

BEGINNING OF A NEW ERA

PROPHETIC VISION OF GANDHIJI

INDIA'S ROLE IN COMITY OF NATIONS

By CARL HEATH

WITH the inauguration of the Republic on January 26 next India begins a new era. Millions of Indians will rejoice to think that they are now citizens of a free country. And many British friends, who have watched the growing movement towards freedom since, in the words of Rabindranath Tagore, "Mahatma Gandhi came and opened up the path of freedom," will rejoice also.

To many of us it is of the utmost importance, and that not merely to India herself but to the whole world—that this new age in India has found its leadership in such a man as Jawaharlal Nehru, and in men like his colleagues. For these have grasped many of the wider issues of modern life, and seen with a commanding vision the finer path that India may tread in the new life of Asia and the World. India is on the top-note at this time, a note of expectation and intention, embodied in the brilliant address of Pandit Nehru to the American Congress on October 1st. It is fitting that the United Nations should have marked this occasion in the new Republic by placing her at this time on the World's Security Council, and that it should be the spiritual son of Mahatma Gandhi, who should present free India to America, and so much in the Gandhi spirit, that prophetic spirit that marked the "Father of the Nation."

In Pandit Nehru's address is a paragraph that touches a deeply true note for all free spirits, and it concerns Gandhi.

"In India there came a man in our own generation who inspired us to a great endeavour, ever reminding us that thought and action should never be divorced from the moral principle, that the true path of man is truth and peace. Under his guidance we laboured for the freedom of our country, with all will to none, and achieved that freedom. We called him reverently and affectionately the Father of our Nation. Yet he was too great for the circumstances of any one country, and the message he gave may well help us in considering the wider problems of the world."

In another paragraph Pandit Nehru affirmed that:

"We have placed in the forefront of our Constitution those fundamental human rights to which all men who love liberty, equality and peace aspire—the freedom of the individual, Equality of Men, and the Rule of Law. We enter therefore the community of free nations with the roots of democracy deeply embedded in our institutions, as well as in the thoughts of our people."

And then finally:

"It was out of this ancient and yet young India that arose Mahatma Gandhi, and he taught us a technique of action which was peaceful, and yet it was effective, and yielded results which led us, not only to freedom, but to friendship with those with whom we were till yesterday in conflict."

These are great words and they will live as actuality as India goes forward in her new life, turning them into a Rule of Law, a National Policy and a creative daily experience in her republic. It is many years ago now since Pandit Nehru said jokingly to me, one evening in Allahabad, that India being by far the largest country in the then dominions of the King, it would be necessary, when she attained her freedom, to move the Capital of the Commonwealth from London to Delhi! That will scarcely happen, now that she is independent and a free Republic. Indeed there is no Capital of the Commonwealth, since that great association is not a super-State. The Commonwealth is a society of understanding and equal friends all over the world, and in that association India, with her long and marvellous history, has an immense role to play. But not in the Commonwealth only. She has also to make her contribution to the structure and the life of the whole world, and she seeks to ensure a non-violent world, a world at peace on the lines of the great pattern woven of Mahatma Gandhi.

"HONOUR NOBLER THAN GOLD"

KEY TO INDO-BRITISH FRIENDSHIP

By Miss JENNIE LEE, M.P.

BEFORE using an argument against a political opponent, it is just as well to make sure it is not a boomerang. Mr. Winston Churchill, addressing a great Tory Party rally some time ago, forgot that elementary precaution with consequences that have embarrassed the more reasonable elements in his own party ever since.

In an all-out attack on the Labour Party he listed as one of its major sins that "900 million worth of goods had been sent out of this country with nothing coming back in exchange. His case was that we British were spongers living over American charity, yet at the same time profusely throwing away to "foreigners" food, raw materials and manufactured goods that we ought to have kept for our own use.

This reckless speech had one useful by-product: until then Britain's Labour Government had been quietly doing what it considered itself in honour bound to do: this is, releasing to India and other countries that had lent money to Britain hundreds of millions of pounds worth of British goods.

