

# The Servant of India

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Office: SERVANTS OF INDIA SOCIETY, POONA 4. ]

VOL. XXI, NO. 36. } POONA—THURSDAY, SEPTEMBER 15, 1938. { INDIAN SUBSN. Rs. 6.  
FOREIGN 15s.

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## Topics of the Week.

### Too Mean for Words.

THE habit of doing a wicked thing under an innocent name has spread to Ceylon. Last week the Government of Ceylon published the draft amendment to the Village Communities Ordinance the object of which professedly is to "remove any discrimination" in respect of the right to exercise franchise for village councils. The original Ordinance had discriminated against Indian labourers on the plantations by excluding them from the franchise. Against this discrimination the Government and people of India protested. Now the Ceylon Government propose to meet the objection not by eliminating the discrimination against Indian labourers, but by extending the disability to the Sinhalese labourers on the plantations as well by replacing racial discrimination by a territorial one! It is a case of remedying a wrong by committing another, of removing the discrimination by extending it!! There will be no racial discrimination between Indian and Sinhalese labourers; both will be denied the franchise.

NO cause has been shown how Sinhalese labourers who were to be enfranchised under the original Ordinance had since become unworthy of it and how they deserved to be excluded under the amendment. India cannot be a party to a retrograde step of that kind; India does not seek equality in misfortune. Even under the amendment the

discrimination against Indians will in practice be real for the proposed territorial discrimination very largely coincides with racial discrimination. For there are as many as 650,000 Indian labourers as against some 32,000 Sinhalese labourers on the plantations. It is a mean trick, unworthy of the Ceylon Government to deny franchise rights to a small fraction of the Sinhalese in order to deny them to 650,000 Indians. It is too mean for words. It will deceive none.

THE apparent sacrifice of the Sinhalese, however, is not likely to be effective in practice. The Sinhalese labourers have a kind of dual habitation. During certain seasons they live on the estates and in others in their villages. They will find no difficulty to utilise their village habitation to get on the roll of electors. But the Indians are mostly on the plantations, and will not be entitled to the village franchise. Thus, in effect, the new amendment will not adversely affect the Sinhalese labourers on the plantations, while it will effectively exclude the Indian labourers. Thereby the discriminatory purpose of original Ordinance will be fully achieved, namely, the exclusion of Indian labourers on the plantations from the village franchise. The amendment only shows what despicably mean tricks the Ceylon Government is willing to adopt to achieve its discriminatory purpose under a non-discriminatory phrase. India must oppose the amendment with all her strength.

### Army Indianisation.

THE Central Assembly is to be congratulated on having secured the passage of a resolution recommending to the Governor-General-in-Council the immediate constitution of a committee, with a majority of elected members of the Central Legislature, to review the progress of Indianisation under the scheme of 1933 and to devise methods to accelerate the process of Indianisation thus giving effect to the recommendations of the Indian Sandhurst Committee in this connection. The resolution as originally drafted by Maulana Saikat Ali, was of a milk and water variety, giving far too wide a latitude to the Government both as regards the time when the committee was to be appointed and as regards the composition of the committee in question. But, the amendment of Mr. A. Chettiar, which was adopted by the House without division, went a long way towards removing these defects. It made it clear that the Committee should be appointed immediately and should have a majority of elected members. We hope that the Government of India will waste no time in giving effect to the resolution of the Assembly for it has been

supported by all the sections of the House. The demand for the Indianisation of the Indian Army, sounds rather strange to unfamiliar ears, not acquainted with the peculiar circumstances prevailing in India. But for Indian publicists it has a sad and poignant significance. Ever since the days when Indian opinion became vocal, there has been a persistent and loud complaint against the establishment in India of an army of occupation. This complaint is not a mere sentimental outburst. It derives its strength from the wretched condition of the millions of India. The Government of India maintains an army which is far more expensive proportionately than the armies of most of the civilised countries. The army expenditure of India, for example, is between two and three times as great as that of the whole of the rest of the empire outside Great Britain. And this expensiveness is not due to the greater numerical strength or efficiency of the army but due to the presence in it of a substantial and highly paid British element. There are 60,000 and odd British soldiers in the Indian Army and it has been calculated that every British soldier costs three times as much as an Indian soldier. So, if the British element in the Indian Army is entirely eliminated, according to the admission of the present Commander-in-Chief there will be an immediate saving of eight crores out of a total of 45 crores of army expenditure. It is this fact, and this fact alone that makes Army Indianisation the burning problem of the day.

NOW, what is it that makes the Government of India so reluctant to Indianise the Indian Army? Time and again, promises have been made and schemes prepared for the complete Indianisation of the Indian Army. The Skeen Committee recommended a substantial increase in the proportion of Indian officers recruited every year, so that within twenty-five years, half the total cadre of officers in the army might be Indian. During the Viceroyalty of Lord Reading, a committee was appointed in 1922 to enquire into the question of Indianisation of the army and it opined that the whole Indian Army could be completely Indianised within a period of 30 years only. Yet, the Government of India did practically nothing to implement the recommendations of these committees and commissions. Instead they have put in operation a scheme of Indianisation which on the admission of Mr. Tottenham, a former Defence Secretary "would never Indianise the army at any time." Last year, when Pandit Hriday Nath Kunzru moved a resolution in the Council of State, advocating the continuous replacement of British troops by Indian troops, the Commander-in-Chief in opposing the resolution strongly maintained that "gradual and prudent reduction" of British troops in the army was being followed steadfastly by the Government of India. Therefore he could not agree to further reduction of the British troops in the army. But the nature of the "gradual and prudent reduction" can very well be understood by the fact that during the course of 15 to 20 years at the present rate of Indianisation there will be a reduction of about 1500 British soldiers. At this rate, it will take 400 years for the army to be completely Indianised. Yet, the Commander-in-Chief thinks that he is following a policy of "gradual and prudent reduction" of British troops in the army.

VERILY, if the Government of India is to be judged by its past conduct, then it can be safely predicted that in no future time is there a chance

of complete Indianisation of the army. The present composition of the Government of India must be radically altered, before any far-reaching reform can be introduced in the country and we hope that the politicians of the country will concentrate on removing the root-cause of the evil.

#### India and the West Indies Commission.

SIR PHEROZE SETHNA moved a resolution in the Council of State in Simla on the 9th in which he suggested that the Government of India should move the British Government to include a nominee of the Government of India in the personnel of the Royal Commission recently appointed to investigate the social, economic and political conditions in several of the colonies in British West Indies. He also wished that the Government of India should be consulted in framing the terms of reference to the Royal Commission. Sir Pheroze based his claim on the ground that Indians formed a large proportion of the peoples in several of the Colonies under review, and that the Government and people of India have a special responsibility towards them. The Hon. Sir Jagdish Prasad, speaking for the Government of India, assured Sir Pheroze that the Government of India were in full sympathy with the resolution and that they were in communication with the British Government in that sense. He further gave the assurance that the Indian nominee to the Commission would be such as commanded the confidence of the people of India. In view of these assurances, the resolution was withdrawn.

