

# THE Servant of India

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## TOPICS OF THE WEEK.

We are very happy to inform our readers that the Trustees of the N. M. Wadia Charities have kindly promised a donation of Rs. 5,000 every year for six years to the Servants of India Society.

THE development of the French situation has been startling enough and would not lack a comic element, were the matter not so serious. M. Aristide Briand, having used up the smiles of his Finance Minister's, M. Peret's, who for two months assured France in the best Coue style that matters would come alright,—formed his tenth Cabinet, by making it a bicephalous one of himself and M. Caillaux, or perhaps rather of M. Caillaux and himself. The solution was a pretty one and we think would have answered the purpose intended, of curing the *franc*, although we are not of those who consider M. Caillaux a financial magician. What is needed to solve the French currency crisis is not magic, but common sense, strength of purpose and the possession of public confidence. This latter M. Caillaux however lacks, being considered in wide sections of France as rather too slippery a customer to be anywhere entirely trusted. So the bicephalous Cabinet came to an early end, whereupon to prove that the Leftists, the *cartel de Gauches*, anyhow could do nothing, their very leader, M. Herriot, was asked to form a Cabinet which lasted almost a whole day, at the end of which it went down before the general howl of division and execration of the French man-in-the

street who knows that much certainly of finance that to put the public finances right, one has got to ensure the help of the financiers, not their death, as M. Herriot's friends with their capital levy proposed. And so the wheel has come full round to the Right again: but while M. Raoul Poincaré will possess the strength of purpose which the situation demands and M. Aristide Briand, as his Foreign Secretary, will supply the commonsense: the public represented in all their shades of opinion by at least some one (from M. Bokanowski on the Right to M. Herriot on the Left) in the new Cabinet, are apparently overwhelming it with all the confidence required. Whatever measures are now taken, no single party will be able to be in official opposition to it, since all parties have given their pledge to fortune and to M. Poincaré's dish of Mixed Pickles. No party except the Socialists and Communists—but these two parties with their recently displayed utter ineptitude and lack of constructive policies are deservedly a complete back-number in French politics just now. And so one can but wish M. Poincaré all success in his difficult task as Finance Minister: a wish that can come with all the greater sincerity, since one is aware that anyhow France's foreign policy will remain in M. Briand's safe hands.

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THE Government of India have at last written round to all the Local Governments for their opinions and the opinions of public men and bodies in their provinces on the system of levying fines which obtains in all industrial establishments and the methods of rectifying the abuses incidental thereto. We are very gratified at the initiation of this investigation and also somewhat proud of it, because we are not so sure that we were not ourselves partially and indirectly instrumental in setting this important inquiry on foot. Towards the end of 1924 there appeared in the pages of this journal (Nov. 20 & 27, 1924) two articles by that remarkably able and clear-headed advocate of the labour cause, Mr. P. G. Kanekar, in which he traced the history of the Truck Acts in England and pressed a similar enactment for India. These articles were forwarded to Provincial Governments who were requested to supply information and institute an inquiry into the matter. The replies of the few Governments who did care to send in a reply were so supercilious and the Government of India themselves appeared so indifferent that it hardly seemed likely at the time that any suggestion for putting a check upon the power of employers to make deductions from the wages of their employees would be taken into serious consideration unless labourers by sheer dint of agitation made it unavoidable. Mr. Thom. Johnstone, M. P.,

fortunately forced the question to the fore when he visited India and wrote about it in the *Glasgow Forward* and we shall not be surprised if it is discovered that this really is the origin of the present inquiry. Anyhow we are glad that the inquiry is being started, and grateful to the Government of India for it. We shall take this occasion to bespeak the reader's attention once again to the two articles referred to above and for further material refer him to the Report and Minutes of Evidence of the British Truck Committee, 1906-07.

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EARL WINTERTON'S announcement regarding additional seats to be given to Labour's and Untouchables' labour and depressed classes will Representatives. not evoke much enthusiasm, for the representation is not adequate, nor is the system of nomination chosen to select the representatives satisfactory. These interests are not confined to a few provinces and there is no reason why only in a few provinces representation should be accorded to them. It is true that depressed classes, having no organizations of their own just yet, cannot be given elective seats unless communal electorates are set up for them: but labour organizations exist, however rudimentary they may be at present. And if these cannot be given the right to elect their own representatives, at least a system like that in force at the International Labour Conferences for the selection of labour delegates may be employed, as suggested by the *Bombay Chronicle*. That is to say, the existing labour unions may be asked to select the representatives of their own choice and the Government of India should ordinarily confirm the choice and, in rare cases, be given the power to set aside the man chosen in favour of the nominee. But some form of election, though indirect, might well have been introduced. The demand of the aborigines of the Bombay Presidency, on whose behalf Mr. A. V. Thakkar, the only indigenous worker among them in the whole of India, made such urgent representations, seems not yet to have been considered at all, either at Whitehall or Simla.

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THERE has been a good deal of correspondence lately in the *Hindu* about conditions of labour in the tea, coffee and rubber plantations of South India—summed up by our contemporary (in its issue of the 24th) as "offering very great scope for improvement." Practically the whole of a labourer's time from daybreak to sunset, we are told, is at the disposal of the employer without any interval of rest at all. The blankets supplied are inadequate, the rice is of an unsatisfactory quality, and the net wages such "as by no means to constitute a just remuneration." Simultaneously the Indian Government Agent in Ceylon has issued a report which has created no little stir, showing as it does that the Indian labourer on Ceylon plantations is but little better off than he would be in Southern India. The sting to our mind lies in the "but little better." There is a difference in favour of Ceylon: obviously, for otherwise the annual large exodus from Southern India to Ceylon would be inexplicable: and small as the difference apparently is, it yet suffices to induce so many labourers to emigrate. We cannot imagine a more scathing indictment of the habitual conditions of the agricultural labourer in India—and perhaps the most lamentable fact about the whole of this sorry state of affairs is that the poli-

ticians who wax so easily indignant at the wrongs suffered by the Indian emigrant abroad, are the very people who will oppose all measures designed to raise the labourer's standard of life at home and in addition would like to prevent all emigration, so as to render the existent standard here proof against competition with higher standards of Indians abroad.

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WE find that the change in the criminal law of Kenya providing for capital punishment in cases of rape met with the approval of Mr. Phadke, the Indian member of the Executive Council and aroused no opposition from Mr. Shams-ud-Dien and other Indian members of the Legislative Council. This is indeed surprising, but the attitude of acquiescence on their part was probably due to the fact that the measure is non-racial on the face of it; it makes ostensibly no discrimination in favour of the whites and against the blacks. But we have our own doubts as to how it will be actually worked. For the law does not compel judges to inflict the death penalty; it leaves them a wide latitude between the extreme penalty on the one hand and three years R. I. on the other. We who think the death penalty too severe cannot of course find fault with the discretion conferred upon the judges to impose a milder sentence; but we cannot but fear that in practice the natives will be awarded death sentence and the Europeans lesser punishment. The non-official European members of the Legislative do not accept the principle of the same law being made applicable to all races, and they refrained from pressing for more drastic punishment of native offences merely because of the opportunist consideration, blandly admitted by Lord Francis Scott, the spokesman of the white community, that "the Secretary of State had gone a long way to meet their wishes in the matter and if they asked for more there was a danger that they might lose what they hoped they would get under the present Bill."

