

Servant of India

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Office : SERVANTS OF INDIA SOCIETY, POONA.

VOL. XVIII, No. 31. }

POONA—THURSDAY, AUGUST 1, 1935.

{ INDIAN SUBSN. Rs. 6.
FOREIGN 15s.

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Topics of the Week.

Dismissal of Police Officers.

AFTER three weeks' session the Bombay legislative council was prorogued on Monday last. The only part of its last week's proceedings which aroused any public interest was that relating to the proposal to amend the Police Acts. One of these, nearly half a century old, confers on the local Government the power, amongst others, to dismiss an officer belonging to the Indian Police Service. This, it is now discovered, is inconsistent with section 96-B of the Government of India Act of 1919, under which none but the Secretary of State is empowered to dismiss these officers. It was explained on behalf of the Government that the power vested in them by the local legislation never having been used, the discrepancy remained hidden until two years ago when it was pointed out to the Bombay Government by the Central Government. The removal of this discrepancy was, it was stated, the *raison d'être* of the amending legislation.

ANY proposal to take away from the powers of the local Government in regard to superior Police officers was sure at any time to arouse non-official suspicions. This one, coming as it did on the eve of the introduction of provincial autonomy, was strongly criticised as a subtle attempt on the part of the Government to deprive the future autonomous Government of the province of an important disciplinary power in respect to the members of the Police Service. The power had been on the statute book for nearly fifty years during which not a whisper of criticism against it was raised. Why should, it was asked, the present time of all times have been selected as a suitable occasion for its removal? But the criticism, however valid or reasonable, had little effect on the ultimate fate of the Bill, which was duly passed through all its stages and enacted into law almost in one sitting.

Import Duty on Zanzibar Cloves : Some Facts.

ANENT the proposal to levy a prohibitive duty on imports into India of Zanzibar cloves as a retalia-

tory measure, which was briefly commented upon in these columns, a valued friend, whose study of the problem is very thorough, takes occasion in a private communication to bring to notice certain relevant facts. He says :

The imposition of a prohibitive duty is not likely to affect materially the imports from Zanzibar. As you are aware, Zanzibar and Pemba between them have a practical monopoly of the world's supply of cloves. The output of Madagascar—the only rival Zanzibar has to reckon with—though increasing of late years is still negligible as it hardly exceeds 10 per cent. of the world's supply. The effect of a higher duty, therefore, will be merely to raise prices to the Indian consumer without materially checking imports from Zanzibar. Cloves, being an article of luxury and consumed in very small quantities, can bear high rates of duty without seriously diminishing consumption.

He proceeds :

India is vulnerable in the matter of her exports to Zanzibar. Though these have been dwindling of late years, largely on account of Japanese competition in piecegoods, we still export merchandise worth over 22 lakhs. A policy of retaliation will make our balance of trade with Zanzibar even more unfavourable than it is at present.

The Colonial Office, if so inclined, can discriminate against us in respect of our valuable exports to other parts of the Colonial Empire. This at a time when economic nationalism has closed many doors to our export trade cannot but be disastrous.

So far as East Africa is concerned, Indian imports mostly enter these territories through Indian intermediaries. Any adverse effect on such imports, following on retaliation by the Government of the importing countries, will only hit Indian exporters.

At least 20 per cent. of the plantations in Zanzibar and Pemba are controlled by Indians. Should a heavy import duty actually have the effect of diverting the trade to Madagascar, these Indians will suffer along with the rest of the producers.

Mr. Strathie's Advice.

ADDRESSING a conference of subordinate Government servants, the Collector of Guntur is stated to have warned them against any expectation to get rich quick under the new regime. The initial salary of this class of public servant had been recently fixed at Rs. 60 after very careful consideration and he foretold complete failure for all attempts to have it raised. He said in effect that if Government service ensures security of tenure that is as much as should be reasonably looked forward to. To try to

combine affluence with security was, in his opinion, attempting too much. The Indian Civil and the Indian Police Services are, we suppose, to be looked upon as exceptions, for they have managed to secure both security of tenure and affluence. The general tendency in the direction of reducing the salary of the civil servant, he believed, must be treated as a hard reality of the situation against which it was no use kicking. The more practicable course was, it appeared to him, to adjust one's life to the circumstances in which one finds oneself. The present salary may be insufficient to the needs of a married man, but Mr. Strathie apparently thinks that nobody has any business to get married, whose earning is inadequate for the purpose of married life or to bring into the world children who cannot be maintained in comfort.

WE have of course no intention to find fault with the advice which the Collector gave to his hearers. All that we wish to say is that though India is by no means immune from the universal tendency to lower the civil servant's salary, to which Mr. Strathie referred, it unfortunately does not promise to be effective in this country, at any rate in the case of the Indian Civil and similar other privileged services. Does he think it fair or reasonable that while public servants in other parts of the world should be drawing comparatively modest salaries, their confreres in India should furiously oppose any proposal to bring their salaries into line with those universally prevalent? We do not wish to blame Mr. Strathie personally for this phenomenon or to hold him responsible for it. But we do hope that when the problem of the unbearably high salaries of Indian Civil Servants is brought up for consideration, Mr. Strathie, bearing this universal tendency in mind, will be good enough to throw his influence on the side of their reduction.

BUT if we can agree, only with reservation, with this part of Mr. Strathie's address, on other points in his speech we are happy to think that we see eye to eye with him. As is a matter of common knowledge, the members of the I. C. S., to name but one service, receive free medical help for themselves and the members of their families at the public expense. The concession, if it is to go deservedly to any one class of Government employee more than another, must go to those in receipt of small salaries. We are glad that Mr. Strathie favours the grant not only of this concession to subordinate employees of Government but also that of free education to their children. It is earnestly to be hoped that the suggestion, now that it has been so influentially supported, will be sympathetically considered by the Government.

Grossly Unfair

THE delay in the publication of the report of the Commission which went into the problem of agricultural indebtedness in Zanzibar is being adversely criticised in Indian circles there. The criticism is by no means unmerited. The report was submitted nearly three months ago, which is a sufficiently long period for the local Government to make up their mind as to whether it should be allowed to see the light of day. But the delay is caused not so much by the Zanzibar Government's indecision on the question whether to publish it or not as by their anxiety to make it public along with their own proposals. We do not see why one thing should be necessarily made to depend on the other. The recommendations of the report are bound to be of such vital concern to the economic well-being of the agriculturists in Zanzibar that it behoves the Government to allow

them ample time to study and digest its contents. If this were done, the criticism of the Commission's report would be based on authoritative information and as such would be helpful to Government in framing their conclusions. But indications point to the Zanzibar Government's unwillingness to profit by such criticism. Instead they seem to be bent upon confronting public opinion with a *fait accompli* in the shape of their final judgment on the report. This is greatly to be deprecated as being grossly unfair to the interests concerned and the Zanzibar Government ought to lose no time in making the report of the Commission available to the public. The local Indian community, having a considerable stake in the clove trade, is reported to be naturally urging the Government of India to press on the Zanzibar Government the urgent necessity of publishing the report, without loss of time. It is to be hoped the Indian Government are taking action in the desired direction.

