

The Servant of India

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Topics of the Week.

The U. P. Ordinance at Work.

MR. CHINTAMANI'S object in raising a discussion in the U. P. Legislative Council of the ordinance recently promulgated by the Viceroy with a view to deal with the no-rent campaign there was to secure an assurance from Government that its use would be strictly limited to that campaign and that campaign only. The loose wording of the preamble of the ordinance appeared to him to give a loophole to officialdom to use it promiscuously. Mr. Chintamani who described himself as a 100 per cent. opponent of the movement, having got the necessary assurance, did not press his motion to a division. That however does not dispose of the objection that the extraordinary powers sought to be vested in the executive by the ordinance are unduly comprehensive and are by no means so clearly defined as to be beyond the possibility of a doubt. A speaker in the debate raised by Mr. Chintamani complained that under that ordinance a district magistrate could order a person to stand upon his head. That may appear to some to be somewhat far-fetched but there is no doubt that the wording of the ordinance is in some places too ambiguous to prevent its misuse by over-zealous officers. It was also pointed out that while the maximum imprisonment that could be inflicted for the crime of instigating people to withhold payment had been laid down as six months, the amount of fine to be inflicted for the same offence had been left unspecified. Apart from such vagueness in its wording, the actual working of the ordinance for a week now does not give ground for the hope that its administration is going to err on the side of mild-

ness. That the powers under the ordinance would be used to place restraints upon the personal liberty of individuals engaged in conducting the campaign was obvious enough. But what cannot have been equally obvious was that zamindars would be asked to undertake police duties by keeping a watch on Congress workers to the extent of reporting their movements to the authorities and even of arresting them, failing which they have been warned not to expect any assistance from the Government in the recovery of the rent. That the fears as regards its possible misuse resulting in unfairness and injustice in some cases were not altogether groundless will be clear from the order served on Mrs. Pandit of Allahabad asking her to leave her motor car at a police thana because the police had reason to believe that it was used for the promotion of the movement—a suspicion for which the owner of the car does not seem to have provided any ground. Owners and drivers of public motor vehicles are forbidden to carry Congress workers or volunteers, failure to comply being met with a maximum of six months' imprisonment or with fine the amount of which is not stated. Some of the worst Tory diehards in suggesting ways of counteracting the civil disobedience movement last year went the length of blaming the then British Government for its failure to stop the supply of public conveyance facilities to the so-called agitators. That suggestion the Labour Government felt disinclined to act upon; but has been given effect to by a Government which, though having the same gentleman as its head, has a Conservative like Sir Samuel Hoare as the Secretary of State for India. That exemplifies the change in the spirit of administration betokened by the change in the personnel of the Secretaryship for India.

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Misleading Comparisons.

THE proceedings of the annual meeting of the Associated Chambers of Commerce held last week in Calcutta clearly show that the European business community is at one with Indian opinion in thinking that Government expenditure still left considerable scope for retrenchment. The Europeans however differ as regards the methods of cutting down that expenditure. Indian opinion has always maintained that the administration is top-heavy and has insisted upon the reduction of expenditure at the top. This source of economy has no doubt been recently tapped to some extent, but such action as has been taken

so far in that direction has appeared to Indian opinion to be extremely tardy. Europeans on the other hand think that an adequate number of the lower paid posts had not come under the retrenchment axe. Indeed a speaker to the resolution expressing the Associated Chambers' dissatisfaction at the inadequacy of retrenchment effected so far tried to support this position by pointing to the fact that the proportion of the highly paid posts abolished as a result of the Government's retrenchment policy was greater than that of the low-paid ones so treated. But the test of proportion that the speaker in question sought to apply in this connection is by no means the correct test. The proper criterion in this matter is whether every body is called upon to make equal sacrifices to enable the present economic crisis to be tided over. In fact there is no reason why those drawing high salaries should not be expected to make proportionately greater sacrifices. But this apart, the cuts carried out in the case of the highly paid services will be found not even to stand the test of equality of sacrifice. As a member of the Bombay Retrenchment Committee has after careful calculations been able to show, while the flat cut of 10 per cent. means a 10 per cent. reduction in the salary of the low-paid employees of Government, in the case of the superior officers, however, the proportion of the sacrifice to their salary works out to less than 10 per cent. In the case of some of the highest paid offices it dwindles down as low as 3.62 per cent. That is surely not equality of sacrifice, whatever else it may be. In these circumstances all comparisons of the number of posts retrenched in the superior and inferior services are misleading.

* * *

Reforms in Jhalawar State.

