Registered —B. 330.

The Servant of India

EDITOR : P. KODANDA RAO——OFFICE : SERVANTS OF INDIA SOCIETY'S HOME, POONA 4.

VOL. XIII NO. 42. } POONA—THURSDAY, OCTOBER 16, 1930. { INDIAN SUBSN. Rs. 6. FOREIGN 15s.

CONTENTS.

Topics of the Week.

Yet Another Ordinance.

DURING the course of the last six months since the Civil Disobedience Movement began the Viceroy issued eight Ordinances to combat it. Two of them relating to the special trial of the Lahore Conspiracy case and of the martial law cases in Sholapur have, as it were, spent themselves. Another intended to control revolutionary crime in Bengal has been replaced by an Act of the Bengal Legislative Council. The others which aim at the press, news-sheets, picketing and social boycott, etc. are due to expire, some at the end of this month and others at the end of the next. The recent communiques of the Government's weekly appreciation of the political situation reported an improvement in it. There were indications that the pernicious activities of the Congress were on the wane, that the finances of the Congress were running low, that merchants who hitherto financed the Congress were slackening in their support, and that the general public had grown tired of the unprofitable excitement. It was hoped therefore that the rule by Ordinances would lapse quietly and the rule of law would return, that both the Congress and the Government would give every chance to the Round Table Conference to achieve beneficial results. It was therefore with something like a shock that the country learnt of yet another Ordinance, more drastic than the previous ones, which was promulgated on Friday last by the Viceroy and published in the press on Saturday. The new Ordinance empowers local Governments to take possession of immoveable property and confiscate moveable property which, in their opinion, was being used by associations declared unlawful for their activities. The most objectionable feature of the Ordinance is that it rigidly excludes the jurisdiction of the courts. At no stage does action taken under it come under review by the judicial courts.

The justification for the Ordinance is not so much the need for it as the results that it is likely to produce. Will it effectively check the movement? Are the Government satisfied that the previous Ordinances have succeeded in their object? They have drawn on themselves considerable odium in promulgating them. Their action would have had some justification if at least they had succeeded in their object. Are the Government not giving a new fillip to the movement which, according to their weekly reports, was on the wane? Was it wise and expedient to go in for another Ordinance?

If the Ordinance is an indication of the mood and temper of the Government, the question of the renewal of the other Ordinances which are soon to expire has more than academic interest. Whatever be the purely legal aspect of the case, it is clear that the constitutional proprieties, as the *Hindu* of Madras pointed out the other day, are emphatically against the renewal or re-promulgation of the expiring Ordinances. It is open to question whether the situation which necessitated the passing of the Press Ordinance, for instance, was of such an emergent nature that the Government could not consult the Legislature. There was no sudden emergence of danger which had to be dealt with with lightning swiftness. Secondly, the Legislature met since the Ordinances were promulgated and it was open to the Government to consult it even as the Bengal Government consulted its Legislative Council and persuaded it to enact the provisions of the Ordinance. But the Government did not avail themselves of the opportunity. It may be that the Government did not at the time expect that there would be any need to take out a fresh lease of the powers conferred by the Ordinances. It is open to them now to call for a special session of the Legislature and seek its sanction. The Government will be placing themselves in the wrong if they shrink from facing the Legislature and renew the Ordinances or re-promulgate them after a short break. It will be a manoeuvre unworthy of the Government and subversive of constitutionalism.

* * *

Lahore Conspiracy Case.

THE Special Tribunal set up under a special Ordinance of the Viceroy has condemned three of the accused in the Lahore Conspiracy case and sentenced seven to various terms of rigorous imprisonment or transportation for life and acquitted three. In many respects the case is unique. The starting point of the long drawn out case was the murder in broad daylight and in front of a Police Station in Lahore of two Police officials on the 17th December 1928. The enquiry proceedings commenced before a special Magistrate on the 10th July 1929 and dragged on till the 1st of May 1930 when the Viceroy promulgated an Ordinance to expedite the trial. The Ordinance constituted a Special Tribunal consisting of three High Court Judges and from its judgment there was to be no appeal. The Tribunal was empowered to proceed with the trial even if the accused were not present in Court. The Tribunal tried the case and examined

some hundreds of prosecution witnesses, who were however not cross-examined on behalf of the accused, who declined to appear before the Court and were unrepresented by counsel. Even on the *ex parte* evidence, the Special Tribunal acquitted three of the accused. If the normal procedure had been followed, it may well be that more or all might have been acquitted. It would, therefore, be extraordinarily unwise to execute the death sentences.

The justification for the special procedure laid down in the Viceregal Ordinance in the case was due to the obstructiveness of the accused. They first complained of the bad treatment in jail and one of them went on hunger strike for sixty-three days, when he succumbed to the fast. Mr. Jatin Das's martyrdom was not in vain. The Government felt compelled to review the treatment of prisoners in jails and promulgated revised rules recently. Government's tardy action cost Jatin Das his life and public sympathy was entirely with the accused in the Conspiracy case.

To get round the obstructive tactics of the accused the Government of India sought the sanction of the Legislative Assembly to amend the law so that the presence of the accused may be dispensed with, but they failed. The Assembly had deliberately refused to countenance the procedure. The Government then went over the head of the Legislature and promulgated an Ordinance to secure their purpose. Moreover, the Governor General is authorised by the Government of India Act to promulgate ordinances "in cases of emergency" in order to safeguard the "peace and good government" of India; and by no stretch of imagination can it be said that the obstructive tactics of the accused in the Lahore Conspiracy case created an emergency and threatened peace and good government. It should be remembered that the two principal accused adopted no such methods when they were tried in the Assembly Bomb Case and convicted. They knew they were being tried on a capital charge and were not likely to antagonise the Court without compelling reason.

The accused were unwise in refusing to defend themselves; they have only themselves to thank for the sentences they received. Nevertheless, taking all the circumstances into consideration, Government will be guilty of a crime if they carried out the death sentences. The least that they can do is to commute them.

* * *

Indians in the Transvaal.

The South African Indian Congress at an emergency session held in Johannesburg last week considered the situation created by the Union Government's Transvaal Asiatic Land Tenure Bill. This Bill was introduced in the Union Assembly last May and was meant to be rushed through in that session. But the Government was ultimately persuaded to postpone it to the next session and give time for a careful consideration of its provisions. The Bill creates a crisis not less grave than the one created by the Segregation Bill of 1925 which, as a result of the Round Table Conference, was dropped. The terms and the spirit of the Cape Town Agreement require that the status of Indians should be ameliorated, that disabilities now attaching to them should be lifted and that Indians should be helped to attain the European standard of life. The Agreement took note of the fact that these reforms might not be possible at once; it was reconciled to some delay. If there was a move, it should be in the direction of amelioration, certainly not in the reverse direction. The Bill now on the legislative anvil is of a retrograde character. It seeks to reimpose disabilities which were forged decades ago and which have been observed more in the breach and which in consequence deserve to be eliminated from the statute book altogether. The chief achievement of the Cape Town Agreement was that it led to the abandonment of the principle of segregation. The Bill seeks to re-introduce it. It compels Indian merchants long established in certain quarters to sell out and clear out to other segregated locations. The Congress, therefore, demanded that the Union Government should withdraw the Bill and introduce another to safeguard Indian rights. Failing it, it proposed that another Round Table Conference should be called together to review the situation. If the Union Government refused the request, the Congress desired the Government of India should break off diplomatic relations with South Africa and withdraw its Agent. The seriousness of the situation is indicated by the drastic steps that the Congress proposed.

