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Topics of the Week.

No More Detenus.

WE congratulate the Government of Bengal upon the final consummation of their policy of restoring freedom to all persons in the Province of Bengal who were subject to restraint orders of one form or another under the Bengal Criminal Law (Amendment) Act, 1930, and Regulation III of 1918. It was only last week that the Home Minister of Bengal passed orders for the release of the last batch of about a hundred odd detenus and three State prisoners. The Bengal Government can now claim to have got rid of one of the darkest spots in its administration. It may be recalled that when the present Bengal Ministry came into power it had on its hands nearly 2,700 detenus, of whom 1,000 were in jail or camp, about 850 in village domicile and 200 in house domicile.

THE Bengal Government's policy of giving suitable allowances for a limited period to released detenus is also praiseworthy. The Political Secretary to the Bengal Government thus explains Government's policy in this respect:

Our object is to give the released detenus an opportunity of settling down to some occupation. Such cases are, therefore, normally dealt with after individual enquiry and on the merits. When a detenu is released there is no statutory obligation upon Government to provide an allowance. Such allowance,

if granted, is purely *ex gratia*. When, however, we released 1,100 detenus within a very short space of time last November, it was impossible to conduct 1,100 simultaneous enquiries without great delay and expense, and we, therefore, said that in their case we would make an exception, and a flat rate of allowance would be granted without individual enquiry, unless in any particular case Government were informed that the circumstances of the family were such as to make the grant of an allowance unjustifiable. I mention this because the impression seems to have got abroad that Government undertook to give help to every released detenu.

* * *

"I must Live."

THE *Indian Social Reformer* writes as follows about Mr. Rajagopalachari's opposition even to a motion for leave to introduce Mr. Krishnamachari's Bill for the repeal of the Criminal Law Amendment Act:

The Prime Minister's plea was in effect that "principles are all right, but Government cannot commit suicide." To a plea by an able-bodied man with whom Dr. Johnson was remonstrating for begging in the streets of London, "Doctor, I must live," Samuel Johnson drily remarked, "I do not see the necessity." If the Congress Government in Madras can live only by swallowing its principles, many people will be inclined to say, "We do not see its necessity." As for personality and prestige, they cannot be maintained by verbal legerdemain for any length of time. The country has demonstrated with reference to the recent Central Provinces incident that it will not allow personal factors to cloud its judgment or mitigate its censure. The unfortunate thing in Mr. Rajagopalachari's case is that not only his own personality and prestige and that of the Congress but that of the purity and soundness of the philosophy of the Gita and the Upanishads of which he has published expositions, are likely to be affected by his actions, both as an individual and as the head of the Madras Government.

* * *

Rajaji's Another Face-About.

PROCEEDING to comment on another and in some respects an even more amazing *volte face* of the Madras Premier, the *Reformer* observes:

Even more extraordinary than his attitude to Mr. Krishnamachari's Bill was the Madras Premier's attitude to Mr. M. C. Rajah's Bill to remove legal obstacles to the admission of Harijans to Hindu temples. Mr. Rajah's Bill, it may be remarked in passing, is to Mr. Munshi's Bombay Act as water is to wine. To quote Mr. Rajah's own description of it:

"This was a kind of local option Bill for removing the legal impediments to reform and put no compulsion

whatever on caste Hindus. The Bill sought to give every congregation of Hindu worshippers the right of deciding the question of opening the temples to Harijans instead of being dictated to by a minority.

... This Bill sought to enable Hindu opinion, when it had become liberal enough to be translated into action, to express itself without any legal impediment."

This Bill is identical with the one drafted by Dr. Subbarayan, Minister for Education in the Madras Cabinet, six years ago. The Governor-General did not sanction its introduction in the Madras Legislative Council on the ground that the question was one of all-India concern but gave his permission for its introduction in the Indian Legislative Council. Mr. Rajah, then a member of the latter Council, took charge of it and was actively and even enthusiastically helped by Mr. C. Rajagopalachari, now Prime Minister, to proceed with the measure. To quote Mr. Rajagopalachari's own words:

"The Bill was introduced in the Delhi Assembly also. I cannot forget the scenes which I witnessed when I sat in the galleries above that House and tried to pull the strings of the Central Legislature from there. There was a dilatory motion and both the mover and myself besides many other colleagues tried to give a great deal of difficulty to the Government then in power. We were keen on getting the Bill through there."

Mr. Rajagopalachari did not stop there. He published a pamphlet with the title "The Plighted Word", in which he ran amok against all who were not as enthusiastic as himself in support to the Bill.

That was six years ago. During these years the Harijan Sevak Sangh has been active. Gandhiji has been concentrating all his strength on the conversion or coercion of caste Hindus to the acceptance of this reform. But Mr. C. Rajagopalacharya, who was keen on getting the Bill passed six years ago with a view, as he candidly avows, of giving as much trouble as possible to the Government of the day, now opposes the same Bill because he, as Prime Minister, will have to shoulder the responsibility of giving effect to it.

* * *

Communal Representation in the Services.

THE distribution of posts in the public services among different communities in certain proportions may perhaps be justified for a temporary period if the proportions are fixed after taking all the relevant factors into consideration and if these factors are assessed at their true worth. But, practically speaking, this policy can hardly ever be placed under proper check, and there is always great risk of the efficiency and integrity of the services being undermined. In Bengal such a policy of distributing official patronage is being pursued, and under popular government the evils of the policy are in serious danger of becoming increasingly aggravated.

* * *

AT one time one-third of the posts in most of the services were reserved for the Moslems in Bengal, and now we believe the percentage of reserved posts has increased to 45. When a demand was made for increasing this percentage in the Bengal Assembly in March last, Mr. Huq, the Premier, offered every sympathy and promised to define the Government's policy within a short time, saying that in the meantime the Government would find how the percentages now fixed were being worked out in actual practice. For, he said, "those who have had the privilege of making appointments have been dodging the circulars all the

time." Thus, at that time, he escaped from the necessity of making an announcement about the revision of percentages.

* * *

IT was inevitable that the question should be raised again in the Assembly, and just before the Assembly was prorogued last week, an opposition member, Mr. Mia Mahomed Abdul Hafiz, brought forward a resolution recommending 60 per cent. of the posts being filled by Muslims, 20 per cent. by the scheduled castes, and 20 per cent. by all others. The Premier again pleaded that he had not had enough time to come to a decision, but asserted at the same time that the Muslims had not received a fair deal at the hands of the appointing authorities. The Muslim claim to 60 or 70 per cent. reservation was preferred on the ground that Mahomedans were not now inferior in education to any others, and the scheduled castes' claim to 20 or 25 per cent. was preferred on the ground, as Mr. Premhari Barma said, that "there is no education among us." Because Muslims can hold their own against other communities, they want 70 per cent. of the posts to be reserved for them and because the Harijans have no education they want 25 per cent. of the posts to be reserved for them. Contradictory arguments these, and both untenable, but they lead you, curiously enough, to an identical conclusion!

* * *

IT is only the Europeans who put their foot down on this tomfoolery in the Assembly, but the Congress party was only anxious to show that, if placed in power, they would do more for Muslims and the Harijans than Mr. Huq or Mr. Barma could do. Mr. Sarat Chandra Bose, who apparently never considers a question on merits but has always his eye on the main chance, said: "The Huq Ministry ought to have announced its policy in the matter of preferments long ago. The Congress has a definite programme, but we are not going to announce it now. I will only say that, whatever Mr. Fazlul Huq does, I shall do more than he. You can always rely upon me to outpace him—provided I am placed where he is now." There appears to be a keen competition in debauching Bengal politics, and we have no doubt that Mr. Sarat Chandra Bose will excel everybody else. Mahatma Gandhi resents Harijans of the C. P. sitting *dharan* at his cottage for the admission of a Harijan into the C. P. Ministry. We suppose Mr. Sarat Chandra Bose would cause all the Mahomedans and Harijans of Bengal to sit *dharan* at Mr. Huq's house for a larger share in appointments.

* * *

Gwalior Reforms.

WE are glad to learn that His Highness the Maharaja Scindia has acceded to the request of the Sarvajanik Sabha, Ujjain, for the inclusion of three non-official members in the Investigation Committee, originally intended to consist only of officials, which is to consider and report on the reconstitution of the Majlis-i-Am, popularly but incorrectly styled the Legislative Council of Gwalior. The Sarvajanik Sabha has itself submitted a memorandum on the subject of reforms, which asks for the introduction of dyarchy and for the extension or rather establishment of a legislature enabled to exercise influence on all matters not comprised within the sphere to be made over to a responsible Minister. It is desired that the Minister should be in charge of nation-building departments such as education, local

self-government, medical relief, co-operation, industries, rural uplift, etc., the Minister exercising his authority subject to the control of the legislature, and for the rest the legislature being placed in the position of "a responsible adviser and guide in matters of administration."

