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#### TOPICS OF THE WEEK.

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Misuse of Electoral Expressions. By S. D.

COMMUNALISM IN INDIA. Speech by the Rt. Hon'ble

LIKE the Responsive Co-operators of to-day, who, when they were in the Non-cooperation fold, showed copious Madres. sympathy with non-co-operation in the abstract but offered strenuous opposition to every conceivable application of the theory, our Excise Ministers too, to judge from their professions, have ardently embraced the policy of prohibition in principle, but unfortunately find themselves opposed to every proposal intended to bring the principle into effect. The present Minister of Excise in Bombay, e. g., is not behindhand in expressing his devotion to prohibition, but when it comes to taking practical measures, all he can be persuaded to do is to threaten the discontinuance or curtailment of the rationing policy initiated by a former Minister who, unlike his successor, did not speak too often of prohibition but laboured assiduously to bring it nearer. The Excise Minister of Madras is a bird of the same feather with his confrere in Bombay. He did not feel the slight-est hesitation in committing his Government to a prohibition policy, so long as he was not required by his verbal adherence thereto to pursue it in practice. He seems to be a past master of fabian tactice, for in accordance with a resolution moved in the Legislative Council five years ago, he appointed a Committee consisting of all Ministerialiasts but one, which made recommendations not very dissimilar to what he himself or rather his Excise Commissioner would have liked to see made, disapproving of local option, rationing, closure of liquor shops and every other measure, and he has now issued orders which merely dot the i's and cross the t's of the Committee's recommendations—in a retrograde sense.

What the Excise Minister, Sir A. P. Patro, now intends to do is to constitute Licensing Boards for towns with a population of more than 50,000, giving them power to fix the number and site of liquor shops within their borders. The composition of these Boards is very unsatisfactory: they are to consist of three officials (the Collector, Superintendent of Police and Inspector of Excise); two non-officials elected by Government (a local member of Legislative Council and an employer of labour); two municipal councillors and a repesentative each of temperance workers, labouring population and license-holders. It is not very difficult to see that in such a body the temperance cause has not much chance. The powers of the Licensing Boards too are narrowly restricted. In the first place, one-third of the existing number of shops are permanently put out of the reach of the Boards; they can never touch them. For the rest they cannot within the three years of their office (we suppose the tenure is three years, though the published rules are silent on the point) they cannot reduce more than one-fifth of the shops existing on the date when they come into office. Finally the decisions of the Licensing Boards are subject to the control of the Excise Commissioner: if the latter officer agrees to the recommendation of a Board to close a shop, he will allow it to be put in force; otherwise he will turn it down, in which case all that he has to do is to submit his reasons in writing to Government, but we are not told that Government will countermand the Commissioner's order if they consider it to be wrong. Very little can be expected of such Boards.

In every one of these three respects these Boards compare unfavourably with the licensing Boards formed in the United Provinces four years ago. In composition the latter were far superior inasmuch as they were wholly non-official. They enjoyed greater powers too, for they could close one-third of the existing shops in three years, whereas the Madras Boards to be newly constituted can at the most close one-fifth of the shops. Similarly, in the U.P. the Excise Commissioner cannot set aside, as in Madras, the decisions of the Licensing Boards, but can only refer the matter to Government in case of difference of opinion between himself and the Board. What, however, strikes us as most esting is the fact that the more advanced policy from the point of view of temperance is formulated more about the point of the point of temperance is formulated to be a supplied to the probability of What, however, strikes us as most interby a Government which did not believe in prohibi-tion but which only professed to carry out with de-termination the traditional policy of raising a maximum revenue from minimum consumption. On the

other hand Sir A. P. Patro, who believes all drinking, however moderate, to be an evil to be put down by using all the coercive powers of Government, adopts the more cautious policy. The Bombay Minister of course is still more unsatisfactory as his orders on the Excise Advisory Committees showed. In Madras in smaller towns similar Advlsory Committees are to be formed, which, though they fall far short of what we would like them to be, are yet better than those contemplated for Bombay Presidency. So it comes to this, that a Minister will be found serviceable in the cause of temperance in the inverse ratio to the enthusiasm which he shows for prohibition.

SINCE excise is now in Assam in the portfolio of a Excise Policy in Assam.

responsible Minister instead of an irresponsible Executive Councillor, the Government's Resolution on the excise administration of the Province for 1925-26 acquires a new interest; but it must be remembered on the other hand that the Minister took charge of the department only after the close of the year with which the resolution deals and had no hand in either shaping or administering the policy that was then in force. Nor does the Minister seem as yet to have contemplated any substantial change in the policy, to judge from the present Resolution which is the Minister's handiwork, except that the Bill of Local Option, introduced by the Rev. Mr. Nichols-Roy and passed in the last session of the Legislative Council, is viewed by the Minister with sympathy, who trusts that the system of Local option will be successful, whereas the officials who were in charge of the department when the Bill came on for discussion had opposed it most vehemently. This Bill applies to the sale of liquor and is now awaiting the sanction of the Governor As to opium it is only since the 1st of General. April last that the whole Province has come under the operation of the rationing and pass system, whereunder confirmed habitués alone are supplied with a dose of opium entered individually against them. As a result of the working of this system in some parts, the consumption of opium declined last year by 11.7% in the Surma Valley and 9.2% in the Assam Valley. The Government is however afraid that if the restriction of the issue of opium went too far there would be, as in fact there was, more smuggling, and therefore suggests that the present addicts should be given a liberal dose of opium, a dose to which they have been accustomed but not so big as to leave any excess on their hands with which to contaminate those who now abstain from opium. The objective of the present policy therefore is not to cure the present generation of opium consumers of their habit, but to eradicate the habit from the province when the present generation have disappeared from the scene. The Indian public has no cause to quarrel with such an enuncia in of policy; nor need it quarrel when the Government Resolution says that the rationing policy "must be pursued with the greatest caution," because it is accompanied by greatest caution," because it is accompanied by the assurance that "the Government intend to pursue it with all their resources." It only hopes that emphasis will be laid on carrying out the policy energetically rather than on carrying it out cautiously; for yet a great lee-way has to be made.

RECENTLY the Governors of East African countries met in Conference and discussed several questions with a view to the formulation of a common policy. Among these questions

the most important were of course those relating to land and labour, and a memoradum has now been published embodying their conclusions on these subjects. This is a most interesting document inasmuch as it argues out once again and sets forth the rationale of the so-called dual policy, which, as we showed in our issue of the 7th inst, is in fact, and is recognised by the white settlers to be, a departure from the policy of the White Paper of 1923. The dual policy is supposed to supply justification for the reservation of land in the Highlands for the Europeans. The White Highlands policy is sought to be defended on ethical grounds in the Memorandum as follows. In a country where land is plentiful and the native population sparse, it would be a crime against the world's teeming millions to deny the use of land to non-natives by locking it up for the use of the natives. The wisest policy in these circumstances obviously is to reserve the portion of the land already occupied by the natives and likely to be required by them for their exclusive use, releasing all the rest for the use of those who can exploit it best. This of course is the moral foundation for the European penetration into Africa at all.

We have no desire to dispute the fo ce of this argument, but if it justifies the presence of Europeans in Africa it surely does not justify the reservation of any portion of the country for the exclusive ownership of the Europeans. It is not yet known that capacity for exploitation is either possessed by all white peoples or confined to those peoples, and so long as the quality of developing a new country is not proved to be the monopoly of the whites, the White Highlands policy has no justification. The memorandum says that after sufficient land is set aside for the natives' own use, "the rest is clearly the property of our Government, to develop in the manner which it considers most suitable and effective". This of course is the rule of might, but not certain. ly that of right. In fact the very consideration which justifies Government in depriving the native of his land should lead them to deprive the existing owners of land in the Highlands of most of their property. If the native keeps the land idle, so does the European who does not bring more than 5 to 10% of the land under the plough. There is thus no reason for making the Highlands "an economic sanctuary" for the whites; on the contrary the Government ought to have made effective laws against land-grabbing when throwing open the country for the use of the whites as was done, for instance, in the Philippines. "In order to save the public lands of the Philippines for the Filipino people, the United States Government, when it turned them over to the Philippines Government, made provision against their exploitation by concession hunters. An individual may not buy more than 207 acres and a corporation more than 2,530 acres. Leases run for 25 years, but may be renewed for another period not exceeding another 25 years." In Kenya individuals were given land measuring a lakh of acres on a lease of 999 years when it was not a freehold. This policy stands condenned even on the lower ground of dual policy not to speak of the higher ground of Africans first and last" taken in the White paper. As in land policy, so in labour policy. There is no moral justification for the present labour policy of the Government, and the memorandum stands self-condemned on this score too. But we have left ourselves no space to enlarge on the point.

