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Topics of the Week.

Moratorium in Bombay.

AFTER the vehement opposition that was offered to a demand for a moratorium on the debts of agriculturists by the Ministers of Finance and Revenue, it will cause no little surprise to the public to learn of the announcement of the Bombay Ministry's intention to introduce a Moratorium Bill in the present session of the legislature. One would have thought that a moratorium would have been a necessary preliminary to the introduction of a measure intended to give substantial relief from the debt burden in order that before the machinery of this measure comes into operation transfers of land from the debtor to the creditor on a large scale will not have taken place. But the Ministry opposed such a stern front to the request made on rational grounds that it almost appeared that its only object was to give evidence of its strength in resisting popular demands.

A PERMANENT debt relief law is better than a temporary moratorium, it was said, as if the latter was recommended as an alternative instead of an accompaniment to the former. It will shatter the credit system, it was said, as if the permanent law to be enacted is not to take into consideration how to counteract the evil effects of a restriction of credit that is certain to follow any legislation for the scaling down of debts. Executive orders prohibiting anticipatory action on the part of moneylenders had already been taken, it was said, as if such action, if adequate, will not have the same allegedly disastrous effect on credit as a moratorium. The Finance Minister went so far as to challenge Pandit Jawaharlal Nehru to take his place and give effect, if he could, to a vital plank in the Congress platform. How unnecessary this challenge was will be best proved

when the Finance Minister himself will move the Bill in the Legislative Assembly.

THE moratorium is to last for a year. It is to be extended to small holders who have fifteen acres of dry and five acres of wet land. The benefit will be out of proportion to those who are in possession of wet land; for, in so far as farming profits are concerned, an acre of wet land is held equivalent to ten or at least eight acres of dry land. But we are glad on the whole that the Bombay Ministry has at last accepted the demand for a moratorium. However, in order to gauge the relief that the peasantry will get ultimately from this measure, we must await the publication of its Debt Bill. From the Premier's speech at the Bombay Shroffs Association, in which he mentioned other Bills but not the Tenancy Bill, it would appear that the Ministry has dropped this Bill. Among the much publicised legislative measures that the Ministry was to undertake immediately, a Tenancy Bill had occupied a pre-eminent place, but the fact that in Mr. Kher's speech a reference to this Bill was conspicuous by its absence leads one to believe that the Bill, for whatever reason, is being shelved.

Congress Attitude to Tenants.

PRESIDING at the Ahmedabad (city) Tenants Conference, Mr. Nariman delivered a speech in which he enumerated his experiences in his fight against landlords' avarice in Bombay and the Bombay Government's commendable efforts to combat it in spite of the tremendous opposition of the landlords. He referred to the excellent Rent Act in Bombay, a measure passed by a Government which was, if anything, anxious to conciliate the vested interests in the country first. The Congress Government must, he said, if it is to remain faithful to its pledges, emulate at least that measure. The relief asked by tenants affected no political rights and did not concern the special powers of the Governor. And therefore there was no possibility of outside interference in this case, said Mr. Nariman. The present Government must seriously consider the demand and fulfil the pledges given in the election manifesto. He said:

If it refuses to accede to this reasonable and just request it will lay itself open to the charge that is often levelled against Congress organisation, namely, that it is composed of capitalists and vested interests and hence shows greater regard and sympathy towards them than the common, poor people. The unfortunate and inexplicable attitude of the Congress organisation towards Kisan Sabhas in U.P. and Bihar and towards Labour organisations in other places has strengthened that belief and if, added to that, the Government show callous disregard to the legitimate mass demands of millions of tenants it will give additional proof of the capitalist tendencies of Congress Governments.

The Speakers' Conference.

THE Speakers' Conference which met in Delhi recently cannot be said to have achieved any notable success. Except the decision on the prayers question, the assembled members did not come to any important decision. It was expected that some sort of agreement could be brought about as regards the rulings of Speakers in different legislative bodies on points of order of rules, procedure and privilege. But that was not done. The opinion on the advisability of the prayer question is some gain inasmuch as it was agreed that prayers need not be introduced in our legislatures where communal susceptibilities are so sensitive. In a country where prayers instead of opening hearts generally open heads, the decision is to be welcomed and we hope this extraneous irritant will be eliminated from the legislative programme of the day. The question of the party allegiance of the Speakers also was decided in favour of the traditional loyalty to the principle of the Speaker considering himself a non-party man as soon as he is elevated to the chair. But as long as a Speaker is not assured of unopposed return at every subsequent election he chooses to contest, this principle cannot be strictly observed although it need not prevent the Speakers from being impartial in their dealings with the Assembly legislators.

* * *

Mysore Repression.

IN his presidential speech at the second Mysore Congress Convention held at Chitaldrug on the 14th inst., Mr. K. Chengalroya Reddy recited some of the recent acts of repression of the Mysore Government. He did not give an exhaustive list because a book dealing with this subject is soon to be published. The acts mentioned by him are as follows :

A number of orders under various sections of the Mysore Police Regulation and the Cr. P. C. have been issued from time to time prohibiting various persons, including members of the Representative Assembly and the Legislative Council and the Bar, from speaking and banning the holding of meetings, jeopardising of freedom of press, the withdrawal of permission to edit newspapers like *Janavani*, *Prajamata*, etc. without assigning any reasons and terrorising the existing newspapers by all kinds of threats and warnings; demanding security for good behaviour from public workers and the launching of prosecutions against them on charges of sedition and other offences involving moral turpitude; indiscreetly provoking peaceful citizens and having recourse to the extreme step of firing by police without even magisterial permission; deporting loyal subjects of His Highness from the State under executive orders; indiscriminate search of the Congress office and seizure of all files and correspondence; preventing the formation of Congress committees; threatening and terrorising people who have or intend to become members of the Congress by various coercive administrative action; preventing the exercise of the constitutional rights of members of the Representative Assembly by arresting them on the eve of the sessions, ignoring even the rules and standing orders of the constitutional bodies and infringing the rights of members thereof by the arbitrary exercise of power; insulting the National Flag by preventing its being flown at various places on the plausible plea that it is intended to be flown in a spirit of hostility to the sovereignty of Mysore; placing undue and unjustifiable obstacles in the way of local boards having Congress presidents, members or sympathisers; arresting persons for crying "Bharata Mata Ki Jai" and "Gandhi Ki Jai"; issuing prohibitory orders on leaders of the eminence of Dr. Pattabhi Seetharamiah and Mr. Balwantray Mehta not to speak on "The Indian States and Federation"—all these and many more point to an unmistakable policy of

repression on the part of the Government to stem if not stifle the Congress movement in Mysore.

* * *

Congress Non-Interference in the States.