As we have already stated in our issue of the 30th June last, India is vitally interested in the doings of the Royal Commission and is entitled for more than one reason to representation on the Commission itself. We hope the Government of India will press the claim to the full and that they will be successful in their effort.

#### 'Lathi-charge' in Bombay Assembly.

MR. JAMNADAS M. MEHTA moved in the Bombay Legislative Assembly on the 13th instant an adjournment motion to discuss the alleged lathi-charge made on the 5th September by the Bombay Police on a gathering of Bradbury Mill workers who are on strike. Mr. Mehta had tried to move an adjournment motion on the same issue some days back but unfortunately he could not secure the leave of the House to do so as a sufficient number of members did not support the motion. On the 13th, however, the Speaker allowed the discussion of the motion as Government were not opposed to it. Mr. Mehta pointed out from several reports, even from pro-Congress papers which corroborated the allegations, that on the 5th September a Police Officer who was dealing with a large group of strikers of the Bradbury Mill got panicky and fired a shot in the air, that this caused a scare among the workers as well as the crowd which had gathered and that the police then resorted to lathi-charge to disperse the crowd. Six workers were wounded.

A labour member of the Opposition, Mr. Khedgikar, requested Mr. Munshi, the Home Member, to make a statement regarding the facts of the case before the motion, and accordingly Mr. Munshi made a statement consisting of only one remark that 'there was no lathi-charge'. Members of the Opposition pressed him to substan-

state his total denial of the lathi-charge by other evidence and Mr. Parulskar challenged him to produce a jot of evidence not based entirely on police reports. But the Home Member remained unmoved. The House was, therefore, simply reduced to the position of having to discuss a question of fact, whether there was or there was not a lathi-charge in Bombay.

IT was very improper for the redoubtable Mr. Munshi to have virtually compelled the House to discuss barrenly a question of fact. If he was sure that there was no lathi charge at all he could have and ought to have taken the House into confidence and explained to it the nature of the evidence which led him to think so. By his studied silence he laid himself open to the charge that he was indirectly wasting the time of the House. He could have even opposed the discussion of the adjournment motion on the ground that there was absolutely no basis for the allegations against the Police. But apparently he wanted to enjoy the fun of the House fruitlessly discussing a question of fact. His attitude was insulting not only to the members of the Opposition but to the whole House including the members of his own party, who, however, do not appear to have realised it. Towards the end of the discussion he tried to substantiate his denial of the lathi charge only by quoting from the police reports as was anticipated. On the whole Mr. Munshi's impudent demeanour in this respect, his scant regard for the Opposition, his pathetic credulity or implicit belief in the police reports—all these were only reminiscent of the by-gone bureaucratic regime.

To add to all this, the Speaker's rulings in the debate were most unfortunate and extraordinary. When members of the Opposition like Mr. Jamnadas Mehta or Mr. Khedgikar spoke on the adjournment motion he took every opportunity of pointing out to them that they had to confine themselves only to the lathi charge on the 5th September and that they could not discuss the events which ultimately culminated in the lathi charge. However, when Mr. Munshi, towards the end, made a beginning from the tortoise, traced practically the whole of the last month's history of the labour movement in Bombay, read out long speeches reported to have been delivered by the labour leaders and went on with generalisations regarding the rights of the blacklegs and the principle of non-violence, the Speaker, strangely enough, sat silent in the chair apparently unconcerned. Not only that. Repeated appeals as to the relevancy of the Home Member's speech fell flat on his ears and he even explained to the House how Mr. Munshi's apparently irrelevant speech was only a necessary background for his case. He had not allowed any such background to the case of the workers of Bombay which the members of the opposition had sought to make.

## Articles.

### THE WOLF QUOTES THE BIBLE.

**A**FTER Travancore, Hyderabad! After Sir C. P., Sir Akbar! It must be gratifying to Sir Akbar that, like him, repression also knows no communalism. The Muslim Minister of the

Muslim State of Hyderabad perpetrates repression even as the Hindu Minister of the Hindu State of Travancore. Both profess to employ repression in defence of nationalism and the political progress of the peoples under their charge. They remind us of the story of the wolf and the lamb and of Satan quoting the Bible.

The Hyderabad Government has declared an unborn organization as unlawful. The promoters of the proposed organization avow exactly the same objectives as the Government avows and eschew the same evils which the Government eschews. And yet the Government thought it fit to declare the formation of the organization as unlawful. And inasmuch as it had not hitherto the necessary power to do so, it took the extraordinary step of promulgating by mere executive action a draconian ordinance of general application, called the Public Safety Regulation, just two days before the new organization was to be ushered into existence, and employed that Regulation to ban the new organization.

The constitution of the Hyderabad legislature is such that the Government has never the slightest difficulty in passing any legislation it wants. But in this case Government did not wait to get formal legislative sanction for its Regulation. It secured the powers by executive ukase. Such a precipitate step can be justified only in a national emergency that brooks no delay. Was there such an emergency in Hyderabad? It is clear on the Government's own showing that the occasion for forging this draconian weapon in such precipitate haste was the proposed formation of the Hyderabad State Congress.

Was there anything in the proposed organization to justify its pre-natal suppression? On the 30th August, a week before the Regulation was promulgated, the promoters of the Hyderabad State Congress issued a public statement avowing principles and policies entirely in consonance with those of the Government. They stated that the proposed Congress was a local organisation, confined to the Hyderabad State both in its objectives and operation, and that it had no affiliations with any outside body. They further stated that it was to be non-communal; nay, even anti-communal. It was to create a common platform for members of all communities and had for its special purpose the promotion of the national, and the discouragement of the communal, sentiment among the people. They invited members of all communities to join the new organization in large numbers and make it truly national and representative of all communities. In fact, the promoters professed to be as much against communalism and in favour of nationalism as Sir Akbar Hyderi himself professed to be.

In justification of calling the new organisation "Congress", the promoters stated that the name was chosen in order to emphasize the national, as opposed to the communal, character of the organisation, and also because many of the

items of the so-called constructive programme of Indian National Congress were applicable to Hyderabad.

This was on the 30th August. On the 6th September the Government promulgated its Public Safety Regulation. On the 7th it issued a public warning that unless the promoters purged the proposed organization of its communal aspects, it would be declared unlawful under the Regulation. Government, however, did not indicate what were the communal aspects of the proposed Congress and what steps the promoters should take to purge it of such aspects.