## RACE-COURSE GAMBLING. OUR FIGHT AGAINST BCOK-MAKERS. LORD SYDENHAM'S ADMISSION.

"Whether or not it is true that gambling is a vice to which Indians are addicted,...there can be no doubt about this particular form of gambling, gambling on race-courses, being a Weslern introduction into India. That being so, a very heavy responsibility is laid upon us, which it is necessary for us to discharge."

In these solemn words the then Governor of Bembay, in his cencluding speech on the Race-Ceurse Liceuses Bill of 1912, frankly acknowledged why a special responsibility rested on the British in India for the growth of race-course gambling. His Excellency at the same time emphasised the duty of the local Government to place effective checks on this evil.

How the Government of Bombay had been led to bring in this Bill was explained by Lord Sydenham thus: "No Government which keeps close touch and watch upon affairs, as I hope this Government does, could fail to become aware of the existence of great and increasing evils connected with racing at Bombay and Poons. Nor could we be blind ourselves to the fact that large numbers of individuels and families have been ruined as the result of these evils."

Besides these direct results, which could not escape the notice even of Government, the indirect results of allowing public gambling on the racecourse were graver still. This was eloquently expressed by the late Sir Pherczeshah Mehta in his speech at the first reading of the Bill. "I think," he said, "the real point to be considered in regard to this Bill is not that it has been brought to stop gambling. It has a far higher aim, and it is to prevent the moral deterioration or demoralization which takes place in consequence of the gambling instinct displaying itself in a public manner and on the public race-course, as has been the case both at Poons and Bombay.... It seems to me that when gambling is allowed to be carried on, though in the guise of sport, in such an open and flaunting manner as has been done in Bombay and Poona for the past several years, it spreads out like a contagion.... Those who remember racing in the old days know that nothing like the sights which are now to be seen were ever to be seen then. The development that this vice has assummed in recent years is something abnormal. Its influence is growing to such a dangerous extent that men who would never think of going to races in their normal state of mind are carried away as if by magnetic attraction on seeing hundreds and thousands of people rushing up to the place."

#### BOOK-MAKERS ABOLISHED.

Under the Prevention of Gambling Act of 1887 gambling on horse races in any form, whether on the course or outside, is clearly illegal and punishable. Therefore a slip of paper or a ticket used

for betting with bookmakers or on the totalizator with the Tu rf lub, and the very machine as well, are instruments of gaming under that Act. But the Bill of 1912 dealt with only a half of this illegality. It suppressed bookmakers by disallowing them in the Turf Club's license ut permitted the continuance of the totalizator. This, as Sir Claude Hill admitted, was "to perpetuate a technical illegality". Government further proposed to curtail the number of race-meetings. This number had risen from 19 in 1897 to 42 in 1911. Government promised that the number would be limited to 30, but it is now 36, that is only 6 less than in 1911, so that Government can scarcely claim to have carried out their promises.

And now there is a real danzer that book-makers may come back too, if Mr. Addyman succeeds in his repeated attempts on the Act of 1912 which was supplemented by Act V of 1922.

"NEVER AGAIN," SAID GOVERNMENT IN 1912.

It was stated by the head of the Government that the abolition of bookmakers was 'the cardinal feature of their scheme". The question of the number of meetings, the regulation of the totalizator, etc. were comparatively less important. Every member who took part in the debates in 1911 and 1912 emphasized this essential point. When some members asked that an express prchibition of bookmakers should be inserted in the Bill, and an amendment to that effect was moved by Sir Chimantal Setalvad, the spokesman of the Turf Club himself, Mr. Symes, assured the Council ttat bookmakers could never come back. He said: "As far as the question of the reinstatement of bookmakers is concerned so far as it affects the Bombay race-course, my Hon'ble friend need have no fear on that ground, for the very good reason that there will be no room in the enclosures for them". The late Sirdar K. E. Modi eaid: "It is absurd to suppose that Government will be dishonest enough to go back upon the principles of this Bill." More outspoken still was the view of Sir Ibrahim Rahimtools, who is fortunately still with us as the President of the Legislative Council. He said: "Whether there may be a change in the personnel of the Government or members constituting the Government, it cannot be denied that it will always be represented by the ablest officers in an able service, fully alive to their responsibilities, and it appears to me that they cannot ignore or overlook the moral effect that would be created in the minds of the Indian public, if after the passing of this legislation they ever ventured to slide back and subvert the object of the Bill and allow the bookmakers to walk in. No responsible government can reasonably overlook the moral effect of such a procedure .... Sir, I do not apprehend that the principle that is being laid down, viz., that under no circumstances bookmakers will be allowed to enter the precincts of race-courses, will ever be departed from in the future.

The Governor, in explaining the practical difficulty of accepting Sir Chimanial Setalvad's amendment, conclusively allayed all apprehensions on this point. He said: "It has been suggested ... that the Bill does not give security against the possible backsliding of future Governments.... I think all Hon'ble members who reflect on the genesis of this Bill must see that such a fear could have no solid foundation.... Is it really possible that any future Government would wish to go back on that which has received the stamp of public opinion? Unless an entire change arises in the views of this Council, I am certain no Government in future will ever dream of taking such a reactionary step." Lord Sydenbam even indicated what should be done by the Council if such an occasion ever arose: "A resolution passed with the utmost unanimity of the Council would be all-powerful in controlling the back-sliding tendencies of any future Government-if that were possible, which I do not believe."

After such an unequivocal undertaking given by the Governor as to succeeding Governments, it is satisfactory to find that the present Government has not yielded so far to the agitation of the Turf Club and its English patrons for bringing in the bookmakers again.

THE ENGLISHMAN'S HABIT OF BETTING.

We have seen in a recent\* issue what a terrible grip the habit of batting has obtained over the people of England. It is said there is a much bigger turn-over on betting in England than in any other country in the world. The apalling total of five hundred million pounds a year was quoted by The Times in 1923 as "a competent estimate" of the volume of this betting. Think of it! 750 crores of rupees, staggering figures which leave far behind, let us say, for example, the whole revenues of the Government of India and Local Governments. One in twelve of the entire population of England is said to be regularly betting almost every day of the year. It is not surprising that representatives of the community, so addicted to betting in their own country, should afford various facilities for betting in this country also, regardless of the evil influence of such an example on the poor Indian communities. These sportsmen are of course not satisfied with the comparatively milder chances of the totalizator, and they want the bookmakers back at any risk.

#### Mr. Addyman's Bill.

"The purpose of this Bill is to enable Governent to authorize the authorities of the Western India Turf Club to permit the presence on the racecourses at Bombay and Poona of a limited number of bookmakers". Such is the blunt statement of Mr. Addyman, his Bill thus seeking to make an open and complete reversal of the "cardinal

feature" of the Act of 1912 on which Lord Sydenham had laid so much stress and on which moreover he had promised there would be no going back. Mr. Addyman's further statement demands our serious attention. He says, "It has been found by experience to be impossible to suppress the unlicensed bookmaker from the premises of the Turf Club." If this is known to Government, it may at once be asked, why has not the Turf Club's license been suspended or cancelled ers this, as there has been a clear contravention of the main condition of the license? We trust Government will look into this and take the Club's default into their serious consideration. Mr. Addyman's remark that "despite the efforts of the police it is known that bookmakers exist outside of these premises," as far as we are aware the Police or Government have not made any statement in the Council or in any report of their inability under the existing Act to cope with the evil. On the contrary, the late Hon. Sir Richard Lamb stated on behalf of Government in 1912 that that was not so. "The executive officers," he said, "will be instructed to enforce the gambling laws with respect to betting outside race-courses more thoroughly than bitherto, and if it should prove, as we do not anticipate, that the law is not strong enough, should they slip through our fingers, it will then be necessary to strengthen the Gambling Act further. At the present moment that does not appear to be necessary.'

Not only has Government never said that the Police is helpless in dealing with bucket shops but the Government has not so far proposed further legislation on that point as they should have done if it was so. It is not therefore for an unofficial person like Mr. Addyman to pronounce the helplessness of the Police or of Government. It is obviously for Government to come first to the Legislative Council with a proposal to strengthen the Gambling Act, as Sir Richard Lamb had promised would be done, before condoning the default of the Turf Club, and certainly before proposing to relax the main condition of its license.