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STRICTLY speaking, a certain amount of discrimination might in reason be made, but the discrimination must be in favour of the natives, who, being admittedly less civilized, are capable of less self-control than the whites who always vaunt their civilization before the blacks, as indeed was acknowledged in an unguarded moment by the organ of the Europeans. "Racial origin," it said, "should make no difference to the enormity of the offence and an even greater opprobrium rests upon the member of a higher race who is guilty of offence against women and children because of the greater sense of responsibility which the enlightenment or civilization bestows upon him in his relationships with lower peoples in a mixed community." If greater odium attaches to Europeans, it follows that a severer sentence should be imposed upon them, though the *E. A. Standard* will not admit as much. What, however, the European members of Council meant by differentiation was that the enhanced punishments should be reserved for natives, Europeans being dealt with under the Indian Penal Code as it stands at present. Else would they have pressed, as they did, for the extreme penalty being provided by law for an attempted crime just as well as for a completed crime? Assaults with intent to commit rape the law as now amended already punishes with the maximum penalty for fourteen years: but that does

not satisfy the settler community. If not death at least a life sentence must, according to their ideas of justice, be awarded—to natives. Even this is not enough; they stood out for collective punishment of a tribe or location from which the offender came, as though the native races really did not condemn these crimes. The fact, however, is, as is very forcibly stated in an appeal issued by Christian missionaries to the European community, the natives reprobate these crimes as much as any other race. The general attitude of the African towards white women is correctly indicated, the appeal says, by a recent incident at Moshi, prominently mentioned in Kenya, when a European woman was left in a motor car for the night without any kind of protection. The true remedy for such offences is, the Missionaries say with great insight, that the Europeans must show by their conduct that they respect native women, so as to inculcate in the natives a respect for white women. The general European attitude in this respect unfortunately is hardly calculated to inspire reverence for women in general among natives.

IN the *Spectator* of the 3rd inst. Miss (or Mrs.?)

Agatha Pemba has a letter on Unconscious Self-Revelation. "Negroes in British Ports" in the course of which she gives vent to her agony about "the harm done by the employment of Negroes in large numbers in our merchant ships." These "coloured seamen", she admits, "are very decent fellows, and they look out for a home) the less decent find a temporary one, the better ones marry white women." And this is where the agony comes in: not of the wives in question, by the way, but of Miss (or Mrs.) Agatha Pemba. For she continues:

And the women? The writer once asked a gentle, refined woman with three children of various shades of colour, all with woolly hair, how she could have brought herself to marry a black man, and what sort of future she expected for her children, and this was the answer:

"They make good husbands, those men. They are so thankful to us women for marrying them that they treat us like queens. They give us plenty of money; they don't drink; they are good to the children; the pay is regular while they are away, and they always come back to us. There's many a woman with a white husband worse off. The children? Well, there are such a lot of them now that nobody seems to think much about it; they don't mind them in the schools. They won't hurt."

So, the "inferior" race is abhorred because of its superior virtues? By the way, we wonder what Miss (or Mrs.) Agatha Pemba thinks about the caste-system of "heathen" India.

WE referred, a fortnight ago, to the "spontaneous" gift of £2,000,000 made by the Federated Malay States to the Singapore Naval Base. The best comment on this outrageous bleeding of a "tributary" for the good of the Empire is perhaps contained in a brief resolution signed by all the nine unofficial Municipal Councillors of Kuala Lumpur, who "protest strongly against the raising of school fees at a time when the finances of the country are flourishing."

So flourishing, that a couple of million sterling can be given away, but not quite so flourishing, apparently, that school fees have not got to be raised. The nine gentlemen in question happen to be a very representative company too, three being Chinese, two British, and one each Indian, Singhalese, Malay and Eurasian. We warmly congratulate them on their protest and no less on their fine sense of irony.

## COMMUNALISM AGAIN.

### SOME SUGGESTIONS.

WE do not apologize for reverting once more to Lord Irwin's Simla speech which deservedly continues as a topic of absorbing interest. The point mainly adverted to now in the press is that of communal representation and we are very glad that it is being so thoroughly ventilated and having its whole *raison d'être* called in question. The *Calcutta Guardian* of the 22nd agrees with us that, "fundamentally, there is deep unrest in India, not so much political as economic; there is not enough of food, clothing, housing to go round, but the human needs for these are exploited by powerful interests and the labour of the poor goes unrewarded. Now it so happens that the Moslem community is in a position of economic servitude and their masters are the great Hindu traders who dominate the village system. It is a recognized principle of group psychology that united thought is expressed in particular forms which may have no relation to the object which it is sought to express. In our present stage of development religion is the method by which groups express themselves in an united manner." Against this, the *Calcutta Mussalman* of the 20th hopes that "Lord Irwin does not believe at all in the shibboleth that communal representation leads, or has led, to intercommunal friction in India" and crossly adds that "His Excellency will do well to bear in mind that abolition of communal representation will lead to further tension." The *Amrita Bazar Patrika* of the same date on the other hand has a caustic leader on "Government by Percentage" and asks, whether absurdity can go further than admitting the principle of communal equilibrium in the numerical strength of the police force. Quite obviously, the thing cannot go on. Communal Electorates have proved the first stage of a journey down an inclined plane, the bottom of which is very plainly labelled "Civil War". The incredulity of the *Mussalman* and of Sir Abdur Rahim, how anybody can believe that communal electorates and communal strife are in any way correlated, will deceive nobody. The candidate standing for a communal electorate will, and by the nature of the case must, appeal to his electors' communal interests; a further consequence being that even a third rate candidate, who would on his own merits have no chance in a general electorate, has, if standing in the communal interest in a communal electorate, only got to profess great staunchness as a communalist to get into Council and Assembly. Communalism has produced the communal electorate and the communal electorate produces a still more intensified communalist temper: the thing surely is obvious.

Not quite so obvious is the remedy, except in the broad policy of having to retrace our steps and painfully to toil up the slippery slope again. The *Indian Social Reformer* (of the 24th) does not seem to think it feasible to do away with communal electorates at one fell swoop, although of course

it agrees that "there is no doubt that communal electorates are largely responsible for giving undue prominence in the Legislatures and outside to the communal aspect of public questions. Even when there is naturally no such aspect, the communal representative has to invent one to every question to justify his existence. In the pre-Minto-Morley Reform days, a Hindu or Mahomedan representative would be almost ashamed to stress the communal aspect of any public question. Nowadays, one has to apologise for calling attention to the national as superior to the sectional view." For all that, the *I. S. R.* would not do away with the system of communal electorates, as long as the Mahomedans want them. It pins its faith to the expectation that sooner or later the Mahomedans will discover the barrenness of the system and will get disillusioned, as e. g. the Sikhs already are. No doubt the disillusionment will come; but for ourselves we are by no means sure that it would come sooner than the complete smash-up of India's nationhood. We repeat, we must retrace our steps; although in doing so, we shall no doubt have to carry some part of our *damnosa hereditas* of communalism, even after reaching level ground once more. But surely we might as well set out to make our load as small and not as large as possible.