Working of Criminal Tribes Act.

A POINT connected with the working of the Criminal Tribes Act in the Bombay presidency during 1934-35 which calls for special notice relates to the rise in the number of convictions of members of criminal tribes settlements and of untraced absconders. The number of such convictions was 267 as against 177 during the preceding year and 235 absconders remained untraced at the close of the year as compared to 138 during the previous year. The increase in both cases is rather disquieting and has, we are glad, not passed unnoticed by the departmental authorities. In fact the Backward Class Officer's report attempts to account for the phenomenon in a satisfactory manner.

THE increased number of convictions is said to be due partly to the inclusion in the report for the first time of the figures relating to two settlements, viz. those at Ahmedabad and Daulia. But this is only a partial explanation. A contributory factor is also the tightening up of the control over settlers. In some cases offenders who could have been dealt with departmentally were sent up for trial by the courts as a measure of discipline. This happened only in two settlements, viz. those at Belgaum and Sholapur; but it is noteworthy that these two factors between them helped to add to the total number of convictions by over 80.

AS regards the increase in the number of untraced absconders, it seems to have been largely unavoidable. It is due to the type of settler who comes to the settlements. Not belonging to compact tribal groups as before, he finds himself at sea in his strange surroundings, having no ties of relationship with other inmates. The result is that the new arrival takes the earliest opportunity to escape from the strict settlement discipline; and the fact that none of his friends or relatives are available to give information about his whereabouts adds to the difficulties surrounding his apprehension. The obvious remedy is to see that such settlers are as a rule accompanied by their families or that these follow them at a very short interval. If this precaution is taken, the Backward Class Officer's hope that matters would be considerably improved is likely to be fulfilled.

IT is a matter of genuine pleasure to us that the work of Mr. K. G. Sharangpani, a member of the Servants of India Society, who is in charge of the settlement at Jalgaon, comes in for special mention at the hands of the Backward Class Officer along with that of the mission staff at Hubli.

LAW OF PRIVILEGE.

WE are not in the least interested in the personal aspect, if it has such an aspect, of the controversy that arose last year between Mr. Churchill and Sir Samuel Hoare in regard to the evidence by the Manchester Chamber of Commerce before the Joint Select Committee, but we are bound to say, from the report of the Select Committee on Witnesses that was adopted in the House of Commons on 15th July, that, on the whole, Mr. Churchill has come out with flying colours in this controversy. When on 13th June, 1934, the House unanimously adopted the report of the Committee of Privileges and acquitted Sir Samuel Hoare of any offence against the law of privilege, it appeared to most people that Mr. Churchill had been thoroughly disgraced. The Report of the Committee on Witnesses, whose appointment had been necessitated by the report of the Committee of Privileges, however, puts an entirely different complexion on the matter. It is no doubt true that the *prima facie* statement made by Mr. Churchill when he brought the question up before the Commons contained some inaccuracies. That was inevitable when all the facts had not been divulged. But the main facts cannot be disputed, and indeed it was admitted by the then Prime Minister when the House of Commons cleared Sir Samuel Hoare of the grievous charge brought against him of tampering with witnesses that the facts were not in dispute. It was common ground that Sir Samuel had tried through Lord Derby to persuade the Manchester Chamber of Commerce to withdraw part of the evidence it had submitted to the Joint Select Committee and to substitute new one in a different sense. The only question was whether his action fell within the wording of the relevant Sessional Order which says, "directly or indirectly hath endeavoured to deter" witnesses and whether it amounted to tampering.

Let it be clearly understood that Mr. Churchill had not suggested that Sir Samuel Hoare's conduct was in any way dishonourable or immoral, but that it was inappropriate, and that he had committed a technical breach of privilege. To laymen like us it appears that even if this technical offence had been brought home to him, it would have been possible, as Mr. Churchill himself had proposed, for the Government to express confidence in him and to affirm his integrity. But it was thought that the only constitutional effect of an adverse verdict would be, as Mr. Amery pointed out, "the resignation of the Secretary of State" at the least. It was thus a difficult question to handle for everybody concerned. Could it be said that something far worse than mere advice or persuasion to change evidence was necessary to bring one into the mischief of the Sessional Order? But it was drawn in too wide terms to make such a contention tenable. It said that nothing must be done to deter, or endeavour to deter, any witness from presenting evidence as he wished to present it. Sir John Simon, the Home Secretary, in presenting the report of the Select Committee on Witnesses, said: "For the first time in the history of Sessional Orders these Orders have been

made the ground of a charge against members of a Parliamentary Committee (Sir Samuel Hoare and Lord Derby) in the discharge of their functions as members of such a Committee. Hitherto the language of the Sessional Order has always in practice been applied to persons who were not Members of Parliament serving on a particular committee." The instances of tampering with witnesses that had occurred so far were therefore instances in which, as Mr. Amery showed in his speech last year, corruption or intimidation or victimisation had taken place. Would it do then so to interpret the Sessional Order as to make it applicable merely to "corruption or intimidation or victimisation"? The scope of the Order, of course, could not be so limited. Mr. Amery himself entered a caveat. "It is perfectly true," he said, "that one can conceive the theoretical possibility of advice or persuasion being carried to wholly undue lengths. I can conceive the possibility of members of Select Committees, by a systematic policy of vigorous persuasion and copious hospitality, impairing the independent value of the evidence to be presented." Lord Hugh Cecil argued in much the same fashion. He said: "There is not the least doubt about what they meant in 1700 (when the Sessional Order was first passed). They meant corrupt tampering, and that they would be quite ready to impeach before the House of Lords anyone who so tampered with witnesses. Fancy our impeaching my right hon. Friend the Secretary of State for India" merely for giving advice and trying to persuade witnesses to modify their point of view!