Within a day which in all conscience is too short, to give effect to any changes even if the Government had been explicit about them, the Government declared the new organization as unlawful!

In defence of its action the Government stated that it had no objection to the formation of political organizations provided they were strictly non-communal and had no affiliation with any outside body. This is exactly what the promoters emphatically avowed. But the Government declared that it was not convinced of their *bonafides*. The Government said that the promoters were active members of communal organizations and that they had proposed the new organization to promote their communal ambitions and gave it a national name simply to cover their communal activities. The Government objected to the name of "Congress" because it had connotations and implications in the special circumstances of British India which had no parallel in Hyderabad. Government further stated that it wanted a peaceful atmosphere to consider the recommendations of the Committee on Constitutional Reforms, and that the formation of the Hyderabad State Congress was likely to create communal unrest.

The promoters, who abandoned the inaugural meeting, replied avowing once again that their

organization was national and anti-communal, and complaining that Government had given no proof to the contrary but was pre-judging an organization even before it was inaugurated, which was unfair. In proof of their *bonafide* national intentions, they stated that the draft constitution had provided that membership should be open to members of all communities and that no individual who was a member of a communal organization could be a member of the Congress. It was not the fault of the promoters if they all belonged to a single community; they had left the constitution open and cordially invited members of other and all communities to join in large numbers. In any event, an organization should be judged by its action after it was formed, and not prejudged to its disadvantage before it was born.

It is clear to us that action of the Government in declaring the Hyderabad State Congress as unlawful is a gross violation of the elementary civic rights of the people and the procedure adopted by the Government extremely indecent, to say the least. Even if the accusations of the Government were true, even if the promoters were communalists and were organising for communal purposes, and had adopted the name of "Congress" and had affiliations with outside bodies, still the Government had no justification in declaring such an organization unlawful.

Government wanted to create a calm atmosphere for the consideration of the proposals for the constitutional advance now before it. It could not have done worse to nullify its object than by this high-handed and very reprobate action. The trampling under foot of the most elementary civic rights of the people could hardly tend to create a calm atmosphere. We still hope that the Government will see better, read the writing on the wall, profit by the experience of other states, and reverse its unwise action gracefully before it is too late.

## THE MAHATMA'S LATEST

**W**E are always prepared for shocks from Mahatma Gandhi. But we must admit that he has excelled himself in his article on 'Congressmen Beware' appearing in the latest issue of the *Harijan*. The article is a sort of a general reply to numerous "letters and wires complaining of what the senders have regarded as the Madras Premier's terrible misdeeds." The article picks up for treatment two of the 'misdeeds' of Mr. Rajagopalachari. They are his policy about Hindustani and his employment of the Criminal Law Amendment Act.

In the first place Mahatma Gandhi would like to disabuse his correspondents of their evident notion that he is the keeper of Mr. Rajagopalachari's conscience. "I am not the keeper of any-

body's conscience, much less of Rajaji's," he says. Gandhiji further informs his readers that whatever the differences between him and Mr. Rajagopalachari, the latter has "one essential virtue of a soldier." When Gandhiji "announced" his "generalship in 1918 in India, Rajaji was among those who enlisted themselves at the very commencement." Looking back upon the time that has elapsed since then, Gandhiji touchingly observes that from 1918 onwards to this day Rajaji's "loyalty to his General has been beyond reproach or compare." Gandhiji is absolutely certain that if he asked Mr. Rajagopalachari to give up his premiership to-day he would do so without demur. For "in battle, he knows a private has no judgment but his General's."

The Mahatma, however, continues:

But in spite of the exemplary loyalty that Rajaji gives me in common with many others, I will not issue the instructions my correspondents demand. Let the complainants know that we rarely correspond with each other. I know he has no time and he knows I have equally little for such correspondence. The law of Satyagraha forbids such action.

One would think that Gandhiji refuses to use his influence with the Madras Premier with a view to dissuading the latter from having recourse to coercive action and repressive legislation in flagrant contradiction to the pronounced creed of the Congress for two reasons: (1) None of the two has any time for "such" correspondence, and (2) The Law of Satyagraha forbids such action. It must be admitted that a great "General" like the Mahatma and a great Premier like Rajaji must be very very busy and hard pressed for time. It is, however, a thousand pities that they should not find time to correspond with each other on what has for sometime past been a standing scandal in Madras. The Madras Premier finds enough time to make public speeches and issue press statements in defence of his impudent repressive policy and the Mahatma has plenty of time to write in his own hand, for Dr. Khare's benefit, the latter's political death warrant. He has also time to explain at length through the columns of the *Harijan* how picketing by starving workers on strike at gates of mills is a form of violence and how it only deserves to be put down by the non-violent means of the police and the army. Nay, he has time enough to explain that he does not write to the Madras Premier because he has no time to do so. We are sure that if the Mahatma had devoted half the time that he must have given to the writing of the article in the *Harijan* to the writing of a letter to his devoted soldier in Madras the purpose would have been served.

But we must not forget that want of time is not the Mahatma's only excuse for not communicating with his loyal follower. There is, as we saw, another and more important factor involved. "The Law of Satyagraha forbids such action." We must admit this beats us. The laws of Satyagraha in the Mahatmic Code grow like mushrooms in the rainy season and there is no keeping count of them. Moreover, if the Law of Satyagraha (whatever that may mean) which is revealed to the Mahatma's "inner voice" (whatever that may mean) really "forbids such action", why should the Mahatma plead the unconvincing excuse of want of time? Is not this argument from "inner voice" sufficient to justify whatever course of action he adopts? Or, has he any private misgivings about the cogency of this patent argument?

Apparently he has. For he advances other arguments in support of Mr. Rajagopalachari's repressive regime in Madras and his own policy of non-interference. With regard to Rajaji's policy

about Hindustani one may agree with Mahatma Gandhi when he observes:

There is nothing wrong in making a knowledge of Hindustani compulsory, if we are sincere in our declaration that Hindustani is or is to be the *Rashtrabhasha* or the common medium of expression; ... We must break through the provincial crust if we are to reach the core of all-India nationalism.

We may agree with all this. What we cannot possibly refrain from condemning is the use of an admittedly and notoriously repressive piece of legislation in the right bureaucratic style for putting down a perfectly non-violent agitation against Hindustani, however misguided it may be according to the Madras Premier. And still the Mahatma publicly certifies that "We have in our ranks no abler fighter in Satyagraha,"—a creed which requires that even violence should be met by non-violence. In the very next breath, the Mahatma defends the use of the Criminal Law Amendment Act by this Satyagrahic Premier by observing that "until we have found the correct remedy in terms of Satyagraha the Ministers must be permitted to deal with such offences in the manner they consider best". Mahatma Gandhi's friend in need, the celebrated "inner voice" seems to have failed in this respect. For dealing with picketing it does not reveal any ways other than the most un-Satyagrahic ones, namely, the employment of the police and the Criminal Law Amendment Act.

