Cubists," "Vorticists," &c. of modern Western art)—so that at last art is swallowed up by caricature, and an unconscious one at that.

But how does this latest of literary tastes tally with our author's theory of art's economic dependence on its public, when this modern art deliberately excludes the public altogether? The explana-tion of the paradox must probably be sought in that the very idea of keeping out the multitude stimulates the individuals, composing that multitude, into pretending that they are of the "elect", that they do not belong to the multitude since they understand—in the subtle self flattery of each individual that he at least is above the heri. And this is, where autosuggestion is helped by advertisement— with the result that by repetition the new, which at first seemed ugly, ends by seeming beautiful: a fact, nowhere better proved than in the seasonal "fashions" of Western wearing apparel, which, appearing ugly, when first invented, speedily seem becoming, if generally worn, and again seem ugly once sufficient seasons have passed, to render them "old-lashioned." But it this is true, the literary taste of our days, no longer that of the Prince, nor of the noble patron, nor of the plain citizen, has become that of the advertiser! Monarchy-Aris. toeracy—Plutocracy?

The conclusion is sufficiently depressing in all truth: but one's own unshakable faith in democracy fortunately enables one to/reflect, that after all one may fool some people all the time, and all people some time, but never all people all the time—whence one concludes, that if only all art, whether plastic or literary or tonic, is made accessible widely enough, here as elsewhere vox populi will in the end be found to be vox Dei.

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