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TOPICS OF THE WEEK.

AT a general meeting held on Sunday last, the Deccan Sabha passed the following resolution: "The Deccan Sabha enters an emphatic protest against the action taken by the Union Parliament in passing a bill prohibiting British Indian subjects from acquiring fixed property through associations and taking out licenses for new businesses in Transvaal. The effect of thus depriving the Indian community of their vested right to such ownership of land and to trade throughout the province will virtually be that they will in course of time be driven to leave the country. The Sabha earnestly prays the Government of India to make urgent representations to the Governor-General of South Africa and His Majesty's Government in England so that royal assent may be withheld from this bill which, if it passes into law, is calculated to add considerably to the grave discontent already visible, owing to many causes, in all sections of the Indian people."

* * *

WRITING on the Punjab trials, Mr. Andrews says: "For us who feel most deeply the injustice that has been done, there is one road forward. We must fight every inch of the way. We must not let these sentences stand. We must make them known by a greater tribunal than that of the Punjab—the tribunal of the world. . . . We must appeal to the Privy Council and obtain a verdict in his (Mr. Kali Nath Roy's) favour under which the Government of India may be prosecuted for wrongfully condemning an innocent man, and also in wrongfully withholding from him while under trial the counsel of his own choice. We must use, if we can, the power which is given by the Government of India Act of 1915 (Sections 124-127) to prosecute those who have oppressed any

British subject in India within their jurisdiction. We must find out from the Law Officers of the Crown of England whether the withholding of counsel of their own choice from prisoners under trial comes under these sections. There are other actions of the Punjab authorities, specially the happenings on April 13 at Amritsar, which must be brought to the some test. . . . These appeals to the Privy Council and to the Law Officers of the Crown will need ample funds. The support of every province will be required. The issues are so great, I am certain the financial support will be both liberal and wide."

* * *

The curt refusal by the Congress delegates to accept Mr. Tilak's advice for a relaxation of the Delhi mandate, the constraining force of which it was well known had become too much for Mr. Tilak, makes plain from what quarter the obstacle to unity has always come. If unity is seriously desired and is the vital factor in our ultimate success in England which it is represented to be, it can be achieved in only one way—viz., by concentrating on such amendments as are common to all the parties and by deliberately throwing into the background points of difference. Mrs. Besant has agreed to do so, and is thus working in the closest possible co-operation with the Moderates. But complete provincial autonomy is one of the points on which, Mr. Patel has declared, the Congress deputation cannot possibly compromise with anyone. If insistence on the entire Delhi programme is of even greater consequence to the Congress delegation than unity, then those who have a greater regard for unity than they know at whose door the blame for the resulting disharmony is to be placed. The Congress deputation has of course every right to press its views even at the expense of division in the ranks of the national workers and the consequent distraction which is thereby produced in the public mind in England, but we doubt whether they have counted the cost. Mr. Tilak knows full well the extent of the harm likely to arise from the course which the Congress deputation has decided to take against his judgment, and we must say the decision is unwise in the extreme.

* * *

THE Congress deputation is not content, however, with merely withholding its co-operation from the other deputations; it must publicly carry on a captious controversy with them. Mr. Patel,

with characteristic querulousness, attacks Mr. Surendranath Banerjea, absolutely without any justification, for his supposed defection from the position of the Moderates' Conference. Mr. Patel gathers from the account of the interview with Mr. Banerjea which appeared in the *Observer* that he is only anxious to prevent any whittling down of the M.-C. Scheme and does not require any modifications in it. On account of the recent publication of the Government of India's reactionary dispatch, Mr. Banerjea naturally spoke of the contraction of the scope of the reform scheme which the adoption of the Government of India's proposals would entail, but there is nothing in what he said to warrant the inference that he does not call for a wide enlargement of the scheme. The interview itself mentions the most important of all amendments, viz. the popularisation of the central Government. The news just cabled to India of views of the Moderate party puts this beyond a shadow of doubt. The only ground on which Mr. Patel bases his charge of a change of front is the absence of a specific mention of fiscal autonomy among the improvements the Moderate party desire in the Bill. Mr. Banerjea never pretended to exhaust the list of such improvements in his interview, and Mr. Patel should have waited for a more serious offence before he opened fire on Mr. Banerjea. If the mere omission of fiscal autonomy in a casual interview is enough in Mr. Patel's eyes to rouse the ire of the Congress deputation and to necessitate a public castigation, why was not Mr. Tilak hauled over the coals, for he too omitted to mention fiscal autonomy in the article which he contributed to the *Daily Herald* on the publication of the Reform Bill? Cannot a check be put upon the bellicosity of the Nationalists just for a while?

* * *

IN view of India's comradeship with the Dominions on the battle-field followed by an abiding comradeship in the councils of the Empire and the League of Nations, the *Evening Post* of Wellington (Australia) advocates the utmost possible relaxation of the present embargo upon Indian immigration and the removal of all possible restrictions from those who are allowed to enter. Such a reasonable view of imperial responsibilities has no appeal for the average European in the Transvaal who unabashedly proclaims to the world that he was only waiting for the termination of the war to push on with his anti-Asiatic campaign. As soon as the armistice was signed his racial animosity and trade jealousy which were till then smouldering in his breast broke out into a flame, and he demanded that the Indian should be prevented from entering into competition with him. He cannot understand why the Indian should "contest the white man's right to hold" South Africa (see Mr. Cohn's evidence before the Select Committee). He insisted that the State should appropriate all the land held by Indian companies, or

else buy it out; but in any case the Indian must be shut out from all trade.

* * *

THE white man of South Africa who makes such a demand is indeed very long-suffering. He waited patiently for the war to close to bring matters to a head, and he did not go to the State for help till he had tried all the expedients in his power to overbear his Indian competitor. He advocated boycott at public meetings, but all the attempts in this direction were futile, because of the very large coloured and native community who deal with the Indians. He even asked himself whether the non-European races could not be required by law to trade with him alone! (Mr. Wertheim was gracious enough to leave the decision to the Committee: "I leave the conclusion on the question whether the coloured man must buy from the white man and not from the Indian to the members of the Committee"!!) Another reason why the boycott failed utterly was that the Indian hawker gave long credit to the European housewife and even made her advances of money, and the white woman thought that though patriotism (in this narrow sense) was good, bread was better. And that only introduced another complication into a complex situation:

"She (the European housewife) was actually getting money from the Indian, and that led directly to inter-communication between the white woman and the Indian hawker while the husband was away. The position was that the wife borrowed money from the hawker in the absence of the husband. You can well imagine that that kind of thing leads to a position of affairs which is most dangerous. It leads to closer intercourse between the white housewife and the Indian and to greater familiarity than seems to be wise in the absence of the husband."

