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Topics of the Week.

The Late Mr. G. R. Abhyankar.

A WELL-KNOWN and highly respected figure in the public life of the province was struck down the other day by the unheeding hand of death. Mr. G. R. Abhyankar was only sixty-two, and when I met him in his Sangli home a few months ago, he seemed sound and strong. Though disabled by his last illness, his interest in affairs was as keen as ever and his laugh rang with accustomed sincerity and charm. His high position in Sangli is attested by the large and distinguished meeting at which his fellow-citizens mourned him. The Rajah Sahab, with characteristic gentleness and courtesy, shared in the general grief. The founder and First Member of this Society respected his judgment so much that he was among those consulted before its establishment. He was an Associate of ours and in all our troubles and anxieties we could confidently count on his sympathy and active help. We shall long miss his criticism of the Society's work in our June meetings, criticism which, though sometimes candid, was always helpful. Of his work as Law Professor one constantly heard great praise. His preparation was marked by thoroughness and care, and his students, besides having their task lightened, felt that light was thrown on the dark places of their subject. But the service for which our departed friend will be best remembered is that of the subjects of the Indian States. He was master of all branches of this topic. He never wearied of writing and speaking on the duties of the Paramount Power, the shortcomings of the Ruling Chiefs, and the grievances of the people of Indian India. So unsparring was his criticism of the conduct of the Princely Order that some members of it hated him and others looked upon him with terror. It is true his language was bitter and on some occasions almost unrestrained. But we must re-

member that the subjects of the States were consistently ignored during the whole of the discussions that have led up to the present Bill. Their representations were put aside in the most exasperating way. A champion in such desperate circumstances must be an angel not to lose patience. One who cries in the wilderness must cry loud and long. In the stormy years that lie ahead, the Princes of India would be lucky indeed if they did not have against them many men far more determined and far more difficult than Mr. Abhyankar.

V. S. SRINIVASA SASTRI

Sangli Durbar's Arbitrary Conduct.

THE Sangli Durbar issued an order on the 2nd inst. prohibiting the publication of a weekly newspaper called the *Vijaya* on the ground that it "habitually publishes matter punishable under Sections 124 A and 500 of the Indian Penal Code". The order was passed under the State's Regulation II of 1930, which gives power to the Durbar to stop, by administrative action, publication of any newspaper which, in its opinion, habitually offends against Sections 124 A, 153 A or 500 of the I. P. C., without proceeding against the paper in a court of law.

The Regulation itself is in the nature of an Ordinance, being promulgated by H. H. the Rajasahab just a week before the first sitting of the State's Legislative Council was to take place. The Regulation does not provide for previous warning being given to any newspaper which the States authorities believe comes within its mischief; nor does it provide for a security being taken before a prohibition order is issued. The first intimation that the editor or publisher of any newspaper will receive about the adverse opinion entertained in the official world will be when he is asked to stop the paper, and when such an order is received there is nothing else that he can do but to discontinue the publication of the paper. The Regulation only gives an opportunity to the aggrieved person to petition the Durbar to permit publication under conditions or the head of the State either to set aside or modify the order. But, at the moment, the paper must be stopped, and if the powers that be so please they may later allow it to be revived.

In this particular case the editor of the *Vijaya*, Mr. Ganpatrao Godbole, B. A., LL. B., who is a prominent citizen of the Sangli State and an elected member of the local Council, prayed that his case be reconsidered by the Durbar immediately so that, in case his innocence was proved, an unnecessary break in the publication of the paper could be avoided. When he found that his petition could not be heard at once, a colleague of Mr. Godbole in the States' People's Society applied for permission to start a new paper so that the *chintale* of the *Vijaya* would have no cause for

complaint. Then the Durbar asked for the deposit of a security. When the applicant informed the Durbar that it could not demand a security under the Regulation, he was told that the security was being demanded under a new Regulation, of which no one had heard till then, and of which the Durbar could not furnish a copy to him. This happened on the 3rd inst., and now the Regulation appears in the *State Gazette* and is dated the 1st inst.!!

As for the general tone of the *Vijaya*, we can confidently say this much: that while it expresses strong, and at times even saucy and bitter, criticism of the administration of the State, it never indulges in what can reasonably be characterised as disaffection against the State or defamation of anyone, on the habitual commission of which offences the Durbar's order is supposed to be based. If the editor commits these offences as a matter of habit, why should he not be convicted in a court of law even once before such drastic action is taken against him? Why does not the State prosecute him for sedition and why does not the State leave it to the persons whom he defames to bring an action against him? Why does the Durbar take the matter out of the hands of the judiciary, where it should rest at least in the first instance, and come down upon the paper in one fell swoop?

We have purposely restrained our natural feelings on this matter which are very strong, because we entertain the hope that the Rajasahab may yet be pleased to set aside the order, as it ought to be. We are reminded on this occasion of another matter several years ago when the Rajasahab revoked, in deference to public criticism, an order prohibiting public meetings in the State. We trust that on this question too he will not only do justice to Mr. Godbole, but further withdraw the Regulation or at any rate introduce radical amendments into it. For the Regulation is—scrupulously to avoid strong language—unworthy of the enlightened traditions of administration which, we know, the present Ruler makes it the one aim of his public career to follow.

Indianisation in Railway Services.

THE claims of Indianisation in the railway services were as usual pressed on the attention of Government in connection with the discussion of the Railway budget in the Assembly. Mr. Aney who raised the question complained that the proportion of Indian recruitment was very low and the progress of Indianisation was very unsatisfactory. The Lee Commission laid down 75 : 25 as the proportion of Indian to European recruitment; but it was a deplorable fact that it had not yet been reached, though more than ten years had since gone by. In the case of the superior services, the percentage of Indians, pointed out Mr. Aney, was not more than 38. It is clear that at this rate Indianisation will take centuries to be completed. Some means must therefore be devised by which its pace would be speeded up.

The paucity of trained Indians was officially said to be obstructing progress. But the official mind in this matter at any rate seems to be moving in a vicious circle. The College at Dehra Dun which used to train recruits to the superior railway services was abolished in 1932 as a measure of retrenchment and now when the claims of Indianisation are urged, the insufficiency of trained Indians is cited as an excuse to justify the Government's comparative inaction. Why not then revive the College? It is easy to see that no funds will be available for the purpose for some time to come. In that case why not make a serious attempt to carry the valu-

able suggestion made by Sir Cowasji Jehangir into effect? During the last few years a larger number of Indian officers were discharged owing to considerations of retrenchment, most of whom may not yet have succeeded in securing employment. He therefore suggested that as a means of accelerating Indianisation as many of them should be called back as could be absorbed in the superior grades of our railway services. This will at any rate obviate the need of the progress of Indianisation being indefinitely delayed, which would be the case if the training college is not in being. May it be hoped that the suggestion put forward by Sir Cowasji will be seriously considered by Government?

Indian Merchants on the Reforms Bill.