THOUGH this scheme can be approved of in principle, it is in our judgment open to serious criticism in detail. The legislature is, according to the scheme, to consist of two houses, the upper (or Majlis-i-Quanoon) to deal solely with legislation and the lower (or Majlis-i-Am) to deal with the budget (including taxes) and general policy. The upper chamber is in fact to be but a section of the lower chamber, consisting of a few members selected out of the latter. Why this complication is recommended and how legislation can be divorced from policy and finance it is difficult to understand. The laws to be ultimately framed by the legislative chamber are first to be discussed by the larger chamber. There is no reason why the laws should not be passed by the Majlis-i-Am and why the Majlis-i-Quanoon should exist at all. Although only a dyarchical form of government is asked for, it is desired that the budget for the whole administration as well as tax bills should be operative only after approval by the lower chamber; it is also desired that the resolutions passed by it be binding upon the State; further it is desired that the constitution be overhauled every five years. The scheme will not bear examination in detail, but the intentions of its framers are obvious: The administration should in regard to some departments be under the final control and in regard to others under the close criticism of a legislature consisting predominantly of popularly elected representatives returned on a moderately broad franchise. In fact, nothing more than the establishment of a Montagu-Chelmsford regime is asked for in Gwalior, and we do not see why the Maharaja should not establish it.

Travancore Congress Declared Illegal.

FOR some time past, the Travancore Administration has been behaving in a dangerous way. Probably puffed up with the applause which greeted its proclamation admitting Harijans to the temples, the Travancore Administration thinks that a single meritorious act is enough to cover a multitude of its sins and is, therefore going on merrily with its policy of repression and suppression. It was in February last that the Dewan made the spacious statement that the States could not grant responsible government to their people, as they were bound by treaty rights with the Paramount Power, suggesting thereby that the Paramount Power was averse to the establishment of responsible government in the States. When this statement was contradicted by the accredited representatives of the Paramount Power, the members of the Travancore Assembly gave notice of an adjournment motion to have a further discussion on the introduction of responsible government in Travancore. But the Dewan-President peremptorily disallowed the adjournment motion. He argued that because Travancore Regulation II of 1108 had prescribed a certain form of government for the State, the discussion of any other form of government would be debarred by the provisions of the Regulation itself. This argument of the Dewan was absurd on the face of it, for it amounts to this, that no change in the existing constitution can ever be discussed in a legislature.

THE Travancore State Congress was resolved, as certainly was its right, to carry on a vigorous propaganda in the State for responsible government. But the Dewan was equally resolved not to allow such propaganda to be carried on, and in order effectually to stop it he issued orders as early as March last prohibiting members of the State Congress to hold any meetings and demonstrations. The reason given for these orders was that members of the State Congress had already delivered seditious speeches. A former President of the Congress states that not a single meeting had been called nor a single speech delivered under the auspices of the Congress, but that the Congress was only thinking when the orders were issued of carrying on propaganda. Anyhow the Congress did not defy these orders but carried on private negotiations for their annulment. These negotiations came to nothing, and therefore the Congress felt compelled to disobey the orders and take the consequences that the enforcement of an unjust law would entail on its members, particularly because a rival organisation called the National Congress had been established and had been allowed perfect freedom to attack the State Congress. When this determination of the State Congress to practise satyagraha became known, the Dewan declared the Congress an unlawful body, and the crisis thus precipitated is now resulting in a number of members of the Congress being sent to gaol. Whatever repression the Travancore Government may practise, it will not succeed in suppressing the popular upheaval that is clearly now in full swing in the State for responsible government.

The Harijan Sewak Sangh.

A RECORD of India-wide beneficent activity can be claimed for the Harijan Sewak Sangh, the fifth annual report of which has reached our hands. The Sangh is a purely humanitarian institution without any political bias, carrying on its activities both in British India and in Indian India. It is a matter of great regret that the financial position of the Sangh is not very satisfactory, its total revenue having fallen to half of its total expenditure. If this state of things is allowed to continue for long, then the general fund of the Sangh will get depleted in a short time. We hope that the philanthropic patriots of India will donate liberally to this institution and enable it to carry on its ameliorative work.

According to the report, the year under review has been remarkable and eventful for four important happenings: (1) The Travancore Temple Entry Proclamation; (2) Lathe (Kathiawar) temple entry; (3) The first Provincial elections under the new Constitution as per the Poona Pact; and (4) Ushering in of Provincial Autonomy, giving a great lift to the Harijans.

As regards elections under the Poona Pact, the report bitterly complains that the spirit of the Poona Pact was marred by the Government introducing a system of cumulative voting. Both the Secretary of the Sangh and the other Harijan leaders had given evidence in favour of the distributive vote before the Delimitation Committee. But, contrary to all expectations, the cumulative system of voting was allowed to remain, and the result was that in some places party politics were responsible for caste Hindus exercising their cumulative vote exclusively in favour of the caste Hindu candidates. But the report notes with pleasure that instances of this kind were few,

and that there were cases where caste Hindu candidates even risked their majorities in order to have a safe seat for the Harijan candidate.

The Provincial elections placed many Harijan workers in important places and it is gratifying to note that in the eleven provinces enjoying provincial autonomy, there are five Harijan Ministers and five Parliamentary Secretaries.

The Sangh maintains a few industrial and vocational institutes in different parts of India. By far the most important step during the year under review is the inauguration of the South Indian Rural Reconstruction Scheme under which centres have been started for training in bee-keeping, cattle-breeding, poultry farming and tanning. Another step in this direction is the establishment of two Harijan Ashrams at Allahabad and Devacottah, to become ultimately centres for training workers to serve as settlements of Harijan families on modern lines.

The report complains bitterly of the treatment meted out by local bodies to their Harijan employees and opines that the time has come when the Provincial Governments should make rules and regulations compelling local bodies to provide their Harijan employees with decent conditions of service.

The report concludes with a hope and a warning. It hopes that there has been a quickening of the conscience in both the caste Hindu and the Harijan, and it warns that unless the conservative section of the Hindu community mends its ways, it will be forced to do things by legislation.

Articles.

INDIAN PROBLEMS IN MALAYA.

MR. AIYER, who has known Malaya for some twenty years and who is now the Hon. Secretary of the Central Indian Association of Malaya, has done a very useful service by publishing his book at this time.* For the Government of India have introduced a Bill which would empower them to prohibit not only assisted, but unassisted and free, emigration of Indian unskilled labour to Malaya, among other countries.

Mr. Aiyer is of opinion that the emigration of unskilled Indian labour is a mistake and should be stopped. The labourers from India have gained little by emigration. He agrees with Mr. Ruper Emerson who said in his book, *Malaysia*, that "the vast majority of them (Indian labourers) have risen no higher than their miserable starting point and have lived out their brief Malayan lives within a radius of a few miles from the dingy 'coolie lines' in which they slept." On the other hand, the national self-respect of India as a whole has suffered grievously. The only people that gained are the employers of Indian labour in Malaya, who want Indians only as labourers and not as colonists and citizens.

Mr. Aiyer pleads that the whole question of emigration from India should be reviewed in the

light of the past experience and current needs and standards, and that India should frame a truly national policy based primarily in the interests of India and her nationals, and only incidentally in the interests of oversea employers. He pleads for the reversal of the current policy, a legacy of the nineteenth century, which is concerned primarily with the financial interests of British planters in Malaya, and only incidentally with the interests of the Indian labourers, and which works to the neglect of the interests of India as a whole. He pleads for a new orientation of policy. He would permit the emigration of unskilled labour for temporary wage earning abroad only if it subserved the new national policy. He would have India follow the policy of Japan, Japanese emigrants are not coolies, but agriculturists and traders who are encouraged by the Japanese Government itself to emigrate, under its close and continuous supervision, to countries where they are welcome as permanent colonists.

Mr. Aiyer realizes that the control, and perhaps prohibition, of free emigration of unskilled labour is an encroachment on the civil liberties of the individual. He finds in the status and character of the Indian emigrant to Malaya the justification for it. For the Indian labourer, even with the backing of the Government of India, has not made good and will not make good in Malaya, and his status is in striking contrast with that of the Chinese labourer who, even without the efficient backing of his Government, gets his way more successfully with the employers in Malaya. Mr. Aiyer institutes a very interesting contrast between the Indian and the Chinese labourers in Malaya, without however attempting an adequate explanation of the contrast and without suggesting solutions to equalise the status, other than the complete stoppage of Indian labour emigration.

One point, however, needs some further elucidation. He repeats the statement that the Chinese are paid higher wages, and that Indian labour is cheaper than Chinese. He admits that the Chinese are paid by results and Indians by time, which makes a ready comparison of wages somewhat difficult. If the Chinese are paid at so much per pound of rubber, and the Indians at so much per day, a comparison of wages drawn by each will be possible only if the amount of work turned out by both is the same. If the Chinese turns out more work per day than the Indian, and is paid by results, it is inevitable that the earnings of the Chinese per day will be higher. The same may happen with the Indian also. It is a matter of common knowledge in India that the same labourer will do more work in a given time if paid by results than by time, and will consequently earn more.

A comparison is possible only when some common unit is taken into account, as for instance, the cost to the employers per pound of rubber. With respect to this criterion, Mr. Aiyer

* By K. A. Neelkandha Aiyer. ("The Indian" Office, Kuala Lumpur.) 1938. 180p. Rs. 1-8-0.

says that "a comparison of the cost of tapping per pound of dry rubber leaves little room for doubt that the Indian is cheaper than the Chinese" (p. 18). The Annual Report of the Malay Labour Department for 1936, on the other hand, says: "The Chinese have always been accustomed to payment by results and get higher wages than Indians by working this way. The costs to the

state are the same however, no matter which type of labour and system is employed..." (p. 11) (*italics ours*). The two statements need some reconciliation. It would be interesting to know if Mr. Aiyer would advocate that Indians too should be paid by results or given that option, and if such a system would be acceptable and beneficial to Indian labourers.