We share the hope of the *Natal Witness* that the situation will improve and the Bill will be withdrawn. It is gratifying that the *Star* of Johannesbueg, a very influential journal, is convinced of the justice of the Indian case. It realises that the Bill is a matter of life and death to the Indians in the Transvaal. It realises also the far-reaching effects of the measure on the solidarity of the British Commonwealth of Nations. "Persistence in new anti-Indian legislation in South Africa will seriously complicate the already enormously difficult task of the Indian Government and the Secretary of State for India. If Empire solidarity means anything at all, it means that one part of the King's Dominions ought to be able to rely on exemption from gratuitous embarassments of this kind at the hands of the other parts, especially at moments of crisis." When the Liquor Bill, which proposed to throw out of employment some three thousand Indian waiters for the sole reason that they are Indians, was under consideration a couple of years ago, the press in South Africa stood out for fairplay and justice. We trust that on this occasion also the Press in South Africa will give a correct lead and shield the voteless Indians from the impending tyranny and disaster.

Gen. Hertzog is in England for the Imperial Conference and is sure to meet many of the Indians who are there for the Round Table Conference. He will realise from them, as from His Majesty's Government, of the depth of resentment in India over the treatment of Indians in his country and the grave complications that his Government's policy has caused India and the Commonwealth.

* * *

More Magisterial Excesses.

THE Chief Justice and Justice Barlee of the Bombay High Court have quashed the convictions and set aside the sentences passed by the District Magistrate of Ahmedabad on the first and second Ranpur Enquiry Committees. It will be recalled that in August last the Gujarat Provincial Congress Committee appointed a committee to enquire into the conduct of some police officials against whom allegations of excesses were made. The District Magistrate prohibited the enquiry and convicted the Committee which challenged his order. Undaunted by the Magisterial wrath, the Congress set up another committee of enquiry, which also shared the fate of the first Committee. The convicted members, being Congressmen, declined to appeal against the convictions and quietly went to jail. The Bar Association of Ahmedabad, however, after vainly attempting to get the Magistrate to withdraw his illegal orders, moved the superior courts, with the result that the High Court set aside the convictions.

Articles.

UNITARY OR FEDERAL.

SIR P. S. SIVASWAMY AIYAR has presented in the *Triveni* a masterly analysis of the Simon Report. He has come to the deliberate conclusion, after careful and thorough study, that the Report is "a pretentious monument of political unwisdom and lack of imagination, insight and constructive statesmanship." This is the considered verdict, not of an irresponsible agitator, but of one who is deservedly held in the highest regard both by the Government and the Indian public for his scholarship, ripe experience of official and unofficial responsibilities and mature judgment. If anything, he has the reputation of being a Conservative, for he is one of the fast dwindling few who avow that they "still retain faith in the English people." While the recommendations of the Commission with reference to the provinces can be discussed with a view to making them more acceptable, those referring to the Central Government are, in his opinion, "so radically vicious that they cannot possibly be accepted." They are dominated by the Commission's ideal of the political goal of India and Sir P. S. Sivaswamy Aiyar devotes the best part of his crititicism to its examination.

Neither the historical background of India, nor the present needs, nor even the future goal, neither the promises and pledges of the British Parliament and statesman, nor political science nor constitutional history warrant the breaking up of the unitary government now prevailing in British India and its remodelling on federal lines, as suggested by the Simon Commission. Unity is the ideal, not federation. It is only when circumstances militate against the consummation of unity that federation, as the second best, has to be tolerated. To deliberately break up a unitary government that has laboriously been built up just at the time of its consolidation is an act of vandalism under any circumstances and more so when it is uncalled for.

The justification offered by the Commission for their proposal which they themselves admit is retrograde is their desire to enable the Indian States to come into organic relations with British India. Considering the option that is to be given to the six hundred and odd Princes—their subjects are not taken into consideration at all—to join British India if and when they wish, and the consequent uncertainty of their coming in, it is the height of absurdity to demolish the unitary government built up in British India. It is worse than the tail wagging the dog. The pledges of Britain and the hopes and aspirations of British Indians postulate the development of responsible government in British India, irrespective of union with the Indian States; the former should not be conditioned by the latter. Sir Sivaswamy Aiyar, therefore, rightly insists that the unitary government of British India and the development of responsible government in it should not be dependent on the creation of closer relations between British India and the Indian States.

He realises however that some scheme should be evolved by which Indian States can come into closer relations with British India. The scheme should take note of two conditions: the recognition of the internal sovereignty of the Indian States, which he concedes and of direct relations of the Princes with the Crown which he contests but acquiesces in, if only for the time. He looks forward to the day when the people in British India and the Indian States will form one organic unity and have one Central Government, which shall be responsible to all of them. Some transitory arrangement is necessary in the meanwhile. He advocates the representation of the States in both chambers of the central legislature on a population basis. The representatives are to be chosen by the Princes in the manner they like, and they should not take part in matters which are not scheduled as all-India subjects. As democratic institutions develop in the States, the representatives of the States will increasingly be the representatives of the people as distinct from the rulers. Sir P. S. Sivaswamy Aiyar's scheme is intended to respect the internal autonomy of the Indian States and at the same time save the unitary government in British India from disruption, and provide for joint action in common concerns.

The scheme is attractive inasmuch as it follows the path of least resistance and is capable of evolution towards full responsible government for the whole of India in course of time. We may, however, be permitted one or two remarks. Sir P. S. Sivaswamy Aiyar is at pains to respect the claim of the Indian Princes to internal autonomy of the States. But it is obvious that even under the scheme of closer union that he proposes, the internal autonomy of the States will be materially encroached upon. The Central Legislature, which is to contain representatives of the States, is given power to legislate on matters included in the schedule as of common interest. The legislation will be binding on the States. Secondly, to discharge central functions, collect central taxes and administer central legislation the Central Government will have to employ their own servants, who must have the same rights of jurisdiction in the States as in British India, even as they have to-day in the matter of Posts and Telegraphs and Railways, for instance. The Central Government may have to institute their own courts to adjudicate cases in which their officers are parties. The inevitable result of any type of closer union, unless it be of the League of Nations type, is to slice off a considerable chunk from the internal autonomy of the States. The only difference between British India and Indian India will then be that the residuary powers in British India will vest in the Central Government and in Indian India in the States. It is no doubt a vital difference; but it is largely obliterated by the paramountcy of the Paramount Power. And the Butler Committee has said that Paramountcy must be paramount.

While thus the provincial governments in British India will, under the unitary system, be subject to-

superintendence, direction and control of the Central Government, the governments of Indian States will be subject to the general supervision of the Paramount Power. In practice, it will come to a unitary government of India as a whole, with considerable devolution of powers to the provinces and the States.

The difference between the two categories will depend more on who exercises the control over the provinces and paramountcy over the States. If the same authority does both, we have a unitary government; if two, perhaps a federation, rather dyarchy. There seems to be considerable volume of opinion that some kind of dyarchy is inevitable in the transition stage. The Viceroy will exercise paramountcy, while the Government of India will exercise control over the Provinces.

INDIAN AFFAIRS IN ENGLAND.

SURPRISE was expressed in mail week in the British Press that even the publication of the names of the Indian Delegation to the Round Table Conference did not arouse much public interest and the hope was entertained that this would follow the publication of the names of its chairman and of the British Delegation. The fact seems to be that very little is known about the work before the Conference for the common people to feel interested. And the aloofness of the Congress Party has doubtless detracted a good deal from its popularity. As the *Nation & Athenaeum* puts it, "most of the Hindu Liberals, who form the bulk of the members from British India, practically "chose themselves", once it was certain that the Congress Party would not be represented". The paper continues :

> A deputation, which includes Sir Ramaswami Aiyar, Mr. Chintamani, Mr. Jayakar, Sir P. C. Mitter, Sir Tej Bahadur Sapru, Mr. Sastri, and Sir Chimanlal Setalvad, cannot be accused of lacking either experience or debating skill, and many of this group are as keen Nationalists as the recognized Swarajist leaders, though less truculent. One or two of the Mohammedan members will arouse more confidence in Great Britain than in India, but the presence of Mr. Jinnah and Sir Muhammad Shafi should prevent this group becoming too closely identified with communal and land-owning interests. Compared with the very powerful delegation representing the Indian States, the members from British India are likely to display a lack of cohesion and an inability to form effective groups due to the fact that they are a far more heterogeneous collection, and that some of the more prominent members had almost retired from public life.