MANY matters of general public interest were discussed at the recent meeting of the Federation of Indian Chambers of Commerce held at Delhi. The Reforms Bill now under consideration by Parliament, which formed one of these matters, was disapproved in that the constitution embodied therein failed to conform to pledges and promises given to India in the past. Another ground for the Federation's disapproval of it was that it was based on a complete distrust in the sense of fair-play of Indians and their capacity for self-rule. But what more than anything else must have decided the Federation against the measure was its being riddled with numerous safeguards some of which, the Federation thought, impinged upon the fiscal autonomy convention.

The Federation seemed to be particularly cautious in the choice of words for describing its attitude towards the Bill. In the current political phraseology, it chose neither to brand the Bill as unacceptable nor to decide to reject it. It simply disapproved of it for the reasons given, leaving the question whether it would work the new constitution or not untouched. Though nothing more than a press summary of its resolution on the Bill is available to us at the time of writing, we cannot help wishing that its disapproval had been couched in more decisive terms. As it is, its resolution will strike many as a milk and water resolution which will create no impression on anybody.

"Gandhiji's Silence in Indian Crisis."

UNDER this heading our esteemed contemporary, the *Dnyanodaya*, an organ of Christianity in India, writes as follows in its last issue:

Very little has been said in the daily press about Gandhiji's recent announcement that he was maintaining a month's silence in order to overtake his vast arrears in correspondence and other papers. Every one who has followed Gandhiji's amazing activity since his last fast will sympathize deeply with his purpose. On the other hand we cannot help asking why is the selfless Gandhiji not helping such great sons of India as Mr. Sastri in their noble conflict with the Indian Princes who can either make or mar the new Constitution for India? The SERVANT OF INDIA has ceaselessly pointed out that one of the greatest blots on Gandhiji's truly great career is in his guilty compromises and silences concerning the glaring defects in the rule of the Princes, whilst all the time he has been execrating British rule which the SERVANT OF INDIA declares to be on a higher level all over India. In view of the foregoing facts we cannot but regret the weaving of a halo of idealism around Gandhiji in the columns of the *Christian Century* of U. S. A. including an article contributed by our friend Wilbur Stone Deming on January 23 this year.

AN IRON-CLAD CONSTITUTION.

ON March 27 the important question of the constituent powers proposed to be conferred by the India Bill on the Indian Legislatures was raised in the House of Commons Committee. Can the Legislatures in India have any power under the new constitution to amend the constitution without being required to go to Parliament or not? We are not concerned here with the Indian States. So far as the States are concerned, even Parliament has no right to amend the constitution and to bring the changes into force in any of the States. All that it can do is to take the initiative and propose changes for the consideration of the States, but in no State will any of the changes desired and sanctioned by Parliament take effect except with the consent of the State concerned. The States therefore retain perfect freedom in regard to every future alteration of the constitution, however slight it may be. But Parliament itself has no corresponding freedom. If it wishes to modify the federal constitution in any respect which affects or is supposed to affect the States, it cannot bring the modifications into effect even in British India, leaving the States alone. These modifications of the original terms of federation will give a constitutional right to the States to annul their accession to federation and to go out of it. Parliament, however, has no right to feel aggrieved about a change which any State will deem it desirable to introduce in respect to itself. If Parliament, in deference to public opinion in British India, alters the indirect system of election for the Assembly into direct, every State may complain to the point of threatening to secede from the federation. But if any State, which agrees at first to adopt some form of election in some degree in choosing its representatives in the federal legislature, subsequently adopts pure nomination instead, the British and Indian Governments cannot as much as make a wry face but must cheerfully submit. The British Government is thus in a very much worse position in respect to the States than the States' Governments are in respect to British India on this question of constitutional amendment. But this aspect of the question was not debated on March 27, and we too will make no further reference to it.

The question that was discussed related to British India. It was what power the Constitution Act should give to the Legislatures in India to amend the Act in some respects without reference to Parliament. The answer to the question is very briefly given: it is that the Constitution Act gives no such power—except in one small matter, viz composition of the Railway Authority and such other matters like the rules of conducting its business as are comprised in the Eighth Schedule. Even for changing the provisions of this Schedule in any particular the previous sanction of the Governor-General acting in his discretion is required, and the Governor-General's discretion in such matters is controlled by the Secretary of State, but if the previous sanction of the Governor-General be obtained, there

will be no need to get amending legislation passed by Parliament. Except in this one matter, there is no part of the Constitution Act which the Indian Legislatures can alter in any particular without going to Parliament. But the Bill contains a Clause (Clause 108) which is drafted in such a way as if the intention of the Government was to give to the Indian Legislatures constituent powers of a wide range, and this Clause filled the Tory diehards with alarm and consternation. Sub-section (1) of the Clause runs as follows:

Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature, any Bill or amendment which—

(a) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India.

There is a corresponding provision in Sub-section (2) in regard to the Provincial Legislatures. The inference which the Tories drew from this Clause was that the Central and the Provincial Legislatures could between them change the whole Act out of recognition in certain favourable circumstances, and that all the safeguards elaborately built up would vanish into thin air almost without Parliament knowing it. The Labour Party have already declared that, at the first opportunity they will get, they will introduce radical changes into the constitution, and prominent Labour leaders have also declared that they will send a man holding their views out as Governor-General to India when they come into power. Is it not then conceivable and even likely, it was asked, that, if a Labour Government is formed (and this is possible even when the Labour Party are in a minority in the House of Commons), the Governor-General (who will be their nominee) will give his previous sanction to the introduction of amending legislation of a drastic nature, the Indian Legislatures will pass it, and the Labour Secretary of State will give His Majesty's assent, and without the matter coming to Parliament at all, India will be working under a totally new constitution, in which all the safeguards will have been swept away and the popular liberties extended to the furthest possible limits?

The Attorney-General assured the die-hards that there was no need for them to conjure up all these fears, for the scope of this particular Clause was extremely limited, and that the Bill contained provisions in other parts which put a ban upon any such amendments that they were thinking of. Clause 108 was subject to and must be read with Clause 110 which expressly prohibited the Indian Legislatures from altering the Constitution Act in all matters except in those, changes in regard to which were specifically permitted in the Act itself. This Clause runs as follows:—

Nothing in this Act shall be taken—

(a) to affect the power of Parliament to legislate for British India, or any part thereof; or

(b) to empower the Federal Legislature, or any Provincial Legislature—

- (i) to make any law affecting the Sovereign or the Royal Family, or the sovereignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize courts; or
- (ii) except in so far as is expressly permitted by this Act, to make any law amending any provision of this Act, or any Order in Council made thereunder, or any rules made under this Act by the Secretary of State, or by the Governor-General or a Governor in his discretion, or in the exercise of his individual judgment.

What is the effect of this Clause? First, Parliament's power to legislate for British India is fully preserved in (a). Secondly, certain matters mentioned in (b i) are wholly excluded from the purview of the Indian Legislatures. And, thirdly, in (b ii), the Indian Legislatures are forbidden to amend the Act except where the Act expressly permits them to do so. But there are other restrictions on the power of the Indian Legislatures which are somewhat hidden away from the sight of the casual reader. Paragraph XXVII in the Instrument of Instructions to the Governor-General and Paragraph XVIII in the Instrument of Instructions to the Governor lay upon these representatives of the Crown in India the duty that they "shall not assent in Our name to, but shall reserve for the signification of Our pleasure, any Bill... the provisions of which would repeal or be repugnant to the provisions of any Act of Parliament extending to British India." Thus, any legislation which does not fall within the sphere "permitted" by Clause 110 (b ii) cannot receive His Majesty's assent but will have to be reserved, "which will mean," as the Attorney-General explained, "that the view of His Majesty's Ministers in this country will prevail." The conclusion is, the Attorney-General remarked, that "the safeguards, the reservations, are ample and sufficient to prevent anything being done which the Imperial Parliament would desire to prevent."