Mr. Addyman's argument and anticipation that by licensing bookmakers on the race-course, unlicensed gambling outside could be suppressed are devoid of foundation, since the experience in England positively contradicts him. As was stated before the Parliamentary Committee on Betting, referred to in our issue of October 7, 1926 (p. 433), although there are some 4000 bookmakers on the English race-courses, more than 6000 irregular bookmakers flourish outside. Various reasons were given for this state of things which we do not propose to repeat here, but would refer the reader to Mr. Benson Perkins' book reviewed in our previous issue just mentiond.

#### THE GOVERNMENT'S DUTY.

Mr. Addyman's Bill was twice ruled out of order on technical points in the last two sessions of the Council. But as it has already obtained the

<sup>\*</sup> October 7, 1926. p. 431. The Betting Evil in England. † ERRATUM—In our issue of October 7, 1926, at p. 432, second column, in the 13th line from the bottom, "five hundred millions" should be read for "hundred millions".

requisite sanction of the Governor, Mr. Addyman will, we fear, bring it up again before the new Council. We would even yet appeal to him to desist from doing so in view of the past history and other considerations set forth above. But should he still persist with the Bill, the public will expect Government strongly to oppose its introduction and passing, remembering what Lord Sydenham said in 1912. We are certain that it is only with with the support of Government members that the Bill can be introduced and passed. Government will therefore consider the moral effect of such backsliding on the minds of the Indian public, which Sir Ibrahim Rahimtoola described in his speech referred to above.

What the public expects from Government is

certainly not the reinstatement of bookmakers on the race-courses, but further checks on gambling there as well as outside, curtailment of the number of meetings, enhancement of the betting tax so as to check the volume of betting without an eye to revenue, stricter enforcement of the conditions of the Turf Club's license, higher minima for stakes on the tote to deter mill-hands and wage-earners generally from being drawn into gambling, and lower maxima for other classes-These and other reforms have already been urged on Government by the Deccan Sabha, the Poona Missionary Conference and other public bodies, to whose representations Government may well be expected to give due consideration and send replies embodying their conclusions on the subject.

### THE PUNJAB LAND ALIENATION ACT.

#### By P. KODANDA RAO.

#### I.-INTRODUCTORY.

THE political pilgrim to the Land of the Five Rivers does not take long to discover how profoundly the political discontents and discussions in that Province are shaped, and how deeply they are coloured, by the Punjab Land Alienation Act. This Act, which is obviously an agrarian measure, was passed as long ago as 1900, and yet the agitation over it has not died down; it is as alive as ever. Opinion is still sharply divided as to the effects of the Act. The Government considers the Act a success, regards it as an instrument for the "emancipation of the agriculturist", and asserts that the agriculturists cherish it as their "Magna Charta". The opponents of the Act as vehemently protest that most of the present evils in the Punjab of a politica!, communal and economic nature spring primarily from the Act, bitterly resent it and demand its repeal. It is all very mystifying to the non-Punjabee. He can hardly recall any other agrarian Act, agitation over which was kept up for so long a time as a quarter of a century; he can hardly recall an agrarian Act which has been charged with so many, so serious and withal so extraneous consequences. It would not, therefore, be an unprofitable task to attempt a study of the Act and its effects and understand the truth about these rival claims and charges.

Such a study is opportune just now. The Royal Commission on Agriculture is entering on its labours, which may be of mighty consequences to India. The Commission has, among its terms of reference, the investigation of the "methods by which agricultural operations are financed and credit afforded to the agriculturists and the main factors affecting the rural prosperity and welfare

of the agricultural population." It is obvious that agricultural indebtedness is the governing factor in rural welfare, and Lord Curzon contended that the Punjab Land Alienation Act was intended to combat it. In his speech on the Bill (27th Sept. 1899) he observed that "the question of agricultural indebtedness in many parts of India had attracted the attention of Government ... and laws have been passed for the mitigation of the abuse. But all of these dealt, so to speak, merely with the frirge of the subject; and only today are we engaged, for the first time, in introducing a measure of first class legislative importance to check this great and growing evil." While the Bill was limited to the Punjab, Lord Curzon contemplated its extension to other parts of India. "But our vision is not centered on the Punjab alone," continued His Lordship. "This canker of agricultural indebtedness, which is eating into the very vitals of India ... is not one of narrow or contracted application ... Should we be successful in this enterprise, we shall be encouraged to proceed. " The Act must, therefore, be of interest to the Royal Commission, which will doubtless review its effects in the economic field, and recommend its extension to other Provinces if satisfied with its results. The Punjab Land Alienation Act is, therefore, of live interest not only to the Punjab but to other Provinces as well.

#### II.-MAIN PROVISIONS OF THE ACT.

What then was the objective, immediate and ultimate, of the Act, how did the Act set about achieving it and with what result? According to the Statement of Objects and Reasons appended to the Bill, the object of the measure was "to place

restrictions on the transfer of agricultural land in the Punjab with a view to checking its alienation from the agricultural to the non-agricultural classess." For this purpose the Act had to define who an agriculturist was. Unlike the Deccan Agriculturists' Relief Act, the Punjab Act does not define the agriculturist.

Sec. 4 provides that "The Local Government shall, by notification in the local official Gazette, determine what bodies of persons in any district or group of districts are to be deemed to be agricultural tribes or groups of agricultural tribes for the purpose of this Act." It will be noticed that it is entirely for the Executive Government to say who is an agriculturist and who is not; the individual or even the tribe to which he belongs has no option in the matter. Nobody can become an agriculturist; one must be born in a tribe which the Government has notified as agriculturist. Under this section. Government have "notified" certain tribes and castes in different districts. is not every notified tribe that has the status of an agriculturist in the whole province. Some tribes are notified as agriculturist only for certain districts. For instance, the Brahmin is an agriculturist in the Kangra district, but not in other districts and even there only if he lives in the Kulu and Saraj Tabsils, not otherwise. Similarly there are a number of tribes and castes which are notified tribes in certain districts but not in others. Further, each notified tribe is "agriculturist" only in that district. For instance, a Jat who is an agriouturist in the Amritsar district cannot claim that status in the Lahore district, though the Jat in the Lahore district is also a notified agriculturist. The Government Notification requires that a person claiming the status of an agriculturist must fulfil two conditions: he must either hold land or ordinarily reside in that district; and he must belong to any one of the tribes notified as agricultural for that district.

Having thus defined the "agriculturist," the Act prohibits the permanent alienation of land belonging to agricultrists to non-agriculturists without the sanction of the Deputy Commissioner of the district, who is rerequired to enquire into the circumstances of the alienation and either grant or refuse sanction at his discretion. Though sanction is not necessary for bonafide gifts for a religious or charitable purpose, in practice it has become necessary as the Dy. Commissioners have to enquire whether the gift is bonafide or a cloak to evade the Act. The Dy. Commissioners have instructions not to sanction alienations except under certain circumstances mentioned in the Circulars of the Financial Commissioners. The main policy, however, is to prevent alienations.

Mortgages of land by members of agricultural tribes to others must be in one of three forms—
(1) usufructuary mortgage, with delivery of possession to the mortgages for a maximum period of 20 years and on condition that at the end of the

period of mortgage, the mortgaged land shall re-Vert to the mortgagor with the mortgage debt extinguished; (2) simple mortgage without possession but on condition that if the mortgagor fails to pay up his dues regularly according to the contract it would be converted into a usufructuary mortgage with possession for a period not exceeding 20 years; and (3) usufructuary mortgage with possession but on condition that the mortgagor remains on the land as the occupancy tenant of the mortgagee on a rent not exceeding the revenue assessment. Other provisions facilitate the redemption of mortgages by agriculturists: they can redeem even during the currency of the mortgage on terms that the Dy. Commissiner may fix. The Act further provides that conditions in mortgages intended to operate by way of conditional sale shall be null and void and prohibits the sale of the agriculturist's land in execution of a Court's decree. The essence of these provisions is to prohibit the sale of an agriculturist's land to a non-agriculturist either by private sale or in execution of a decree of a court; and to limit the period of usufructuary mortgages to 20 years, after which the land reverts to the owner free of debt.