MR. REDDY had naturally something to say about Congress policy in the States. As a staunch Congressman, he is prepared to sink or swim with the Congress, but he could not help remarking that the attitude of the Congress towards the States was not helpful and that in fact the policy laid down by it was self-contradictory. The Congress extends sympathy and support to the States' people and yet says that the people must carry on the struggle themselves without any aid from the national organisation which includes the States' peoples as well as British Indians. Mr. Reddy hopes that the matter will be clarified at the Haripura session of the Congress. "I believe," he says, "that it is time for the Congress to actively participate in the struggle of the people of the Indian States," though, so far as the Mysore Congressmen are concerned, they do not want any active help from the British Indian Congressmen in men or money. Mr. Reddy observed: "We have never expected the same. In fact it has been repeatedly stated by us that we will stand on our own legs."

* * *

ONLY as a matter of principle does Mr. Reddy desire the Congress to declare itself willing, whenever possible, to participate in the States' people's struggle. His hope, we are afraid, is bound to be disappointed. For it is clear from the statement made by Pandit Jawaharlal Nehru at the Working Committee in Bombay that the Congress does not refuse active help because it is unable to give it, but because, in its opinion, it is wrong in principle to give such help. This objection on the ground of principle appears very odd when it is remembered, as Mr. Balwantray Mehta, General Secretary of the All-India States' People's Conference, stated in a recent speech in Bangalore, that the Calcutta Congress in 1928, on Pandit Jawaharlal's motion, deleted the following proviso from para. 3 of Article VIII of the Congress Constitution :

Provided, however, that the inclusion of Indian States in the electorate shall not be taken to include any interference by the Congress in the internal affairs of the States.

* * *

THIS proviso, which had forbidden interference, was omitted by the Congress nine years ago. In doing so, the Congress as it were served notice on the States' Governments that it does not feel disqualified from interfering in the States' internal affairs. Such interference would of course be very occasional and spasmodic on account of the preoccupation of most Congressmen in British Indian affairs, but where practicable interference would take place; there would be no objection to it in principle. Now the subordinate bodies of the Congress have ruled that British Indian Congressmen must abstain from interference as a matter of principle! Could contradiction go further? Instead of the recent Calcutta resolution which promises "all possible support and encouragement" to the Mysore people being *ultra vires* of the A.I.C.C., as Mahatma Gandhi decrees, the resolutions of the A.I.C.C., and even of the Congress, laying down a policy of abstention from active interference on the ground of principle is invalid, because it is opposed to the Congress constitution, which must be admitted to have superior authority to the authority that can be attributed to resolutions passed by the Congress in any particular session.

* * *

The Princes' Veto Power.

THE Bihar Premier, Mr. Shri Krishna Sinha, in moving a motion on the constituent assembly in the Bihar Legislative Assembly on 31st August last, spoke as follows on the *liberum veto* of the Princes:

Sir, the accession of Indian States to the Federation is regulated by section 6 of the Act. There is one clause in the section under which these Rulers of Indian States may, if they like, form themselves into a permanent stumbling block in the path of India's constitutional progress. According to clause 5 of this section certain provisions of the Act can be amended without affecting the accession of the States, which by implication means that certain provisions cannot be amended without their agreement. I cannot, Sir, check the temptation of quoting from the second schedule a few sentences showing some of the many changes which cannot be affected without affecting their accession:

"Provisions of this Act which may be amended without affecting the Accession of a State....."

"Part II, Chapter II,..... save with respect to..... the functions of the Council of Ministers, and the choosing and summoning of Ministers and their tenure of office; the power of the Governor-General to decide whether he is entitled to act in his discretion or exercise his individual judgment; the function of the Governor-General with respect to external affairs and defence; the special responsibilities of the Governor-General relating to the peace or tranquillity of India or any part thereof, the financial stability and credit of the Federal Government"

Sir, all the provisions of the Government of India Act are divided into two classes. There are certain provisions which can be amended without affecting the accession of the States to the federation. There are certain provisions which cannot be amended without affecting the accession of the States. If in regard to the latter provisions the Rulers stand up and say, "Here is our Instrument of Accession, here is the Government of India Act, you cannot amend these provisions without our consent", then it will become very difficult to effect those changes without endangering the federation itself. I have quoted above some of those provisions which cannot be amended without affecting the accession of the States. It is a long Schedule and I do not like to tire the patience of the House by quoting the whole and so I have quoted only a few. These few things quoted above, regarding which no change can be made without affecting the federation, will convince even a casual student of constitutions that we cannot make an advance towards real self-government and independence unless we make the Rulers of the States agree. So, if the Rulers take into their heads to stand against the aspirations of the people of India, they can stand up and say, "You cannot make over the control of external affairs to the people of India and do such other things as such a change will affect our accession." A very acute British constitutional expert has said that because of this clause in this section the progress of India to full responsible self-government can be successfully barred by the Indian Rulers standing in its way.

Mr. Butler on Labour conditions in India.

Mr. HAROLD BUTLER, the Director of the International Labour Office, Geneva, paid an official visit to this country at the end of last year and toured almost all the important industrial centres in India. His views on labour conditions in India bear witness to the fact that, in spite of the efforts made in their behalf since the Whitley Commission reported, the condition of the workers in this country has undergone very little change. "I WAS, however, struck by the fact," Mr. Butler said, "that large portions of industry are still untouched by most of these measures. There is no limitation of hours in shops, in docks, or in buildings. Even the health, safety and the child labour provisions of the Factory Act do not apply in the vast number of workshops or in the factories employing less than 20 persons except by notification in one or two provinces. Those that I have seen have been almost uniformly insanitary and unhealthy. The extension of the Act is now under consideration in other provinces. I do not believe that the inspection difficulty is insuperable or that more money could not usefully be spent in strengthening the inspection staffs."

ON the question of the relations between the employer and the employed and of the recognition of trade unions, the views of Mr. Butler are equally illuminating, especially in view of the Bombay Government's adamant opposition even to the consideration of Mr. Jhabawala's Bill in that connection. Mr. Butler said:

Organisation is always difficult in the early stages and particularly so when the country is so vast, its languages so numerous and its workers so illiterate as in India. The Trade Unions on their side complain that their members are often victimised and that no attention is paid to their representations, and I judged that there was often substance in their complaint. Relations based on mutual suspicion are bound to be bad, but I have found instances, in which real collective bargaining has been established and am sure that much more could be done in this direction. The remarkable system of voluntary arbitration and collective negotiation, which has ensured industrial peace in Ahmedabad for 15 years, shows what can be done when there is good-will and good organisation on both sides. Some employers have done a great deal in the way of supplying good housing, medical care, welfare and recreation arrangements, which have brought their own reward. But close contact between management and staff is also necessary. Much of the trouble seems to come from the activities of jobbers, and every employer who had succeeded in eliminating them testified to the improvement in relations which had resulted. In Western countries the importance of keeping in touch with the individual worker is now generally recognised. It must be even more necessary with an uneducated labour force, little able to express itself, and easily misled.

PULLING WOOL OVER THE PRINCES' EYES.

ONE of the fundamental defects in the new constitution to which great attention is paid in current discussions at present is the power given to the Princes, severally and collectively, of vetoing any major changes in the constitution that affect federation. This defect, though basic, is only now beginning to attract public notice. The *Hindu* in Congress circles and Sir Chimanlal Setalvad in Liberal circles

gave expression to their discontent at this feature only the other day. It is therefore but natural that some attempt should now be made to make out that this defect does not exist. That the defect, if it be real, would render the constitution, which is frankly transitional and thus would require many amendments, wholly unamendable and therefore unworkable is admitted; but it is claimed that the *liberum veto*

which is attributed to the Princes cannot be inferred from a right interpretation of the constitution.