As far back as November 2nd, 1922, we said that "as things have gone, we are afraid that the abolition outright of sectional representation is impossible; but we do believe that the method of a two-chamber legislature lends itself admirably to satisfy the needs both of national unity and of sectional interests." We still think so, as we believe that on the one hand the Popular Chamber should educate the people to Nationalism rather than Sectionalism; whilst on the other an Indian Second Chamber, meant to put the brake on, as is the ostensible purpose of all Second Chambers, might very well do so *qua* representative of all communal and other sectional interests. Prof. H. R. Batheja of Cuttack has recently taken up this point and developed it in a paper he read before the Indian Economic Conference of last March; advocating "Tricameral Legislatures as a suggestion towards the solution of the communal problem in India"—Prof. Batheja's third Chamber being intended to represent the Provinces and the States. We cannot say that, until the status of our 700 odd Princes is definitively and clearly settled—a contingency remote from all practical politics even of the near future—, this third Federal Chamber is at all called for; but we certainly are glad of his advocacy of a Second Chamber so constituted as to make all exploitation of and injustice to minorities impossible.

And here one may perhaps point out that the question of Minorities is certainly one which agitates post-war Europe not a whit less than it does us here in India. Six methods have so far been used there, to deal with this thorny problem: (1) certain questions are withdrawn

altogether from the purview of Parliament (e. g. religious questions in the U. S. A.); (2) territorial autonomy is granted, where minorities inhabit compact geographical districts (e. g. Wolga Germans in Russia); (3) not the population, but the region is made the electoral basis (e. g. for the American Senate); (4) by the Constitution certain fundamental rights are secured to minorities (e. g. French language to Quebec); (5) the requirement of unanimity in all decisions (e. g. the *liberum veto* of ancient Poland); (6) the Two-Chamber system, as advocated by us. Now while no doubt safeguards on the analogy of methods (1) and (4) and perhaps even (3) (Prof. Batheja's plan) might offer auxiliary safeguards, it seems to us that the Two-Chamber system is really the one method that is most advantageously and naturally applicable to India: not least, because it provides in the elections to the popular chamber an opportunity for training both candidate and electorate to think nationally. We hope sincerely that this plan will receive between now and 1929 all the attention that it deserves and that full working details may be ere then elaborated.

In the meantime there is one other point on which we bespeak Lord Irwin's influence with this fellow-countrymen here in India and with the Anglo-Indian community. It is typical, that the *Times of India* is as much put out by the suggestion of doing away with communal electorates, as is any organ of Moslem opinion: and it certainly would be of little use to tell the Moslems to give up as useless communal electorates, if at the same time the Europeans and Anglo-Indians were meant to keep theirs. Justice must be even-handed, if it is to be justice, and a just principle must be applied without exceptional treatment for anybody. If the minority interest, will anyhow be safeguarded in some manner, say by the Two-Chamber system, the European minority must be satisfied with that, if the Moslem one is to be. We would even go further and, as we have said on a previous occasion, we deem it even the moral duty of the British community in India to lead the way and to show in deeds and not merely in words their attachment to the democratic principle, which it is their boast to have cherished for so many centuries and which it certainly is their great achievement to have introduced into India. We are not likely to underrate what the introduction by the British of Western education has done for the country; we are gratefully conscious of the inception of the Indian National Congress by another Britisher. May we suggest that here is another opportunity for our European friends to set an example worthy of their traditions and, by renouncing voluntarily now for their own part a temporary advantage, to ensure for themselves and for the British connection as a whole a permanent place in the Indian Commonwealth—permanent, because based not on an adventitious claim for privilege, but on the gladly acknowledged title of intrinsic merit.

### THE HINDU AND HIS HEREDITARY PRIEST.

THE Bill brought in by Mr. S. K. Bole to amend the law relating to the emoluments claimable by vatandar Hindu priests in the Bombay Legislative Council is an important piece of social legislation. According to the *vatan* system prevalent in the Bombay Presidency, a village community has its hereditary officers called vatandars, amongst whom has been the Joshi or the village priest. The Joshi vatan like every other vatan, consisted of the *hereditary office* to perform religious ceremonies at the house of a Hindu yajaman and *property*, if any, attached to that office by way of remuneration. The property attached to the hereditary office of the Joshi consists partly of rent-free, i. e. inam, land and partly of a right to collect fees on the performance of religious ceremonies from the yajaman. In a system like this there is always a question as to the rights of the Joshi, the holder of the hereditary office, in cases where a Hindu, instead of calling him to officiate at the religious ceremonies, calls another priest of his choice. Can the hereditary priest sue the Hindu yajaman to recover his emoluments even if he has not been called to officiate? Can the hereditary priest sue the Hindu and his rival priest for an injunction restricting the one from employing and the other from officiating at the religious ceremonies to the prejudice of his rights?

In the case of *Dinanath Abaji vs. Sadashiv Hari Madhav* (3 Bom. 9) the trial Judge, who happened in this case to be the late Mr. Justice Ranade, gave a declaratory decree to the Joshi to the effect that he was entitled to perform the ceremonies and receive fees irrespective of the wishes of the yajaman. Fearing that if the declaratory decree were allowed to stand as it was drawn by the trial judge the priest might sue the yajaman for specific performance and might obtain injunction restricting him from having the ceremonies performed by anyone else but himself, the District Judge altered the original decree so as to declare that the plaintiffs, i. e. the hereditary priests, are "entitled to perform the ceremonies they mention in their plaint for the defendants and to receive from them the fees customary, or, if not employed, to receive on each occasion a fee equal in amount to that paid by the defendants, or any of them, to the person or persons employed by them instead of the plaintiffs". This decree was confirmed by the High Court in appeal.

In the case of *Raja Shivappa vs. Krishnabhat* (3 Bom. 232) the trial Judge, who in this case happened to be Madhavrao Krishna, awarded damages to the hereditary priest against the yajaman and the rival priest and also gave an injunction against the rival priest. The lower appellate Court amended the decree of the trial Judge by rejecting the hereditary priest's claim against his rival for damages. In second appeal the High Court discharged the injunction against the rival priest but held that he was liable to damages.

There have been many cases of such disputes in the Reports of the Bombay High Court. But these two cases have been selected because they show to what extent the Bombay High Court is willing to extend the arm of the law to protect the right of the hereditary priests in the Bombay Presidency. These decisions of the High Court of Bombay have established that Joshis have a

hereditary right to officiate at the religious ceremonies at the house of an yajaman and though the Court was reluctant (it does not say that the Joshis are not entitled to injunction) to give an injunction against their yajamans and usurpers restraining the former from employing and the latter from officiating at religious ceremonies, yet has allowed the Joshis the right to claim their customary fees from the yajaman when they have been called upon to perform the ceremonies.

The Bill brought in by Mr. Bole seeks to provide a remedy for this injustice by enacting that "no person shall be entitled to claim, as a matter of right, any ceremonial emoluments from any Hindu who does not call in the services of the person claiming those emoluments". Howsoever good it may be in other ways the Bill is an illogical attempt to remove what is felt by the mover to be an evil. Without any inquiry whatsoever the Bill assumes that the decisions of the Bombay High Court in the matter of the purohits have been wrong. In the statement of objects and reasons it is stated that this decision of the Bombay High Court is opposed to that of the Calcutta High Court which has held (15 C. W. R. CIL Rulings 531) that "a suit will not lie against the yajaman for fees paid by him to an officiating priest either on the ground of hereditary right of priesthood or of any contract entered into with the plaintiff by the priest who officiated. The right of a purohit to officiate at the ceremonies of a family because his ancestors had performed the ceremonies before, has been justly held to be a right not enforceable at law. No one can compel another to employ him as a purohit against his will, and a court of justice has no power to enforce its order against the conscience of the party." Without any inquiry whatsoever the Bill assumes that the decisions of the Bombay High Court in the matter of the purohits have been wrong and that those of the Calcutta High Court are right. Now all that we can say is that the two courts have differed; and if the circumstances appertaining to the right claimed by the purohits in the two provinces are different each court must be held to be right in the view it has taken of the matter in question. On the other hand if the circumstances appertaining to the right claimed by the purohits are the same in the two Provinces then there is no doubt that the Calcutta High Court is wrong and the Bombay High Court is right.