With regard to the oft-repeated opposition of the Congress to the Act Mahatma Gandhi observes:

We may not make a fetish of Congress resolutions. ... I have never studied it (the Cr. L. A. Act.), but I see from Rajaji's public declarations that it contains a few sections which suit the new situation that the Congress is facing. If such is the case Rajaji would be foolish if he does not make use of them. But he will be equally foolish, if not something worse, if he does not summarily repeal the obnoxious clauses of the Act without delay. It is a monster created by the fertile brain of the repressor of the country's liberty. It was used as such against the Satyagrahis.

Mahatma Gandhi in this same article, while criticising the critics of the Madras Premier observes that "there is no greater sin than ignorance." In the passage quoted above he confesses that he has not studied the Act. In the next sentence he abuses its provisions roundly because they were used against 'Satyagrahis'. In an earlier part of the article, as we saw above, he bestows unbounded praise on Mr. Rajagopalachari and in fact says: "We have in our ranks no abler fighter in Satyagraha." In this passage, which was evidently written after Mr. Rajagopalachari opposed even the introduction in the Madras Assembly of Mr. Krishnamachari's Bill to repeal the Criminal Law Amendment Act, he observes that the same Mr. Rajagopalachari would be something worse than foolish if he does not summarily repeal the obnoxious clauses of the Act without delay. So the ablest fighter in Satyagraha has ultimately turned out to be something worse than foolish. Poor Mr. Rajagopalachari!

Incidentally, it may be noted that the Mahatma, who refrained from writing to Rajaji direct, has now publicly instructed "the private who has no judgment but his general's" to repeal summarily the obnoxious clauses of the Criminal Law Amendment Act. We hope that Mr. Rajagopalachari who, according to the Mahatma, would even resign his Premiership at a word from the Mahatma, will now obey his general with respect to the Act.

What does all this indicate? Is it only confusion of thought or mysticism? No, it is nothing of the kind. It is a straw indicating the direction of the wind. It announces the coming of fascism in the Congress and to that extent in the country. Mahatma Gandhi's recent article about purging the Congress is another such straw. The Law of Satyagraha, the inner voice, truth, non-violence are some more indications. "The dictator", says Laski, "works on the sense of unease, of anger, of apathy and despair. He promises a new heaven and a new earth. He attributes their absence to a few easily identified enemies, whether men or principles." All this is happening here. The abstract principles of truth and non-violence

are idealised and idolised in the most incomprehensible manner. Other more patent and objective signs of fascism also are not lacking. Almost everything that Laski describes in his masterly analysis of fascism is taking place right under our nose. Says Laski:

Neither Hitler nor Mussolini allowed the world to penetrate that twilight in which their real purposes were determined in concert with the vested interests of reaction. These pay the piper; and they refrain from calling the tune only until his misguided adherents have placed the demagogue in power. Only then is the mask of Fascism lifted. The free trade unions disappear; the socialist parties are suppressed; the co-operative movement is 'taken over'. There is no longer a free Press. Strikes become illegal. Critics have a way of disappearing into jail or concentration camps. The 'revolution,' it is announced, is accomplished. But the same interests remain in authority after the 'revolution' as before it. All that has effectively changed is the ability of the ordinary citizen to oppose his will to the orders of the Government. He has ceased to be a free citizen. Whatever his thoughts, his only right, as the new dispensation becomes effective, is the right to applaud the men who have forged his chains.

'Congressmen beware'! Indeed, beware all interested in democracy!

## THE ORISSA MONEYLENDERS BILL.

THE Orissa Assembly has referred to a Select Committee the Orissa Moneylenders Bill designed to regulate the credit transactions in Orissa. The Bill is closely modelled on the Bihar Moneylenders Act and therefore has the same advantages and drawbacks which that Act contains.

Firstly, the Bill aims at regulating the money-lending of registered moneylenders alone. If a creditor deals with such a class of debtors that he can easily realise his money without approaching the courts or if he deals with such debtors as are ignorant of the provisions of this bill, then he will find it to his advantage to carry on money-lending without getting himself registered at all, for then he will not be subject to those restrictive regulations which will determine, henceforth the moneylending of the registered moneylenders. So far as we know, there is a large class of landlords in Orissa which acts in the capacity of moneylenders to the tenants. The tenants can never escape from the clutches of these landlords. So, it is perfectly unnecessary for the landlords to seek the intervention of courts for realising their dues. But these landlords, generally speaking, are the worst type of moneylenders from the point of view of the tenants. They charge exorbitant and unconscionable rates of interest, and what is more dangerous in many cases, they exact payments from the tenants and do not acknowledge the same. This type of moneylending should also be brought under the purview of the Bill. This can be achieved by

making registration compulsory in case of all moneylenders, moneylending without registration being punishable by law. Then and then alone will the rural debtors be enabled to extricate themselves from the clutches of the moneylenders.

The Orissa Government knows that Orissa is one of the most poverty-stricken and backward provinces in India and the rural population of Orissa is likely to remain innocent of the provisions of the Bill, even long after the Bill is enacted into law. Under the circumstances, it ought to adopt a more critical attitude towards the dealings of moneylenders, and devise more efficient provisions to stop the practice of charging usurious rates of interest and the various other devices for cheating the debtors. But, we fear the present Bill will not enable the Government to achieve that purpose. Except in the district and taluka towns, moneylending will be carried on by unregistered moneylenders, and in a large part of Orissa the provisions of the Bill will remain a dead letter. In this connection, we would like to bring to the notice of the Orissa Government the opinion of Mr. Boniface Lakra, an M. L. A. of Bihar, who was in the Select Committee to which the Bihar Moneylenders Bill had been referred. Mr. Lakra, wrote in his minute of dissent: "I regret that the provisions of this Bill entirely fail to give relief to the *raiya*s in the villages against village moneylenders who rarely have recourse to the Courts to realise their loans and the interest that accrue on the loans through the process of the law courts.

Hence, the provisions of the Bill are unsatisfactory as a whole." We hope the Select Committee of the Orissa Assembly to which the Orissa Moneylenders Bill has been referred will attach due weight to this friendly complaint and make registration obligatory on all moneylenders. It is only then that moneylending on proper lines will be conducted in Orissa.

Secondly, we fail to understand why the Orissa Government reserves to itself the power of exempting by notification any moneylenders or class of moneylenders from the operation of all or any of the provisions of the Bill and why again it wants that it should have the power of exempting any person or class of persons from the payment of the registration fee. We fear that these undefined powers vested in the Government may introduce an element of discrimination among the moneylenders which will be most harmful to the smooth working of the Act. We, therefore, suggest that all the moneylenders of Orissa should be placed on the same footing both as regards their rights and obligations, and the executive authority should have no power either to add to or deduct from the same.