WE hope the reforms recently announced by the Maharaja of Jhalawar will go some way to purify the judicial administration of the State. These consist in the constitution of a High Court for the State which automatically involves the ruler withdrawing himself from active participation as the presiding judge. It is a matter for satisfaction that the Maharaja of Jhalawar has decided thus to abstain hereafter from any interference with the judicial administration of the State. The independence of the judiciary will also be considerably helped by the proposed separation of judicial and executive functions—a reform which has been long overdue in British India but is becoming more elusive with the lapse of time. The Maharaja has declared his ambition "to make Jhalawar a model State and to see his people happy and contented." That sounds very well; but the Maharaja need not be told that what is more important and what will really establish his claim to be looked upon as a model ruler is practical action to translate these fine sentiments into effect. From that point of view we must say that the recent announcement by the ruler will generally be looked upon as disappointing. The constitution the Maharaja has recently granted his subjects seems to have been based only upon an "association of the people with the State administration" and does not admittedly confer upon them any

effective voice therein. And be it remembered that the effectuation of all these reforms, political as also judicial, tardy and belated as they doubtless are, is to be governed by considerations of "local conditions." These considerations are more often than not used by rulers of none too progressive a bent of mind as a convenient excuse for postponing indefinitely the carrying out of reforms publicly promised. We hope this will not be allowed to happen in Jhalawar. His scheme of political reforms obviously does not provide for the creation of a legislative council. But it may be said: what is there in a name? If Jhalawar is not to have a legislative council, it will in its stead have a State Panchayat Board ten of whose members will be elected and five nominated. It will be consulted, in the first instance, on all important matters and will elect two of its members without portfolio to the Executive Council whose advice will also be sought by those in authority. All that the scheme thus provides is for the consultation of an unofficial opinion in the State at two stages. The subjects of His Highness must be politically very backward if they are satisfied by such meagre political boons as His Highness in his magnanimous generosity is pleased to bestow on them.

* * *

An Amazing Recommendation.

THE perfunctory manner in which the Bombay Retrenchment Committee has done its work has already been strongly criticised by the Indian press. It is further illustrated by its treatment of the question of the abolition of Divisional Commissionerships. Their disappearance has often and with emphasis been pressed in the past and if not much is now heard of a demand for their abolition it is because their removal is now unofficially regarded as only a matter of time. And yet the retention of these superfluous offices has been unanimously recommended by a committee which consisted of a large non-official element and whose one business was to cut down all useless expenditure! Its failure to persuade itself to recommend even a reduction in their number, if they could not suggest their total abolition, is also equally amazing. But the surprise will be still greater in the case of those who had with any care studied the questionnaire issued by the Committee to non-officials and public bodies. One of its questions was designed to elicit public opinion on the possibility of reducing the number of Commissionerships by one. This naturally raised the expectation in the public mind that the abolition of at least one out of the three Commissionerships was to be confidently looked forward to. The Committee's recommendation has belied this expectation. We wish the Committee had supported its recommendation by argument. If it had done so, we would at least have been in a position to judge whether its decision was influenced by sound considerations. All that it does is to refer us to some unspecified Council debates. Its predecessor of 1923 had, if we remember aright, recommended what amounted to the disappearance of Commissioners as such and their conversion into what were termed by it as Commissioner-Secretaries. The impression left by its arguments in support of this recommendation was that much of the Commissioner's work was superfluous and was being gone through simply because they existed. A reasoned treatment of the question was necessary if only to prove the groundlessness of such an impression and would have also showed the public why when e. g. in U. P. their reduction by 50 per cent. is considered feasible by the Retrenchment Committee there, its counterpart in Bombay should be constrained to stand up so unalterably for the *status quo*.

* * *

SOVEREIGNTY OF THE STATES.

AN observer of the current essays in constitution-making in India cannot but be amused at the vigorous process of wish-thinking that is at work all round on the subject of Paramountcy.

We are told that Paramountcy is not a matter of politics at all, but of pure constitutional theory. We cannot vest paramountcy just where we may deem it expedient to do so. It is a matter entirely independent of our wishes. For the location of paramountcy, it is said, is inexorably fixed by past events and by immutable legal theories. That being the case, it is of the first importance to examine the basis, from the legal point of view, of the theories advanced and the conclusions reached in the various quarters. When one examines these, however, one finds that the conclusions sought to be drawn are not those to which one is driven by the force of logic but those which one would like in sheer self-interest to see established. That is why we say a good deal of wish-thinking goes on on this subject. Let us see how.

The parties who are interested in the matter are four: the Princes, the British Government, British Indians and the States' people. If these parties consulted nothing but their own interests, they would lay down the following propositions on the question of Paramountcy.

The Princes. The states have sovereign rights. Some of these rights they have no doubt ceded to the paramount power by treaty. They still retain however residuary sovereignty, which is being daily encroached upon by the British Government without justification. Their treaty relations are direct with the Crown, and these cannot be handed over to a government not subject to the control of the Crown unless they themselves wish it.

The British Government. The relations of the States with the Crown are governed not merely by treaty, but just as much by usage and political practice. Ultimately therefore the Crown alone is sovereign and its paramountcy rights cannot be limited in any way. Even so, however, the Crown cannot transfer these rights to a self-governing British India without the Princes' consent.

