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## Topics of the Week.

### Bombay's Black Bill.

SIR GOVIND MADGAVKAR'S very opportune and valuable letter, which we print on another page, denouncing the Bombay Special Powers Bill in strong but none too strong terms, ought to weigh very greatly with our local legislators. Sir Govind has made a very good point therein in asking the representatives of Sind not to help the Government foist coercive legislation of a permanent character upon the Bombay Presidency from which Sind will soon be separated. Sind can have such a lawless law if she so chooses, as he says, after the separation is effected and her legislature is set up, but the least she can do is to forbear from making the parting gift of a permanent law of repression to the Presidency.

THERE is also a possibility—though not even a faint probability—of the non-Brahman representatives in the Council opposing the Bill. A private non-Brahman Conference was held in Poona last Sunday to consider the future programme of work of the non-Brahman party, and at this Conference a mandate was given to the non-Brahman members in the Council to offer to the Bill as strenuous an opposition as they could. We have no doubt that this resolution reflects the general feeling among the non-Brahmans at large who are at all politically-minded, but our non-Brahman legislators are so remote from the currents of opinion in their own community that we shall be most agreeably surprised if they will

obey the mandate and screw up courage enough to oppose the Bill.

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IT is only if there is a revulsion of feeling among the non-Brahman members and Sind members take pity upon the Presidency and abstain from voting that there is any chance of the Bill being thrown out, as public opinion voiced at several public meetings insistently demands. Otherwise the passage of the Bill is a certainty, for the Council as a whole remains the same as it was in 1932 when it accepted the Special Powers Bill though for a limited period. The Central Legislature could reject the Criminal Amendment Bill because it had an infusion of fresh blood at the last general election, but in Bombay there was no general election, and the Bombay legislature has had its life prolonged successively for two years after its normal term had elapsed. We wish, however, that the merciless exposure of the principles of the Bill, to which Sir Govind Madgavkar has as an eminent jurist subjected it, will influence even the Bombay legislature, superannuated as it is both in time and ideas, to throw the Bill back into the face of the executive and restore some amount of freedom to our hapless Presidency.

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WE do not delude ourselves into the belief, however, that even if the legislature were to defeat the Bill it will be put out of the way. What happened in Simla will happen in Poona: the Governor will certify the Bill and pass it over the head of the legislature. But the legislature will at least have done its duty, and it will have robbed the Government of an opportunity of pretending that their repressive policy has the sanction of public opinion behind it. They could record in their administration report of 1932-33 with pride that the Special Powers Bill of 1932 was passed by the legislature by a majority 29, a sure indication of the support of a great weight and volume of responsible opinion in the Presidency. If the Bombay Council for once could be true to the general feeling among thoughtful people and throw out the Bill root and branch, it would also expose the hollowness of the present reforms and also of the new ones, for even under the new constitution we shall be as powerless to resist repression by lawful means as at present—unless we all decided to follow the Jayakarian programme of a Pact with the Governor and submitted. It is of course clear that if the people submitted the Governor would not override—would not have an occasion to override.

THERE is only one more point to which we would like to refer in connection with the Bill. The Government of India, like the Provincial Governments, are now using a measure which in 1932 was exclusively meant to be used against those who took part in the civil disobedience movement to so-called terrorists and communists. But the Central Government, in doing so, had the good sense to delete from the Criminal Law Amendment Act those provisions which could be enforced only against civil resisters. Not so the Bombay Government. There is a whole chapter in the Bill—Chapter III—which applies to those who refuse to pay the notified dues of Government, which is clearly unnecessary in view of the cessation of the no-tax campaign. Chapter II, monstrous as it is, could be applied to terrorists and communists as well as to civil resisters, but Chapter III could only be applied to the latter and not to the former, and yet it is to form part of the permanent legislation of the Presidency, on the ground that "unlawful instigation not to pay" and "contumacious refusal to pay" have very serious consequences. But when there is no organised movement either of non-payment or of instigation to such non-payment obviously there is no reasonable ground for the retention of this chapter, even according to the principle which the Central Government have followed in their Legislature. Personal liberty is to the present Government a matter of no serious consequence, and they proceed to interfere with it with the light-heartedness which is only to be found, as Sir Govind Madgavkar has so truly said, in Nazi Germany, Fascist Italy or Communist Russia—though, to judge from recent indications, Communist Russia is latterly showing much greater solicitude for individual freedom than it did before.

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#### Madras Co-operative Conference.

MR. VAIKUNTH L. MEHTA who presided over the twentieth Madras Provincial Co-operative Conference held at Madras on 28th September delivered a very interesting and inspiring address on the problems which confronted the co-operators of the province and the methods to solve them. Mr. Ramadas Pantulu, Chairman of the Reception Committee, in his welcome address drew a very gloomy picture of the co-operative movement in the province. He said that the Conference was meeting at a time when the movement in the presidency was passing through a more serious crisis than during the previous Conference. The most distressing feature in his opinion was the loss of faith in themselves on the part of non-official co-operators. There was an increasing tendency on their part to depend more and more on official agency—such an attitude was fraught with greater danger to the movement than even the economic depression and would lead to the eventual extinction of all that was good and worth striving for in co-operation, whose essential virtues were freedom of initiative and democratic control and whose cardinal virtues were self-help and self-reliance. The first and foremost reform called for was a mental reconstruction among the official and non-official co-operators and a resurrection of faith in the fundamental doctrines of co-operation.

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MR. MEHTA in his presidential address clearly pointed out that the clouds which overhung the co-operative movement prevailed not only in the Madras Presidency but in other parts of India as well. He paid a tribute to the Madras province for being to the fore in analysing the complexities and in trying to seek a solution. The Government were

very slow, he said, to realise the acuteness of the problem of rural indebtedness which was standing in the way of developing the co-operative movement. No attempt was made to the Government to secure any increase in the level of agricultural prices while in advanced countries like Great Britain and the United States of America various devices were in operation to secure a better return for the agricultural products.

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MR. MEHTA examined the scheme of rural reconstruction for which the Government of India had set apart a crore and thirteen lakhs from last year's surplus. It was regrettable, he said, that out of the large grant made available to the Madras presidency no porportion was proposed to be spent in the building up of economic strength of the people in rural areas although the Finance Member in his budget speech indicated his preference for schemes which brought additional income to the rural population by the promotion of schemes of improved agriculture and industries likely to provide local employment. Regarding the way of spending the amount set apart for co-operative education the Government of India ignored the existence of co-operative institutes in the different provinces which had co-operative education and propaganda as their object. The money could be best utilised by publishing simple literature including leaflets, posters, and magic lantern slides on co-operation in various languages and by arranging education rallies in villages to benefit the members of primary societies.