We do not know to whom the reference is in the last part of the last sentence, for we do not believe it is correct to represent "the more prominent members" of the Indian Delegation to have "retired from public life." It is one thing to say that they are not as active as they well might be; but it is another thing to assert that they have bid farewell to public life. But to go on. In common with many in India, this paper also regards the female representation in the Indian Delagation as unsatisfactory. "Mrs. Shah Nawaz and Mrs. Subbaroyan would be the first to admit that their presence at the Conference, as the only women members, gives a totally inadequate idea of the part which their sex has already played in the social and political life of India or of its future importance." It has also another fault to find.

> Even more surprising, with a Labour Government in office, is the failure to get better representation for the disfranchised cultivators, and the urban workers. Diwan Chamanlal was on obvious choice, both from his work for the industrial labourer, and because of his connection with the Swarajist movement, but the ommission of Mr. Joshi is as surprising as it is unfortunate. There are, of course, two other members—Dr. Ambedkar and Rao Bahadur Avargal*—who will doubtless carry on, during the Conference, the good work they have already done for the depressed classes; but, taken as a whole, the delegation is drawn from men and women of the professional, the land-owning, and the commercial classes, and if the Conference ever reaches the stage of discussing such points as the extension of the franchise, it is essential that there should be some adequate counterpoise to the strength of the last two sections. The lack of this will place on the British representatives the duty of balancing the somewhat lop-sided nature of the Indian delegation.

The inclusion of Messrs. Joshi and Shiva Rao which has since been notified removes most of the ground for the above criticism.

The *Manchester Guardian*, whose recent conversion into a supporter of Dominion Status for India is to us a great asset and upon which it deserves heartfelt congratulations, had some time back expressed the view that India should not expect to attain Dominion Status for a good long time. This drew a spirited protest from Munshi Iswar Saran who in a letter published in the same journal pointed out that there was such general agreement on the question of the desirability of full Dominion Status for India at the earliest opportunity among politically-minded Indians that if Dominion Status minus certain well understood reservations was not going to be the outcome of the Conference it might as well not be held. The *Guardian's* rejoinder is noteworthy and we do not apologise for reproducing it in full :

> The term Dominion status has become one of the counters in the Indian problem. It is difficult to define with any exactness and occurs in no statute or other official writing. Yet India has apparently set her heart on having Dominion status. A writer in our correspondence columns to-day takes us to task for having said that since the present British Parliament would certainly not pass an India Act which granted what the Congress leaders mean by Dominion status there was no point in luring them to the Round-Table Conference by pretending that this was not so or by juggling with words in order to produce a formula which meant Dominion status to them and something less in England. And he goes on to ask what is the use of having a conference at all if the issue is thus prejudged. There would be no use, certainly, if the Congress were India. Actually it is not. Actually there are a large number of Indians, amongst whom is our correspondent, who are prepared to admit the need for transitional safeguards—as far as the ultimate aim is concerned we are all of one mind, even Mr. Churchill,— and with them it is possible to negotiate, perhaps to reach as agreement which, embodied in an Act, will be acceptable to a sufficient body of opinion in India to be workable. We have in this country too great a respect for the intelligence of Indian Nationalists to imagine that they could be persuaded to accept such an agreement just by pretending it was Dominion status. It will not be Dominion status though much nearer to it than the Montagu Constitution. Indeed, it will not be a fixed thing at all, but growing. And the sooner it grows into an entirely Indian Government, expressing fully the genius of the Indian people, the better pleased all sensible Englishmen will be.

The Indian Empire Society consisting of reactionary retired Governors and administrators like Lord Sydenham, Sir Michal O'Dwyer, and Sir Reginald

* Apparently Rao Bahadur R. Srinivasan is meant.

Craddock, is as usual very active with its anti-Indian propaganada. The information about Indian conditions which is purveyed to the British public by this means is at times distorted, of which we have the following sample in Lord Ampthill's letter published in the *Daily Telegraph*. He says:

> I refer, of course, to the boycott of British goods, that has been ordered by the Congress party, and is already being carried out with results disastrous to trade in this country as well as in India. The native traders, indeed, have already suffered to such an extent that they are appealing to the Indian Government to take action against the Congress leaders.

As regards "native traders", there is no doubt that they have suffered, but we do not know of any of them having gone on bended knees before the Indian Government and asked that action be taken against Congress leaders, as alleged by Lord Ampthill. Equally misleading is the Calcutta correspondent of the *Observer* when he talks of "the reports, daily growing in volume, of meetings organised in villages in every province to condemn civil disobedience, picketing, the boycott coercion, and other planks in the Congress policy of destruction." We must say these meetings are a myth. We wish the reports were true. The line of action on the part of the Indian Empire Society is to make the British merchant and investor in India unduly apprehensive as to the undesirable effects of the proposed political reforms on his privileged position and to ask him to make a generous contribution to the Society's funds with a view to enable it to avert the disaster, the contribution in this case being in the nature, so to say, of insurance money. Lord Ampthill also closes his letter with a suitably worded appeal for funds to the society. He will be interested to learn what a British businessman in India, Mr. J. D. Jenkins, thinks of the Society's activities in his letter in the *Spectator* of September 13. says he :—

> In the *Spectator* of July 26th you published an "appeal" signed by Lord Sumner, Lord Sydenham and others. We read: "The Indian Empire Society has been established in England to inform and focus public opinion...on the realities of the situation in India."
>
> These are some of the "realities." Bombay is rapidly sinking to the level of Surat. British goods to the value of nine crores are left unsold in Bombay, because of the wonderful boycott. Half of the mills will be closed by the end of this month ("Swadeshi" and "non-Swadeshi"). It is thought that all of Bombay's eighty-three mills will have to close down in three months from now unless the situation rapidly improves. That means that 150,000 workers will be thrown out of employment, to join the ranks of Congress as "volunteers."
>
> All the gaols of India are crammed full. Last week the Government of Bengal asked for an extra grant (and, of course, got it) amounting to nearly 20 lakhs, for extra gaol accommodation and for more police. All this is unpleasant enough; that the money should have to be extracted from nation building services is more unpleasant. In general India makes shift with a police force amazingly small in proportion to the immense population. This is only possible because the Indian people in ordinary circumstances are amazingly law-abiding—the most law-abiding on the face of the earth.
>
> If the campaign lasts one whole year every European and Indian import establishment in India will have to close down; the gaol population will be trebled: the revenues of the Provincial and Central Governments will be halved; and we shall probably be compelled to ask the British tax-payers for the means to provide forces for law and order.
>
> The whole of India of every caste and creed, from the Prince to the coolie, is behind the Congress in its just and reasonable demand that "India shall forthwith enjoy an *equal status* with any other unit within and without the Empire." And that, after all, is all that the great Mahatma is demanding. It is because we have made no sincere effort thus far to satisfy this demand that conditions in India to-day are so deplorably difficult. The youth of India, the middle-aged and the aged—men and women of culture delight in going to the foulest of prisons, like Visapur (Sir Leslie Wilson will be shocked to hear of Visapur again), and submitting to incredible hardships for their convictions. They are all determined to destroy this "thing" (as Townsend described it) "which exists and is alive but cannot be accounted for by any process of reasoning founded on experience." They are determined to succeed or perish in the effort. These are few of the realities of the Indian situation. And were Lord Sydenham to give me an assurance that his Society would "focus opinion in Britain on these facts" I would gladly send a "T. T." for £. 500.