Who will not sympathise with the white man after this?

* * *

IN announcing a further temporary suspension of civil disobedience in view of the indications of good will in Government's recent policy, Mr. Gandhi says: "The Lahore and Amritsar judgments, read by me with an unbiased mind, have left an indelible impression that most of the Punjab leaders have been convicted without sufficient proof and that the punishments inflicted on them are inhuman and outrageous. The judgments go to show that they have been convicted for no other reason than they were connected with stubborn agitation against Rowlatt legislation."

* * *

IN the death of Dr. Nair India loses a politician of a very remarkable personality. His recent anti-reform campaign and the bitterness he introduced into it must not be allowed to obscure from our view what a redoubtable champion of popular liberties he was in the past and the great services he rendered in many directions and particular to the cause of local self-government. A man of extraordinary parts and great resources, his loss will be widely mourned in the Madras Presidency.

* * *

THE CASE OF THE TRANSVAAL INDIANS.

It is necessary for a clear understanding of the case of the Transvaal Indian community that the evidence submitted before the Select Committee on their behalf by Dr. F. E. T. Krause, K. C., LL. D. and Messrs. Bernard Alexander and Ritch should be thoroughly mastered. The first point which they made and one that has an intimate bearing on the anti-Asiatic legislation which was recently passed by the Union Parliament was that the Republican Gold Law of 1885, which is really the source of the mischief, was directed not against the respectable trading class of Indians but against the class of indentured labourers—the so-called coolies—who it was feared at the time might inundate the province from Natal. The Indian traders, who were but a handful then and not much in the way of business, did not arouse any fear at the time in the mind of the European settlers, and the merchants who were already doing business in the province were left free to ply their trade. It must therefore be remembered, in the first place, that such restrictions as were imposed by the Gold Law upon the acquisition of fixed property were intended to apply only to Indians of the lower class, and this intention is made manifest in the wording of the law itself, for it was provided that it related only to "coolies, Arabs, Malays and subjects of the Turkish Dominions." It is certainly not the mercantile class of Indians who is designated by the word "coolie," but the labouring class. It must be remembered, in the next place, that this law did not seek to curtail the trading rights of Indians in any way, save that they were required to get themselves registered on the payment of a certain fee. The registration fee was originally £25, but was afterwards, that is, in 1890, reduced to £3, which shows conclusively that the competition of the Indian merchants had no terror for the Legislature. That the Gold Law did not involve any restriction of the Indians' right to trade is apparent from the following extract from the judgment of the Chief Justice, Sir James Rose-Innes:

"It is quite clear from the terms of section 2 (c) that the Legislature contemplated the case of Asiatics settling in the country for the express purpose of trading; and if it was intended to confine the business operations of such settlers within the limits of locations, some definite provision to that effect would surely have been inserted. . . . Neither the Law of 1885 nor the resolution of 1886 contained a single line purporting in express terms to curtail the trading rights of Asiatics. The only provision made was one giving the Government the right, for sanitary purposes, to assign to them certain streets, wards, and locations for residence (ter bewoning). I fail to see any ground for holding that those words, whether we take the original Dutch or the English equivalent, in any way prohibit trading outside the residential locations. A man's residence is where he lives, where he sleeps, where his family dwells—not necessarily where he works. . . . It was for sanitary purposes that locations were established, and such purposes have a more obvious relation to places of residence than to places of business. *The mischief pur-ported to be aimed at was an insanitary mode of life in the*

midst of a European population, not an inconvenient competition with the European trader." (Italics not in the original.)

This judgment of the highest court clearly laid it down that the Law of 1885 applied to the residence of the Indians and not to their trading. "For the purposes of trading the Indian has the right to be among the white population, but for sanitary purposes the Government has the right to tell the Indians to go and live in certain streets or wards or squares." Nor did the Gold Law contain any prohibition against the occupation of any land by the Indians. "The only right which was reserved to the Government in the Law was where it was laid down that the Government would have the potential right of preventing the Indian from living next to any white person."

Then came the Gold Law of 1908 which amended the earlier Law and inflicted a serious hardship upon Indians without realising the effect of the sweeping change made therein. Sections 130 and 131 of this law extended the prohibition, which till then was limited merely to the residence of Indians, to 'occupation.' The insertion of the word 'occupy' in these sections, perhaps inadvertently but certainly without giving due thought to the far-reaching consequences involved in it, has taken away "any future rights of the Indians to occupy premises and to acquire rights of leasehold for the purposes of trade." The object of the Republican Law of 1885 was not to allow any coloured person to deal in or possess unwrought gold. It had always conceded the right of occupation with a view to trade. But the new Law made a direct prohibition "in respect of the occupation by coloured persons of property in proclaimed areas on the Rand generally. It was publicly stated by Lord Lansdowne in 1899 that the ill-treatment of the Indians by the Boer Government, especially under the Law of 1885, was one of the causes why the British Government went to war with the Boers, and yet, in 1908, the British Government, with one stroke of the pen, deprived the Indians of the right to occupy premises for the purposes of trading. Under the present Gold Law "the right to trade was not interfered with, and if you grant and concede the right you must also grant the right to occupy. If the right to trade is given but the right to occupy premises is refused, then it seems that you are giving with the one hand and taking away with the other." The contention of the Indians is that, considering the past history and the original intention of the Gold Law and also looking to the fact that no indication was given when the new law was enacted that the right of occupying premises was being confiscated, it was never intended that the clauses inserted in it should be interpreted in the manner they have been. It could not have been intended to exclude the Asiatics altogether from proclaimed ground. Mr. Cohn had to confess to the Select Committee that the Gold law was so wide in its scope and so harsh in its working that it could not be enforced against the Indians. But it was not so

interpreted, and the Indians were quiet. Later on, however, it was strained to the utmost possible extent, and the Indians were compelled to raise this question for mere self-preservation.