PROTECTION OF THE EX-PROPRIETOR.

I.

IN considering the question of tenant right, the grant of occupancy right is usually considered along with the grant of ex-proprietary right. It is generally recognised that when a proprietor has to part with his right in land, either by voluntary or forced sale, he should, while he has lost his proprietary right, be maintained at least in possession of his right of cultivating occupancy, and in the zamindari provinces this principle is as a rule given effect to with reference to the landlord's *sir* or home farm. The provision made in this limited form is for the purpose of saving the landlord who has alienated his right from absolute starvation. We have in a previous issue quoted in full the relevant sections of the Tenancy Acts in the Central Provinces. Similar provisions are found in the Rent and Tenancy Acts of Oudh and Agra. They recognise a class of ex-proprietary tenants consisting of landlords who, when they cease to be owners, are allowed to retain cultivating possession of their *sir* on which they remain as occupancy tenants. The Oudh Rent Act of 1868 was wider in its scope inasmuch as it conferred occupancy right on ex-proprietary tenants not only in respect of *sir* but also in respect of all the land that had been in their possession. It provided as follows:

Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for those lands according to the provision of this Act, have a right of occupancy under the following rule:—

* Every such tenant who, within thirty years next before the thirteenth day of February 1856, has been either by himself, or by himself and some other person from whom he has inherited, in possession as a proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August 1866: Provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the thirteenth day of February

* 13th February, 1856, is the day of the annexation of Oudh; 24th August, 1866, is the date on which Sir John Strachey's rules as to the tenants' right of occupancy were approved by the Governor-General-in-Council; and 23rd July, 1868, is the date on which the first Rent Act for Oudh was passed.

1856: Provided also that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Later amendments of the Act passed in 1901 and 1921 fixed the rent due from ex-proprietary tenants at four annas in the rupee less than "the fair and equitable rate payable by statutory tenants for land of the same class or classes of soil."

The North-Western Provinces Rent Act of 1873 made the following provision:

Every person who may hereafter lose or part with his proprietary rights in any mahal shall have a right of occupancy in the land held by him as *sir* in such mahal at the date of such loss or parting, at a rent which shall be four annas in the rupee less than the prevailing rate payable by tenants at will for land of similar quality and with similar advantages.

Persons having such rights of occupancy shall be called "ex-proprietary tenants" and shall have all the rights of occupancy tenants.

The Agra Tenancy Act of 1901, which took the place of the Act of 1873, said:

Every proprietor, whose proprietary rights in a mahal or in any portion thereof, whether in any share therein, or in any specific area thereof, are transferred, on or after the commencement of this Act, either by sale in execution of a decree or order of a Civil or Revenue Court, or by voluntary alienation, otherwise than by gift or by exchange between co-sharers in the mahal, shall become a tenant with a right of occupancy in his *sir* land, and in the land which he has cultivated continuously for twelve years at the date of the transfer, and shall be entitled to hold the same at a rent which shall be four annas in the rupee less than the rate generally payable by non-occupancy tenants for land of similar quality and with similar advantages in the neighbourhood.

Here it will be seen that the ex-proprietary rights were extended from *sir* land to land in unbroken cultivation of the ex-proprietors for twelve years, and this limit of twelve years was reduced by the Act of 1926 to ten years, and the rent payable by them was fixed at two annas in the rupee below the rate for occupancy tenants instead of four annas in the rupee below the rate for non-occupancy tenants.

Similar provisions were made applicable to Ajmer by the Revenue Regulation of 1877, which laid down as follows:

Any person who may have, whether before or after the passing of this Regulation, lost or parted with his proprietary rights in any holding, either tem-

porarily or permanently, and has since continued in occupation of any of the lands comprised in such a holding, which as proprietor, he retained under his own cultivation, shall have a right of occupancy in such lands at a rent five annas four pies in the rupee less than the prevailing rate payable by tenants at will for lands of similar quality and with similar advantages in the neighbourhood.

Such persons are hereinafter called "ex-proprietary tenants."

Any agreement executed, whether before or after the passing of this Regulation, by an ex-proprietary tenant to pay a higher rate than that prescribed by this section shall be void.

It is not only in zamindari areas that for the ex-proprietor was retained the right of cultivating occupancy but also in peasant-proprietor areas. For instance, the Punjab Tenancy Act of 1868 had the following:

Every tenant ... who has involuntarily parted or shall involuntarily part with proprietary rights in any land otherwise than by forfeiture to Government and who has continuously occupied or shall continuously occupy such land or any part thereof from the time of such parting ... shall be deemed to have a right of occupancy in the land so occupied.

This provision was continued by the Act of 1887 in the following terms:

A tenant ... who, having owned land and having ceased to be the landowner thereof otherwise than by forfeiture to the Government or than by any voluntary act, has, since he ceased to be landowner, continuously occupied the land ... has a right of occupancy in the land so occupied."

The occupancy right is non-transferable in Oudh and Agra and transferable in Ajmer and the Punjab. Restrictions placed on transfer of land by the Land Alienation Act of 1900 were made applicable in the Punjab to rights of occupancy.

In Burma, which again is a country of peasant proprietors, a class of landlords had arisen as early as some fifty years ago and as a solution to the problem the then Chief Commissioner, Sir Frederic Fryer, prepared a Bill in 1899 conferring occupancy rights on tenants who had cultivated the same land continuously for twelve years and also on such persons as, having been landowners, had continued to occupy the same land as tenants.

II.

The question of extending this principle of preserving their right of cultivating occupancy to the ex-proprietors of the Deccan was considered by Government in connection with the Deccan Agriculturists Relief Act. "The Note on Land Transfer and Agricultural Indebtedness in India," published by the Government of India in 1895, says: "In noting in 1891 on the proposal to appoint a Commission to examine the working of the Deccan Act, Sir P. Hutchins expressed himself in favour of 'a law which would enable proprietors who have been sold up to become occupancy tenants of a reasonable portion of their former estates without power of transfer,' and the Commission, when appointed, considered among other

schemes that of conferring on the ex-occupant 'an inalienable right of continuing to cultivate the land, subject only to the payment of a fair rent;' but to the plan, so far as concerned the Deccan, they were opposed on three grounds, viz., (a) that it would be difficult there to fix a fair rent, (b) that the ex-occupant could still be induced in various ways to abandon the land, and (c) that in a capricious climate like the Deccan it would be impossible to realise regularly the legal rent." The matter is so important that it would be useful to quote here *in extenso* the findings on this subject by the Commission appointed in 1891 to inquire into the working of the Deccan Agriculturists Relief Act. The Commission say in paragraph 74 dealing with "A Law of Tenant Right":

The vast majority of the ryots of the Deccan are petty farmers who cultivate their own lands. Under the present law a ryot who parts with his holding, whether by sale or mortgage with possession, becomes (if he remains on the land at all) a tenant-at-will; he holds the land at such rent and for such period as has been agreed upon; and for failure to pay rent, or on the termination of the period of his tenancy, he is liable to summary ejection on the application of the landlord or mortgagee. There is evidence to show that so long as the late occupant is allowed to continue on the land as tenant, he accepts his fate, if not with cheerfulness, at least with resignation; and non-agriculturist vendees or mortgagees still prefer as a rule to keep the old occupant on the land, and to sweat him—his attachment to his holding enabling them to extract from him more than another tenant might be prepared to pay. The question, then, naturally suggests itself whether it would not be possible to protect the cultivator somewhat in the same way as ex-proprietary tenants in the North-Western Provinces are protected, i. e., by conferring on him an inalienable right of continuing to cultivate the land subject only to the payment of a fair rent.

Probably the chief objection to the adoption of this proposal in the Deccan would be the difficulty of assessing in each case a fair rent, as there is practically no basis of customary money rents to go on. A general rule might be laid down fixing the rent at a certain ratio to the assessment, but there would be no guarantee that the rent thus fixed was a fair one. Such a law might also be evaded (as in parts of the North-Western Provinces) by the ex-occupant being induced to relinquish the land. The law may prevent an ex-occupant's forcible dispossession, but would be powerless to compel him to remain in occupation against his will; and if the profits of the land (over and above the legal rent) were considerable, an improvident ryot might easily be bribed to abandon the land altogether. A further and recurring difficulty in the capricious climate of the Deccan would be the realization of the legal rent. It would be unjust to the landlord to refuse to eject a tenant who could pay his rent but did not; and unfair to eject a tenant whose inability to pay arose from the vicissitudes of the season. A large number of disputes might thus arise, which it would be difficult to settle satisfactorily.