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AS regards the question of marketing which was very important for the village agriculturist, Mr. Mehta complained that the Government had done nothing except spending all the money allotted for the purpose on the creation and maintenance of a new official hierarchy. There was enough material in the large number of reports of commissions and committees and the Government could have tackled the question without wasting time and money on further enquiry and investigation.

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MR. MEHTA pointed out how the Village Industries Association ushered in by Mahatma Gandhi would improve the rural condition through the revival of cottage industries and appealed to all co-operators to utilize the societies in securing good prices for rural products and introducing new industries. The special officer appointed by the Government of Madras to inquire into the problem of indebtedness had recommended that the pursuit of an active and progressive policy of state aid to industries and the exploration of outlets for the absorption of articles made in India, particularly the products of cottage industries.

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THE controversy regarding the necessity of Super-vising Unions did not escape Mr. Mehta's attention. He was emphatic for the retention of the Unions as it was the only conceivable agency that could be entrusted with the double duties of supervision and education. The great idea that should inspire and guide the co-operators in their onward march was the planning of a social structure where "authority is associated not with property but with function and that such authority rests on conscious consent, not on the power of wealth." If this ideal is kept in view by all co-operators we are sure that the co-operative movement will become more popular and help to solve many of the problems that disturb the world to-day.

## A "RAW DEAL" FOR ABYSSINIA.

**S**GR. MUSSOLINI having rejected the compromise solution proposed by the Committee of Five, it is now certain, unless a miracle were to happen in the meantime, that armed hostilities will soon break out between Italy and Abyssinia. And since the British Government has now dropped its "piano note" in regard to Abyssinia and is calling loudly for the application of sanctions against Italy in the event of her making war, it may be thought that Abyssinia is now out of danger. This would, however, be a dangerous delusion.

The League Council, sitting as a Committee of the whole body minus Italy's representative, has now taken the controversy into its consideration under paragraph 4 of Article 15 of the Covenant, which says that if the dispute is not settled amicably "the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto."

The Council, when acting under this clause of the Covenant, presents a report giving what, in its judgment, would be the appropriate terms of settlement. If these terms have the unanimous support of the whole Council (not counting the vote of Italy in this case), and if Italy, not accepting them, goes to war, then she will be regarded by the League as having committed an act of war against all its States Members, which thereupon will be under an obligation, in accordance with Article 16, to break off relations with Italy and subject her to blockade. If the terms are not unanimously agreed to by the Council, then nothing particular need happen, for in such circumstances "the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice."

The danger in this affair consists not so much in the Members of the League Council not coming to a unanimous decision, as in their so framing their report, with a view to reaching unanimity, as to wring the maximum possible concessions to Italy at Abyssinia's expense. As a matter of fact the dispute is very simple. Italy has been pouring enormous army contingents and war material into her African colonies so as to put Abyssinia's independence in peril. The excuse is the insecurity of the Italian frontier on account of the marauding activities of the border tribes of Abyssinia. This is the only issue that the Council of the League need consider.

There has never been any question of Abyssinia being hostile to Italy and doing violence to Italian colonies. As Sir Herbert Samuel said recently in Parliament, if Abyssinia had desired to commit aggression the best time for her to do so would have been while the World War was being fought. But, on the contrary, Abyssinia at that time not only did not take the offensive against Italy but helped the Allies, and her admission into the League in 1923 was really a reward for the help she gave then. All that Italy herself alleges is that the semi-feudal

Central Government of Abyssinia is too weak to keep in check the raids of the tribes on the border.

The prevalence of chattel slavery in Abyssinia is another count in Italy's charge, but the League Council should give no consideration to it on this occasion. This is not a subject-matter of dispute between the two countries. How far Abyssinia is fulfilling her undertaking to the League to abolish slavery is a separate question, which the League as a body may consider when it deems fit. But it is obvious that Italy is now raising it in order to create a misunderstanding in the minds of the League Members against Abyssinia. Nor is it the business of the League as part of this dispute to consider how best to remedy the general backwardness of Abyssinia or how best to promote her economic development. These questions Italy has no right to raise when engaged in a quarrel with Abyssinia, and the League ought to refuse to consider them—on this occasion.

The only question before the League is: do Italian colonies require to be protected against Abyssinia's border tribes, and if so, in what way? And in this connection it must be remembered that Italy is not the only country the frontiers of whose colonies touch the frontiers of Abyssinia. Kenya, the Anglo-Egyptian Sudan and French Somaliland are in the same position as Eritrea and Italian Somaliland; and if Great Britain, Egypt and France have no serious complaints to make against Abyssinia, why should Italy alone make this an excuse for invading Abyssinia?

The trouble, however, is that the League Council will not confine the controversy to this narrow sphere to which it ought to confine it. It ought to say to Italy: "There is no reason on earth why you should make all these military preparations against Abyssinia. The needs of self-defence certainly do not require it. In so far as anything is required to give security to your colonies against raids on the border, we shall certainly consider what should be done. But beyond this we have no right to interfere with the internal administration of the Ethiopian Empire. You possibly need room for expansion, but it is not within our competence to find this needed room for you in Abyssinia. For that purpose you must enter into friendly negotiations with the Abyssinian Government and secure its good-will. But we will not allow you to threaten, directly or indirectly, Abyssinia's independence, for which we have given a collective guarantee."

But unfortunately it is almost certain that the Council of the League, instead of restricting itself to the dispute in the form in which it has arisen, will try to bring about what may be called a long-term solution of the conflict. When a man is hauled before a court for burgling or attempting to burgle his neighbour's house, the Judge does not consider what are the burglar's economic needs and whether the neighbour cannot legitimately meet some of them. The sole duty of the Judge is to find whether there

has been an attempt at burglary, and if so, to impose a sentence upon him. Similarly, the League Council must first consider whether Italy is guilty of aggression, and if it comes to the conclusion that it is, to invoke sanctions under Article 16. It certainly has no right to consider whether Italy should be given a share in the economic exploitation of Abyssinia. To do so, is, as the *Manchester Guardian* very aptly puts it, "to bribe the offender into keeping the peace." The peace-breaker must be punished, not bribed.

The chief Italian grievance, as the statement of the "Vigilantes" in the *New Statesman's* supplement of 7th September says, "is that, instead of allowing Italy to step in and develop the country, the Emperor has actually been himself attempting to civilise and modernise his own people, and has in this connection devoted special attention to making the national defence more effective." Italy's complaint is not that Abyssinia remains a backward and uncivilised and defenceless country; her complaint rather is that while reform is being introduced the agency chosen by the Emperor is other than Italian; that while the development of natural resources is going on she is given no opportunity to participate in it. She takes her stand upon the Three-Power Treaty of 1906 and the Two-Power Agreement of 1925, both negotiated and concluded over the head of Abyssinia and both running counter to the fundamental principles of the League. The *New Statesman's* supplement well says on this point: "As regards the 1906 Treaty and the 1925 exchange of notes they must be considered as invalid in so far as they were inconsistent with the obligation under Article 10 of the Covenant to respect and preserve against external aggression Abyssinian territorial integrity and existing political independence. By Article 20 of the Covenant its provisions override and supersede all other treaty obligations."