The action by the aggrieved Joshis is no doubt founded in tort. But holding that to be so, it is somewhat difficult to understand at first sight how a priest can maintain an action for damages said to have been caused to him by another priest in the exercise of his common right. Every one must be free to practise the profession of a purohit as he is to practise the profession of a teacher. If a teacher who has opened a school cannot maintain an action for damages for loss of pupils due to the opening of another school by a rival teacher, why should one priest be allowed to maintain an action for damages against another priest because the latter has chosen to enter the same profession. On the face of it therefore the case of the Joshis seems to be a case of *damnum sine injuria* which cannot be made a basis of an action in tort. *Damnum* is not the foundation of action in tort. What is essential in an action in tort is *injuria*, which is another name for the infringement of a legal right which others are bound to respect.

This seems to be the reasoning of the Calcutta High Court in holding that the suit is not maintainable, although it is nowhere put in such ex-

PLICIT language as above. In the numerous cases of Joshis that have come up before the High Court of Bombay the aspect of the view that it is a case of *damnum sine injuria* does not seem to have been adequately presented in anyone of them by the defendants. We would then have known in clear terms what were the reasons which led the Bombay High Court to hold that apart from damages it was essentially a case of *injuria*. However, what the Bombay High Court would have said in reply to a plea like this can well be seen from the judgment which was delivered in the case of *Muhammed Yussub vs. Sayad Agamad* (1 Bom. H. C. R. Appendix xviii. decided by the late Supreme Court, Plea side) which was a case of a hereditary Kazi. In that case the Court proceeds on the basis that any hindering or disquieting the owners of an incorporeal hereditament in their regular and lawful enjoyment of it would be an *injuria* actionable as such. An incorporeal hereditament besides including estates and interests in land which are not accompanied by present possession or profit also includes such rights as franchises, offices, etc. The question before the Court was 'Has the Kazi any right which may be called an incorporeal hereditament?' The Court held that Kazi was an office granted by competent authority and as such an incorporeal hereditament, any disturbance to which was actionable. In short such a suit was not conceived to be a suit for employment of the Kazi at religious ceremonies and damages for non-employment, as has been wrongly done by the Calcutta High Court. On the other hand the suit was deemed to be a suit by the incumbent on a disturbance to the office, an incorporeal hereditament, which in law is deemed to be an *injuria*. Now there is no difference between an hereditary Kazi and an hereditary Joshi. Both are enfranchised by grant or prescription to hold their offices. By parity of reasoning, the Joshi is as much entitled to sue for a disturbance to his office as is the kazi. Thus viewed, the question of conscience raised by the Calcutta High Court has simply no place. The position of a Joshi is the same as the position of a person who has the franchise of holding a court-leet, of keeping a fair or market or of taking toll. If another person by distress, menaces, or persuasion, prevails upon the suitors not to appear at his court, or obstructs the passage to his fair or market, or drives away the carriers from entering the toll area, the Court cannot refuse relief because by granting it some one will be obliged to deal with the holder of the franchise against his conscience. To take a modern illustration, a tramway company which has been granted a franchise cannot be refused relief by a court of law if any other unfranchised company opens a tramway on the ground that it will compel some people to travel in the cars of the old company against their will and conscience. The point to be noted is that so long as there is a franchise, any disturbance to it must be protected. If the relief granted to the Joshis by the High Court of Bombay brings about unpleasant consequences, then the remedy does not lie in blaming the High Court which has granted the relief. The remedy lies in abolishing the office, the franchise whereby the Joshis claim to officiate so that the foundation for such a relief may be taken away. This the Bill does not attempt to do and in fact does not deem it necessary to do. But the framer of the Bill not being aware of the basis of judgment of the Bombay Court fails to realize that so long as the office of the Joshi continues, the Joshi shall have his remedy and will have it notwithstanding the present Bill. For the Bill, it

will be seen, only bars his remedy against the Yajaman. There is nothing in the Bill to prevent an aggrieved Joshi from proceeding against the usurper of his office in damages for disturbance to his office. And if he can successfully maintain the suit, of which there can be no doubt, the purpose of the Bill will be totally defeated. For, with this penalty hanging over him, no one will dare to usurp the place of the Brahman Joshi and the non-Brahman who conscientiously objects to employ the Joshi because he is a Brahman will be obliged to seek his ministrations.

The proper remedy for the evil complained of lies therefore in the abolition of the office of Joshi. The abolition of the office necessarily means the abolition of Joshi vatan. For this the first step is to amend the settlement sanads granted to them. At this stage it is necessary to recall that after the establishment of the British Government in the Bombay Presidency there were innumerable people claiming land free from Government assessment on one pretext or another. Amongst these there were the hereditary village servants useful to the community, such as Joshis, Chambers, Manys, Sutars, Barbers, Kumbhars, etc. After detailed investigations the Government instead of abolishing their vatans continued them by settling their claims to revenue-free land and granting them sanads confirming their right. In these settlement sanads it is declared that "the said land and cash allowance shall be continued as long as the village community may require the services, as the service emolument appertaining to the office of \_\_\_\_\_ on the following conditions, that is to say that the holder thereof shall perform the usual service to the community and shall continue faithful subjects of the British Government, etc." It is because of this sanad that is issued to all village servants useful to the community that the whole mischief arises. The only remedy which can free the citizen from this tyranny is to amend the sanad so as to read:—

"The office \_\_\_\_\_ of having been abolished, the said lands and cash allowances once appertaining to that office as service emoluments shall be continued to the holders and their heirs *ex gratia*, provided that they shall continue faithful subjects of the British Government, and shall render to the same the following fixed yearly dues:—

	Rs.	As.	Pies.
Mamul Judi	...	...	...
Commutation Judi	...	...	...
in lieu of Service.	...	...	...

Total ... Rs. ... ..

It has been objected that Mr. Bole's Bill is an anti-Brahman move in so far as it is directed only against the Joshis. The objection is rightly taken. It is certainly most annoying to citizens to have the services of certain persons forced upon them. But granting all this, one cannot understand how a situation which compels a person to have a shave at the hands of one particular barber and no other, to have his roof repaired by none but the particular carpenter, or to have his *mot* and shoes mended by none another than a given shoe-maker, is more tolerable than the situation in which one person is obliged to have his son's marriage solemnized at the hands of a particular purohit. Is the tyranny more tolerable because the tyrant is a non-Brahman? If a citizen is to be freed from the annoyance of one class, why should he not be freed from the annoyance of other classes as well? That the mover of the Bill has proved himself a narrow-minded reformer is no doubt true. But it

does not follow on that account that Joshis should be retained. All that it means is that the principle should be extended to all vatandars. The method suggested above for dealing with the Joshi has this advantage that it can be applied to all at one stroke. The only thing necessary to be done is to enter the proposed amendments in the sanads of all. Instead of the Bill therefore it would have been better if its promoter had brought in a Resolution in the Council recommending the abolition of the vatan of those village servants useful to the community by amending their settlement sanads in the way suggested above.