In normal circumstances, there is nothing that need call for comment in a borrower paying back what has been borrowed. But the Churchill case against Government was that Britain had too recently emerged from war in which we had sustained almost fatal economic injuries to be expected to resume normal international obligations.

He also made great play with the fact that the money had been borrowed to pay for military expenditure in a common fight against Axis powers and therefore that there was no case for a speedy repayment and a strong case in favour of the cancellation of at least part of such debts.

AMERICAN AID

At first hearing, the Churchill point of view impressed many British people. Why should we allow goods we urgently needed for our own use to go out of the country with nothing coming back to us in return? Why should we at a time, when we were unable to stand on our own feet, weaken our own position still further and add to our dependence on American aid?

Of course, any one who knew anything at all about the problem was bound to despise the crude demagoguery of this one-sided misrepresentation of the facts. That is exactly what happened. Mr. Churchill's attack injured no one except himself.

And one bit of positive good emerged from it all. Public interest was roused. The Government was called on to defend what it had done. Nothing could have pleased it better. The British people have been told the method of bringing India into the war was an affront to a proud people. The decision was made for them by Mr. Churchill. Once made, they were not allowed any authoritative role even in regard to the defence of their own territory. The loan to Britain was forced on them. Apart from the loan, India was spending over a tenth of its revenue on defence expenditure. Millions of Indians were helping to man the anti-Fascist front and the Indian masses already below subsistence standards were exposed to still harsher conditions; millions were dying, of hunger because of short supplies and inflationary prices.

The argument above all others that clinched the matter was that we had borrowed money from a people who then and now were in more straitened circumstances than ourselves. To do other than co-operate to the limits of our ability to help India recover what it had loaned would clearly be a cowardly conduct, indefensible on either moral or practical grounds. But what will happen in 1952 when the Marshall Aid comes to an end? No one can tell. Just this we know: in the modern world, nations are inextricably interdependent; the strong can refuse to help the weak at their own peril. An Indian people enjoying freedom and democratic institutions and rising economic standards will be a blessing to the whole world.

PARLIAMENTARY PROCEDURE

PRIVILEGES OF MR. SPEAKER

BRITISH SYSTEM EXPLAINED

By Major The Rt. Hon. J. MILNER (Deputy Speaker, British House of Commons)

ALTHOUGH there are other Offices of State of greater antiquity in the United Kingdom, there exist few at the present day which command more respect than that of the Speaker of the House of Commons. And whereas the ceremonial rights attendant upon many other public functions have tended to fall into decay, those of the Speaker have remained and have even been enhanced. His pre-eminent position in the House itself need not be mentioned here. Alone among the subjects of the Crown in the United Kingdom the Speaker has the right to hold levees. He is entitled to an escort from the Household Cavalry when he rides in his state coach. To these examples have been added important duties under the Regency Act, 1937.

These are not privileges lightly granted. They are a measure of the prestige to which the Commons House of Parliament considers Mr. Speaker entitled, and an indication of the authority which they expect him to exercise. Nor, I think, does his position differ in any great extent in any of the Commonwealth Parliaments. He is indeed, armed with disciplinary powers by Standing Order of the individual Houses, but it is and should be primarily by virtue of his own personal authority that he presides over debates. It may be pertinent to notice that unlike his continental counterparts, the Speaker of the British House (in common with the Speakers of all Commonwealth legislatures) is not provided with a bell or a gavel to announce that he wishes to intervene in debate. The truth is that artificial aids should not be necessary when the Speaker rises, no other member should remain on his feet.

EXPRESS POWERS

The Standing Orders of the British House of Commons, however, do give express powers to the Speaker. They are perhaps as stringent as any that have been devised in any legislature. Under them, the Speaker may order a Member who persists in irrelevant or repetition of arguments to resume his seat. He may order Members whose conduct is grossly disorderly to withdraw from the House. If the offence is to grave or if the Member refuses to withdraw, the Speaker may name him for his conduct; the effect of this is that the Member may be suspended on a motion which, in practice, follows automatically. As a last resort the Speaker may adjourn the House without question put in cases of grave disorder.