It would of course be possible to provide that the rent payable by an ex-occupant shall be fixed by a revenue officer at a certain share of the produce not to be commuted into money. There may be a sufficient number of tenants who pay rent in this form to enable revenue officers to ascertain what the customary rate is; and it might be possible to guard against

the danger of the landlord inducing the ex-occupant to relinquish the holding, and giving it to another tenant at a higher rent, by providing that every tenant shall have a right to have his rent fixed by a revenue officer. But this would be an entirely new departure in the Bombay Presidency, and the Commission feel some doubts whether these four Deccan districts (Poona, Ahmednagar, Sholapur and Satara) offer, under present conditions, a promising field for the trial of the experiment.

The experiment was not favoured by the Bombay officers either, but the matter did not rest here. The Government of India's "Note on Transfer of Land" tells us that Sir Charles Crosthwaite, who was transferred from the Lieutenant Governorship of the United Provinces to a membership of the Viceroy's Executive Council in his Minute of 28th November, 1892 urged, strongly the adoption of the scheme in the Bombay Presidency. He also urged extension of the benefit of ex-proprietory rights, where they were conferred as in the Central Provinces, to a suitable "homestead area" if the land included in *sir* was inadequate. His proposal is quoted below in full:

I recommend a course similar to that which has been followed, I believe, with some success in the case of proprietors whose land is sold for debt in the North-Western Provinces. The rights in land are looked upon as divisible into two parts: the rights of the owner and the rights of the hereditary cultivator. I think there is no doubt that under the old native system the only rights possessed by the ryots as a body were those of an hereditary occupier who was not subject to ejection so long as he paid his rent to the Government. We took these men and gave them what was called in the old Regulations proprietary right. And this right became liable to be seized and sold in satisfaction of money decrees. The greater right was held to include the lesser; and so when a man was sold up he not only lost the new right that we gave him, but also his old right of occupancy. On these grounds it was argued by those who framed the North-Western Provinces Rent Law in 1873 that it was equitable and in accordance with the old customary law to exempt the cultivating right from seizure for debt, and it was enacted that when a landowner was sold up he should remain in possession of his home-farm as an hereditary tenant without right of transfer, and that he should pay a fair rent at favourable rates to be fixed by a Revenue officer. I think an arrangement of this kind would prevent in the Deccan and elsewhere the worst evils resulting from the present process of transfer. The ryot would get quit of his debts, and would remain on his ancestral land. He would pay more for it than he had hitherto done, and his power of incurring fresh debts would be much diminished because he would have no transferable right remaining. The Bombay Government will probably advance two objections to this proposal: (1) that it introduces a middleman between the Government and the ryot, which is foreign to their system; (2) that their officers are unable to fix a fair rent, as the revenue in Bombay is fixed on *a priori* principles which have no reference to rental value of the land in the market or to the produce of it. The reply to (1) is that it is abundantly plain from the records that the ryots whose land has been sold are retained on it by the purchasers who receive a rack-rent from them, and hold them entirely at their mercy. To say that there are no middlemen is inaccurate. It is better to

recognize the facts and to protect the ryot. The answer to (2) is that the difficulty can be got over either by saying that the new rent is to bear a certain proportion to the revenue, or by setting some of the Bombay Revenue officers to enquire into the rents paid by the numerous sub-tenants who undoubtedly exist and to ascertain the letting value of land. To us in Northern India who are accustomed to fix rents and decide rent cases as part of our daily duty the difficulty seems an inadequate reason for rejecting the proposal.

In the case of the ordinary ryot who cultivates all the land in his holding, a provision similar to that in the North-Western Provinces Rent Law would afford ample protection. But I do not think it goes far enough to protect men of the stamp of the landholders of the North-Western, Punjab, and Central Provinces. Sometimes a man has no *sir* or home-farm or very little. In such cases he gets either insufficient or no protection. To remedy this, it may be necessary to exempt from sale an area of land equal to the area ordinarily held by a substantial cultivator, or sufficient to provide the ex-proprietor with means of subsistence. There are, however, difficulties in making any arrangement of this kind, as the land in which the owner's rights are sold may be all held by tenants with right of occupancy.

It would not be possible, therefore, to leave the ex-proprietor in all cases land which he could cultivate himself. But this need not prevent us from leaving him a small area of land occupied by tenants who would pay him rent. He would have no right of transfer in that land.

Contrary to the views expressed by the Bombay officers, Sir Charles Pritchard gave his support to the scheme. He said:

I agree with those who hold that the mischief and evil arising from the dispossession and reduction to virtual serfdom of the hereditary occupants of lands in the Deccan and elsewhere is so great as to justify Government in going great lengths in shaping a remedy. I believe that the only really effectual remedy lies in the direct recommendations in this direction made by Sir Charles Crosthwaite in his minute of 28th November 1892. There may be some reluctance at first on the part of Bombay Revenue officers to accept measures that are apparently foreign to the system in which they have been trained; but I expect that that reluctance will disappear on a close examination of the proposals, and that means will be found for adapting a system that has produced successful results in the North-Western Provinces to the circumstances of the *raiyyatwari* tenure prevailing in Bombay.

III.

The above will show that the Commission on the Deccan Agriculturists Relief Act fully admitted the need for making a provision in law for preserving a means of subsistence for a landowner who has lost his land on account of misfortune by granting him an inalienable right of occupancy in the land which was once in his possession. The objections urged by the Commission against the enactment of such a provision are minor and of an administrative nature, and have been answered by Sir Charles Crosthwaite and Sir Charles Pritchard. But these objections cease to have any substance in them inasmuch as the Tenancy Bill proposed by the Bombay Ministry, although it does not grant ex-proprietory rights, makes

provision for the setting up of machinery which will adequately meet with the difficulties anticipated by the Commission. The fixation of rent will not be left hereafter solely to an agreement between landlord and tenant, but will be the task of revenue and judicial officers wherever there is a dispute between the two parties. These officers will in such cases have to fix a fair rent, and the cases in which the rents of ex-proprietary tenants have to be settled can well be left to them. Secondly, the climate of the Bombay Presidency no doubt behaves treacherously at times, but the ex-proprietors would, we believe, prefer taking chances with the climate to being turned out forthwith. Prospective ejection in the event of a bad season would certainly have less terrors for them than certain ejection immediately they lose their proprietary right. The Bombay Ministry has provided in its Bill for remission or suspension of rent corresponding to remission or suspension of land revenue, and this should mitigate to a large extent the hardships due to the vagaries of the weather. If, again, it will relax, as is necessary, the very stringent provisions now proposed for the eviction

of the tenant on failure to pay rent, the hardships will be mitigated still further. The question in any case is not beyond solution. But if worst comes to the worst, the ex-proprietor would rather have a precarious tenure than be at once turned adrift on to the world to face utter starvation. We have, therefore, commended to the attention of the Ministry the insertion of a provision in the Bill conferring an inalienable right of cultivating occupancy on all landowners who have transferred the proprietary interest in their land since the onset of the depression but who still happen to be cultivating occupants of the land, and also on all those who will in future lose their proprietary interest. The scope of the Bill is very severely limited at present, so much so that, unless widened in various directions, the proposed tenant law will have very little utility. The grant of ex-proprietary rights will go some way in the desired direction. The question has been considered in the past, and the objections then urged, never insuperable, have now vanished. It is up to the present Bombay Government to take action where the former Government committed a default.

AGRARIAN REFORM IN CHAMPARAN.

EVEN after the successful satyagraha campaign of Mahatma Gandhi in Champaran, a good deal had yet remained to be done to free the tenants of the district from the oppression of the planters. The solution that the Mahatma then had to agree to, was only in the nature of a compromise. It was inevitable that, after the accession of a popular Government to power, the terms of the compromise arrived at twenty years ago would be revised and the tenants of Champaran placed on the same footing as the tenants in other parts of Bihar. This the Congress Ministry is doing.

Champaran is a district in the north-western corner of the province of Bihar, with land and tenancy problems all its own. Ever since 1800 or even earlier, European planters had established themselves in the Champaran district, engaging themselves in the production of sugarcane and indigo, the latter being then one of the main items of India's export trade. Bettiah, the biggest zamindari of the Champaran district, was heavily encumbered with debt and, in order to find money to pay off the debt, the Bettiah Raja settled a portion of his zamindari with European factory-owners in perpetuity, so that the latter would pay the reserved rent towards the liquidation of the debt of the Bettiah estate. Besides this, the European planters also took temporary leases from two other zamindaris of Ramnagar and Madhuban in Champaran district. Thus more than half of the district came under the possession of the European planters. Having thus become the undisputed masters of the land, the European planters began

ill-treating the tenants in a way which made them notorious throughout the whole of India. In the first place, they either persuaded or forced the tenants to agree to grow indigo on 3/20ths of the area of their holdings and sell the produce to them according to the schedules of price fixed by the planters themselves. This practice of letting out land was generally known as the *tinkathia* system. Oftentimes, the agreements were made for a period of 25 to 30 years, so that even if indigo cultivation did not pay, the tenants could not take to the cultivation of any other crop. Secondly, the planters having the sole power of determining the prices, the tenants seldom received a reasonable price for their produce. This system was a source of great misery and suffering to the poor ryots of Champaran. Even when they were extremely unwilling to grow indigo on their holdings, agreements from them were taken forcibly by the planters, and the tenants had no option but to toil as bond-slaves. How cruel and inhuman these methods were can be well understood from the following evidence of Mr. E. W. L. Tower, at one time Magistrate of Faridpore, before a Committee appointed to enquire into the grievances of the tenants. He said: "I have seen several ryots sent in to me as a Magistrate who have been speared through the body. I have had ryots before me who have been shot down by Mr. Forde (a planter). I have put on record how others have been first speared and then kidnapped, and such a system of carrying on indigo I consider to be a system of bloodshed."