The scope of amending legislation "permitted" to the Indian legislatures, to which Clause 108 applies, is very narrow indeed. In fact it concerns itself with one matter only, viz. the Railway Authority. On this the Attorney-General was quite explicit. He said: "The only place in the Bill where it is 'expressly permitted' to alter the provisions of the Bill is in Clause 176, in the proviso which deals with the matter". Doubts were expressed as to whether it would not be possible for the Federal Court to hold that Clause 108 brings other amending legislation also within the sphere "permitted" to the Indian Legislatures. The Attorney-General thought that the doubts were unfounded; nevertheless, he offered to remove them by suitably altering Clause 110. He said:

The Government are prepared to put in words to qualify the phrase "expressly permitted" on which they (Viscount Wolmer and the Duchess of Atholl) lay so much stress, so as to make it plain that the phrase only refers to Part VIII dealing with the Federal Railway Authority, and to Part XIV of the Bill dealing with Burma. I do not know exactly where these words will come in, but if they are inserted in the right place they will make perfectly plain that the words "expressly permitted" do not refer to Clause 1 (i. e. Subsections (1) and (2) of Clause 108).

Mr. Amery later suggested that the use of Clause 108 might be extended further than apparently was now intended so as to allow of amendment in India of the provisions of the Act in minor details. He said:

Legislation may be passed by Parliament affecting India which experience may show to be, in some minor particular, not altogether applicable. In that case it might be very inconvenient to pass a special Act of Parliament here in order to modify that legislation while it would be convenient with the assent of the Government here for the Governor-General to sanction amending legislation in India. In the same way legislation might be introduced in India which would be desirable there but might be technically repugnant to some general law here. There again after consultation between the Governor-General and the Government here it might be both practicable and useful to sanction the introduction of such legislation as was required in India. It seems to me, therefore, as long as we have the Attorney-General's assurance on the major point, that it would be a good thing to leave this Subsection standing as it is for the kind of practical purpose to which it may be usefully applied.

But this suggestion did not receive any endorsement from the Government, and it is in fact very doubtful whether they intend to accept it.

Reference should be made at this point to Clause 285 which, as the Under-Secretary observed, gives the Indian Legislatures an opportunity of voicing their opinions and submitting their representations to Parliament in the matter of amending the Constitution Act in respect of "the size and composition of, and the franchise for, the Legislatures." But the authority with whom the power of decision lies is, on these questions, Parliament itself. It should also be noted that certain matters which were proposed, in the White Paper, to be disposed of by Orders in Council by the Ministry on their own authority are, in the Bill, placed under the control of Parliament. But we are considering in this article the extent of the power proposed to be conferred upon the Indian Legislatures themselves to amend the provisions of the Constitution Act. And so far as such constituent powers are concerned, they are confined, on the Attorney-General's own showing, to one matter and to one matter only, viz. the Railway Authority. Provisions in regard to this can be changed, in India, only if the proposed changes first receive the Governor-General's previous sanction in his discretion and then receives His Majesty's assent. These two requirements are in themselves effective safeguards from the point of view of the British Government and are not, as the Attorney-General declared, to be lightly treated. But, subject to these safeguards, it is only the portion of the Constitution Act dealing with the Railway Authority which can be changed by the Indian Legislatures. In all other matters amendment can come only *via* Parliament, and that, too, for British India. Amendment in provisions in respect to the Indian States can come only *via* the respective rulers—how many are they? 651?

A CONSTITUTIONAL CRISIS.

A CONSTITUTIONAL crisis of almost unprecedented seriousness has been occasioned by the Governor-General resorting to the certification procedure in regard to the Indian Finance Bill. Cases

of certification by the head of the Indian Government during the last fifteen years have not by any means been a rarity. Even so it would be difficult to cite an instance when the use by the Viceroy of his special powers was more unjustifiable. When in 1923 Lord Reading certified the salt tax, he had at least the plausible excuse of an unbalanced budget in support of his action. The power of certification was also brought into play in connection with the Finance Bill the following year; but it would obviously have been impossible for the Government to carry on the administration in the absence of adequate funds, which would have resulted if the Assembly's rejection of the whole of the Finance Bill had been allowed to be operative. The present action of the Government cannot be supported by any such considerations. Not only were the two sides of the budget brought into balance, but a surplus of Rs. 1½ was expected. The Assembly was not so unreasonable either as to throw out the entire Finance Bill as it did in 1924.

The amendments made by the Assembly in the Finance Bill can by no stretch of imagination be described as fantastic; they were certainly not such as did not possess the backing of public opinion. A reduction of the salt duty from Re. 1-4-0 to Re. 0-12-0 would have afforded some very welcome relief, though insufficient, to the poorer sections of the population, besides being highly expedient in view of India's history of the last few years. Nearly thirty years have elapsed since Gokhale urged Government to abolish the duty on salt so that salt may be as inexpensive as air and water. The Assembly did not go that far in its handling of the salt duty and yet the Government in their superior wisdom have chosen to turn down its recommendation! Lower postage rates have been an urgent public cry for long and the formation of an association specially for the purpose of agitating for such reduction constitutes an eloquent testimony to the importance attached by public opinion to it. The raising of the minimum taxable limit of incomes from Rs. 1,000 to Rs. 2,000 too is not only overdue but has become a compelling necessity in view of the restoration of the cut in the salaries of Government servants. Both these items formed part of the Government's scheme for meeting the financial crisis of 1931; and if it has been possible to afford relief to employees of Government it is difficult to see with what justification it can be denied to the tax-payer. No better proof of the reasonableness of the Assembly's attitude in this matter can be given than the frantic appeal made to Government to fall in with its wishes in this matter by no less a man than Sir Cowasji Jehangir who is not given to causing needless embarrassment to the Government. His picture of the difficulties which a person with a lower income than Rs. 2,000 has to contend against was by no means overdrawn, but even his appeal fell on deaf ears.

Lord Willingdon's message to the Assembly asking it to pass the Bill in an unamended form makes an unsuccessful attempt to justify the Government's refusal to accept the Assembly's amendments. It is

undeniable that if all its recommendations had been accepted, it would have involved Government, as the Viceroy says, in a loss of about Rs. 5 crores. It is obvious that in such a case the budget instead of showing a surplus would have shown a deficit. But would that really have been such a fearful calamity that it must be avoided at whatever cost—even at the cost of alienating all sections of opinion? And with rigorous economy was it impossible to wipe it out in a period of twelve months? Had the Government been so minded, this could have been easily brought about; and a resort to certification avoided. In the alternative, they might have accepted only those amendments whose effectuation would not have led to the much feared catastrophe of a deficit. While the reduction of the salt duty from Re. 1-4-0 to Re. 0-12-0 would have cost Rs. 3 crores, the other recommendations put together would not have cost more than about Rs. 1¾ crores. With an expected surplus of Rs. 1½ crores, it should have been possible for Government to carry these amendments into effect. Even this limited implementation of the Assembly's wishes would have added, as the Viceroy points out, to the deficit in the working of the Posts and Telegraphs department. But that would at best have meant the postponement by one year only of ensuring its solvency, which surely would not have told disastrously on Indian finances.