I.

The argument disproving the Princes' veto power runs as follows: Accession of Indian States is governed by Section 6 of the Government of India Act under which the Ruler of a State declares that "by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the federation," the federal authorities shall exercise in relation to his State such functions as may be vested in them by the Act. It is provided further by Sub-clause 5 of this Section:

It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the Second Schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the Ruler in a supplementary Instrument (under Sub-clause 4), be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any federal authority in relation to the State.

The Second Schedule sets out the provisions of the Act which may be amended without affecting the accession of a State, but the Schedule contains more exceptions than positive provisions, and the exceptions include almost everything that concerns the States. Thus, broadly speaking, it may be said that no provision of the Act which relates to the States can be altered by the British Parliament without affecting the accession of the States. The wide range of the savings from the Second Schedule is admitted even by those who dispute the proposition that the Princes enjoy *liberum veto* under the constitution. They agree that no important change can be introduced in the federal provisions, if these provisions deal with the States, without affecting the accession of the latter. The only dispute is about the interpretation of the words "without affecting the accession of the States." The plain meaning of the words, as it appears to us, is that if a change in what the Marquess of Zetland called the protected provisions is made without the consent of the Princes, the latter would be entitled to withdraw from the federation on the ground of a breach of contract, and in order not to incur such blame the British Government would never seek to make any change without previously obtaining the consent thereto of all the States. Thus in effect the States would obtain the veto power. To this those who deny the States' *liberum veto* reply: The British Government would not be estopped from making an alteration even in the protected provisions without the consent of all the States by reason of the fact that the alteration, if not agreed to by any of the States, would affect their accession. The States would no doubt have a good moral claim for seceding from the federation, but as actual secession is not allowed under the constitution the British Government would nevertheless keep the dissenting States in the federation. The Government would say in effect to the States: "We have no doubt done something to endanger your accession; you are entitled to terminate your membership of the federation, but we

will not let you do so." Thus the Government will go on changing the constitution in spite of any rights which they may claim and which it may even be admitted that they possess.

II.

Before we discuss this argument, let us see how far there is common ground between those who maintain and those who deny that the constitution gives to the States virtually a power of vetoing all amendments. It is agreed by both that the unprotected provisions extend to almost the whole sphere of federation. Indeed, this is beyond any shadow of doubt. In explaining the scope of the Second Schedule Sir Samuel Hoare as Secretary of State observed in the House of Commons on 27th February, 1935, as follows:

The dilemma with which we are faced is this. Can you make alterations in any part of the Bill without impinging upon the Princes' Instrument of Accession? If we cannot make alterations, are we not setting up an excessively rigid state of affairs, particularly for British India? That is the dilemma, and the way the Joint Committee dealt with it, and the way we deal with it in the Bill, is this, that we put into the Second Schedule the provisions of the Bill that affect exclusively British India and do not affect the States. If hon. Members will look through that very formidable Schedule they will see that it contains all the provisions of the Act, or most of them, that affect only British India. Questions of that kind obviously should be amenable to future amendment without endangering the basis on which the Princes have made their accession.

Conversely, exceptions to the Second Schedule contain all the provisions of the Act, or most of them, that affect the States, and these provisions are not amenable to future amendment without endangering the basis on which the Princes have made their accession. In other words, Parliament can amend no provision in the constitution which relates to the States without the States' consent and yet hold the Princes to their accession. There is no doubt also that the States' consent here required is the consent of all the States. A member of great legal competence, Mr. Croom-Johnson, made a suggestion in the course of the debate on the Bill, and the Secretary of State's reply to it makes the point perfectly clear. Mr. Croom-Johnson thought it unbelievable that the Government would seek to amend the federal constitution without previously obtaining the consent of the States to the proposed amendment, but in order to prevent a handful of States blocking the amendment, he made a suggestion,

as to whether we might provide in the Bill that if an amendment is needed in the constitution as affecting the native States, we need not be obliged to get the assent of every one of the rulers of the States. To provide for that in the Bill we might fix a majority of these native States and say that if they assent to some fundamental change—we might make the majority a high one—all the native rulers would be bound by it.

Mr. Annesley-Williams: Does my hon. and learned Friend imply that if a majority of the Princes accept an amendment the minority must accept?

Mr. Croom-Johnson: Yes.

Sir Samuel Hoare: It cannot be a question of majorities and minorities. Each agreement has been entered into by a Prince on the one hand and the Crown on the

other. You cannot force any majority decision on a minority.

So much therefore is common ground, that the constitution in so far as it relates to the States cannot be amended without the consent of all the States without affecting their accession to federation.

III

At any rate the moral right of any State to come out of federation if any change is introduced in the protected provisions without its consent is admitted by all. The Solicitor-General said: "If the (federal) structure were to be altered in fundamental respects (without the States' consent), of course the States would clearly have the right to say, 'This is not the federation to which we acceded.'" The words "in fundamental respects" used by Sir D. Somervell here are unmeaning. As Mr. Thorp said, "The word 'fundamental' does not arise at all. If it is the slightest alteration of any importance of what appears on the right hand page of the Schedule referred to (i. e., exceptions to the Second Schedule), a Prince might say, 'This is a variation of the contract into which I entered and, therefore, I am coming out of it.' That means that he can secede." The accession of the States would be "affected," whatever it may mean, not only when a fundamental change is made in the terms of the federation which relate to the States, but any change, however unimportant, provided it is made without their consent. Sir Samuel Hoare accepted this. He said: "If you amended the parts of the Bill which affect the States (without the concurrence of the latter), obviously you would be altering the conditions on which they have acceded, and that would certainly create a situation in which the Princes could rightly claim that their Instrument of Accession had been altered." And, of course, once the Instrument of Accession has been executed, it can only be changed with the consent of the parties concerned. Thus, the British Government would be guilty of a breach of agreement if it changed any provision affecting the States without their consent. In the debates on the Government of India Bill the Government was asked to state what the States' remedy would be if it broke the agreement. Mr. Herbert Williams asked: "Suppose that later on when this Bill has become an Act, if it does become an Act, Parliament alters it in some major (or even minor) matter. Then the original terms on which the Prince made his accession are fundamentally (or even non-fundamentally) altered. In other words, one party to the contract has proposed to vary the contract. In those circumstances, is the Instrument of Accession still binding on the Prince?... (Or) is every Prince then released from his contract if he so desires?" Col. Gretton asked: "If Parliament finds it necessary again to legislate, and by that legislation violates the Instrument of Accession, what is the remedy? What is the remedy of the native States?... Does it rest with them to say that they will wash their hands of the whole thing, causing the federation to disintegrate?"