Suppose, however, that the Joshi ceases to be employed by reason of his office having been abolished, the question remains as to who is to be employed in his place. This question the framer of the Joshi Bill does not seem to have taken into account. And after all this is the most important aspect of the question. What is wrong with the Joshi is that his office depends upon *birth* rather than upon *worth*. There is no guarantee that he has reached a definite standard of proficiency in his avocation. Ignorance is no bar to the holding of the office. Impiety does not bring about forfeiture. All this of course is true. But the mere abolition of the vatandar Joshi is no guarantee that his successor will be a proficient and a pious person. Proficiency and piety in a purohit are vital to the sanctity of the office and they will be never guaranteed until the State undertakes to regulate the office by a positive enactment passed in that behalf. The passing of what may be called "The Hindu Religious Ceremonies Regulation Act" would afford a more complete remedy if the following clauses were embodied in it:—

I. No Hindu religious ceremony shall be deemed to have been legally performed or shall be deemed to have any legal consequences whatsoever unless it has been performed by a person legally authorized to perform the same, under this Act.

II. No person shall have authority to officiate at any Hindu ceremony unless he holds the degree of "Brahman", any right by virtue of sanad or prescription notwithstanding.

III. There shall be constituted under this Act "a Religious Service Commission" composed of 8 Commissioners nominated by Government. Of these 2 shall be Pandits, 1 Professor of Sanskrit, 1 Professor of Comparative Religion, 2 from the Backward Classes and 2 from the Depressed Classes. The Commissioners shall hold office for 5 years.

IV. The Religious Service Commission shall frame rules for the purpose of prescribing the studies, the holding of examination and appointing examiners at the Religious Test Examination.

V. Every Hindu male above the age of 15 shall be entitled to appear at such examination.

VI. Successful candidates shall be granted a certificate of proficiency and shall have the degree of Brahman conferred upon them, provided that the holder shall forfeit his degree if he is convicted of any of the offences under the Penal Code mentioned in the Schedule.

VII. Any one other than a degree holder calling himself a Brahman shall be liable to a fine of Rs. 50 for the first offence and additional fine of Rs. 100 for every subsequent offence.

The suggested regulation is one by the levelling hand of democracy. The regulation attacks the very citadel of Hindu social autocracy. Even for a staunch and through-bred democrat it will be an uphill task. But it is certainly worth the effort.

It will have at least one consequence. It will restore the name Brahman to its ancient and proper meaning.

JUDEX.

### SOLIDARITY.

INEQUALITY, then, as we have seen, exists and the broad division of people into rulers and ruled remains, however much we may emphasize that the sorting out of individuals into these categories ought to take place according to fitness, not descent. The whole history of mankind, more particularly the record of our own times, is eloquent testimony that the greatest statesmen, the most eminent of men in all professions, can and very often do spring from quite humble and seemingly most inauspicious origins. If in antiquity slaves have not infrequently leapt to imperial thrones, a pariah of the West, Benjamin Disraeli, has in the lifetime of many of us performed an even greater feat, and even in our own experience have the *arcana* of foreign affairs been mastered by upstarts like MacDonald and Vanderelde in a manner which has put to shame the bungling of the hereditary diplomats who preceded them. Nor could it be said that the exception proves the rule: for the more numerous the opportunities, the more numerous too have always been the "exceptions." Yet the principle of subordination remains.

Modern democratic writers, one is afraid, are rather apt to slur over this natural inequality of the people according to their fitness to rule; the ideal in their minds apparently being a State in which all citizens are directly taking part in its government. Of course, if sovereignty lies in the sum total of the people, as Liberalism teaches, that ideal is an obvious conclusion flowing therefrom. Were the fiction of the *contrat social* true, government of course would be by power delegated to it by the sum total of all the citizens. But in fact, rule is of the very nature of the State; the authority exercised by the rulers is not an accidental attribute which may be given or withheld at the caprice of the ruled; on the contrary, it is the very life-breath of organized human society and is that which distinguishes the latter from mobs. Hence, because the authority of the rulers is of the very nature, i. e., of the divine design, of things, Catholicism holds\* that it is "some sort of communication of the divine authority and power", demonstrating by such reduction to God as its origin, that "governmental authority is participation in the authority of the Divine All-Ruler, viceregency of God on earth, manifestation through human instruments of the divine right of empire." † But if authority as such is divinely ordained, it yet does not follow that the incumbent of that authority for the time being or the type of authority, exercised are divinely chosen too. On the contrary and as we have seen already, the Scholastic theory neither admits that the ruled

\* in the words of Leo XIII quoted by Tischleder, p. 469.

† Tischleder, p. 104.

nor that the rulers are the State, but conceives of the Commonwealth as existing for both.

Hence although it is the duty of the ruled to accept authority as something given, i. e., not created by themselves, yet it is their right to designate the persons exercising such authority. This designation in the past has usually been only implicit. The people were mostly ruled by Princes, who were obeyed, until some outstanding acts of tyranny goaded their people into revolt: in which case the popular veto usually took the form of killing the tyrant. Nowadays the assent to rulers is mostly of a formal and positive nature, the form being either that of electing a President for a definite period or else of making him Premier who can obtain the largest support of the people's representatives in Parliament. Authority therefore in the last instance does not vest in either ruled or rulers, but in the whole body politic, the *corpus politicum mysticum* of Suarez: \* the rulers exercise the authority, but the ruled indicate who is to exercise it; popular consent does not create the authority, but is a *sine qua non* of its exercise.

This, I may add, is a knotty point in the Scholastic doctrine and still somewhat debated; but the view put forward here may be taken to represent the teaching of St. Thomas and his school. Prof. Alfred O'Rahilly (in the October 1920 number of the *Irish Theological Quarterly*) goes so far as to say that he "made a laborious investigation of every accessible Catholic philosopher and theologian from the 13th to the 19th century and found that 52 writers prior to Suarez and 87 after uphold the principle that government is based on the consent of the governed; 65 do not discuss the subject at all; and only 7 Gallicans, of very doubtful orthodoxy, reject the principle." Tischleder too (p. 216) concurs that this interpretation is the general Scholastic one and that it is the totality of the State in which primarily and by natural law authority is vested. He also maintains that Leo XIII implicitly held the same view, although he never explicitly formulated it. The point is of importance, because the phrase "the sovereignty of the people" is used in many modern constitutions: the Belgian one (Art 25) lays it down that "all powers emanate from the nation; they are exercised according to the manner established by the Constitution"; the German one similarly saying that "the governmental authority emanates from the nation." Castelein probably sums up the position best, when he says that such a statement no doubt is false, if taken in the exclusive and philosophical sense of Rousseau, but is perfectly true, if taken as the juristic expression of fact (Tischleder, p. 219).