As regards the formation of companies in order to acquire land, it is not right to describe this expedient to which the Indians were driven to resort as an evasion of the law. It was allowed by the law, and there was no reason why Indians should not take advantage of it. It is not correct to say that such companies began to be registered after the settlement of 1914 and that the present Bill has been brought forward with a view to preventing the Indians from circumventing the terms of the settlement. It commenced as early as 1909 and is going on with Government's sanction. The Government have recognised that according to the Company Law, the property does not belong to the individual but to the corporation, and that if individual Indians cannot acquire immoveable property they are entitled to acquire it as companies. The Registrar at first objected to registering the fixed property of companies consisting solely or principally of Indians, but finding that the Law allowed it, had at last to consent. The Indians therefore have made use of this device with the full cognisance of the Government, and it is too late therefore for the Government to object to it now. Thus it is clear that this right to own land as corporations which the Indians possessed and freely exercised before the settlement was one of the "vested rights" which the Union Government is under an obligation to protect. The Indians claim that although the later Gold Law had taken away their right to trade and occupy on the Rand and had thus curtailed their general right to trade, still the Gandhi-Smuts agreement must be regarded as restoring to the Indians this right in its integrity and as removing the limitation placed by the Gold Law upon that right in respect to locality. For the Indian community as a whole had a vested right to trade, and "the mere fact that an Indian had not opened a shop on the Rand did not deprive him of the right to do so." If therefore the settlement of 1914 is at all to be observed, the right of the whole Indian community to acquire land and carry on trade in all localities must be recognised in its entirety. The agreement requires, in order that it may not be violated in the spirit, that not only the individuals who actually held licences in 1914 or hold them now should continue to hold them, but the Indians as a whole should be recognised to have a vested right to trade in all places. The Union Government was not dealing with individual Indians at the time but with the whole body of residents, and it is binding on the Government to preserve their right to trade in its fullness. That is the correct interpretation, the Indian community maintain, of the compact entered into between General Smuts and Mr. Gandhi, and it is also to be remembered that it was a temporary arrangement, the Indian community reserving to themselves the right to press for any further rights

in the future. And it is satisfactory to note that the representatives of the Indians, without pinning their faith to the terms of the 1914 settlement, boldly said that they wanted to go further. Dr. Krause said to the Select Committee:

"You ask me whether the Indians are asking you to go further now. In answer to that I must make the position clear. The people on whose behalf I am speaking here think that the time has now arrived not to speak of vested rights, but they consider that they are entitled, as far as their trade, residence and occupation are concerned, to the full rights of any citizens of South Africa. They are not dealing with the interpretation of the Law, but they are coming to you as the Committee appointed by the Legislature to make representations and to say that the time has now arrived when they should have full civic rights like any other British subjects in South Africa."

Mr. Gandhi himself had prepared the Union Government for this. In his farewell letter written before he left South Africa, he clearly stated: "The concession to popular prejudice, in that we have reconciled ourselves to almost total prohibition by administrative measures of a fresh influx of Indian immigrants, and to the deprivation of all political power, is, in my opinion, the utmost that could be reasonably expected from us. These two things being assured, I venture to submit that we are entitled to full rights of trade, inter-provincial migration, and ownership of landed property being restored in the not distant future."

And why should not the Indian enjoy the right to acquire property and trade in Transvaal without any restriction? "In the Cape the coloured man and the Asiatic have acquired property, and they have not done any harm in having property." It is pleaded in justification of the restrictions imposed upon the trading rights of the Indian that he is an unfair competitor against the white trader in that (1) his needs being less and standard of living lower, he undersells the white man, and that (2) he sends any profits which he makes out of the country. Now both of these reasons are untrue, besides being fallacious. The fact is that "the standard of living of the average Indian is at least the same as the standard of living of the white man in the same class." Mr. Ritch, who has spent some twenty years in intimate association with the South African Indian community says: "Taking the one class alongside of the other the Indian spends in his business and on his home and on his feeding as much as the European. Those who do not know intimately the life of the Indian think that the old story of a feed of rice and a straw mattress is true—it is not." Nor do the Indians pay less to their shop assistants. The allegation, again, that the Indian trader sends a greater portion of his profits home, is equally untrue. Not being allowed to invest his money in fixed property, it is not his fault if he cannot spend as freely in South Africa as he would like. But still the Indians maintain their own schools, their own hospitals and other institutions of public utility, and if only they had the chance they would spend all their earnings in South Africa. For to

many Indians South Africa is the land of their birth and their connexion with India has practically ceased. But, as it is, it is untrue to say that Indians send out more money than Europeans. As Mr. Hajee Dadoo stated, in the year in which the South African Indians who numbered 120,000 sent £500,000 to India, the German community who were only 3,000 strong sent out £4,500,000 to their own country! This fact has been culled from an official report. Yet, the Indian trader sells cheap and is of immense benefit to the rural population. Of the respective advantages to South Africa of the Indian and the European trader, Mr. Hajee Dadoo very graphically stated: "The European people may sell goods to an extent of £400, and make £200 profit on that, which they put in their pockets, whereas the Indian sells the same and only makes £50 profit. At the same time, however, you must not forget that by making less profit the Indian benefits poor people. Out of the £50 he has made, he will spend £20 and he will keep £30. The European makes his £200 profits and after a time he 'clears off home'." The Indian is an unfair competitor, indeed!

INDIA IN ENGLAND.

THE exciting events which are embarrassing the Peace Conference and the general industrial and economic unrest of which there take place many striking manifestations even in England, have driven the Indian question away from that foothold on public attention which the debate on the second reading of the Government of India Bill seemed for a time to have secured for it. The India Office, the Indian deputations, and the guardians of vested interests seem the only people whose minds are busy with the affairs of India. A few thoughtful publicists in each party are of course keenly interested in the events that influence the condition of India. The *Daily Herald*, the popular organ of Labour, has been publishing a series of short and telling articles from the pen of Mrs. Besant. Mr. Banerjea was interviewed by the *Observer* the other day. The *Oxford Outlook* contains an article by a young Madras scholar of promise, Mr. P. P. Subrahmanya Sastri, on the Indian Reforms. In the same magazine Prof. Gilbert Murray, one of the world's most renowned scholars, and a genuine friend of India, makes a reference to her case which indicates his earnest liberalism in politics. "In the problems of the Empire," he asks, "do we believe that the disaffection of Ireland and the unrest in India are ultimately to be settled by the removal of grievances and extension of self-government, or do we contentedly accept the motto that 'what we took by the sword we must hold by the sword?'"