To these questions no specific answer was returned. The Government spokesmen tried to wriggle out

of the difficulty by saying that they would not allow a situation to arise when any of the Princes could have a ground for complaint that the Instrument of Accession executed by him was altered by reason of the terms of the federation being changed without his or other Princes' consent. The Solicitor-General said: "It is difficult to imagine any Parliament in this country making any fundamental change ('fundamental' here, as we have pointed out, has no meaning) without thoroughly exploring the matter with the States first, finding out their attitude and arriving at a workable solution having proper regard to the rights of the States under the Instrument of Accession." Sir Samuel Hoare said the same thing even more explicitly. When Mr. Herbert Williams pointed out that if withdrawal from federation was not to be allowed, the only way to ensure that the Princes remained in was to abstain from all amendments of the federal constitution to which they did not agree, Sir Samuel expressed his agreement. Mr. Williams asked: "It comes to this that in actual practice if we want to amend the Bill we cannot without the prior consent of the Princes. Is that the condition to which Parliament has been reduced?" Sir Samuel replied: "It certainly means that we cannot amend any part of the Bill which affects what is virtually the treaties under which the Princes come in." Viscount Halifax said: "The conclusion, of course, is clear enough, that these matters (the protected provisions) cannot be amended without affecting the accession of the State, and it is quite clear, if they were amended, a new situation would arise which would have to be regularised by a supplementary Instrument with the State concerned", which too would have to be voluntary. To say this is to admit that the Princes have a *liberum veto*. But let it be understood that Sir Samuel Hoare did not deny that if the British Government violated the contract of federation, the Princes would have the right of secession. In fact, what he said on this aspect of the question implied this right. When in the Joint Select Committee Dr. Shafaat Ahmed Khan asked him: "Then could a State which entered the federation be allowed to go out of the federation?" he replied: "No, *not as long as the terms of the bargain remain*." In the House of Commons he said: "If we make such a change in the Bill as to strike at the basis of their Instrument of Accession, then, obviously, the agreement has been broken between the Princes and Parliament, and *the Princes are free*"—free from the obligation of remaining within the federation. The words in italics here show, by implication at least, that if secession in normal circumstances is not allowed, it would be allowed if the British Government broke the terms of agreement.

IV.

The Marquess of Zetland, in the final stage of the Bill, made the following pronouncement:

It will be noticed that Clause 6 (5) does not say positively what is to happen if a "protected" section is amended by Parliament (without the consent of the States), but by implication such an amendment would be one which "affects the accession of the States", that is to say, if the "protected" provisions are amended by Parliament the

State has the right to reconsider its position, or in more technical language it may be said that if "protected" provisions are amended, the State's Instrument of Accession is *voidable though not void*.

Here Lord Zetland might be said to deny the right of secession to the States even if the breach of agreement be on the side of the other party, but at this point it should be remembered that there is no provision either in the Constitution Act or in the Instrument of Accession which says that the federation, once established, shall be perpetual, and that there shall be no withdrawal from it in any circumstances. It is only an understanding, but the Princes are certainly entitled to maintain that the understanding must give way to a specific provision of the federal constitution that the protected sections shall not be amended by Parliament without their consent, and that if this provision is violated by the British Government, they certainly are entitled to violate the understanding that federation will be perpetual. Thus they will be entitled to take back their accession or secede from the federation. It may be said: "Yes, they have the right to go out of federation, but how can they implement this right? They have not the requisite power to do so. The British Government will keep them in by its superior strength." Lord Zetland's phrase "voidable though not void" is thus explained by Professor Berrisdale Keith:

Thus apparently any change as regards the position of the Governor-General towards the issues of external affairs and defence would not be consistent with the position of the States. The Act is silent as to the position in such an event; it would certainly be open to any State to argue that such action was equivalent to a breach of the Instrument of Accession, but there is no legal means provided under which the State could attain redress. On the other hand, from the point of view of British India it may seem that a complete bar to full responsibility is presented.—*A Constitutional History of India, 1800-1935*, p. 329.

The States have no legal means, nor perhaps extra-legal means, of keeping the other party to the contract to its terms. In the absence of such means the States would be reduced to the helpless condition of British India. To a question of Sir Prabhashankar Pattani in the Joint Select Committee, Sir Samuel Hoare replied: "The Provinces will not be asked whether they are coming in or not. The Provinces will have to come into the federation under the Constitution Act... We have never at any period of any Round Table Conference or in any Committee contemplated such an option." The Princes too will be given no option after the contract into which they have entered has been broken. It will be by sheer physical force that they will be compelled to remain in the federation. And when some of our friends tell us that the Princes have no veto power, that the British Government will go on making amendments which British India may desire without regard to its compact with the States, and that if the States threaten to go out, they will be forcibly prevented from executing their threat, what is really meant is that if British India is now coerced into entering federation, coercion will be applied later to the Indian States in the interest of British India. This is not how things will in fact turn out. What will happen is that the British Government will not propose a change which is likely to be unacceptable to the States, who will thus

exercise a veto power; but even if, as we are assured, the States' objection is not respected and the States are forcibly kept in the federation, we do not approve of it. We would not have the British Government first frame a constitution on the basis of injustice to British India and then redress this injustice by another injustice to the Indian States.

V.

Moreover, do the Indian States know that the protected provisions of the Act are going to be treated as if they were unprotected? For, so far as we know, they are proceeding on the basis that no change will be made in their Instrument of Accession to which they do not give their consent. Mr. Panikkar, the representative of the Princes' Chamber, in his evidence before the Joint Select Committee, said in answer to a question by Dr. Ambedkar that it would be necessary to obtain the prior consent of the Indian States before reserved subjects like the Army could be transferred to the federal Cabinet; and to Sir Tej Bahadur Sapru's question: "That would mean that you (the States) would be the determining factor?" he replied: "The question whether their (the States') safety can be best given by the Crown or by the federal Government is a matter that they alone can settle." Mr. Joshi pressed the witness a little more closely, and some of the questions and answers are very revealing:

Q.—You suggest that the consent of the States is necessary before Parliament transfers the control of the Army to the Indian federation?

A.—That is so.

Q.—May I ask you whether you envisage by the consent of the States' consent of the majority of the States that have joined, or consent of every State that has joined.

A.—The consent of each individual State.

Then Mr. Panikkar was tackled on the question of the States' right of secession. The questions put by the late Mr. A. Rangaswami Iyengar and the answers received by him are given below:

Q.—The question is still remaining unanswered, that even if one individual State says: "Having regard to the rights of paramountcy that we can claim from the British Crown, we do not consent to the transfer of the Army to the federation,"—?

A.—That State ceases to be a member of the federation.

Q.—How does it?

A.—Because the constitution will be so fundamentally amended that it would be done without its consent.

To Mr. Joshi's question on this subject Mr. Panikkar replied:

Q.—May I take it that your view is that if Parliament after some period thinks of transferring the control over the Army to the federation either all the States will agree, or any State which does not agree may be permitted to leave the federation?

A.—Undoubtedly.