The Finance Member needlessly went out of his way to provoke the Opposition by describing it as irresponsible. We do not know that it was any more irresponsible than the Government themselves are in their perverse and indiscriminating attachment to their own taxation proposals. Sir James Grigg made much capital of the fact that the Assembly contained some members bent upon destroying the prestige of the Government. But the point for consideration is whether the Opposition allowed itself to be carried off its feet by their machinations. In this connection a significant fact or two ought not to be lost sight of. In the first place, it should be remembered that the proposal for the total abolition of the salt duty failed to secure requisite support. In the second place, if the amendments had been promoted merely with a view to ruining Government's prestige, it is not conceivable that the European group and persons like Sir Cowasji Jehangir would refuse to support Government. The fact that even they preferred to remain neutral gives the lie direct to the Finance Member's complacent theory.

The refusal of the Assembly to pass the Finance Bill in the form recommended by the Viceroy, that is to say, in its original form, has since been followed by its introduction in the Council of State with a similar request. The Council's record is, as everyone knows, not such as to encourage the hope that the Viceroy's request will not be complied with. But what in plain language does such a request really amount to? In the case of the lower house at any rate it assumed the character of an implied direction to stultify itself by reversing its judgment in regard to the disputed items accompanied by a threat that its failure to obey would be followed by certification.

Which self-respecting and popular body would agree to such a course? The Bill would have been disposed of by the Council on Monday last had the motion for the suspension of standing orders facilitating its immediate consideration secured the support of the majority. But by the President's casting vote, its consideration had to be postponed till today when in obedience to the Viceroy's orders the Upper House may be expected to place a self-denying ordinance upon itself in regard to the insertion of any modifications in the Bill. Though the Viceroy may thus be armed with the favourable verdict of the

less popular part of the Central legislature in regard to the measure, it will still be looked upon in this country and elsewhere as a piece of executive legislation which cannot pretend to have the support of public opinion. The developments connected with the Finance Bill show how slight is the regard the bureaucracy is prepared to show to public opinion even in matters which vitally affect India. By resorting to certification the Government have played into the Congressmen's hands by helping them show to the world what a mockery the present constitution is.

SPARKS FROM THE COMMONS' ANVIL.

22nd, 27th and 28th March.

SECRETARIES TO REPORT ON MINISTERS.

UNDER the India Bill the Secretaries to Government are given the right of direct access to the Governor over the heads of the Ministers in order that the Governor may be enabled to exercise his special responsibilities even as against the responsible Ministry. The Labour Party take strong exception to this since they desire the Ministers' responsibility to be full and complete. Their point of view was thus expressed by Major Attlee:

In this Clause (Clause 59) the responsibility of keeping the Governor informed is laid on both Ministers and Secretaries. The effect of that is that the Secretaries are turned, as it were, into the watch-dogs of the Ministers. It is an example of lack of confidence in the Ministers. We consider that where there is a matter involving a special responsibility of the Governor and the Secretary sees it occurring, he ought to bring it to the notice of the Minister, and that it is the Minister's business to bring it before the Governor. It is a dangerous thing to put the officials in the position of being, as it were, reporters to the Governor when the Minister is doing something which may call for the intervention of the Governor.

The Government's defence of the Clause was not at all fair. The Under-Secretary of State, instead of frankly admitting that the Minister's responsibility under the Bill was limited, tried to justify it on the ground that the provision merely continued the present practice and that there was nothing more in it. He said: "At present under the constitution the Secretaries to Government have a definitely recognised position, and, in transacting business, it is the custom for Secretaries to Government to forward matters in this way. It would be importing into our intentions under this clause new implications if we were to consider that we were going behind the Minister's back in this provision. It is following upon the present practice to lay a duty upon the Secretaries to Government to bring matters to the attention of the Governor... We consider that by giving the Secretaries as well as the Ministers this duty we are doing something which will be understood by those in India who are accustomed to conducting the business of government. We have no intention of going behind the Minister's back in this particular matter".

Yes, it will be understood by men like Mr. Chintamani, Dr. Paranjpye, Sir Chimanlal Setalvad and Sir Cowasji Jehangir "who are accustomed to con-

duct the business of government" in its proper light, that is to say, exactly as Major Attlee views it. It is a serious deduction from self-government. If the practices that obtain now are also to be continued under the regime of self-government, one can understand what kind of self-government it will be. The Solicitor-General was more frank about it when he said that the Secretaries to Government were being given "a special position in India", a position which is wholly inconsistent with a system of ministerial responsibility.

A SPOKE IN THE WHEEL.

ON clause 60 dealing with the constitution of the Provincial Legislatures, the Labour Party put up a strong opposition to the proposal for setting up second chambers in the five "major provinces". Mr. Gordon MacDonald took the lead in this attack. Why are these second chambers being established, he asked. One could understand a second chamber in the Central sphere in order to represent the provinces, but the method of election that has been adopted for the Central Assembly makes it entirely unnecessary even at the centre. Anyhow why create second chambers in the Provinces? And if you create them at all, you should create in all the Provinces. What is the principle underlying this provision which leaves some Provinces without a second chamber and some with one?

Mr. Butler and Sir Samuel Hoare attempted answers to these questions, but they were extraordinarily feeble. For one thing, public opinion demanded them in the five Provinces. The Punjab Council turned down a proposal for a second chamber, and we are not constituting one there, said Sir Samuel. But the Madras Council did likewise, and still a second chamber is being foisted upon Madras. The question was not referred to the Bombay Council at all, because Government knew that its verdict would be adverse, and yet the Bombay Presidency is going to have a second chamber. So it is clear that public opinion does not count at all in this matter. Then, Mr. Butler said, the size of the Provinces also has a great deal to do with the matter. The expense and the paucity of able men make it undesirable to endow smaller provinces with second chambers, but it was shown

that this is not an argument which will wash. If the Provinces are small, the expense too is small, and the number of men it has to find for the second chamber is also small. That really is not the determining reason.

Ultimately the real reason was extracted from Sir Samuel Hoare. He said :

Let us remember that provincial autonomy means the granting of very wide authority, much wider authority than has yet been exercised in any of the Indian Provinces. To those who are cautious by nature, there is strong justification for revisory bodies of this kind, and I base my case upon that need, and I believe it is a very real one.

This really explains why a second chamber is being set up, for instance, in Bombay and not being set up, say, in the Punjab. The Punjab, with a Mahomedan majority, is safe even without a second chamber, but not so Bombay. All advanced Provinces must be saddled with second chambers. This reason was of course not avowed by any Government spokesman, but it is the only explanation that fits the case.