Should India have "the right of secession" or not? This is the question frequently canvassed in the British Press and among those who wrote in mail week on the question, the place of honour must naturally go to of Prof. A. Berriedale Keith of the Edinburgh University. He takes it as probable that the Labour Government "will yield to the demand that the right of secession should be admitted to be inherent in Dominion Status" and suggests:

> It should at least be made subject to the express condition that, while secession would terminate any political relations inconsistent therewith, the seceding territory must continue to observe its financial obligations to the United Kingdom, and to carry out faithfully its engagements to those private individuals in the United Kingdom who have advanced money on the strength of the admission of the securities of the territory to the rank of trustee stocks. The Imperial Conference on Dominion Legislation of 1929 conceded to the Imperial Government the right to disallow legislation inconsistent with the terms on which loans had been raised, but with secession that power would automatically disappear, and the Dominions cannot with any propriety object to placing on record the doctrine that they cannot by secession derogate from the rights of those who have lent them money for development. Nor is it desirable that the advocates of secession in the Dominions should be supplied with the argument that by separation the Dominions could automatically rid themselves of the painful business of discharging debts.

Further:

> That the risk of repudiation is not fanciful is sufficiently proved by the attitude of a considerable section of trade union opinion in the Commonwealth, which is apparently anxious to get rid both of the Commonwealth war debt to the United Kingdom and of the obligations of the Commonwealth on behalf (of itself and the State to private lenders in the United Kingdom. Moreover, as Dominion status has been promised to India, it is impossible to ignore the fact that there is a widespread demand there not merely for independence but also for the wholesale repudiation of contractual obligations, whether to the British Government, private lenders, or the public services. Even those who sympathise with national aspirations in the Dominions or India may hesitate to accept the claim that cessation of political association entails repudiation of financial obligations.

Dr. Gilbert Slater again puts in an earnest plea for the grant to Indians of the right to secede, "if they express their wish to do so through any representative institutions they may actually possess, in order that Indians may be given the power not to secede. Those who wish away are a very small minority of the educated minority; but by appearing to deny the right of secession and eqality of status we are giving them the power to make tolerable government impossible and to force secession on an unwilling majority." He points out that "hostile agitators" are constantly in the habit of attributing every

calamity to the British Government. The best way to defend the Government against such unfair attacks is "to recognise unequivocally the right of secession, and to select an Indian as the next Viceroy"—a conclusion to which he has reached after several years' cogitation.

Lord Meston contributes an article on the Conference to the *Sunday Times* of September 21 in which, besides asking that the Simon Report be not shelved, he tells us what, in his opinion, the Conference is expected to achieve.

> Obviously not a new constitution, for that is the business of Parliament. Obviously not even a basis of compromise for a constitution; in the absence of the extremists, that is impossible; and in any case the participants in the Conference are not plenipotentiaries for the interests they represent. The most that can be hoped is that it will give us at home a clearer appreciation of the complexities in India, convince the Indian delegates of our good faith and good will, and incidentally remove obscurity from some of the minor issues.

The Diplomatic Correspondent of the *Daily Telegraph* interviewed the Maharaja of Patiala in mail week and asked him how the break-down of the peace negotiations would affect the prospects of the Conference, and how far Indian popular opinion was likely to endorse decisions, which would have to be reached "without the participation of the Congressists."

> The Maharaja expressed regret for the breakdown, but held that the Conference should and would undoubtedly meet in spite of it, and apply itself to a solution of the many important problems which await decisions, adding thoughtfully:
>
> "Your question implies that there will be agreement between the Indian representatives and his Majesty's Government. So long as this remains the assumption, there is no reason why agreements thus reached should not be valid."
>
> But, adds the correspondent, there seemed to be, on the part of the Princes' spokesman, a certain hesitation to accept the assumption without qualification.

Another question put to the Maharaja in which British India is keenly interested related to the proposed transfer of police to the control of popular ministers. He was asked whether this "would not be fraught with peril," to which his reply was:

> This is a matter between his Majesty's Government and the people of British India, and I do not feel called upon to answer it. But, speaking from the analogy of the Indian States, there can be but one answer, and that an emphatic "No."

Mr. Conrad Noel, Chairman, British Section, League against Imperialism, drew attention through the hospitality of the *Manchester Guardian* to the outbreak of prisoners in Meerut jail and the harshness of the measures taken to put it down.

> The actual outbreak, he said, seems to have been trivial but its suppression was brutal and vindictive. Boys of about 17 years of age were flogged till their clothing was drenched with blood, and the very natural protest against this treatment on the part of the other prisoners was met with fierce punishments, prisoners being confined in bar fetters. That this should have happened on August 29 and that the India Office knew nothing about it on September 10 is very unsatisfactory. The memorial that the conspiracy prisoners drew up regarding this occurrence was apparently suppressed by the authorities.

In her letter published in the *Times*, Miss E. Rathbone criticises the Congress party for the alleged unfair use they made of the Sarda Act for inciting the illiterate and the ignorant against the Government on the ground, as the Congress Party is said to have put it, of Government interference in religious matters. By way of strengthening the case for the prevention of child marriage she refers to "the grim fact" that

> at a moderate estimate (some experts think far too moderate), maternal deaths number 15 per thousand confinements, or 126,000 per annum, or 14 per hour. Further, under the conditions of midwifery as practised by native dais, a large proportion of these deaths are, bluntly, deaths by slow torture.

But if she rails against the Congress Party for making unfair use of the Sarda Act, she lays herself open to the same charge when she pleads for wider publicity to the evils of child marriage in India "throughout the civilized world"

> In order that Indian politicians—whose fervent patriotism we cannot but admire whatever we may think of their methods—may realize that the claim of their country to be recognized as the equal of the great civilized nations of the would will not and cannot be judged by its political status alone.

That is to say, she would like the evil of child marriage being used to delay the grant of enlarged political rights to this country. Miss Rathbone need hardly be told that a vast majority of those who are carrying on a fight with the British Government for political freedom have set their heart on it as a means of freeing the masses from such evils more than for anything else.

D. V. A.

THE SIMON COMMISSION REPORT*.

BY SIR P. S. SIVASWAMY AIYER, K. C. S. I., C. I. E.

(Concluded from last issue.)

QUESTION FUNDAMENTAL.

Some people may be tempted to ask whether this lengthy discussion about the unitary type and the federal type may not be a question of mere names and definitions and whether there is any substance in this controversy. There are no doubt federations and federations, and some federations may resemble in character a unitary government which has carried out a large measure of decentralisation by statute. In such cases the Central Government and provincial governments will ordinarily work in separate and well-demarcated fields of legislation and administration. What then, it may be asked, is the practical difference between such a government and a federal government? In the first place, it would be easier for the Central Government to exercise special powers in emergencies like the breakdown of the machinery of a provincial government and to exercise certain powers of control over the vagaries and aberrations of the provincial governments where they result in the oppression of minorities and in injustice to them. In the next place, all powers which have not been specifically parted with to the provincial governments would necessarily vest in the Central Government. What is known as the residuary jurisdiction, in cases not otherwise provided for, will be exercised by the Central Government. Thirdly, it would be easier for the Central Government to carry out necessary changes in the constitution without recourse to the cumbrous formalities required under a federal constitution. Fourthly, it would be easy to maintain uniformity of laws and methods of administration throughout the whole country. Fifthly, the federal mentality is always prone to weaken the central power, for according to its theory the power of the centre is derived from the provinces. A unitary government which has carried out as large a measure of decentralisation as practicable in favour of the provinces has

*Reproduced from the *Triveni*.

the merit of combining the advantages of federal and unitary governments. It can afford within necessary limits the fullest scope for the development of the provinces in accordance with their special capacities and resources and for diversity in methods of administration wherever uniformity is not essential. It may be urged that it is possible to provide some of these features in a federal constitution; but it is not easy. It must also be remembered that theories have a great influence upon men's minds in the practical working of constitutions. The greatest practical advantage flowing from our adherence to the unitary ideal is that it will not involve any break in the lines of our political evolution and that it will not call for any radical changes in the structure of the Central Government,

IDEAL FROM VIEW-POINT OF STATES A GENUINE FEDERATION WITH BRITISH INDIA.