From this it is clear that the Princes cherish the right of maintaining the present federal constitution intact unless it be altered with their unanimous consent, and they cherish the right of being allowed to withdraw from the federation if to an amendment made their consent is not forthcoming. Mr. Maqbool Mahmood, another representative of the Princes' Chamber, indicated that the Princes might agree to a less impossible procedure of constitutional

amendment. He said: "Some basis would be evolved regarding the procedure to be adopted for the further extension of the constitution, and that will be embodied in the Treaties of Accession. . . . If with regard to certain guaranteed matters it is decided that some less rigid method is required, it will be so." This answer was given on behalf of the Chamber of Princes, but Sir Akbar Hydari promptly dissociated Hyderabad State from it. But even as regards the States which the Chamber of Princes represents, nothing further has been heard about a less inelastic mode of constitutional amendment. Anyhow, it is clear that the Princes will not tolerate compulsion, and that they are relying on the word of the British Government that no compulsion will be used. Is British India now to be told that compulsion will be used on them to make its way smooth? We neither believe it nor wish it. The States should be informed quite plainly of what is intended and not deliberately kept in the dark and then dictated to. Is the British Government now to do something like what Lord Baldwin did before as Prime Minister? He did not speak a word about rearmament to the British electorate at the last election for fear that the National Government would not be able to retain power if he made a clean breast of it. Similarly is the British Government to allure the Princes into the federation by promising them that the federal constitution would not be altered without their consent, and then, when the time comes, is the British Government to

alter it without their consent and dare them do their worst? Lord Zetland as Secretary of State said in the House of Lords, while explaining the protected provisions of the constitution:

Since the Princes enter the federation, as set out in the Act, of their own volition and in accordance with their Instrument of Accession, it would, of course, have been quite unfair to them, and indeed *their adherence could never be obtained*, if there was an unlimited power of subsequent Parliamentary legislation to alter the federal constitution, leaving the States completely bound by the amended Act, which might constitute a federation of a totally different type to that to which the Princes had agreed to accede to.

If the States' adherence cannot be secured except by giving to them a *liberum veto*, British India would rather have them not accede; but it would on no account secure their adherence by a *liberum veto* being promised to them and then wish it taken away from them by physical force. If the British Government were to do so, it would be guilty of a most perfidious act. We do not wish anyone to do anything dishonest or dishonourable for our sake, and we do not think the British Government will do so either. Only let no one in British India delude himself into the belief that the Princes are not being given the veto power, which under the constitution as it now stands certainly is given to them. And if the British Government is going to deprive them of this power, let it practise no deception upon them by giving them a power, which they are not to be allowed to exercise.

EDUCATIONAL FINANCE.

IN the issue of the 6th inst. we drew attention to the fundamental difference between the Wardha and the Vidya Mandir Schemes regarding the financing of education and pointed out that the first proposed to do it largely by the marketable labour of the pupils and the second by voluntary gifts of land. Before considering in some detail the financial provisions of the Vidya Mandir Scheme, we may pause to examine one other feature of the Wardha Scheme.

In so far as the salaries of the teachers depend on the earnings of the pupils, teachers will be prone to extract the maximum of economic work from the pupils to the corresponding neglect of general education. The Zakir Hussain Committee recognise this danger, but the only remedy they suggest is that the danger should be borne in mind in the training of teachers and by the supervising staff. The more effective remedy would be to dissociate the pupils' earnings from the teachers' salaries.

Even so, is it fair that little children should be asked to earn their education by their economic labour? All over the civilized world the tendency is to emancipate the child from economic labour and educate it through play, give it a care-free and happy time, unburdened with the deadening responsibility of earning its livelihood or its education. It is already the misfortune of a great majority of Indian children that, on account of the abysmal poverty of their parents, they have to engage themselves in remunerative labour at an age when their confreres in

other lands, more fortunately situated, are playing and learning; it is their misfortune that they have to educate themselves at a tender age in craft-work by apprenticing themselves under their fathers, to the exclusion of general education. It is one thing to urge that, in so far as adults in India cannot or will not pay for the education of their children, the latter must earn their education, largely craft-education, by the sweat of their brows; it is quite another thing to contend, as the Zakir Hussain Committee contend, that such a policy is desirable in itself.

The Vidya Mandir Scheme is free from this vital defect. Under this Scheme child labour will not be called upon to finance the education of the child; at any rate, not primarily. The Scheme contemplates that primary education shall be financed by voluntary grants of land in villages, the rental of which will go to meet the salaries of the teachers. The salary of a teacher has been placed at a minimum of Rs. 15 per month or Rs. 180 per annum. This amount is to be raised from the rental of a piece of land sufficient to give this amount. The area of such land is estimated to vary from 15 to 30 acres. The required land is to be, in the first instance, a free gift of those holders of land in villages who can afford to part with it and who are inspired to do so. If the Scheme proves successful on a voluntary basis, it will be made obligatory. The land thus gifted is to be managed by a Vidya Mandir Committee elected on the basis of adult franchise.

It will be noticed that the Scheme does not contemplate the grants of Government lands for the purpose of the Scheme, but only private lands. It is not clear if in any villages there are enough of public lands which might be earmarked for Vidya Mandirs. At any rate, the Scheme does not contemplate any such.

The area of private land sufficient to give a net income of Rs. 180 is estimated to vary from 15 acres to 30 acres, according to the crops, the lands are good for. The net income is apparently based on the current rates of rents. But it is possible that, as part of the agrarian legislation contemplated by the Government, the rentals may be reduced. In which case, larger areas of land will be necessary to yield the same rental of Rs. 180. It may be assumed that if rents per-acre are reduced, more land will be donated.

In so far as the acreage needed for a Vidya Mandir is to be a *voluntary gift* of a landholder or a few landholders, it is not likely that there will be anything like universality in such gifts. Some villages will be fortunate to have such enlightened donors; others not. There will thus be no uniformity of development of Vidya Mandirs. Already there is great unevenness in the development of primary education, notwithstanding that all land is taxed to an education cess of 6.25 per cent. on land revenue. If further development is to depend on voluntary benefactions, the development is bound to be even more uneven. That is a tendency to be greatly deplored. Primary education, if only reduced to the simplest elements, should be available to all children and in a uniform manner, and not be left to the uneven incidence of private charity.

The Scheme does not mention what would be done in villages where no such voluntary benefactions are forthcoming. Are they to be left without schools indefinitely or will the Government step in with tax-finance? If the latter, it is hardly likely that there will be any appreciable number of private benefactions at all.

Moreover, it is not clear what is meant by saying that if the Scheme would be tried on a voluntary basis in the first instance, and if proved successful, it would be made obligatory. What is the criterion of success? And if the voluntary basis is successful, where is the need to make it obligatory? What is to happen if the voluntary basis is not successful? Or is it meant that if a great majority of villages are provided with Vidya Mandirs on voluntary basis, the small minority of others will be compelled to fall into line?

If and when the compulsory element is introduced, it will amount to confiscation of private property without compensation, a principle which is likely to be strenuously opposed by most property-holders, including the voluntary donors as well.