Great Britain has not taken up this position; she is still prepared to do her best to secure for Italy, under the 1925 Agreement, exclusive economic influence in Western Abyssinia. The League's Committee of Five too virtually proceeded upon this thesis and it is very likely that the League Council will, in making its recommendations, take the same line. "Scrutator" in the *Sunday Times* reveals to what lengths the concessions that Great Britain urged Abyssinia to offer to Italy went. He says:

We used our good offices with Abyssinia and at Paris were able to offer her as much or more economic advantage in Abyssinia as she will get in the next fifty years by war and that without the heavy debts of hundreds of millions of money wasted and tens of thousands of young bodies mutilated by wounds and disease. By his rejection of these offers Signor Mussolini has stopped himself from using even the pretext of rational selfishness and ambition. A cold enlightened self-interest would certainly have jumped at them.

But nothing would satisfy him but the name of sovereignty, the husk without the kernel. Either he is not the realist that most of us believed him to be, or this attachment to the empty title of sovereignty conceals larger ambitions which will bring Italy into still worse trouble later.

The writer makes this statement to show how unreasonable Mussolini is; but it also shows how unfair

the proposal in itself was to Abyssinia. England said to Italy in effect: "You want an empire? Very well, we will give you more than an empire. We will see that you get all the advantages of an empire without any of its disadvantages. True, you will not have the glory of having Abyssinia as your colonial possession. Abyssinia's independence cannot be directly attacked in that way. It would be too obvious to suit diplomacy. But you will have all but the name of a colonial possession. You should be satisfied with it." So far as France is concerned, M. Laval is only trying, we are told, "to induce the Italians to accept some sort of system going beyond the Paris proposals." One can only conclude that France does not mind handing Abyssinia over to Italy in name as well as in fact.

There is a very innocent-looking passage in Sir Samuel Hoare's speech to the League Assembly of 11th September, the significance of which must be properly understood. "Backward nations," he said, "are, without prejudice to their independence and integrity, entitled to expect that assistance will be afforded them by more advanced peoples in the development of their resources." How generous this sentiment appears on the face of it! But, interpreted, it only means that Italy, as a civilised country, is entitled to force her assistance upon Abyssinians in the development of the economic resources of their country, which is backward. Abyssinians, on the contrary, are entitled to say that all may take part in the development, but not Italians who are bent upon annexing Abyssinia to their empire. Mr. Hawariat, following Sir Samuel Hoare at the Assembly meeting, said on behalf of Abyssinia: "We will welcome all measures for raising the economic level of our country provided that they emanate from the League, that they are offered in a disinterested spirit, and seek no special privileges for anybody."

Here lurks the danger. Proposals modelled on the Paris proposals, and bettered, if M. Laval gets a chance, to Italy's advantage, will be adopted by the League Council. They will have emanated from the League, but they will be offered in anything but a disinterested spirit and will seek special advantages for Italy, to whom Great Britain, the strongest supporter of sanctions as she is in the event of an aggressive war, feels bound to give special concessions—of course at Abyssinia's cost—under the Agreement of 1925, which in truth is invalidated by the Covenant and should have been denounced by Great Britain. The whole basis of the Anglo-French conversations in Paris was the recognition by Great Britain and France that Italy has a right to special advantages in Abyssinia, and indeed it is impossible to hope that unless Italy receives such advantages in large measure any conciliation is possible.

If the recommendations of the League Council are not accepted by Italy and if Italy goes to war, the terms offered to her will for a time be out of the way, and sanctions will have to be enforced. But when Italy's open aggression is checked, and time comes to settle the problem, these terms will be

resuscitated, and Abyssinia will have to accept them. If she does not accept these terms and goes to war, let us suppose, in defence of her independence, she will be deemed an aggressor and the tables will be turned completely upon her! Thus, even if the Great Powers are firm in imposing sanctions against Italy, Abyssinia's real independence is doomed. There is only one ray of hope: Russia and some other Powers have

seen through the game and they are objecting to a settlement such as was proposed by the Committee of Five as being unfair to Abyssinia. But it would be a miracle if their objection prevailed. Thus the only practicable alternative to naked annexation that is open to Abyssinia seems to be annexation *sans* the name.

## FINANCIAL ASPECT OF SEPARATION OF BURMA. THE BASIC PRINCIPLES.

**T**HE financial question arising out of the proposed separation of Burma constitutes one of the most interesting puzzles in the public finance of this country. What makes the problem all the more difficult is the insistence by some members of the Legislative Assembly that the settlement must be based on an exhaustive examination of the whole nexus of financial relations between India and Burma as it has evolved in history ever since the day on which the Indian troops bombarded the Burmese frontier.

It has been argued that in the financial settlement between the two countries account must be taken of the cost of the Burmese Wars, and of the facts that until very recently Burma was a deficit province and that the losses incurred on the Burmese railways had for several years to be met out of the common purse. As against this, the counter-claims of the Burmese representatives are equally insistent. They have suggested that Burma has been contributing to the Central military expenditure and especially the defence of the North-West Frontier out of all proportion to the risks of invasion to which it is exposed; that the taxation per head is much higher in Burma than in continental India; that Burma is bearing the burden of the protective tariff without having many of the protected industries; that it has provided employment to Indian labour and capital; that it is already paying the whole cost of the pensions of the Military Police.

A judicial settlement of these conflicting claims is obviously an impossible task owing to the paucity of the necessary records. What is more important, however, is that these claims are founded on a very misleading theory of the nature of the Indo-Burmese union, which runs counter to all the accepted canons of federal finance. The Government of the United India is more like a Hindu joint family than a business partnership. All the expenditure incurred in such a family is in the common interest of all the members, even if it involves transferences from one member to another. It is, in fact, one of the essential features of a federal polity to bring about transferences from the richer to the poorer Provinces so as to attain the optimum of economic welfare. It is held to be a menace to the well-being of the whole family if any one of its members fails to reach the general standard of culture and advancement. The expenditure made by the Central authority on a backward Province, therefore, cannot properly be brought

into account in estimating the debt due by that Province. In the discussions of this subject it has so far been found extremely difficult to keep this principle firmly in mind. One may see, for example, the number of times Sir Henry Howard has lapsed in his Memorandum into a discussion of the various contributions made by Burma to the Central expenditure in the past, forgetting for the moment the immeasurable sacrifice suffered by India for the development of Burma.

Under the Government of India Act Burma is to assume possession of assets situated within its territory and to undertake the liabilities appertaining to such assets. The moot question on which there is such a cleavage of opinion is how to divide between the two countries the excess of the Central Government's liabilities over assets, or, in other words, the unproductive debt of the Government of India.