The result of establishing second chambers was thus described by Mr. Banfield. "What the Government propose to give to the democracy with the one hand they propose to take away with the other. The only reason I have ever seen for a second chamber is to enable people who consider that their interests are at stake—people of wealth, captains of labour and others with vested interests—to put a spoke in the wheel of the aspirations of the elected Chamber. . . . The Bill sets up a form of democracy in which the common people do not have a real voice in the government of the commonwealth of India."

The existence of communal electorates and the representation given on a generous scale to all special interests rob the second chambers of all justification. Major Attlee said :

There is no suggestion of having upper chambers to give special advantage to weak minorities. In fact this is formed on the old basis that the people with wealth should have the ultimate power. We think that is objectionable, first of all on the general grounds that most of us agree that very serious economic evils in India are not so to be overcome, and you are going to strengthen all the reactionary influence; and secondly, it is against the expressed opinion of Indians. I am at a loss to understand why the opinions of Indians in the Punjab should be so important to the Government in this case, whereas they are rejected in every other instance. If it be a good argument in the Punjab to reject a second chamber, it is an equally good argument with regard to a number of other matters in this Bill. We think it is a very expensive, utterly useless and reactionary proposal to establish second chambers in Provinces when they have done perfectly well without them all these years.

Mr. Foot as usual wavered for a time between two contradictory opinions, and ultimately came down on the side of reaction. "On general grounds," he said, "I would prefer not to have the second chamber. If the question were quite open, I should vote against the second chamber in India in relation to these Provinces, but . . ." He always speaks of a "but" and then with an air of inmost conviction, joins the Conservative ranks, this great Liberal !

A STRONG SAFEGUARD.

THE Bill guarantees to the Anglo-Indian and European communities that in all provinces a grant shall be made for their education every year which is not less in amount than the average of the grants made for it in the preceding ten years, and that if a reduction is to be made it shall only be proportionate to the reduction in the total grant for education. For a reduction larger than this to take effect, a vote of three-fourths members of the lower chamber of the Provincial legislature will be required—not a vote of three-fourths of the members present, but of the statutory number of members of the legislature. This provision was in pursuance of a recommendation of a Committee of the third Round Table Conference, of which Mr. Jayakar was a prominent member. Even this guarantee appeared to some members to be insufficient. Mr. Campbell Kerr proposed that a vote of three-fourths members of the two chambers should be required. The Government opposed the proposal on the ground mainly that the Provincial second chambers having no control of supply it would be inconsistent with the general framework of the Bill to give these chambers control over the grant for one item alone. But Under-Secretary Butler said that the safeguard proposed in the Bill was such as to continue for all time to these two "important sections of the community", the privileged position which they now enjoyed. "When we consider," he said, "that three-fourths of the Assembly are necessary, not only three-fourths of the members present, it will be seen that the protection is very strong indeed." There is no other community for which such effective safeguards have been provided, even in the matter of their just rights. The only other community for which even more effective safeguards are provided is the Princely order. Their privileged position will disappear only when they themselves desire it.

NO QUESTION ABOUT THE PRINCES, PLEASE !

PROVISION was made in the Bill "for prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State." Now an amendment is made extending the prohibition in favour of the ruler of a State. Mr. Attlee asked whether the Provincial legislature would be under a disability to ask questions about the Princes even in their private capacity. "Suppose," he said, "that a ruler stays in a town in British India and some event occurs there, and some question arises which affects him not in his capacity as ruler but as a private individual, such as a debt to a tradesman. . . . Suppose there was a case of instigation by a ruler to assault and kidnapping in a British Indian Province." "The Clause puts a sanctity around him as an individual and not as the ruler of a State." Miss Rathbone pointed out that this was "a very one-sided bargain."

The Indian States, she said, "can interfere in the affairs of British India but the representatives of British India may not even ask a question or raise a discussion either in the Central or Provincial legislatures on any matter affecting the Indian States—"

Yet in the long run, if things go wrong in the Indian States it is the British Indian taxpayer who will have to meet the cost." The cost of such intervention every year is about 85 lakhs of rupees. It was all right so long as the Government of India exercised paramountcy over the States. The expense being incurred by the Government of India the Indian legislature could discuss with the Governor-General's consent. But, under the Bill, paramountcy is taken away from the Government of India and made over to the Viceroy disconnected with the Government in every way, and all discussion in connection therewith forbidden. If the British Indian tax-payer or the federal tax-payer is to be excluded not only from control but even from cognisance about the disorders in Indian States caused by Princely misbehaviour, why should he be burdened with this expenditure ?

GOVERNOR'S ORDINANCES.

THE Labour Party naturally offered a very strong opposition to Clause 89, giving power to the Governor to issue ordinances. Mr. Rhys Davies said :

It has been suggested that we are giving power to a Governor of a Province in India to do only what is done in this country in an emergency. When a Government in this country promulgates anything like an ordinance Parliament meets and can question the Government on their action, but nothing of the kind can take place in India. The Governor is a permanent official who is not at the recall of the legislature of the Province, but at the recall of the Government of this country. The parallel therefore does not hold good.

Is it not possible to put something into the Clause to indicate the conditions in which an ordinance shall be promulgated? The Secretary of State rather suggested that that would be possible, when he said that there might be occasions when an ordinance will be promulgated in the interests of law and order when the whole of a Province had got out of hand, when the Constitution which we are now giving had literally broken down, and there were riots and terrorism. We should be very much more satisfied had the Clause indicated the kind of condition of things which must prevail in a Province before the Governor were moved to promulgate an ordinance. Whatever we do on this Clause, I ought to inform the Government that we are not at all happy at the enormous powers which are being granted to Governors in these cases.

RESIDUARY POWERS.

THE question of residuary legislative powers was raised by Mr. Oswald Lewis on Clause 100. He said in most constitutions either of the two methods were followed which were followed in Australia or Canada. In the former country enumerated powers were given to the Centre, all the rest remaining with the Provinces. In the latter country the Provinces had specific powers, the centre being given the rest. Mr. Lewis said that in India he would have preferred the Canadian model being followed and the centre being kept strong. However, in India neither of the two alternative courses was adopted, but both the centre and the Provinces were given enumerated powers. The result of it could only be that "by specifying the power in both cases we are doubling the prospects of doubt and increasing the prospects of litigation."

Sir Samuel Hoare's defence was that communal differences in India left the Government no alternative but to follow the course it did. He said :

If it had been possible to have one list we should have been glad, but, unfortunately, as in many of these Indian problems, when we came to apply to the actual facts what we desired, we found it to be impossible. We found that Indian opinion was very definitely divided between, speaking generally, the Hindus who wish to keep the predominant power in the Centre, and the Moslems who wish to keep the predominant power in the Provinces. The extent of that feeling made each of these communities look with the greatest suspicion at the residuary field, the Hindus demanding that the residuary field should remain with the Centre and the Moslems equally strongly demanding that the residuary field should remain with the Provinces.

The only bridge that we could find between these two diametrically opposite points of view was to have three lists, namely, the Federal List, the Provincial List and the Concurrent List, each as exhaustive as we could make it, so exhaustive as to leave little or nothing for the residuary field. I believe that we have succeeded in that attempt and that all that is likely to go into the residuary field are perhaps some quite unknown spheres of activity that neither my hon. Friend nor I can contemplate at this moment. We find that we have really exhausted the ordinary activities of Government in the three other fields. I agree with my hon. Friend that it means complications. I believe that it also means the possibility of increased litigation, I very much regret that that is so, but I would say to my hon. Friend that in view of the very strong and bitter feeling there is in India on the subject this is the only way to deal with the difficulty.