In so far as the area required is to be donated by one or a few large owners of land in a village, there is an element of social justice in it on the income-tax principle. But in so far as it is left to voluntary action, the burden will be unevenly distributed. The good will contribute, and the selfish will refuse, while

the children of both will share the value of education. The selfish people will get free education for their children, while the good will pay for the education not only of their own children but of those of the selfish as well.

While every kind of voluntary assistance is welcome, is there much prospect that the large problem of primary education will be met by private benefactions? Particularly when one man or a few men have to donate all the land necessary, and the management is to be conducted by a committee elected on adult franchise? Donors who will not reserve to themselves large powers of control and of reversion in case of miscarriage of purpose are not likely to be many. A proposition which asks one to pay and the many to manage is not likely to have a wide appeal.

While the rental of voluntary gifts of land is to be the main source of income from which to pay the salaries of teachers, other sources of income are also contemplated by the Vidya Mandir Scheme. For instance, it is stated that all the charities in a village on festivals and other occasions should be diverted to the Vidya Mandir, and that merchants, traders and others who have with them moneys collected from the villagers as *Dharmadao* should be called upon to devote a good share of their collections towards the upkeep of the Vidya Mandirs. Also, the profits of co-operative grain-banks should be diverted to the Vidya Mandirs. But it is not stated how these diversions are to be secured. Are they also to be voluntary, at any rate in the first instance, or compulsory? If voluntary, the contributions will be uncertain and uneven; if compulsory, they will amount to taxation, pure and simple.

In addition to these voluntary sources, it is also proposed to obtain some money by the sale of the products of some central industry to be taught to the pupils. In this respect, the Vidya Mandir Scheme resembles the Wardha Scheme, with the difference that, while this source of income is subsidiary in the former, it is primary in the latter. To that extent, the Vidya Mandir Scheme is less objectionable than the Wardha Scheme.

The teachers under the Vidya Mandir Scheme are to get a minimum of Rs. 15 each per mensem as salary. It may be more if the endowment prospers. Here again, there is a direct relation between the teacher's salary and the amount of voluntary endowments and contributions and the earnings of the pupils. Most teachers are likely to pay greater attention to advancing their emoluments than to advancing the education of their pupils. It is extremely unfair to them to put them in such a situation. It is far better that salaries of teachers should be a charge on Government revenues, that they should be fixed independent of voluntary contributions, and that they should be graded according to length of service and qualifications of teachers. In effect, the normal pattern of Government service should be followed rather than the somewhat original but uncertain and unsound pattern of the Vidya Mandir Scheme.

The justification offered by the sponsor of the Vidya Mandir Scheme is that the Government is unable to finance compulsory primary education in the province and that therefore the people ought to take up the responsibility. "If the finances of the Government of the province are unable to solve the problem, it is up to the people to take it up in their own interest." It is difficult to follow this antithesis between Government and the people; and it is surprising as coming from a "responsible" Government, and a Congress Government at that. In the matter of the rapid development of compulsory primary education, what is the difference between the Government and the people today in any province in India? In the old days the complaint was that the then Governments did not care to push primary education; they lacked the zest for the cause, and hence the cry that if Government did not do its job, the people should undertake it themselves. But all that is now changed. Now it is only a matter of finding the means to promote universal compulsory primary education as early as possible.

If this object is to be achieved, the money has to be found. It must be there, whether it is given voluntarily as gifts or collected compulsorily as taxes. If, as the Education Minister of the C. P. contends, it is "wholly inconceivable to get from the provincial exchequer and other sources" the large amount needed for compulsory primary education for the whole province, is it conceivable that it will be forthcoming by voluntary contributions? The attempt to finance compulsory primary education by private charity is extremely uncertain of accomplishment, uneven in incidence and unfair in execution. Universal compulsory primary education is so vital a necessity in modern times that it should be almost the first charge on the tax-revenues of the State. Only a tax system can be certain, fair and effective. Voluntary contributions may supplement State action, but it cannot be a substitute for it under any circumstances.

CURRENCY AND FINANCE, 1936-37.

BEFORE the transfer of currency control to the Reserve Bank the Controller of Currency used to issue an annual Report reviewing the main incidents in the field of Indian currency and finance. Especially the statistical series contained in these reports were of great interest, and when the publication was not issued last year a real inconvenience was felt by those who had long learnt to expect and benefit by the annual currency report. Though the Reserve Bank of India issues its own annual report and a monthly and an annual statistical summary, it has agreed to continue the old currency publication as well. The relevant report for two years 1935-37 has now been issued and is calculated to be of real use to the interested readers.

The account of the general movement of trade and finance that the report unfolds is of sustained improvement. Thanks to the rising tide of the trade revival, production, prices, foreign trade have all

shown considerable rise. The prices of agricultural products, which had till recently lagged behind non-agricultural prices and had caused considerable hardship in the rural areas, have now shown a remarkable rise. From the standpoint of currency control, the most significant feature of the year that has closed was the increase in the value of exports of merchandise from 161 crores to 196 crores. With a fall in imports from 134 crores to 125 crores the net balance of merchandise exports in favour of the country improved to 78 crores as against 31 crores of the previous year. It is true that the net export of treasure dwindled from 36 crores to 15 crores, but with the support of the favourable trade balance the maintenance of exchange was rendered a very easy affair. The natural forces of recovery have thus triumphed over the obstinate inaction of the currency authorities, and till the next crisis we might hope for a continued smoothness in our currency management.

In the outside world there is already some talk about the next depression. In the U.S.A. the first stages of a recession are already visible. Even in Great Britain the tone is distinctly on the quieter side. Had it not been for the hopefulness created by heavy armaments expenditure, conditions would have been little better than what they are in America. With the growing restrictions on India's foreign trade which have been accentuated, if they are not actually induced, by the restrictive and discriminating effect of the Ottawa preferences, the prospects of a new depression must not altogether be ruled out by Indian currency authorities. A fresh international outbreak of hostilities will, it is true, give a temporary impetus to business activity. But in that eventuality other problems of greater magnitude will confront the authorities.

The report lays bare some facts concerning the structure and state of Indian finance which are not altogether encouraging. It is indeed very creditable to the Reserve Bank authorities that since control passed into their hands they have managed both the exchange and the currency policies with the necessary efficiency and courage. The market has not been stinted of funds. In the meanwhile, however, the character of the Bank's proprietorship is undergoing a definite change which the public and the authorities must not ignore. There is a heavy depletion of shares from all the other circles in favour of Bombay. In Bombay proper, moreover, the number of shareholders is falling. Thus there is a twofold concentration of proprietorship. Eventually a few business houses in Bombay might come to speak in the name of the shareholders. The essentially vital and national character of the functions of a central bank is inconsistent with private ownership. If that ownership comes to be vested for the most part in a narrow circle of financiers in one part of the country there would be no further justification for delaying the nationalisation of the Reserve Bank.