The ratio of division has to be based on a consideration of what is called the relative taxable capacity of India and Burma. Of the various indices of taxable capacity which have been proposed the following are the more important. (1) The respective contributions of the component states to the Central revenues of the present undivided Government. This was the view of Sir Henry Howard and it has been adopted by the Amery Tribunal with some important modifications. (2) The revenues raised for all purposes, Provincial as well as Central. This was proposed by Mr. Nixon and was recommended by the Government of India to the Tribunal. (3) The income per head. (4) The geographical distribution of the benefits conferred by the Central expenditure. This last one has to be ruled out, because it revives the whole story of the past financial transactions of the Government of India, a consideration of which, as said above, is indefensible on high theoretical grounds.

In selecting the first index, the Tribunal has in effect apportioned the unproductive debt between India and Burma in the proportion in which the Central revenues will be divided between the two states on separation. Provincial revenues are thus totally left out of account in ascertaining their relative taxable capacity. This, however, assumes that, under the existing system, the contributions made by the different Provinces to the Central exchequer by way of income-tax, customs, salt and tributes are in proportion to their relative taxable capacity and, further, that each Province has been left with a revenue ex-

actly in proportion to its needs. This is a highly contentious topic and has been the subject of a good deal of acrimonious discussion ever since the days the Meston Award. The fact is that the present system of financial relations was never fixed on such a meticulously scientific appraisal of the relative taxable capacity of different provinces.

This does not, however, mean that, so far as Burma is concerned, the proportion of the Central revenues collected in that Province gives an undue under-estimate of its taxable capacity. Burma has been contributing substantial amounts to the Central revenue under the heads of customs and income-tax. During the first ten years after the Financial Settlement of 1921-22, while Bengal and Bombay contributed annually on an average 35 crores each, Burma contributed 11 crores and the total for all the other six Provinces came to very much less than 30 crores a year. This shows that Burma contributes about 10 per cent. of the total income-tax collection (though, in the case of income-tax, collection is not a reliable guide to incidence and some allowance has to be made on that account).

There is, of course, some force in the argument that had the Amery Tribunal taken both the Provincial and Central revenues into account, they would have obtained a broader and more reliable basis for the measurement of the relative financial strength of India and Burma. This procedure was suggested to them by the Government of India. It must be admitted that, so far as Provincial revenues were concerned, the Financial Settlement of 1921-22 was really very favourable to Burma as compared to other Provinces. This fact was recognised even by Sir Reginald Craddock, the then Lieutenant-Governor of Burma, who wrote to the Government of India in 1921 that, so far as Burma was concerned, the proposals were framed on very liberal and generous lines. In a comparison of the Budget estimates of 1929-30, Burma stands sixth in order of the size of Provincial revenues, but takes the first rank in order of the revenue per head of the population. While the *per capita* revenue of Burma was Rs. 8.02, that of Bombay was Rs. 7.44, of U. P. Rs. 2.87, and of Bengal Rs. 2.38.

It seems reasonable, therefore, at first sight that in an impartial assessment of the relative financial strength the Provincial as well as the Central revenues should be taken into account. On a deeper reflection, however, it would appear that the Provincial revenues are also an illusory index. Because, how can we consider only the Provincial revenues and ignore the Provincial needs? A true measure of taxable capacity can be obtained only if we consider Provincial revenues in relation to Provincial needs. Mr. Nixon seems to have ignored this point. If we are to ascertain the relative burden on the Provincial revenues, our investigation must include an examination of the assets and liabilities of all the Provinces in India, the balance between their assets and liabilities, the stage of economic development as also the degree of literacy and culture and of industrial and agricultural prosperity attained by them, as

well as the risks existing in them of such calamities as earth-quakes, floods and famines. The chase of this will-o'-the-wisp is bound to take us beyond the limits of any scientific and practicable investigation. It is, in fact, impossible to produce an estimate of the relative taxable capacity of India and Burma which will not be open to controversy. No such difficulty arises if we take the Central revenues as our criterion, because they are only the extra revenues now accruing to Burma as a result of the separation.

While the mere size of Burma's Provincial revenue may indicate a high taxable capacity, we must remember that Burma is the least developed of all the Provinces in India. Indeed, this is exactly the description given of that Province by the Simon Commission (Volume I, para. 92). The burden on its Provincial revenues is, therefore, correspondingly great.

It should be noted that this argument is not on a parity with the argument advanced by Sir Henry Howard in his Memorandum against the use of the total revenues as an index of taxable capacity. According to Sir Henry Howard, if we took account of Provincial revenues, it would mean that the assets of the Provinces are the property of the Central Government, and if so, it would be reasonable to redivide the Provincial assets also between India and Burma along with the Central assets.

This misunderstanding is due to the assumption that we have to compare the taxable capacity of the Central Government with that of Burma. While, in fact, the Central Government has no right of ownership over the property of the Provinces, the Provinces are the ultimate owners of the assets and liabilities of the Central Government. The assets of the Central Government are the assets which the Provinces have held in common for common purposes. If the association is dissolved, only such assets as are held in common will fall to be divided, leaving the individual assets of the Provinces untouched. For dividing the liabilities, we must not compare the taxable capacity of the Central Government and that of the separating unit, but the taxable capacity of all the other Provinces remaining in the association and that of the separating unit. In doing so we may take cognisance of the assets and liabilities of the Provinces, but it does not follow that these assets will also fall to be divided.

The third index of taxable capacity, viz. the income per head, is also unsatisfactory. The *per capita* income in Burma is 20 per cent. higher than in continental India. This is a fallacious comparison. While the basis for the average in one case is only a small Province, that in the other case is a whole continent embracing eight provinces in widely different stages of economic development. Besides, the results based on the income per head are found in practice to be less favourable to India than those based on the share of the Central revenues accruing to Burma, because normally the yield of taxation rises more rapidly than the income.

Without entering into all the ramifications of this controversial subject, it may be stated in conclusion that the ratio suggested by the Amery Tribunal, namely 7.5 per cent., provides a workable formula for the final settlement between India and Burma, and that a reconsideration of the question by a fresh Tribunal will either involve a stupendous and practically impossible investigation or would yield results substantially the same as those reached by the Amery Tribunal.

B. N. ADARKAR.

## THE ABYSSINIAN PROBLEM IN THE LEAGUE.\*

### EVOLUTION OF THE PROBLEM.

**T**HE Abyssinian question still remains the centre of pre-occupations. Before alluding to the present debates in Geneva, let us recall some of the most important dates in the evolution of the problem since the end of July.

On *31 July*, the opening of the League Council session; M. Laval representing France; Baron Aloisi, Italy; Mr. Eden, Great Britain; Mr. Teclé Hawariate, Ethiopia.