Another important feature of the Act is the exclusion of the jurisdiction of the ordinary Civil Courts and the vesting of the application of the Act in executive officers. Lawyers are under an absolute taboo. Very large powers and responentrusted to the Dy. Commissibilities are sioner. He can grant or refuse sanction for permanent alienation by an agiculturist to a nonagriculturist; and before granting such a sanction. he has to make efforts to find a purchaser from among the agriculturist. If a mortgagor on simple mortgage fails to pay up his dues to the mortgagee regularly, he has to convert it into a usufructuary mortgage, and fix the amount to be repaid and the period for which the usufrüctuary is to run to liquidate that amount and put the mortgagee in possession. He has to fix the amount payable by the mortgagee when he wishes to redeem his land and to eject the mortgagee if the amount so fixed is paid. He has to revise the unlawful mortgages made by mortgagors and bring them into line with the mortgages permitted by the Act and, if in so doing the mortgagor is unwilling or absent, to execute the mortgage himself on behalf of the mortgagor. The Dy. Commissioner is thus placed in the position of a guardian to the agriculturists, and he can, on his own initiative, do things for them even without their consent and sometimes against their wish, provided, of course he believes that he is acting in their interest.

But be it remembered that this benevolent and protective interposition of the Dy. Commissioner is allowable only when an agriculturist, that is, a person born in a tribe notified by Government as agriculturist for the purpose of the Land Alienation Act, intends to alienate, temporarily or permanently, his land to a non-agriculturist; it is not allowed when an agriculturist; alienates his

land to another agriculturist, nor when a nonagriculturist alienates his land to either.

#### III .- LAND TRANSFER.

It has been mentioned that the immediate object of the Act was to check the alienation of agricultural land from the agricultural to the nonagricultural classes. Statistical data showing the extent of land alienated by agriculturists to other agriculturists and to non-agriculturists were provided in the special annual reports on the Land Alienation Act for the years 1901 to 1908. Since then the Land Revenue Administration Reports contain statements showing only the extent of land alienated by and to agriculturists. According to Statement No. XXVI appended to the Land Revenue Report for 1925, the agriculturists have sold during the years from 1901 to 1925 38.86,365 acres, but it does not say how much of this was sold to non-agriculturists, and whether there has been a progressive fall therein. The same Statement shows that sales to agriculturists during this period amount to 42,41,808 acres, but how much of this was from non-agriculturists it does not say. The Statement mentions that during the year 1924-25 sales by agriculturists amounted to 1,82,662 acres while the sales to them amounted to 1,88,717 acres, and the Report remarks that the "agricultural tribes gained by purchase a net area of 6,055 acres" (para. 31). This would be so if the sales by agriculturists were all to non-agriculturists and the sales to agriculturists were all from non-agriculturists, which is very far from being the case. On the other hand if all the sales by agriculturists were to other agriculturists and all the sales to agriculturists were from non-agriculturists, the net gain to the agriculturists would be 188,717 acres and not only 6,005 acres. It is, therefore, difficult from the statements provided in the Land Revenue Reports since 1908, to measure statistically the extent and tendency of land transfer from the agriculturists - to the non-agriculturists. The various Government reports speak of the success of the Act. The Land Revenue Adminsitration Report for 1925 remarks that "attempts continue to be made to evade the provisions of the Act but to no very serious extent except possibly in the Jhang district." Even as early as 1904 the Annual Report on the Working of the Act reported that the effect of the Act was practically to stop all permanent alienations by agriculturists to others. and that the transactions, both permanent and temporary alienations, were inter-tribal in the fullest sense of the term, and congratulated itself on that "very encouraging" feature, by which one of the great objects of the Act was fulfilled. Permanent slienations require the sanction of the Dy. Commissioners, and they can certainly be trusted to promote the object of the Act which is to prevent land passing from agriculturists to others. How rigorous the Government was in

enforcing this policy may be seen from the remarks of the Financial Commissioner when he noticed that a Dy. Commissioner sanctioned an alienation. bacause a non-agriculturist offered Rs. 18,000 for a piece of land belonging to an agriculturist, while the highest price that an agriculturist was willing to pay was only Rs. 12,000. The Financial Commissioner remarked: "We do not want to get the zamindar a good price for his land, but to prevent his parting with it" in favour of a nonagriculturist (para. 15, Land Alienation Act Report for 1902). From the point of view of preventing the passing of land from agriculturists to non-agriculturists, the Act has undoubtedly been a success. It could not be otherwise, unless Dy. Commissioners were very lax, which, of course, is unthinkable in this matter.

But is such prevention the sole and the basic justification for the Act?

( To be continued. )

#### REACTIONARY BARODA.

II.

THE JUDICIARY.

H. H. the Gaekwar was the first completely to separate the judicial from the executive functions under the inspiration of the late Mr. Romesh Chunder Dutt, the Amatya of the State in 1905-06. Before then 25% of the criminal cases were sent to the Revenue Magistrates for trial, the other 75% remaining with the Munsiff Magistrates. It was duri ing Sir Manubhai Mehta's *régime* that the Maharaja tried in 1924 to retrace his steps in this matter and restore the old ractice but the then Chief Justice Rao Bahadur Govindbhai strongly protested against it and the experiment was suspended. But with a change in the Chief Justiceship, His Highness again asserted himself and has ordered that 25% of the criminal cases should be sent to the Revenue Bandobasti (Executive) Magistrates for trial. The present Chief Justice, although a better lawyer than the Rao Bahadur, is not known to have entered a protest and the experiment of the separation of the judicial from the executive functions has thus ended.

Reaction in the judicial department does not stop here. Nobody in British India ever dreams of a Police Officer being made a Munsiff and Magistrate, a Sessions Judge or a Chief Justice. But Baroda beats all previous record. It was in 1918—1919 that a certain District Superintendent of Police (Mr. Rupshankar M. Dholakia) was appointed a Sessions Judge at Mehsana as District Judge of Kadi. The gentleman had put in nearly 9 or 10 years of Police service. Before that he was no doubt a judical officer but all his judicial habits must have long disappeared by reason of his working as District Superintendent of Police for a number of years. The gentleman acted as Sessions Judge and soon after, in 1920, a late Police Commis-

sioner of the State, Rao Bahadur Gavindbhai Hathibhai, was suddenly translated to the highest judicial office of Chief Justice. The gentleman was a judicial officer till 1901 when he was taken up in the Police Department, where he became Police Commissioner and served in that capacity for a number of years, and then became Census Superintendent, Collector and District Magistrate, Excise Commissioner, Joint Sarsuba, Director of Civil Supplies and Controller, Huzur Tapasnis Officer, Lega Remembrancer and what not? He was out of the Judicial Department for nearly 20 years, but the Baroda Government perhaps thought that this itself was a sufficient training to make him fit for appointment to the post of Chief Justice. I do not know of any police officer being appointed Chief Justice in British India or in any civilised State, not have I come across a man with wide executive experience being drafted on to the High The Government has again appointed another police official, Mr. Navalshankar Mehta to be a Munsiff and Magistrate. gentleman was once a Fauzdar, then a Munsiff and Magistrate, again a police officer in the higher grade for nearly 12 years and then again he was taken up as a Munsiff-Magistrate. That the Maharaja had to dispense with the services of five Munsiffs and Assistant Judges for alleged doubtful character in 1916 shows that the rot had set in at the time.

The Baroda Privy Council consists generally of the Legal Remembrancer (who ranks with the District Judge ), one of the Judges of the High Court who may not be a party to the judgment in appeal, and the third is a Naib-Diwan, or Huzur Kamdar or a Retired Judge of the High Court. The Huzur Kamdar may never have sat on the judicial bench in any capacity before as happened in the case of a former Huzur Kamdar Mr. Padgaokar, and the Legal Remembrancer is a gentleman who may be transferred as a District Judge under the control of the very High Court Judges whose judgments he is expected to reverse, modify or confirm in the Privy Council. The Privy Council advises the Huzur that a particular judgment be passed, and in England the King-in-Council orders accordingly as a matter of mere form, but our Baroda Government under the guidance of Sir Manubai have upset such opinions and decided contrary to the recommendations of the Privy Council and ordered the Nyaya Mantri to write a judgment accordingly, against his previous opinions. Such cases have often occurred, the most notorious among them being the Baroda Municipality Tea and Coffee Rules Case against Baroda confectioners, in which the Appellate Judge and High Court had held the municipal rules for licences to start tea and coffee and confectionary shops ultra vires and the Privy Council was of the same opinion but the Dewan upset the whole thing and declared the Rules which had been sanctioned by himself to be lawful. He upheld the judgmen of the Municipal Bench Magistrates and reversed

that of the Appellate Court, High Court and the Privy Council. Such cases may be multiplied indefinitely.