British Indians. The paramountcy rights of the British Crown are unlimited and illimitable. It ought to be open to the British Crown to choose a responsible Government of India as its agent to exercise these rights along with others. When the Government of India becomes fully responsible it will necessarily assume in respect of the States the same position as the Crown holds towards them.

States' People. The same as British Indians. These are the contentions one would expect the respective parties to put forward when treating the question as a purely political one; and, curiously enough, these are the very contentions that are being put forward when dealing with the question as a purely legal one too.

This circumstance is very suspicious and demands a close examination of the theories from which such conflicting conclusions are drawn. We

for our part do not pretend to understand the legal intricacies involved in this matter; but this much we can say as laymen, that the conclusions drawn by the representatives of the Princes and the British Government do not logically follow from the basic theories on which they take their stand. For instance, if it be true, as the Princes contend, that the States are sovereign within their own borders in respect of all matters which they have not ceded by express treaty provision to the British Crown, they ought really to claim far more than they have ventured to do so far. If treaties are the only tie binding the States to the British Government, then surely it ought to be legally competent to the States to renounce the treaties and thus cancel the cession of power which they have made to the Crown. It ought to be possible for them to say to the British Government: "We allowed you so far to discharge some functions of government like defence and foreign relations in our behalf; we shall no longer continue the management to you. We shall take it over ourselves." And if this happens, clearly there will be no paramountcy left. That is to say, if the States are sovereign as is claimed by them, they ought to be able not merely to restrict but abolish paramountcy altogether.

A writer in the *American Political Science Review*, Vernon A. O'Rourke of Johns Hopkins University, has brought out this point very well. He says:—

"Accepting the Austinian concept of sovereignty, it follows that treaties are not a legal limitation upon the sovereignty of the States entering into them; the same power that agreed to enter into such a contract can, at any time, without acting in any manner illegally, abrogate the agreement. In rescinding a contractual obligation because of expediency, a state may be morally at fault; but no municipal or international court would recognise such abrogation as a basis for legal action. In delegating (not ceding—Ed. "S. o. I.") to the Crown certain powers of action, the Indian States have not impaired the absolute character of their sovereignty."

"The theory can also be advanced and maintained that the States have the legal power to withdraw from their present alliance with the Empire. At first glance, this is seemingly untenable; but upon a closer analysis any doubts are soon dispelled. Perhaps for practical purposes the States are not possessed of the actual power necessary for a successful termination of their treaty relations with the Crown; but, legally, there is no force which could interfere with a Prince renouncing all treaties with the British power, withdrawing to himself, and commencing to conduct his own foreign relations."

It is clear that the States are claiming either too much or too little. Let it be finally decided which it is.

If, on the other hand, the British Government's rights of paramountcy are determined not by treaty agreements alone, but by various other matters and extend beyond the provisions of the treaties; if, i. e. the British Government is supreme, then surely there is no basis for the argument that it has no power,

speaking from the strict legal point of view, to confer the paramountcy rights which it possesses upon a responsible Government of India. Professor O'Rourke says on this point:

"After vigorously insisting upon the sovereignty of the Crown, the Butler Report completes its survey by recommending that the rights of the Crown should not be bestowed upon British India without the consent of the native rulers; the Simon Report contains an expression of the same recommendation. Surely, *in view of the sovereign claims of the Crown, such an admission can only be a concession on the part of Great Britain and not an acknowledgment of a legal right existing inherently in the position of the Princes.* No other interpretation can be upheld. If the Crown is sovereign, the Princes can have no legal right of decision in the matter."

The British Government again is claiming either too much or too little. And is it not surprising that neither the Butler Committee, nor the Simon Commission, nor the Government of India who have recommended the reservation of paramountcy to the Viceroy, nor the British Government who have finally decided in this sense, with the apparent approval of Mahatma Gandhi, have condescended so far to give reasons for their recommendation or decision? This looks very much like a matter governed more by considerations of expediency than of legal theory.

Where do British Indians stand in this controversy? They too vigorously combated the pretensions of the Indian rulers and put forward a claim for transfer of paramountcy. As a matter of expediency they expressed willingness to have a non-responsible Government of India to exercise paramountcy rights for a time, but they insisted that after the transitional period paramountcy must vest in a responsible Government of India. No one was probably more insistent in urging this claim than Sir Tej Bahadur Sapru. But a general transformation has now taken place. British Indians are now willing to have paramountcy permanently reserved to the Viceroy, and no one again is more accommodating in this respect than Sir Tej Bahadur Sapru. In indicting the Nehru Report he found a number of legal arguments to confute the Princes' claims. But he is now armed with no fewer legal arguments to support those very claims. Nothing in the world appears to be more pliable than legal theories and legal arguments. Sir Tej Bahadur's latest (as delivered in the Federal Structure Sub-Committee of the R. T. C. on the 17th November) is this:—

"There is a good deal which is now done by the Political Department of the Government of India which will automatically pass to the jurisdiction of the federal legislature, but there will still continue to be a residuum of subjects coming within the general expression of paramountcy for which you will have to make provision. Now, so far as that question is concerned we on this side are not directly interested in that matter: that is a matter really on which Their Highnesses and their Ministers are entitled to speak with authority, and I will therefore not take up the time of this House unnecessarily. ...What exactly will be the machinery which the Viceroy will adopt, either in consultation with

Their Highnesses or independently, is a matter for the consideration of His Majesty's Government and of Their Highnesses. I venture to express no opinion on that part of the case."