On *1st August*, an agreement is reached between Italy and Great Britain on the following basis:

Reversion to the process of conciliation between Italy and Ethiopia.

The Italo-Ethiopian treaty of 1928 should be taken into consideration.

Italy, England and France will discuss the Ethiopian question in a special conference.

On *2nd August*, Ethiopia accepts the above, and agrees with Italy to the nomination of a fifth arbitrator by the four members of the arbitration commission.

The League Council decides to meet again on 4th September to examine the question of Italo-Ethiopian relations.

On *16th August*, the opening of the Three Powers' Conference in Paris.

On *19th August*, the representatives of France, Italy and England having failed to come to an agreement (the Franco-British proposals having been rejected by Italy), the conference is suspended and it is recommended that a solution should be sought through diplomatic channels.

On *20th August*, the Italo-Ethiopian arbitration commission, meeting in Paris, decides to appoint a fifth arbitrator. The name of M. Politis, Minister for Greece in Paris, is unanimously agreed upon.

On *22nd August*, the British Cabinet decides that the English policy will be to exhaust all possible means of conciliation between Italy and Ethiopia. If no result should be reached through conciliation, England will demand a strict application of the Covenant.

*23rd August*. The Ethiopian Army has received the order to be prepared for any contingency. All men from 15 to 80 must be prepared to answer the call of the Negus. But there is no talk of a general mobilisation as yet.

*26th August*. The news is confirmed that a thousand British soldiers will be sent from England this week to reinforce the Malta and Aden garrisons.

*27th August*. The four arbitrators of the Italo-Ethiopian arbitration commission, having failed to get a majority among themselves, unanimously decide to ask the fifth arbitrator to join. [It may be stated here that the conclusion ultimately arrived at with the collaboration of

\* The writer of this article wishes to make it clear that this, as well as other articles, is not intended to vindicate her own point of view (which is opposed to colonisation), but merely to give an impartial account of the trend of opinion here.

the fifth arbitrator is that neither Italy, nor Abyssinia can be accused of being responsible for the Oual-Oual incident.]

*28th August*. Important military manoeuvres take place in Italy. At the same time the Duce summons the Cabinet and an important communiqué is published, bearing on the following points:

1. The Italian representative will be present on 4th September in Geneva—a declaration embodying their position regarding the Ethiopian problem, as well as a historical memorandum relative to the relations between Italy and Ethiopia.

2. The British Government need not fear anything from Italy in Ethiopia. Italy wishes to continue the policy of collaboration established with other Powers in Locarno and Stresa, which is so essential to European stability.

3. The Italian Cabinet declares to the Italian people, as well as to all others, that the application of sanctions would certainly entail the most serious complications.

*27th August*. M. Laval, endeavouring once more to act as a mediator with the object of reaching a diplomatic solution, receives the ambassadors of France and Great Britain.

*31st August*. The news is announced that an agreement has been concluded between the Ethiopian Government and a British subject, Mr. Rickett, representative of an Anglo-American company for the concession and exploitation of petrol and minerals in East Ethiopia.

### THE RICKETT INCIDENT.

The latter announcement broke out as a bomb-shell; and although it was denounced afterwards both by the American and the British Governments, England's attachment to the League's principles were viewed thenceforth in a somewhat different light. However emphatically Mr. Rickett's transactions may be disowned, it is difficult for those who have any knowledge of the ways and means of the British Intelligence Service to believe that it could have remained blissfully ignorant of such important negotiations. Secret agents are highly rewarded and equally highly praised when success crowns their efforts; but they also run the risk of being publicly disowned when, for some reason or other, that proves to be more convenient. Floods of ink have flown in the way of comments upon Mr. Rickett's ventures and adventures; the idea has even been solemnly put forward that he was a secret agent of Italy with a mission to discredit England's good-faith! Imagine the perversity of these Latin races! Whatever be the fate of the mines and petrol of Abyssinia, Mr. Rickett's story is no doubt a ready-found treasure for the authors of detective novels.

### THE COUNCIL MEETS AGAIN IN GENEVA.

After the anxious tension that prevailed during the summer, it is not surprising that the re-opening of the Geneva meetings should have aroused eager expectations and proved to be exceptionally well attended.

Apprehension of a shock between the English and the Italian delegates had been expressed by some papers. Fortunately both Mr. Eden and Baron Aloisi were careful not to stress the Anglo-Italian divergences and to envisage the problem from other points of view.

Baron Aloisi's speech emphasised Ethiopia's hostility and provocations and her repeated incur-

sions on Italian territory. "Any one of these acts of aggression", said the Baron, "would be regarded as war if the definition recently adopted in certain international conventions were applied to the aggressor." A detailed illustrated memorandum, containing severe accusations against the barbarian ways and customs of the Ethiopians, was presented to the League Council, the aim being, no doubt, to justify Italy's mission of civilising this last independent kingdom of the African Continent.

The Italian delegate concluded in a rather un-diplomatic and exasperated manner. "The Italian Government is compelled to declare that Italy would be deeply wounded in her dignity as a civilised nation if she continued to discuss in the League on an equal footing with Ethiopia". Italy therefore demanded exclusion of Ethiopia from the League and stated that she considered herself entitled to the right of full liberty of action.

The Ethiopian case was warmly and cleverly defended by a French professor, M. Jeze, acting as the Abyssinian delegate, and the Italians staged a walk-out in protest.

#### A FIVE-MEMBER COMMISSION.

After laborious negotiations, a commission of five members was constituted for the purpose of studying the entire Ethiopian problem. The members are: M. Madariaga (Spain), President, and the delegates of France (M. Laval), of Great Britain (Mr. Eden), of Spain (M. Madariaga), of Poland (Colonel Beck) and of Turkey (M. Rouchdy Aras). A sub-commission, composed of lawyers and of specialists on African questions, was put in charge of studying the documents and presenting a report, on the basis of which the five members of the commission would ultimately elaborate practical proposals of conciliation. The contending Powers were requested to abstain from any act of hostility during the commission's deliberations.

The 16th Assembly of the League of Nations opened on 9th September. The election by a high majority of M. Benes as the president indicated, at the outset, the general tendency of fidelity to the League principles, as well as the hope in a pacific solution of the problem.

Two speeches have created a great impression: that of Sir Samuel Hoare on the 11th and the one of M. Laval on the 13th.

#### SIR SAMUEL HOARE'S SPEECH AND THE BRITISH ATTITUDE.

Sir Samuel Hoare proclaimed once more England's decision to defend the League's principles and her determination to secure their application on condition that other members of the League should undertake the same responsibilities. But he also admitted that industrial nations have a right to seek economic adjustments in the colonial field provided that they abstain from violence. Sir Samuel Hoare's speech has been highly praised all round and the need for peace and conciliation is so urgent at the present moment that it appears inopportune to criticise it. Yet, for some one familiar with Indian

affairs, it was rather interesting to notice the same clever tactics of non-committal diplomacy, the same convenient lack of precision on essential points.