And it is not mere desire of dialectical subtlety or delight in hair-splitting futilities which prompts the Scholastic philosopher to devote so much thought to this point, whence the executive power of government emanates. The point is eminently

practical and of the highest importance, because of the far-reaching psychological consequences which will naturally flow from its decision. If there is no natural difference between rulers and ruled, subordination can only be yielded grudgingly: and the anarchist idea that all rule is usurpation, however vaguely held, will naturally promote a mentality which looks upon a state of conflict between rulers and ruled as the natural, permanent, normal thing. Similarly, if executive power is thought of as vested exclusively in the ruling class, a feeling of sullenness, of impotent rage, is fostered on the one side and one of haughty contempt and reckless abuse of power on the other: with the net result of a mentality similar to the one already described, viz. of taking a conflict of interests between the two classes for granted. Against these two views, the Scholastic doctrine promotes the idea of solidarity, rulers and ruled being as necessary and complementary to each other as, say the nervous and respiratory systems in the human body. "If the whole body were the eye", as Rousseauism would have it, "where would be the hearing? And if the foot should say, because I am not the hand, I am not of the body", as the extremists of the hereditary principle are wont to say, "is it therefore not of the body?" Thus did St. Paul already formulate the issue (1 Cor. 12, 14ff.) and thus also did he already formulate the Catholic solution of the problems in the words: "But now God hath set the members, every one of them, in the body as it hath pleased Him."

Notwithstanding all current false notions of egalitarianism, the idea of a ruling caste based on merit and not descent is common to the latest utopianist, H. G. Wells, as to the first, Plato. Plato already had placed his "Republic" under the rule of the "philosophers"; Mr. Wells in one of his brilliant anticipatory phantasies postulates a class of *samurai*, membership in which is made dependent on public spirit and personal sacrifice. It is not often realized, however, that the system is actually working in contemporary history, under our very eyes, so to speak. For the Communist Party of Russia and the Fascist Party of Italy are not "parties" in the usual sense of the term: they are rather the newly created ruling class, which alone is entitled to executive power in the State. The Communist Party of Russia is an *élite* of half a million—near enough in proportion to the total population of 136 millions in the Soviet Union to correspond to the "Upper Ten-thousand" of Western European countries. But while admission to the latter was conditioned by gentle birth and wealth, the new Soviet *samurais* demand proletarian status and an ascetic renunciation of money reward as *sine qua non* of Communist membership. Like all members of this party the highest Ministers of the State are receiving a mere pittance compared with the large emoluments open to non-members; on the other hand, if any member is found to transgress the laws, he is

\* *ibid.*, p. 217.



able to double the punishment meted out to ordinary citizens. While the Fascist Party of Cavaliere Mussolini does not go to such lengths, it also no doubt is based on the idea that executive power belongs to an *élite* who put service and the common good of the State before sectional interests. The *samurai* of the pre-reform days in Japan of course were quite as strict in the asceticism and severity of discipline, as are the Communists of Russia; indeed all nobility even in Europe was always, in theory at least, based on the principle of *noblesse oblige*. Our Brahman caste here too has in theory always counterbalanced its claim to superiority by renouncing worldly advantages. But the new thing about analogous developments today lies in the fact, that modern *élites* are no longer based on the hereditary principle. In the Christendom of the Middle Ages high offices of the State already went often to clerics, not only because they were the best educated class in the land, but because they could more readily be presumed to have no axes of their own to grind; and the Catholic clergy of course is not hereditary. Here also therefore one discerns the influence of the Church; and it is fascinating to see how these true principles are being taken up and applied in quarters quite unconscious of their origin. *A priori* one would consider that here in India these ideas should find ready acceptance too: and the emergence of the new type of *sanyasi*, a movement inaugurated by G. K. Gokhale, the great founder of the Servants of India Society, is indeed an earnest that this seed has fallen on most suitable soil. Lala Lajpat Rai's "School of Politics", Mahatma Gandhi's Satyagrahshram are other instances of the same new ideal of public life, which would base its selection of national leaders neither on princely birth nor on princely salaries, but on service and self-sacrifice.

And the elimination of the new breed of self-seeking politicians, of what the Americans call "political bosses", is indeed of the greatest importance, if the transition from the old Caste-State to the new Democratic State is to be safely accomplished. It is futile to think that all citizens can and should rule; that every dozen people should form a 'soviet', a Committee deciding things for their own group, all such groups being loosely held together by committees of representatives from lower committees. The thing was tried in Russia and failed utterly. A ship demands a captain, not the Chairman of a Committee of Seamen; an industrial works a manager, not a Soviet President; a State rulers, not party puppets. Throughout Europe there goes up a sigh for "a strong man", for men who will rule, for authority, and for men who will make authority respected. The dictatorships of Spain, of Greece, of Poland, not to speak of Italy and Russia, are not freak phenomena, but the natural reaction to the impotence of a system of Liberalism *a outrance*. Austria and Hungary were saved by being put into the hands of a Public Receiver with dictatorial

powers; Germany similarly needed the dictates of a "Dawes Plan" to gain the force of getting out of the twin bogs of inflation and deflation. Belgium today, France tomorrow, are forced to look for a man, whom people will obey, not because what he does is pleasant for them, but because they can trust him that he is intending the common good and not that of his own clique or his own self. It is only when the suspicion of the masses has been eliminated, that the solidarity of rulers and ruled can come freely into play again: and that is not possible, unless there is a guarantee that politics are not a close preserve for the base, the brazen, the unscrupulous.

H. C. E. ZACHARIAS.

## REVIEWS.

### THE ENGLISH SECOND CHAMBER.

FUNCTIONS OF AN ENGLISH SECOND CHAMBER. By G. B. ROBERTS. (G. Allen & Unwin, London.) 1926. 9 × 5½. pp. 247. 7s. 6d.

THE matter in this book is worked up with commendable industry and detailed material is furnished in plenty, although some of it is elaborated at unnecessary length and some of it is irrelevant. The author naturally accumulated many notes in the course of his study, which would be proper in a discussion of the nature, formation, &c., of second chambers in general, and apparently could not resist the temptation of using them here, although the problem of the second chamber in the English constitution is a highly specialised one, and that alone is the theme of his book.

He accepts the findings of the Bryce Conference (1918) as to the functions of a second chamber in the English constitution as his starting point. These functions are—

1. Proper revision of Bills;
2. Initiation and proper preparation of non-controversial Bills;
3. To delay legislation on matters of cardinal importance arousing fierce passion and controversy, at any rate until the country has an opportunity to express itself decisively upon them; and
4. To give expression to the real position and sentiment of England as a whole on great international issues and at moments of intense excitement.

The book is very clear and cogent in showing that after the Parliament Act, 1911, the English Legislature has ceased to be bi-cameral in the ordinary sense. The influence of the House of Commons has for many purposes been made decisive by that Act, and the third function of vetoing to secure an appeal to the country no longer remains with the House of Lords. This is perhaps the most valuable part of the book.