Two meetings of importance were held during the week in the National Liberal Club of interest to the people of India. The first was a big tea organised by the London Indian Association, to which most Indians and the members of a progres-

sive society called "Great Britain and India" were asked. No political speeches were expected. In fact the President, a young doctor named Atal, began by saying so, but he could not restrain his feelings when he alluded to the stern measures of the Punjab Government. He then called on Mr. Tilak, who also alluded to the same topic and then expressed a hope that the various Indian deputations might act together, adding that in that case he would undertake to cable to the All-India Congress Committee and obtain a relaxation of the 'mandate' by which the Delhi Congress had bound its delegates. Mr. Patel thought it necessary to correct the impression produced by this definite wish for a compromise on the part of a great nationalist leader and, in the guise of warding off any misapprehension by the audience of Mr. Tilak's real purpose, laid down five essentials in the mission of the Congress, in respect of which it was not possible for its spokesmen to compromise with anybody. If he had left any particle of Mr. Tilak's idea remain, it was neatly exploded by Mr. Horniman, who rose later and, expressly dissociating himself from Mr. Tilak, asserted that the Congress deputation was the only body that could speak in the name of the people of India and had a title to be heard and then solemnly adjured Messrs. Banerjea and Sastri to remember that fact. Mrs. Besant made the speech of the evening. She was occasionally interrupted, but skilfully got a hold over the audience, and while not abating a jot of India's ultimate demand or discounting her fitness for home rule, counselled caution to the young and energy to the old, urged the need of recognising solid facts, and drove home the expediency of supporting Mr. Montagu's Bill while endeavouring to liberalise it. The speech indicated her extraordinary mastery over the feelings of hearers and her power to triumph even over a hostile atmosphere. The bitter chord was again struck by Mr. Satyamurti, who referred to the renunciation of knighthood first by Dr. Subrahmanya Aiyar and then by Mr. Rabindranath Tagore and to Sir Sankaran Nair's resignation of office as proofs of the intolerable wrongs of India, and wound up with a grim allusion to Ireland and a warning to the effect that, if India were not freed of fetters by England, "God help England and India!" But the most pessimistic speech of all was that of Mr. Dube, who held forth in a shrill key for upwards of half an hour, and indulged in unbalanced and extravagant observations which occasionally reminded one of Max Nordau.

The other meeting was held on Tuesday night the 24th instant, with Mr. H. E. A. Cotton in the chair, who made a graceful reference to his father and acknowledged a hereditary zeal for the progress of India. Mr. Charles Roberts, who at short notice took Mr. Montagu's place as chief speaker, spoke for about an hour to an appreciative and enthusiastic audience, expounding dyarchy, the non-Brahman difficulty and other things familiar to us all. Mr. Surendranath Banerjea was loudly ap-

plauded throughout his speech, he touched the right chords with the cunning of the master. I pleaded during five brief minutes for the best Parliamentary talent being made available for the office of Governor in India, as the Indian Civil Service could not be trusted, whatever the Government of India might say, to throw up in the ordinary course men of the requisite toleration and statesmanship. Sir Abbas Ali, ex-member of the India Council, made a good point when he deprecated the inferior status accorded to the Minister in the Government of India's scheme in comparison with that of the Executive Councillor. Mr. Samarth thanked Mr. Roberts and improved the occasion by emphasizing in a few apt sentences the lessons of political wisdom that the audience had already received with appreciation. Altogether the meeting made a useful contribution to the cause dear to our hearts, and I hope it is no mere partisanship which makes me feel that its contribution was infinitely more helpful at this time than that made by the meeting under the auspices of the London Indian Association.

As I write the names of the Joint Committee are not announced. But we shall keep in touch, you may rest assured, with all members likely to be helpful. I have seen some already. In a day or two I shall issue to selected people a criticism of the Bill that I have drawn up, together with reprints of certain articles in the SERVANT OF INDIA. Sir Michael Sadler has invited me to address the Leeds Luncheon Club on Monday next on the Indian Reform question, and next day I shall speak on the subject to a public meeting in the same place organised by some friends of India belonging to the local theosophical lodge.

V. S. SRINIVASAN.

London, June 26.

FINANCIAL PROVISIONS IN THE REFORM BILL.

BASIS OF CONTRIBUTION TO THE CENTRAL GOVERNMENT.

WHILE the proposals contained in the Joint Report for the separation of sources of revenue between the Government of India and the provincial Governments are satisfactory, the scheme recommended by it for fixing the contributions payable by the local Governments to the Government of India is open to the most serious objection. The basis of contribution proposed is a percentage of the difference between the gross provincial revenue and the gross provincial expenditure. According to the scheme those provinces which have screwed up their revenue from time to time or have been thrifty in their expenditure are punished for their virtues and the provinces which have been slack in raising their revenues or liberal in their expenditure are let off lightly. Madras, the United Provinces, the Punjab and Burma are those which suffer worst under this arrangement, while the rich provinces of Bengal and Bombay are those

which fare best. As pointed out by the Government of India in paragraph 61 of their despatch of the 5th March, Madras will pay nearly five times as much as Bombay and the United Provinces nearly five times as much as Bengal, while the Punjab and Burma will also be contributing far more than the wealthier provinces. The flagrant inequity of the arrangement has been clearly realised and pointed out by the Government of India, both in paragraphs 18 and 19 of their memorandum on Finance (annexure 5 to the report of the Functions Committee) and also in paragraph 61 of their despatch of the 5th March. The Joint Report considered alternative proposals as to the basis of contribution and dismissed them far too summarily. As pointed out by the Government of India the first duty of a responsible Government is to pay its own way and discharge its just obligations. Apportionment according to the population would probably be a fair principle to adopt, but as the numerical strength of the population may not necessarily bear any relation to the wealth of the province, the fairest criterion of paying capacity would be the gross provincial expenditure of the provinces. The result of the immediate adoption of this criterion might, no doubt, leave some of the provinces with large deficits, but they should be warned that they should work up their contributions to the central Government within a period of 10 years to the standard fixed, and in the meanwhile the provinces with a surplus at their disposal might be asked to temporarily accommodate them with loans without interest. We must press for the adoption *ab initio* of the criterion of gross provincial expenditure and fight against the perpetration of this injustice for so long a period as 10 years or even 6 years as suggested by the Government of India.