M. Wladimir d'Ormesson asks in the *Figaro*: "Is it not indispensable that France and England should examine together Articles 10, 11, 15 and 16 of the Covenant, to decide upon the interpretation to be given to them and agree as to the scope of the obligations which have been contracted by the signatories?" There, in fact, lies the crux of the question. "Up to now hesitations and hasty surprises have been due precisely to the fact that one has never known, and does not even know at present, within what limitations, in what case, under what form, England feels, or does not feel, bound by the Articles of the Covenant. The Italo-Ethiopian crisis itself would never have arisen if everyone knew exactly how things stood in this respect. The peace of Europe depends upon this."

It is very gratifying to hear Sir Samuel Hoare proclaiming his attachment to the League principles and denying emphatically and indignantly that any less noble motives might have influenced England's attitude in the present instance.

Yet, says *Le Matin*, when the question is squarely put forward as to what Great Britain's attitude would be to-morrow if Austria were to be placed in a similar situation as that of Abyssinia to-day, it does not seem that England would defend the Covenant in Central Europe with the same energy as she does in Eastern Africa to-day! Great Britain says she will always fulfil her international obligations "on principle", but she refuses to make any definite commitments in anticipation. Each case has to be interpreted according to its kind and merits. "There is, therefore, no immutable rule" (*Le Matin* goes on to say), "and everything depends upon 'cases.' The case of Abyssinia practising slavery could also be envisaged, according to its kind and merits. If one does not commit oneself to ruthlessness towards those who might destroy European order, there is no reason to blame those who vindicate what they regard as their own just position in Africa."

#### M. LAVAL EXPRESSES THE FRENCH POINT OF VIEW.

For more reasons than one, the Italo-Abyssinian problem could be termed an Anglo-Italian dispute. Between the two rivals, equally eager to defend their interests, France has a difficult part to play, even if there is no pre-occupation on her part to keep a finger in the East African pie.

Owing to her geographical situation, as well as to her previous experiences, France dreads above anything else possibility of another European war, as a result of the present wrangle. It is this same danger of war that makes her apprehensive of destroying her friendships in Europe, because she knows that that would amount to destroying the minimum balance and security which have preserved peace up to now.

In a masterful speech, M. Laval expressed France's resolution to remain faithful to the Pact,—but also to the duties of friendship. He stressed the

French doctrine of collective security, and concluded on the hope that a solution based on good-will might still be reached through conciliation between "the legitimate aspirations of Italy" and "the respect for the sovereignty of another State Member of the League of Nations."

Some will say that this is trying to square the circle. Nevertheless, M. Laval's speech—at once prudent, frank, and cordial—has created a sensation of relief in a very stormy atmosphere. France may be reproached by England for showing too much understanding of the Italian point of view, while Italy will complain that she stands too rigidly by England maintaining the League's principles, which appear to coincide with the latter's interests in the present instance. The fact remains that M. Laval has done the utmost to leave the door open to peaceful conciliation, and he deserves praise for the tact and balance that he has displayed in a very difficult situation.

Public opinion is practically unanimous in France in considering that it would be sheer folly to risk a conflict for the sake of divergences about colonial interests. Peace is certainly worth a few mutual concessions. Will they be consented to by the parties concerned? It is unfortunately far from certain as yet. On the 14th of September, the Italian Cabinet, while praising the French Premier's speech, has envisaged the possibility of Italy's departure from the League.

#### A DECISIVE MOMENT IN GENEVA.

A decisive week is therefore opening in Geneva. The commission of five members is actively preparing its report, as well as a plan for the pacific settlement of the Italo-Abyssinian conflict, but this will probably not be submitted to the interested parties before the 19th or so. It appears that the proposals framed by the experts are somewhat bold—at least rather different in character from the type of suggestions usually put forward by the League of Nations. A series of solutions would be presented, between which the Council could choose, after having ascertained the reactions of both parties. The conclusions of the report are supposed to be unfavourable to the Italian thesis generally speaking, but accompanied by consideration where legitimate Italian grievances receive a fair measure of acknowledgment.

If these reports are adopted, if Italy should decide to quit the League in consequence, a delay of three months should (according to the rules of the Geneva procedure) be given to the contending Powers for devising a new basis of mutual understanding. But this is "theory." In practice, it seems rather improbable that Italy should consent to maintain a large amount of troops in America, with the sole perspective of negotiations and no certitude as to their result. It has often been supposed that Italy awaited only the end of the rainy season in Abyssinia to begin war in earnest.

If war were actually started, the question of sanctions would arise at once. At present, economic sanctions only have been envisaged, and

military sanctions ruled out; but who knows whether the former might not, sooner or later, lead to the latter? Those who most enthusiastically advocate sanctions generally forget that only the members of the League would be committed to them. They do not stop to think of the considerable benefit that other nations, such as Germany, Japan and America, would not fail to derive from the situation, and the possible ensuing consequences for the peace of Europe and the rest of the world.

It is therefore legitimate to entertain sombre apprehensions at the present juncture. Yet it is no doubt wiser to maintain the greatest measure of confidence and optimism until all the means of conciliation have been exhausted.

L. MORIN.

Paris,  
17th September.

## Review.

### THE DOLLFUSS REGIME.

NAOMI MITCHISON'S VIENNA DIARY. (Gollancz.) 1934. 20cm. 287p. 5/-

WHATEVER her other literary credentials, Naomi Mitchison is a far less successful diarist than is warranted by her bold ambition. As a record of happenings in unquiet Vienna, it throws no connected and understandable light on the situation. Even an uninformed Englishman near Austria would find himself none the wiser for it. Written in a light vein, unbefitting the panic-stricken atmosphere of Vienna, there is so little relevant information to be gathered from it and so much immaterial stuff that lies scattered in a muddled heap, that reading it, one's mind is befogged. All that is vaguely understood is that Dollfuss stands deep in troubled waters raised by his political crusade against the Socialists on the one side and the Nazis on the other. The brutality with which the Socialist workers are suppressed compels them to seek what precarious safety is possible in the arms of Nazism which meets with an unmerciful persecution. On the basis of these facts, Dollfuss and Siwon receive much irreverent handling. For example, it is unflattering to Sir John Simon to be told, "Odd to think he is a lawyer, too, who once used to care for justice."

Occasionally our attention is sharply drawn in passing to colourful incidents and thought-provoking observations because of the veiled meaning they possess for us. Anti-Semitism seems on the whole unreal, rather ludicrous to us... Do we in England and Scotland not feel anti-Semite simply because we are sufficiently intelligent ourselves to enter our learned professions? ... Or if we were oppressed from outside into unhappiness and inferiority and hate, would we too look for a scapegoat? Is it not silly there is this cry in favour of Indianisation of services. It is some consolation to know that in Austria "the police don't come out and beat their prisoners in front of one." Still there is "all that desperation and horror and hideous, enforced submission—and the cruelty on the other faces."