Thirdly, modelled as the Orissa Bill is on the Bihar Moneylenders Act, it does not make any provision regarding the exemption from attachment for debt of a minimum holding of the agricultural debtor. The Bihar Act provides that in the execution of a decree against an agricultural debtor, the Court may exempt one-third of the total area of the debtor's land and is under an obligation to exempt an acre at the least. No reason has been shown why a similar provision was not included in the Orissa Bill. There is no reason to believe that Orissa agriculturists are less indebted than the Bihar agriculturists and therefore will in most cases retain a minimum holding.

As regards the rates of interest to be charged the Bill provides that the maximum rates of interest should not exceed 12 per cent in case of unsecured loans and 9 per cent in case of secured loans. We fail to understand why the rates of interest should be fixed so high. Of course, the rates of interest charged at present are much higher than the maxima allowed in the Bill. But it is well-known that the present system is all for the benefit of the moneylending class. The debtors, in many cases being poor and ignorant have no other alternative than to submit to the exactions of the moneylenders. But this is no reason why attempts should not be made, specially by a Government which claims to have the interests of the masses at heart, to make a radical change in the existing practice. If a rich man does not practise moneylending, let us assume that he will invest his money either in business or in agriculture. In either case, taking all the risks into account, he cannot get a return of more than 5 per cent. If he invests his money either in Banks or in Government securities the return

cannot be more than 3 per cent. Under the circumstances, we fail to understand why in moneylending alone, he should be allowed such high rates of interest. The moneylenders and their protagonists argue that if rates of interest are reduced by the Government, then the moneylenders will refuse to lend on the stipulated terms which will lead to severe curtailment of credit. Therefore, unless the Government makes provision for supplying cheap credit to the debtors, it should not interfere with the present system. But the returns from other sources of investment being what they are, we do not think that if the maximum rates of interest are fixed at 6 per cent for secured loans and 9 per cent for unsecured loans, the moneylenders will take to some other business. By reducing the rates of interest to the figures given above, the Government will not be making moneylending any less profitable than other kinds of investment. It will be preventing only the moneylending class from utilising its superior bargaining position to claim and exact exorbitant rates of interest from the debtors. We therefore wish that the Orissa Government should lower the prescribed maximum rates of interest. The Bihar Moneylenders Act explicitly states that compound interest should not be granted by the court except at rests shorter than one year. The Bombay Moneylenders Bill prohibits compound interest altogether. But, there is no such provision in the Orissa Bill. As charging compound interest is a common practice in Orissa, we think that provision should be made in the Bill for its complete elimination. Otherwise, the evil practice will continue unchecked.

In other respects, the Orissa Bill is much the same as the Bihar Bill with minor alterations here and there. The maximum rates of interest prescribed in the Bill apply only to loans advanced after the commencement of the Act, but in respect of previous loans the court is given the power of relieving the debtor of all liability on account of interest in excess of these rates. The maximum amount of interest allowable by the court can in no circumstances exceed the amount of the principal. The *dam dupat* principle thus embodied in the Bill is of the most rigorous variety. The Bill also empowers the court to direct payment of the amount due on mortgage in instalments, notwithstanding the terms of a contract. The Bill provides that the court may estimate the value of the judgment-debtor's property and may order the sale only of that portion of the property, which, in its opinion, would at a price specified by it, fetch enough to satisfy the decree. It again provides that a usufructuary mortgage which comes into existence after the commencement of the act, shall unless discharged previously, be deemed to stand discharged after the expiration of fifteen years from the date of the mortgage.

As regards registration of the moneylenders, the Bill provides that the maximum fee that can

be charged for registration is Rs. 25. A registration certificate will ordinarily remain in force for ten years, but it is liable to be cancelled for a maximum period of five years if the moneylender fails to maintain proper accounts or is otherwise found unfit to carry on the business of money-lending. A number of other penalties are prescribed for the moneylender if he does not abide by the provisions of the Bill.

On the whole, the Orissa Moneylenders Bill is a much-needed measure, and we hope that the Orissa Assembly will take all possible care to see that the measure serves the interests of the largest section of people. It is only then that its object in enacting the Bill will be fully realised.

### THE DIVORCE BILL OF DR. DESHMUKH.

**T**HE Hindu family institution is a pattern of patriarchal systems found elsewhere in the world. This system in its purity is characterised by the low position assigned to women in the household. Descent is reckoned through the father's line, and the males only are considered as truly belonging to the father clan. The wives are strangers brought into the clan, and the daughters are mere birds of passage who are to be given away to other clans. The eldest male had, in ancient times, unlimited power over all the members of the family and held all family property. After him the property was held by the eldest son, who had the responsibility to feed and clothe the family composed of all his brothers and their wives. In historical times the family property came to be divided between all the brothers, the eldest getting a larger share. The daughters of the family had the right to be maintained and given away in marriage with suitable dowry. Widow marriage was banned at an early stage in the history of the Hindu family, and the widow had the right only for maintenance in the joint family. The Mitakshara and Dayabhag authors do indeed give the widows and the daughters certain share in the property of the father and husband, but in practice this share has never been given to the women.

In Vedic literature there are traces of the custom of divorce, and in the ancient Smritis women were allowed to be freed from the marriage tie in certain circumstances. No specific mention of the rights of males is made for the simple reason that the Hindu male could always seek a second mate if he so chose, and in many cases could abandon the first wife on the slightest pretext. In spite of this provision there are no authentic cases on record of divorce having been granted to women of higher caste. Divorce is however a common enough practice among the lower castes.

Widow burning was an ancient custom and in historical times had increased to fantastic dimensions in certain castes in certain provinces. These were the main features of the Hindu family before the British rule.

Since the establishment of the British rule many features of this patriarchal joint family have been and are being modified by legislation. The very first measure of this kind was the abolition of the custom of Suttee. The next measure was the Widow Re-marriage Act of 1860 by which full legitimacy was conferred on the children of the re-married woman. The Age of Consent Act and the Sharda Act followed next. The latest bill in the series was the one sponsored by Dr. Deshmukh by which certain property rights were secured to the widow. Recently four bills have been introduced in the Central and Provincial Legislatures, of which one deals with the question of divorce and three with that of polygamy.

Dr. Deshmukh's bill dealing with divorce is as follows:—A Hindu woman shall be entitled to claim a divorce from her husband if (a) her husband acquires incurable impotency any time after marriage; (b) her husband changes his religion; (c) her husband marries a woman while the first marriage is in force; and (d) her husband has deserted her for a continuous period of three years. This bill is not introducing anything fundamentally new in the marriage institution as known to our ancient law-givers. In fact, except in one particular, the bill closely follows the dictum of Parashara.