The Committee of Privileges found that Sir Samuel Hoare and Lord Derby did not commit a breach of privilege and they based their finding principally upon the distinction which they drew between judicial and non-judicial committees and between witnesses of fact and witnesses of opinion, implying that rules of Parliamentary procedure need not be applied with the same rigour to the latter as to the former. The Committee said in their report:

The Joint Committee are not in the ordinary sense a judicial body. They are concerned with questions partly of policy and expediency and partly of constitutional theory and practice. The members were chosen by Parliament in the full light of the knowledge that many of them had already formed opinions as to the proposals contained in the White Paper. . . . The ordinary rules which apply to the tribunals engaged in administering justice or deciding issues of fact between contending parties cannot be applied to the Joint Committee. It might be said that the Committee should proceed in a judicial spirit; this could only mean that the Committee should act fairly and without suffering prejudice to hinder the hearing of all sorts of opinions. . . . How far advice without being in the least dishonest or corrupting is to be thought expedient is a different question.

On this basis they came to the conclusion that "neither Sir Samuel Hoare nor the Earl of Derby has behaved in such a way that they should be held to have tampered with any witness or to have attempted to bring about improperly the alteration of any evidence." Lord Hugh Cecil, a member of the Committee,

claimed that, in drawing this distinction between judicial and non-judicial committees and between witnesses of fact and of opinion, the Committee had established a new convention and given recognition to a different Parliamentary procedure. He said: "We have added, I must not say a chapter, but perhaps a page, perhaps a mere footnote, to that memorable work on Parliamentary Practice by Sir Erskine May." The addition consists in the recognition that "all the checks and precautions which properly surround a judicial tribunal" need not be brought into force when one is dealing with a body appointed "to frame a scheme of legislative reform."

Mr. Churchill warned the House of Commons last year that they had not heard the last of it, and that the subject would come up again soon. When Sir John Simon said, "While this matter may have been a proper one to be raised, it is now finally disposed of," Mr. Churchill retorted, "Do not make any mistake about that." He said: "The Committee (of Privileges) have chosen to give a new interpretation, as I hold, of the Rules of Privilege, to do violence to the plain meaning of the English language, to cast a slur upon the status of the Joint Select Committee, and to alter sensibly the procedure of Parliamentary Committees. Many here will live to regret the day that the custodians of the rights and privileges of the House of Commons have decided to meet a temporary difficulty by taking that course." Sir Robert Horne and Mr. Boothby, agreeing that Sir Samuel Hoare and Lord Derby were guiltless, were yet alarmed by the *obiter dicta* of the Committee of Privileges, and they were prepared to move an amendment for making it clear that the whole report was not accepted. They expressed themselves as "very apprehensive as to alterations in practice which are envisaged in paragraph 21 of the report." It is just these apprehensions which led to the appointment of a Committee on Witnesses. Sir John Simon, on 12th July last, said: "When the Committee made its report certain members of the House, while they fully accepted the decision of the Committee of Privileges on the particular case that was then being considered, none the less expressed some concern lest the effect of some general observations, made in the report of the Committee of Privileges on the Sessional Orders involved, might seem to confine the operation of these Sessional Orders in the future to too limited a scope, might confine them to what are sometimes, I believe, called judicial committees... or confine them to witnesses who were giving evidence on matters of fact as distinguished from offering a statement of their opinions. That is the reason why the Select Committee on Witnesses was appoint-

ed at the end of last year." Thus, the distinction between a judicial and a non-judicial committee, on which mainly the exculpation of the then Secretary of State for India rested, has now been practically done away with. That Sir Samuel Hoare was adjudged not guilty on that ground is not open to question, for the Attorney-General Sir Thomas Inskip, when speaking on the report of the Committee of Privileges last year, said: "Let nobody be under any mistake about it; we arrived at the conclusion that there had been no breach of privilege, largely, or at any rate partly, because we could not regard this Committee as a court of law or a judicial tribunal in the ordinary sense of the term." Having based their conclusion upon the fact that the Joint Select Committee is not a judicial committee, the Government proceeded to appoint a Committee whose report says that the Sessional Orders should be made applicable indifferently to all committees. This Committee further makes a recommendation for the adoption of a new Standing Order of the House of Commons as follows:

That no document received by the clerk of any Select Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

This recommendation too has a vital bearing on the case that Mr. Churchill brought forward last year.

It is no wonder that Mr. Churchill speaks now in the "I told you so" vein and that he regards the report of the Select Committee on Witnesses as a vindication of his former attitude. He said: "This report of the Committee on Witnesses is a commentary upon the earlier report of the Committee of Privileges. ... I declare to Parliament now that no competent and impartial jurist could read these two reports without saying that the report of the Committee on Witnesses undermines and ruptures the foundations on which the House arrived at its conclusion last year. ... (The report of the Committee on Witnesses) reflects upon the reasoning on which the Committee of Privileges acted and which stigmatises, with plain and undoubted censure, the manhandling of the Lancashire evidence before the Joint Select Committee." He further said:

I must say that, when I mentioned at the beginning of my remarks that the Government were engaged upon a tardy act of reparation, I was perhaps wrong in using the word "tardy," because it is more than tardy—it is too late. The Bill out of which this controversy arose is practically through. The Lancashire case has gone by default. If the report of this Committee on Witnesses had been before the House of Commons at the time when the House considered the report of the Committee of Privileges, it is inconceivable that more justice would not have been done to the case which, at very great personal exertion and with much personal regret, I brought before Parliament. Of course, it has now gone down to the past; it is done; you have got your Bill, your triumph of resolution and so on. This comes on afterwards; justice is done after the evil has occurred. But I would like to look in the face some of those gentlemen of great knowledge who enforced this brazen assertion upon us, and ask if they could conscientiously say that in the face of the facts and arguments brought forward in this report they would have adopted the same attitude as they did.

"HORSE AND BUGGY DAYS" FOR EVER AND EVER.

WE are very much grieved to find that even our leading politicians, otherwise extremely critical of the scheme of constitutional reforms, still seem to ignore its capital defect—its virtual unamendability; and we hope that what is happening in the United States, the birth-place of federalism, at the

present time will induce them to give a due meed of attention to this defect. The Supreme Court of the U. S., by an unanimous decision in the Schechter case, has declared the N.R.A., the spear-point of the United States' great drive for recovery and reform, unconstitutional and has outlawed all the industrial

codes under the Act. This should bring prominently into view the political and administrative weakness which is inherent in all federal constitutions and should give us pause in a country, of which the supreme need is a strong central government. The following passage taken from Leacock, a writer of universally acknowledged authority, contains one of the severest criticisms of federalism on this ground. Federal government, he says,

"creates something like a legislative chaos in which the conflict of rival authorities and the infinite confusion of jurisdiction removes, from the state and federal governments alike, the ability to exercise a proper and adequate control. Laws in reference to labour, capital, commerce and transportation, whether adopted by state or federal legislature, are honeycombed by constitutional limitations, riddled with adverse decisions, and, in the intricate state of law, are absolutely at the mercy, for weal or for woe, of the judicial authorities. Under these circumstances, the impotence of the legislative branch of the government, enables the judiciary to invade the sphere of the legislature and to constitute itself a quasi-legislative power annulling or sustaining legislation, and expanding or contracting the competence of other bodies in the state, according to its own opinion of what is best in the public interest.