Thus, so far as the English second chamber is concerned, only three functions remain, viz. the first, second and fourth. And for the reform of the present House of Lords in order that it might perform these functions better, the author has no new scheme to offer; he does not even go into a criticism of the various schemes known to students, some ably advocated by the greatest authorities. Here also he accepts the recommendation of the

Bryce Conference (1918) that the House of Lords should be constituted in the main by the House of Commons electing the members, forming the country into thirteen circles out of which representatives were to be separately elected. He has only a few suggestions of more detail to offer. His conclusions may be summed up as under:—

The reformed House of Lords should consist of

1. The Lord Chancellor, ex-Lord Chancellors, and the Law Lords—Life Peers ;
2. Fifty peers elected by the peerage by proportional representation every time there was a general election ;
3. And one hundred other peers and one hundred and fifty others elected by the House of Commons, as suggested by the Bryce Conference ;
4. The election by the House of Commons to be for ten years, but every five years half the members are to retire ;
5. Ministers of the Crown should have the right to speak in both houses but vote only in the house of which they are members ;
6. The Parliament Act, 1911, should be amended so as to give this House of Lords the right to discuss " money " bills and make suggestions ; the House of Commons should be compelled to give so much time to a consideration of these suggestions as may be fixed for the purpose by the Speaker assisted by a small committee of the house :
7. And, finally, no fundamental alteration in the Parliament Act, 1911, itself be allowed to become law without an appeal to the country ; i. e. whenever any such alteration comes to be proposed by the ministry of the day, this new House of Lords should have the right to perform with reference to it the third function which House of Lords prior to 1911 discharged habitually as its most important duty.

This scheme is no more likely to win general assent than any other. In fact, Europe is learning by experience that all human societies are and must be conservative as to fundamentals ; that the essential framework of the State must be as rigid in constitutions that grow as in constitutions that are made ; that there is an element in public constitutional law which must be treated as unalterable or very nearly so. The Hindu conception that Law that is *स्मृति*-given is divine and sacred and unalterable by man is this truth expressed in a theological formula. The American constitution is professedly more rigid than the English : in reality and judged from the actual working, the rigidity is greater still than in the words. And the smaller democracies and the united States leading protected lives inside a federation have been trying various devices such as the referendum, the initiative, &c. But slow historical evolution creates a certain framework of society and the laws and arrangements which are the natural outcome of that, remain like *स्मृति*-law unalterable by man ; gusts of passion rise up and blow against them more or less fiercely, but each such storm is only a temporary phase that passes, leaving hardly any mark upon what the centuries have slowly built into the depths of the mentality of the average citizen.

B. K. THAKORE.

#### THE FINANCE OF GOVERNMENT.

THE FINANCE OF GOVERNMENT. By J. W. HILLS. (Philip Allan & Co., London.) 1925. 7½ x 5. pp. 194. 3s. 6d.

ONE of the essentials of a successful working of democratic institutions is the existence of an intelligent public who can not only understand the complex problems of modern governments, but can also criticise their actions. It is the possibility of healthy criticism of their policy and actions on the part of the electorate which keeps modern governments on the alert and responsive, even if not responsible, to the public will.

In spite of our desire for an extension of democratic institutions, it must be admitted that there are only a few men in our country who are fully conversant with the practical problems of politics and economics and thus able to offer both destructive and constructive criticism of the actions of Government. More than anything else, the bureaucracy in India is likely to yield, perhaps with grace, to such informed criticism of its actions, which is contemplated in these remarks.

In order that the ordinary man may understand the problems of modern governments and be in a position to form his own judgment, we find enterprising publishers in other countries publishing series of small hand-books on subjects which are ordinarily considered to be either very dull or very complex. It is deplorable that we do not have a single Indian publishing house willing to enter this hitherto unexplored but useful and at the same time paying field.

"The Finance of Government" is a small book of less than 200 pages in the series called Westminster Library, published by Messrs. Philip Allan & Co. The object of the series is the provision of practical handbooks which will be of interest to the public in general, and of special value to students of politics and economics. The claim that each volume will be undertaken by one who has made a special study of the subject is eminently borne out in the present case as the author, Major J. W. Hills, was for some time Financial Secretary to H. M.'s Treasury. Major Hills must be congratulated on having said so many things in such a short space, and on having made a difficult subject easy for the ordinary reader.

The book is divided into three parts. Part I deals with Expenditure and Revenue ; Part II with Currency and Part III with Debt. The relations of the Executive and the Legislature (the House of Commons) in connection with Expenditure and Revenue ; the methods of collecting revenue, the payment thereof in the Consolidated Fund and payment out of the same for the various services of the State ; the detailed control over this by means of a regular and independent system of audit—a lucid explanation of all this in part I shows how a high degree of public economy is enforced in the financial management of England.

Part II is unfortunately out of date. It is an account of the currency system as it was before April 1925, when England returned to the gold standard. Though quite useful from the historical point of view, it gives the reader no idea of the existing system. It would have been better if the publication of the book had been held over for some time in order to add at least a short description of the new system.

The wonderful way in which the immense financial resources of the United Kingdom were mobilised is revealed in an instructive manner in Part III, which contains an account of the different forms of debt, and their effects not only on the investing public, but also on the economic life of the country. It is impossible to make any detailed reference to this question here, but it may

be pointed out that with our problems of a large external debt on the one hand and of the necessity of raising large loans every year for various purposes, the importance of the knowledge of the main features of the way in which money is raised by the State in other countries cannot be over-emphasised.

Let us hope that similar small and cheap handbooks on Indian conditions will soon be made available; the earlier the better.

C. N. VAKIL.

### THE INDIAN RAILWAY SYSTEM.

STAAT UND EISENBAHNWESEN IN BRITISCH-INDIEN. By GUENTHER VOIGT. (Verlagsbuchhandlung Julius Springer, Berlin.) 1925. pp. 83.

THIS is a thesis approved for the degree of Doctor of the Friedrich-Wilhelms University. The author served as officer (Hauptmann) in a German Field Artillery Regiment before the war. During the war he took part in the fighting in Asia and was taken prisoner. He was brought to India, to which fact, perhaps, we owe his interest in our country.

Our railway system is an artificial creation of the State, not a natural product of economic conditions. Every phase of railway development in India is marked by State regulation and State control.

The railways have helped in the consolidation of British power in India. The political object of railway construction in India, says the author, is shown by the way in which railway construction began in India. Taking in view the difficulties of transportation, the best method would have been to begin from the coast in one place and broaden the railway net telescopically inwards, utilising the lines built for the transportation of material. But actually railway construction was started simultaneously at several points, which added considerably to the difficulties of the work and its cost.

Another motive was the development of Indian agricultural resources in the interests of English manufacturing industries. There was a large demand in England for raw materials, particularly cotton, which India could satisfy, if railways existed to bring India's surplus agricultural produce from inland markets to the coast. In his concluding remarks Dr. Voigt says:

"The methods of developing and administering Indian railways show the following: Almost everywhere we meet with the point of view that India can be governed internally as well as externally more effectively with the help of the railway, and that railways should be used to influence and exploit Indian economic life in the interests of the economic needs of the mother country. The whole discussion further shows that the colonial dependence of India upon England is the key to the understanding of Indian railway policy in the past as in the present."

One practical result of this policy is that our railways do not tend to foster the industries of the country. It would seem that our railways exist for the sake of foreign trade; they ignore internal trade. The problem of the future is to subordinate the railway system to the requirements of internal trade and industry. It follows that in future more attention should be given to the construction of branch and feeder lines than has been done in the past. As our industries develop, commercial intercourse between internal

markets will increase, and we shall require more branch and feeder lines and also rates such as encourage exchange between internal markets.

The book is very well written. Dr. Voigt shows a wide knowledge of facts relating to his subject and a thorough grasp of the problems he tackles. No student of Indian railway policy can afford to ignore this book.

BRIJ NARAIN.