Let us now turn to consider the future ideal of India from the point of view of the Indian States. We must be careful here to distinguish between the rulers and the peoples of the Indian States. The rulers of the Indian States claim to represent their subjects in external affairs. The relations between British India and the States are treated as a matter of external policy in regard to which the Princes consider themselves solely entitled to speak on behalf of their peoples. Having regard to the treaties assuring them of their internal sovereignty and the rules of quasi-international law applicable to their relations, it cannot be said that the Princes' contention is untenable. This is the reason why the Princes have stoutly opposed the suggestion that the subjects of the States should be representated at the Round Table Conference. British India has therefore no right to enter into any negotiations with the people of the States against the wishes of their rulers. But the question of the future ideal of India and the form that any federation between British India and the States should take raises issues of the greatest importance in which the people of the States are as deeply interested as the people of British India. Apart from the fact that the interests and view-points of the States and their rulers cannot always be identical, it is not possible to ignore for all time the right of any people to have a voice in the government of their State. In considering the ultimate evolution of the polity of India as a whole, it would be most short-sighted to refuse to take the people of the States into account. What exactly should be the nature of the transitory arrangements to be made before the final goal is reached, we shall have to consider presently. So far as the final shape of the political organisation of India is concerned, it is impossible and unwise to conceive it as an association of British India with *the rulers only* of the numerous Indian States. That such an association is impossible can be easily demonstrated. Even the Simon Commission, with all their anxiety to please and placate the Princes, recognise the difficulties inherent in the political integration of autocratically governed States and democratic governments in which governments acknowledge a constitutional responsibility to the people (para 231). But they make light of the difficulty of combining such incongruous elements and consider that the difficulties have been exaggerated. The only analogies which they can put forward are those of the old German federation and the League of Nations. It has been already shown that these analogies are totally misleading and inapplicable. What India wants is a union of its peoples and a consolidation of the different parts of the nation in an organic whole and not a loose and fragile association. An association between rulers alone may have the uses of an alliance in the international sphere, but such an alliance is not an organisation and can never be a substitute for a union of peoples. It is the intimate union of peoples in a definite organisation that can alone endure. Alliances of rulers alone can never last. History bears abundant witness to the truth of this proposition. Leaving out of account the numerous alliances between European sovereigns which have been formed and dissolved or re-shuffled any number of times, the very instance of the German federation quoted by the Commission proves the truth of the proposition. The old German confederacy which was formed in 1815 was no federation and no union at all. It broke up, as it was bound to do, and even the Imperial constitution, which superseded it but vested all real power in the hands of the Bundesrath, failed to satisfy the national aspirations of the people. As remarked by Dr. Preuss, with the growth of nationalism the centre of gravity of public life was more and more shifted in favour of the Empire. The tenacious resistance of the old powers to polical evolution in accordance with the dictates of nationalism was a source of weakness and discord and was considered to be one of the contributory causes of the disaster which overtook Germany at the end of the Great War. It may be urged that, in speaking in the same breath of the forces of nationalism in Germany and the tendency to democracy in the Indian States, I am allowing my imagination to run away with me and that the stolid contentment of the people of the Indian States is likely to last for some generations without disturbing the peace or pleasures of their rulers. But no one who has watched the growth of nationalism in Europe in the last century and in Asia in the present century can doubt that ideas are moving in the world much faster than at any previous epoch. To think of a a federation between British India and the rulers of the Indian States only, or of a federation in which there would be no place for the representation of the peoples of the States, as the final form of the political evolution of India, may be in keeping with the Princes' dream of a political Paradise. The only political organisation of the future that can endure and possess the elements of strength, vitality and powers of resistance against aggression is an organisation based upon the active support and intelligent participation of the people. These considerations should be sufficient to induce us to reject unhesitatingly the pseudo-federation outlined by the Simon Commission consisting in a unicameral legislature, representative only of the States and provinces as ultimate federal units, with the Governor-General as the apex of the structure in his dual capacity as Viceroy and as the political head of British India. It need be hardly pointed out that a federal structure of this extraordinary kind with an apex deriving authority from two sources, one Indian and one extra-Indian, is utterly incompatible with the ideal of responsible government and that this feature alone must ensure its rejection. Whatever may be the answer to the difficulties propounded by the Commission in paragraph 231, an ultimate ideal of federation without the element of responsibility to the people or representation of the people must be ruled out.

TRANSITIONAL ARRANGEMENTS.

If a federation of the genuine type between British India and the States is to be the future ideal, what is the nature of the arrangements to be provided in the interval that must necessarily elapse before the final consummation? Should the States be separately organised as a solid federal body as pictured by the Maharaja of Bikaner? Should the structure and garb of the Central Government of India be now altered in anticipation of the distant wedding day?

Is it possible to accelerate the progress towards a union? These are the questions to which an answer must be found. In this connection the question has often been asked why the relations between the States and British India should follow any particular pattern or type of association recorded in history. The Simon Commission also consider that the application of the federal idea to Greater India cannot follow any known pattern. There is no objection in principle to the formulation of an interim scheme contrived to meet the special needs of British India on the one hand and the Indian States on the other, or of an ultimate scheme which would embrace India as a whole and harmonise the interests of all its parts. While it is not necessary for India to fashion its future constitution in strict accordance with any past model, it would be ridiculous to throw away the lessons to be drawn from past history and experience. What the essential features of any future constitution must be has been indicated. Subject to these conditions, the union of the two Indias may be achieved by discussion and negotiation between British India and the Princes' Chamber or any other body representing the States, or by the gradual accretion of units to an existing constitional scheme. The Montagu-Chelmsford Report evidently conceived the Government of British India as adhering to its present type and acquiring a responsible character, and the States entering into a closer association with the Central Government of British India, if they wish to do so. It is far from likely that the States would all decide to enter into partnership with British India at the same time. The forecast of a gradual accretion of the Indian States to the constitutional scheme of British India is more likely to be fulfilled by the course of events.

A Constructive Scheme.

The only solution which will provide for this gradual accretion of States and which will not bar the way to the genuine federation of the future is to allow the States to join the British Indian constitution on some such lines as the following. So far as the major States of Indian India are concerned, they may be allowed to send their representatives to both the Indian Legislative Assembly and the Council of State, the quota of representatives being determined on the same ratio to the population as in British India. Assuming that the constitution of the Assembly provides for a quota of one member for every million of the population Mysore with its population of 6 millions would be entitled to send 6 representatives; Hyderabad with its population of 12 millions would send 12 representatives; Travancore would be entitled to send in 4 members, Baroda 2 and Kashmere 3. States which do not possess the requisite population for a seat may be conveniently grouped together according to their geographical contiguity and allowed representation on the same basis. Similar arrangements may be made for representation in the Council of State. It may be thought that representation of the States in Upper Chamber alone might be sufficient; but this course would be open the to several objections. In the first place, it would not be possible to provide for adequate representation in the Council of State without unduly enlarging its size. Secondly, the Legislative Assembly which represents the people directly would and should be the more important body of the two Houses, especially in matters of finance, and it is right that the Indian States should have a voice in the deliberations of the Assembly.