Now, let us look at this expression of opinion from a commonsense point of view. Sir Tej Bahadur Sapru disclaims all interest in Political Relations and all right to say as to the proper machinery for managing them. The argument seems to run thus. Political Relations connote the relations of the British Government with the ruling Princes, and therefore British Indians have no concern with them. On the same analogy, British Indians can have no concern with Foreign Relations, because Foreign Relations are the relations of the British Government with foreign powers. Is Sir Tej Bahadur equally willing to disinterest himself in the management of foreign relations and to leave it to the Viceroy for all time to come? Even if Political Relations are to be treated as a reserved subject, on what ground can Sir Tej Bahadur admit the Indian States to a share in devising the machinery for the administration of the subject? Similarly, is the advice of the foreign powers to be taken in the administration of foreign relations? Paramountcy, in its most important aspect, involves the oversight by the paramount power of the internal administration of the States and its correction in cases of gross misrule. Is the machinery for this oversight and correction to be devised in consultation with the very rulers upon whose misgovernment a check is sought to be placed? If this is admissible, it would be equally sound policy to manage the Foreign Department in consultation with foreign powers, with which a rupture may be imminent. Sir Tej Bahadur however will admit the one and not the other. Is legal theory in such direct opposition to logic and commonsense?

EDUCATION IN BIHAR AND ORISSA.

THE Report of the Director of Public Instruction of Bihar and Orissa for 1930-31 is just published.

As usual it is styled "Report on the Progress of Education." In view of the fact, however, that the year not only did not witness any educational progress but on the contrary some regress, its description as a progress report is a misnomer. Educationally, Bihar is one of the most backward of Indian provinces, far more so if female education is considered separately. Anything which might therefore tend to set the hands of the educational clock backward even to the slightest extent must be avoided. If, as is officially suggested, financial stringency makes any progress out of the question for some years, every nerve should be strained at least to maintain the *status quo*. But even this could not be managed by the local Government which is very deplorable. The proportion of male scholars to the male population in the province decreased from 5.86 in 1929-30 to 5.73 in the year under report, the only consolation being that female education did not register a similar backward movement. The percentage of female scholars to the female population went up from .68 to .7. This advance in female education, though infinitesimal, is to be welcomed in view of the

decline in general literacy in the province. The percentage of boys and girls in receipt of instruction to the total population was 3.23 in 1929-30; it came down to 3.18 in 1930-31. The number of educational institutions showed a decrease of 217 from 31,735 to 31,488 with a reduction of over 19,000 in the number of pupils which stood at a little over 11 lakhs. The number of girls receiving education increased by a little over 1000, the increase being shared by all stages of education except university education which registered a decrease from 7 in the previous year to 3 in the year under report. In passing it may be noted that though the number of high schools for boys increased by 9, the number of students did not only not increase but went down by nearly 600—a phenomenon which is attributed to economic causes. May it not be that this decrease is at any rate partly accounted for by almost an equal rise in the number of scholars in special schools?

But what is of more immediate interest to us is the state of primary education in the province, a study of the statistics relating to which shows that even that stage of education on the whole received a set-back. The number of primary schools for boys went down from 26,153 to 25,645 with a fall of more than 23,000 in enrolment. The number of girls' schools decreased by 29 from 2,474 to 2,503, but the number of girls receiving primary education rose by nearly 700 from 61,247 to 61,957. The educational waste involved in a large number of children leaving school after putting in a year or two in the lower standards continues to be a serious problem in Bihar and Orissa as elsewhere. It appears that out of the total number of pupils studying in primary schools more than half, or to be precise 53.9 per cent., were in the first standard while only 4.8 per cent. were in the fifth standard, the corresponding proportions for 1927-28 being 58.3 and 4 respectively. It will be seen that though some progress is noticeable in this respect, the rate of advance is disappointingly low. The remedy is generally admitted to be compulsory education, but it is out of the question in the present state of Government's finances. In this connection the experience of compulsion in Ranchi deserves to be noted. In spite of the fact that compulsion has been in force for ten years, nearly one-half the number of boys of compulsory school age are found in the infant class. That only shows that if compulsion is to yield results expected of it in the matter of enforcing continuance of children in school, it must be enforced with all practicable strictness. This does not seem to happen in Ranchi where, we observe, as many as 17 per cent. of boys are allowed to absent themselves from school daily. If the compulsory machinery is found to be defective on this point, it must be tightened up, if only to prevent the waste of educational expenditure that this state of things involves.