Those who have had experience of debating chambers will realise that irrelevant is not uncommon, and that Members do sometimes show a tendency to repeat their own, and their colleagues' arguments. And when lectures rely upon the party system as is the practice with a democracy, tempers are not infrequently high on both sides of the House. It might, therefore, be expected that the Standing Orders be frequently invoked. But this is not so. It is only very occasionally, for example, that a Member is ordered to resume his seat. A word from the Speaker that the Hon. Member is going a little wide of the mark, is nearly always all that is necessary. It is even more uncommon for a Member to persist in disorderly conduct to the extent that it becomes necessary to order him to withdraw or to name him. The House expects its Speaker to act tactfully and good-humouredly on such occasions, though it is equally clear that his authority is being flouted, it will not be slow to support him in any more severe action that he thinks it necessary to take. As regards the power to adjourn or suspend the House in cases of grave disorder, the last occasion of its exercise in England arose in 1936.

REGULATION OF DEBATE

Since the Government of the day has obtained control of the majority of Parliamentary time in all Commonwealth legislatures, the Speaker has generally little or no influence in deciding subjects for discussion, though this statement should be qualified in those Dominions where the Speaker is more closely identified with a political party than in the United Kingdom. But in all cases he has—and it is right that he should have—considerable control over the way in which the debate is conducted. Against persistent interruptions, the ultimate sanction against obstruction is his power to accept a motion to close the debate. Discretion is here essential, for it is equally the Speaker's duty to see that the rights of minority groups are upheld. Perhaps the most important and useful power given to the Speaker in the House and to the Chairman in Committee is that of the selection of amendments. In the United Kingdom this power is used to cut down the number of competing or overlapping amendments, to eliminate trivial or trifling points, and to avoid a repetition of arguments over ground which has already been adequately covered. The system has undoubtedly worked well. Much time has been saved, and there have been relatively few complaints regarding the exercise of the power.

I have no doubt that at all times a Speaker must remind himself that he is the guardian of minority rights. He is a "back-bencher's" man, and though it is his duty to see that the business before the House goes forward with due expedition, it is no less his duty to see

EXPORT TRADE WITH AMERICA

RICH MARKET FOR LUXURY ITEMS

U. S. DEMAND FOR STAPLE GOODS

By JOHN F. McKIERNAN (Director of the New York Regional Office, U.S. Dept. of Commerce)

IT is indeed a pleasure and an honour to be afforded this opportunity of joining the many friends of India in extending greetings and well-wishes upon the noteworthy occasion of the adoption of the new Constitution of India and the establishment of India as a Republic.

The New York regional office of the United States Department of Commerce, located in the heart of New York's financial and shipping district at 42 Broadway, can be truly called a focal point of world trade activity. To this office each year come many hundreds of businessmen from all parts of the world. They are engaged in the task of broadening their trade contacts and are either seeking outlets for their goods in the United States or are making arrangements for the purchase of commodities or equipment in this country. Many of these visitors in the past year have been from India and we should like to emphasize, through THE HINDU, that Indian businessmen coming to the United States are most welcome to visit our office and discuss their problems. There are many practical services that our office offers to the foreign visitor.

We have been pleased to notice the increase in the number of representatives of Indian business enterprises who have been making business trips to the United States. Similar trips by American businessmen to India are also increasing. These visits are of great importance to both countries, for they are a means of understanding among traders of both countries of the problems involved in increasing mutual trade.

VISIT OF PANDIT NEHRU

The recent inspiring visit to the United States of Prime Minister Nehru led to a clearer exposition throughout this country of India's aims in the way of plans for industrial expansion and commercial development. There is undoubtedly now exists greater interest among American businessmen regarding the investment possibilities in India. American firms are well aware of India's important position in the Asian market and look to India as a source of raw materials and finished products and as a consumer of all types of American products and industrial equipment. It is to be hoped that India's foreign exchange position will go improve that there can be a much freer interchange of goods that will be beneficial to all concerned.