SEPARATE PURSE CONDEMNED.

The allocation of provincial funds between the reserved and transferred subjects is left, under the Bill, to be determined in accordance with rules to be made under the Act. The Joint Report contemplated a single coffer for the entire Government and a single budget to be framed by the executive Government as a whole. The amounts to be allocated to the two halves of the Government would be the subject of annual settlement by the executive Government, and the question of new taxation was to be decided by the Governor and the ministers. These proposals have been severely criticised by the Government of India in their despatch of the 5th March, and they recommend a system of separate purse for the reserved and transferred departments. It is unfortunate that the Bill should have left this question open instead of rejecting the proposal of the Government of India and adhering to the scheme outlined in the Joint Report. The proposals of the Government of India have been condemned by the public in no uncertain voice throughout the country. Their main objections to the unity of the budget are: (1) that any proposals for the development of reserved subjects

by the substantial increase of expenditure would be at the mercy of the ministers, who might on account of honest differences of opinion object to the proposed increase and that if the Governor exercised his right of restoring any allotments, the legislature might support the minister and refuse supplies; (2) that ministers might be tempted for the purpose of avoiding taxation to draw upon the general balance standing to the credit of the province and that a limit should be placed upon the amounts of the balance which might be drawn by each half of the Government; (3) that fresh taxation could not be raised for the necessities of a reserved subject except with the approval of ministers, that if the Governor insisted upon the provision of adequate funds for a reserved subject, the ministers might be compelled to raise a tax for their own needs, even though those needs had been created against their will and that the proceeds of any new tax raised by a minister might be appropriated by the Governor for the reserved departments in a subsequent year; (4) that proposals by either half of the Government for borrowing might be thwarted by the other; (5) that the annual allocation of funds would give rise to friction; and (6) that the Report's scheme offers no incentive to either half of the Government to develop its resources. The Government of India then put forward their own proposals for a separate purse subject to periodical adjustments and for dividing the balance now at the credit of each provincial Government between its two halves. Their proposals are based upon the classification of subjects into reserved and transferred, which had nothing to do with the question of allocation of sources of revenue. The criticisms of the Government of India are based upon the assumption that the popular or responsible half of the Government would be indifferent to the interests of the reserved departments and that where the minister and the legislature differed from the council as to the needs of a reserved department, they must be in the wrong and the council must be in the right. As has been pointed out already, while the officials are likely to be indifferent to the interests of departments with which they are not concerned, the people and the legislature which represents them are bound to take an interest in the efficiency of every department of the administration. If the minister or the legislature differs from the official half of the Government, it will be due not to a want of appreciation of the necessities of a reserved department, but to a different estimation of the competing claims of different departments. It is no doubt true that for the efficient administration of the reserved departments the official half of the Government is primarily responsible to the Secretary of State and the Government of India, but it is not a sufficient reason for allowing their views to prevail in opposition to that of the legislature. Take the very illustration given by the Government of India of a proposal to improve the pay of the police or of some other reserved department,

and an objection by the minister that the year being one of low revenue receipts and high prices the proposal for increase is not opportune and should be put off to another year. The Government cannot pretend that they have not themselves been influenced in the past by such considerations in putting off the consideration of the claims to better pay of various departments. For how many years have they left unheeded the crying needs of the subordinate officials and menial establishments in the revenue, the police and the educational departments? Why should such considerations be regarded as irrelevant or dictated by a spirit of hostility when urged by the minister? Even under the existing system the interests of one department are often affected by the adverse decision of a majority of the executive council. The fact that ministers will participate in the decision hereafter is no ground for magnifying the grievance. The separate purse system proposed by the Government of India will have the pernicious effect of dividing the house into two hostile camps, each unmindful of the just claims of the other and anxious to aggrandise and benefit itself by extravagant expenditure. While the joint discussion and settlement of the budget by the entire Government will have an educative effect in promoting a better understanding of the needs of all subjects by the different members of the Government and a spirit of compromise, the system proposed by the Government of India will have the deplorable effect of creating a feeling of antagonism between the interests of the reserved and transferred departments and will imperil the success of the Reform Scheme. The official half of the Government will be under a constant temptation to work up their expenditure to the full limits of their available resources even though the needs of their subjects do not expand at anything like the same rate as those of the transferred subjects. Far from being an evil, the annual settlement of the allocation will have the advantage of apportioning the supply of funds to the precise needs of the year instead of allowing funds to be provided for a series of years either in excess of or below the actual wants. If the funds provided are in excess there will be a temptation to dissipate them to avoid their falling into the hands of the other half of the Government. If the funds are deficient, either the needs of the departments affected must be starved or recourse must be had for fresh taxation. The advantage claimed on behalf of the separate purse system that it offers an incentive to either half of the Government to develop its own resources carries its own condemnation. It is obvious that the development contemplated is mainly by means of taxation. The proposal simply means that the people will be liable to be fleeced by two rival sets of tax-gatherers each anxious to swell its own coffers. The proposal will defeat the third principle enunciated by the Government of India that during the transitional period the people must be protected from unjustifiable financial burdens. As

observed by the Government of India themselves, the success of any scheme of reform must depend upon the spirit in which it is worked by the persons who participate in the work of government. We have no right to assume that they will be unreasonable and introduce safeguards for all conceivable deadlocks on this assumption. Here it is necessary to enter a note of warning against the possibility of the future needs of the reserved services being declared by rules to be a permanent charge on the provincial revenues within the meaning of the clause 9 (2) (c) of the Bill. At the most nothing beyond the actual standard of expenditure on the services in the past should be declared a permanent charge. Any financial provision required for the growth of the services must be obtained from the legislature. Similarly, the emergency power of the Governor to authorise expenditure for the carrying on of any department must be clearly defined so as not to cover its expansion or any alteration of its conditions of pay. In connection with the powers of the legislative council over the budget, it is worth noticing that in accordance with the British Parliamentary practice, it is proposed to enact that no proposal for the appropriation of the public revenues for any purpose or for the increase of expenditure can be made except on the recommendation of the Governor. Though such a restriction may be irksome in particular cases, it is sound in principle and will on the whole operate as a beneficial check upon the tendency to extravagance of popular assemblies. The legislature must look to the ministers for making suitable provision for the requirements of the transferred subjects, and it is the ministers who must protect their interests in the settlement of the budget. As the resolutions of the legislative council on the budget are intended to be binding upon the executive Government, it is desirable that proposals for expenditure should originate from responsible members of Government.