"Unless the present people" (meaning the limbs of law and order of the Dollfuss regime) "do stop this wholesale beating and imprisoning and outlawing, Dollfuss had better go to America and become a professor" (not an attractive job for his prototypes in India!) "The future is with the people whose faith is not shaken by danger or torture or oppression."

"There will be flowers on the graves without crosses—the graves of the leaders." The Austrian religious mentality is so like its Indian variety that they give rise to obstinate political complexities.

"A woman asked, "What is God?" "God is a free spirit." "But then He can be followed anywhere." "No, no, only in the Catholic Church." One woman complains: "Here are Austrian Christians and Italian Christians and French Christians and German

Christians, all taking up arms, all wanting to fight one another. And yet you say Christianity is brotherhood. How? Does one shoot one's brothers?" Another woman: "That is the Catholic International." The Priest: "Children, children, please no politics here."

A clumsy diary is this. The task of reading it involves needless strain.

K. VENUGOPAL RAO

## BOMBAY'S BLACK BILL.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—I crave the indulgence of your columns to invite the attention of the public to a dangerous piece of legislation on the anvil, much of it, in my opinion, fatal to the liberty of the subject. It invests the Executive with despotic powers, in the exercise of which for all practical purposes they are not responsible to the Legislature or to the Courts. I refer to the Bombay Special (Emergency) Powers Bill (Bill No. XL of 1935), now before the Bombay Legislative Council.

This Bill, apart from the omission of two Clauses now redundant, proposes to make the Bombay Special Emergency Powers Act, No. XVI of 1932, the permanent law of the Presidency. The Act of 1932 is based on an Ordinance of 1932 enacted after the arrest of Mr. Gandhi on his return from England. The Act was to be in force for one year and thereafter for not more than two years, if the Governor-in-Council directed. The latter did so direct for the full term of two years, which expires in December 1935. For the information of the layman I proceed, as far as space permits, shortly to analyse the salient clauses of the Bill.

Chapter I enables the Governor-in-Council to extend the Act to the whole Presidency or any part thereof.

Chapter II, the all-important Chapter, recites the special powers. Section 3 enables the Governor-in-Council to invest any officer of Government with these powers by general or by special order; and such officer "if satisfied that there are reasonable grounds for believing that any person has acted, is acting or is about to act in a manner prejudicial to public safety or peace" has power to order his arrest and, subject only to a report of such arrest to the Governor-in-Council with a copy of the statement made by such person, send him to prison for 15 days, which the Governor-in-Council may extend to two months.

Section 4 empowers the Governor-in-Council to dictate the area of residence and the movements of the person affected and under Clause (1) (d) to order the person "to conduct himself in such manner, abstain from such acts or take such orders with any property in his possession or under his control as may be specified in the order", and such an order under Clause (1) shall remain in force for a month or for any such indefinite period as may seem fit to the Governor-in-Council, subject to consideration at intervals of 6 months.

Section 16 enables the Governor-in-Council to invest a District Magistrate with his own powers under Section 4 (1) and to invest a Subdivisional Magistrate or a District, Assistant or Deputy Superintendent of Police with the powers of a District Magistrate under this Chapter. These officers can, therefore, be the Governor-in-Council.

Section 14 renders a breach of an order under Section 4 punishable with imprisonment up to two years or fine up to Rs. 5,000 (Section 25) or both,

There is not a word in these or any of the other Sections to limit the purview to Communists or terrorists or passive resisters, against whom, according to the "Statement of Objects and Reasons", the present Bill is directed. The generality of the words used to describe the persons liable is only equalled by the generality of the powers conferred, such as Section 4, Clause (d), and by the nature of the power to enforce such orders on the part of the officer authorised, with complete protection against claim for compensation for loss or damage (Section 19), and a bar of jurisdiction in the Courts, civil or criminal, to question his proceedings or orders (Section 29).

Under these Sections 3 and 4 Prosecutor and Judge are one and the same. There is no right of trial in open Court or otherwise and no right of appeal against orders under Sections 3 and 4. The Local Legislature cannot touch the power of superintendence and of revision of the High Court. But even this does not extend at all to orders under Sections 3 and 4, and even to sentences under Section 14 it extends more in theory than in practice since, unless there has been gross irregularity or illegality, the High Court will not interfere. (*Emp. v. Phansalker*, 32 Bom. L. R., p. 523.)

The prosecutor is not called upon to formulate his charge under Sections 3 and 4, much less produce any witnesses. The defence has no right of cross-examination or legal assistance. The single state of mind of the prosecutor, namely, his idea of what constitutes "public safety" or "peace", what acts are "prejudicial" to it, even his suspicion of possible acts the suspect might be contemplating—this suffices for any of us to forfeit our liberty and to enjoy His Majesty's hospitality in any of the jails of the Presidency or for the penalties in Section 4.

Under Section 4 I am liable not only to be forbidden to visit certain areas but must also remove myself from the place where I may be earning my livelihood to any village, where I might be ordered, from the Upper Sind Frontier in the North to Canara in the South, with liberty to starve there for the rest of my life. As the case quoted above (32 Bom. L. R., p. 523) shows, the order under Section 4, Clause 1 (d), may include in practice anything that may commend itself to the zealous officer. As in duty bound, he will take his political opinions from the Governor-in-Council and may even feel obliged to vindicate his orthodoxy by outdoing his superiors. He will naturally incorporate in this order anything and everything that may commend itself to him such as frequent daily visits and reports to the police, however unnecessary, so long as they humiliate and make life intolerable to the subject and drive him in self-respect or in desperation to some breach, however slight, of the order and the desired imprisonment up to two years under Section 14.

I am not up-to-date in the legislation of Bolshevik Russia, Fascist Italy or Nazi Germany; but speaking with some knowledge of comparative legislation and adding to it a knowledge of legislation in progressive Indian States, I do not know, and

despite diligent search have not been able to discover, such a law or such procedure elsewhere. Even in the corresponding law in the Punjab (No. VIII of 1932) there are no sections corresponding to Sections 5 to 9; the maximum punishment is one year and a fine not exceeding Rs. 2,000.

It is idle to speak of Sections 3 and 4 as preventive sections. Under the preventive sections of the Code of Criminal Procedure the most confirmed of criminals, who has numerous previous convictions, has all the rights of trial of the citizen and is only exposed to imprisonment, if he fails to give security. After reading the entire proceedings of the Local Legislature when the Act of 1932 was passed, including Government whipping, which drew down a rebuke from the President, I remain unconvinced, I regret, of the necessity or the wisdom of the continuance or the permanence of the measure, particularly as under the new constitution the Governor has the power of Ordinance.