This is precisely what has happened in the United States. The federal government adopted certain measures for the control of industry and commerce, and the Supreme Court has held them invalid. None of these measures can now go into effect, and the New Deal has to be abandoned.

It is not merely the particular experiment that was under way in the United States that has been cut short by the Supreme Court's decision. It means, in effect, that all reconstructive activity on a nationwide scale will be impossible in future, except on a strictly voluntary basis. The Supreme Court has ruled that it is not competent to the national government, through its legislature, to regulate economic conditions, e. g., in respect to wages, hours, prices, production, etc. in so far as these conditions do not directly affect commerce between the several states. It is obvious that, under the constitution as interpreted by the Supreme Court, it is impossible to do any effective social and economic planning, for no such planning of a sufficiently big magnitude is feasible within the confines of a state; it must naturally comprehend all the states. As the *New Republic* puts it: "The N.R.A. was a remarkably clear demonstration of the difficulty of achieving socially desirable ends within the framework of capitalism. Now the Schechter decision indicates that the same ends can hardly be achieved within the framework of the constitution. Both economically and politically, we stand in the position of a society compressed within the institutional frame too rigid to contain the forces of social change. It is certain that in time we shall burst out of it."

This is the crucial political problem that has arisen in the United States. Whether the Rooseveltian policy of the N.R.A. was sound or unsound, whether it would have failed or succeeded within the limits of the capitalistic *status quo*, or even whether it is better to retain the capitalistic *status quo* or to socialise the economic order by regulation, is quite

beside the point. The supreme issue before American statesmen to-day is, or will soon be, whether a constitution framed 150 years ago should be allowed to damp down all their attempts to evolve a new order of things, socially and economically. To let the constitution remain as it is would be, as President Roosevelt observed when the Supreme Court rendered its judgment, to return to "the horse and buggy days of 1789." If they are to leave these days behind and march forward, they must seek a constitutional amendment which would give their central government the legal power to control social and economic conditions affecting the welfare of the whole population. Either Congress must be empowered to regulate business, whether it is intrastate or interstate, or the Supreme Court's jurisdiction must be curtailed, either by divesting it altogether of its power to invalidate laws passed by the federal legislature upon constitutional grounds or by curtailing it in drastic fashion. There is no doubt that President Roosevelt will go to the country at the end of next year on this issue—the issue of changing the constitution. Constitutional amendment, however, is not an easy matter in the United States; in fact, the amendment procedure in that country is the most difficult of all. The desired amendments must first be proposed by a two-thirds vote in each House of Congress, and, when thus proposed, they must be ratified by the legislatures of three-fourths of the states. It is recognised that in no other country are the amending provisions of the constitution more taut and constricting than in the United States.

But if constitutional amendment is extremely difficult in the United States, more difficult than in other countries, it is next to impossible in India under the proposals of the Government of India Bill. In the first place, every change of consequence must be adopted by the British Parliament, and, in the second place, if it is a change that affects the federal part of the constitution it must be accepted by every federating State. Every single State which may join the federation must agree to the change; if it does not the change cannot take effect anywhere. In no federation is such an absolute power of veto given to any unit as it is given to the States in our federation. Nor has our constitution nearly reached the limit of development, so that ordinarily no extensive amendments will be needed. Confessedly it is a transitional constitution, surrounded on all sides by limitations, which will eventually have to be removed, and the removal of each one of these limitations will require the unanimous consent of the British Parliament and all the States' Governments. Besides, unforeseen difficulties in regard to allocation of powers and other matters are sure to arise in India, as they have arisen in every other federation. Canada, for instance, is finding itself powerless to devise an adequate solution for the economic depression, for the reason that the powers necessary for the purpose are not vested in the Dominion Government, and it is thought that a unanimous demand for constitutional amendment from all the nine Provinces must go to the British Parliament before amend-

ment can be made in Canada's organic law. If unanimity of nine Canadian Provinces is hard to secure, will unanimity of all the States in India ever be possible, assuming that, in our case, the British Parliament is agreeable to the change asked for? In Canada this difficulty does not arise, for there the British Parliament is bound, constitutionally if not legally, to amend the Canadian constitution as Canada desires. In India the British Parliament is under no such obligation; but even if the British Parliament desires an amendment, any and every one of the numerous States in India may impose its veto, and the amendment is stopped. The recent "Grass Roots" Convention of Republicans at Springfield, Illinois, which declared not only in favour of the U. S. constitution, but against making any amendment in it, shows how easy it will be for several of the Indian States, when a question of constitutional amendment will arise, to take up a stand-pat attitude and thus prevent all constitutional growth in India.

The amending provisions of a constitution are everywhere recognised to be its most important provisions, and it is everywhere thought to be of the utmost importance that the procedure for constitutional amendment should be easy. While means should be taken to prevent rash and revolutionary changes, means for legitimate constitutional development must be afforded. In every country occasional

overhauling of the political machinery becomes necessary in order that it may be well geared to the new tasks that come to be imposed upon it in course of time. If such overhauling cannot be effected in lawful manner, revolution breaks out. Macaulay says: "The great cause of revolution is this, that while nations move onward, constitutions stand still." In no country will the need for constitutional revision be felt more frequently and more urgently than in India, but in no country is constitutional revision in lawful manner more effectually blocked than in this country. The British Government is doing everything it can to encourage revolution in India by making every future step in constitutional advance in this country dependent upon the sweet will, first, of the British Parliament and, then, of everyone of the five hundred odd States that will join the federation. The country will forcibly be kept for ever and ever, so far as a constitution can do so, in "the horse and buggy days," and yet the country will try to cut through the constitutional impediments and move forward to better days. It is only thus that it can hew its way onward. If in the process the constitution is overthrown the blame will rest surely on those who have given the constitution a rigidity of an unheard-of character.

SPARKS FROM THE PARLIAMENTARY DEBATE.

House of Lords: 18th July.

MINISTERIAL RESPONSIBILITY.