नष्टे मृते प्रव्रजिते क्लीबे च पतिते पतौ ।

पंचस्वापस्तु नारीणां पतिरन्यो विधीयते ॥

Divorce is a sign of social mal-adjustment. It disrupts family life in a way similar to calamities like disease and premature death. It has been the endeavour of modern science to minimise the factors leading to disease and premature death, and its ambition is to eliminate them altogether. This ideal of physical well-being is however far from attained, and disease and death have to be accepted as inevitable evils. In the same way, the ideal for a society would be that of a harmonious family, where the children would be brought up in a congenial atmosphere suitable to the growth of mind and body. The endeavour of an idealist therefore, should be to make divorce unnecessary, that is to say, shape the institution of marriage in such a way that it remains enduring in most circumstances.

The history of the Hindu family present some interesting features from this point of view. The institution of polygamy and the social tolerance of concubinage has made marriage an easy burden for the Hindu male. For the Hindu female no such provision exists explicitly. But certain references and usages mentioned in ancient literature point to the alleviation of the hardship of women under certain circumstances. The practice of Niyoga was one such provision. Manu mentions ten kinds of sons, of which five kinds are those born to a man's wife from other men. These practices would do away with one important cause of disaffection, viz., impotency or sterility of the husband.



Desertion for a long period amounts to the loss caused by death, and change of religion is social death. In these circumstances, no amount of elasticity in the family institution can save it from disruption, and a woman may therefore be allowed to found a second household. The contingency of the husband marrying a second wife was not contemplated as a ground for divorce by the ancient law-givers. It is a well-known fact that sentiments are shaped by tradition. In olden times, before the Hindus came in contact with a people who were monogamous by religion, polygamy was taken as a matter of course. Some women might have even been proud of the number of co-wives they had, as the fact testified to the social prestige of the husband. But with the impact with other cultures our ideas are changing, and a woman may be entitled to relief in such circumstances.

I believe however that the provision for divorce will not completely meet the case. Where a woman is advanced in age and has, perhaps, a few children, divorce cannot give any relief. There should be open to her the alternative of getting judicial separation from her husband with the custody of her children and the right of obtaining a maintenance allowance. There should thus be for a woman three alternatives to choose from: that of accepting the co-wife and running a joint household, that of getting a divorce and that of obtaining a judicial separation.

As divorce does not entitle a woman to maintenance, a woman of advanced age and without any means of livelihood may choose to remain with her husband and the co-wife. If these two however do not want her, they can easily make life very hard for her and force her to ask for divorce. She would then be literally thrown on the streets. If, however, there is a provision for judicial separation, she may very well choose that course, or, the very possibility of her asking for the judicial separation will make the husband and co-wife treat her with consideration.

A remarkable feature of this bill is that adultery is not made a ground for divorce. If the family is our main concern and if the relations of husband and wife are to be regulated so as to obtain the greatest stability and well-being of the family, adultery should not be made a ground for divorce. Adultery should be looked upon rather as a temporary lapse and should not be allowed to break up a permanent marriage tie.

Clause (a) of this bill provides that a wife may get divorce if the husband is proved to have become incurably impotent after marriage. The whole clause is worded in a very confusing way. As it stands, it means that if a man any time after his marriage becomes impotent owing to some unfortunate accident, the wife may get a divorce on account of this physical disability. Nothing is said about the possibility of a man

being impotent before his marriage. This passage suggests comparison with the contingency contemplated by Parashara, where the term कृत्व is used, which seems to have been translated by the word impotent. The Sanskrit word denotes both impotency and sterility, and it is possible that in ancient times the law was interpreted in such a way that a woman could get divorce on either count. Due to the effect of certain diseases (e. g.; gonorrhoea) or of modern surgery (e. g. vasectomy) a man may become completely sterile without being impotent. This contingency is not covered by the present clause. Impotency or sterility before marriage should be a sufficient cause for divorce if it is proved that the woman had no knowledge of the fact before marriage.

An eminent authority on Hindu Law tells me of a case in which he was able to get the marriage of a Hindu girl declared null and void on the count of impotency of the husband, when it was proved that the girl was a virgin even after the marriage. This is an important decision and useful in many cases, but it cannot cover the contingency of sterility without impotency. In such a case, married life will be lived normally, except that no children shall be born of this union. If a woman marries a sterile man unknowingly, she is cheated of her motherhood, which is the normal expectation of a married woman. It is, therefore, necessary to mention both impotency and sterility *before* marriage as sufficient grounds for divorce. When we come to consider impotency acquired after marriage as a cause for divorce, we are altogether on a different ground. In this case impotency is a physical disablement due to disease or accident. There are many other circumstances where normal marital life becomes impossible, such as diseases like leprosy, advanced tuberculosis and paralysis. Although theoretically all these are curable, for all practical purposes they are not so, and some are much more harmful to other members of the family than impotency. Legislation which would cover all these cases would be very difficult. In all such cases the time factor is of great importance. Suppose a woman were to live for ten years with a man and then ask for a divorce because of recently acquired impotency or any of the diseases mentioned above, public opinion will go against her. If however an unfortunate accident were to disable the man only a short time after marriage, people will pity him but will also sympathise with a woman if she is compelled to spend her life with such a man and will readily grant her the right to ask for divorce. When there are thus so many hard cases in which relief should be given to a woman, there is no reason why only one circumstance, i.e. impotency, should be singled out as a sufficient ground for divorce.

Objection has been raised against this bill on the ground that it is one-sided and that the Hindu

male should have equal rights in similar circumstances to divorce his wife. In the patriarchal Hindu family the male is the sole holder of all property and can marry as many wives as he likes. The woman has no such privilege. The question of equal treatment does not, therefore, arise at all. This bill is in the nature of relief given to an oppressed party and does not, therefore, include any provisions for divorce being granted to the Hindu male.

In spite of a few defects, it is a good and much-needed bill.

IRAWATI KARVE.

## Reviews.

### IMPERIALISM.

**IMPERIALISM: A STUDY.** By J. A. HOBSON. (Allen & Unwin.) 1938. 18cm. 386p. 8/6.

THIS is a new edition of Mr. Hobson's book first published in 1902. To this edition Mr. Hobson contributed a new introduction, in which he reviews the later development of this all-important phenomenon which has been the undoing of Asia and Africa and which has caused havoc in Abyssinia, Spain and China. The central theme of the book is that Imperialism is the result of disparity between production and consumption—saving and spending—which makes it inevitable for the owning classes to seek markets and fields for investment in backward countries, countries which are not in a position to develop their resources and protect their political integrity. Inflated nationalism, protectionism, trade restrictions and suspension of democracy in the highly industrialized countries are all, according to the author, by-products of the lust for economic dominion of the industrial and financial interests. Pride, predatory instincts and pugnacity have all played their part in the expansion of Europe over Asia and Africa, but the mainspring of this urge towards domination is inability of the investing classes to find a profitable field within their own countries, owing to consumption falling short of the actual and potential production. That is the "taproot of Imperialism"—the prime cause of "a depraved choice of national life".