P. S. SIVASWAMY AIYER.

THE INDUSTRIES COMMISSION'S REPORT.

XV.*

PURCHASE OF GOVERNMENT STORES.

THAT orders for Government stores should be placed as far as possible with Indian manufacturers has been a demand of the educated public in this country for many years. The Industrial Conference has since its inception been passing resolutions on the subject, and members of the Indian Legislative Council have often voiced public feeling in the matter in the Council Hall. What we claim is not mere equality of treatment with foreign manufacturers including British, but a preferential treatment for home-made goods, for that is one of the methods of assisting indigenous industries. The Government of India have in

* Previous articles on this subject appeared in the issues of Nov. 21, Dec. 5, 12, & 19, Jan. 2 & 16, Feb. 6, 13 & 27, March 20 & 27, April 10, May 8 and July 3.

a sense recognised the justice of this claim by issuing resolutions on the subject, but these resolutions, including the latest amendments, have seldom been carried out in the spirit of rendering help to Indian manufacturers. As the report rightly says, "It was not so much the prescriptions themselves, which were the subject of complaint, as the way in which they have been administered." The Commissioners give their opinion in the following terms: "They have come to the conclusion," they say, "that the manufacturing capacity of the country has been far from sufficiently utilized by Government departments in the past, and we believe that the somewhat radical changes which we now propose will considerably stimulate industrial progress." Although worded in a guarded and polite form, the above is a sufficient condemnation of the policy not so much of the Government of India as of the officers who had to carry out the rules on the subject; and we can hardly expect a more strongly and definitely worded criticism of the policy of Government and officers from a Commission of which the Secretary for Commerce and Industries Department was an important member.

The chief reason why the Indian manufacturer has not in the past been able to compete with the foreign manufacturer in this field is that while the India Office Stores Department in London is able to combine indents from the various provinces and "purchase in bulk, the Indian manufacturer is usually called upon unexpectedly to supply small quantities at comparatively short notice." Both as regards time and bulk the foreign manufacturer has till now been put at an advantage.

The Commissioners recommend that "there should be an Imperial Department of Stores and Provincial Agencies which should form part of the provincial Department of Industries." For reasons not very easy to understand the Commissioners are obsessed with the idea of having everything stamped "imperial," whether they be the technical and chemical services or the Industries Department or the Commercial Intelligence Department. They consequently want not only an Imperial Department to collect orders, standardize the goods where possible and distribute the same profitably amongst manufacturers, but they want to have Imperial Inspectors, including a varied range of experts to "secure economy and efficiency in the expenditure of vast sums of money spent on the purchase of Government Stores." The President of the Munitions Board being the President of the Commission, his experience of the work done by the Munitions Department must have been used by him in having his proposals accepted by his colleagues. If he had as President of the Munitions Board suggested the co-operation of Indians in his department these recommendations would not have been open to the criticism that they are made with the idea of creating new big posts for Englishmen. Such criticism, in the absence of full knowledge of the reasons of this policy,

would perhaps be unfair, but it would be quite natural, as *prima facie* this complaint is quite justifiable on the ground of previous instances in other Departments. Moreover, looking to the political reforms now on the horizon, it is necessary that all work of this nature should be provincialized as far as possible; for the representatives of the people will have a real voice only in the provincial councils to mould the administrative policy of the provincial Governments. Barring this proposal, the recommendations of the Commission for organizing a special department for the purpose of purchasing Government Stores are sound, and if carried out in the spirit in which they are made they will go a long way in helping Indian manufacturers. There is, however, a probability of the representatives of the manufacturing firms in Great Britain who have established branches in this country, using their influence with the department proposed to be created to divert all the orders through them to the British manufacturer. This difficulty can only be met if this head—purchase of stores—is made a transferred head and is thus placed under an Indian Minister.

ACQUISITION OF LAND.

Chapter XIII refers to the question of the acquisition of land for the purpose of helping new industries. The Hon'ble Punditji at the end of his note of dissent on this subject says: "In my opinion, when an industrial concern, the members of which have the right to shut out every one outside their body from participation in the benefit of their business, desires to acquire land, it must do so by exchange, negotiation, or moral suasion." This sounds quite correct from a purely theoretical point of view. But every big industrialist finds that in practice it is impossible to acquire land for industrial purposes by the methods suggested by Malaviyaji. It is just possible that he generalizes from the instances given in his minute about the U. P. Government using its discretionary powers given under section 40 of the Land Acquisition Act for acquiring land to "enable the Young Men's Christian Association to establish a club and recreation ground." This is a distinct abuse of the discretionary power to decide what is a "public purpose." But because there have been a few cases of abusing this power—and the Punditji may be assured that his province has not a monopoly in this matter—we should not shut our eyes to the fact that in some cases it is absolutely necessary for the Government to acquire lands for large industries. The Bombay Advisory Committee carefully considered this question, and with one or two dissentients came to the conclusion that Government should exercise their discretionary power only "when such acquisition is indispensable to the development of the industry and the development of the industry itself is in the interests of the general public." The Commissioners approve of this principle and base their detailed recommendations on the same. They extend this principle to

the acquisition of land "to provide fresh sites for industries which it is necessary to remove on sanitary grounds and for industrial dwellings." This will be very much appreciated by those who are worried by the congestion caused in the city of Bombay by mill-industry, railway workshops and other smaller industries. That the Commissioners have not looked at the question from the point of view of industrialism pure and simple, but have taken into consideration the hardship likely to occur by dispossession of land will be seen from the following recommendation made by them: "It should be a *sine qua non* that, in all cases when land is acquired compulsorily for industrial enterprises, arrangements should be made to offer cultivators or house-owners so dispossessed suitable land in exchange or part exchange. Such a course will mitigate more than any mere money payment the hardship and sense of unfair treatment caused by expropriation."