THE House of Lords, sitting till eleven o'clock, passed the Report stage of the India Bill on 18th July. The first point of importance to be brought up was that of Ministerial Responsibility. Lord Rankeillour insisted that there should be no statutory obligation on the Governor-General to be guided by his Ministers. "Nowhere else in the British Empire," he said, "is this form of legislation prescribed, and it is really for the first time converting the convention that the Sovereign follows the advice of his Ministers into absolute legislative order." Lord Rankeillour repeated what he said during the Committee stage, that in Victoria State, for instance, the Act leaves it entirely to the Governor's discretion to respect or disregard his Ministers' advice. The India Bill, contrary to the statute of the Dominions, lays upon the Governor-General the obligation in law to follow the Ministers' advice except in certain specified cases. It is true that "there are a great number" of these excepted cases, in which the Governor-General is to act on his own responsibility, but in all other cases, "in any unforeseen circumstances, any *casus omissus*, the Governor-General is bound by statute to follow the advice of his Ministers." "Therefore, something seems to be necessary to deal with what we may call the residual cases, to give the residual power to the Governor-General rather than to the Ministers." Lord Islington supported this plea

for extending the scope of the Governor-General's overriding power.

Lord Zetland showed in his reply that it was unnecessary to give the Governor-General this additional power besides the power that had been given to him of setting aside the advice of the Ministers in the case of the special responsibilities. "These special responsibilities," he said, "cover a pretty wide ground. The noble Lord who supported this amendment (Lord Islington) spoke about unforeseen catastrophes taking place in India. I cannot conceive any unforeseen catastrophe which would not be covered by one or other special responsibilities of the Governor-General or the Governors. He has a special responsibility, for example, to prevent any grave menace to the peace or tranquillity of India or any part of India. That surely is a very wide field in which he is entitled to act contrary to the advice of his Ministers." &c. &c.

CENTRAL INTELLIGENCE BUREAU.

THIS Bureau, which, as Lord Monkswell put it, "is the centre of the whole of the administrative powers," is intended to be reserved to the Governor-General's control, but it appeared to some Peers that the Bill, as drawn, left it somewhat in doubt. An amendment was therefore moved by Lord Darcy (de Knayth) that all the subjects mentioned in the first four paragraphs of the Federal Legislative List be

regarded as subjects under the undivided control of the Governor-General. The Central Intelligence Bureau was first treated by the Government as part of Defence; then Lord Zetland threw some doubt on it and suggested that it might perhaps come under External Affairs. Since there was this doubt, the Tory die-hard members suggested that all obscurities surrounding the question should be removed by mentioning in the Bill itself that the Bureau is to be a reserved subject. Lord Zetland objected to this. "If you are going to lay down in the Bill," he said, "that these specific items are to constitute subjects in the Department of Defence, the Department of External Affairs, and so on, then there will be a very strong implication that he (the Governor-General) will not be entitled to add anything else," as he has the right to do. But, of course, this objection was not valid, for, as Lord Salisbury pointed out, the amendment that was moved was that "the functions of the Governor-General under the last preceding subsection shall, *without prejudice to the generality of the expressions used therein*, include his functions" &c. The amendment was, however, negatived.

INSTRUMENT OF INSTRUCTIONS.

VISCOUNT FITZALAN of Derwent moved an amendment to enable amendments to be made in the Instruments of Instructions. The Lord Chancellor admitted that no machinery had been provided in the Bill for reconciling conflict between the two Houses of Parliament either as regards the Instrument of Instructions or the Orders in Council. He said machinery would be provided so far as the Orders in Council were concerned, but no machinery was needed in respect of the Instruments of Instructions, because "there is no power of amendment given" to Parliament. Lord Salisbury regretted that the Instrument of Instructions could not be varied, because, he said,

I recollect that the Instrument of Instructions involves no less a subject than Dominion *status*, and I cannot doubt that when we come to discuss the Instrument of Instructions—I believe the Secretary of State said in the autumn—one of the things which will again engage the attention of this House and of another place is whether the Dominion *status* is, by a sort of side-wind, to be indicated in the Instrument of Instructions. I can conceive nothing more obviously an opportunity for a desire to amend rather than reject the whole Instrument of Instructions because of the existence of these three miserable words, and so I cannot agree to that.

The amendment was withdrawn.

THE COUNCIL OF STATE.

LORD ZETLAND explained that he was examining, in consultation with the Government of India and the Local Governments, the actual qualification required to give an elector a vote for the Council of State. "It will be a high property qualification. It will probably be rather lower than the present high property qualification in the case of the electors for the existing Council of State." In discussing this matter, Lord Salisbury made an important point. He remarked:

Noble Lords know that in the case of the Legislative Assembly, when it was proposed that that should be directly elected, it was pointed out that constituencies would be unduly large. It was said: "You are going to have 250 representatives if you apply direct election to the Lower House of the whole of British India and that gives you enormous constituencies." Are you going to have any smaller constituencies in the present case, when you are applying the system of direct election to the Council of State? No, on the contrary, the constituencies are going to be a great deal larger, because, instead of dividing British India by 250, you have to divide it by only 150. The Joint Select Committee considered and rejected the system of direct election applied to the Lower Chamber on the ground that the constituencies would be too large, whereas here they are to be twice as large—the population of British India divided by 150 instead of by 250.

He also referred once again to the incongruity between direct election and an indissoluble chamber. He said:

Then there is my noble friend the Marquess of Dufferin and Ava, who made a most interesting speech in Committee in which he explained, with, I think, absolute conviction, that you could not manage a Parliament unless you had the power of dissolution. He said you cannot dissolve the Lower Chamber under the system of indirect election because you would only get the same Chamber returned, and it cannot be done. "But", said the Government, "that is all right. You cannot dissolve the Lower Chamber, and now we shall take care you cannot dissolve the Upper Chamber either. We will make that direct election, but we will so arrange it that you cannot dissolve the Upper Chamber." My noble friend Lord Dufferin, instead of getting any relief from the difficulties in the Bill as it stands, has had them multiplied. He also ought to be quite happy.

INDIAN CHRISTIANS.

VISCOUNT FITZALAN and Lord Rankeillour had pressed in Committee for a more effectual safeguarding of the interests of Indian Christians. It was felt that some Bill might be introduced in the Indian legislatures doing injustice in some way to the community. Lord Zetland moved an amendment which would give the Governor-General (and the Governor) power to send a message to the Legislatures "that if they proceeded with the Bill in the form in which it then stood he would feel it his duty to withhold his consent." Lord Zetland said: "In the case of a Government Bill the Governor-General at the Centre and the Governor at the Provinces could, of course, acting upon their individual judgment, require their Ministers not to introduce a Bill if they were satisfied that it was going to inflict injustice upon a minority. ... We would not be willing to prevent private members from introducing Bills of that kind, but I think we do meet the case of a Private Bill by the addition which I now propose to Clause 20." The Most Reverend Primate was not quite satisfied. We suppose he would never be satisfied with anything that the Government could do, but he accepted it as the utmost that could be got out of the Government. "Though in some respects," he said, "I could have wished that further and clearer provisions had been made, yet I think that what he (the Secretary of State) has done goes a very long way." The amendment was agreed to.