With the general level of literacy so low, it is obvious that the state of education of the untouchables in Bihar and Orissa is bound to be very backward. Thus we find not a single untouchable student reading in any of the Colleges in the province and even the

number of those in high schools, none too large at any time, fell from 18 to 15. The number of special schools for these classes fell from 231 with 6,011 pupils to 211 with 5,731. But the educational authorities of this province do not apparently look upon such schools as unmixed blessings for the untouchables, for the co-education of untouchable pupils with higher class pupils is found in this as in other provinces to show better results. The increasing official tendency seems therefore to be in the direction of regarding the admission of depressed class pupils to ordinary schools as a matter of course, special schools for them being started or continued only when such a course of action is unavoidable without detriment to the educational interests of the untouchable children concerned. But it need hardly be stated that the real need in regard to the education of these classes is not quality so much as quantity. We hope the local Government will find it possible even in their present straitened circumstances to take special measures designed to increase the level of literacy among the depressed classes.

Review.

NEGRO PROBLEM IN U. S. A.

NEGRO LABOUR IN THE UNITED STATES, 1850-1925. By CHARLES H. WESLEY. (Vanguard Press, New York.) 19cm. 343p.

PATRONAGE is the bane of progress. Oppression tends to vitalise and dynamise the developing forces of races, nations and individuals more than a lukewarm, external benevolence. We are convinced that the negro was a greater economic factor and stronger economic asset during the period of his slavery than in the period which followed immediately after the Emancipation. But the usefulness of the slave was forgotten or belittled as an easy, natural state of things when taken for granted and only the nebulous condition of the newly freed negro awakened men to the depreciation that resulted in his economic value. If the Negro Emancipation had been the result of an organised, intelligent and independent revolution on the part of the negro slaves themselves the state of the free negroes socially, economically and morally would have been very different from the contemptuous, half-petted, half-persecuted lot that fell to them after the Civil War in which they were fought like herds of cattle. The Civil War ended in a moral victory for the righteous element in America and elsewhere in the world: but in so far as it concerned the negroes themselves, it was a big moral, and therefore economic, blow. Once they were "freed," the world lost interest in them, because they could no more exercise the Samaritan instinct in the good people who had been the erstwhile patrons and angels of the slaves. Even the Northern states, which were theoretically so sympathetic and human to their fellow-mortal the slave, cut him dead when he became their fellow-citizen the "Nigger." Isolated instances could, of course, cheer the sentimental humanitarian curio-hunter, of black free citizens in groups or individually being helped, coddled and encouraged by a warm-hearted white community; but the bulk of freed negroes had to suffer economic and material want and annihilation of which they had known nothing in the days of their moral and political slavery. If the negro had

cut the fetters of his thralldom himself and faced the white man on his ground as a self-reliant, to-be-reckoned-with factor, his humiliation, impoverishment, and social ostracism would have been impossible. As it was, the vast, newly-fledged mass of dark-skinned citizens found themselves, though free and equal to the white in the letter of the law, practically a community of flotsams, jetsams and lag-ends, given no foothold in the body politic, economic and social, of a high-browed racially superior nation. The negro ceased to be an economic and therefore historic factor in the United States after the Emancipation, and only the sturdy masterful efforts of men like Booker T. Washington turned the tide of a slow extinction and set a definite practical programme of hope before his negro brethren. We cannot help noticing the wonderful likeness in the life of that great man, Washington, and Gandhiji: "do not expect to have your *rights* respected, unless you are strong and willing to fight with your responsibilities. Make yourselves an independent factor to be well reckoned with by the world, and you will not have to speak idly of your theoretical equality." This in essence seems to be the identical message of these two great men to their respective followers.

This monograph, however, dealing in what is called a purely "scientific" and "statistical" manner with the problem of the negroes as an economic factor in the state, gives a very meagre and attenuated idea of the depth and significance of the whole question. But to the reader who is acquainted with the history of the negroes both before and after the Emancipation, and has already got a background from books like Harriet Beecher Stow's "Uncle Tom's Cabin" and Booker T. Washington's "Up From Slavery", this book may prove helpful in having a more detailed and elaborate history of the place of the negro in the United States of America.

A. MADHAVA MENON.

SHORT NOTICE.

LABOUR AGREEMENTS IN COAL MINES.

By LOUIS BLOCH. (Russell Sage Foundation, New York.) 1931. 20cm. 513p. \$2-00.

THIS book is the outcome of a close study of agreements between miners' and operators' organisations in the Bituminous coal mines of Illinois from 1909 to 1925. Besides wading through a mass of literature comprising of the reports of proceedings of national, district and sub-district conventions of miners' and operators' associations, monthly bulletins of the Coal Operators' Association and numerous circulars and pamphlets, the author visited the important coalfields in Illinois and near about it. He also appears to have attended a number of meetings of the mine workers as well as the conventions of miners and mine owners to comprehend the correct value and force of their decisions.