ONE-SIDED.

ON Clause 101 Col. Wedgwood referred to the disparity in the position of British and Indian India. While the States' representatives can take part in matters affecting British India, British Indian representatives are prohibited even from asking questions about the States. The Secretary of State tried to defend this on the ground that in every federation the federal legislature had a limited field beyond which it could not go. The fallacy lurking in this argument was shown up by Labour members. Col. Wedgwood said :

The right hon. Gentleman is really playing with the subject. Take the case of income tax. You impose income tax on the whole of India except the Indian States. The representatives of those States can vote the income tax, and the Princes of the States can escape all liability. The Act they pass does not apply to those States. I say that that is exceptional.

Mr. Morgan Jones said :

Is there not a point to be cleared up? There is the difference between this federation and other federations in this respect. The whole of British India is covered by the federal subjects, but a State comes in not necessarily in respect of all the federal subjects in the federal area. Suppose a Prince accedes in respect of 50 subjects in the Federal List, so far as those 50 subjects are concerned they are common to India, but in respect of the subjects to which the Prince does not accede, in that respect he is in a different position from the various provinces of British India. Surely, therefore, there is a very big difference between federations with which we are acquainted and this one. May I take the other point which my right hon. and gallant Friend took? Though a Prince accedes, say, in respect of only 50 subjects on the Federal List, in spite of that his subjects have a voice in regard to the whole field.

While the disparity pointed out by Mr. Jones is very real, he has made a slip in saying that the "subjects" of a Prince will have a voice in regard to the whole federal field. The "subjects" have no voice at all; the Prince himself or his nominees will have a voice in the federal as well as the non-federal field.

VESTED INTERESTS PRESERVATION BILL.

WHEN Clause 106 came on for debate, which deals with the power of the federal legislature to give effect to international agreements, the Labour members showed how India would be worse off in respect of ratification of I.L.O. Conventions on account of her adopting a federal form of constitution. India's record so far on this matter has been rather good, they said, but hereafter there is bound to be deterioration. For, in the case of federations in which labour is not a federal subject, Labour Conventions are treated as recommendations, and they come into effect only when the federal units adopt them. A plea was then put forward for making labour a federal subject in India. "Why should it not be made a condition" of the Princes' admission into the federation, Major Attlee asked, that they shall be willing to give up labour to the federation? To this the answer was: This is not a "very closely unified federation." It is a federation "unique in itself." "A federation such as this Bill sets up has never been seen in the world before," and, Viscount Wolmer sarcastically added, "and will never be seen again"!!

Mr. Rhys Davies said:

We feel that this Bill of 451 Clauses safeguards the interests of almost all the officials in India—the Governors, the army officials, railway officials, the Princes, the civil servants—but I have looked through the Bill very carefully, and I cannot find a single word in all the 451 Clauses that safeguards the interests of the working people of India as workers.

Mr. Edward Williams said:

The Government is really faced with this charge, that it is prepared to listen to the voice of the Princes, but that it is not prepared to listen to the voice of the people. We have an enormous number of Clauses—about 450—in this Bill, and there seems to be no provision among them all for improving the conditions of the many millions of people in India. How are we to put that right?

CONSTITUENT POWERS.

MR. GORDON MACDONALD on behalf of the Labour Party moved an amendment for the deletion of Clause 110 (b ii), which, if carried, would have had the result of conferring upon the Indian legislatures the power to amend the constitution. The amendment was in fact heavily defeated. Major Attlee, in supporting the amendment, recognised that India ought to have much larger constituent powers than the amendment moved by Mr. MacDonald would give, but he said that, in the present Parliamentary conditions, the Party could not do better than move that small amendment. He said:

This Amendment is designed to raise the question of constituent powers. I do not suppose that the Amendment would effect exactly what we want, but it is difficult to

get anything in the four corners of the Bill that would do anything that we want when we have got as far as this. We have always taken the line that there should be a power of development in this Bill, that there should be a progressive increase of responsibility. At the present moment the whole tendency is to tie it down more and more closely. The discussion we have had to-day was mainly in the line of trying to restrict anything in the way of development.

I am aware of the suggestion of Mr. Jayakar to the Joint Select Committee, but it is only a suggestion that in certain circumstances, after a certain period, an Indian Legislature could make representations to this House. It is a rather far-off and extremely thin suggestion. We consider that there should be in this Bill some constituent powers because, once we pass this Clause, we have practically got rid of the whole question of constituent powers, and we may be ruled out if we want to raise it in other forms later on. I am aware of all the difficulties. There are parts of this Bill which I would not like to see left entirely to the power of Indians. We would not be prepared to say that the people in India should be disfranchised by power given under this Bill, but we do not want to see the whole question of constituent powers set on one side. For that reason, we move the Amendment. Major Attlee here refers to Mr. Jayakar, but we suppose he had Sir Tej Bahadur Sapru in mind. Whatever it may be, it is a pity that very often the Labour Party have to complain that the suggestions put forward by Indians do not go far enough in the direction of advance and that they are, as Major Attlee said of this particular suggestion, "extremely thin."

EXEMPT FROM DISCRIMINATION.

CLAUSE 111 declares that British subjects domiciled in the United Kingdom shall not be liable to any discrimination on the ground of "place of birth, race, descent, language, religion, domicile, residence or duration of residence." This was felt by some members, including Sir J. Wardlaw-Milne, to be insufficient, and in order to make the exemption complete it was proposed to add words meaning "or any other ground." Sir Thomas Inskip argued that such addition was unnecessary, because the words used were very comprehensive and really "exhaust the grounds upon which a British subject might be made the subject of discrimination." He said: "It is quite true that the intention is that a British subject, by virtue of his being a British subject, shall not be exposed to any discrimination" but "everything that we can think of" as a ground of discrimination is covered by the words used, and no other words are required. Sir John Wardlaw-Milne pleaded that the words would possibly cover everything that the Government could now think of, but the addition of the proposed words would cover "something which may arise in the future" but which the Government cannot think of now. The pertinacity of the Conservative members extorts one's admiration.

"DIRECTLY OR INDIRECTLY".

CLAUSE 115 makes impossible any discrimination to be practised against British shipping "directly or indirectly"; but the Government moved an amendment to leave out the words "directly or indirectly" and there was a storm of opposition from diehard

quarters. The Government too did not want to permit discrimination of an indirect character, but they were advised by their legal experts that the words were unnecessary to prevent indirect discrimination. As one Member observed, the words "directly or indirectly" are "absolute verbiage" and serve no useful purpose. On the contrary, if they were left in here and similar words were not introduced in many other places, it would mean that the indirect effects of what was intended to be prevented in other respects must be allowed. And if, in order to keep out indirect effects in other parts of the Bill, similar words were to be used everywhere, the Attorney-General remarked that these words "might as well be sprinkled in with a pepper pot." "We should have to scatter these words all over the Bill." But the cream of the discussion consisted in what Sir Stafford Cripps said, viz.