This interpretation bears a remarkable resemblance to the Marxian view of Imperialism, though Mr. Hobson does not make any reference to Marx or Marxism in this book or acknowledge the fact that Marx and later Lenin have long before him applied this theory to interpret and forecast the course of events with uncanny clarity and success. The conclusion of Mr. Hobson also coincides with the Marxian conclusion that capitalism in its attempt to escape from its own inherent cramping limitations has overreached itself and carries within itself "the seeds of its own demise". But before its death-knell sounds, it has left enough vitality and power to endanger not only its own existence but also the existence of civilized life and the future of mankind by its senseless wars and preparation for wars.

It is a gloomy conclusion, and the author does not suggest any way to avert the impending destruction of the exploiting and exploited nations.

'Spirited foreign policies are still in favour, the owning classes still in saddle and more shortsighted than ever in the pursuit of their interests and those of the states whom they control and dominate. The Marxians can, from this point of view, at least point to the growing consciousness and power of the proletariat who, in spite of reverses and set-backs are coming into their own and will eventually redeem the position and bring the new order into existence in which autocracy will pass away and social peace and solidarity supervene. The contemporary events are not reassuring even from the Marxian standpoint and point to the possibility of reaction having all its own way on all fronts. Mr. Hobson sees that the position is deteriorating rapidly but holds out no hope of the world being able to save itself from the destructive power at work.

It may be there is really no hope, but for us in India and other subjugated nations to acquiesce in this conclusion is to condemn ourselves to frustration. The position, as every one knows, is precarious and the possibility of an over-whelming disaster has to be reckoned with. But the study of this competent contribution cannot but be helpful in getting a right perspective for understanding the course of history in the 19th century and of events in the present and the more recent past. This study will have to be supplemented by a study of other books on the subject. On certain vital points the book is moderate and inconclusive. It has, however, the merit of being written by "an economic heretic" who has devoted himself to the study of fundamental problems with singular sincerity and disinterestedness for over half a century. In spite of his strong convictions the heretic writes without passion, clearly and well.

GYAN CHAND.

### LIBRARY CLASSIFICATION

**PROLEGOMENA TO LIBRARY CLASSIFICATION.** By S. R. RANGANATHAN. (Madras Library Association Publication Series 6.) 1937. 22cm. 305p.

THE subject of Library classification has now-a-days become very intricate on account of the magnitude of the enormous and constant flow of varied publications on different branches of knowledge. This very fact has necessitated the laying down of an altogether new scheme of classification on such broad principles as would help to make it perfectly hospitable and flexible, having sufficient provision for minute classification of the varied publications in libraries in order to satisfy both the laws of classification: "Every reader his or her book" and "Every book its reader".

To judge the competency of a scheme of classification we must devise a set of tests which would enable us "to appreciate the strength and weakness of a scheme of classification, to compare the relative merits of two or more schemes and to do the day-to-day work of classification in a library consistently and in conformity to the chosen scheme". Mr. Ranganathan has placed before the reader a very useful and interesting diagram (chapter I p. 2) resembling "a geneological tree showing the ancestor at the head with line after line of descendants coming thereafter in succession in the best order of filiation". This diagram forms the sum and substance of the work in a skeleton form which the

author has taken as the basis for expounding the principles of classification.

Chapter I deals with the enunciation of a scheme of classification by a diagrammatical as well as an analytical approach. The learned author affirms that a scheme of classification is "filiatory arrangement of the classes formed in the process of complete assortment of any universe under consideration". The whole scheme of classification is formed of the following five fundamental categories—(1) Associated Scheme of Characteristics, (2) Arrays of Classes, (3) Chains of Classes, (4) Terminology, and (5) Notation.

The author has devoted chapters II to V to the enunciation and requirements of the 28 principal canons (of his own making) to be satisfied by a scheme of Book Classification, if it is to be an efficient basis for "Library Classification".

Chapter VI deals with the lay-outs of five current schemes of classification, viz. (1) The Decimal Classification, (2) The Expansive Classification, (3) The Congress Classification, (4) The Subject Classification, and (5) The Colon Classification. Chapters VII and VIII are devoted to the close comparison of the above schemes. These two chapters enable us to decide which of the existing schemes is most suited to the special needs of a particular library. The author has put his own scheme i. e. "the Colon Scheme" to a very severe test and has successfully proved its superiority to the other schemes. The hints given in the last chapter are very valuable.

The work is an important contribution to the subject of library classification and hence deserves to be specially studied by the librarians in India as it will enable them to solve the very difficult and disputed problem of classifying the books in their libraries. This method will increase the convenience of the readers and the utility of the books. We are of opinion that "the Colon Scheme" so ably expounded by the pains-taking and experienced author should be introduced in as many libraries of India as possible because no other existing scheme is so efficient and suitable to the special requirements of the Indian libraries.

R. S. PARKHI.

### SOCIAL SERVICES

**SOME SOCIAL SERVICES OF THE GOVERNMENT OF BOMBAY.** A Symposium edited by CLIFFORD MANSHARDT. (Taraporevala.) 1937. 22cm. 141p. Rs. 3-4-0.

WHEN every one is calling upon and expecting the Government to take an active part in the bettering of social conditions, it is timely that we have brought to our notice what the Government of Bombay has been and is doing along these lines.

As the introduction of the book suggests, all branches of the Government have their social aspects, but this book deals only with those Government functions which deal directly with the welfare of the people. The lectures were originally delivered by Government Officials at the Nagpada Neighbourhood House in Bombay. The subjects discussed included public health, various ways in which workmen's interests are looked after, village improvement and the working of the Children Act of Bombay.

The amount and variety of work that is being done is indeed impressive, but the fields of necessary service which are becoming daily more urgent are even more impressive. The lecturers all stressed the fact that the greatest service can be rendered only when there is an enlightened body of public opinion which will do its best to co-operate with the Government in its efforts, present and future.

The lecturers, being experts in their various fields and wishing to present an accurate picture of their work, have in some cases gone into details which are a bit bewildering to a person who has a limited knowledge of the subject. Other chapters are less technical and can be easily understood by the average reader.

M. C. RAO.

### SHORT NOTICES.

**A SCHEME OF ADULT EDUCATION.** (APPROVED BY THE CO-OPERATIVE DEPT., U. P.) By A. B. MANDE. (Ram Narain Lal, Allahabad.) 1937. 20cm. 138p. As. 8.