As regards the method of selection of the representatives to the two Chambers of the Indian Legislature, it should be carried out in such a manner as not to infringe the principle of internal autonomy of which the Indian Princes are naturally very jealous. The ruler of each Indian State, or the rulers of each group of States, should have the sole right to determine the method of selection of the representatives. The State should be left free to nominate its representatives in any manner it deems best. The ruler of a State may nominate the representatives to both the Council of State and the Assembly according to his own sense of fitness. He may nominate his Dewan or any high official or any trusted non-official. If he considers it proper to consult the wishes of his people, he may make his nomination from a panel of candidates recommended by the Legislative Council or other body, if there is one. Or if he considers that the people of the State are sufficiently advanced, he may permit the representatives to be elected by them. British India would have no right to interfere with the internal arrangements for the selection of representatives by the rulers of the States. Gradually, and with the progress of education, it may be expected that the representatives of the States would be chosen by a system of election. It is not an extravagant hope that even the Indian Princes, who are most convinced of the present need for autocracy and who are most jealous of their internal autonomy, will admit the possibility of adequate enlightenment of their people and their fitness for the franchise as a future ideal.

With regard to the rights and powers of the State delegates for the Indian Legislature, they should for the present be strictly confined to participation in the discussion and decision of all matters which will be included in a schedule of all-India subjects. When matters affecting British India alone come under the consideration of the Legislature, they should not be allowed to attend or vote therein. This restriction on the ordinary rights of a delegate to the Indian Legislature is absolutely necessary in the interests of the principle of mutual non-interference between British India and the States in matters affecting either of them only. When a sufficient number of the major States shall have fallen in with this scheme, it may be possible to entrust the political and foreign portfolio to two Indian members, of whom one may be chosen by the Viceroy either from the State representatives in the Indian Legislature or from among the Dewans or other high officials of the Indian States represented in the Assembly. During such transition period as may be found necessary, the members in charge of the political portfolio may be responsible to the Viceroy only and not to the Indian Legislature. During the same period any questions relating to the purely internal concerns of the States, or the personal concerns of their rulers, may be dealt with only by the Viceroy and the political members of his Council and not by the Governor-General in Council as a whole. Before any federation in its final form can be thought of, it would be necessary for the Indian States to acquire sufficient confidence in the Government of India to renounce their contention of direct relations with the Crown and to give up the claim set up on their behalf by the Simon Commission to military support by the British Crown, as distinguished from the Government of India, against internal disturbances in their States.

Though the Government of India may have no right to compel any Indian State to enter into closer association with British India, there is no objection in policy or principle to hold out inducements to the rulers of the States to enter into such closer relations. In providing for the representation of States whose rulers may be willing to send delegates to the Indian Legislature, it may be laid down that only those states are entitled to representation which may have

achieved some of the minimum requirements of political progress. The privilege of representation may be conferred only upon those States which have established a legislative council with a representative non-official element, fixed a civil list and effected a separation of the privy purse of the sovereign from the State revenues, and provided for an annual audit by an independent auditor and the publication of his report. Perhaps the best way of securing an independent audit would be by the appointment of an Auditor-General for the States by the Government of India. These conditions are very modest and the Princes should welcome an independent audit, so that it may not be possible for their enemies or critics to accuse them of squandering the resources of their States for their personal and family purposes. The scheme outlined provides for the automatic growth of the future constitution of India on progressive lines.

Two important questions have to be referred to before we pass from this subject. It has been suggested that the representatives of the States should take their seats only in the Council of State and that this body should gradually become the more important body of the legislature and attract all the business that is common to British India and the States, leaving the Assembly to be atrophied. This suggestion would be open to all the objections that have been pointed out to a unicameral legislature in the centre.

COUNCIL FOR GREATER INDIA INEXPEDIENT

The other question to be considered is what provision should be made for consulting the wishes of those Indian States which may not be willing to enter into any union with the Indian Legislature. The Simon Commission have proposed a Council for Greater India consisting of 10 representatives of the States and 20 members including the Political Secretary and members elected from the Indian Central Legislature. On mature reflection I feel convinced that the creation of any such standing organisation, inclusive of the representatives of the States and of British India, would be an insidious menace to the existence of the Indian Legislature. The existing Chamber of Princes, coupled with the appointment of *ad hoc* committees by the Chamber of Princes and the Indian Legislature to confer with each other, would be sufficient for joint consultation and discussion between the States that keep out of the scheme and British India.

It may perhaps be urged that the restriction of the right of any section of the members of the Legislature to partake in the decision of all questions is anomalous. But as conceded by the Simon Commission, any solution of the unique difficulties of the Indian problem must partake of an anomalous character, and the constructive solution that has been suggested above is far less open to objection and far more in keeping with the growth of political ideas. In view of the preceding discussion as to the future evolution of the Government of India, it is quite unnecessary to break up the existing structure of the Central Government. Progress will be best achieved by building on the existing foundations. The foregoing scheme has the merits of flexibility and capacity for growth and may well be regarded as India's contribution to constructive political thought.

SAFEGUARDS PROPOSED BY COMMISSION INCONSISTENT WITH RESPONSIBLE GOVERNMENT.

One of the principles laid down by the Commission as at the basis of their scheme of reforms is the necessity, during the transition period, of providing safeguards for the maintenance and efficiency of the fundamentals of government. That it may not be possible for India to come into the full enjoyment of Dominion Status may be conceded. But what India is keen about is that the intervening period should be abridged to the shortest possible limits. There could be no difference of opinion as to the need for securing the stability and efficiency of the government and the proper discharge of all its vital functions, whether during the transition period or after the attainment of the goal. Nor is there likely to be much difference of opinion as to the need for machinery to ensure these objects. But as regards the character of the safeguards and the length of the period during which special safeguards will be necessary, differences of view will arise. It will be clear from the whole trend of the Simon Report that, far from abridging the route to the goal, the Commission's proposals will have the result of prolonging it to infinity. The goal of responsible government in the centre will ever recede into the distant horizon and can never be reached. People in India cannot possibly be expected to agree with the opinion of the Commission that, for many long years, the presence of British troops and British officers serving in Indian regiments is inevitable for the purpose of securing the safety of India from external aggression and internal disturbances. Nor can the people of British India accept the view that efficiency of administration is likely to be imperilled by the transfer of responsibility to the people in the Central Government. As for the need for the protection of minorities, it may be conceded that for this purpose it may be necessary to vest special powers of intervention in the Governor or the Governor General. But it is open to question whether the purpose will not be better achieved by the adoption of safeguards in the constitutional instrument. It has often been found that the Governors of provinces have been unwilling or unable to excercise the powers vested in them by the Instrument of Instructions. In any event the power of intervention, such as it may be, to be vested in the Governor or Governor-General should be derived, not from an authority external to India but from the constitutional enactment.

PROVINCIAL SCHEME CONSIDERED.