While the condition of the tenants was so miserable and the local Government was doing

practically nothing to redress their grievances, there came as a god-send competition from the synthetic dyes of Germany which nearly killed the indigo trade of India. The planters themselves did not want indigo to be grown, but they adopted a clever ruse to cheat the tenants. Knowing full well the reluctance of the tenants to grow indigo on their holdings, they agreed to exempt them from the obligation of growing indigo if they (the tenants) agreed to pay a certain sum every year in addition to their normal rent for obtaining the exemption. This practice commonly known as *hunda* was resorted to by many of the European planters. But the local Government thought that this exaction was illegal and consequently discouraged the planters from levying the same. However, the planters were not baffled. They made the Government agree to their taking damages from the tenants for releasing them from the obligation to grow indigo. Thus in these villages in which the planters had acquired a permanent lease they levied what came to be called as *sharahbeshi*, a device by which the normal rent to be paid by the tenants was increased from 50 to 75 per cent. In villages where the planters had a temporary lease, they adopted another method of taking damages from the tenants. They exacted a lump sum, commonly known as *tawan*, from the tenants in perpetual liquidation of the obligation to grow indigo on their holdings. Generally, these *tawans* were equivalent to three years' rental paid by the tenants.

Now, at this stage, it is pertinent to enquire as to whether the planters were legally justified in exacting these dues. We have already detailed the circumstances under which the tenants were forced to enter into agreements to cultivate indigo on 3/20ths area of their holdings. Supposing the agreements were binding on the tenants, the tenants could be forced to grow indigo; but the growing of indigo the European planters themselves did not want. Had the tenants known the whole situation, they would have insisted on growing indigo according to the contract and would not have agreed to any increase of rent. But not only, not even the local Government apprised the tenants of the real situation so that the poor tenants were made to pay extra dues ranging from 50 to 75 per cent. of the normal rent whereas according to the tenancy laws of the province rent could not be increased by more than 12½ per cent. It is no wonder, therefore, that this led to bitter discontent among the tenants of Champaran. There were cases of loot and arson, and the suffering of the peasants was so great

that even the tenants of Champaran could not put up with it. About 1917, Mahatma Gandhi was prevailed upon to visit the Champaran district and to make enquiries about the conditions of the tenants. Mahatmaji's arrival in Champaran was the signal of widespread alarm and apprehension among the European planters. The Local Government also did not take kindly to Mahatmaji's visit. But recognising the sincerity and the importance of his mission, the local Government subsequently appointed a Committee to enquire into the agrarian problems of Champaran district. Mahatma Gandhi was himself appointed a member of this Committee. It must be mentioned here that the European planters had very great influence then with the Bihar Government and the representatives of the tenants were absolutely powerless. It is under these circumstances that the Committee conducted its enquiry in the Champaran district. The Committee came to the conclusion that the *tinkathia* system of land tenure was oppressive, and vexatious and should, therefore, be abolished completely by the Government. It also recommended that if any tenant voluntarily agreed to grow indigo on his holding, he would be free to do so but no agreement could be binding for more than three years. As regards enhancements in the rates of rent, the Committee came to the conclusion that enhancements in rent in lieu of the obligation to grow indigo should be reduced by 26 per cent. in all cases except in the case of the Turkanlia concern, where the reduction would be only 20 per cent. Thirdly, the planters were asked to refund to the tenants 25 per cent. of the charge they had exacted as *tawan*. All the recommendations of the Committee were incorporated in the Champaran Agrarian Act of 1918. But, as we have said above, this law was able only to mitigate, but not to remove completely, the injustice suffered by the tenants at the hands of the planters. The rents of the tenants who had agreed to grow indigo were increased, as a price of their release from the agreement, by 50 to 75 per cent., but their rents were reduced only by 26 per cent. The tenants still continued to pay in some cases as much as 50 per cent. more than their normal rent. Even Mahatma Gandhi was powerless to do more for them at the time than offer them a little solace.

The Bill now introduced by the Bihar Ministry and passed by the Assembly cancels all these enhancements of rent entirely. The rents of Champaran will now be brought into line with the rents in other parts of Bihar. Thus all the vestiges of the oppressive system that was introduced in the district are on the point of being eliminated.

INDIAN CURRENCY AND EXCHANGE.

II.

IT is unnecessary to enter into a lengthy theoretical discussion to maintain the point of view put forth above. A few salient considera-

tions may, however, be indicated. The Gold Bullion standard and the 1s. 6d. ratio were adopted in India as a result of the recommendations of a

Royal Commission. This Commission had examined the possibility of establishing both a Gold Exchange and a Sterling Exchange standard and had definitely rejected these alternatives. It had raised a number of objections against the Gold Exchange standard and some additional ones against the Sterling Exchange standard. Why then should the Government of India have hastily adopted this standard in 1931? The advantages flowing from a uniform international standard are obvious; its disadvantages lay in the fact that under changing circumstances the maintenance of the gold standard involved a tyranny of international movements over the internal economy of a country. The possibility of pursuing a consistent internal policy and of maintaining exchange stability had been for a long time proved inconsistent, and informed opinion was slowly veering round to preferring the first alternative. This meant giving up the gold standard and a fixed parity and adopting the managed currency system. It should be noted, however, that while India abandoned the gold standard it was not allowed to secure the most important advantage that normally flows from the step. Indian currency had still a fixed statutory parity. Instead of being a gold parity, it was a paper sterling parity; that was the only difference made. A statutory parity involves the management of the currency system with the maintenance of the parity as the dominant aim. The Indian currency system though off gold could still, therefore, not be managed with reference to the needs of Indian economic life. And, of course, as the succeeding period was one of exchange chaos India did not get the advantage of any exchange stability either. The decision to adopt the Sterling Exchange standard thus meant having the *worst* of both worlds.

Some protagonists of the link with sterling talked as if the only alternative was wild inflation or chaos. This, of course, was highly erroneous. The plea could not stand in India as only a decade ago, i. e. during the period 1919 to 1925 the Indian currency system had been a merely managed currency system without fixed parity with sterling. As a fact, Mr. Keynes in his "Tract on Monetary Reform" affirmed the practical possibility of a managed currency system by reference to the contemporary Indian example. What was urged, when the link with the sterling was opposed, was that the extent to which the rupee was depreciated should not necessarily be the same as that the sterling had depreciated. The need for going off gold lay in avoiding the deflationary effects of the continuous fall of gold prices. Internal price stability and perhaps reflation subsequently were the objectives at which all countries which left the gold standard aimed. The appropriate exchange levels at which these objectives could be attained were necessarily different for the different countries. And the claim of Indian opinion was

merely the claim that this should be determined by reference to Indian conditions alone.

As later events proved, the depreciation brought about by the depreciation of the sterling was not adequate so far as India was concerned. Even on *a priori* considerations it is easy to see that this would happen. For, in the early stages of the depression the fall in the prices of agricultural products was much greater than the fall in the prices of manufactured goods. Hence the degree of depreciation necessary to balance an economy which sold agricultural goods and bought manufactured goods would be greater than in an economy which reversed these roles. The phrase "an exchange finding its natural level" is sometimes ridiculed as being vague and almost meaningless. But under managed currencies currency authorities can have no other aim than this and must pursue this shadowy end. There are to-day no agreed objective tests regarding the proper equilibrium level at which a currency should be stabilised. Without entering into the niceties of theoretical discussion we may cite the opinion of the study group of the Royal Institute of International Affairs as being representative of the main trend of thought on this question. The study group holds the equilibrium rate to be one at which the balance of payments is in equilibrium, the normal exchange of goods and services facilitated and capital movements are kept at a reasonable level and are properly invested. Even with the snapping of the gold link the movement of the balance of trade against India did not stop. As a fact, the situation became worse and in 1932-33 India had an actual deficit balance of merchandise trade. The adverse merchandise balance did not continue during the following year, but the average of the net merchandise balance during the three years 1933-34 to 1935-36 was only Rs. 19 crores. When it is realised that the payments abroad on account of Government expenditure and interest payments amounted on an average to Rs. 45 crores during the same years the extent of the continuous adverse balance of trade during the five years from 1930-31 to 1935-36 will be clearly realised. These bare facts about India's international balance of payments are enough to prove the contention that the exchange ratio of the rupee was seriously out of adjustment.