To show that land acquisition by Government is absolutely necessary for industries, I need only mention the two Hydro-Electric companies, one of which is already supplying electric power to the mills in Bombay and the Tata Iron and Steel Works at Jamshedpur. It would have been physically impossible to start the former and practically impossible to start the latter if Government had not helped the promoters by acquiring the land required by them. None of the methods suggested by the Hon'ble Punditji would have been of any use in getting the lands required for the purpose. Similarly, there is another industry which necessitates Government interference. Sugar experts tell us that no factory can be successfully started in this country unless it has a large sugarcane growing estate near the factory; for if sugarcane is to be brought from a long distance for crushing, it will get dry and the percentage of juice will be reduced, as a result of which the factory will not be able to work at a profit. The central estate factory system is the only system that has worked satisfactorily in all sugar producing countries and if the people in this country want good white sugar on a large scale to be made here, they must support the Government that comes forward to help the industry by acquiring irrigable lands near the factory site.

L. S.

A SANKARACHARYA ON MR. PATEL'S BILL.

WE all know and respect the Sankaracharya of Karveer Peeth. He is somewhat enlightened for a Sankaracharya. I believe he is a Ph.D. of some university. Therefore, it was with some surprise that I read of his threat to turn a Satyagrahi and fast and die in case Mr. Patel's Hindu Inter-caste Marriage Bill is passed into law. A Satyagrahi, indeed! I should like to know what Mr. Gandhi would say to that. Perhaps the Sankaracharya does not know that that apostle of satyagraha is himself a supporter of the Hindu Inter-caste marriage Bill. It is childish (especially

on a Sankaracharya's part) to threaten the world with his death just in order to make himself heard.

I do not mean any disrespect to His Holiness, though I am writing strongly. He would have raised himself in our estimation if he had criticised the Bill calmly, reasonably and fairly, instead of trying to frighten us by raising the little hobgoblin of Satyagraha in this connection. His representation to the Government of India on this matter is before me, and I am bound to say that it is anything but calm, reasonable or fair. It is not a representation so much as a *misrepresentation*. It does not bear any trace of the calmness which we commonly associate with a genuinely philosophical spirit such as the Sankaracharya of Karveer Peeth is generally supposed to possess. It is a violent tirade against the supporters of the Bill and a passionate protest against the principle of the Bill itself. All this is doubly strange and inexplicable inasmuch as the Acharya himself admits candidly at the very outset that "*the Bill proposes to redress a real grievance which none can simply wink at.*" (Italics mine.)

I shall now deal with his points one by one. His Holiness seems to be a past master in the art of 'frightfulness'. He begins by saying: "Thousands of people have approached me with the prayer that I should take strong action in warding off what strikes at the very root of Hinduism. . . . The opposition will almost amount to religious fanaticism. One has reason to fear from the attitude taken by the Hindu community on the whole, except a few who cannot appreciate the beauty of the caste system, that the passing of the Bill will necessarily be detrimental to the very respect which the Government has commanded from the Indians." The Acharya reiterates this view again and again in his memorandum. His intention is clear. He would frighten the Government away from the Bill if he could. He says the opposition to the Bill will "almost amount to religious fanaticism." So did the opposition to the abolition of *Satee*. It did amount to religious fanaticism. Yet, the abolition of *Satee* has not destroyed Hinduism, and it has secured the Government's position in the affections of the masses of the people of this country.

The Acharya says: "The Bill proposes to redress a real grievance, but the solution which Mr. Patel offers defeats its own end and makes the confusion worse confounded." And again: "The Bill in redressing the grievances of only a few gives a death-blow to the peculiar constitution of Hindu society," which "has saved the Indian nation from all the social and political vicissitudes" of the past. This is clearly a case of confusion of thought. The Bill is a permissive measure and does not give the death-blow to Hindu society which may discard it altogether, if its safety really depends on discarding it. It deals a death-blow to caste, and not to Hindu society. Society can exist without caste. It exists without the help of caste in all other countries. It can do so in India. Hindu society will become a healthy social organism, living and progressing, maybe through "blood and fire," but progressing towards a higher destiny, instead of remaining a mere stagnant back-water of Civilisation as it is to-day, only when the cast-iron and rigid shackles of the caste system fall to the earth.

It is the central lesson of all European anthropology and ethnology and eugenics, to whose authority the Acharya appeals again and again. I shall return to this point later on. It is not true to suggest that "caste has saved the

Indian nation," etc. The reverse is the truth. There was no Indian nation, so long as caste was dominant. It is notorious that caste split up Hindu society into innumerable water-tight and air-tight compartments and made a united nation impossible. The Indian nation of to-day is rising only on account of the slow but steady break-up of the barriers of caste before the advance of English education and western civilisation. And the Indian nation will be a perfect nation in the full sense of the term only when caste differences have completely disappeared from this country. That is the faith of the party of progress. That is also the supreme, the central lesson of the whole of Indian History.

The Acharya says that marriage is a sacrament to the Hindus. There is nothing new in this view. He is mistaken if he thinks that this is a purely Hindu conception. It is also the Roman Catholic conception. Indeed, with the Roman Catholic, marriage is much more of a sacrament than with the Hindu. We agree. And it is exactly because marriage is a sacrament that we reformers insist that there should be no desecration of it, no element of compulsion in it. We hold that compulsory marriage is not a sacrament, but a sacrilege, a sin against man and nature. Bernard Shaw says: "It is exactly because marriage is a sacrament that we want a law of divorce so that the marriage may be dissolved as soon as it degenerates into a mere vulgar contract for the appeasement of passions, enforced by custom and legislative saction." It is the Catholic priests and the Hindu Acharyas who are in reality the champions of the "contract" idea of marriage. To them it is nothing but a contract, a deed of sale in which the lives of young men and women may be bartered away even without their consent for ever and ever. Reformers have a higher conception of marriage than that. They *act* up to their profession that it is a sacrament and strive to make it noble, pure and free, for the sake of the individual and for the sake of society.

We may dismiss with a smile the claims of the Sankaracharya that "the Hindu Law like the Law of Moses had a divine origin." In this twentieth century few will believe in the Divine Origin of our codes of jurisprudence—much less in the divine origin of such laws as the Laws of Moses and the Hindu Marriage Laws. So as to the "divine origin" and "the beauty" of the caste system, it is rather a bit too late at this time of day for anyone to ask us to believe in these things. The beauty of the caste-system by which hundreds of thousands of human beings have been trampled and trodden down for ages, proclaimed as untouchable and unapproachable, in short, treated worse than brute beasts! Swami Sankaracharya of Karveer Peeth asks us to appreciate "the beauty of the caste-system" in the year 1919!