Before World War II, approximately 30 per cent of total United States imports of carpet wools came from India and China, with about 24 per cent coming from Argentina. The situation is now reversed, with the United States supplying about 15 per cent of carpet wools, while Argentina is shipping more than 60 per cent of U.S. total requirements. This has occurred at a time

that all shades of opinion have the opportunity of being heard, so far as is practicable. This may involve calling members of minority groups to speak rather more frequently than their merely numerical representation would suggest. Furthermore there are minority groups within every large party. No doubt it would be convenient for the Government if only their orthodox supporters were called, and for the opposition if their own "wild men" failed to catch the Speaker's eye. The Speaker is, however, the servant of the House, and not of its front benches; and it is only if all members are given their fair share in debate that the Speaker can be satisfied that his views are being adequately reflected in Parliament.

It will be apparent that in holding the scales even, a Speaker must be prepared to risk unpopularity. It may be that at times it will be necessary to make a decision that will be unpalatable to the Government. His position is, in this respect, akin to that of a judge. In these circumstances the British House has, during the last century, given him something not unlike judicial security of tenure. In return for this, the Government of party affiliation the tradition is that a Speaker is usually continued in office as long as he remains a member. Thus in 1945 the Speaker of the previous Parliament was re-elected by a predominantly Labour House despite the fact that he had originally been elected as a conservative, by a Conservative House. His salary is also now paid from the consolidated fund, and is thus not subject to annual review and criticism when the estimates are voted. A Speaker is also invariably voted on retirement.

It is, however, only relatively recently that the principle of the Impartiality of the Speaker and his consequent constitutional position have been established. In earlier days the Speaker was frankly a supporter of the Government, and indeed was often rewarded with ministerial office after the completion of his Speakership. In the early nineteenth century he frequently spoke in support of government policy. It would perhaps be injurious to state that this change in his outlook is a change for the better, since in some of the Commonwealth countries the Speaker still remains a party man, and goes out of office with the government. It may be that where the constitutionality of laws can be tested in the Courts there is not that same need for a strictly impartial presiding officer in the lower House. At all events the position of the Speaker in the House of Commons is very different from that of the Speaker of the House of Representatives in the U.S.A. For there, is virtually left to the Speaker and the majority floor leader to exercise those functions which would be exercised in Commonwealth legislatures by ministers whose presence in the American House is forbidden by their Constitution.

For those who see in a democratic Parliament and especially in the lower House an effective safeguard against totalitarianism, it is clearly of importance that the position of the Speaker should be strengthened as much as possible. He must be able to rely not only on the party and its supporters who originally elected him, but also to all sides of the House and to the country. It is true that a party man may through his high qualities command universal respect, but his party is allowed to throw off his party allegiance. At the worst there is less temptation to follow the line that may be most acceptable to his party. At the best there is less suspicion of having gone so far, therefore, it would not be unduly presumptuous to offer advice in this respect Commonwealth legislatures might be encouraged to follow the example of the House of Commons in making their Speaker as far as is practicable independent of party ties, and reliant upon nothing else but the goodwill and confidence of the House for his election or re-election. In this way alone can he justly claim that he draws his authority from the House and the country, and not merely from the party who put him in the Speaker's chair.

INAUGURATION OF REPUBLIC

CONTRIBUTION TO WORLD PEACE

MAIN FEATURES OF CONSTITUTION

By SIR B. N. RAU

(India's Permanent Representative at U.N.O.)

THREE years ago almost to the day the Indian Constituent Assembly firmly resolved to constitute India into an independent Sovereign Republic. Two months ago the Assembly adopted a Constitution giving effect to this Resolution; to-day that Constitution becomes a fact. India is now amongst the great Republics of the world; a centre of much hope and not unmixed with a little anxiety as to what the future may bring. The event is one which naturally raises a host of questions but I propose to confine myself in this article to those on which I may claim special knowledge.