It was during Sir Manubhai's regime that five judicial officers were made to go, on the confidential reports, not of the then Chief Justice Mr. Vasudev G. Bhandarkar, but of other officials, and four of the poor souls were not given even an opportunity to say anything in their defence. The orders of retirement came to them as a bolt from the blue as they did not know what was going on behind the scenes. In British India such officers are either prosecuted or asked to clear their character in a court of law, or made to give explanations. The procedure adopted in Baroda was highly object tionable, whatever may be the merits of the particular case, of which I do not priess to judge. The procedure is liable to abuse whereunder any person may find himself dismissed behind his back as an undesirable to his superiors. Another gentleman was an Assistant Judge on probation, he was afterwards confirmed, thereafter he got one or two promotions for approved service and later, after working as an Assistant Judge for. five years, he was declared unfit and degraded to the post of a Munsiff and Magistrate. These are not isolated cases but typical ones showing how the machine works in Baroda. There was recently a great row between the Baroda Bar Association and the present Chief Justice owing to his alleged want of civility, tactlessness and apparent partiality and favouritism towards certain senior pleaders. The Bar Association demanded his removal from the High Court, but the Maharaja would not do anything to keep up the prestige of the State, and after a few months quietly asked another high official to become the Chief Justice for a short time and then again restored the Cnief Justiceship to his predecessor, who had continued to work as a Puisne Judge, thus conveying a gentle hint to the gentleman to behave better with the Bar. It is said that it was owing to the strained relations of the Bench and the Bar in the High Court that the Syndicate of the Bombay University refused Baroda its Law Class. As the executive has not much connection with the judiciary it may be said that the judicial work has been done welf by the subordinate judiciary and the honesty and integrity of the officers may bear comparison with that of British India. But there are very few practising lawyers in the judiciary, and as such men rise from a munsiff's post to the High Court, the legal knowledge necessary to maintain the prestige of a High Court is often absent and outside lawyers many times laugh at ignorance of some members of the Bench.

The cost of the Judicial Department was Rs. 4,60,105 in 1915-16 as compared with 5,44,470 in 1924-25, thus showing an increase of nearly a lakh. The receipts were Rs. 3,75,742 in 1915-16 as against 6,06,051 in 1924-25. The Judicial Department thus meets its expenses at present and makes a profit of

mearly Rs. 62,000, and yet the Government proposes a substantial rise in the scale of Court Fees on the lines of the Bombay Act. This is as good as selling justice.

J. B.

#### REVIEW.

#### SWADESHI-ISM OF ENGLAND.

\*\*MERCANTILISM AND THE EAST INDIA TRADE. By P. J. THOMAS. (P. S. King & Son, Ltd. London.) 1926. 83/4 × 51/2, pp. 176. 8s. 6d.

. AT a time like the present when there is a distinct wave of protectionism in India, this book will be . found by the general public as well as our politicians to be most opportune and instructive, as the author has discussed exhaustively in it the dominant phase of England's economic policy in the seventeenth century and has mentioned the various economic doctrines preached by theorists and businessmen as truly conducive to national interests. The book is of peculiar interest to Indian readers and especially to those interested in Bombay's premier industry, as it unfolds a tale of how India's cotton imports into England two hundred years ago were adversely affected by her fiscal policy deliberately framed to ruin it. India's position in the foreign trade of England at that time was exactly similar to England's position in India at the present day so far as cotton textiles were concerned. About 1700 A.D. public opinion in England was overwhelmingly against the continuance of this Indian trade and also the East India Company which was instrumental in carrying it on, as it had the indisputable effect of driving off the silk and woollen manufactures, which were considered as the palladium of national prosperity from the home market. As the Indian trade grew in volume there was proportionate increase in unemployment among working classes and woeful tales of starvation among the labourers in silk and woollen industries were pathetically told to parliamentarians in public representations made to them from time to time. It was a general belief that the Indian calicoes were at the bottom of all these troubles. They enabled people to clothe themselves at a third or sometimes even a sixth of the expense incurred by the wearers of the home produots. They beat the latter in excellence too, which explains their widespread use and popularity. Some calicoes were made so fine that you could hardly feel them in your hand and the thread was scarcely discernible. Long pieces of twenty yards by one yard were expected to pass through a wedding ring, and a Persian ambassador is said to have presented his royal master with a cocoanut which contained a turban thirty yards long. The English people could hardly conceive how ravishingly beautiful cloths" were made by unlettered, unostentatious craftsmen with the help of a few crude tools. Such was the reputation, prestige and popularity of Indian caligoes and so ruinous was their influence on home products, which so staggered those patriotic Englishmen that in 1700 a bill "for the effective employment of the poor and for encouraging manufactures of England" was passed, nearly prohibiting the use of Indian cotton goods in the land.

But in spite of various restrictions imposed by this bill, for two decades this trade did not suffer a severe setback on account of its popularity and also extensive snuggling that was going on. But it had to its credit the laying of the foundation of the present unrivalled cotton industry of Lancashire. For twenty years the weavers in silk and woollen industries persistently carried on an agitation accompanied by not infrequent outbursts of violence till Parliament gave way to their clamour and passed a new calice bill which practically brought about the exclusion of India's textiles from the English market. Though this ban was not completely effective for some time, it gave a stimulus to new inventions in spinning and weaving machinery making it possible for Lancashire to become the world's biggest cotton factory.

The author sounds a note of warning as the nature of this legislation of 1721 is misunderstood even by authoritative works like the Imperial Gazetteer, which says that the Act of 1721 was passed in the interest of Manchester. This is erroneous. It was passed to give relief to silk and woollen manufacturers who were hit hard by Indian cotton goods. Genuine cotton goods could hardly be made in England about 1720.

The book is the result of the author's arduous labours over a period of four years from 1920-1924. The materials for this work are drawn mainly from contemporary papers, pamphlets and MSS. of the Public Record Office and the India Office, and we bave no hesitation in saying that excellent use of them all has been made, throwing a flood of light on the most critical period of England's industrial development. We have alluded to the Indian trade specially because of the prominent place it occupied in the foreign trade and economic thought of England in the 17th and 18th centuries and the outcome of the final policy adopted, though it primarily affected Indian trade, was only in cidental as the competition was not between England and the East Indies, but the English woollen and silk manufacturers were pitted against the East India Company which dumped calicoes and the calico printers who flourished by treir trade.

State interference and the safeguarding of key industries has been now recognised as a legitimate part of a nation's fiscal policy by all the important industrial countries and in this light we fully share the author's hope that "the protectionist movement detailed in the present work may have some practical baring upon the fiscal problems that loom large all over the world at the present time." We believe the attentive perusal of the narrative will end in profit to the student o Indian industrial history, who will value this book as indispensable for formulating his opinions in the light of the past experience of nations similarly situated as India of the present day.

S. Y. PONKSHE.

#### SEX AND THE YOUNG.

THE HUMAN BODY AND ITS FUNCTIONS and SEX AND THE YOUNG. By MARIE C. STOPES, D. Sc. (London), &c. (Gill-Publishing Company, Ltd, London.) 1926. 8½ × 6. pp. 224 and 190. 6s. 6d. each.

DR. MARIE STOPES, whose name is widely known as an authority on questions connected with the all-important problem of sex has added two more volumes to the scanty literature on the subject. In "The Human Body and its Functions" she has given in simple language, understandable by the lay public, information about the human body, the acquisition of which is a pre-requisite to a study of the question of sex. In most of the available treatises

dealing with this subject, which are not meant for the medical profession as such, any reference to the sex organs in the human body is either studiously omitted or given scant treatment, thus leaving an enquiring mind more thirsty for information than before. Dr. Stopes has given elementary information of all the departments of the human body and has specially dealt with the department of sex, both in the male as well as the female, and has thus tried to meet this very common demand. She has given important information, in very simple words, on the subject of reproduction and development of the body, in addition to a correct knowledge of the anatomy and functions of the sex organs. The book is throughout illustrated with appropriate diagrams and makes very interesting reading by itself. It is, however, intended by the authoress as an introduction to the other book "Sex and the Young", which forms one of her series of books dealing with the sex problem, as already said above.