Mr. Bloch has made a careful analysis of innumerable disputes between miners and operators in Illinois in order to explain the complicated machinery which has been evolved there for the discussion, consideration, reconsideration and final settlement of industrial disputes by direct conference and mutual adjustment. The author has also commented on the numerous agreements which have been negotiated from time to time by mine-workers and the operators as well as on their interpretation and enforcement in practice.

The book is altogether a very useful publication and very cogently expounds the beneficial results achieved by associating labour in the administration and management of a great and important industry.

In India where the problems of industry and labour are only beginning to be felt, it presents both an object lesson as well as a warning.

R. B. GUPTA.

Miscellaneous.

DOMINION STATUS FOR INDIA.

MR. SASTRI'S SPEECH AT THE R. T. C.

Following is the text of Mr. V. S. Srinivasa Sastri's speech at the plenary session of the Round Table Conference on Nov. 30 which is described by the TIMES as "brilliant":

MR. PRIME MINISTER, it will be within the recollection of all of you that when we began the deliberations of this Conference we said often, and nobody failed to say, that the assent that we have given to any proposals was conditional, that we were free to revise our judgments as the proceedings went on and the picture became clearer and clearer. We had hoped that we should be able to know exactly what the proposed constitution was; and, Prime Minister, I cannot help feeling how profitable, how pointed to certain definite propositions, our two days' debate would have been if the statement that is to be made tomorrow had been made early enough, and we had all been discussing things that had been stated on authority. As it is, most of us are speaking upon uneasy speculations which have been started in our minds by rumour. One such rumour which I think was voiced in the Committee for the first time by my friend Sir A. P. Patro has been perhaps put out of the field altogether: at any rate we hope so. But my friend Sir A. P. Patro is very resourceful; one of his ideas being put out of the field, he has just ventured upon another, that the half way house so much desired by certain people here should be provincial autonomy at the circumference, with responsibility at the Centre of British India, the States being kept out for some time. Well, people have taken up the idea and begun to discuss it. For some hours I said to myself: "Now, this is Sir A. P. Patro's idea; why should I bother about it?", and then I remembered that my friend has an uncanny gift of discovering ideas still below the horizon long before other people see them. It may be, I thought, that there is some truth in that rumour and it is just as well to deal with it.

Prime Minister, that will not do either. When we started this Conference we came, no doubt, with ideas of arguing for dominion status for British India, but we had not been here many days before the magnificent action of the Princes made a wider and a larger India possible. We have all yielded our hearts to that great ideal. Our whole deliberations have been framed on the supposition that the Princes would come in, and I know nothing now to the contrary. It is a pity to ask us to go back to the original and smaller idea. I shall leave that subject, hoping that we shall still be permitted to contemplate this vision of an India including the Princes and their States going forward as a dominion from strength to strength and taking her place amongst the sisterhood of the nations of the great Commonwealth.

Then I was greatly comforted to hear that Lord Reading, to whom this Conference owes so much of its prestige and of its success did not waver one little bit in his adherence to the idea of an All-India Federation. From Lord Reading's speech, Prime Minister, we have derived many points of encouragement. I was particularly struck in the great speech.

He made recently with a note which was rather unnecessary from him, but which was quite emphatic, his faith in this British Commonwealth and his loyalty to its ideals. Nobody ever questioned that Lord Reading would be faithful to the ideal of the Empire. If some of us on this side had made a similar confession of faith, that would have been interesting. I am one of those who amidst much adverse criticism have often made that confession of faith with honesty and with genuine trust.

Prime Minister, what is wanting in our loyalty to the Commonwealth is not admiration of its greatness or of its material glory, but it is the lack of occasion for us to take pride in this Empire and to call it our own. The one thing wanting is that you should place us upon an equality with the self-governing parts of the Commonwealth. We have asked for that status for a long long time, and although I do not wish to be so unfaithful to history as to say you have done nothing whatever, and although I am grateful for the steps you have taken from time to time to realise this ideal, it must be admitted that the progress has been slow and fitful. The time has now come for you to take one long step from which there shall be no returning. Your Government—I mean your late Labour Government—was pledged to that ideal. You made your answer at that time, declared it to the people of India, and they have come here to realise it believing that that declaration contained their greatest Charter.