On all counts the Indian exchange ratio throughout the period of depression was seriously out of equilibrium. It is generally held that an influx of gold indicates undervaluation of the currency, and on this indication it is calculated that the English currency was undervalued in the period after September 1931. The adverse balance of payments in the case of India was accompanied by a large efflux of gold out of the country. India, from being a country which normally bought large quantities of gold became a country exporting gold on an enormous scale. During the five years 1931-32 to 1935-36 India

exported gold worth more than Rs. 270 crores. This represented a higher value than the value of the net imports of gold into India for the period of ten years previous to 1930-31. The enormous dislocation of India's normal balance of payments indicated by these facts will be fully realised when it is noted that for a period of over fifty years prior to 1930-31, i. e. for the entire period of the modern era of India's international trade, there had never been a net balance of export of treasure from India. In some years there has been a net export of gold but it has then always been more than balanced by the net import of silver. The net export of gold has been a feature of the years 1892-93, 1894-95, 1915-16 and 1918-19. In 1892-93 and 1918-19 the net export of gold was due to silver having been comparatively overvalued and gold undervalued in the Indian currency system. The net export of gold was, therefore, accompanied in these years by a very large net import of silver. The closure of the mints in 1893 led to a considerable overvaluation of the rupee, and this was one of the factors responsible for the very low net imports of gold in 1893-94 and the net export of gold in 1894-95. But even during this year there was no net export of treasure, gold and silver being taken together. The foreign trade situation of India for over five years after September 1931 was then unparalleled even in the worst years of famine or other distress in the modern period.

It is not sought here to make out necessarily a case for any particular course of conduct. The most natural course of action would have been that taken by other countries in the sterling area. Most countries which now form the sterling area devalued their currencies simultaneously with or a little after the sterling. But all of them allowed their exchange rates to fluctuate more or less independently of the sterling for over a year after the break. It was only in 1933 that most of the present sterling area countries began to peg the ratio of their currency in terms of the sterling. This would have been the most natural and beneficial course for India to follow. It would have caused loss to the Central Government but it would have saved a lot of distress to primary producers and also consequently to Indian provincial Governments and it would have saved loss of capital on a large scale. If, however, this course was not liked by the Finance Member and he wanted a fixed rate of exchange, he could have followed the alternative series of steps adopted by the exchange control countries of Europe. In all these countries like Germany and Italy an official rate of exchange has been throughout maintained at the old par. This has been done avowedly with the purpose of avoiding an increase in the burden of foreign debt. But these countries have also seen to it, at the same time, that an adverse balance of trade and a loss of capital assets do not follow. They have adopted a large variety of

measures for this purpose, and the effort has led them into a meticulous control over foreign exchange and international trade. Fundamentally both the courses outlined above involve interference with foreign exchange dealings. The process of letting the exchange find its level has to be carefully managed, and the later maintenance of the pegged ratio involves intervention in the market. The operations in the exchange control countries have, of course, to be much more drastic. Both methods when followed logically have very similar results. They result in a net shrinking of international trade. They are both aimed at arriving at an equilibrium point with regard to export and import obligations. We do not favour the latter more stringent method. We have referred to it only to point out that if the external obligation and budgetary considerations were so dominant in the mind of the Government of India there was open a way in which that aim could have been reconciled with the guarding of the larger national interests of India, i. e., promptly balancing the international balance of payments. The real fact, however, is that those in charge of the Indian exchange and currency policy do not look primarily to Indian interests. Any course dictated by considerations of Indian interests would necessarily have meant some shrinkage in Indian imports with consequential repercussions on some British exports which the Government was anxious to avoid. Hence the adoption of the sterling exchange standard and the obstinate maintenance of the fixed parity at a time when every country outside the gold bloc was manipulating exchanges.

(To be continued.)

CURRENT COMMENT.

LABOUR'S RIGHT TO ORGANISE FREELY.

The recent election of office-bearers of the Mazdoor Sabha of Cawnpore has resulted in most of the key positions going to communists. The President, the General Secretary and three of the four Joint Secretaries are communists, and so is the Treasurer. The non-communist office-bearers are only those whose election the communists did not oppose. The *Pioneer* is deeply affronted and alarmed by these occurrences and, after giving its own version of the communist ideology, asks:

Are we to suppose that, under the mollifying influence of Mr. Khareghat (Labour Commissioner), Mr. Yusuf (President of the Mazdoor Sabha) has abandoned his belief in direct action? Are we to expect that his communist friends and colleagues have forgotten their Karl Marx and will settle down to work in co-operation with the employers for peace and progress in the Cawnpore mills?

Our contemporary itself answers these questions in the negative and proceeds to ask the further question: "What is the Employers' Association to do and above all what are the U. P. Government to do? How can the Employers' Association, asks our contemporary, "profess itself

willing to work with men whose whole creed commits them to its destruction and to the destruction of the industry which it represents?" The implied advice to the Employers' Association is to refuse recognition to the Mazdoor Sabha under these conditions and the advice to Government is to "make it clear to the Mazdoor Sabha at once that they will tolerate no such movement here."

Verily intolerance cannot go further. We fail to see how the Mazdoor Sabha can be justifiably prevented from electing its office-bearers according to its own choice. What is the meaning of election if free choice is not allowed? We can understand the Mazdoor Sabha being persuaded by all legitimate means not to elect communists as its office-bearers. Everybody who has an aversion for communism has a right to use his powers of persuasion. But by the same token we must allow unfettered freedom to those who have a faith in the communist creed to try to convert others to their point of view. In this connection we are put in mind of the correct and spirited reply given by the Government of the United Provinces to a communication from the Employers' Association of Northern India demanding a definite assurance from Government that "active steps would be taken to check the spread of communistic propaganda among the workers." The Government observed in their reply :

Communism as a doctrine or as a school of political thought, however much one may dislike it, cannot be suppressed by coercive methods alone. There is no ban on it in civilized States such as the United Kingdom, where communists have been openly carrying on their propaganda and seeking election to the legislatures on communist tickets.

At that time we congratulated the U. P. Government upon their fair and healthy outlook on the question of liberty of thought and speech and we now believe that they will not allow themselves to be persuaded to change their policy in this respect. We hope the Government will see to it that the prevalence of communist ideology in the Mazdoor Sabha, however obnoxious it may be to the *Pioneer* and to the U. P. Government themselves, will not stand in the way of the Sabha's recognition by the employers.

A LESSON FROM U. S. A.

We may here bring to the notice of the *Pioneer* and the U. P. Ministry what happened recently in U. S. A., as it shows how highly the workers' right to organise freely is valued in all freedom-loving countries. The famous Wagner Labour Relations Act has given at long last this right to the workers in the United States, and the National Labour Relations Board has been appointed under the Act to see that the right so conferred is in fact secured to labour. How jealously the Board tries to preserve this right can be estimated from its ruling given on 5th July. When

the question under discussion was to which of the labour organizations a labour union in the Muskin Shoe Co. should affiliate itself, the officials of the concern allowed a reprint of a speech delivered by a member of the House of Representatives, Mr. Clare E. Hoffmann to be distributed to the workers during working hours and on company premises. In this speech Congressman Hoffmann charged the Committee for Industrial Organization with having links with communism and communists and charged Mr. John L. Lewis, the founder of the C.I.O., with having done nothing to repudiate the links or to expel communists from the body. Mr. Hoffmann also advised all labour unions to keep clear of communist influences. The N. L. R. Board has now given its ruling that the Muskin Shoe Co. was guilty of an unfair labour practice under the Wagner Act in allowing copies of this speech to be distributed. The Board held that such distribution on the company's premises by company officials was equivalent to a threat that evil would befall any worker who preferred the C.I.O. and was, consequently, an infringement of labour's right to organise freely.

How far the Board's ruling is justified we cannot say, but one would think that if no threat, express or implied, was held out but if only persuasion was used, the employers should have as much right to carry on propaganda on one side as the employees on the other. The employers are no less entitled than the employees to the benefit of the first amendment to the U. S. A. constitution, which provides : "Congress shall make no laws... abridging freedom of speech or of the press." Probably the Board thought that what the employers used or allowed to be used was not merely moral suasion but an indirect threat, and that on this account the employees' right to organise freely came into conflict in this case with the employers' right to free speech. Whether there was any indirect or implied threat in the action of the Co.'s officials we do not know; the matter will probably be taken to the Supreme Court for adjudication.

It may, however, be of interest to point out that no organ of progressive opinion in U. S. A. is willing to put a ban on the labour unions joining the C.I.O. if they so choose, however strong may be the conviction of such an organ that the C.I.O. is filled with communists to the saturation point and that it is fatal to any labour organisation to be mixed up with communists. We will quote here a passage from *America*, than which no paper is more antagonistic to communists and communism. Almost every week it has been advising the C.I.O. to purge itself of communists, but on the Muskin case a contributor to the paper writes as follows :

On the other hand, the right of workers to organise freely must be fully conceded. This is a natural right, and it may fairly be ranked with the great rights protected by the constitution. Does an

employer destroy or hamper the use of that right when he advises them not to join a union? I do not think that that contention can be seriously argued.

The case is different, however, when, in expressing his opposition, the employer uses threats. Should he say to his employees: "If you form this union or any other, you're fired," his free speech takes on a species of violence. It hobbles the right of the worker to organize, and usually destroys it, since the worker cannot exercise it, and live. He needs his job. In this case, the employer can be punished at the discretion of Congress, and should be, not because he has used his right of free speech, but because he has violated the right of his employees to organize freely.

If mere propaganda on behalf of the employers in favour of labour unions keeping aloof from communists is held suspect by a paper in U. S. A. known for its inveterate and implacable opposition to communism, how can the *Pioneer* here ask the U. P. Government not to recognise a union because it has selected some communists for office-bearers? This happens only because the *Pioneer* has not a bit of concern for the right of labour to organise freely. But we are sure that the U. P. Government knows better.