### A RHAPSODY OF MARATHA HISTORY.

HINDU-PAD-PADASHAHI, OR A REVIEW OF THE HINDU EMPIRE OF MAHARASHTRA. By V. D. SAVARKAR. (B. G. Paul & Co., Madras.) 1925. Rs. 3.

MR. SAVARKAR needs no introduction to Indian readers. His thrilling adventures, while trying to effect his escape during the great war from an English steamship through a port-hole in the harbour of Marseilles, must be fresh in the memory of many. He was subsequently arrested on French soil, brought back to India, and transported to the Andamans for a long term of punishment from which he has only been recently liberated, only to be virtually confined to Ratnagiri, a small out of the way place on the west coast, where any widespread activity or extensive communication becomes impossible for the ardent spirit of Mr. Savarkar. It is, as it appears, by way of somehow occupying his tedious hours at this enforced resort, that he wrote this "Hindu-Pad-Padashahi", with perhaps scanty means at his disposal and without the help of a plentiful library for general reference or accuracy of statement. The many slips and frequent repetitions and incorrect printing, particularly of Marathi quotations or the headlines of the chapters, evidently show that he must have tried to hurry the work up, without getting a chance of even correcting the proofs himself. These impediments must be borne in mind in estimating the shortcomings of the work.

Our author does not profess to present a history of the Marathas in this volume. Mr. Savarkar styles his book a review, that is, a criticism. It is an interpretation of past history, for the use of present politics, suggested for serious consideration by one whose experience of practical life has been unfortunately ill-fitted for a cool and collected judgment, which a sober historian writing at his desk far from the scene of actual strife can form. Mr. Savarkar's book reveals his actual mentality at every page. That he feels overpowering love for his country cannot be doubted, although many may be inclined to question its wisdom. He does not possess the calculating or compromising attitude towards life and its duties or the necessary foresight which a nation-builder requires in his effort to make the best of the conditions under which one may have to live.

He seems impatient of results. If his mentality could be more sober and cool, he doubtless can produce a real good history of his nation. Now and then he does show some rare judgment and valuation and the power of handling past events but he soon lapses into a passionate vein and loses proportion. He often makes a good start but has a hurried and incomplete ending.

The book has been divided into two parts, the first deals with a review of the Hindu Empire of Maharashtra, and the second is styled 'a synthetic review,' which contains some theoretical discussions as to how empires are created and how they fall; and how in the process people must put up with some necessary evils for

the sake of securing a great national cause. In other words, this second part has no connection with the first: only it gives some pertinent reflections of the author.

The author is certainly slipshod in his method. He picks up a few stirring incidents out of a mass of good and bad happenings which go to form the life story of the Marathas and comments on them in a manner deliberately intended to move the reader's heart. "Our motive", says he, "is to bring out prominently from a general confusion of detail those events which, when cogently arranged, were most likely to enable us to better appraise and appreciate the value of the modern history of Maharashtra from a pan-Hindu point of view and to correlate and fit it in the comprehensive whole, the history of the Hindu nation itself." This latter task, i. e. writing a historical review of the whole Hindu nation, is perhaps the ultimate object of the author, who for aught one knows, may be engaged on it even now. We can only look at this present attempt therefore as a step in the building up of the nation, a task which many patriots of the country are at present tackling, each in his own way and light; and Mr. Savarkar has added his quota in this book. How far such efforts lead to ultimate success remains to be seen. Let us hope Mr. Savarkar will have the nerve for patient study, labour and depth of scholarship, which alone can make his productions of everlasting value. We welcome Hindu-Pad-Padashahi as a foretaste of what he is capable of and value it with all its defects, in the hope of something better that will follow. The present attempt has its strength in the force of words: it must eventually get strong in thought as well, in order that it may attain a thought-provoking character.

G. S. SARDESAL

### THE TRADE UNION MOVEMENT IN BELGIUM.

THE TRADE UNION MOVEMENT IN BELGIUM. (International Trade Union Library.) (International Federation of Trade Unions, Amsterdam, 1926. 7¾ × 5½ pp. 44.

THIS is a small pamphlet of 44 pages of printed matter, No. 1 in the International Trade Union Library. Like its prototype in England, the Trade Union in Belgium had its origin in Guilds and Trade Corporations of skilled and unskilled labour in the beginning of the 19th century. Though in a few cases, the masters also combined with men, sharing profits with them, to the protect themselves against the competitors, the combinations did not last long.

Owing to Anti-Combination Laws, the original unions suffered very much at the hands of the Government, and it was not unusual to find that many members and officers of the unions were flung into gaol, though unions appeared under different names, such as the Trade Unions for Mutual Assistance, Societies for Resistance, &c., &c. The chief aim of these unions was, as usual, the maintenance of the standard of wages and conditions of employment, though other benefits such as funeral expenses, and sickness benefit were included in a few of them. Also the admission of new members and apprentices was controlled in order to keep up the monopoly of labour. The workmen had no mind

to disturb the constitution as it then existed and had therefore to declare that their activities were of a peaceful nature. They could not however prosper under such restrictions imposed by the Government and dictated by the vested interests. The first attempt at reform resulted in the repeal of the Anti-combination Law and in the enactment of a special law in 1866, which declared any movement, which disturbed trade by reducing or increasing wages, illegal. Though applicable to masters and men alike, it was hardly used in the case of masters, though men were freely victimised. The struggle for freedom went on for years, when the world war came on, in which the workers took their share. After the conclusion of the peace, and in fulfilment of the promises made by the Governments of European countries to labour before the war, the Belgian Labour Party was asked to participate in the Government in 1918. This they accepted on condition of universal suffrage, repeal of Art. 310 as amended in 1892, an anti-labour law notorious in the annals of Belgian Labour, and entire freedom of association for all workers, in both private and public services.

Amongst the causes which contributed to the success of the T. U. Movement in Belgium may be mentioned the formation of the Flemish Socialist party in 1880 and the Belgian Labour party in 1885. The new party worked for the federation of all trade unions in Belgium and the acceptance of the socialist ideas. This new party appointed a Trade Union Commission, which originally was to do some research work, but which ultimately developed into the Belgian Trade Union Congress. It accepted the principle of class war, collected information, co-ordinated unions, and guided the whole movement on socialist lines. After the war, the Commission advised the workers not to begin work unless improvements in time, wage and conditions of work were granted to the workers. After the period of strenuous life, this was a most welcome message to the workers, who obeyed it to a man. The result was that an 8-hours day was instituted, fair and decent wage was granted, and their Unions were recognized by the employers. Also as has already been mentioned above, the Belgian Labour and Socialist Party in Parliament was requested to participate in the Government of the country. The Trade Union Commission (Congress) kept up most cordial and friendly relations with the Labour party and the Socialist group in the Parliament and the Co-operative Movement in the country. It is also affiliated to the International Federation of Trade Unions at Amsterdam. The Commission supports the work of the International Labour Office, and the Government regularly invites the members of this Commission to recommend delegates to the International Labour Conference. The Commission is also member of the International Association against unemployment. The key to the success of the Trade Union Movement in Belgium is to be found in the assiduous industry and extensive propaganda of this Commission. The book describes the activities of the Commission, its constitution, and its financial resources, too numerous to be mentioned in a review like this, and is therefore recommended for the perusal of members of Trade Unions in this country.

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