Parts 2 and 3 of the Commission's recommendations which deal with the provinces and minor areas are much less open to objection than the parts which deal with the Central Government and the subjects of Defence and the relations with the Indian States. The recommendations of the Commission for the abolition of dyarchy and the transfer of responsibility to the legislature throughout the whole provincial field, for the adoption of the principle of joint responsibility of the whole ministry, for the extension of the life of the provincial councils to five years and for the enlargement of the size of the provincial councils, will meet with general approval. The provision of powers to enable the Governor to meet emergencies and breakdown in the machinery of government, the imposition of a responsibility upon the Governor for the protection of minorities, the provisions for the requirement of previous sanction of the Governor General and his subsequent assent to provincial bills, and the power to give or withhold his assent to bills, must also be approved. The provision that the Governor may include in his Cabinet one or more non-elected persons does not fit in with the principle of responsible government and it is liable to be abused. It is only too probable that in every province there will be as many officials appointed as ministers as there are now civilian members in the Executive Council, and that these places will be given to the members of the Indian Civil Service in substitution for the mem-

bers' places which they will lose. The administrative experience of officials is of course valuable to every government, but it can be easily made available through the official Secretaries to Government and through the heads of departments. The proposal that the scale of ministerial salaries should be alterable only by a provicial Statute, that the salaries of ministers should not be liable to be reduced or denied by a vote in supply, and that a vote of censure could be proposed only against the ministry as a whole and carried after due notice, must be welcome as ensuring a spirit of co-operation among the ministers and securing them against the contingency of snatch-votes and reckless attempts to curtail salaries by disaffected members of the legislature. These provisions would not detract from the power of the legislative council to get rid of a ministry with which it is dissatisfied. The power of the Governor to direct administrative action otherwise than in accordance with the advice of the ministry, for the purposes specified in paragraph 50 of the Report, might perhaps be accepted during the transition stage, but should not *prima facie* form part of the permanent features of the constitution. Similar considerations apply to the special powers proposed to be conferred upon the Governor in the fields of legislation and finance.

In their proposals for the re-distribution of provinces, the Commission do not seem to have appreciated the advantages of the present arrangement by which people with different creeds and languages are required to live together and cultivate the virtues of tolerance and goodwill and are induced to extend their outlook beyond sectional interests.

It is unfortunate that the Commission have not been able to recommend the abolition of the principle of separate communal representation. The question of the separate representation of the Mahomedan community is one which can be satisfactorily settled only by agreement between the communities, and let us hope that the discussions of the Round Table Conference may lead to some satisfactory result. It is undesirable at this stage to pursue the discussion of this delicate subject.

Upon the question of the franchise it is necessary to make one remark, that while there is no objection in principle to an extension of the franchise, the proposals of the Commisson that a franchise committee should be appointed with instructions to enfranchise a definite percentage of the population, irrespective of any question of principle, so as to raise the electorate to 20 per cent. of the adult population is of a somewhat doctrinaire character. The proposal that after 15 years a second franchise committee should be appointed with instructions to enfranchise not less than 20 per cent of the whole population partakes of the same character and offends aginst the principle laid down by the Commission themselves, that constitutional legislation should result from the needs of the time and not from the arbitrary demands of a fixed time-table. Limitations of space forbid me from going further into the details of the scheme of the Commission with regard to provincial governments.

COMMISSION'S PROPOSALS REGARDING THE CENTRE.

The proposals of the Commission to extend the life of the Legislative Assembly to 5 years and of the Council of State to 7 years are in accord with the trend of public opinion. But in almost every other respect, the recommendations of the Commission are open to criticism. The absence of any proposal for the transfer of responsibility to the legislature, the substitution of a system of indirect election for direct election to the Assembly, and the attempt to convert the legislature into bodies representative only of the provinces or States as units and not of the people at large, are sufficient to justify the chorus of disapproval with which the publication of the Report has been greeted.

I have already dwelt at length upon the system of indirect election to the Central Legislature which is the pivot of the Simon Commission proposals regarding the Central Government. It is necessary to add here that the argument of the Commission that, for the proper representation of provincial wants in the Central Legislature, the members of the latter should be indirectly elected, cannot possibly hold water. Every one who is acquainted with the working of the Central Legislature is aware that, upon matters affecting the special interests of a province, the representatives of that province are loyal to their constituency and generally vote solid. The disadvantages arising therefrom in connection with the removal of all inducements to candidates of the Central Legislature to educate the electorate at large upon issues of all-India importance have been already referred to. The argument that the provincial elector would be embarrassed in his choice of a candidate by the double function of the successful candidate, as a member of the provincial Legislative Council and as an elector to the Central Legislature, is met by the Commission by a reply which is as amusing as it is cynical. They say that the distinction between all-India questions and provincial questions is not clear to the mind of the voter and would not therefore matter at all. He votes for the man whom he trusts and therefore he will trust him for both purposes. In the first volume of the Report the Commission commented upon the absence of party platforms and the importance attached by the voter to persons rather than policies. It is strange that they should express the view that the inability of the elector to distinguish between provincial and all-India issues does not matter. It is equally strange that they should think that a candidate who can be trusted for the provincial council can be trusted for the Central Legislature also. If the Commission consider that the question of political policy or programme must play an important part in elections, they should certainly have realised that political parties and programmes for the provincial and imperial councils do not run on parallel lines and that a candidate whose views are acceptable on provincial questions may not hold equally acceptable views regarding imperial questions. One inevitable result of the system proposed by the Commission is the introduction of all-India politics into elections for the local legislature. Instead of achieving the advantages expected from it, the system of indirect election to the Senate became unpopular in the United States for the reason that real choice by a legislature came to mean choice by a party majority in a legislative caucus and the determination of that caucus had often been pre-arranged by a small group of party managers, or settled in a party convention which directed the members of the party in the legislature how to cast their votes.

IS THE PARLIAMENTARY SYSTEM UNSUITABLE?

It is necessary to refer to a point upon which the Commission have laid strong emphasis in various places in their Report. They are convinced that the British model is unsuitable to the conditions of British India. It is an interesting commentary upon this conviction that they consider this model good enough for the provincial legislatures and governments. Apparently their reason for this inconsistent view is that the failure of the Cabinet system and the consequent instability of government will cause more harm in the central sphere than in the provincial. The remark that the Parliamentary system is hardly found outside the English-speaking world

amounts to a large order. On the other hand, it has been adopted in most countries in Europe and in the self-governing Dominions. That the full success of the Cabinet system requires the condition of two parties, and two parties only, may be conceded. But this condition is not being fulfilled now even in England and is notoriously wanting in the other countries which have adopted it. Nevertheless, governments have continued to function fairly successfully, and except in Italy and perhaps Spain, there is no desire to abandon the Cabinet system. We have also pointed out already that the Commission have not ventured to suggest any other alternative except the fantastic model of the German federation and the League of Nations.

The views of the Commission with regard to the Secretary of State and the Council of India will commend themselves to no one in India. It is only necessary to remark that their proposals are distinctly reactionary in so far as they depart from the recommendations of the Crewe Committee that, where the Government of India are in agreement with a majority of the non-official members of the Legislative Assembly, either in regard to legislation or in regard to resolutions on the budget or on matters of general administration assent to their joint decision should only be withheld in cases in which the Secretary of State feels that his responsibility to Parliament for the peace, order and good government of India, or paramount considerations of imperial policy, require him to secure reconsideration of the matter at issue by the Legislative Assemby. So far as the people of India are concerned, they have long asked for the abolition of the Council of India and are opposed to the Secretary of State for India being allowed a status different from that of the Secretary of State for the Dominions.

SUMMARY AND CONCLUSION.