"DO NOT SHOW US UP."

According to a United Press message the Government of India have asked the Provincial Governments about their opinions on the question of amending the Trades Disputes Act so as to provide against interruptions of work during such time as disputes are under the cognizance of conciliatory tribunals. The new proposal of the Central Government is:

From the date of appointment of the Board of Conciliation or a Court of Enquiry until the publication of the conclusions or for a period of two months, whichever is less, any person, who commences or continues to instigate and incites others to take part or otherwise act in furtherance of a strike or a lock-out with reference to which the Board or the Court have been appointed, shall be punishable with simple imprisonment which may extend to three months or fine up to Rs. 200 or with both.

In view of the Bombay Industrial Disputes Bill which the Congress Ministry proposes to bring before the Bombay Legislative Assembly it would be very interesting to imagine the nature of the reply which the Government of Bombay will give to this communication from the Government of India.

We can almost hear the Bombay Government say: "We ourselves are just at this moment considering a piece of legislation intended to bring about settlement of industrial disputes by means of conciliation and arbitration. But our Bill is far more drastic than yours and will bear more hardly on labour. Your proposals seek to prevent the workers from commencing or otherwise acting in furtherance of a strike only until the publication of the conclusions of the Board of Conciliation or for a period of two months, whichever is less. In our

Bill we propose to take power to fix the period at two months in the first instance, but we take power to extend the period by two months more. Please, therefore, do not expose us to public criticism by asking only for a period of two months. In fact, if you are obliging enough, you may prescribe a period of six months so that we shall appear to the people in a better light than you."

"With regard to penalties also," the Bombay Government will continue, "your attitude appears to be strange. For the commencement or incitement of an illegal strike you propose the penalty of not more than three months' simple imprisonment or a fine not exceeding Rs. 200 or both. We want to eradicate the evil of illegal strikes completely. So our penal provisions are more deterrent. For the joining and furtherance of an illegal strike we propose to award the punishment of six months' imprisonment of either description, not necessarily simple imprisonment like you, or fine or both. Really you are too weak-kneed, and that seems utterly inexplicable in view of the fact that you have not to seek the suffrages of the people. We are elected by the people, and yet see how we propose to act with strength and courage! We have purposely omitted to specify the amount of fine. In our first draft of the Bill the upper limit of fine was placed at Rs. 1,000. But that proposal evoked very bitter opposition. How do you think we met this opposition? By reducing the maximum limit? No, by deleting it altogether; we can now go to any extent so far as fine is concerned. Our view, with regard to your proposals, therefore, is that they are very timid and show a deplorable lack of confidence. They should at least come up to our standard. In fact, it would be an advantage if you could make them more drastic. We are a Congress Government and are supposed to be progressive. Can't you imagine how that reputation will suffer if you, who do not depend upon the support of the people, are more considerate to labour? For heaven's sake, whatever you do, do not show us up."

Reviews.

A CLASSIC ON ANCIENT HINDU LAW.

DHARMAKOSA. Volume I, *Vyavahārikānda*, Part I.

By LAKSMANSHASTRI JOSHI. (Prajña-Pāthashālā Mandal, Wai, Dist. Satara.) 1938. 842p. Rs. 16.

PANDIT NARAYANSHASTRI MARATHE of Wai and his colleagues planned, some thirteen years ago to prepare a systematic concordance, by topics, of the contents of all works in Sanskrit literature that discuss religio-social and legal problems of ancient India. The plan seems to have now materialised under the able editorship of Pandit Laksmanshastri Joshi, and we have before us a volume of about 850 pages dealing with the preliminary procedure of legal institutions. We are further assured that the

second volume dealing with topics of law-suits is in the hands of the printers and will soon be out.

The present volume records passages, chronologically arranged, from Vedic literature down to versified Smritis and Nibandhas, on topics such as the constitution and functions of law courts, statements of plaintiffs and defendants, law of evidence and witnesses, evaluation of documentary evidence, law of possession, trials and retrials, punishments and ordeals. In collecting and arranging passages relating to a particular topic the Editors have not only given us the original passages but have also supplied commentaries on them, including even the most recent commentary on the Arthashastra of Kautilya by T. Ganapati Shastri.

The volume has a number of appendices with separate numbering of pages. I am afraid the readers will find it rather confusing while referring to them. An index of legal terms with their definitions in a succinct form, I may add, would considerably enhance the value of this first-class book of reference. Similarly, a table of sub-headings with appropriate references would help scholars to locate passages with ease. All the same we have no hesitation to say that no jurist and no social worker can afford to be without this magnificent Dharmakosa.

P. L. VAIDYA.

ACHIEVEMENTS OF SCIENCE.

HUMAN AFFAIRS. AN EXPOSITION OF WHAT SCIENCE CAN DO FOR MAN. Ed. by R. B. CATTEL, J. COHEN & R. M. W. TRAVERS. (Macmillan.) 1937. 23cm. 360p. 10/6.

IN an age, in which many feel keenly the futility of science to bring happiness to humanity, this book tries, or rather all the editors and some of the contributors try, to show the usefulness of the different sciences in human affairs. In the last century physical sciences were supposed to bring happiness on earth; in this century it is the social sciences—the study of economics, of human societies and of the human mind—that is supposed to do the trick. That the sciences, whether physical or social, have their use, I suppose nobody doubts. But that a mere study of the social sciences will help to bring about the greatest happiness of the greatest number of people in the human society is a proposition which is anything but self-evident. The editors declare that they "look to human sciences for the solution of human problems."

They say: "Wherefore the physical sciences may in the first place be tools and toys in the hands of men who continue to be naively controlled by dogmatic theologies and uncomprehended taboos, the human sciences promise to give a new form to mind and feeling and to revolutionize philosophical thought." It is their wish to substitute "fact" for "feeling," but a compilation of facts is not the necessary step towards human happiness. It may, for example, be well known scientifically why in certain industries labourers suffer under certain physical or mental derangements (gold diggers being affected by tuberculosis, etc.), but a will and feeling for the good of these workers is required before the evil can be got rid of. If human progress is to be measured in terms of the sum total of happiness of the whole of humanity, then scientific

facts must be welded with the right kind of feelings and opinions in order to make them capable of solving human problems.

This fact has been well recognised by two eminent contributors to this volume. J. B. S. Haldane rightly points out that biology will be able to tell us about the actual increase or decrease in a given population with the explanation of the factors contributing to it, but whether the given society should increase or decrease is a question which neither biology nor economics for that matter can fully answer. Lord Listowel is even more explicit on this point. At the very commencement of his essay on "Science and Legislation" he formulates the question: "Is knowledge the talisman that banishes poverty and pain? Or is it merely, like the gift of life and the unqualified blessing of robust health an instrument that can serve equally as the ministering angel of divine mercy or the scarlet emissary of anti-Christ?" He emphatically answers the first question in the negative and the second in the affirmative. Most of the other contributors have also kept in view the distinction drawn here. They show in what way different sciences can be used in practice, that the sciences they discuss have a very practical side and that those who wish to work for human good may avail themselves of the findings of these scientists, but they do not claim that their sciences can direct human energies in certain channels.

Haldane writes on "Society as a Biological Experiment." The essay deals with a qualitative and quantitative analysis of human societies from a purely biological point of view. It touches on domestication, cultural heredity, the machine age and the peculiar adjustment required of human beings in that connection. The author talks of heredity, the quality of a given population and of differential birth rates. He writes with such a vast store of knowledge of the whole field of biology that it is one of the most comprehensive essays in the book. It is clear and easy to read, but one is bound to pause here and there to realise the vastness of the field covered.

Dr. Baster's contribution on economic planning is refreshingly direct and concise. In an age in which economic planning is the rage he makes a just reservation against wholesale planning and points out that in a planned and closed economy it is very difficult to judge about expenditure and returns and about the rentability of certain enterprises.

The three essays on "Anthropology and Sociology" make delightful reading. Those who have read Lord Raglan's "Jocasta's Crime" need not be told either of his ability as a sociologist or about the masterly way in which he quietly makes statements, most devastating to the pet theories of some anthropologists. His essay on "Race and Modern Society" is a model of clear, sustained, scientific writing. Ginsberg tries to fix the place and domain of sociology in the kingdom of social sciences. Malinowski's is the lengthiest contribution and he has touched on all important questions of the science of society and delivered his opinions on them in an unequivocal manner. What delighted me most was not so much these opinions, though they are important indeed, as the way in which they are given out—the mood in which the whole address is given. After reading the most accurately compiled studies of different societies by Franz Boas and his school, one is left impressed but bewildered with a sense of something lacking. That something is genera-

lisation, which one expects after so much analytical study. These studies are perfect pieces of art, and their authors claim for the picture of society an individuality and uniqueness. Malinowski attacks this view and this pursuit of sociology as an art and tries to prove its claim to be called a science. He takes up the challenge for sociology in the grand spirit of Spencer and Tylor with a conviction and force which belongs to the 19th century rather than to the lukewarm allegiance accorded to science by the disillusioned and sophisticated 20th century.