The sex problem is perhaps not so acutely felt in India as it is felt in the West, but this does not mean that it is not pressing here. Only in this matter as in several others we have not yet opened our eyes to it. The West has been leading the East in several questions of material and moral welfare such as child welfare, social welfare, social hygiene, reclamation of the fallen, juvenile laws and so on and it is no wonder, therefore, that the important question of sex knowledge for the young has also been taken up by the West in right earnest. We may in our ignorance close our eyes to the problems but our somnolent attitude will not abate in any way the havoc played by our negligence in the matter. The knowledge of the sex must dawn upon the youth of every generation but to leave it to come in by chance, in a haphazard way, is in the majority of cases a dangerous game to play, sometimes it may be fraught with evil results spread not only over a lifetime but even extending far beyond to the succeeding generations. It hecomes, therefore, a sacred duty of both parents as well as school teachers to impart this knowledge at the right time and in the right manner to young people under their care. As to when we may begin to impart this knowledge Dr. Marie Stopes thinks that we can never begin too early, and that a beginning might be made even during the infant stage. The actual method of giving instruction to young children and to the adolescent might vary according to the mentality and to the religious and such other notions of young people, but an awakening in the direction is very necessary in the interest of the well-being of the coming generation and how best to bring it about both in the home as well as in the class room and the dormitory has been luminously explained by Dr. Stopes in her school treatise on "Sex and the Young".

P. V. SHIKHARE.

#### NATIONALISM AND INTERNATIONALISM.

PATRIOTISM IS NOT ENOUGH. By JOHN HAYNES HOLMES. (George Allen & Unwin, Ltd., London.) 1925. pp. 209. 5s.

THE author is well-known here in India for his bold appreciation of Mahatma Gandhi in a lecture delivered in New York during the days of Non-Co-operation. Besides he is the author of a number of interesting books, whose very titles are suggestive, viz. "New Wars for Old," "Is Violence the Way Out?" "New Churches for Old."

The trend of the present book is shown noonly by its title but also by its being significantly dedicated to the great Frenchman, Romain Rot land, who "more than any other living man embodies in his life the message I would convey to my readers," and by its mottoes, "Our country is the world, Our countrymen are all mankind" (William Lloyd Garrison), and "For me patriotism is the same as humanity, A patriot is much less a patriot if he is a lukewarm humanitarian" (Mahatma Gandhi).

The book is "an attempt to analyze the sentiment of patriotism and find out its constituent elements." Although the author justly is a strong opponent of that type of patriotism which is a menace to peace and a "well-nigh insuperable obstacle to that organization of the nations into brotherhood which can alone save our civilization from destruction," he yet finds the gold amid the dross and saves it. His solution, as also suggested by the title, leads in the direction of internationalism. "Men are one, as God is one. They belong together. An impulse or doctrine which holds them apart must be subdued and conquered if humanity is to survive."

The book has a good message to convey and a way out to show in these days when a narrow nationalism has failed altogether and led us astray into a harmful communalism. The spirit that pervades the book would fain show us the way out of the swamp of communalism through a healthy and noble patriotism to a widening of our mind and heart to embrace humanity, which each one of us can best serve by striving to solve the problems nearest our door by self-forgetting and self-sacrificing work.

A. J. KNUDSEN.

#### CORRESPONDENCE.

#### MISUSE OF ELECTORAL EXPRESSIONS.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,-Uncommonly accurate as you are in your dictiongenerally. I am surprised to find that in your latest issue to hand here to-day, while correcting the Calcutta Guardian on one point, you have yourself fallen into (or acquiesced in) another mistake. Let me bring to your notice the fact that the term 'general electorate' or "general constituency'though too often misused, even by paper-wallahs, in the sense of 'Non-Mahomedan'-strictly (i.e. in official use) denotes both the Mahomedan and the Non-Mahomedan electorates or constituencies. The term is statutorily opposed to a 'special' constituency, like the Landholders', University and such others, which cover 'special' interests, not communities. Thus, while the 'general' electorates are all ( except in Delhi for the Assembly ) communal, the only non-communal electorates we have are the 'special' ones, most or all of them. As to the 'general' ones-though they are all (except one) communal, -it is possible to distinguish them into the specific communal (as Mahomedan, Christian in Madras, Sikh in the Punjab) and the residuary communal (as 'non-Mahomedan' in Bombay, Bengal, etc.) Well, I would not have cared so much, had I noticed the loose use of electoral terminology in question in any other paper than yours.-Yours, etc.

S. D. NADKARNI.

Karwar, October 9.

#### COMMUNALISM IN INDIA.

#### SPEECH BY THE RT. HON'BLE SRINIVASA SASTRI.

On the 12th inst., the Rt. Hon'ble V. S. Srinivasa Sastri addressed a public meeting at Coimbatore on Communalism." The fol lowing is a report again unrevised, of his speech, for which we are indebted to New India of Madras.

In a few sentences I will sketch the history of Communalism as established by law in this country. It will not be a full sketch, but so much as is necessary for my present purpose I will trouble von with. For a great many years the Indian National Congress set its face against every form of communalism. It opened its doors to people of all nationalities and creeds in the country and was truly National. But in the year 1909. when the Morley-Minto Reforms were introduced. the Muhammadans in our country, thinking that their interests were in danger, demanded separate electorates and separate representation, and obtained both, after a good deal of pressure. The Congress protested against this arrangement as injurious to the growing Nationality. But its protests went unheeded, and communal electorates leading to separate representation became a permanent feature of our franchise law. In the year 1915 when, for the first time, the Indian National Congress attempted to draft a full-blooded Constitution for our country, they were practically forced to recognise communal electorates so far as they had been established for the Muhammadans, because it was on those terms only that they, the Muhammadan community, would agree to any Constitution, but we believed at the time, and some of us who were present at the Lucknow Congress had reason to believe, that the communual electorates would only last for a time-10 years and 15 years were the periods then suggested. Even those who were enthusiastic for this arrangement said that it was a necessary evil and that as soon as the Muham-madan minority felt that their interests were safe they would forego voluntarily these electorates, of which the tendency to disruption was recognised on all hands. In the succeeding years, however, experience has proved that this expecta-tion was much too sanguine. Instead of learning to outgrow this exceptional and undemocratic arrangement the community for whose benefit it was devised began to develop an appetite for more and more communalism. To our misfortune more and more communalism. To our misfortune this increasing tendency has become unbearable and the pressure extended further still. Instead of contracting their scope, communal electorates have now been established and communal representation recognised by the law of the land in respect of Local Boards and Municipalities in every Province in India. Not content with this, the demand has spread out and it now embraces the Services. A few years ago this vicious principle was admitted even into the constitution of universities. We had hoped at all events that this evil would be kept out of the temple of learning. But our hopes were dashed to the ground, when under Sir Muhammad Shafi the constitution of the Decca University was put on the Statute Book. Now, ladies and gentlemen, you may remember that when the recent Constitution was framed, a still further extension took place on a very large scale.

The evil that some of us prognosticated did happen. It happened, indeed, with a vegeance, for instead of the Muhammadan community alone being specially protected by these electorates, others also desired to come under similar protection. the Government of India Act of 1920 contained provisions of the most extraordinary character in the whole world. Our franchise law was disfigured by communal electorates not merely for the protection of the Muhammadan minority, but for the protec-tion of Europeans and then of Auglo-Indians and then of Indian Christians in the Madras Presi-dency, and the Sikhs in the Punjab. A democratic Constitution that allows the Nation to be split up into so many communities and teaches the members of each such community to believe themselves to be the citizens not of the whole Indian Nation but of separate fractions thereof; not bound to consider the interests and the welfare of the whole country but content to devote themselves to the promotion of their own particular interests—a Constitution of that kind is a Constitution unlikely to favour the growth of the Indian Nation, conscious of its Nationality. That is the danger now confronting our people. There are several other dangers of more or less potency. But this one is by no means the least insignificant. As I have told you, our expectation in regard to the brief tenure of the disfigurement of our franchise law has been hopelessly blasted. Indeed, instead of the Muhammadaus being now the evil examples of the Indian Nation, the European community have stepped into the place of that odous eminence, and this now, even more than any other component of our Nation, resists any attempt either to weaken or to abolish this insidious arrangement. Our hope therefore of being able to persuade the Muhammadans, the Indian Christians and the Sikhs must be sternly postponed, until we should be able to persuade those who enjoy and boast that they enjoy, the most democratic Constitution in the world, but who on Indian soil are willing to put tnemselves forward as the advocates and champions of an undemocratic franchise, never known to human history.