Apart from the structure of the Bank the instruments of action at its disposal appear to be as limited as they ever were. It is obvious that with the statutory requirement to keep with the Reserve Bank a

certain percentage of the liabilities of the member banks the balances of the latter should show a periodic rise and fall corresponding to the slack and busy seasons. The usual mechanism of issuing currency against sterling purchases is also functioning normally. These are, however, inadequate to enable the Reserve Bank to discharge its responsibilities of regulating the entire field of credit and finance. The gulf between the bank-rate and the bazar-rate is as wide as ever. There is no attempt made to bring the indigenous banks within the sphere of action of the Reserve Bank. During the current year an indication is given as to the limits within which the Bank proposes to accommodate the indigenous banker. The

conditions, however, are not very encouraging. The creation of a bill market through which all stages and forms of credit are coordinated under the control of the Reserve Bank is an urgent necessity. No progress worth mention has as yet been made in this direction. The growing contact between the principal currency authority and the institutions of finance is, however, a hopeful sign. It is to be hoped that the Reserve Bank will develop greater confidence and independence as its contact with realities increases, and that a free and efficient functioning of the machinery for currency and credit control may soon be attained.

D. G. KARVE.

CONGRESS MOVING TO THE RIGHT.

Following are extracts from an article by Professor B. P. Adarkar of the Allahabad University in the Twentieth Century for January.

TO begin with the Congress's attitude towards the Leftists. It is apparent that within the Congress itself internal dissensions and squabbles have begun; and power, the apple of discord, has contributed to their intensification. The Batliwala affair, the Cawnpore firing, the Sholapur demonstrations and several other incidents point to the fact that the Congress right wing is not prepared to concede elementary civil liberties, such as the individual citizen's freedom of speech and thought, and the workers' right to organise, to strike and to bargain on a basis of equality of strength. Mahatma Gandhi has already drawn a subtle distinction between civil and "criminal" liberties, but we are yet to know what is the exact line of demarcation between the two. If the Congress official policy is to suppress even the legitimate part of the workers' movement and to put restrictions even upon the combinations of workers, it must be admitted the policy is most undoubtedly retrograde. In all the civilised countries of the world, whether they are socialist or otherwise as regards the orientation of their prevailing government, the workers' elementary rights are guaranteed and one must say that the Congress can do likewise in India without unduly endangering the safety of the State or without encouraging any subversive activities. On the other hand, in trying to suppress the workers' movement altogether, the Congress official party is not only bound to antagonise an important element of the proletariat of the country, but will be actually driving the workers to more desperate remedies. When the Madras Ministry's action on this score came in for criticism at the A.I.C.C. meeting at Calcutta, the Socialist critics brought in a censure motion which, thanks to the influence of the High Command, they did not press. However, we are now informed by the Mahatma that "if they (critics of the Ministry) had carried the A.I.C.C. with them, the Madras Ministers would have resigned." On the contrary, even after the criticism of the A.I.C.C. members, the Madras Government have persisted in their reactionary policy with vim and vengeance. In the meantime the Congress President is issuing statements on the Ministers' duties towards their electorates and in regard to the maintenance of their civil liberties, while the Mahatma in counter-statements is justifying the Provincial Cabinets in their employing violence to suppress violence, somewhat in the vein of those who justified the Great War as "a war to end war" and the reason given is that even the Congress must govern!

The Congress's attitude towards the Indian States, however, is the least consistent of all. We are told by the Congress politicians that the heads of Indian States are autocratic and have no experience of any kind of parliamentary or democratic institutions and that, for these reasons, their dominant position in the federal sphere is intolerable. On the other hand, the Congress is outdoing even the Paramount Power in its respect for the "ancient" treaty rights and the internal sovereignty of the States. In brief, we are told, if the people of the States want democratic institutions within the States it is their business, and they will have to fight it out with their own rulers. The Congress, we are told, cannot take upon itself the responsibility of seeing that the States' peoples get their fundamental rights. Even "constructive" interference is to be avoided. For example, after the recent A.I.C.C. resolution regarding the Mysore Government's iron-banded treatment of local Congressmen, the High Command solemnly warned the movers of the resolution that the attack on Mysore was *ultra vires* of the Congress resolution on non-interference. "The Congress can exercise moral and friendly influence (*sic*) upon the States... The Congress has no power under the existing circumstances..." This attitude, to say the least, is not only inconsistent but incomprehensible. It has been suggested in Congress circles that, as a condition precedent to federation, the States adopt a democratic form of government and send only popular representatives to the federal legislature. It is also freely admitted that the Princes are relics of a bygone age and mere anachronisms in the new order of things. The Congress, moreover, is regarded as an all-India organisation, destined to bring within its own sphere all the heterogeneous elements in the Indian political medley. If after all this, the Congress is not to raise even its little finger against the excesses of any State in dealing with the fully legitimate and fully peaceful activities of the subjects of the State itself, there is undoubtedly "something rotten in the State of Denmark"!

There are also traces of an Indianised version of Fascism in the Congress policy towards the workers and *kisans* and in the strange solicitude which the High Command betrays for Big Business and the Princely Order. It is a well-known fact that the personal relations of Mahatma Gandhi with some of the rulers of States have been fairly friendly; it is still more well-known that some of the leading businessmen in the country have financed and are financing the Congress Party and that the Congress right-wingers would not like to lose their support and sympathies by working against them. The Congress never had any progressive economic policy in regard

to the welfare of labour and industrial relations; even to-day, the official sections of that body betray a serious lack of realism in this respect and are prepared to take stringent measures including the invocation of Section 144 of the Cr. P. C., to put down any leftist outbursts. On the other hand, the soft pedal is applied on questions affecting the misdeeds of the State rulers, even while lip sympathy is shown towards the lot of the State subjects, who have for unknown reasons become the Cinderellas of the show. In the internal organisation of the Congress, again, the autocracy of the Congress High Command is complete and its very utterance and wish are invested with scriptural authority. The Congress machinery is controlled from an extremely centralised apex and the seven Congress Ministries, even in the minutest detail of administration, are subject to orders from headquarters. According to a theory recently propounded by Mahatma Gandhi, the Ministers' responsibility has a far wider ambit than usually supposed: the Ministers are responsible not only to their respective constituencies, but also to the Provincial Congress Committees, the A.I.C.C. and the Working Committee. When we add to this their responsibility towards the High Command, which is implicit in the proposition, and their further responsibility towards the Governor, which is inevitable under the Act, we can well understand how the new Fascist rule has encumbered the Congress Ministries with multiple responsibilities towards all and sundry! The presence of a highly centralised control, not fully amenable to democratic influences, is the very negation of democracy. In fact it is dictatorship....