WITH 90 per cent of illiteracy in the country any scheme of adult education has its own attraction and usefulness. The many attempts at imparting to the adult the necessary education have not been great successes, due mainly to the want of technical knowledge of the subject.

The author with his scientific training in foreign countries and his long experience is well entitled to write on it. The Folk Schools of Denmark which have done much for national property provide for us the model on which our scheme of work should be based, and the author has made full use of his knowledge of these institutions. The scheme outlined in this book has been approved by the Co-operative Department of the U. P. and a few villages have had the benefit of this scheme. An adult school should be something of an evening club with 20 members, with nominal fees and fixed hours of work. The syllabus should be suitable for adults and individual method should be introduced to groups constituting a class of 20. The school should have extra curricular activities, to make it really attractive to grown-up adults. Teachers earning about 10 rupees a month with a special training in methods of teaching and rural reconstruction work are to be in charge of these night schools. The payment will be on results with a modified plan of small monthly payments with quarterly bonuses. The author does not favour the idea of employing the day school teachers for night schools. The District Boards, the Village Rural Development Association and private organisations as well as the co-operative institutions are well suited to organise and run these schools. A school costs about 125 rupees a year. The scheme seems to be sound, and the expenditure is not too much, but possibilities of the method of employing university students in vacations and voluntary labour otherwise offered should also be investigated. Results of practical work and long experience have a high value of their own to those interested in eradicating illiteracy from the land.

N. S. S.

**THE FEDERAL CONSTITUTION AND ADMINISTRATION OF INDIA.** By BAL KRISHNA. (Arya Book Depot, Kolhapur.) 1937. 20cm. 256p. Ra. 1-8-0.

THIS is a brief description of the outline of Indian administration, useful as a text book for the

First Year Arts students of the Bombay University to study that subject. Dr. Balkrishna has long been familiar to the student world as his earlier books on Indian Administration were highly spoken of by them as well as by the professors teaching that subject. The book opens with an 'Introductory Study' which consists of a few definitions of such technical terms as Constitution, Sovereignty, Federation and many others. This is as it should be. For, very often terms such as State, People, Government are loosely used by the students and they do not get a clear idea of the full import conveyed by such expressions even at an advanced stage in their studies. Dr. Balkrishna tries to make a distinction between 'political liberty' and 'national liberty' and further between 'political sovereign' and 'popular sovereign' (pp. 13, 14). I am afraid his explanation is not very convincing on either of these points. His description of the political incidents during the thrilling period from 1928-37 is dull and he fails to take account of the relative bearing of the popular movement on the task of constitution-making carried on through the Round Table Conferences, its Committees and Sub-Committees. If I remember right, Liberals were the first to boycott the Simon Commission and the lead given by them ultimately created the necessity of granting responsibility at the centre, which in its turn brought the problem of federation to the forefront. The sufferings and sacrifices undergone by the Congress workers indirectly but very really helped to shape the advance over the Montford reforms. Very probably the learned author feels that the recent past cannot be put into a proper historical perspective and therefore he is content with only making a chronological mention of a few leading facts of the period.

For the rest, the whole book is written in a very methodical manner. The language is simple, and the method of treatment analytical, always placing the pros and cons of a subject in clear print, each duly numbered and mentioned in a small separate paragraph. This helps boys to prepare the subject for examination purposes. Chapter XIII on 'Administrative Problems,' dealing with different departments, of administration is sketchy, and I would request the author to give a more detailed treatment of the various departments, each in a separate chapter. The price of the book is very moderate and one would thank the author for having looked to the convenience of poor and needy students.

R. V. O.

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## Correspondence.

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TO THE EDITOR OF THE SERVANT OF INDIA.

### DEBT RELIEF LEGISLATION.

SIR,—In legislating for relief of agricultural indebtedness in our Presidency, the Bombay Ministry will have to face a problem which has no counterpart elsewhere and for which, therefore, they will have to find a solution for themselves. A very large percentage of sale-deeds obtained by moneylenders from their agriculturist debtors in this Presidency are really mortgages disguised to appear as sales with a view to circumvent certain provisions of the D. A. R. Act

in case the matter goes to Court. The natural reaction of the holders of these sale-deeds to any prospective legislation which provides for a drastic scaling-down of debts by Conciliation Boards will be to insist that the sale-deeds are really what they purport to be if by so doing they can paralyse the action of the Boards.

This brings me to the problem facing the Ministry. The question whether a particular transaction evidenced by a sale-deed is really a sale, or a mortgage, or a sale with a right of re-purchase, or a mortgage by conditional sale, is one for the Courts to decide, and cannot be left to the adjudication of Conciliation Boards. On the other hand, if, on the creditor alleging that the transaction is what it purports to be on the face of the document evidencing it, the Board is to hold its hands and ask the debtor to obtain a declaration from the Court that the transaction is really what he alleges it to be, the latter may not be in a position to bring a suit for the purpose, or may fail to do so through diffidence or apathy, or he may be outwitted by the creditor and persuaded to settle out of court to his own detriment. Besides, even if he takes the matter to Court and the Court declares the transaction to be a mortgage, under the provisions of the D. A. R. Act as they stand the creditor would be entitled to ask the Court to proceed further and pass a redemption decree for the amount due to him, and this amount would be larger than what the Conciliation Board would have determined under the provisions of the debt conciliation legislation, while the facilities for its payment would be smaller.

It will thus be clear that it is no solution of the problem to ask the debtor to obtain a declaratory decree from the Court. What, then, is the solution? I have two alternative solutions to suggest. One is that the Conciliation Boards should be empowered to determine the amount payable to the creditor, as well as the manner of its payment, on the assumption of the transaction being what the debtor alleges it to be. The creditor should be given a month's time to file a suit in a Civil Court for a declaration in regard to the true character of the transaction if he is unwilling to abide by the Board's award. If he files a suit within the prescribed time, further proceedings should be stayed pending the result of the suit. If he fails to do so, steps should be taken to give effect to the award.

My alternative suggestion is that on the creditor alleging that the transaction is really what it purports to be on the face of the document evidencing it, the Conciliation Board should be empowered to refer the matter to the proper Court for adjudication in regard to the true character of the transaction. The Court should thereupon treat the reference as a suit between the parties to the transaction and pass a decree declaring the character thereof. After the matter is judicially adjudicated, the Conciliation Board should proceed to deal with it in conformity with the adjudication. I would provide for giving precedence to such references from Conciliation Boards, and would bar appeals.

These are tentative suggestions, made with a view to stimulate discussion. The subject is very important, and I trust that now that I have drawn attention to it, it will be thoroughly thrashed out and a satisfactory solution reached.

P. J. TALEYARKHAN.