I should really like to see these words retained, because then indirect discrimination would not be covered in any of the other Clauses, and I think that would be a really excellent result, as far as we on these benches are concerned. I am in favour of leaving it to the Indian Legislature to decide themselves what they want to do, just as every sovereign power decides what it wishes to do, subject to arrangements with other countries, in the matter of putting on tariffs or not.

"A DEFINITELY BRITISH BOARD."

DIE-HARD members objected to the conditions which future British concerns must observe (in regard to the proportion of Indians in the directorates, grant of facilities for training to Indian apprentices, etc.) if the concerns wanted to benefit by the subsidies given to the industries. The Duchess of Atholl indignantly asked if any such conditions were imposed anywhere else in the Empire. The Secretary of State answered the question in the affirmative. He said:

When I was Secretary of State for Air I remember that I was responsible for the starting of the Imperial Airways Company. There were very much the same kind of conditions for the board of directors that we are here suggesting for subsidised companies in India. There may be other cases, but that case occurred to my mind because it came within my own knowledge.

Sir H. Croft: Does that apply to the citizens of various countries of the Empire, for instance, to New Zealanders?

Sir S. Hoare: Certainly. As far as I remember the intention was to have a definitely British Board.

TIGHTENED UP.

CLAUSE 118 relating to the professional qualifications in general has undergone a complete change in Committee. The first Sub-section of the Clause, as now adopted, is intended to prevent a Federal or Provincial law, which prescribes conditions as to professional or technical qualifications, from interfering with the vested interests of anybody practising his profession in India at the present time. This carries out in substance the intention of the Clause as it stands in the Bill; only, as the Attorney-General says, it slightly tightens it up. But the second Sub-section is entirely new. The Attorney-General said on this point:

The second Sub-section of the Amendment is an addition to anything contained in the Bill. It provides that no Bill or Amendment which prescribes professional or technical qualifications, or empowers any authority to

prescribe such qualifications, shall be moved or discussed without the previous sanction of the Governor-General acting in his discretion, or of the Governor in the case of a Province. This is an addition to the Bill, and I think there is a general feeling in the Committee, subject to the point raised by the Hon. Gentlemen opposite (Mr. Morgan Jones), that there is no objection to it. At any rate, the Government are prepared to accept this second Sub-section also.

NO BRIBERY, OF COURSE!

A MOST interesting debate took place on Clause 145 which provides for the remission to States of cash contributions or payment of the equivalent of ceded territories on the States' joining the federation. It was explained that such States as were now willing to do without the British guarantee for military protection and were willing themselves to undertake the maintenance of law and order within their borders must be paid the value of the territories ceded by them in return for the military guarantee. This of course is all right, so far as it goes; but why should such payment be made contingent upon the States entering the federation? The guarantee given by the British Government to any State has no relation whatever to that State's coming into the federation or standing out of it. If the State waives the guarantee, it ought either to get back the territory which it ceded or to get an amount which is equivalent to the revenue of the territory. But this obligation on the part of the British Government arises irrespectively of the fact whether the State in question agrees to join the federation or prefers to stay out. What right has the British Government to make its accession to federation a condition precedent to its receiving justice in another sphere? Does not the imposition of the condition give just ground for the suspicion that entry into the federation is the price that a State has to pay in order to get back what is its due?

Mr. Davidson, Chancellor of the Duchy of Lancaster, said in the course of his remarks, that "retrocession (of the ceded territory to a State which had waived the military guarantee) was out of the question." Why, pray, is it out of the question? Why not give the territory back to the State? That would be the simplest solution of the problem. Mr. Davidson did not explain why the return of the territory could not be thought of. Is it because the people in the ceded territories will not go back to the States? What then happens to the beautiful fairy-tales that he related to the House some time ago about British Indians rushing headlong into the States for settlement but States' people studiously keeping out from British India? Why not give the poor people in the ceded territories who are groaning under foreign rule a chance of enjoying once again the benefits of home rule, which apparently they are avidly seeking?

Is it true, as Mr. Lennox-Boyd said, that the States whose cash contributions the British Government proposes to remit "are not themselves prepared to remit cash contributions owing to them by other Indian State which have hitherto paid tribute to them"?

FEDERATION AND INDIAN STATES.

PANDIT KUNZRU'S SPEECH.

Pandit Hirday Nath Kunzru delivered a speech on the above subject on 2nd April at Allahabad under the auspices of the Progressive Club of that place. In the first part of the speech the Pandit traced the history of federation in India and examined the provisions of the federal scheme in the second. The latter part of the speech is given below.

WE would prefer to be without the constitution that is being forced on us by the British Government, but even limiting our consideration to the provisions relating to the Princes our gratitude to them is a little tempered by the privileges which they have claimed for themselves at every turn. Their entry into the federation will enable them to share in the control of all federal subjects and some subjects relating purely to British India, all of which are at present controlled by the Government of India and the British Indian Legislature. What do they surrender in return for this accession to their power? There will be no uniform list of federal subjects which they will be required to accept. Provided their reservations do not go too far they can retain any subject mentioned in the federal list under their control as at present. They may stipulate that, subject to the right of inspection by the Governor-General, federal laws shall be administered in their territories by their own officers. They are stoutly opposed to the federal legislature being empowered to impose taxation on the people of the Indian States. They will be accorded excessive representation in both chambers of the federal legislature and their representatives even in the lower house will be nominated by them. There is no trace of any surrender of power in any respect here. On the contrary it is apparent that, even to begin with, the new constitution such as it is will suffer from serious disadvantages and will work under a heavy handicap owing to the attitude of the Princes. Perhaps the right of directly electing the Assembly has been taken away from us partly in order to soften the glaring contrast that there would otherwise have been between the methods of choosing the representatives of British India and the representatives of the States!

So much for the present. As regards the future, the Government of India Bill makes advance as difficult as possible. It practically lays down in Clause 6 (4) that if any of its really important provisions are amended the Instruments of Accession will no longer be binding on the Princes. In other words, if, for instance, the Act is amended so as to allow India to exercise some constitutional control over defence the federation will be dissolved. We all know as a matter of practical politics that whatever the promises made by British statesmen, the attainment of our freedom will depend on the growth of unity among us. The transfer of defence in particular will depend on the extent to which we can trust one another, but a statutory provision of the kind just referred to is open to the strongest objection. It means in effect that the control of the federal legislature over subjects included in the federal list shall not be extended in any way without the consent of all the Princes.

The memorandum submitted by the Princes to the Viceroy throws further light on the position taken up by them. They have every right to put forward their point of view and there may be force in some of their representations, but the memorandum taken as a whole shows that the Princes want to

reduce the obligations of federal partnership to a minimum, while enhancing their own power and prestige, and to prevent the federal executive and legislature as far as possible from coming directly into touch with the people of the States.