And even at the risk of creating doubts in the minds of the Governor-in-Council or the officers authorised by him as to whether my own lack of faith in the complete benevolence, the omniscience and the consequent desirability of omnipotence of the Executive from the Secretary of State down to the C. L. D. and Police officers, is not "prejudicial to the public safety or peace" with all its possible consequences, direct or indirect, I deem it a public duty and take leave to say that this law and procedure are, to my mind, shocking in the extreme. My sole defence for my rash act would be my occupation for over forty years in the maintenance and administration of law and order and justice and the peculiar habits of mind so engendered. A person accused of the most atrocious murder or rape, in regard to whose *prima facie* guilt a magistrate is "satisfied that there are reasonable grounds"—even such a person is still in British India entitled to a fair and open trial in Court before a disinterested Judge. At the most and in exceptional cases, where for instance the lives of witnesses are in danger, it may be open to the Judge to restrict the publicity of the trial to the necessary extent. But, subject to this, surely even the three classes of persons against whom according to the "Statement of Objects and Reasons" the Bill purports to be directed but who are not mentioned therein and to whom it is in no way restricted, namely Communists, terrorists and passive resisters, even these, I submit, are entitled to a trial in the ordinary Courts, and not to the *lettre de cachet* or exile and starvation under the ingenious Sections 3 and 4 with the almost inevitable imprisonment under Section 14.

I myself happen to belong to a class with a stake in the country not inferior to that of the persons who constitute the Governor-in-Council and his officers. I have been in the service of the Crown in British India and one of the Indian States and I claim to be a well-wisher of both, even if I cannot pretend to servile docility or admiration of misgovernment. I am not a Socialist or a Communist; in fact, I am not a politician at all. But I would much rather be denounced by the Communist as an exploiter of the proletariat be bombed by the terrorist as a mercenary and a traitor and be boycotted by the passive resister as one lacking in patriotism and self-sacrifice than have such a law enacted for my supposed benefit, even by a purely Indian Government, much less by the present Government. I am content with the protection of the ordinary law and its courts. We are submitting to crushing and increasing taxation in a country of appalling and increasing poverty, largely to maintain an army, in no sense national. We submit, in the interests of law and order, to an Arms Act of a most stringent character. I decline to be frightened

by the bogey of a possible armed revolution, by the Labour Communists of Bombay and Ahmedabad or by the threats of the Socialists or the possibility of terrorism or passive resistance.

This letter has already exceeded its allotted length. I have no space to analyse in detail the other sections even of Chapter II. Sections 5 to 9 give the District Magistrate complete powers of control over traffic, posts and telegraphs and means of transport including not only railways but also private vehicles. Sections 11 and 12 give wide powers of search, Section 13 grants *carte blanche* to give effect to orders and bars compensation and so on. Such powers are usually only sought when a country is at war and is threatened. The reforms so-called have sufficiently opened our eyes to the realities of our political condition. I should hardly have thought it necessary for the Government to point the moral still further or to impose chronic martial law of this character, not to be found even in the Punjab of Sir Michael O'Dwyer or General Dyer.

Chapter III adds to the sufficiently stringent law in respect of arrears of land revenue or other dues to Government. The penal Section 18 is faithful to the character of the Act in its wide generality of words such as "or otherwise" and "instigates by implication". Similarly as to the supplemental provisions of Chapter IV and particularly the barring of jurisdiction under Section 29 by civil or criminal proceedings against any person for anything done or in good faith intended to be done under the Act.

I have said enough, I hope, to show the arbitrary character of the Act. Its language is general and in no way confined to communists, terrorists or passive resisters, but, on the contrary, it includes and is capable of being directed against the most law-abiding and innocent citizen, who might happen to incur the suspicion or the displeasure of even the local Executive or police. Its penalties are sufficient to harass, disgrace and ruin its victims. It would be simpler and shorter to enact a law with a single section giving the Governor-in-Council or any officer authorised by him power to imprison up to two years and dictate all our movements and our actions with an indefinite continuance of imprisonment for breach without right of redress.

We in India are becoming increasingly familiar with taxation introduced as temporary for urgent public necessity, but invariably destined to be permanent. Repressive political legislation perhaps naturally shows the same tendency, the repositories of power being in both cases the same.

And it is under these circumstances that a Viceroy, who professes to be a life-long Liberal in British politics, certifies a Bill of the same kind as the Criminal Law Amendment Act of 1932 which was characterised by an eminent lawyer in the Assembly as "absolutely inconsistent with the principles of criminal jurisprudence, even as prevalent in this country." I am quoting the words of Sir Abdur Rahim. As President of that Assembly his lips are now sealed. If in regard to the present Bill I am mistaken, I am at least in good company.

To the Local Government, I suppose, an appeal is futile. The wire stretches to Simla, Whitehall and it may be even to the City. But Sind will soon be separated and, while it is free to accept such a permanent legislation for itself if it so wishes, should not help to impose it upon us in the Presidency proper. But, after all, the Muslim who is proud of his democratic religion and the Maratha of his Kshatriya caste owe a duty to defend, not to abandon, the people and their rights. I would appeal to our Muslim and Non-Brahmin representatives in the Council to reject the Bill and particularly

Chapter II in its entirety. And lastly I would ask my fellow-electors well to watch the votes on this Bill and to see to it that at least in the ensuing election, which may be retarded but cannot be indefinitely postponed, our representatives in the Council, whatever party label they bear, are good men and true, impervious to smiles or to frowns, who realise their duty by the country and will vigilantly guard and extend our liberties and not betray them.

Sir Samuel Hoare, flushed with his triumphs at Westminster, is gathering fresh laurels at Geneva, while he unctuously explains, for the edification of Signor Mussolini and an admiring world, the beauties, the philanthropy and the rectitude of Tory Imperialism up to date, including the latest brand of Indian constitution. But even he, while his caravan goes on, graciously permits us, subject to

such Bills of course, to bark. Let our bark at least be in unison and not discordant.—I remain, etc.

G. D. MADGAVKAR.

Koregaon Park,  
Poona,  
28th September.

#### BOOKS RECEIVED.

RELIGION AND A CHANGING CIVILISATION. By JULIUS F. HECKER. (The Twentieth Century Library Series.) (John Lane.) 1935. 20cm. 160p. 3/6.

SEX AND A CHANGING CIVILISATION. By KENNETH WALKER. (The Twentieth Century Library Series.) (John Lane.) 1935. 22cm. 135p. 3/6.

RUSSIA THEN AND NOW. By W. H. H. WATERS. (Murray.) 1935. 20cm. 308p. 7/6.

RESEARCH IN SUGAR PROBLEMS AND UTILISATION OF BY-PRODUCTS. By M. P. GANDHI. (Author, 135, Canning Street, Calcutta.) 1935. 24cm. 40p.

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