Moreover you remember how in our own Province the non-Brahmanas organised themselves and demanded, at the time when we gave evidence before the Joint Select Committee in England, separate electorates for themselves, thus asking that an invincible and overpowering majority should be protected against the minority (Laughter). That is an extension of the evil for which nobody could have been prepared. We, in Madras and a part of the Bombay Presidency, were asked to make ourselves responsible for this most astounding extension of the principle of protection of a majority against minority (Renewed laughter). Luckily, however, although the contention was made and urged in all sorts of ways, the opposition was so strong that it did not pass through. The authorities in England with their usual instinct of compromise denied separate electorates to the non-Brahmanas of our Presidency but gave them what is known as a reservation of seate but on common electoral register. We were very thankful that this unjustifiable extension was

We are further thankful that the never made. result of the last two elections has scarcely shown that there was and there is and that there would be a necessity even to call this reservation of seats into play. The non-Brahmanas everywhere have obtained more than what they stipulated for, and if experience is to be our guide we might in reason expect that this principle of reservation of seats might now be no longer permitted to disgrace our Statute Book (Applause). However, that may or may not be, even if it is there, it is not going to be called into play. It will be there and it should not matter. I am particularly pleased to inform those among them, who may be ignorant of the fact, that so far as public speeches of our non-Brahmana leaders go, they contain no trace of a demand, which was so loud six years ago, of separate electorates being afforded for protection against the one and talf millions of Brahmanas in this Province. So that is an evil we have fortunately overcome. It is possible new to look forward to an early amalgamation, so far as the electoral law is concerned, on the old harmonious footing of these two communities. Moreover, it is with the greatest pleasure that one contemplates the action for the last five or six years of the all-India Indian Christian Conference. That body, actuated by a Nationalist spirit, has every year protested against the institution of separate electorates and declared its willingness to forego it in so far as they themselves are concerned, thus setting a fine example to the demo-oratic Nations of the West. But this satisfaction must be qualified, I regret very much to say, so far as the Madras Presidency is concerned.

The Indian Christian community here, contrary to the desire of the All-India Christian Conference, has still adhered to the reparate electorates that they obtained in 1920. They do not seem willing to drop it and this notwithstanding the bright and illuminating example of many a gentleman of Indian Christian community, who have often declared that they were willing to identify themselves with the Indian Nation foregoing their special privilege of belonging to their own specially protected Indian Christian community. All honour to such advanced guards of the coming Nationality. May their example finally prevail. We all hope that the community will divest themselves of this protection against which in every Province except this one a protest has been made. Now that, briefly, is the history.

Now allow me to say a word or two as to the recent position of our leaders on this subject. You know that after the Calcutta riot and similar occurrences of an unfortunate nature elsewhere in India the desire for separate electorates and indeed, for separation all round, has become very strong with the Muhammadan community, but their chief representatives in Bengal and elsewhere have now come forward to say once more that they would be glad also to drop the separate electorates in a short time, though now neither 10 nor 15 is mentioned as a number of years required, leaving things, as they say, beautifully vague. Nevertheless this is a point worth noting that the leaders of these communities have begun to say openly that separate electorates are an evil, though they say that in the present circumstances of the country they are an inevitable evil. Now to this branch of the argument I wish to address a reply. Now I ask if they are an evil, are they, in the first place, an inevitable evil? Is it not possible for the Muhammadan community to feel themselves quite secure on such

other arrangement as was made needlessly for the protection of our non-Brahmana brethren? Is it not possible by a system of reservation of seats to satisfy the Muhammadan community, if it would be secured against the overwhelming majority? They say "no" to this question. We say "yes." Between these two extreme opinions if a compromise was possible, what should it be? The Muhammadans demand that that principle should be extended all the way down from the Legislatures to local bodies of every description including village communities, school committees, college committees and University Senates, including the Services. Now they say: What is the wisdom of supposing that all those communities are all of one national mind and will look at all problems through national eyes, when every fact of our life in India contradicted this supposition. If you find the Muhammadan community distrustful of the Hindu majority, if you find the European community demanding that they should never be compelled to identify themselves with the Indian people, if you find the Indian Christian community refusing to merge themselves in the general electorate, and if the Sikhs, mighty warriors these people are, demand also that the Constitution should know them as a separate element, remaiuing separate and functioning separate—if these demands are at present made, what is the fun of statesmen and politicians, however wise they may be, however saturated they may be with the full democratic idea, what is the fun of supposing that democratic idea to exist? It does not. And so they say, Let us boldly face the fact, however distasteful it may be, and proceed to stereotype it in the law of the land. Now, ladies and gentlemen, the argument is here vitiated so totally that I am not going to occupy much of your time in exposing the fallacy. It is a paramount duty of the British nation to teach us the democracy that they understand, it is our paramount interest to create an Indian Nationality, it is essential beyond everything else that the law should know only an Indian Nation, show what is right, what is the goal and want is the ideal. Make that clear to the people, let that range in the consciousness of all who are called upon at any time to exercise the privilege of the vote. For people in a growing country like India, where people are receiving the benefits of Western education and coming slowly within the range of the democratic ideas of the West-for, believe me, that in our country to-day among all the political agencies for work of education no agency is so potent as the law itself; in other countries, among other Nations, may well be the case that the law follows public opinion, is created by public opinion and stands the test of conformity to public opinion. It is not wholly true anywhere. But let us suppose that it is wholly true or even partially true. In our country Law is amongst the agencies that create public opinion. We are learning through the law of the land what is the right and proper constitution under which we must endeavour sooner or later to come. If the law teaches a Muhammadan, that he may be a Muhammadan, but he must remember that for public purposes, for all political ends, for national aims, he must first be an Indian and only thereafter and for purposes compatible therewith, a Muhammadan; if the law teaches him that fundamental lesson, he will learn it quickly enough and so will every other community. If the law tells them that that is the right and properattitude, can you and I take one easily in the contrary direction? It is utterly futile; but you

will ask if they really feel suspicious, must you not provide some department, some branches of National life in which their separated interests may be safeguarded? If the Muhammadan community and other minority communities think that they stand at some disadvantage. tage when compared with them, give them, I say, special facilities. Give them special facilities for entering the service, recognise the disadvantage which stands in their way so that it may disappear speedily. Public institutions must be so moulded that the Muhammadans would sconer or later get over their defects and stand on the same platform with the Hindus enjoying all the advantages that the other community enjoys. Is it not possible to do that? Must the division between the two communities be wholly embraced by every nart and whether, as I told you, the final aim should be to tell them that they are not one Nation and they are to begin by telling them that they can never be one nation and that a special law should be devised which will prevent them at any time from forgetting their differences. We know the nature of the law; the appetite has only grown by what it had, by what it fed on. Now that is the great evil of communalism. We do not We do not want that any community should be trodden un-der foot by our majority and be deprived of the power to bridge these differences.

If you have decided that the Muhammadans should have 35 or 40 representatives in the Madras Legislative Council, give them that number. Gentlemen, do not take away even one, but tell them at the same time that every Muhammadan will have to address his electoral appeal not only to his own people but to all people, specially to every Hindu and to every Christian. Public questions ought to be discussed by all interested in them, and not merely by sections sitting separately behind closed doors and considering matters separately. What is there in the conduct of the Railways, the Excise Department, the Education Department that the Muhammadan should consider behind closed doors all by themselves? There is no harm in all or us coming sether for public discussion. As that is the gether for public discussion the cure to-day. difficulty to-day we must begin the cure to-day. Thus, put in this language, as you can all remember who read newspapers, particularly British newspapers, India is broken up into so many communities who consider themselves so very different from one another that instead of being divided only on questions of religions or religious practices, or social institutions, they are also divided on all those questions which should be common to them all. That is the charge they lay against us. When you come to discuss any political matter, any matter of common interest, even then these people are unable to forget their separation and come together on one platform. Is that not the precise form of our defect? Still every facility should be afforded for our discussing religious subjects, social matters, marriage matters, etc. separately. Is it right to compel us to function for common purposes also separately—those on which we should learn to sink our differences, just those on which the law should really compel us to unite? That, ladies and gentlemen, put briefly, is the evil nature of communalism. Once you encourage this tendency in your heart, you allow it so to invade your whole being that you forget you are to be one day one people. I cannot conceive of a greater danger than that.