THE ADVOCATE-GENERAL.

CLAUSE 21 gives every Minister and every counsellor the right to speak in the Federal Legislature without necessarily the right of voting. Lord Hastings moved an amendment extending the same right to the Advocate-General. It was, he said, of the utmost importance that the Governor-General and the Governor should have his spokesmen in the Legislature who could represent their point of view. In the Central Government there would no doubt be the Governor-General's counsellors who would have that power, but "it would probably be very much better." Lord Hastings said, "and they (the counsellors) would stand better with the Legislatures, if in fact they were confined to representing the interests of these particular Departments for which they were responsible," and the task of explaining the Governor-General's policy was assigned to the Advocate-General. But in the Provinces there are to be no counsellors, there being no reserved subjects. "There is only one reserved Department in each Province and that is a Department for the Backward Areas, but every Province has not got a sufficient area of backward areas, if I can use those words, to justify the appointment of an individual counsellor." The Advocate-General should therefore be made, both at the Centre and in the Provinces the spokesman of the head of government. Lord Zetland blessed this amendment and it was passed. "We always did contemplate," he said, "there should be someone who could speak for the Governors in the Legislatures in the Provinces, and so far as my memory serves me, the general view was that the Advocate-General was the most suitable person."

DURATION OF EMERGENCY.

IT will be recalled that the House of Lords in Committee inserted a new subsection as follows in Clause 45, viz. :

(5) If the Governor-General, by a proclamation under this section, assumes to himself any power of the Federal Legislature to make laws, any law made by him in the exercise of that power shall continue to have effect notwithstanding the revocation or expiration of the proclamation, and any reference in this Act to Federal Acts, Federal laws, or Acts or laws of the Federal Legislature shall be construed as including a reference to such a law.

Emergency legislation was, under the amendment made during the Committee stage, to be permanent legislation of the country. The duration of such legislation, however, is now limited to two years after the revocation or expiration of the proclamation. "It has been represented to me," said Lord Zetland, "that it is undesirable that such laws, which in some cases might be drastic laws, should continue indefinitely, and as a result of consultation with those who represent the Ruling Princes and others, we have agreed that these laws should remain in force for a period of two years, unless, of course, previously dealt with." A similar amendment was made in Clause 93 which deals with the breakdown of the provincial Governments. One cannot but feel surprise that the Princes agree to the duration of the

emergency period being virtually extended from three to five years.

INDIAN FINANCIAL POSITION.

LORD ZETLAND informed the House that he had already initiated the scheme of an inquiry into the finances of India by a small expert financial committee of four gentlemen, and that its report would be presented to Parliament before the provincial part of the constitution was set going.

Lord Rankeillour moved an amendment enabling the Governor of a Province, if he thinks that the safety of his frontier is in danger, to take over part of the government into his own hands, just as he can in the case of treasonable conspiracy. Lord Zetland showed that the position was amply safeguarded without this additional precaution. He said :

The noble Lord admits that the Governor-General, acting in his discretion, has not to consult his Ministers, but he points out, quite rightly, of course, that when he is acting on his individual judgment, or still more, when a Governor is acting upon his individual judgment, that means he has to act in consultation with his Ministers. That is quite true, though he has the power, of course, of disagreeing with the advice which his Ministers may give to him.

I think the fear at the back of the noble Lord's mind is that the Ministers may be dilatory, that the Governor of the North-West Frontier Province may consult them, and they will shilly-shally and delay giving advice, and so on. In that case surely, with an attack threatening upon the Frontier, the Governor will at once give orders. They may not be contrary to the advice of his Ministers, because, *ex hypothesi*, if his Ministers have not given him any advice there will be no advice to go contrary against. But in those circumstances he surely would be able to issue any orders which were necessary. There are, however, further provisions in this Bill. Supposing that the Ministers acted in such a way as to prejudice the safety of the Frontier, the Governor-General would then take power under Clause 45 to take matters into his own hands and to issue proclamations.

Then he took up the question of the Provinces in greater detail and showed that the position was quite safe. He added that the military advisers of the Governor-General had been consulted and they were of the opinion that "the powers conferred by the Bill as it stands are all that they require." In fact they were further of the opinion that "nothing would be likely to be more damaging than the insertion in the Bill of any provision which gave the Ministers in the North-West Frontier Province the impression that in the event of an attack upon the frontier they were not to be trusted." The Governor-General concurs in this opinion. The amendment was negatived.

Lord Zetland told the House that there was no appreciable change in the public sentiment in regard to the Second Chamber in the Punjab, and that therefore the Province would be left with a unicameral legislature.

ANGLO-INDIAN COMMUNITY.

LORD LLOYD moved an amendment that the benefit of the provisions of Clause 83 in regard to educational grants for the schools of the Anglo-Indian and European communities should not be extended to the issue of marriages between Indian

fathers and European or Anglo-Indian mothers, but should be confined to the issue of European or Anglo-Indian fathers. "It is generally accepted everywhere that where a child is legitimate it is through the male parentage that he claims his nationality, his general civic rights, or whatever it may be." Why this discrimination? "The child of a European father takes on the habits, the circumstances, the surroundings, the connections and the relationships of its father more than those of its mother." Lord Zetland thought that the question might be left to the Governor-General and the Governors for administrative action, but when pressed harder agreed to look further into the matter.

Lord Lloyd further complained that the assurance given to the Anglo-Indian community in the Government of India Resolution of July, 1934, and in the Report of the Joint Select Committee was not being followed in spirit. They were promised not only that their percentage in the services would be maintained but that they would not be deprived of the class of employment of which they were in enjoyment. Lord Lloyd said :

Broadly speaking, what is happening already is that the percentages recommended by the Joint Select Committee, about 8 or 9 per cent., are now going to be dealt with by a general distribution of 10 per cent. in every Department, therefore reducing the effective value and influence of this community in the Railway and Postal Departments by scattering them amongst all the minor jobs—a really hostile distribution of the community into partly useless, or at any rate very subordinate, jobs.

"It was intended not only that they should have their percentage agreed upon, but also that they should be maintained in the class, kind, category and rank of job which they had held hitherto."

Whereas Anglo-Indian firemen were recruited on the basis of 80 rupees rising to 120 in five years, they are now going to be reduced to 30 rupees rising to 50. I will not go right through; here is a case of shunters who have been reduced from 140 rupees to 70 rupees; drivers from 160 rupees to 140 rupees, and drivers of the third grade from 260 rupees to 170 rupees. That runs right through the Traffic Departments.