Now it seems to me that in fulfilling that declaration nothing should be done beyond what is absolutely necessary and unavoidable. Nothing should be done to mark us off, especially to our disadvantage, from the other self-governing parts of the Empire. There, Prime Minister, is the great danger to be guarded against. We are willing, as I said before, some of us here—I think most of us—we are willing that there should be certain subjects marked off for the time being as Crown subjects in respect of which the Indian Legislature of the future although federal should not be supreme but the Imperial Parliament which has hitherto taken charge of these subjects. That must be subject of course to a period of time that must be made known and subject also to certain large aspects of these questions which might be transferred with safety to our Legislature. They are necessary reservations but we must be on our guard to admit into the Constitution no other safeguard or reservation, by whatever title it be called, which could not be demonstrated to be anything but in India's interest. We have now on the reports several safeguards under the headings of Commercial Discrimination and Defence. I objected to them. I am not quite happy about them now. In my judgment, Prime Minister, they are unnecessary and irritating deductions from dominion status.

There are ways in which these safeguards could be obtained in substance without our constitution being disfigured by constitutional provisions. Last year when we were discussing these problems we took up one position from which—I do not know for what reason—we have advanced still further in the direction of stiffening them. One remark I will make which I made in the Federal Structure Committee. The Commercial Discrimination clause debated last year seemed to me, as it seemed to those who took part in its framing, to answer all the needs of the case. That was to be based upon a reciprocity agreement. Why this year it should be stipulated that it should take the form of legal provisions and written in the statute of our Constitution I am unable still to see. No dominion constitution has such a clause, but it is proposed seriously that the Indian constitution should start with that clause written into the constitution at the outset and so with regard to

certain financial safeguards. I have no objection to these provisions themselves on their intrinsic merits, but they are on the face of our constitution. When I meet my fellow citizens of other Dominions and I pat myself on the back and tell them "Well, I am a Dominion too subject only to two great exceptions" they will be able to turn round to me and say "No, my dear friend, it is not Army and External Affairs only that still continue to be under the charge of the Imperial Government. Your control over your own commerce and industry; your control over the vital life-breath of the whole of your national life, finance—both means are under the control of the Parliament of Great Britain and Ireland. You are not and will not be for a long time as we are." That is what I am most sensitive about. Why should these unnecessary restrictions be written into the constitution? There they are. Prime Minister, I have been no party to those secret and intimate confabulations which led to the framing of these safeguards in their present form. Without such esoteric knowledge my criticism might appear to be crude and even lacking in a sense of responsibility, but my mind is quite clear upon the subject, and if they must be given in the constitution, I will make two suggestions to you which would take away the sting and the offence of such disabling provisions. One suggestion is that you will put these restrictions into that chapter of the constitution which will be open to revision and modification by the Indian Legislature without the necessity of coming to the Imperial Parliament for dealing with them. We do not like the idea of coming to this country and asking for constitutional advance any more. There is defence, there is external affairs and there is paramountcy belonging to the States—quite enough matters to make trouble between India and England for another generation. Need we add more? For, as you know from your rich experience, so long as these irritating clauses are there in the constitution, every general election in India will be fought upon that issue. Ignorant candidates will play on the minds of even more ignorant voters and tell them: "we are not a free country so long as these clauses are there in the constitution." Let us get rid of them. Our minds will be concentrated on these particular provisions, although in the real national life of India they may not act as great impediments. The very fact that they are there will turn people's minds to them and will make progress in other vital directions very very difficult.

The other suggestion which I would make is that you should enter a clause in the Instrument of Instructions which each Viceroy receives on appointment, to the effect that the safeguarding of powers vested in him singly as apart from his Cabinet in India, that those safeguarding powers must be exercised solely in the interests of India. It is not as good as a provision in the constitution; there may be Viceroys of a stiff temperament who will disregard even this Instrument of Instructions. Nevertheless, upon the whole, it seems to me if it is declared to every Viceroy on his appointment that British policy requires these safeguarding powers to be exercised only in the interests of India, it would be a very great gain to those who watch over these things jealously in India. When we mentioned this matter last year I can say with authority that I was informed that Lord Reading would be in favour of the Instrument of Instructions containing such a provision.

A word about the future work of this Conference. This Conference dissolves, but its work cannot stop. We hear that an excellent move is contemplated: that the Lord Chancellor with a certain number of British politicians to assist him should visit our country and there keep alive in some form which may seem most appropriate this Round Table

Conference or its child to carry on the work. We welcome such a proposal if it has taken shape; and there are one or two things that one would like to say about this. Prime Minister, do you remember that in January of this year when you made your great statement, there were two parts in it. In one part you gave us a formal statement, with the authority of Government. The other and greater part contained your own admonition and exhortation to us. One passage in it which struck me then as remarkable, and which has never left my mind since, was to the effect that the work of the Conference could not be entrusted to the bureaucracy, whether in this country or in India, but must be carried on under the control of politicians. Your experience, Prime Minister, must have dictated that caution. For many years in the wilderness of private membership, now enlarged and corrected by some years of the most exalted and difficult office of the Empire, you have garnered this lesson, that noble political ideals, generous national aspirations, do not thrive in official bosoms. We non-officials engender them, cherish them and know how to bring them to fruition. In the long corridors and haunts of the India Office and of the great Secretariat that we have built in New Delhi there are many dark places where these beautiful and moving ideals are apt to be strangled, or at least they will be delayed until they have no further significance to those who have been deeply interested in them. We have had the very sad instance of a committee that sat recently in India and considered a most vital subject and, as has often been stated before us here, brought it to grief. They neglected your wise advice, Prime Minister. I really wish, although it should have been unnecessary, that in your statement tomorrow you would repeat that advice and put it into your formal declaration, so that there could be no excuse for the authorities to put it aside. (Applause) I think you ought to make it an injunction to those whose business it is to carry on the work of this Conference to nobler issues. You must make it incumbent on them to place their operations in the hands of the politicians and statesmen of India and the statesmen here, and not entrust them to the unenthusiastic, dry-as-dust, hands of the bureaucracy.