The memorandum expresses a wish that defence and foreign affairs had been treated as Crown and not as federal reserved subjects? One hears in it an echo of the report of the Simon Commission. The signatories of the letter to the Viceroy took a leading part in the debates of the first Round Table Conference and fully supported India's demand for equality with the Dominions. In the Defence Sub-Committee also the Princes adopted an enlightened attitude. The Maharaja of Bikaner repudiated the suggestion that "British troops could never be withdrawn or Dominion Status granted because of the treaties with the States." "That is a view," said His Highness, "to which I personally and many others of us do not subscribe. We do not subscribe to that view because we do not want to stand in the way of the advance of our country, which is our motherland, in regard to these matters." But notwithstanding these pronouncements and the broad and liberal outlook indicated by them, we have received no help from the Princes either in regard to Indianisation or the gradual substitution of Indian for European troops. They have not uttered one word of dissent from the policy which the British Government has followed in respect of these matters during the last three years. And now they sigh that defence has not been treated as a Crown subject although the federal government will be as much theirs as that of British India!

No wonder that even the former opponents of federation are now its strong supporters. They distrust the Princes when questions relating to law and order, finance, currency and railways are concerned, but they rely on them to delay the advance of democracy.

"It is common ground, at any rate, to all of us these days," said Sir Austen Chamberlain in a recent debate in the House of Commons to the opponents of federation, "that responsibility at the Centre can only be granted as part of a federal system including the Indian States. If, by your own act, you refuse to make that federation possible, if you refuse the opportunity to the Princes and to British India to join in such a federation, are you certain that sooner or later—yes, and as things move today sooner rather than later—you will not be driven to establishing responsible government at the Centre for British India alone; and do you think you will have done a good day's work for the British Empire or for the connection of India with this country if you have reached that result?"

Federation is the reply of British politicians to the threat of independence.

The Princes are insistent that in all matters relating to paramountcy, specially in regard to their military protection, their relations should be with the Crown, but they demand at the same time that paramountcy should be defined and limited. When they speak of their relationship with the Crown they cannot mean that there is a personal relation between the rulers of Indian States and the occupant of the British throne. When we speak of the Royal prerogative we do not imply, as was claimed in the time of the Stuarts, that the King has a reserve of superior power which cannot be brought under legal control. Prerogative has been defined by Dicey as the discretionary authority of the executive at any particular time. The Princes are proud that they are not

subject to parliamentary legislation. As a necessary consequence they are subject to the arbitrary power of the executive which can be exercised without the checks imposed by publicity and discussion in a legislature. In asking for military protection and freedom from executive control they are asking for advantages which an independent ruler, who in misusing his authority runs the risk of losing his life or throne, does not possess. Executive intervention may be regulated in a few cases, but it will virtually remain undefined and unlimited so long as the Princes are unwilling to substitute internal for external control and trust the federal government, which will be theirs, and their own people.

In the transferred federal subjects the relations of the States will be with the federal Government. The Secretary of State has stated in his reply to the Princes that in respect of the matters accepted as federal in an Instrument of Accession the Crown "renounces in favour of the federation any rights, authority or jurisdiction which it may hitherto have exercised in connection with them." The transfer of a subject automatically curtails the limits of authority of the British executive. If the Princes will have more faith in a government of which they will be an important part they will put an end to the irritating and humiliating interference of the Political Department and have the glory of serving their motherland.

They can secure an equally satisfactory position in respect of non-federal matters if they patriotically invite their people to share the responsibilities of government with them. If they move with the times and realise their duties towards their subjects they will have no occasion to complain of the high-handedness of the Political Department or to distrust their own countrymen. But if with the Maharaja of Patiala they sneer at democracy as a discredited political theory and persist in ruling autocratically, as most of them do, they will have no moral right to complain of the autocracy of the British Government which is a consequence of their own irresponsibility.

It is certain that the Government of India Bill, which will be modified only to satisfy the Princes, will be forced on us despite our protests. We can neither suitably alter it nor defeat it. In this situation one can only say that if the flame of nationalism continues to burn brightly in us we shall notwithstanding all obstacles succeed in making India a single political entity to a larger extent than our opponents imagine. The people of the Indian States will be our coworkers in this task. In their struggle for self-expression they should have the full support of all those who are working for the achievement of unity and democracy in India.

Review.

HUMANITARIAN ASPECT OF COW PROTECTION.

COW PROTECTION. By VALJI GOVINDJI DESAI (Navajivan Karyalaya, Ahmedabad.) 1934. 21cm. 170p. As. 13.

THE book is written from the humanitarian point of view, and so it opens with a chapter on slaughter, its causes and prevention. Cattle are slaughtered, first and foremost, for their hides. Slaughter increases in

sympathy with a rise in the prices of hides. The following six chapters deal with the trade in horn, bone and blood. The author has cited some illuminating figures from the minutes of evidence recorded by the Indian Industries Commission, Indian Fiscal Commission and the Royal Commission on Agriculture. The whole of the fifth chapter is devoted to the adulteration of ghee with fat and the consequent evil effects on public health and a rise in the prices of dry animals. The next two chapters describe the cruelties inflicted upon the milking animals in large cities like Bombay, Calcutta and Madras by milkmen for getting more milk. Stables in the heart of the cities are uneconomical inasmuch as they lead to the slaughter of the animals in their prime of life, wholesale destruction of calves and the rise in the price of milk. The author advocates the urgency of humanising the milk trade. Later chapters deal with the reconstruction and reorganisation of humanitarian institutions like Goshalas and Pinjrapols. The business concerns suggested are a dairy, a cattle-breeding farm and tannery. In the opinion of the author, the use of buffalo's milk is responsible for the neglect of cows. The best way to stop slaughter is to increase the milk yield and quality of the cow. Cow-keeping should be a business proposition. What is wanted is a revolution in the tastes of the people who prefer buffalo's milk to cow's. If a man keeps a cow she will present him with a pair of bullocks every four years and thus he will have them extremely cheap.

Three chapters are devoted to citing the results of the breeding experiments carried on in America. Selection of sires, balanced ration and saving of urine and dung manure, increase the profits of cattle breeding and agriculture as a whole. That part of the book which gives us glimpses into the past is very interesting and illuminating. The articles on the bull in ancient times, cattle in ancient India, the cows of Gujarat and cattle in Akbar's time are full of scriptural and historical quotations. The appendices in themselves form an authoritative volume on cattle breeding. Three extracts from articles by William Smith, the then Imperial Dairy Expert, urge the importance of reorganization of the present dairy industry. The experiences of the Collector of Ganjam, Mr. A. Galletti, about the small holdings in Italy are worthy of our serious consideration.

The book is the outcome of notes carefully written from time to time and the student of the subject is sure to find much food for thought, as testified by Gandhiji in his Foreword to the book. The problem is well treated from the humanitarian point of view, but its economic aspects are not properly considered. Buffaloes supply the cities with 99 p. c. of their milk. How should they be replaced by cows? Can a revolution in public taste alone do that? Indigenous cattle-breeding agencies are fast disappearing. There is practically no dairy farming in India and the buffalo is a formidable rival to the cow. Our problem is different from that of the Americans. Revival of cattle-breeding agencies, State and municipal control of milk trade and educative propaganda are the preliminary steps that are necessary. Pinjrapols may take to dairying. But the starting of tanneries by them is sure to put a stop to charitable funds. During the last two years much thought has been given to this subject both by the public and the State. The author would have done well if he had done justice to thinkers and writers of the present day.

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