There is only one other remark that I may make and that will come home to us in a way that many

of you may not like. Now I have spoken of the law... of the land as has been framed on a vicious principle. But you may say that it is made by British device. Perhaps they have an interest in teaching us reparation and, therefore, we are not to be blamed for the line that the law of the land has taken. But if I can show to you that amongst us also there is a similar tendency, will you not lament that fact along with me and shed tears and pass sleepless nights till it is remedied? The Non-Brahmanas have a suspicion of the Brahmanas and cannot trust them. I ask, is it right, is it just, is it conducive to the growth of a future Nation. that even our political parties, political clubs which are for the consideration of a common object, should be organised on a separate footing? The reason that exists for Hindus and Muhammadans considering themselves for religious purposes separately does not exist here. The religion which we own, whether Brahmana or Non-Brahmana, is one and the same. I would be a wholly mis-taken and a most blundering fool in the world if any one would be able to demonstrate that the religion of the Non-Brahmana Hindu is different from the religion of the Brahmans. It may be we are divided by marriage institutions, by evil customs of non-interdining and so forth. We are educated, we wish to put an end to these separative tendencies, and God knows among all of us, however high, however low, you know, there are more than hundreds of individuals who have risen above these separative tendencies and set bright examples to their fellowmen so that they may forget these differences and be glad to own themselves as limbs of the same community. "Trust only Non-Brahmanas." "Don't Trust Brahmanas',-they always discuss these public common questions in a specially Brahmana or non-Brahmana way. I shall have nothing to do with that. Why should, for instance, the question whether the Madura District Board should have an elected or a nominated President and Vice-President be discussed by the Non-Braumana Party sitting behind closed doors? Why should the Brahmanas discuss that question separately and within closed doors? Why not take decisions in common? Well, no greater evil portent has arisen on the political horizon of India in recent times than the uprising of a party which, though communal, calls itself at the same time National and democratic. Fancy a democratic political party which excludes people by reason of their birth. Quite recently, I listened to a conversation, of which I cannot disclose the details, in which I had the privilege of suggestsing that as the Non-Brahmana Party, called the Justice Party in the Madras Presidency, had, in a very considerable measure, obtained already the original desire with which it was started, of securing a majority in fact, an indisputable majority, of the seats in the Legislative Council, of being able to see that the Brahmanas enjoyed no unfair advantages in appointments to offices and so forth, the Justice Party should now come forward and say: "We will throw open the doors to Brahmanas and Non-Brahmanas alike, we will make this Party a really political party and not a communal party."

This step is a sine quâ non, indispensable, for any further progress of a sure and stable kind. I really ask why I should be excluded from any political party unless I do not share the political views of thet party. I may there confess to you that of the two great political parties in this Province to-day, the Justice Party and the Swarajist Party, I really do not know which comes closer to

me in its political views and aims and progress. As a matter of fact, in all the most essential political aims I stand rather with the Justice Party than with the Swarsjist Party. On all vital points, on every question—of Non-Co-Operation, of acceptance of offices for their maximum value and potency, for good and also for evil (laughter); of continually appealing to our friends in Great Britain (there are a good many whom we cannot throw overboard), in these vital and fundamental matters, I like more the Justice Party. And yet I have no footing there (Laughter). I am not a very orthodox Brahmans, as you all know. In many ways, if you asked the leaders of the Brahmana community, they would disown me within half an hour (Laughter). I dine with Non-Brabmanas and with certain communities of the Non-Brahmanas with whom the leaders of the Non-Brabmana community themselves will not dine (Renewed laughter). Whatever the disabilities may be, I correspond almost exactly, so far as political views stand, with them. I ask, is that National, is that democratic, is that conducive to the best interests of the future Indian Nation? Now the Brahmanas may be a small minority and you may say, what does it matter if they are kept out, if they are forgotten? In my conception of a democratic constitution, no community, however small numerically however contemption. however small numerically, however contemptible by reason of its character, however odious by reason of its social and sanitary habits, no people can be completely neglected, nay, thrust aside, as though they were unworthy, in any constitution which calls itself democratic. Why, the very crown and glory of a democratic constitution is, the very glory of British Institutions is, that in that community, no individual, however humble, howsoever unworthy, can be kept out of that which is in the minimum due to every citizen of the Commonwealth. I may be a bad man, but I am a citizen so long as I abide by the law, and I am entitled to the protection of the law. Who dare refuse the electoral rights of citizenship? Dare anyone come forward and say that the Brahmara community, with their past, with a record that they have of work behind them, with their potency for good and for evil (Laugnter), I say, is it quite just and proper that any political party should go forward and obstruct the constituency and say: "You shall not have anything to do with the members of such a community. If they ask for your votes tell them that you will not listen to them. If they wish, let them speak separately to the Brahmanas and find a seat?"

It appears to me that, on this basis, a party of a barefacedly communal character, calling itself political, desiring to share in the spoils of an electoral victory amongst the members of a community, such a seemingly political party is a public dauger. It is strong language to use. Here is the future Indian Nation. We never can get away from this fundamental conception, overlook the paramountconsidera-tion for one single moment. Have an eye always to that keep, it ever within your ken. Organise politise! parties so as to lead to that goal. That should be your aim, and judge from that standpoint and from that standpoint only. I am unable in the smallest degree to associate myself with those who think that the Brahmana community is guilty in constitutional and political matters to such an extent that, in order to save India, to build up the future Indian Nation, it is incumbent on us all to eliminate us if possible from the electoral roll. It is not necessary to labour this point in any public meeting or in any newspaper. But, in an evil hour for our future, a Government professedly based on the

British model, professedly aiming at Responsible Government for India, professedly desiring to teach true Democracy and how to take successive steps therein, a Government of that character has recognised this Party as a political party and allowed the Legislature to divide itself into Brahmana and Non-Brahmana parties (Laughter. and hear, hear). I have denounced this in England so often that I do not shrink from denouncing it here or anywhere else. It is a radically vicious principle for the Government to have accepted this party system and divided members of one community or of one religion, one against the other. It is axiomatic and yet we have been so far blinded that we have forgotton it. Non-Brahmanas, now unafraid of the Brahmanas swamping them, will learn to look upon each other as brethern in a common cause, bent upon a common aim; brethren who can only pursue common ends on a common platform and in common electorates, in which not only will community and community meet concerning only the Brahmana or Non-Brahmana communities, but discuss questions concerning also Europeans, Muhammadans, and Indian Christians, indeed every possible element which goes to comprise our community. In other words, I would like to see the day when political parties will be formed where only political views will be the bond of union and not any other consideration, on any account. But I hope some of you at least share with me the anguish of heart that I feel when I find that sensible men, otherwise, and so desirous of promoting solidarity, should have persuaded themselves that either their future or the future of the community or the future of the whole of India can ever be pursued on lines that they have deliberately laid down for their party and their progress. It grieves me very much to have to speak so strongly, but I hope I have used no offensive expression, no unparliamentary expression, as having any personal animosity and seeking to avenge any personal wrong, or as designing to promote any narrow ends. The one loyalty that I wish to put before you all is the loyalty that we must feel to India (Hear hear). Any smaller loyalty must be split out of our heart, for it is ruinous to the State, to the separate communities themselves. It is an unmitigated evil, and we must consign it to that end which unmitigeted deserves everywhere. (Prolonged applause evil and. cheers.)

## The Servants of India Society's Fire Relief Fund.

(From 3rd to 17th October.)

#### GENERAL

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Rai Bahadur K. L. Barua, Shillong " 20	Grand Total for the period Rs. 5,187-4-0
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The Hon'ble Khan Bahadur K. Ahmed, Shillong 15	Total analysis de de D. 119 000 4 0
Mr. V.A.K.P. Palaniappa Chettiar, Tirupur 15	Total amount realised to dateRs. 1,12,020-6-9
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Mr. K. K. Subrajmania Chettiar, Tirupur ,, 15	The Bhagini Samaj, Bombay, founded to com-
M. C Windal Cats Timens	memorate the late Mr. Gokhale collected, on the
The Densile) Dance Timere	l ·
	anniversary of Mahatma Gandhi's birthday, Rs.
Mr. Cowasji Nowroji, Tiru ur " 15	1000 from its members and sympathisers and
Mr. K. R. Eswara Murthi Gounder, Tirupur 11	handed over the donation to the Servants of India
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K., C. M., Mr. M. V. Pradhan, K. M.,	ا ۲	dozen tablets.
	50	The prices are nett and ex-Factory. An advance
THROUGH MISS NAVAJBAI DADYBARJOR.	- 1	of 25 per cent. of the order is necessary. The balance will be recovered by V. P. P. or through a
Mr. Bhaidas Karsondas "	10	Bank.
Messrs. Duleray and Co ,,	5	S. G. Sastry, B.A., M.Sc. (Lond.), F.C.S., F.M.U.,
K., Mr. S. Narayandas, Messrs. Hiralal and		Industrial Chemist and
Co. (each Rupees 3.) "	9	Chemical Engineer.
Mr. Sorabji, Mr. P. F. Virji, Mr. Manilalbhai	_ [	
(each Rs. 2.) "	6	
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