He says, "The Bill violates the Dharma Shastra and goes against the sympathetic attitude of the British Government towards its loyal subjects." "Attempts have been made to show that the Shrutis and some of the Smritis were not averse to inter-caste marriages. The law prescribed to be followed in the Kali Yuga expressly prohibits all inter-caste marriage." When the shastric authorities themselves are divided in their opinions as it is admitted by the Sankaracharya, what weight can a layman like me attach to the shastric authorities? How can the man in the street take these rusty old books written (or rather compiled) 2000 years ago, as the unerring guides that should be followed by him in his conduct at the present

day, even at the expense of his reason and better instincts? Why should a modern man or woman be asked to sacrifice his or her reason to the authority of any ambiguous old book, merely because that book happens to be two thousands years old and happens to be called "a scripture"? "Reason should be the hand-maid of faith," says the Acharya. It is the same old story. It is the plea of the priests of all ages and all climes; it is a plea put forward by them whenever anything new, anything progressive and good for humanity was attempted. The course of human history is strewn with illustrations and examples of the havoc wrought by this plea of the priestly classes. He who runs may read them. The Acharya says that the Shastras have forbidden inter-marriages in Kali Yuga. Now, though I am not a shastri myself, I think the Kali Yuga is universally believed to be the worst of all Yugas. I have a shrewd suspicion that it is worst of all Yugas, just because in it inter-marriage is a forbidden thing. The Acharya implies that inter-marriages might have been all very well in the Krita, Treta and Dwapara Yugas. I hope he would also admit that those Yugas were better than the present Kali Yuga and that, in fact, they represented our golden age. All I say is, let us make an honest attempt to return to that golden age.

The Acharya's excursion into the regions of ethnology and eugenics are most unhappy. The reason is not far to seek. He reads into eugenics and ethnology his own pet notions and tries to turn those two eminently modern sciences also into "hand-maids" of his ancient faith. The result is a grotesque piece of special pleading. He asks pathetically: "Is endogamy *wholly* irrational? Is it merely a fleeting and hideous remnant of superstition?" In this, he has simply betrayed that even he has got qualms of conscience in opposing Mr. Patel's Bill; his questions imply that endogamy (which is only a big name for marrying within one's own caste) is *partly* irrational and that it is something of a superstition—two small, but damaging admissions. But I make bold to answer his questions absolutely in the affirmative: Yes, endogamy *is* wholly irrational; it is nothing but a superstition. It is an elementary principle of eugenics that a class requires the steady infusion of fresh blood in order to survive in the struggle for existence, and that a class that goes on marrying itself (so to speak) will degenerate and die out eventually, just as a pond or a well will become dry if we go on pumping water out of it for an indefinite length of time. This is the first principle of ethnology and eugenics, and I wonder how a man of some amount of reading like His Holiness of Karveer Peeth came to overlook it. His quotation from Mr. Chatterton Hill is unfortunate. That authority distinctly states that "consanguinity leads to degeneracy and extinction"—a platitude known to every school-boy. Mr. Hill further says "*crossing between distinct species may be said to entail degeneracy and sterility as a general rule,*" and the Sankaracharya builds his whole case on this flimsy basis! I am greatly surprised that a man of his learning should have proved himself unable to understand the fundamental distinction between a *species* and a *class*. Hill only says that "*crossing between distinct species may be said to entail degeneracy and sterility*"—though even here opinion is sharply divided among ethnologists. Now Mr. Patel's Bill does not seek to provide for the inter-marriage of such distinct species as Mahomedans, Hindus and Christians (of course we may doubt whether even these constitute distinct species), as Mr. Basu's Bill sought to do. Mr.

Patel's Bill only seeks that the various *classes* or castes of the species called Hindus, should be allowed to intermarry. And, according to all eugenics and ethnology, it is not only a very desirable innovation, but also it is a very necessary one if the Hindu community is not to deteriorate and degenerate and die out. All ethnologists—Hill and Gobineau, Schuster and Saleeby—all of them have condemned in unequivocal terms the same consanguinity (or endogamy as the Acharya is fond of calling it) practised at the present day by almost every *class* of the genus Hindu—and defended by the Sankaracharya with so much passion. If I had the time or the space, I can quote any number of passages from the writings of these eminent authorities on eugenics in condemnation of endogamy and in justification of inter-marriages among *classes* of the same community. *En passant*, I may state that the science of eugenics has not yet expressed a clear and decided verdict on the desirability or undesirability of intercrossing between distinct species of human beings. Some are against it, some are for it. Gobineau, the greatest ethnologist of them all, is clearly of opinion that *even such "intercrossing" is not necessarily harmful!* Yet the Sankaracharya of Karveer Peeth would oppose the commingling of the various classes of Hindus—and that on the authority of eugenics and ethnology! I would advise His Holiness to confine himself to the Shastras hereafter and content himself with saying "reason is the handmaid of faith," whenever he is unable to meet an argument. His claim that the Hindu castes are four and that they are based on occupation among other things, is laughable. That conception of Varnashrama Dharma is all moonshine now-a-days. Surely His Holiness ought to know that all classes of people (including Brahmans and Pariahs) are to be found in all sorts of occupations at present! His notion of Varnashrama Dharma will evaporate into thin air if he only examines the real facts of the situation.

To sum up. Circumstances imperatively demand the enactment of Mr. Patel's Bill into law, as the Acharya himself admits that its object is "to redress a real grievance." Ethnology and eugenics justify it, nay, call for it, and the Shastras are not *wholly* against it. The law of growth requires it. Our very existence demands it. Our national unity depends on it, for a nation that is not one in blood can never be altogether one in spirit; it can and will never be a nation in the complete sense of the term.

•S. M. M.

TOPICS OF THE WEEK.

A EUROPEAN witness, in his evidence before the Select Committee on Disabilities of Indians in Transvaal, said: "The idea (of forming companies to hold land where individuals are forbidden to do so) comes from Japan and Singapore, because in both those parts these things are being done. They have similar prohibition laws there. In Japan the law is against the European, and in Singapore against the Chinaman." So it is the Europeans who have shown Transvaal Indians the way to "evade" laws! The Chinese in Transvaal have also resorted to this device of registering companies for the purpose of acquiring land. Mr. Ritch said to the Committee: "I understand that among the Chinese there are something like 25 or 30 companies, and the aggregate capital involved is probably £25,000. These companies have been in almost every case formed in order that Chinese shop-keepers should have land upon which to carry on their business."

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