Owing to persistent propaganda, a large volume of public opinion has been created in Britain in favour of the Report. It has been vigorously supported by the Press and it has been held out as one of the most masterly reports ever submitted by a Royal Commission and as a historic State document. Even in moderate circles in England there is a prepossession in its favour and it seems to be held that the Report is bound to hold the field, unless and until the contrary can be proved. This is not unnatural, for the other side of the case has not been placed before it. I do not belong to the school of Indian political thought which considers it useless to attempt to educate or influence public opinion in Britain. I still retain faith in the English people. The Simon Commission express the hope that, if their Indian fellow-subjects extended to them the courtesy of studying the Report as a whole, they would find that it has been inspired by a spirit of genuine sympathy. I have done this more than once and I have found myself unable to discover any overflowing sympathy with the aspirations of the people of India. Nor have I been able to discover any proof of extraordinary ability, insight or statesmanship. The first volume of the Report which presents a survey of existing conditions is merely an assemblage of well-known facts, crude generalizations and unsifted statements. They have uncritically swallowed the statements made to them without any attempt to prove the facts or discover an explanation. For instance, they have based their theory of the non-martial areas and races of India upon the traditional libels of the people by military officers who have ignored the long process of deliberate demartialization carried out by the Government in the past. The excellent article of Mr. Chaudhuri in the July and September numbers of *The Modern Review* of 1930 is a thoroughly documented refutation of this theory. They have uncritically accepted the theory of direct relations with the Crown put forward by the Indian Princes and endorsed by the Butler Committee.

They have departed from the fundamental principles set out by themselves in planning their scheme of reforms. In recommending the break-up of the existing structure of the Central Government, they have ignored the historical background of the existing constitution and the lessons to be derived therefrom. After laying down that constitutional legislation should arise from the needs of the times, they have thought it necessary on *a priori* grounds to frame a time-table for the extension of the franchise and direct that at the end of 15 years it should be extended to 20 p. c. of the whole population. While proclaiming that the constitution must provide opportunities for natural development and automatic growth, they have made no provision for the development of responsible government in the centre. While disapproving of a division of the functions of the government, they propose to take away from the Central Government the subject of Defence which is the most fundamental of the functions of any government. While approving of the British Parliamentary system as a model for the provinces, they reject it as a model for the Central Government.

There is no indication in the Report as to when the goal of responsible government may be expected to be reached in India. Is British India to wait for the goal till all the States are willing to join a federation, or is it perhaps never to be reached? They do not seem to have appreciated the difficulties attendant upon the attempt to induce the States to accept any genuine form of federation. The three ideas for which perhaps the Commission take credit to themselves as original are their contrivance of the system of indirect election to the Central Legislature, their formulation of a unicameral federal legislature on the pattern of the old German federation or the League of Nations as the future ideal of India, and their proposal to remove the constitutional barrier to Dominion Status by taking the Army out of the jurisdiction and control of the Government of India. The plan of indirect election is the pivot of the whole machinery. They do not realise that their whole scheme is inconsistent with the principle of responsible government. Their proposals in regard to the Secretary of State's control are of a reactionary and retrograde character and carry out the design of putting off responsible government. They have failed to take note of the political forces moving the world which cannot leave India unaffected. They do not realise that the spirit of nationalism which has been kindled cannot possibly be quenched, and though it may smoulder for a time, it will continue to spread with increasing intensity. They have failed to take note of the portent of the participation of the women of India in public life and political agitation, a phenomenon quite unknown in this country. They have failed to realise that a new generation is growing up in India which is thirsting for political emancipation and is not prepared to follow counsels of patience or moderation, and which is not wanting in young bloods with Bolshevik ideals. Combined with the poverty of the people, the forces of political unrest may burst in a tremendous revolution. Unfortunately the Commission do not realise the wisdom of providing an adequate outlet for the forces of nationalism into beneficent and constructive channels. It is not unnatural that there are many in India who believe that the one purpose which has dominated the Report is how to make India safe for British rule and British Imperialism for as many centuries as possi-

ble. The Report is a pretentious monument of political unwisdom and lack of imagination, insight and constructive statesmanship.

SHORT NOTICES.

A CASE FOR LAISSEZ-FAIRE. By JAMES W. NISBET. (King). 1929. 20cm. 245 p. 7/6.

THE publishers' note attached to the volume under review makes the following claim: "This book discusses economic freedom in relation to many contemporary problems of Production and consumption. It suggests that *Laissez-Faire* has survived criticism and awaits expression at a higher level of achievement. It invokes the assistance of the relevant portions of the new psychology to demonstrate the danger of repression and the need for adequate recognition of Individuality." Making due allowance for the advertising 'puff' normally contained in such notices, it can be said that the above is a fair statement of the author's purpose in writing the present book. The post-war wave in favour of rationalisation and concentration in industry, and the latter day enthusiasm for governmental action in the social field are tendencies which go against the grain of English political economy. Particularly the conclusions in favour of Rationalisation arrived at by the International Economic Conference of 1927 and the prospect of a more collectivist regime being established in Great Britain under the compelling urge of a powerful socialist party have stirred the author to 'an effort to free *Laissez F'aire*' from the theoretical contempt into which it has undeservedly fallen'. Those who realise that there are limits to the economics of rationalisation and that the bracing action of state interference is realised in proportion to its setting free the individuality of citizens will agree in the validity of the claim that the author makes on behalf of the individual producer and rational consumer. Whether the author has been successful in his defence of the classical case for *Laissez-Faire* or in his expression of the same creed at a higher level of achievement is more than we can say. The book taken as a whole is, however, a good remembrancer of the truths that there is no sanctity attaching to the names 'rationalisation', 'collectivism' and 'socialism,' that the justification of these, as also of *Laisse-Fzaire*, lies in their supplying the necessary principle of efficient and progressive organisation and that unless it were proved that a centralised structure will produce better results the individual should be left to himself.

D. G. KARVE.

SOME BIGGER ISSUES IN CHINA'S PROBLEMS. By JULEAN ARNOLD. (The Commercial Press, Shanghai.) 1928. 32cm. 11 p. $ 2.50

THE book deals with the economic aspect of China's national problems. Hu Shih in his introduction of the book says that the "Problem facing China is the immediate concentration of all attention and effort to usher in a material and mechanical civilization." The author puts in a strong plea for an extensive system of trunk railways to facilitate transport, the development of the country's natural resources, and the achievement of political unity of China. He desires that "the labourer in China should be educated to understand that the more mechanical aids and other agencies of modern economic society that can be brought to his assistance the greater will be his compensation". "The individual should be raised from the status of a human beast of burden or illiterate cooly labourer to that of a director of mechanical processes."

The Chinese are already tackling their problems in a number of ways. They are scrapping their time-honored customs and institutions, adopting instead modern ideas and methods in nation-building. A nation-wide literary revival, industrial and commercial enterprises and a programme of radical social reforms have been inaugurated which are expected to bring China in line with the most progressive countries of the world.

The book is well got up. There are three very useful charts which are valuable aids to the study of the relative position of China and the U. S. A. in their respective industrial and commercial enterprises, resources, and possibilities.

S. R. V.

BOOKS RECEIVED.

LOYAL INDIA. A Survey of Seventy Years (1858-1928.) By PERCY H. DUMBELL. (Oxford University Press, Bombay) 1930. 22cm. 243p. 12/-

THE DANGERS OF OBEDIENCE AND OTHER ESSAYS. By HAROLD J. LASKI. (Harper.) 1930. 22cm. 293p. 10/6.

TREATISE ON THE GODS. By H. L. MENCKEN. (Knopf, London.)1930. 21cm. 364p. 10/6.

AN AFRICAN SAVAGE'S OWN STORY. By LOBAGOLA. (Knopf, London.) 1930. 21cm. 402p. 10/6.

SISTER INDIA. One Solution of the Problems of Mother India. By M. EDITH CRASKE. (Religious Tract Society, London.) 1930. 20cm. 107p. 3/6.

Printed and published by Anant Vinayak Patvardhan at the Aryabhushan Press, House No. 936/2 Bhamburda Peth, Poona City, and edited at the "Servant of India" Office, Servants of India Society's Home, Bhamburda, Poona City, by P. Kodanda Rao.