On what services are the special claims of Anglo-Indians based? First, they are taken into the Auxiliary Force.

Whenever the Government has had to ask from the Anglo-Indian community some still further proof of their loyalty and devotion, there has never been any hesitation on their part in acceding to the request. Who stood by us in the general strike in Bombay on the railway, and during the Amritsar disturbances? I have the bitterest memories of those anxious days and nights, and the noble Marquess also knows something about them, and other noble Lords who experienced those troubles. I remember the days when all the telegraph staff up the lines who were not Anglo-Indians were tapping out Congress and disloyal messages to one another, paralysing the railways, spreading the strike, leaving the Anglo-Indians alone to do their best in great danger.

Lord Zetland promised to inquire into the complaints made and also to consider whether the particular words proposed to be inserted in Clause 241 could be accepted.

FURTHER CONCESSIONS TO THE SERVICES.

QUESTIONS concerning the promotion of the members of the imperial services are under the Bill to be decided by the Governor or the Governor-General. The Earl of Mansfield proposed that similarly questions relating to leave of three months and over or to suspension should also be decided by them acting in their individual judgment. Lord Zetland thought that the amendment was unnecessary and went too far, but in the end yielded to the die-hard importunities and accepted the amendment.

He, however, declined to accept another amendment moved by Lord Middleton, which asked for several concessions. The right to retire voluntarily on proportionate pensions has been conferred on all British officers recruited by the Secretary of State, and they can ask for retirement any time until their services are actually transferred to the governments under the new constitution, but provision is to be made for this premature voluntary retirement under rules, and Lord Middleton asked that the right should receive statutory authority. He further asked that the right should be extended to Indian officers as well. The Indian members of the services appointed before 1st April, 1934, enjoy the right but not those appointed later. Lord Middleton, pleading for the extension of the right, said :

General Sir Alfred Knox pointed out in another place that to Indian officers, who are exposed to even more bitter enmity when they have to take drastic action in dealing with revolutionary or communal disturbances, there is the greater need for the right to retire, and I suggest to your Lordships that something in common fairness ought to be done about it. The Indian officers attach very great importance to this matter, and they keenly resent the present arbitrary differentiation. They are more vulnerable than British officers, because they get injured indirectly by the oppression of their relatives. I appeal with great confidence to the noble Marquess, Lord Zetland.

He further asked that the officers retiring voluntarily before their time should be awarded gratuities in addition to proportionate pensions, for in many cases the so-called voluntary retirement might in fact be compulsory; and the scale of gratuities, he suggested, should be doubled in the case of officially compulsory retirement.

All these amendments were rejected by the Secretary of State and negatived by the House, except the one relating to the extension of the benefit of premature voluntary retirement to Indian officers. On that Lord Halifax promised on behalf of the Government to consider the matter further. On the question of including the rules governing the right of voluntary retirement in the statute Lord Zetland said that it would be possible for Parliament to raise a discussion on the rules when they were published and to secure modifications in them if necessary. As for granting gratuities in addition to pensions, he said, "no proportionate scheme has ever included a gratuity," but if in any particular case any injustice was done by virtually compelling an officer to apply for retirement, the Secretary of State would have the power of awarding him adequate compensation. But the Government must not make the terms for prema-

ture retirement "so good as to encourage people to leave India."

COMMUNAL AWARD.

SUBSECTIONS (1) and (4) of Clause 306, as passed by the House of Lords, read as follows:

306.—(1) Subject to the provisions of this section, if the Federal Legislature or any Provincial Legislature on motions proposed in each Chamber by a minister on behalf of the council of ministers, pass a Resolution recommending any such amendment of this Act or of an Order in Council made thereunder as is hereinafter mentioned, and on motions proposed in like manner, present to the Governor-General or, as the case may be, to the Governor an Address for submission to His Majesty praying that His Majesty may be pleased to communicate the resolution to Parliament, the Secretary of State shall, within six months after the Resolution is so communicated, cause to be laid before both Houses of Parliament a statement of any action which it may be proposed to take thereon.

The Governor-General or the Governor, as the case may be, when forwarding any such Resolution and address to the Secretary of State, shall transmit therewith a statement of his opinion as to the proposed amendment and, in particular, as to the effect which it would have on the interests of any minority, *together with a report as to the views of any minority likely to be affected by the proposed amendment and as to whether a majority of the representatives of that minority in the Federal or, as the case may be, the Provincial Legislature support the proposal*, and the Secretary of State shall cause such statement and report to be laid before Parliament.

In performing his duties under this subsection the Governor-General or the Governor, as the case may be, shall act in his discretion.

(4) His Majesty in Council may at any time before or after the commencement of Part III of this Act, whether the ten years referred to in the last preceding subsection have elapsed or not, and whether any such Address as is mentioned in this section has been submitted to His Majesty or not, make in the provisions of this Act any such amendment as is referred to in subsection (2) of this section:

Provided that—

- (i) if no such Address has been submitted to His Majesty, then, before the draft of any Order which it is proposed to submit to His Majesty is laid before Parliament, the Secretary of State shall, unless it appears to him that the proposed amendment is of a minor or drafting nature, take such steps as His Majesty may direct for ascertaining the views of the Governments and Legislatures in India who would be affected by the proposed amendment *and the views of any minority likely to be so affected by the proposed amendment and as to whether a majority of the representatives of that minority in the Federal or, as the case may be, the Provincial Legislature support the proposal*;
- (ii) the provisions of Part II of the First Schedule to this Act shall not be amended without the consent of the Ruler of any State which will be affected by the amendment.

The changes made in the House of Lords in the Clause on the Report stage, either by the addition of new words or by the substitution of different words, are shown above in italics. They no doubt secure that changes in the Communal Award can be made by Parliament only after ascertaining the views of the minority communities concerned and after ascertaining the views of a majority of the members of those communities in the legislature. But this,

obviously, is not enough to fulfil the pledge given by the Government, which was to the effect that the terms of the Award shall not be changed except with the consent of the communities concerned. This pledge was again orally repeated, but the Bill does not make provision for it. Lord Salisbury pointed this out. He asked: "When a future Parliament is asked to deal with this topic, can they see upon the face of the statute that not only must the views of the minority be ascertained, but their consent must be ascertained?" "If you say," he added, "that the Government must ascertain the views of a community and do not say 'get their consent,' everybody must draw the inference that there must be some distinction between the views and consent." In order that the Government should carry out the pledge in full, Lord Middleton moved to insert the following new paragraph at the end of subsection (4):

"(iii) No amendment affecting any minority shall be made in the provisions of the First and Fifth Schedules to this Act unless a majority of the representatives of that minority in the appropriate Legislature shall have consented to the amendment."