The essays on Social Psychology are also very interesting and give an insight into the astounding number of ways in which psychology can be applied to social problems can be studied. Thus we have the study of primary needs, strictly speaking an application of the study of the individual to mass problems. It throws light on the psychological factors governing food demands and food markets. Industrial psychology is gaining in importance and is viewed with distrust by many labour organisations, who look upon it simply as a new and scientific method of exploitation. This fear, in some cases well founded, only goes to show that science is but a mere instrument which can serve either for the good or the evil of humanity according to the will of the user. The investigations as to conditions of work, adaptability and suitability of the individual for a particular kind of work, the fatigue due to work of a purely mechanical and monotonous nature and other factors involved in the modern technique of mass production make fascinating reading. The essay of Chambers is concise and short and creates a thirst for further information. The third point of view is represented by Dr. Miller, who describes the effects on society of the psychological maladjustment of individuals, of the strained family relations and of children starved for want of physical love of parents in early years.

Havelock Ellis writes a cheerful essay on Sex Life and Sex Taboos in Modern European Society and, though finding that much is still unaccomplished, feels that already much has been achieved towards a rational attitude on sex matters. While expressing satisfaction at the progress made, he has a few words to say about the evil of petting, and the crude and extravagant forms in which the emancipation and enlightenment of women express themselves many times. He thinks this to be a transitory phase and is sure that the age-old institution of marriage and family will survive and thrive with some important modifications. His criticism of the free attitude towards sex relations, thought of merely as a natural and physiological function on the same level as excretory functions, is so wise that it should be read by every reformist. It is a wisdom born of his studies in sociology and his observation of thousands of individuals. This is an age of expression where the human mind is laid bare and dissected, psychoanalysed and discussed. But repression is as natural a phenomenon as expression and while one may advocate knowledge, it need not be accompanied by incessant conversation about sex matters. Sex knowledge is essential, but love relations might profitably remain silent, private and intimate; one need not drag them into daily conversation and drain them of all glamour and mystery. This view is consistent with his views on educating the younger generation in sex matters. He quotes an American journal: "Do you realise that, however useful talks from teachers or books written by experts be, your child's attitude to sex will be based on your

own?" and advocates as adequate an education given by "new" and emancipated mothers.

The two essays by Cattell and Mannheim form a contrast in many ways. Both deal with education from two diametrically opposite sides. To Cattell education is an unfolding of personality. His aim is to make the child think rationally and independently on all subjects and in this he goes to the extreme limit of suggesting that even the personality of the teachers should be eliminated—an impossible ideal. This education will certainly produce individuals who may think for themselves, unswayed by popular slogans of the day if they can survive the strain of thinking for themselves on all things right from their childhood. We talk of the need of parental love for the normal growth of children. Is not there a mental need of equal urgency for the child to build up its mental universe under the direct influence of the adults? Before the child can think for itself, it is a ready recipient of impressions, words and opinions of the adult. The problem of education should not be to withhold the social heritage of opinions and traditions from the child, but to make it evaluate that heritage in the proper perspective. The ideal shall be the full blossoming of personality, but in the social setting.

Mannheim is all for using mass methods in educating the growing generation. To him education is definitely a means by which the young generation are taught certain facts and given certain creeds so that as grown-ups they will have learnt to do homage to a certain pattern of society thought to be good by their educators. For this purpose one needs to overhaul the whole educational system and use all available methods of mass suggestion. Prof. Mannheim quotes, in this connection, with approval the mass mobilisation as practised by all dictatorial countries in Europe.

The essays on Medical Science and Eugenics are models of balanced scientific writing. The essay on eugenics, in particular, in its restraint and in its emphasis on the negative side of the problem, in the present state of our knowledge, is a welcome relief from many an enthusiastic article by persons anxious to improve the human race. The discovery of chromosomes as carriers of properties and the possibility of manipulating these chromosomes by proper crossing and re-crossing of certain strains, so as to produce a desired type, is one of the most dangerous weapons that science has handed over to a mad humanity. The war of values was never fought so grimly as in this present age and this weapon of negative selection is made full use of in race-mad Germany.

The least satisfying of these essays is the last. McDougall writing on psychology is always fresh and readable, but his excursions into philosophy appear trivial and read like the first chapter of any ordinary text-book of philosophy.

The three editors deserve our thanks for bringing out such a comprehensive book on social sciences.

IRAWATI KARVE.

ON NUTRITION.

FOOD, HEALTH AND INCOME. REPORT ON A SURVEY OF ADEQUACY OF DIET IN RELATION TO INCOME. By JOHN BOYD ORR. (Macmillan.) 1936. 71p.

NUTRITIONAL research in India is being carried on not from the point of the optimum requirement

of an individual; it is general in its character. Dr. John Boyd Orr has taken up for investigation the diet of six groups of people in England divided according to their income. His conclusions are that diet and health of the lower income groups is poorer than that of the higher income groups; that the proportion of expenditure on food in lower income groups is less than that in the higher income groups; that better diet and therefore better health is noticeable in the higher income groups; that the consumption of particular items of food like fresh milk, butter, meat, fish, eggs, sugar, fruit and vegetables is greater in higher income groups; that the rate of growth in height and weight of the boys also is greater in the higher income limits; and that children in the lower income groups suffer most from diseases due to malnutrition. The author is right when he says that there are other factors like housing and environmental conditions which determine the health of the community, but better housing and environmental factors alone without adequate diet will not conduce to the better health of the community.

In India the problem of health and food needs to be studied from the point of view of better housing, better environmental conditions, and adequate diet. So far investigators in India have not approached the problem in its triple aspects mentioned above, though much useful work of a general nature has been done in this direction by the Nutritional Research Institute at Coonoor.

The method of approach to the question adopted by the author is not only rational but also practical. The book needs to be studied not only by those interested in the food and health problem of the nation, but also by social workers and statesmen.

VEDAPURI.

SHORT NOTICE.

THE RAINS CAME. A Novel of Modern India.

By LOUIS BROMFIELD. (Cassell.) 1938. 21cm. 578p. 8/6.

LOUIS BROMFIELD is a master in the art of portraying character. "The Rains Came" is a story which has as its background "Ranchipur", a progressive Native State of India. It has a series of word portraits of a large and varied group of people. The absence of a plot is scarcely noticed as we follow the reactions of the characters before, during and after a great tragedy in which they were all involved. As to the part India herself plays in the book I will quote the publishers' note: "The Rains Came" shows not the glamorous India of hazy popular imagination but a group of individuals living in the harsh glare of reality that is not stranger but is far more exciting than fiction.

Altogether it is a fascinating and gripping story which will appeal to readers who like books that give them something to think about after the actual reading is finished. It is one of the Book Club's choice.

M. C. RAO.

Correspondence.

NON-VIOLENCE IN INTERNATIONAL AFFAIRS.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—I have read with great interest the editorial notes in your issue of July 21st under the caption of "No Middle Way". The views expressed follow so closely those of this Society that I am encouraged to write and inform you of its existence.

It was formed in 1932, as an International Society, with sections in various countries, the headquarters being in London. Its object is "to secure international justice through the establishment of, firstly, an Equity Tribunal for the purpose of settling all disputes and, secondly, a Police Force to uphold international law and order". We believe, with you, that the concept of the League of Nations is sound, and that it is owing to the absence of these two essential organs that it has proved a failure in its primary duty of maintaining peace. The Society now has sections in 14 countries, and a growing membership, in which 51 nationalities are represented. Its President is the veteran British statesman and Labour leader, Mr. George N. Barnes, and its Vice-Presidents include Monsieur Pierre Cot, recently Air Minister of France, President Hambro of Norway, and the brilliant Chinese statesman, Dr. Wellington Koo.

I shall be most happy to supply you and any of your readers with further particulars. The formation in due course of a section in India would be a great addition to our strength. —Yours, etc.

Thorney House,
Westminster, London,
12th August.

N. B. FOOT,
Secretary, New Commonwealth Society.

BOOKS RECEIVED.

- LIFE'S SHADOWS. By KUMARA GURU. (Taraporevala.) 1938. 19cm. 166p. Rs. 2.
- A BRIEF SURVEY OF HUMAN HISTORY. By S. R. SHARMA. (Karnatak Publishing House, Bombay.) 1938. 19cm. 248p. Rs. 2-4-0.
- THE POLITICS OF MODERN SPAIN. By FRANK E. MANUEL. (McGraw-Hill Book Co., New York.) 1938. 23cm. 194p. 8/6.
- JUNGLE TRAILS IN NORTHERN INDIA. By JOHN HEWETT. (Methuen.) 1938. 22cm. 278p. 12/6.
- THE COLOUR BAR. By PETER NIELSON. (Juta & Co., Cape Town.) 1938. 18cm. 148p. 7/6.
- IMPERIALISM. By J. A. HOBSON. (Allen & Unwin.) 1938. 18cm. 386p. 8/6.
- DOCTORS, DISEASE AND HEALTH. By CYRIL SCOTT. (Methuen.) 1938. 19cm. 284p. 7/6.
- CONSTITUTIONAL LAWS OF THE BRITISH EMPIRE. By W. IVOR JENNINGS and C. M. YOUNG. (Oxford University Press.) 1938. 22cm. 364p. 18/-