On the other hand, statesmanship requires that the Congress should carry on a ceaseless agitation against the federal part of the constitution and get it revised in the light of the new situation which has arisen. The fad of a Constituent Assembly, which can never materialise, must be given up and, like practical politicians, Congressmen must now address themselves to a revision of the constitution. The unholy alliance, which has sprung up between the Paramount Power and the Princely Order with a view to the *ex-parte* exploitation of British India, and which has enabled the latter to ask for ever more and more concessions at the expense of British India, must be broken up. The undemocratic nature of the State representation on the Federal Assembly must indeed be rectified; but it will be a mistake to suppose that this by itself will provide a solution of the difficulty which faces British India and especially the Congress, viz., that the State representatives will come with the mandate of the Princes, i. e., of the Paramount Power. It is difficult to conceive that the State representatives can ever dare to oppose the wishes of their rulers, howsoever democratised be the political institutions in the States. It is essential not only that such States alone as may have adopted the responsible type of government should be admitted into federation, but also that there is no direct or indirect control of the Princes or their personal friends upon the representatives from the States. Secondly, the *liberum veto* which the Princes possess now should be abolished and all necessary changes in the constitution or in the political status of the federation which may be desired by the federal legislature should be made feasible without the further hurdles and impediments in the form of treaty rights. The Congress must at this juncture bargain for some formula by which the treaties and Instruments of Accession could be interpreted in a dynamic manner by the Federal Court or some such body. British diplomacy will not mind yielding in the matter of the States' part in the federation so long as the safeguards are kept intact. As the safeguards regarding defence, public debt and financial stability do not substantially affect Indian

interests and it is only in regard to monetary policy and commercial discrimination that we stand to lose, only such safeguards as India can guarantee without material damage to her own interests may be willingly acquiesced in, with a view to breaking up the unholy alliance between the Paramount Power and States. In any case unless the path is cleared of the lurking dangers, it is impossible to hope for a speedy development of India into a self-respecting nation, capable of doing without the hot-house nature of British protection in the near or distant future.

COMMUNISM AND FASCISM.

MR. SHAHANE'S SPEECH.

The following is a summary of the speech made by Mr. M. D. Shahane at the Liberal Federation in Calcutta on a resolution regarding Communism and Fascism:

I RISE to speak on this resolution with considerable hesitation. I had hoped, as a matter of fact, that there would be no necessity for me to speak on it, but the speeches of the mover and the supporter of the resolution have left me no choice. I wish, Sir, that a resolution of this kind which does not deal with any immediate problem facing the country and which does not lay down a definite line of work for the Federation were not moved at this session at all. But that can't be helped now. Before going to the resolution proper, I would like to recount a few of the resolutions passed at previous sessions of the Federation. In the second session of the Federation held in this town in 1920, the Federation passed a resolution condemning Martial Law in the Punjab and protesting against the Indian Press Act. In the third session held at Madras (Sir Chimanlal: You need not recount all the resolutions; people know them.) I submit, Sir, that this matter is too important to be rushed through. I wish to point out with reference to our previous resolutions that the Liberal Federation has a deep and abiding faith in the freedom of speech and association and has never hesitated to condemn executive encroachments upon it. This resolution, cleverly worded though it is, is likely to be misinterpreted by the Governments of the provinces, among whom we find to-day men who, although they belong to popular parties and insisted on civil liberties before they rose to power, display a perfect bureaucratic temper. They are likely to misinterpret this resolution as our sanction to arbitrary executive action against the civil liberties of people professing beliefs with which we or they do not agree. You will bear with me for a moment if I recount the fine tradition of this Federation in this respect.

In the third session held at Madras we condemned the non-co-operation movement on the ground, and it is important to bear in mind, that it would be detrimental to individual liberty and action. We also condemned repressive legislation such as the Rowlatt Act and the handling of the Punjab situation. In the fifth session at Nagpur and the sixth session in Poona we protested against the protection sought to be given to the Princes under the Princes' Protection Act. In the seventh session held at Lucknow we asked for the repeal of the Bengal Regulations forthwith. In the eighth session we condemned the detention of young men without trial in Bengal and protested against the Regulations and the Criminal Law Amendment Act. At the fifteenth session we lodged a vigorous protest against the repressive policy of the Government in dealing with Congress agitation. In the seventeenth session in Nagpur we condemned the Criminal Law Amendment Act and in

the eighteenth session last year we protested against repressive legislation and the retention of the Andamans.

I recount this history to demonstrate our loyalty to the principles of civil liberty and our abhorrence of arbitrary executive action against those with whose political views we have nothing in common. Last year at Lucknow a resolution similar to the one now under discussion was sought to be moved but did not come up because of strong opposition from a few prominent members of our party. Unfortunately they are not present here to-day, otherwise a small man like myself need not have worried about this resolution.

I offer these comments for another reason also. I was responsible last year for the insertion of a clause in our resolution regarding repressive legislation whereby the clauses of the Sea Customs Act empowering the customs authorities to prevent the entry of books in the country were condemned. And let me assure you, Sir, that the books whose entry is sought to be prevented preach a philosophy with which a majority of those present in Lucknow and here to-day have nothing in common. And yet, let it be said to our credit, we refused to be a party to any attempt at regimentation of thought and views. We stood sternly by our faith in the principles of liberty of speech and association.

Now this resolution declares the faith of the Liberals that communism and fascism are not suitable to Indian conditions and are opposed to our faith in the orderly and constitutional growth of political freedom. So far this is all right, but there is a great danger of this resolution being misunderstood as our sanction to the banning of associations for the propagation of these ideals. I want the Government and the public to know that the resolution does not contemplate anything like it. Let it not be understood that we will allow the freedom of speech and association of even those who are opposed to us to be curtailed through arbitrary executive action or decrees. We have a great tradition of democratic liberalism to maintain and we shall protest with whatever strength we can command against any attempt to choke off

those who have faith in principles we may not believe in. (Voice: He is speaking against the resolution. Chairman: Your time is up.) Sir, this matter is serious. It hits at the very root of democratic liberalism in which I believe and I am sure all of us believe. All the world must know that we concede to our opponents the same privileges and facilities which we demand for ourselves in the propagation of our political philosophy. If they preach something which contravenes the ordinary law, Governments are free to proceed against them in the regular courts, but we will not, we will never, stand aside and see the civil liberties of even our opponents curtailed. Let it not be said that in this city, in this capital of a province whose youth has made matchless sacrifices and suffered untold privations for the love of an ideal, a resolution sanctioning unlawful laws was passed by us. The Liberal Federation has a perfect right to pass a resolution disapproving certain political philosophies and I do not mind this resolution going on record, but I again emphasise that the world must know the proviso with which we desire it to be read. And it is this, that this Federation, true to its traditions of love of liberty and its faith in a free exchange of views and free association, shall not stand by any governmental action calculated to deprive any section of the public of its fundamental right of freedom of speech and association. With this proviso, I have no objection to allowing the resolution to pass.

BOOKS RECEIVED.

- INDIA'S FIGHT FOR FREEDOM. By SARDUL SINGH CAVERSHAR. (The National Publications, Lahore.) 1936. 20cm. Rs. 2-14.
- THE CHURCH'S ATTITUDE TO PEACE AND WAR. (Student Christian Movement Press.) 1937. 22cm. 95p. 1/-
- CAN CHRISTIANS BE PACIFISTS? By W. M. WATT. (Student Christian Movement Press.) 1937. 19cm. 126p. 2/-
- (The above two books are received through the Y. M. C. A. Publishing House, Calcutta.)
- LIFE IN AN INDIAN JAIL. By RAGHUBIR SAHAL. (Allahabad Law Journal Press, Allahabad.) 1937. 18cm. 92p.

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