And, Prime Minister, when you constitute these commissions and important committees and entrust vital aspects to their charge, do as you did this year; summon Mahatma Gandhi and his associates to it; let him not in despair go back to the arid fields of non-cooperation. Yes, Mahatma, if I may apostrophise you, forgetting for a moment the Prime Minister, your duty hereafter is with us (Applause). You have acquired an unparalleled reputation. Your influence is unequalled. Your spiritual power to command men and to raise them above themselves is acknowledged all over the world. Shall not these great gifts be harnessed to the constructive work of the nation? (Applause). Have you the heart, I ask you, still to lead your people, trustful and obedient, through the valley of humiliation if it be not necessary, and I contend it is no longer necessary? (Applause). The steps that we have taken so far round this table mark a distinct stage in advance. It may not be as satisfactory as you wish. It is certainly not as satisfactory as I wish. Nevertheless it seems to me that you and I and other friends here, working together, can frame this constitution and so shape it that while deriving the most that it can yield we can also look forward with confidence to a future when we shall be enabled to perfect it and that at no distant date. The thing is in our hands to-day. This Imperial Parliament, dominated as it may be by a Conser-

vative majority, this Imperial Parliament in its debates to-morrow and the day after will set its *imprimatur*, I am perfectly assured, on the declaration that the Prime Minister makes to-morrow a few hours from now. Yes, and when that work is done believe me, Mahatma, that in your hands more than those of any other single Indian lies our future progress. Remember the days when some of us here ran between Raisina and Daryaganj bringing Lord Irwin and you together in mutual understanding and mutual co-operation. Yes, it seems to me that you cannot but have seen during these several weeks that you have worked with us that there is some knowledge, some wisdom, some patriotism even outside the ranks of the Congress which you so much worship. We can be of some use to you. Take us in hand. Do not dismiss us as people whose ideas are still evolving and may be long in reaching the heights of Congress wisdom. Believe me that with you and your chosen associates we can fashion our constitution to great ends and India will have cause to be truly thankful that you changed your plans and came here. For the work of a great country like India, a growing nation like our people, lies in many directions. There is not one road to the salvation of our people and patriotism takes many shapes and works in diverse ways according as circumstances may require. The circumstances to-day demand that you should change your plans, dismiss civil disobedience from your mind and take up this work in a spirit of complete trust in us and of faith in the British people too. I want to tell you this. I have read some history, and, believe me, the British people often do wrong, the British people often take unwise courses. Nevertheless, in the long run they come back to the ways of reason, moderation and justice. This is one of the occasions when it seems to me that they are in their most winning and admirable mood. Take them now and victory is ours.

BOOKS RECEIVED.

LEAGUE OF NATIONS PUBLICATIONS.

- Protection of Linguistic, Racial or Religious Minorities by the League of Nations. (C. 8. M. 5. 1931. I. B. 1.) 24cm. 247p. 6/-
- Selected Documents on the Distribution of Gold submitted to the Gold Delegation of the Financial Committee. (C. 102. M. 38. 1931. II. A. 7.) 25cm. 67p. 2/-
- A Scheme for an Economic Advisory Organisation in India. Report by Sir Arthur Salter. (C. 397. M. 159. 1931. II. A. 14.) 25cm. 92p.
- Statistical Year-Book of the League of Nations, 1930/31 (1931. II. A. 16.) 24cm. 292p.
- Memorandum on Production and Trade, 1925 to 1929/30. (1931. II. A. 19.) 26cm. 139p. 3/3
- The Course and Phases of the World Economic Depression. (A. 22. 1931. II. A. 21.) 23cm. 337p.
- Memorandum Relating to the Pacific Settlement of International Disputes Concerning Economic Questions in General and Commercial and Customs Questions in Particular. (E. 666. 1931. II. B. 1.) 33cm. 74p. 2/6.
- Proceedings of the Second International Conference with a view to Concerted Economic Action. (First Session.) (C. 149. M. 48. 1931. II. B. 3.) 32cm. 2754p. 10/-
- Proceedings of the Second International Conference with a view to Concerted Economic Action. (Second Session.) (C. 269. M. 124. 1931. II. B. 10.) 32cm. 88p. 1/6.