I have often been asked in what respects India's new Constitution differs from previous ones. Apart from the necessary consequences of a Dominion of the Commonwealth becoming a Republic, there are to my mind four major features which distinguish our new Constitution. First of all I would mention the position of what used to be known as the Indian States. When India became a Dominion under the Indian Independence Act on August 15, 1947, there were over five hundred of these States, large and small. Their relations to the Centre were vague and ambiguous and their internal government was more or less autocratic. Under our new Constitution their number has been reduced to about 560, and in all internal matters there is to be complete equality of the States with the Union. In fact we may say that the distinction that used to exist between Indian States and British India under the old Constitution has been abolished in all essential respects. The process has not always been easy and has been accompanied by a certain amount of administrative which still remains to be solved; but the important fact is that the old dichotomy between "British India" and "Indian India" has now ceased to be of much practical importance.

The next important feature of our new Constitution is the Chapter on Fundamental Rights. Broadly speaking, it may be said that our new Constitution guarantees all the human rights and fundamental freedoms referred to in the Charter of the United Nations and detailed in the Universal Declaration of Human Rights; the guarantees can be enforced by recourse to the courts and are enforceable by the Supreme Court. It must be confessed that the result of these guarantees will be inevitably to make legislation and administration more difficult. This will be a very difficult task in fact our difficulties have already begun, because the emergence of a new and more democratic Republic has meant a new and more democratic Republic. The new Republic has already "walked out" not only from the Security Council but also from various other Councils and Committees on the ground that the present Chinese representatives in these organs of the United Nations have no right to continue to sit as such. India has it is to be hoped how this conflict will end. There is, amongst many whom I have met, a hope that India may somehow help to bring peace in this as well as other spheres. Every citizen of India must pray that the Republic whose birth we are celebrating to-day may fulfil this hope and restore some measure of peace to a weary world.

The next feature deserving notice is that under the new Constitution there is a dual

suffrage, that is to say, every man and every woman who is a citizen of India and who is not less than twenty-one years of age is normally entitled to be registered as a voter. This will necessarily mean a large addition to the electoral roll, and will doubtless cast a heavy burden on those who will be called upon to arrange for the holding of elections whether for the Central Legislature or the various State Legislatures. The elections may take longer than before to complete; of the other hand, rural places will become more democratic because of the large number of voters involved.

Finally I would mention the abolition of special electorates which used to be a feature of previous Constitutions. This is a very important reform; indeed, most of the ills from which India is suffering to-day may be traced to the introduction of special electorates. I may mention here the observations on this point of a distinguished European member of the old Assam Legislature who now sits in the British Parliament for one of the counties of Northern Ireland. He revisited India about three years ago and before returning home came to discuss his experience with me. I shall try to reproduce from memory the very words he used:

"When I was in Assam twenty years ago I used to think that separate electorates were good for this country. My experience as a Member of Parliament for a County which has both Protestant and Catholic voters who now sit in the same constituency has convinced me that the system of separate electorates is a crime and I hope that, whatever else you may do, may not do in your new Constitution, you will abolish this vicious system. That system has gone."

In the international sphere the inauguration of a new Republic in India is the establishment of a sister Republic in South-East Asia, namely, the United States of Indonesia. This is an event particularly gratifying to us, because the leading part which India played in bringing it about. Another contemporaneous event is our election to a seat on the Security Council, the most important organ of the United Nations, with effect from the beginning of the present year. This is not only a great honour but also a great responsibility, and both the honour and the responsibility have been enhanced by the circumstance that India was elected by an almost unanimous vote of the General Assembly. It is therefore so to conduct herself in the discharge of her functions as to earn or at least deserve the confidence of all the members of the Council. This will be a very difficult task in fact our difficulties have already begun, because the emergence of a new and more democratic Republic has meant a new and more democratic Republic. The new Republic has already "walked out" not only from the Security Council but also from various other Councils and Committees on the ground that the present Chinese representatives in these organs of the United Nations have no right to continue to sit as such. India has it is to be hoped how this conflict will end. There is, amongst many whom I have met, a hope that India may somehow help to bring peace in this as well as other spheres. Every citizen of India must pray that the Republic whose birth we are celebrating to-day may fulfil this hope and restore some measure of peace to a weary world.

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