This amendment, however, was not agreed to by the Secretary of State and was rejected by the House.

On another point there has been a breach of faith. The Clause gives power to the Government to alter the Communal Award even within ten years. With regard to this Lord Zetland said: "The second part of this Clause is desirable in order that small alterations, not affecting the Communal Award at all, may be made without the entire apparatus of a new Act of Parliament to enable that to be done." Here, surely, Lord Zetland used the words "not affecting the Communal Award at all" inadvertently, for he himself during the Committee stage admitted that the Communal Award might be altered, though with the consent of the community concerned, within ten years.

REPRESENTATION OF LABOUR.

THE Earl of Listowell moved that four seats be earmarked for Labour in the Council of State. He said:

If your Lordships were to consider accepting this Amendment, there would be four seats in the Council of State reserved for the representatives of the working class, and the Governor-General, in making his appointments, would take into consideration the views of the labouring population as expressed through bodies, such as trade unions, organised to represent them. I hope that the noble Marquess will not answer that the existing proposal is a perfectly fair arrangement because there are no reserved seats for business men, for the middle class element, in the population. That of course is so, but I do not imagine any one has the least fear that the voice of the middle class will not be raised and that their opinion on matters affecting their interests will not be heard in a very adequate manner. That will happen automatically under the present arrangement for the reservation of seats.

In another place a very important concession was made in order to obtain representation for one section of the community—namely, women. The Government have allowed a reservation of five seats, I think it is, for women—that is to say, they have accepted the principle of which we are asking acceptance, the principle that every important section of public opinion in British India should be able to express itself adequately on any measure that

may arise which affects its interests. Therefore I very much hope that the noble Marquess may be able to accept this Amendment, and, if not, that he may make some constructive proposal on his own account whereby we shall be absolutely certain that Labour will have representatives in the Council of State, and that the Governor-General in choosing these representatives will at least consult those bodies which are considered to be the accredited representatives of working-class opinion.

Lord Zetland did not agree to the specific number, but he said:

I am of course prepared to honour the promise made by my predecessor, and to insert a paragraph in the Instrument of Instructions to the effect that the Governor-General, when considering the six appointments which will be his under the provisions of the plan, shall pay especial attention to the needs of Labour. I would be prepared to go rather further than that and to accede to what I understood to be the noble Earl's suggestion, that when considering the representatives of Labour that he would appoint he should enter into consultation with recognised organisations who would be in a position to advise him as to a suitable representative of Labour in the Council of State. I am certainly prepared to do that.

THE PREAMBLE.

LORD RANKEILLOUR moved an amendment to the effect that the Preamble to the Act of 1919 should not merely be kept alive but should be made visible in the Constitution Act, or that the relevant portion—and relevant portion only—of the Preamble should be embodied in the Act; that is to say, that part of the Preamble which speaks of "the gradual development of self-governing institutions," and Parliament determining the advance to be made at each step, and so forth. This, he said, "is the one substantial declaration and pledge of Parliament towards the people of India." The Government did not accept the amendment, but only on the ground that it would be better to preserve the whole Preamble.

Miscellaneous

ALL-INDIA WOMEN'S CONFERENCE.

VIEWS ON REFORMS.

The following statement was issued by the Standing Committee of the All-India Women's Conference on 28th July from Poona:

THE Standing Committee of the All-India Women's Conference have felt it incumbent on them to issue a short statement on the present position of women in the new Constitution and the attitude of the organised womanhood of India thereto before the entire question is reviewed and final decisions arrived at when the next Annual Session of the Conference takes place. In issuing this statement the Committee wish to make it quite clear that it is based on such information as is at present available to us and we sincerely trust that all such suggestions as are herein put forward will not only be incorporated in the Instrument of Instructions but will also be definitely included in the directions to be given to the Central and Provincial Governments.

The Committee records with deep disappointment that the united demands of the organised women of India have not been accepted. We would here point out that

- (a) The Sex disqualification has not been entirely removed, a small concession only in regard to women's eligibility for entrance into the Civil Services having been conceded.
- (b) While appreciating the fact that a door has been left open for modifying the Communal Award we deeply resent that we are being forced into the communal arena against our wishes strongly set forth from the very beginning.
- (c) We are glad to note that the literacy qualification has now been extended to all the Provinces excepting two; but we sincerely hope that Assam and the N. W. F. Province and any new Provinces that may come into existence will be similarly treated.
- (d) We feel very strongly that we are still to be hampered by the application condition which is bound to reflect adversely on our voting numbers.
- (e) We once more wish to record our deep indignation at the wife-hood qualification which has been imposed on us in spite of repeated protests.
- (f) We maintain that our alternative proposal for adult suffrage in urban areas has been turned down without sufficient effort having been made to understand its outstanding advantages.
- (g) We confess our inability to understand the utter inconsistency of a measure which provides the ridiculous situation of direct election to the Upper and indirect to the Lower Houses of the Federal Legislature. We still adhere to our firm belief in methods of direct election.
- (h) While we have always been against reservation of seats we realise that owing to the qualifications laid down in the new Constitution it is the only way open to us for entering the Upper Federal House. We do, however, urge that the methods of election to the 6 seats reserved for us may be in consonance with our principles.

There is a strong feeling amongst us that until such time as these disabilities under which we have been placed in spite of unity on our side are removed, we may not be able to participate in the working of the new Constitution.

In conclusion, we wish to reiterate that we women cannot separate ourselves from the larger issues involved in a question which concerns not only us but the status of our country.

BOOKS RECEIVED.

- AN INTRODUCTION TO THE STUDY OF PRICES. By WALTER T. LAYTON. (Macmillan, London.) 1935. 20cm. 280p. 8/6.
- BIRTH CONTROL IN ASIA. Ed. by MICHAEL FIELDING. (Birth Control International Information Centre, London.) 1935. 22cm. 101p. 5/-.
- BIRTH CONTROL AND ITS OPPONENTS. By FRANK W. WHITE. (John Bale.) 1935. 20cm. 164p. 3/6.
- THE VOCATION OF MARRIAGE. By FR. HEDE JARRETT. (Sheed and Ward.) 1935. 20cm. 205p. 3/6.
- THE EMPIRE IN THESE DAYS. By R. COUPLAND. (Macmillan, London.) 1935. 20cm. 276p. 7/6.
- END TO ILLUSION. By LEOPOLD SCHWARZSCHILD. Translated by MAURY MEKLEJOHN. (John Lane.) 1934. 20cm. 250p. 7/6.
- THE BREAKDOWN OF MONEY. By CHRISTOPHER HOLLIS. (Sheed and Ward.) 1934. 20cm. 232p. 4/6.

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